

Licensing Sub-Committee Report

Item No:	
Date:	6 th July 2017
Licensing Ref No:	17/04597/LIPN - New Premises Licence
Title of Report:	Club Storm 28A Leicester Square London WC2H 7LE
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	3 May 2017		
Applicant:	West End Property Company Limited		
Premises:	Club Storm		
Premises address:	28A Leicester Square London WC2H 7LE	Ward:	St James's
		Cumulative Impact Area:	West End
Premises description:	The premises is currently operating as a Bar and Nightclub.		
Premises licence history:	The premises is currently licensed (11/07005/LIPDPS) and has had the benefit of a premises licence since September 2005.		
Applicant submissions:	<p><u>Informative:</u> This is not intended as a condition. Application to transfer the existing premises licence (11/07005/LIPDPS) has been refused by the Council as the former tenants, who hold that licence, refused to give their consent to the transfer.</p> <p>The landlord's only option is therefore to apply for a new premises licence. This licence is being applied for upon the same terms as the current licence however, following consultant with Environmental Health and the Metropolitan Police Service, provision for off-sales of alcohol is being restricted; the conditions are being updated in line with the model conditions and additional conditions are being offered regarding door supervisors and use of body cameras.</p>		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	03:30	03:30	03:30	05:00	05:00	05:00	02:00
Seasonal variations/ Non-standard timings:				Sunday before Bank Holidays the permitted hours shall be extended until 02:30 hours the following morning.			

	<p>On the morning on which Summertime begins the permitted hour shall be extended by 1 hour.</p> <p>New Year's Eve - from end of permitted hours to 05:00 on New Year's Day.</p>
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Sale by retail of alcohol				On or off sales or both:			On sales
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	03:00	03:00	03:00	03:00	03:00	03:00	00:30
Seasonal variations/ Non-standard timings:		<p>On Sundays immediately before Bank Holiday Mondays the permitted hours shall extend until 02:00 hours on the following morning.</p> <p>On the morning on which Summertime begins the permitted hour shall be extended by 1 hour.</p> <p>New Year's Eve- from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>					

Live Music:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	03:00	03:00	03:00	06:00	06:00	06:00	02:00
Seasonal variations/ Non-standard timings:		<p>On the morning on which Summertime begins the permitted hour shall be extended by 1 hour.</p> <p>The permitted hours on New Year's Eve will extend to the start of permitted hours on New Year's Day.</p>					

Recorded Music:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:		Unrestricted					

Performance of Dance:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	03:00	03:00	03:00	06:00	06:00	06:00	02:00

Seasonal variations/ Non-standard timings:	<p>On the morning on which Summertime begins the permitted hour shall be extended by 1 hour.</p> <p>The permitted hours on New Year's Eve will extend to the start of permitted hours on New Year's Day.</p>
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Anything of a similar description:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	03:00	03:00	03:00	06:00	06:00	06:00	02:00

Seasonal variations/ Non-standard timings:	<p>On the morning on which Summertime begins the permitted hour shall be extended by 1 hour.</p> <p>The permitted hours on New Year's Eve will extend to the start of permitted hours on New Year's Day.</p> <p>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to making a profit to be unrestricted.</p>
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Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	03:30	03:30	03:30	06:00	06:00	06:00	02:00
Seasonal variations/ Non-standard timings:	<p>British Summertime- an additional hour to standard timings on the commencement of British Summertime.</p> <p>New Year's Eve - from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>						
Adult Entertainment:	Not applicable.						

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Mr Ian Watson
Received:	25 th May 2017
<p>The premises are located within the West End Cumulative Impact Area as stated in the City of Westminster's Statement of Licensing Policy.</p>	

The applicant has submitted a floor plan of the premises dated April 2017.

This representation is based on the plans and operating schedule submitted.

The applicant is seeking the following

1. To provide for the Supply of Alcohol 'On' the premises Monday to Saturday 10.00 to 03.00 hours and Sunday between 12.00 to 00.30 hours.
2. To provide Late Night Refreshment 'Indoors' Monday to Wednesday 23.00 to 03.30 hours, Thursday to Saturday 23.00 and 05.00 hours and Sunday 23.00 to 02.00 hours.
3. To provide regulated entertainment 'indoors' comprising
 - Live Music
 - Recorded Music (Unrestricted)
 - Performance of Dance
 - Anything of a similar description to Live Music, Recorded Music and Performance of DanceMonday to Wednesday between 09.00 and 03.00 hours, Thursday to Saturday 09.00 to 06.00 hours and Sunday between 09.00 to 02.00 hours.
4. On New Year's Eve to provide regulated entertainment, late night refreshment and Supply of Alcohol from the end of authorised hours to commencement of authorised hours on New Year's Day.
5. Sundays before a Bank Holiday Monday to 02.30 hours for late night refreshment and 02.00 hours for Supply of Alcohol.
6. An additional hour when summer time begins for regulated entertainment, late night refreshment and supply of alcohol.
7. Private entertainment of dancing, music and other entertainment unrestricted.

I wish to make the following representation

1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the West End CI Area.
2. The hours requested to permit the provision Of late night refreshment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End CI Area.
3. The hours requested to permit the provision of regulated entertainment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End CI Area.
4. The hours requested to permit regulated entertainment, late night refreshment and supply of alcohol for New Year's Eve to New Year's Day will have the likely effect of causing an increase in Public Nuisance within the West End CI Area.
5. The hours requested to permit late night refreshment and supply of alcohol for Sunday's before a Bank Holiday Monday will have the likely effect of causing an increase in Public Nuisance within the West End CI Area
6. The hours requested to permit regulated entertainment, late night refreshment and supply of alcohol on the morning on which summer time begins will have the likely effect of causing an increase in Public Nuisance within the West End CI Area.
7. The hours requested to permit private entertainment will have the likely effect of

causing an increase in Public Nuisance within the West End CI Area.

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End CI Area.

The applicant has provided additional information and conditions with the application which are being assessed.

Responsible Authority:	Licensing Authority
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Representative:	Mr David Sycamore
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Received:	31 st May 2017
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As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety

The application currently exceeds the Westminster Council Statement of Licensing Policy core hours and as such must demonstrate an exemption to policy to be granted. The premises is situated in the cumulative impact area as defined in our policy and therefore must demonstrate how they will not add to the cumulative impact. We understand this application is to replace a current premises licence which could not be transferred, but there is no mention in relation to this circumstance as being an exemption to our policy. We do however support the applicants request to remove the provisions off the sale of alcohol off the premises.

The application is currently contrary to policies HRS1, CIP1, PB1 and MD2 and further information needs to be provided to address these parts of the policy.

Responsible Authority:	Metropolitan Police Service
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Representative:	PC Sandy Russell
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Received:	31 st May 2017
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With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be objecting to this application. The venue is situated within the heart of Leicester Square which is part Westminster's Cumulative Impact Area; it is our belief that if granted the application would undermine the Licensing Objectives.

The conditions proposed in the application are acceptable to us in the main, however

after consideration since we met police require the following changes/additional conditions:

- A minimum of 2 SIA staff shall be deployed with 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 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.

- Amendment of the second part of the CCTV condition: A staff member from the premises who is conversant with the operation of the CCTV system (including where applicable any Body Worn Video system) shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

- A minimum of 5 SIA licensed door supervisors shall be on duty at the premises from 23.00hrs to close 7 days per week. A minimum of 2 on the entrance and 3 inside the premises (This is still subject to discussion based on what the premises is to become) Prior to this time door staff numbers will be at least a 1:100 ratio unless decided otherwise by a risk assessment conducted by a member of the venue's management team.

- At least 2 SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business. A minimum of one to be wearing Body Worn Video throughout trading times and for 30 minutes after closing whilst dispersing

- After 21.00hrs any persons entering or re-entering the premises shall be searched by a SIA licensed member of staff and monitored by the premises CCTV system. Search wands will be used during all searches.

- Body worn video systems used by the premises must be deployed immediately during any verbal altercation or use of force made by any member of staff

- 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

- 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 a Director, the Premises Licence Holder, the Designated Premises Supervisor or the Duty Manager. The list will be kept for a period of 31 days following the event and will be made available immediately for inspection upon the request by a Police Officer or Council Officer.

- After 21:00, or as agreed with the Police in writing (and a copy of any agreement

to be held at reception), all security engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.

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

We request a reduction in hours. Monday to Saturday night trading to close at 03.00hrs with a last entry time of 02.00hrs

Sunday night trading to close at 02.00hrs with a last entry time of midnight.

Police additional comments:

I have conducted crime stats on what was 'Storm' from June 2015 until it closed last summer. I found within this period of time (12 months approx.):

Common Assault X 5
Actual Bodily Harm X 7
Grievous Bodily Harm X 5
Public Order Act Offences X 2
Assault on police X 2
Serious Sexual Offences X 1

A total of 22 violent offences directly linked to the premises.

Had the venue not closed police would have instigated Review proceedings against this venue. I would like this information included for Committee next week please. My reasons are that police would support an appropriate alternative venue at this location and not the crime generator that was there before.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy CIA1 applies

(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.

(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the

	Cumulative Impact Areas.
Policy HRS1 applies:	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
Policy PB2 applies:	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.
Policy MD2 applies:	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours, under Policy HRS1.

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity
Appendix 6	Premises Licence – 11/07005/LIPDPS

Report author:	Miss Heidi Lawrance Senior Licensing Officer
Contact:	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of	March 2015

	the Licensing Act 2003	
4	Application Form	3 rd May 2017
5	Representation – Environmental Health	25 th May 2017
6	Representation – Licensing Authority	31 st May 2017
7	Representation – MET Police	31 st May 2017

Premises Plans

Appendix 1

Applicant Supporting Documents

Proposed Conditions

1. Alcohol for consumption off the premises shall be permitted prior to 23:00 hours but shall be restricted to:
 - (a) Customers who have purchased wine as part of a table meal and who wish to take unfinished bottles home with them; and
 - (b) Alcohol in a sealed vessel supplied ancillary to a take-away meal.
2. An attendant shall be on duty in the cloakroom during the whole time that it is in use.
3. The number of persons permitted on the premises at any one time (excluding staff) shall not exceed 235 persons.
4. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
5. There shall be a Personal Licence Holder on duty on the premises at all times when the premises are authorised to sell alcohol.
6. There shall be no striptease or nudity, and all other persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
7. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
8. The sale of alcohol shall be ancillary to the use of the premises for music and dancing and substantial refreshment.
9. After the terminal hour for the sale of alcohol then 30 minutes drinking up time shall be permitted.
10. 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.
11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer

copies of recent CCTV images or data with the absolute minimum of delay when requested.

12 & 13. Door staff numbers, requirement to wear hi-vis and use of body cameras to be agreed with the Police.

14. An incident log shall be kept at the premises, and made available on request to an authorised session and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder .
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service

15.
 - (a) All drinking vessels used in the venue shall be polycarbonate. All drinks in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to be served, with the exception of champagne or bottles of spirits with a minimum size of 70cl supplied by waiter / waitress service to tables. 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.

 - (b) Notwithstanding (a) above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises, reception, glass drinking vessels may be used for private or pre-booked events within the **(specified area)**.

16. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

17. After 23:00 hours, all customers entering the premises will have their 10 scanned on entry, save for a maximum number of 25 guests per night who may be admitted at the manager's discretion without 10 being scanned and records, and that a legible record of these people's names shall be retained on the premises for inspection by the Licensing Authority and Police for a period of 31 days. The name of the manager authorising the entrance without scanning will also be recorded.

18. 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.

19. 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.

20. All emergency exit doors shall be available at all material times without the use of key, code, card or similar means.
21. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
22. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
23. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
24. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
25. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport, proof of age card with the PASS Hologram or Military 10 card.
26. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
27. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
28. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
29. 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.
30. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.

Following further discussions with the Metropolitan Police and the applicant, the following additional conditions are also proposed:

Additional Conditions

1. After 21:00, or such other time as agreed with the Police in writing (and a copy of any agreement to be made available upon request), all security engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.
2. All externally promoted events held at the venue shall be notified to the Metropolitan Police Service. A form 696 will be completed and submitted within 14 days prior to the event, or such less time as agreed with the Police. When carrying out the risk assessment for the event and holding the event the venue will take into account any reasonable advice received from the Westminster Police Licensing Team and the central Clubs/Promoters Police Team who receive the form 696 (or their equivalent) and upon a reasonable request by Police the venue will not run the event.
3. Where the premises are operating for a specific pre-booked event or occasion when a guest list is in operation, only a Director, the Premises Licence Holder, the Designated Premises Supervisor or the Duty Manager will be authorised to add additional names to the guest list. Any additions less than 48 hours before the pre-booked event or occasion must be legibly entered on the list and signed for by a Director, the Premises Licence Holder, the Designated Premises Supervisor or the Duty Manager. The list will be kept for a period of 31 days following the event and will be made available immediately for inspection upon the request by a Police Officer or Council Officer.
4. From 21:00 hours, or such other time as agreed with the Police in writing (and a copy of any agreement to be made available upon request), a minimum of 2 SIA door supervisors shall be on duty at the premises. A minimum of one shall be deployed at the entrance and shall wear a Body Worn Video Camera. Additional door supervisors shall be employed as determined by a documented management risk assessment taking cognizance of police advice of 1 SIA per 100 customers before 23.00hrs and 1 SIA per 50 customers thereafter, (or such other advice as may be given from time to time). At all times from 23:00 hours, 2 door supervisors shall be deployed at the entrance. The risk assessment to be made available upon request.
5. Amendment of the second part of the CCTV condition (no. 11 on page 10 of application):

A staff member from the premises who is conversant with the operation of the CCTV system (including where applicable any Body Worn Video system) shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
6. After 23:00 hours, or such earlier time as deemed necessary following risk assessment, a search policy shall be implemented of customers entering the

premises. Such policy to be documented having regard to police advice and shall be made available upon request.

7. a) From 23:00 hours, a minimum of 2 door supervisors shall be deployed with Body Worn Video Camera, capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team. The video cameras shall be used until 30 minutes after closing whilst customers are dispersing.
- b) All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available upon the request of Police or authorised officer throughout the preceding 31 day period.
- c) A Body worn video system shall be deployed immediately during any verbal altercation or use of force made by any member of door staff.
- d) All door staff engaged in the use of Body Worn Video shall receive relevant training to ensure that they are confident in its use. A record shall be kept on the premises of which door staff have been trained. This record will be available to the Police or Licensing Authority for inspection upon request.

Polycarbonate Drinking Vessels -

Proposed amendment to conditions 15 (a) & (b) on page 11 of the application which is currently not agreed but which I shall address the committee upon:

- By 23:00 hours, there should be no consumption of drinks (excluding hot drinks) from vessels other than polycarbonate vessels. This conditions shall not apply to the serving and consumption of wine, sparkling wine, spirits or champagne bottles with a minimum size of 70cl and champagne flutes supplied by waiter/waitress service to tables. Staff shall clear all empty wine, spirit and champagne bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.

Judgments

QBD, ADMINISTRATIVE COURT

CO/1975/2010

Neutral Citation Number: [2011] EWHC 1045 (Admin)

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

THE ADMINISTRATIVE COURT

Royal Courts of Justice

Strand

London WC2A 2LL

Monday, 11 April 2011

B e f o r e:

MR JUSTICE CRANSTON

Between:

THE QUEEN ON THE APPLICATION OF A3D2 LIMITED (t/a NOVUS LEISURE)

Claimant

v

(1) WESTMINSTER MAGISTRATES' COURT

(2) WESTMINSTER CITY COUNCIL

Defendants

Computer- Aided Transcript of the Stenograph Notes of

WordWave International Limited

A Merrill Communications Company

165 Fleet Street London EC4A 2DY

Tel No: 020 7404 1400 Fax No: 0207 404 1424

(Official Shorthand Writers to the Court)

Mr G Gouriet QC and Mr A Booth (instructed by Walker Morris) appeared on behalf of the **Claimant**

Mr David Matthias QC (instructed by Westminster City Council, Legal Department) appeared on behalf of the **2nd Defendant**

J U D G M E N T

(As Approved by the Court)

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MR JUSTICE CRANSTON:

Introduction

1. This is a judicial review of a decision of District Judge Roscoe sitting at the Westminster Magistrates' Court in December 2009. The judge dismissed an appeal by the claimant against the refusal by Westminster City Council ("the Council") to grant an application for a premises licence under the Licensing Act 2003 in respect of premises situated at 4- 6 Glasshouse Street, London.
2. The case raises a general issue about when courts should answer questions posed to them by the parties. There is also the specific issue about the value to be attached to a premises licence under the Li-

censing Act 2003 covering premises which are closed and about to be demolished when that licence is surrendered as part of an application for a new premises licence elsewhere.

The licence application and its refusal

3. The claimant is A3D2 Limited, trading as Novus Leisure ("Novus"). It has two premises licences at 4 - 6 Glasshouse Street, which runs between Regent Street and Piccadilly in central London. These licences are for two nightclubs called Jewel Piccadilly ("Jewel") and the Velvet Rooms ("Velvet"). The licences permit the sale of alcohol until 1am Monday to Saturday and 12.30am on Sunday; regulated entertainment, including music and dancing until 1am Monday to Saturday, 12.30 on Sunday; and the provision of late night refreshment until between 1am and 1.30am, varying across the week.

4. In April 2008 Novus also acquired premises at a different nearby location, 72 Regent Street, for the Cheers Bar and Grill ("Cheers"). That address in Regent Street is within the site of the famous Cafe Royal. The premises licence for Cheers permitted licensable activities until 3am. Cheers closed permanently on 1 January 2009 and the Cafe Royal building was demolished in mid- 2009. Since the closure of Cheers, Novus has continued to pay a fee of some £350 per annum for the continuation of the licence.

5. On 6 January 2009 Novus applied for a premises licence under the Licensing Act 2003 to use 4- 6 Glasshouse Street, from the basement to the fifth floor, as a single nightclub to be known as Jewel Piccadilly. In the relevant form, Novus proposed to surrender the three existing licences, including that for Cheers, if granted a new premises licence for the Glasshouse Street premises. The application was for longer hours than permitted under the licences for Jewel and Velvet, including permission to sell alcohol until 3am seven days a week, for regulated entertainment, including the provision of facilities for music and dancing, until 3am seven days a week, and to provide late night refreshment until 3.30am seven days a week. At this point the demolition of the Cafe Royal building had not yet occurred.

6. The Novus application provoked a number of representations from the Metropolitan Police, Westminster's Environmental Health Department, and two local residents' associations, all opposed to its grant. Consequently, Westminster's Licensing Sub- Committee considered the application on 21 May 2009. The sub- committee was chaired by Councillor Bradley, with Councillor Evans and Councillor Marshall as the other members. For Novus it was said that the surrender of the three licences, if the application was granted on the terms sought, would reduce the overall capacity of licensed premises significantly; the number of people in the area would fall; and the total length of time licensable activities were permitted would also be substantially cut, since the Cheers licence would end. The application did not seek to remove the 600 person 3am capacity of the Cheers licence somewhere else, but merely to utilise the extra two hours that Cheers had in Glasshouse Street. The new licences would effectively reduce licensable activities in a "Stress Area".

7. The Sub- Committee considered the matter in the ordinary way, and at the end of the hearing Councillor Bradley announced that the application would be refused. First, he said, the Committee rejected the argument that there was a finite and ideal level of cumulative activity in the area so that a reduction in one part should be made good in another. It was possible to argue that stress in this area was such that any reduction ought to be accepted. Secondly, explained Councillor Bradley, Cheers was a hole in the ground, the Cafe Royal building being demolished, to be replaced by a six star hotel, which would no doubt have licensed premises as part of its activities. So it was not necessarily the case that Cheers would be replaced elsewhere, and not on its own site. Finally, said councillor Bradley, the impact on nuisance and local residents was greater at Glasshouse Street. Having a 3am licence there was different from having the one which existed at the Cafe Royal address.

8. Novus appealed. In anticipation of the appeal, various materials were prepared, including two statements by Inspector Neil Acheson, of the Metropolitan Police. In these statements, the Inspector said that Cheers had been a problematic venue for his unit. That was due to the high number of thefts and violent incidents associated with the premises. By contrast, he said, on a visit to Velvet there were no signs of drunkenness, unruly behaviour or underage drinking. On the whole, the clientele were good natured, in their mid 20s to late 30s and wearing smart casual attire. From his observations at Jewel, he was satisfied that it was a comparatively well-run establishment, and at that time catered for a customer base who used it as a "destination venue". However, Inspector Acheson was fearful that should the premises be granted later hours until 3am, the type of clientele would change, since it would then have the potential to become a premises where people would visit after previously attending other bars and clubs in the locality. In his experience this type of venue generated problems since many of the customers would have consumed alcohol before entering, and were consequently more likely to become involved in crime and disorder.

The judge's decision

9. Novus's appeal was listed before District Judge Roscoe at the City of Westminster Magistrates' Court for four days between 14 and 16 December 2009. By that date, although the Cheers licence was extant, the club was closed and the premises demolished. At the hearing Novus was represented by Mr Andrew Woods, a solicitor; Westminster by Mr Matthias QC. At the very outset of the hearing, the judge said that she had read the papers and skeleton arguments, and wanted to raise an issue about her decision in the Billionaire case, referred to in those papers. That was a case where an applicant said that it would surrender a premises licence for a club called Paper, if granted a new premises licence for a club called Billionaire. In the Billionaire case, Westminster accepted that planning permission had been granted for the new premises, but submitted that the surrender of the licence for Paper held little weight, since the building was due to be re-developed and Paper was due to close down in the foreseeable future.

10. The judge said that, in the Billionaire case, there had already been many days of hearing and she was not prepared for it to be delayed further. Her responsibility was to deal with the position at the time of the appeal, and at that time Paper was still operational:

"In my view, a court should consider such a case at the time of the hearing. That does not mean that the court cannot consider future matters. There can be exceptions to anything, for example if they guarantee that there will not be a new premises licence on that site and give it whatever weight appropriate. But in this case the premises licence for Cheers Bar and Grill is offered for surrender, but that licence has no effect because there is no premises for it to operate."

11. The judge then continued that, in her view, the surrender of the Cheers licence would have no effect under the Licensing Act 2003 or on cumulative impact. Therefore, in considering the hearing, that would be the basis on which she would view the licence. It would be considering any effect in the increase in permitted hours at Glasshouse Street. That was her preliminary view at that stage, having read the papers.

12. Mr Woods replied that that was not very helpful, but it was kind of the judge to raise the matter at that stage. It would have been unlikely that his clients would have made an application to Westminster without the Cheers licence. It seemed a bit pointless to go through with the hearing if that was the judge's view. He did not know whether it would be appropriate for him to make submissions.

13. The judge responded that the Billionaire case had been raised by Mr Woods in support of his client's application before the Licensing Sub-Committee, and in the papers she had received for the current hearing. She had hoped that her comments at that stage would be helpful. She then asked Mr Woods whether he wanted to take instructions. Mr Woods agreed that he did, and after a short adjournment, he addressed the judge on the value of the Cheers licence. In particular, he said that there was Westminster's contention

that where premises are re-developed or change their use, the intention of the policy was to reduce the number of the premises within the Stress Area through natural wastage.

14. The judge then said that all she was saying was that one looked at the premises as they existed at the time. She was not saying that in every single case there was no value to such a surrendered licence:

"There can be an effect on the picture as a whole by the non-operation of one premises that can affect the view of the situation as a whole. What I am saying is that I have some difficulties in seeing that by surrendering this licence there will be 600 people less coming into the West End Stress Area and therefore there has been a reduction because of the fact of those 600 people not coming into the West End to go to Cheers."

15. Mr Woods responded that the practical effect of the judge's view was that each licence was lost. He took the judge to the Guidance. The dialogue between Mr Woods and the judge continued. At one point the judge said that she did not think there was any reason why Mr Woods could not argue the circumstances of a particular case. The judge was not saying that he would not succeed or that he would be unsuccessful. It was a matter of fact and degree. It can be better to have premises moving, but if it was moving out of a residential area and into a quiet area, one was entitled to raise that fact.

16. Mr Woods then outlined two issues he wanted the judge to address: the general issue of cumulative impact zones and whether natural wastage meant that a licence was lost to the operation; and what was the effect of a non-operating licence. The judge said that she could understand the questions he had raised. It was whether a licence in these circumstances had any value. She thought that this may well be of interest and importance, but she would like some agreement between the parties as to the questions she was being asked to answer.

17. She then adjourned for the questions to be drafted by the parties. The hearing resumed. Before answering the questions, the judge asked what would happen when she answered them. Did she then hear evidence and proceed to the end of the hearing? Mr Woods replied that he would be happy to be guided by the judge and by Mr Matthias QC. Mr Woods' initial view was that if the judge was against Novus on that point, there did not seem to be much point in continuing with the appeal. It may be that the judge would then be asked to state a case.

18. The judge asked what Mr Woods was saying: that if her answers to those questions were not what Novus wanted to hear, the appeal would be abandoned? Mr Woods said that he was not sure whether the judge would dismiss the appeal or whether Mr Woods would withdraw it.

19. The judge handed down written answers to the two questions on the afternoon of the first day of the hearing. There then followed discussions as to the meaning of question 2, as a result of which the judge adjourned the appeal to the following morning. On the following morning, the judge varied her answer to question 2. Mr Woods then said that, having considered the points which had been canvassed the previous day, and the judge now having answered those two questions, he almost needed to ask one further question which was specific to the case of those instructing him "and I therefore need to ask you for a ruling on a third question on this particular case".

20. He handed a copy of the question to the clerk. The judge said that it was difficult because that was the answer to the hearing as a whole "which I have not had and I would want because I know this can go further, and I would want a little time to make sure the answer I give is in the appropriate terms". Mr Woods confirmed that in all probability the matter would be appealed. Mr Matthias QC then suggested a slight change of wording to question 3.

21. Mr Woods said that the principle of the appeal was the surrender of the Cheers hours. The judge asked whether Mr Woods was content for her to answer question 3. He replied that if she maintained her approach, in his view that was dismissing the appeal because she could not find exceptional circumstances. The judge then enquired again whether both parties were content for her to answer question 3. Mr Woods replied that he could see no alternative. After an adjournment, the judge answered question 3. After doing so, the judge asked whether she had answered the question. She added that she was not sure that she could answer it in global terms. Here, in the particular application, it was not capable of being an exceptional circumstance because it was a non-operating licence. She had to rule on what was before her in that case. In her view a single fact was unlikely to be an exceptional circumstance. It was very different for a court to say that it could never be an exceptional circumstance, but Cheers was a non-operating licence, and in the circumstances she could only say what she had said without hearing the evidence, "I am quite happy to say this non-operational licence cannot amount to exceptional circumstances".

22. Subsequent to the hearing, the judge incorporated her answers to the three questions in a formal decision. Question 1 was as follows:

"Is it lawful for a Cumulative Impact Policy to operate so as to reduce the number of premises licences when premises licences become unable to continue to operate because of redevelopment, loss of property interest or any other similar matter?"

The judge answered "yes". She said that a premises licence was indefinite in duration unless otherwise stated, thus it could be surrendered as part of an application for different premises, and the licensing authority would have to take the surrender into account. However, section 17(3) of the Licensing Act 2003 provided that an application for a premises licence had to be accompanied by a plan of the premises to which the application related. That being the case, it would be difficult for a holder of a premises licence to show that premises are operating in accordance with the premises licence if there had been redevelopment which substantially changed the premises.

23. That did not terminate the licence itself, she added, and the operator could apply to vary it, or argue that the surrender of the licence was an exceptional circumstance. A licensing authority could, as a result, allow an exception to their policy, as Westminster had provided for in section 2.4.5 of the Statement of Licensing Policy. Given the way in which the statute was drafted, the judge said that she had no doubt that a premises licence was not transferable between premises. A surrender of one licence was a circumstance to be considered by a licensing authority when deciding whether or not to grant a new premises licence.

24. Question 2 was in the following terms:

"If a premises licence has been issued by a Local Authority under the Licensing Act 2003 and the Premises Licence Holder becomes unable to operate the licence at those premises are the benefits of that licence (occupancy levels and licensable activities) lost?"

The judge answered "yes". However, she explained that did not prevent the loss of those occupancy levels or indeed licensable activities being raised in any application for a new premises licence or application to vary an existing premises licence. It could be part or all of an exceptional circumstance as a result of what a licensing authority should grant on such an application.

25. Then there was question 3:

"The application for a new licence at Jewel, Glasshouse Street (which in practice would extend the terminal hour from 1.00am Monday to Saturday to 3.00am Monday to Saturday) which is made on the basis that the

premises licence dated 27 April 2009 at Cheers, 72 Regent Street (which includes an occupancy level of 600 at 114.5 licensable hours) will be surrendered is not capable of itself of being exceptional circumstances under 2.4.5 Westminster City Council Licensing Policy because the Cheers licence can no longer operate at 72 Regent Street due to redevelopment and the premises are no longer operating."

In her view, and regardless of any Statement of Licensing Policy, the judge said that a simple surrender of a premises licence could not be an exception to any Statement of Licensing Policy unless it promoted the licensing objectives set out in the legislation. Accordingly, any tribunal had to consider any application in the round, and the question it had to answer was: did the application promote the licensing objectives? Single factors were unlikely ever to comply with that requirement. A Statement of Licensing Policy was only ever a guide. A simple surrender of a licensing premises was not of itself a guarantee that exceptional circumstances existed which would entitle a deviation from a licensing authority Statement of Licensing Policy.

26. In paragraphs 2 and 3 of her answer to question 3, the judge said this:

"In this case, the Licensing Authority argue that despite the de facto closure of licensed premises on the Cafe Royal site, the area is still subject to cumulative stress, and the Council's policy relating to cumulative stress is still valid and necessary. The licence offered in surrender here is for the premises that used to operate under the name of Cheers which closed on 1 January 2009. The building which it operated is demolished. There are witness statements relating to other objections to the application made by the appellant.

In these particular circumstances, the surrender of the premises licence at Cheers is not capable of itself of being an exceptional circumstance under paragraph 2.4.5 of the Respondent's Statement of Licensing Policy sufficient to require this application to be granted."

She therefore dismissed the appeal:

Legal framework and policy

27. Licensable activities are set out in section 1 of the Licensing Act 2003. These are the sale by retail of alcohol, the supply of alcohol in a club, the provision of regulated entertainment and the provision of late night refreshments (section 1(1)). Section 4 of the Act provides that a licensing authority must carry out its licensing functions with a view to promoting the licensing objectives. Those objectives are listed in section 4(2) as the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

28. Under section 11, "premises licence" is defined as a licence granted in respect of any premises which authorised the premises to be used for one or more licensable activities. Section 17 deals with applications for a premises licence. Under section 17(3)(b), an application for a premises licence must be accompanied by a plan of the premises to which the application relates in the prescribed form. An application made in accordance with the requirements of section 17, and advertised in accordance with that section, must be considered by the licensing authority in accordance with section 18. As far as is relevant, that section provides as follows:

"(2) Subject to subsection (3), the authority must grant the licence in accordance with the application subject only to--

(a) such conditions as are consistent with the operating schedule accompanying the application, and

(b) any conditions which must under section 19, 20 or 21 be included in the licence.

(3) Where relevant representations are made, the authority must--

(a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and

(b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.

(4) The steps are--

(a) to grant the licence subject to--

(i) the conditions mentioned in subsection (2)(a) modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and

(ii) any condition which must under section 19, 20 or 21 be included in the licence;

(b) to exclude from the scope of the licence any of the licensable activities to which the application relates;

(c) to refuse to specify a person in the licence as the premises supervisor;

(d) to reject the application.

(5) For the purposes of subsection (4)(a)(i) the conditions mentioned in subsection (2)(a) are modified if any of them is altered or omitted or any new condition is added.

29. Under section 24(1), a premises licence has to be in the prescribed form. Regulations under that sub-section must, in particular, provide for the licence to include a plan of the premises to which the licence relates. Section 26 provides that the duration of a premises licence is until it is revoked or, if granted for a limited period, that period expires. Licences can be surrendered pursuant to section 28 of the Act. Within 28 days of a licence lapsing through surrender, section 50 enables persons to apply for its transfer to them so that, in effect, it is reinstated.

30. Sections 34 to 36 of the Act concern applications to vary premises licences. Section 36(6)(b) provides that a licence may not be varied under section 35 so as to vary substantially the premises to which it relates.

31. The Act provides for policy and guidance to assist its application. Section 5(1) demands that each licensing authority must, in respect of each three-year period, determine its policy with respect to the exercise of its licensing functions and publish a statement of that policy. Section 182 provides for the Secretary of State to issue guidance to the licensing authorities on the discharge of their functions under the Act. In carrying out its licensing functions, section 4(3) obliges a licensing authority to have regard to its licensing statement under section 5 and any guidance issued by the Secretary of State under section 182. On appeal, a Magistrates' Court must have regard to the licensing authority's published statement: R (Westminster City Council) v Middlesex Crown Court and Chorion Plc [2002] EWHC 1104 (Admin).

32. As to the machinery of the Act, section 3 constitutes Councils as licensing authorities, and section 6 obliges each licensing authority to establish a licensing committee of at least ten members. The licensing committee may arrange for the discharge of its functions of determining an application for a premises licence by a sub-committee (section 10(4)). Appeals against decisions of licensing authorities are to the Magistrates' Court on questions of both law and fact (section 181 and Schedule 5).

33. In *R(Hope and Glory Public House Limited) v City of Westminster* [2011] EWCA Civ 31; [2011] 175 JPL 77, the Court of Appeal held that a Magistrates' Court should only allow an appeal if persuaded that the licensing authority is wrong. In delivering the judgment of the court, Toulson LJ said that it made good sense that a licensee bore the burden on appeal of persuading the Magistrates' Court that the licensing committee should have exercised its discretion differently, rather than the court being required to exercise that discretion afresh (paragraphs 47- 49).

Guidance and policy

34. The Secretary of State has issued guidance under section 182 of the Licensing Act 2003. Chapter 13 of the Guidance requires that there should be an evidential basis for the decision to include a special policy within a licensing authority's Statement of Licensing Policy. For example, a local authority may be satisfied as to the cumulative impact of crime or anti-social behaviour, or as to the concentration of noise disturbance. Paragraph 13.29 of the Guidance provides that the effect of adopting a special policy is to create a rebuttable presumption. Applications for a new premises licence, or club premises certificates or variations which are likely to add to the existing cumulative impact will normally be refused following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

35. The Guidance states in paragraph 13.34 that a special policy should never be absolute. Statements of Licensing Policy should always allow for the circumstances of each application to be considered properly, and for licences and certificates that are unlikely to add to the cumulative impact on the licensing objectives to be granted. If a licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives, and that necessary conditions would be ineffective in preventing the problems involved.

36. Pursuant to section 5 of the Act, Westminster has adopted a Statement of Licensing Policy. The 2008 version of the statement was current when the application in this case came before its Licensing Sub-Committee and went on appeal to the judge. Paragraph 2.3.2 of the statement states that it is the intention generally to grant licences or variations to licences where the hours proposed are within the core hours. The core hours are 10am to 11.30am Mondays to Thursdays inclusive; 10am to midnight on Fridays and Saturdays; and midday to 10.30pm on Sundays. Paragraph 2.3.2 continues that it is not the policy to refuse applications for hours longer than the core hours. Where a proposal is made to operate outside those core hours, each application will be considered on its merits against the criteria set out.

37. The statement also contains the so-called "Stress Policy". It identifies three Stress Areas, including the West End Stress Area, which includes the premises at issue in this case. The policy explains that the Stress Areas amount to less than 6 per cent of the total area of the City of Westminster, although they contain 36 per cent of the licensed premises, including 64 per cent of the nightclubs, 35 per cent of the pubs and pub restaurants, and 49 per cent of the restaurants:

"2.4.1 These areas have been identified as under stress because the cumulative effect of the concentration of late night and drink led entertainment premises and/or night cafés has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses."

38. The reference to cumulative impact in this passage echoes the Guidance issued by the Secretary of State, in which the cumulative impact of licensed premises on the promotion of the licensing objectives is stated to be a proper matter for a licensing authority to consider (paragraph 13.24).

39. Paragraph 2.4.2 of the Statement of Licensing Policy then sets out the Stress Area Policy: that within the Stress Areas, licensing applications should be refused in respect of pubs and bars, takeaway hot food and drink establishments, and establishments providing facilities for music and dancing, other than applications to vary the hours of such premises within the core hours. The rationale is because the problems in the Stress Areas are generally later at night than during the core hours.

40. The statement then continues that the Stress Area Policy will not be applied inflexibly and that the individual circumstances of each application will always be considered. However, it is "intended to be strict, and will only be overridden in genuinely exceptional circumstances" (paragraph 2.4.2).

41. At paragraph 2.4.3 the statement says that it is not possible to give a full list of examples of when Westminster will treat an application as an exception. However, in considering whether a particular case is exceptional, it will consider the reasons underlying the Stress Area Special Policy on Cumulative Impact.

42. The statement explains at paragraph 2.4.5 that the Stress Areas Policy is directed at the global and cumulative effects of licences on the areas as a whole, and that a case is most unlikely to be considered exceptional unless it is directed at the underlying reason for having the policy. Examples of the type of proposal which might constitute an exception are set out in that paragraph, although it is stated that any list of such examples cannot be definitive. One example given is of a proposal to transfer an operation from one premises to another, where the size and location of the second premises is likely to cause less detrimental impact and will promote the licensing objectives.

43. Paragraph 2.4.12 and Appendix 14 set out the reasons for the Stress Area Policy. Reference is made to Westminster considering it necessary to propose special policies on cumulative impact "which aim to limit growth of licensed premises in certain areas".

Issue 1. Posing questions to a court

44. In attractive and cogent submissions on behalf of Novus, Mr Gouriet QC contended, first, that the judge should not have answered the three questions posed to her before hearing evidence. The matter was unsuitable for determination in the abstract, apart from the substantial body of evidence in the case. No rational decision could be made otherwise than on the evidence as a whole, which the judge did not consider. The decision to dismiss the appeal was predicated on the rulings on a preliminary issue, adverse to Novus, which should not and could not rationally have been made at that stage in the proceedings. The decision to dismiss the appeal was therefore unlawful.

45. To the obvious retort that Novus's solicitor, Mr Woods, agreed, even instigated the judge's approach, Mr Gouriet QC submitted that Mr Woods was on the back foot from the outset, fighting for the life of his client's case. The judge should never have permitted what happened. Following her preliminary view, a momentum built up which meant that the central issue of whether rejection of the application was necessary to the licensing objectives were never addressed. Only after all the evidence was considered, including what had happened with other licensed premises in the period between the Cheers closure and the hearing, could it be said that Westminster's Statement of Licensing Policy applied at all. But the judge made a preliminary ruling that the non-operational licence, since Cheers had closed, could not amount to exceptional circumstances within the framework of the policy. The judge should not have placed Mr Woods in a position where she answered questions in the abstract without the evidence being explored. These were not questions which the judge should have contemplated answering. It was a matter of overall impression, said Mr

Gouriet, but it was preposterous to suggest that Mr Woods had initiated the procedure, as a result of which his client's case was dismissed before being properly considered.

46. In my view, this aspect of Novus's case is without any factual or legal foundation. At the outset of the hearing, having pre-read the papers and the skeleton arguments of the parties, the judge gave a reasoned explanation of what she called a preliminary view regarding one aspect of Novus's case, namely, the significance of its offer to surrender the premises licence for the Cheers premises, which by that time had been demolished. She distinguished what she had held in the Billionaire case from the situation in the appeal before her. By no stretch of the imagination could it be suggested that it was wrong for the judge to do this. It is not uncommon for judges to share with the parties a preliminary view of the case, having read the papers. That form of openness promotes the Overriding Objective of the Civil Procedure Rules of dealing with cases justly, in particular by saving expense, dealing with cases proportionately, and allotting to them the appropriate share of the court's resources. So long as a judge has not closed his or her mind to a matter, it is also consistent with dealing with a case fairly, for it enables the parties to present their cases to the best effect.

47. As outlined earlier in the judgment, the dialogue between Mr Woods and the judge continued, with the judge underlining that it was a preliminary view. Mr Woods opined that his client was unlikely to have brought the case if the Cheers licence had no significance. The judge did not invite argument from the parties on the point, but Mr Woods asked the question whether it would be appropriate for him to make submissions. The judge did not answer that question, but gave Mr Woods the opportunity to take instructions, which he did, and he then asked whether he could address the judge on the value of the Cheers licence. Mr Woods then made submissions, and having done so, it was Mr Woods who inquired of the judge whether she would rule on what became questions 1 and 2.

48. As I read the detailed note of the hearing, in no sense did the judge invite Mr Woods to ask for the rulings on these questions. Certainly Westminster took no initiative in that regard. As described earlier, the judge specifically asked about the consequences of her answering the questions adversely to Novus's interests. Would Novus abandon the appeal? Mr Woods replied that he was not sure whether the appeal should be withdrawn or dismissed. The first two questions were answered.

49. On the second day Mr Woods almost immediately said that he needed to ask for a ruling on a third question on the particular case. The judge's response on seeing the question was to say that it was difficult because it was an answer to the hearing as a whole, which she had not had. Mr Woods made it clear to the judge that the principle of the case was the surrender of the Cheers hours. If she adhered to her preliminary view regarding the significance of the surrender of the premises licence of Cheers, he effectively had no case. Having confirmed that Mr Woods was content for her to answer the third question, she did so.

50. This brief reiteration of what happened at the hearing makes clear that it was at the instigation of Novus, not the judge, that the questions were posed and answered. In no way can it be suggested that Novus was forced into the course which the judge adopted. The judge had expressed a preliminary view on one aspect of the case, but that in no sense precluded Mr Woods from advancing Novus's appeal, although it might have identified features which would not be considered strong points.

51. It cannot be said to be an error of law for a judge to agree to rule on a question where a party, particularly a legally represented party, asks the judge to do so. That is subject to this caveat: the common law method is intensely empirical. It proceeds by the accretion of cases decided in particular factual contexts. It eschews addressing issues in the abstract, or rendering advisory opinions. It avoids pronouncing on matters where there is no dispute to be resolved. That is no doubt because common law courts see their role as primarily resolvers of disputes, rather than as law-making bodies. There are also concerns about the difficulties which might arise should they answer abstract questions. One side of the coin is whether the

parties will have the incentive fully to explore the issues; the other is whether the court itself can do the issues full justice, without having some idea how they might play out in the real world.

52. In this case the judge was not answering questions in the abstract. Novus obviously considered that if the judge was against it regarding the significance of its offer to surrender the Cheers licence, its appeal was bound to fail. Mr Woods, acting on behalf of Novus, seemed plainly of the view that there were no other features of the appeal which offered any prospect of it succeeding. That was the derivation of the three questions posed to the judge, and why he suggested that the judge might dismiss his client's appeal if she decided the Cheers' point against him.

Issue 2: The judge's answers

53. Novus's pleaded objection is to the answer the judge gave to question 3. Although in the course of his oral submissions Mr Gouriet QC expressed disquiet about the questions as a whole being asked, no particular passage was identified in the answers to question 1 and 2 as being defective. Nor, in my view, could they be.

54. As to the answer to question 3, the focus of Mr Gouriet QC's attack was on the second and third paragraphs. There the judge concluded that, in the particular circumstances, the surrender of the premises licence at Cheers was not capable of itself of being an exceptional circumstance under Westminster's Statement of Licensing Policy to require the application to be granted. The particular circumstances the judge identified were that the area was suffering from cumulative stress, Westminster's Stress Area Policies were applicable, the Cheers licence offered in surrender was in respect of premises that had been closed for a year, the building in which Cheers operated had been demolished, and the statements of witnesses objecting to the application were in the court's papers.

55. In Mr Gouriet QC's submission, that catalogue of particular circumstances amounted to little, if anything, more than a closure of the premises for a year and their demolition. In fact he contended there was an error of fact in that the Cheers premises had not been demolished at the time of the application in February, the demolition occurring later in the year. In his submission, the judge's selection of particular circumstances fell far short of the matters which axiomatically it was necessary to consider to make a rational determination as to the weight to be given to the proposed surrender of the Cheers licence. There were two bundles of evidence and documents lodged on behalf of Novus consisting of some 300 pages.

56. Nowhere in the answer to question 3, Mr Gouriet QC contended, was there any mention of a matter informing the judge's finding that surrender of the Cheers licence, of itself, could not amount to exceptional circumstances within Westminster's policy. In Mr Gouriet QC's submission the judge lost sight of the statutory test set out in section 18 of the Act, namely, whether it was necessary to reject the application for a new licence in order to promote the licensing objectives. The weight to be given to the proposed surrender of the Cheers licence and its impact on the proposed licensing objectives could only rationally be assessed in the context of a host of other material considerations. Novus's proposal involved a reduction in the number of licences. Whether or not that reduction had been counterbalanced by other grounds, or was otherwise of no assistance because of what had occurred, and the lapse of time since the Cheers licence had traded, was dependent on the evidence as a whole.

57. In my judgment, there is no reviewable flaw in the judge's analysis of the issues presented to her in question 3. Under sections 18(3) and (4) of the Licensing Act 2003, the test in considering whether to grant or refuse an application for a premises licence is whether it is necessary in order to promote the licensing objectives. Westminster's licensing policy is the background under section 4(3) against which individual licensing decisions should be made, applying that statutory test. Westminster has adopted a policy of refusing applications for new public houses and bars in the so-called Stress Areas - where it is considered

there is already a saturation of such establishments, the cumulative impact of which has led to problems of crime, disorder and public nuisance - other than for a variation of hours within the prescribed core hours. The policy recognises exceptional cases, although it makes clear that a case is most unlikely to be considered exceptional unless it is directed at the underlying reasons for having the policy.

58. In this case, Novus's application for a new premises licence at 4- 6 Glasshouse Street clearly fell foul of the Stress Areas Policy because the later hours sought were outside core hours and related to the sale of alcohol and the provision of facilities for music and dancing. Since the application attracted relevant representations from the Metropolitan Police, Westminster's Environmental Health Department and two local Residents' Associations, a hearing had to be convened to consider the application. It fell to Novus to seek to persuade the licensing sub- committee that its application should be granted as an exception to the Stress Areas Policy. It sought to do this, *inter alia*, by adducing the Cheers's licence and arguing that its surrender, along with that of the two existing premises licence at 4- 6 Glasshouse Street, constituted an exception for the reasons already outlined. The Licensing Sub- Committee rejected the application. Before me, no objection was taken to the manner in which it approached the application. It is difficult to see how there could be.

59. There was then the appeal to the judge. She was posed question 3 in the form described. It was framed in terms of Westminster's statement of licensing policy, with reference to the facts of the case. The question was whether the surrender of the premises licence for Cheers was capable of itself of being an exceptional circumstance, under paragraph 2.4.5 of Westminster's policy, in relation to the application in respect of the Glasshouse Street premises. Far from being wrong, the judge's answer is, in my view, self-evidently correct. The application for the Glasshouse Street premises was to extend the hours during which alcohol could be sold and music and dancing provided to 3am, seven days a week. Since the premises were located in the West End Stress Area, the policy indicated that the application be refused unless the case could be considered exceptional.

The Cheers licence was extant, but the application was for premises elsewhere. Crucially the Cheers premises were closed and, at the time of the application, earmarked for demolition. The judge sensibly concluded that the surrender of a redundant premises licence relating to such premises, premises which by the time of the hearing were demolished as planned, could not of itself be capable of rendering the application with respect to the Glasshouse Street premises exceptional in policy terms.

60. None of this is inconsistent with the legislation. The Licensing Act 2003 establishes a clear link between a premises licence and the particular premises to which it relates. When premises close because they are to be demolished, the premises licence is effectively a dead letter. The licence may be extant because the holder continues to pay the fee, but the licence is of no practical use because the premises to which it relates cannot be used.

In my view, the surrender of a premises licence in these circumstances cannot, under the Act, promote the licensing objectives with regard to an application for a new premises licence in respect of other premises situated elsewhere. In my judgment, the judge's answer to question 3 was faultless.

61. I dismiss the claim.

62. MR MATTHIAS: My Lord, we are obliged. There is an application for costs. I would ask you to undertake a summary assessment, if you would be prepared to do so. Can I pass up - -

63. MR JUSTICE CRANSTON: Has Mr Booth seen that?

64. MR MATTHIAS: Yes, my Lord, schedules of costs were exchanged on Friday.

65. MR JUSTICE CRANSTON: Mr Booth, what do you say about it?

66. MR BOOTH: My Lord, obviously I cannot resist the principle of costs on this. My learned friend did exchange with my solicitors on Friday this schedule, or a schedule that looked very like this one. I took instructions this morning that we were happy with the quantum on the schedule as provided. However, there are two additions, I am instructed, on this new schedule which you have before you. The first of those is the final entry above counsel's fees, attendance at hearing 11 April. I do not see how I can resist that. That does not seem unreasonable. As regards my learned friend's fees, and I do hesitate to take any point on this, but, in my submission, with the greatest of respect to my learned friend, it was not necessary for Queen's Counsel to attend this hearing.

67. MR JUSTICE CRANSTON: That takes out £1,000. I think I said that there was no need for you to attend.

68. MR MATTHIAS: My Lord, you did.

69. MR JUSTICE CRANSTON: I can appreciate why you might, but I think we might take that out.

70. MR MATTHIAS: There would have been a fee for anyone who did attend, of course.

71. MR JUSTICE CRANSTON: I was assuming your solicitor might attend. She appears to be very competent.

72. MR MATTHIAS: She is.

73. MR JUSTICE CRANSTON: What would the fee be if someone did attend?

74. MR MATTHIAS: If it were a junior, I apprehend it would be half of that.

75. MR JUSTICE CRANSTON: £500. Anything else?

76. MR MATTHIAS: Is that the entirety of the sum bar £500?

77. MR JUSTICE CRANSTON: Yes.

78. MR MATTHIAS: We are very obliged.

79. MR JUSTICE CRANSTON: Mr Booth?

80. MR BOOTH: My Lord, there is an application for permission to appeal your decision. The first basis on which I would seek leave from your Lordship to appeal is that, on the defendant's own case, the District Judge determined the matter having regard to what we would say is an irrelevant consideration, or alternatively she determined it on an erroneous factual premise, namely that at the relevant date the premises had been demolished, whereas the evidence, such as it was before the court, was not only that the premises had not been demolished at the date of the application, but they had not in fact been demolished at the date

of the licensing sub- committee hearing, the evidence being that demolition took place in July, whereas that hearing took place in May 2009.

81. MR JUSTICE CRANSTON: Did you tell me July? You certainly told me that they had not been demolished in February.

82. MR BOOTH: My Lord, it was July. My learned friend and leading counsel, Mr Gouriet - -

83. MR JUSTICE CRANSTON: I must say I took a note, I know. So that is the first point, yes.

84. MR BOOTH: That is the first point. Secondly, my Lord, we would point to what we say is the unequivocal statement by the District Judge in the transcript to the effect that this non- operational licence cannot amount to exceptional circumstances. We would say that that finding simply was not open to the District Judge given that she had not heard the evidence in the case. I appreciate that is going to the substance of your Lordship's judgment. But, in my submission, with respect that finding was not open to the District Judge.

85. MR JUSTICE CRANSTON: Yes, thank you for those submissions, but I think you will have to go elsewhere.

86. MR BOOTH: I am grateful.

87. MR JUSTICE CRANSTON: Thank you very much.

88. MR MATTHIAS: Just for the avoidance of doubt, the figure for the summary assessment is £24,909.30.

89. MR JUSTICE CRANSTON: Yes. Thank you.

90. MR MATTHIAS: We are very grateful.

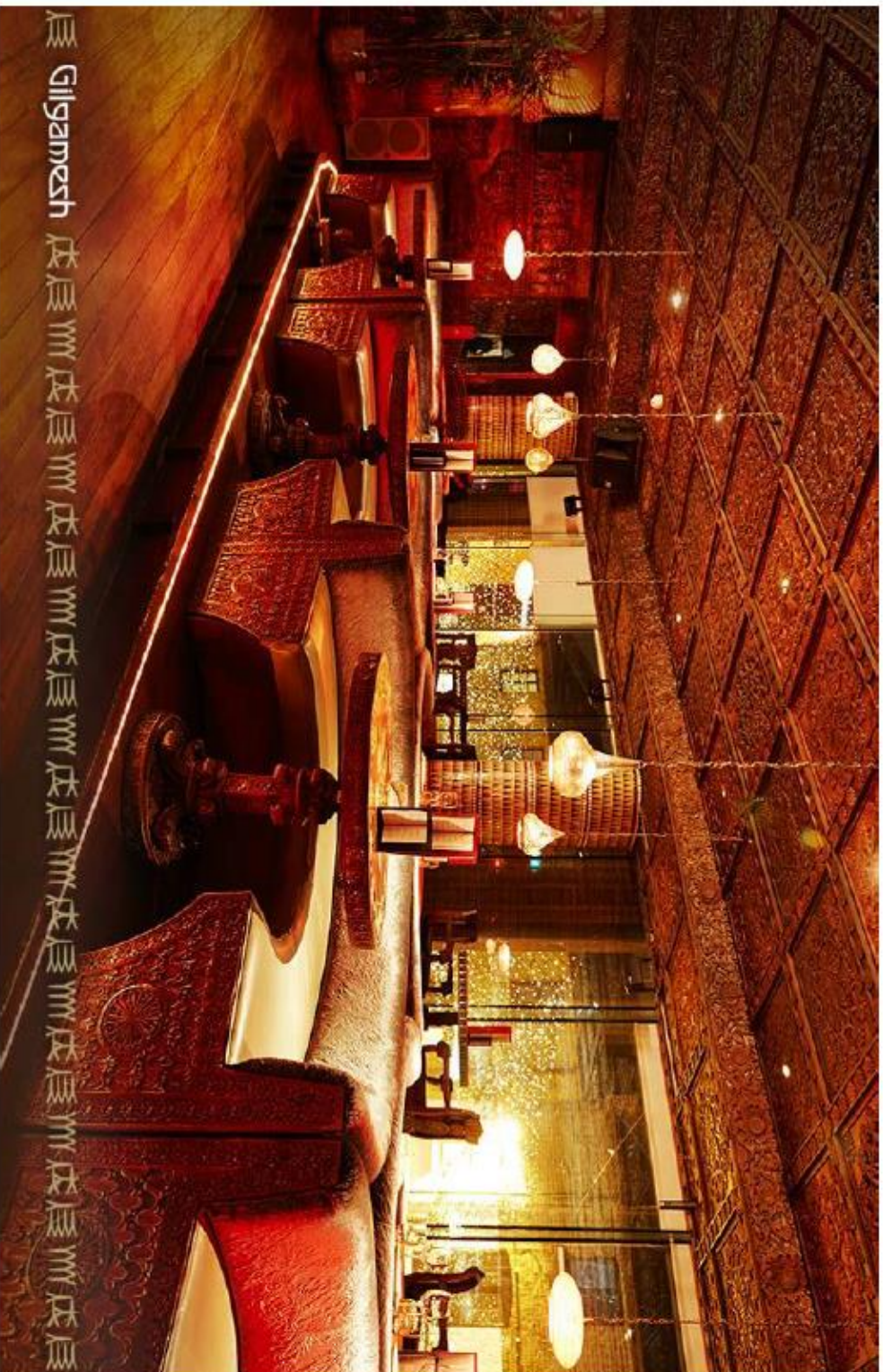


- ATLANTICA CLUB – Trade Area Mood Board -

design

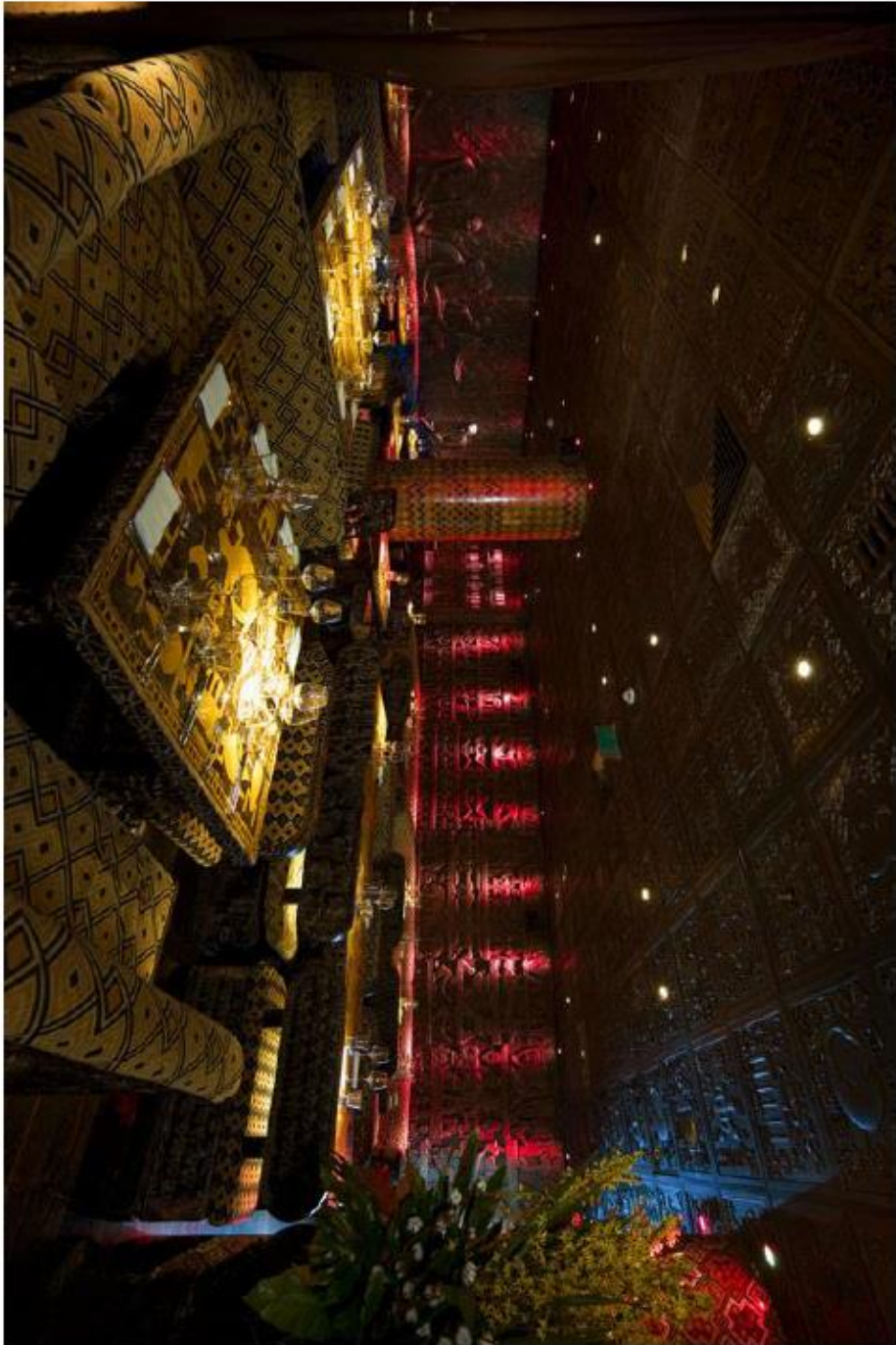


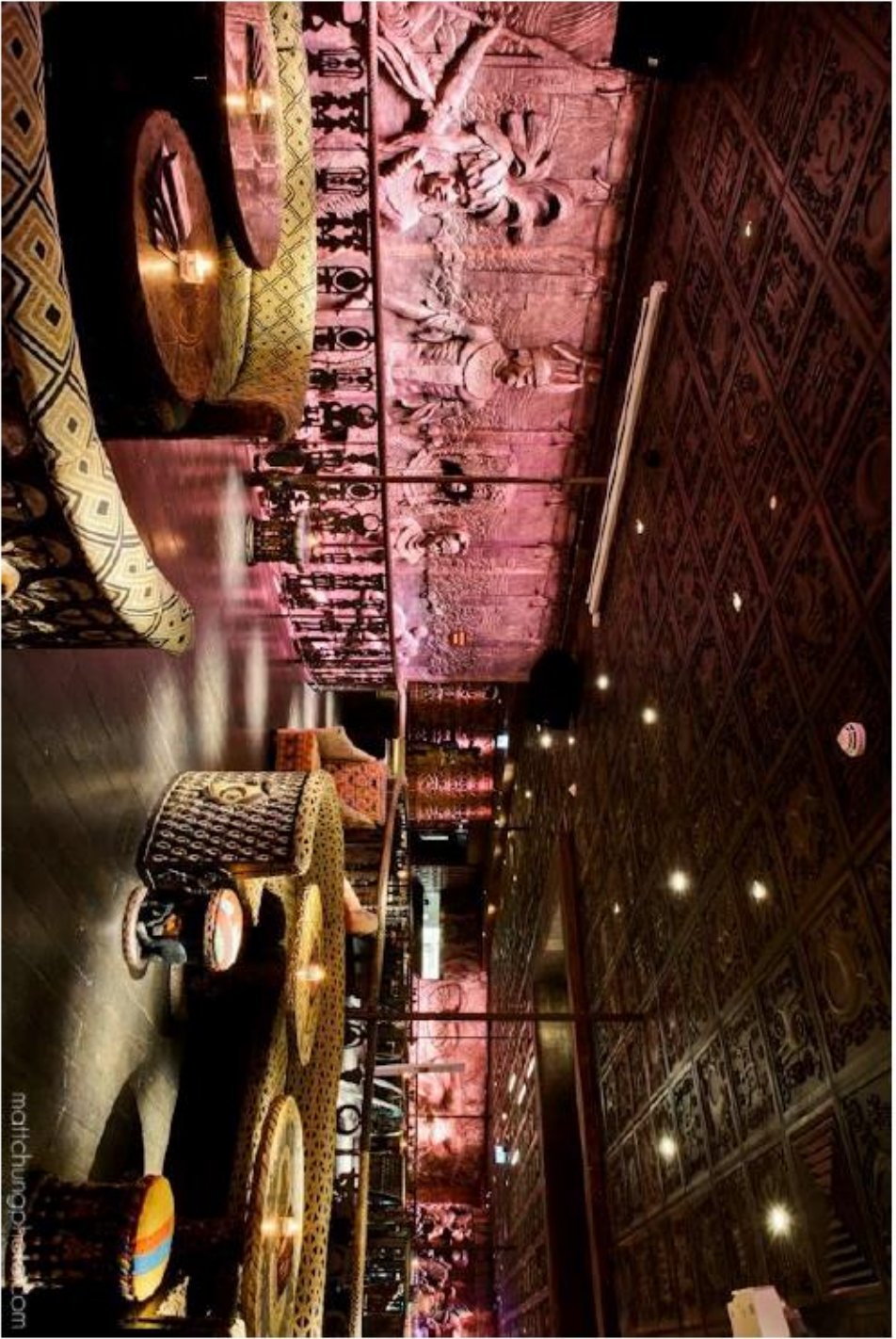
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Gilgamesh







Premises History - 11/07005/LIPDPS

Application	Details of Application	Date Determined	Decision
06/03612/WCCMAP	New Premises Application	18.09.2005	Granted
09/08905/LIPDPS	Application to Vary the Designated Premises Supervisor	26.07.2010	Invalid Application
10/04128/LIPDPS	Application to Vary the Designated Premises Supervisor	08.10.2010	Granted Under Delegated Authority
10/10495/LIPDPS	Application to Vary the Designated Premises Supervisor	18.02.2011	Granted Under Delegated Authority
11/07005/LIPDPS	Application to Vary the Designated Premises Supervisor	26.07.2011	Granted Under Delegated Authority
14/02814/LIPV	Variation Application	19.06.2014	Refused by Licensing Sub Committee
17/03858/LIPT	Transfer Application	13.04.2017	Invalid Application

Application	Details of Application	Date Determined	Decision
16/06446/LITENP	Temporary Event Notice	25.07.2016	Notice Granted
16/06441/LITENP	Temporary Event Notice	27.06.2016	Notice Granted
16/06391/LITENP	Temporary Event Notice	29.06.2016	Notice Granted

16/06268/LITENP	Temporary Event Notice	05.07.2016	Notice Granted
16/04266/LITENP	Temporary Event Notice	09.05.2016	Notice Granted
16/03805/LITENP	Temporary Event Notice	21.04.2016	Notice Granted
16/03801/LITENP	Temporary Event Notice	21.04.2016	Notice Granted
16/02905/LITENP	Temporary Event Notice	24.03.2016	Notice Granted
16/02897/LITENP	Temporary Event Notice	12.04.2016	Notice Granted
16/02886/LITENP	Temporary Event Notice	11.04.2016	Notice Granted
16/02878/LITENP	Temporary Event Notice	12.04.2016	Notice Granted
16/01987/LITENP	Temporary Event Notice	03.03.2016	Notice Granted
16/01985/LITENP	Temporary Event Notice	03.03.2016	Notice Granted
16/01983/LITENP	Temporary Event Notice	03.03.2016	Notice Granted
16/00188/LITENP	Temporary Event Notice	20.01.2016	Notice Granted

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

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 sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

9. Alcohol for consumption off the premises shall be permitted prior to 23:00 hours but shall be restricted to:
 - (a) Customers who have purchased wine as part of a table meal and who wish to take unfinished bottles home with them; and
 - (b) Alcohol in a sealed vessel supplied ancillary to a take-away meal.
10. An attendant shall be on duty in the cloakroom during the whole time that it is in use.
11. The number of persons permitted on the premises at any one time (excluding staff) shall not exceed 235 persons.
12. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
13. There shall be a Personal Licence Holder on duty on the premises at all times when the premises are authorised to sell alcohol.
14. There shall be no striptease or nudity, and all other persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
15. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
16. The sale of alcohol shall be ancillary to the use of the premises for music and dancing and substantial refreshment.
17. After the terminal hour for the sale of alcohol then 30 minutes drinking up time shall be permitted.
18. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
19. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

20 & 21. Door staff numbers, requirement to wear hi-vis and use of body cameras to be agreed with the Police.

22. An incident log shall be kept at the premises, and made available on request to an authorised session and will record the following:
- (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service
23. (a) All drinking vessels used in the venue shall be polycarbonate. All drinks in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to be served, with the exception of champagne or bottles of spirits with a minimum size of 70cl supplied by waiter / waitress service to tables. 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.
- (b) Notwithstanding (a) above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises, reception, glass drinking vessels may be used for private or pre-booked events within the **(specified area)**.
24. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
25. After 23:00 hours, all customers entering the premises will have their 10 scanned on entry, save for a maximum number of 25 guests per night who may be admitted at the manager's discretion without 10 being scanned and records, and that a legible record of these people's names shall be retained on the premises for inspection by the Licensing Authority and Police for a period of 31 days. The name of the manager authorising the entrance without scanning will also be recorded.
26. 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.
27. 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.
28. All emergency exit doors shall be available at all material times without the use of key, code, card or similar means.

29. All emergency doors shall be maintained effectively self-closing and not held en other than by an approved device.
30. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
31. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
32. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
33. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport, proof of age card with the PASS Hologram or Military 10 card.
34. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
35. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
36. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
37. 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.
38. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.

Conditions proposed by the Police

39. A minimum of 2 SIA staff shall be deployed with 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 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.

Applicant proposes:

From 21:00 hours, or such other time as agreed with the Police in writing (and a copy of any agreement to be made available upon request), a minimum of 2 SIA door supervisors shall be on duty at the premises. A minimum of one shall be

deployed at the entrance and shall wear a Body Worn Video Camera. Additional door supervisors shall be employed as determined by a documented management risk assessment taking cognizance of police advice of 1 SIA per 100 customers before 23.00hrs and 1 SIA per 50 customers thereafter, (or such other advice as may be given from time to time). At all times from 23:00 hours, 2 door supervisors shall be deployed at the entrance. The risk assessment to be made available upon request.

40. Amendment of the second part of the CCTV condition:

A staff member from the premises who is conversant with the operation of the CCTV system (including where applicable any Body Worn Video system) shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

Applicant proposes:

Amendment of the second part of the CCTV condition

A staff member from the premises who is conversant with the operation of the CCTV system (including where applicable any Body Worn Video system) shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

41. A minimum of 5 SIA licensed door supervisors shall be on duty at the premises from 23.00hrs to close 7 days per week. A minimum of 2 on the entrance and 3 inside the premises (This is still subject to discussion based on what the premises is to become) Prior to this time door staff numbers will be at least a 1:100 ratio unless decided otherwise by a risk assessment conducted by a member of the venue's management team.
42. At least 2 SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business. A minimum of one to be wearing Body Worn Video throughout trading times and for 30 minutes after closing whilst dispersing
43. After 21.00hrs any persons entering or re-entering the premises shall be searched by a SIA licensed member of staff and monitored by the premises CCTV system. Search wands will be used during all searches.
44. Body worn video systems used by the premises must be deployed immediately during any verbal altercation or use of force made by any member of staff
45. 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

46. 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 a Director, the Premises Licence Holder, the Designated Premises Supervisor or the Duty Manager. The list will be kept for a period of 31 days following the event and will be made available immediately for inspection upon the request by a Police Officer or Council Officer.

Applicant proposes:

Where the premises are operating for a specific pre-booked event or occasion when a guest list is in operation, only a Director, the Premises Licence Holder, the Designated Premises Supervisor or the Duty Manager will be authorised to add additional names to the guest list. Any additions less than 48 hours before the pre-booked event or occasion must be legibly entered on the list and signed for by a Director, the Premises Licence Holder, the Designated Premises Supervisor or the Duty Manager. The list will be kept for a period of 31 days following the event and will be made available immediately for inspection upon the request by a Police Officer or Council Officer.

47. After 21:00, or as agreed with the Police in writing (and a copy of any agreement to be held at reception), all security engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.

Applicant proposes:

After 21:00, or such other time as agreed with the Police in writing (and a copy of any agreement to be made available upon request), all security engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.

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

Applicant proposes:

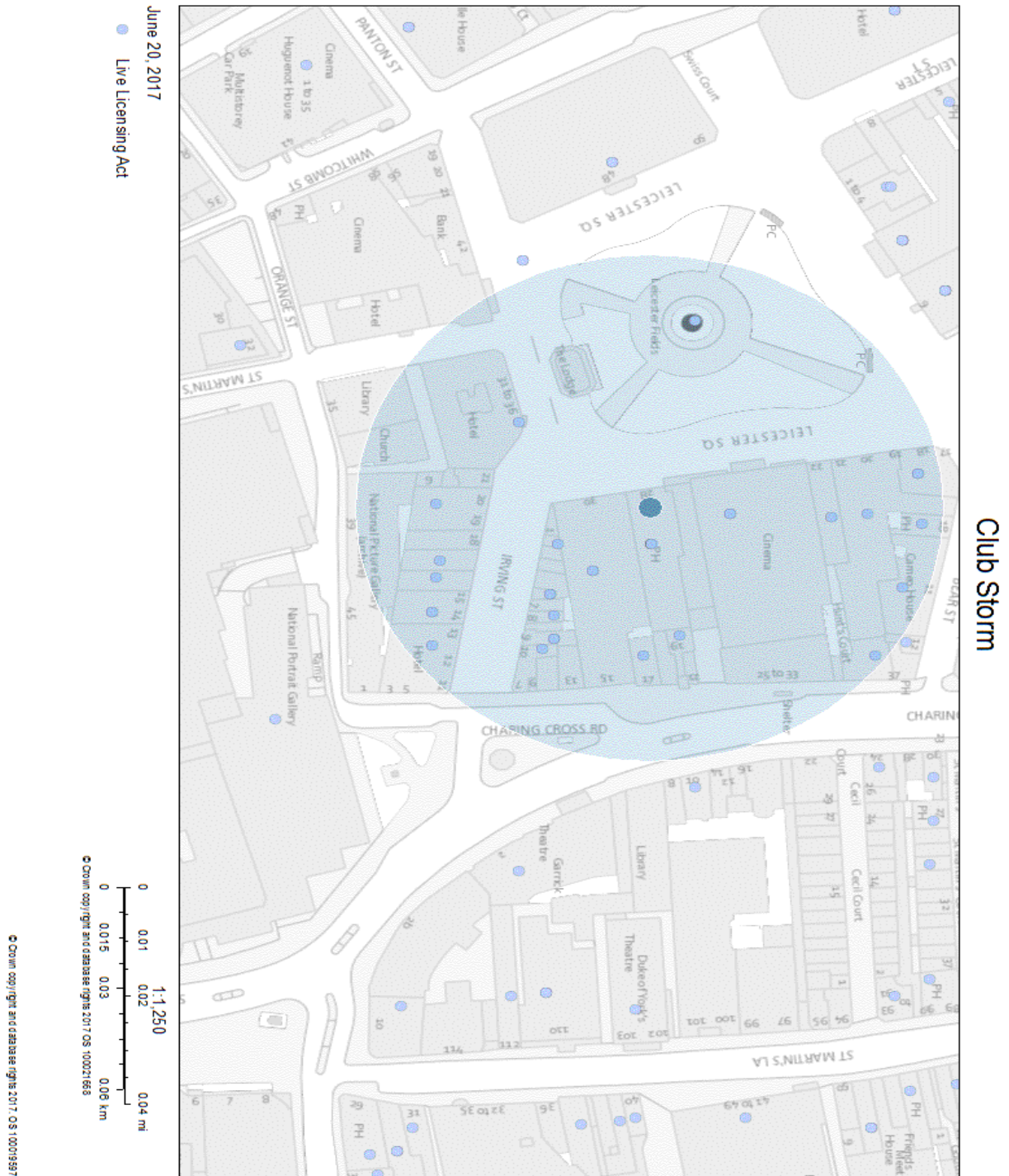
All externally promoted events held at the venue shall be notified to the Metropolitan Police Service. A form 696 will be completed and submitted within 14 days prior to the event, or such less time as agreed with the Police. When carrying out the risk assessment for the event and holding the event the venue will take into account any reasonable advice received from the Westminster Police Licensing Team and the central

Clubs/Promoters Police Team who receive the form 696 (or their equivalent) and upon a reasonable request by Police the venue will not run the event.

Further additional conditions:

49. After 23:00 hours, or such earlier time as deemed necessary following risk assessment, a search policy shall be implemented of customers entering the premises. Such policy to be documented having regard to police advice and shall be made available upon request.
50.
 - a) From 23:00 hours, a minimum of 2 door supervisors shall be deployed with Body Worn Video Camera, capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team. The video cameras shall be used until 30 minutes after closing whilst customers are dispersing.
 - b) All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available upon the request of Police or authorised officer throughout the preceding 31 day period.
 - c) A Body worn video system shall be deployed immediately during any verbal altercation or use of force made by any member of door staff.
 - d) All door staff engaged in the use of Body Worn Video shall receive relevant training to ensure that they are confident in its use. A record shall be kept on the premises of which door staff have been trained. This record will be available to the Police or Licensing Authority for inspection upon request.

Residential Map and List of Premises in the Vicinity



Resident Count: 24

Premises Licence – 11/07005/LIPDPS**City of Westminster**

64 Victoria Street, London, SW1E 6QP

Schedule 12
Part AWARD: St James's
UPRN: 100023431689

Premises licence

Regulation 33, 34

Premises licence number:

11/07005/LIPDPS

Original Reference:

05/06235/LIPCV

Part 1 – Premises details**Postal address of premises:**Club Storm
28A Leicester Square
London
WC2H 7LE**Telephone Number:** 020 7839 2633**Where the licence is time limited, the dates:**

Not applicable

Licensable activities authorised by the licence:Performance of Dance
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol**The times the licence authorises the carrying out of licensable activities:****Performance of Dance**Monday to Wednesday: 09:00 to 03:00
Thursday to Saturday: 09:00 to 06:00
Sunday: 09:00 to 02:00**Performance of Live Music**Monday to Wednesday: 09:00 to 03:00
Thursday to Saturday: 09:00 to 06:00
Sunday: 09:00 to 02:00**Playing of Recorded Music**

Unrestricted

Anything of a similar description to Live Music, Recorded Music or Performance of DanceMonday to Wednesday: 09:00 to 03:00
Thursday to Saturday: 09:00 to 06:00
Sunday: 09:00 to 02:00

Late Night Refreshment

Monday to Wednesday:	23:00 to 03:30
Thursday to Saturday:	23:00 to 05:00
Sunday:	23:00 to 02:00
Sundays before Bank Holidays:	23:00 to 02:30

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted

Sale by Retail of Alcohol

Monday to Saturday:	10:00 to 03:00
Sunday:	12:00 to 00:30
Sundays before Bank Holidays:	12:00 to 02:00

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1

The opening hours of the premises:

Monday to Wednesday:	09:00 to 03:30
Thursday to Saturday:	09:00 to 06:00
Sunday:	09:00 to 02:00
Sundays before Bank Holidays:	09:00 to 02:30

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Mr Tom Bradley
28A Leicester Square
London
WC2H 7LE
Mobile Phone Number : 07711 089898

Mr Ian Martin
28A Leicester Square
London
WC2H 7LE
Mobile Phone Number : 07711 089898

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: Mr Paul Di Libero

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: PA0918

Licensing Authority: Royal Borough Of Kingston Upon Thames

Date: 5 August 2014

Signed: pp
Operational Director - Premises Management

Annex 1 – Mandatory conditions

1. 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.
2. For the purposes of the condition set out in paragraph 1—
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6)
 - (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(7)
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4.
 - (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 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.
5. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
6. 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.
7. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.

8. (1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.
9. The responsible person shall ensure that no alcohol is dispensed 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).
10. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
11. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) 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 a holographic mark.
12. The responsible person shall 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; and

(b) customers are made aware of the availability of these measures.

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.

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

Conditions reproducing the effect of conditions subject to which the relevant existing licences have effect

14. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
15. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
16. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 11pm on each of the days Monday to Wednesday to 3am on the day following from 11pm on each of the days Thursday to Saturday to 6am on the day following and from 11pm on Sundays until 2am on the day following.
17. An attendant shall be on duty in the cloakroom during the whole time that it is in use.
18. The entertainment provided at the premises shall be of the following type: Disco.
19. The licence holder shall ensure that the persons named below, being previous licensees, take no part directly or indirectly in the running, management or conduct of the premises save, in respect of Mr Kenneth Edwards and Mrs Victoria Edwards, for such involvement as they may have in their capacity as head-lessees of the premises: Mr Kenneth EDWARDS, Mr Stephen EDWARDS, Mr Vincent EDWARDS, Mrs Victoria EDWARDS, Ms Lisa-Marie EDWARDS.
20. The number of persons accommodated at any one time in the premises shall not exceed 235 (excluding staff).
21. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
22. On any evening where the premises or part of the premises are open for music, dancing or entertainment and a Section 77 Special Hours Certificate is in operation,

Intoxicating liquor may not be sold or supplied to persons admitted to the premises after 11pm other than to: a) Persons who have paid a minimum admission fee of at least £3 Monday to Thursday and £5 Friday and Saturday. Not to be credited against consumables. b) By prior invitation to a bona fide private function held at the premises, of which 24 hours notice has been given to the police; or c) Guests of the proprietor of Club Koo/Leisure (West End) Limited (bona fide entertained and specially invited prior to admission) a full list of whom individually named, shall be kept at the reception available for inspection by the police; d) Artistes and persons employed at the premises; e) Persons attending a private function at the premises.

23. At least one licensee shall be present during the whole time intoxicating liquor is supplied, sold or consumed.
24. No striptease, no nudity and all persons on the premises to be decently attired.
25. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.
26. The Licensees shall ensure that the persons named below take no part directly or indirectly in the running, management or conduct of the premises save, in respect of Mr Kenneth Edwards and Mrs Victoria Edwards, for such involvement as that may have in their capacity as head-lessees of the premises;
27. The Licence holders: Mr Lee Daniel Wells, Mr Ian George Martin and Mr Thomas Joseph Bradley shall ensure that the persons named below, being previous Licensees, take no part directly or indirectly in the running. Mr Kenneth EDWARDS Mr Stephen EDWARDS Mr Vincent EDWARDS Ms Victoria EDWARDS Ms Lisa-Marie EDWARDS.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments

Permitted Hours for Sale of Alcohol

28. (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 and extend until 03.00 on the morning following, except that-
 - (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
 - (ii) on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end;
- (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect with the substitution of references to 04.00 for references to 03.00.
- (c) Except on Sundays immediately before bank holidays (apart from Easter Sunday), the permitted hours on Sundays shall extend until 00.30 on the morning following, except that-
 - (i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after midnight;
 - (ii) where music and dancing end between 00.00 midnight on any Sunday and 00.30, the permitted hours on that Sunday shall end when the music and dancing end.
- (d) On Sundays immediately before bank holidays (other than Easter Sunday), the permitted hours shall extend until 02.00 on the morning following, except that-
 - (i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after 00.00 midnight;
 - (ii) where music and dancing end between 00.00 midnight on any Sunday and 03.00, the permitted hours on that Sunday shall end when the music and dancing end.

- (iii) the terminal hour for late night refreshment shall extend to 30 minutes after the end of permitted hour for the sale of alcohol mentioned above in d (i) and (ii)
- (e) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (f) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00.00 on New Year's Eve.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of her Majesty's naval, military or air forces;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

29. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of this premises licence / club premises certificate:
- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
 - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
 - (c) to take all other reasonable precautions for the safety of the children.
30. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Annex 2 – Conditions consistent with the operating Schedule

None

Annex 3 – Conditions attached after a hearing by the licensing authority

32. 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 the date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer through the preceding 31 day period.
33. A staff member from the premises who is conversant with the operation of the CCTV system, shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer, with copies of recent CCTV images or data with the absolute minimum of delay when requested.
34. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.
35. 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, which will record the following:
 - (a) All crimes reported to the venue
 - (b) All ejections of patrons
 - (c) Any complaints received concerning crime and disorder
 - (d) Any incidents of disorder
 - (e) All seizures of drugs or offensive weapons
 - (f) Any faults in the CCTV system or searching equipment or scanning equipment
 - (g) Any refusal of the sale of alcohol
 - (h) Any visit by a relevant authority or emergency service
36. All drinking vessels used in the venue shall be polycarbonate. All beer in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served. Staff shall clear all empty champagne, wine and spirit bottles promptly from the tables.
37. No drinks shall be consumed outside the premises nor glasses/bottles removed from the premises by patrons when leaving.
38. After 23.00, Monday to Sunday, all customers entering the premises will have their ID scanned on entry save for a maximum number of 25 guests per night who may be admitted at the manager's discretion without ID being scanned and recorded, and that a legible record of these people's names shall be retained on the premises for inspection by the licensing authority and Police, for a period of 31 days. The name of the manager authorising the entrance without scanning will also be recorded.
33. 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.

Annex 4 – Plans

Attached