



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (1)** Committee held on **Thursday 18th December, 2014**, Rooms 5, 6 & 7 - 17th Floor, City Hall.

Members Present: Councillors Tim Mitchell (Chairman), Susie Burbridge and Patricia McAllister

1 MEMBERSHIP

There were no changes to the Membership.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 VANITY BAR & NIGHTCLUB, 4 CARLISLE STREET, W1 (SEV APPLICATION)

LICENSING SUB-COMMITTEE No. 1

Thursday 18 December 2014

Membership: Councillor Tim Mitchell (Chairman), Councillor Susie Burbridge and Councillor Patricia McAllister

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Jonathan Deacon

Relevant Representations: Environmental Health, Licensing Inspectorate and 11 other interested parties (includes local residents, businesses, residents' association and a Councillor).

Present: Mr Julian Skeens (Solicitor, representing the Applicant), Mr Manpal Singh (Applicant Company), Mr Adrian Studd (Licensing Consultant), Ms Mary Hennessy (Trainee Solicitor on behalf of Applicant), Ms Sally Thomas (Environmental Health), Mr James Hayes (Licensing Inspectorate), PC Jim Sollars (Metropolitan Police), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project – on behalf

of The Soho Society and other residents), Ms Alice Dugdale (local resident) and Mr Robert Nadler (local business owner).

Vanity Bar & Nightclub, 4 Carlisle Street, W1
14/06704/LISEVV

Application:

Application to vary the sexual entertainment venue licence under the Local Government (Miscellaneous Provisions) Act 1982 as follows:

- To amend the plans and remove condition 25 to allow Relevant Entertainment on the ground and first floor of the premises. The licence currently restricts Relevant Entertainment to the basement.
- To increase the terminal hours for Relevant Entertainment Monday to Thursday by 3.5 hours from 23:30 to 03:00.
- To increase the terminal hours for Relevant Entertainment Friday to Saturday by 1 hour from 02:00 to 03:00.

Amendments to application advised at hearing:

None.

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

At the beginning of the hearing, Mr Skeens, representing the Applicant, informed the Sub-Committee that the Metropolitan Police had intended to submit a representation in respect of the application to vary the sexual entertainment venue ('SEV') licence in addition to the Licensing Act 2003 application but this had been overlooked administratively. Mr Skeens stated that he did not wish to request that the Police were prevented from making a submission regarding the SEV application. However, he was not aware of the Police's grounds for their objection and would be at a distinct disadvantage in terms of responding to any points PC Sollars might make. PC Sollars confirmed that he did wish to speak at the hearing, specifically on the grounds of crime and disorder. Mr Panto advised that there were different regulations for SEV hearings than Licensing Act hearings as objections could potentially be considered out of time. However, it was also important that the applicant was not disadvantaged in being faced with a point they were not prepared for and might not be in a position to adequately respond to. The Sub-Committee agreed to allow PC Sollars to speak at the hearing on the basis that he might be able to assist Members and that he did not introduce new aspects to the hearing which had not previously been raised. All parties would be able to ask the Police questions. Mr Panto added that it was open to Mr Skeens to make a submission if he felt his client was being prejudiced by something that was said by the Police during the hearing.

Mr Skeens addressed Members on the nature of the application. The existing SEV licence restricted relevant entertainment to the basement. His client, in applying for Relevant Entertainment on Monday to Saturday until 03:00 for the basement, ground

floor and first floor of the premises, was seeking to bring the SEV hours in line with the hours permitted on the premises licence. Paragraph 2.5.1 (Policy HR1) of the SEV Statement of Licensing Policy 2012 stated that 'where a premises is licensed under the 2003 Act (Premises Licence) for hours beyond the "core hours" the council will have regard to those hours and generally grant a SEV licence to the hours authorised for other licensable activities, subject to the provision of a winding down period if appropriate'. The existing premises licence already permitted a nightclub or late night bar on the ground floor and first floor until 03:00 (Mr Panto did not accept that there could be a late night bar or an establishment purely for the purposes of drinking alcohol as it had to be ancillary to music and dancing). A SEV licence would be preferable as customers did not go to lapdancing venues merely to drink. Consuming alcohol tended to be an expensive option at such venues. The clientele for SEVs tended to be more mature and less intrusive. Mr Skeens referred to there being no change in terms of the licensable activities being sought but the maximum capacity would be significantly reduced when the premises acted as a SEV. Vanity Bar and Nightclub was located in the core CAZ north area designated for such establishments. In response to residents' written representations, Mr Skeens made the points that noise prevention measures had been taken which prevented noise emanating from the basement and conditions to prevent noise both from inside and outside the premises were proposed, including the use of a sound limiter and a SIA registered door supervisor being on duty where Relevant Entertainment was provided. No premises in the locality were adversely affected by the premises, including the hostel. Vanity Bar and Nightclub showed little outward sign of being a SEV except a notice on the door. There would be no external advertising. The doors would be closed. Mr Skeens did not believe that there was a case that Crossrail and its effect on the area should be a reason for the application to be refused. He stated that it would aid people to disperse from the area.

Mr Skeens called Mr Studd as a witness. Mr Studd stated that in his previous role as a Chief Inspector in the Metropolitan Police Service Clubs and Vice Unit he had found that SEVs did not cause additional public nuisance or crime and order. In fact they tended to lead to less nuisance and crime and disorder than other types of premises. He was familiar with the premises when it had been the Candy Bar. It had been a venue which attracted celebrities and also crime and disorder and public nuisance. The conditions being proposed for the current application would greatly reduce the potential for such issues. The existing licence would permit the premises to operate as a nightclub. It would be expected that SEVs would be quieter than nightclubs, including the type of clientele. There would also be seating and in this case there was a reduced capacity when the premises operated as a SEV. Measures could be taken to ensure that noise was not able to transmit through the building.

Mr Skeens also advised of one additional condition and one amended condition. He was content for a condition to be attached to the licence in keeping with Councillor Glanz's representation that customers would not be able to collect money in a jug before stripping. The amended condition was that 'whilst Relevant Entertainment is taking place at the premises, the maximum number of persons accommodated at any one time (excluding staff and dancers) shall not exceed 10 persons in the basement, 70 persons on the ground floor and 9 persons on the first floor'. The 9 people on the first floor would be enclosed in 3 booths. The original condition proposed 20 in the basement, 70 on the ground floor and 15 on the first floor.

The Sub-Committee next heard from PC Sollars. The premises had traded latterly as a nightclub in the basement. There was an existing SEV licence for this area. Whilst there had been instances of public nuisance relating to the premises, the Police had no particular concerns regarding crime and disorder at the premises. The Police did have some concerns that the style of premises could be lower end of the market, which was considered to be similar to the Applicant's premises in Whitechapel, The Nag's Head. PC Sollars did stress that there was not a record of crime and disorder at The Nag's Head. There had been two instances of reviews of SEV licences for lower end of the market establishments in Westminster. The Police did not have concerns about the continued use of the basement. There were concerns that if the application was granted the whole premises would be operating under a SEV licence which would potentially add to crime and disorder.

Mr Hayes informed the Sub-Committee that he had with the Applicant's co-operation visited The Nag's Head and no issues had been apparent there. He advised those present that the licensing inspectorate carried out four rigorous inspections a year at SEV premises in Westminster. The proposed operation was quite different to many of the SEVs currently operating in Westminster. It included a larger bar and standing area. In terms of enforcement more attention would be required for 3 floors operating rather than just the 1. Mr Hayes had submitted an objection on the basis of there not being sufficient door supervisors at the premises but the Applicant had addressed this with a proposed condition.

Ms Thomas for Environmental Health stated that a previous issue with noise transmitting from the basement elsewhere in the premises had been resolved. Relevant Entertainment was now being proposed for the ground and first floors and she was requesting that the Council's model condition for the use of a sound limiter was also added to the SEV premises licence in addition to being on the Licensing Act 2003 licence if Members were minded to grant the application. This was in order to prevent the potential for residents in the flats above being adversely affected. It was the case that the noise level would be expected to be lower than that of a bar or nightclub. Ms Thomas made the point that a condition was being proposed that the works to the different floors would be phased. If the Applicant were to look to use big sound systems this would come to light during the phased works. She also recommended that all windows and external doors were kept closed at any time when Relevant Entertainment took place and that the rules of management safety conditions were attached to both the SEV premises licence and Licensing Act 2003 licence if Members were minded to grant the application.

Mr Brown, representing The Soho Society and a number of residents including Mrs Dugdale and Mr Nadler, addressed the Sub-Committee. The SEV premises licence for the premises when known as Candy Bar had been operated infrequently. A premises licence had previously lapsed in 2013 and when the new application for a SEV licence had been granted in December 2013 it had continued to be operated in the basement only. There was a wide discretion afforded to the licensing authority in determining SEV applications and the licensing authority was entitled to take into account the locality in which the premises is situated and also future changes, when considering the 'character of the relevant locality' as set out in a Court of appeal decision for Thompson v Oxford City Council. The current changes included Mr Nadler's hotel opened in July 2013 and the new renovated hostel which had recently

been granted a premises licence and would be known as Sohostel. The major future change to the area would be Crossrail. The nature of the area had changed and was changing which made the SEV use inappropriate.

Mr Brown stated that The Soho Society representation was specifically on the grounds that the application would add to public nuisance and crime and disorder. The Soho Society questioned how a 3am SEV licence would promote the function of the area. Whether customers would seek entertainment rather than alcohol was a subjective view. Mrs Dugdale, who Mr Brown was also representing, had experienced long standing problems of noise nuisance which she did not believe conditions would address. Works to the basement had addressed the issue of noise transmitting from there but extending the application to the ground floor and first floor was likely to cause Mrs Dugdale nuisance. Objector 9, who Mr Brown was representing, had referred to groups of men seeking SEV style entertainment not having a positive impact on the area. There was a marked difference between a 'Stringfellows style establishment' and a lower end of the market establishment. Mr Brown added that 2.5.1 did state 'where a premises is licensed under the 2003 Act for hours beyond the core hours the council will have regard to those hours and generally grant a SEV licence to the hours authorised for other licensable activities'. However, when applying the SEV policy, it was necessary to look at the application as a whole. Paragraph 2.4.4 of the SEV policy was relevant in that 'sexual entertainment venues cater for a particular adult audience and by attracting those customers can affect the character of the locality in which they are situated'. Paragraph 2.4.8 refers to 'the nature of the clientele that sexual entertainment venues may attract, and their behaviour outside the premises, may also be inappropriate in the context of the character of the locality in which the premises are situated'. There was high profile retail in the Oxford Street locality. It was also the case that Relevant Entertainment was sought until 03:00 and not all licensable activities for the Licensing Act premises licence were permitted until 03:00. Mr Brown made the point that in paragraph 1.6 of the SEV policy the aim was 'to promote the 4 licensing objectives identified in the 2003 Act, and also to promote the improvement in the character and function of the city, or areas of it'. It was his case that the application did not promote the licensing objectives. It was also the case that the Applicant was not experienced in operating SEV licences in Soho.

Mrs Dugdale and Mr Nadler, who were content to reveal their identities and not remain anonymous as was their right under the Local Government (Miscellaneous Provisions) Act 1982, added their comments. Mrs Dugdale expressed concerns regarding the proposed expansion of the SEV licence to the ground and first floors. There had always been sound transmitting from these floors to flats above, including the flat where she lived and there was no evidence that noise could be controlled there. The use of sound limiters had not previously been effective. It was the case that the sound transmission issues from the basement had now been addressed. She queried what type of music would be played on the ground and first floors. Would there be live music or dance music played there? The Applicant had agreed a condition regarding having door supervisors but it was often the case that they made a nuisance. Once the pubs were closed, premises were not operating so Carlisle Street would otherwise be quiet. There had been some activity at the premises earlier in the year but since then it had hardly ever operated. The proposed operation would have a considerably greater impact on residents. She had concerns regarding where the performers would be located on the first floor including whether

this was within the demise of the premises and where the other smokers would be situated at the front of the building. If performers were supposed to be segregated from the audience, she questioned how this could happen if the stage was in the corner of the ground floor and performers needed to get to the staircase and the dressing rooms.

Mr Nadler stated that the variation application was substantial and the changes considerable which would have a very detrimental effect on residents and businesses. Vanity Bar and Nightclub was located in the West End Stress Area and there was an intensification of use in terms of the SEV application, including an increase in hours beyond the Council's core hours policy and an addition to cumulative impact. Mr Nadler concurred with Mr Brown's point that the character of the area had changed, including with the arrival of the hotel. There was the potential for more people to be disturbed by the premises, including new residents towards Soho Square. This area of Soho had changed in a beneficial way and was not a red light area anymore. A different clientele was coming to the area and the granting of a SEV licence would be regressive.

Mr Skeens responded to some of the points that had been raised. These included emphasising that there had not been any crime and disorder at The Nag's Head. Platinum Lace was an example of a venue where the capacity had been reduced and had changed clientele following the change from the CC Club. The SEV licence had been operated between April and July 2014 and residents had not apparently been aware of this so no nuisance had been caused. The sound limiter was one of the tools being used to deal with noise being transmitted through the building. It would be tamper proof. If it was broken into, his client would have breached the condition on the licence. Due to the phased works, each of the floors would not be used until Environmental Health were content. In order to be content, Environmental Health would need to be satisfied that there was no noise outbreak. Mr Skeens commented that in terms of the visual impact on the locality, the future impact would be no different from that of the existing impact. There was already a SEV licence for the basement. It was difficult to understand how the use of two further floors for a SEV licence affected anyone outside the premises. There would not be anti-social behaviour or crime and disorder. The clientele came to a SEV specifically for a purpose and were generally more mature, drank less and were less intrusive.

Members of the Sub-Committee decided to grant the application. In reaching their decision, they carefully took into account the concerns of the objectors, including that the use of the three floors was akin to a new application being submitted. The Sub-Committee agreed that the application was significant in terms of the proposed changes to the use being made of the premises themselves. In that sense, it felt that it was required to consider whether granting the application until 03:00 on the ground floor and first floor in addition to the basement was appropriate having regard to the character of that locality and the use of premises in that locality. Having regard to the entirety of both applications and the conditions proposed, Members could not conclude that the granting of the variation sought was inappropriate. To the extent that there were concerns about the possibility of an increase in public nuisance, the Sub-Committee considered that a key issue was that the premises licence already permitted a nightclub to operate until at least 02.00 and possibly until 03:00 on these floors. The Applicant was offering a significantly reduced capacity when the premises operated as a SEV (89 as opposed to 175 for the nightclub licence). It was

also accepted that there was less likelihood of patrons being intoxicated at a SEV than at a nightclub.

The Chairman reminded those present that the SEV licence had to be renewed on an annual basis. A case had been made by those making representations against the application that there had been a substantial change in the character of the area. The Sub-Committee had not at the present time been persuaded that there had been a substantial change to the locality. However there was the potential for the Sub-Committee to examine in the future whether to revise licensing policies including SEV policy on the basis of future changes such as Crossrail. The Chairman also advised the objectors that if conditions on the licence were breached or the licensing objectives were undermined, including the prevention of public nuisance, they or the Responsible Authorities would have the option of submitting a review of the premises licence.

The Sub-Committee attached additional conditions to the SEV licence including the revised capacity, one SIA registered door supervisor being on duty on each floor providing Relevant Entertainment, phased works conditions for the three floors, all windows and external doors being kept closed at any time when Relevant Entertainment takes place, the requirement for a noise limiter to be fitted to the musical amplification system and no sexual entertainment performances taking place which will involve the passing round of a glass or jar or any other container that has to be filled with money before the performers remove any clothing.

Conditions attached to the Licence

Standard Conditions:

1. Whilst Relevant Entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice to that effect shall be displayed at the entrance in a prominent position so that it can be easily read by persons entering the premises.
2. Whenever persons under the age of 18 are admitted to the premises there will be no promotional or other material on display within the premises which depicts nudity or partial nudity.
3. The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.
4. No provision of Relevant Entertainment, or material depicting nudity or Relevant Entertainment, shall be visible from outside the premises.
5. Menus and drinks price lists shall be clearly displayed at the front entrance of the club, reception area, tables and bar at such a position and size as to be easily read by customers. This price list shall show all consumable items and any minimum tariff including charges and fees applicable to Performers.
6. Except with the consent of the Licensing Authority, no advertisements of any kind

(including placard, poster, sticker, flyer, picture, letter, sign or other mark) shall be inscribed or affixed at the premises, on the surface of the highway or on any building, structure, works, street furniture, tree or any other property or be distributed in the street to the public that advertises or promotes the Relevant Entertainment at the premises.

7. The licence holder or other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting, nor enter into any agreement with a third party to do so.
8. Adequate toilets, washing and changing facilities for use by the Performers shall be provided.
9. Either the licence holder or a named responsible person shall be present throughout the time the Relevant Entertainment takes place.
10. The premises will install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer that ensures all areas of the licensed premises are monitored including all entry and exit points will be covered enabling frontal identification of every person entering any light condition. All cameras 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period together with facilities for viewing.
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 to the public and this staff member should be able to show Police recent data and footage with the absolute minimum of delay of the request.
12. An incident log shall be kept at the premises, and made available on request to the Licensing Authority or the Police, which will record the following:
 - (a) all crimes reported to the venue;
 - (b) all ejections of patrons;
 - (c) any complaints received;
 - (d) any incidents of disorder;
 - (e) 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;
 - (i) any breach of licence conditions reported by a Performer.
13. The licence holder shall produce a Code of Conduct setting out rules and obligations between the licence holder and performers whilst performing. All Performers shall sign the Code of Conduct in their proper name acknowledging that they have read, understood and are prepared to abide by the said Code of Conduct, and a copy so signed shall be retained by the licence holder and shall be readily available for inspection by the Police and/or authorised persons upon

reasonable request.

14. Individual records shall be kept at the premises of the real names, stage names and addresses of all Performers working at the premises. The record will include either a copy of their birth certificate, current passport, EU driving licence or national identity card and shall be made immediately available for inspection by the Police and/or the Licensing Authority upon request.
15. Details of all work permits and/or immigration status relating to persons working at the premises shall be retained by the licence holder and be readily available for inspection by the Licensing Authority, a Police Officer or Immigration Officer.
16. Relevant Entertainment shall be given only by performers and the audience shall not be permitted to participate in the Relevant Entertainment.
17. There shall be no physical contact between Performers whilst performing.
18. Performers will not request or give out any telephone number, address or any other contact information from or to any customer. Any such information given by a customer shall be surrendered to the premises manager as soon as is practicable.
19. Relevant Entertainment shall take place only in the designated areas approved by the Licensing Authority as shown on the licence plan. Arrangements for access to the dressing room shall be maintained at all times whilst Relevant Entertainment is taking place and immediately thereafter.
20. Customers must remain fully clothed at all times. The Performer must not remove any of the customer's clothing at any time.
21. Where Relevant Entertainment is provided in booths, or other areas of the premises where private performances are provided, the booth or area shall not have a door or other similar closure, the area shall be constantly monitored by CCTV, and access to the booth or other area shall be adequately supervised.
22. Whenever Relevant Entertainment is being provided there shall be no physical contact between Performers and customers or between customers and Performers except for the exchanging of money or tokens at the beginning or conclusion of the performance and only for the purpose of that performance. Clearly legible notices to this effect shall clearly be displayed in each private booth and in any performance area.
23. Performers must redress fully immediately after each performance.

Additional conditions

24. No Relevant Entertainment shall take place unless CCTV adequately covers and monitors the stage area to the satisfaction of the Environmental Health Consultation Team and the Licensing Service.
25. Relevant Entertainment shall be restricted to the area outlined in red. On the

ground floor performers may only perform on the stage area.

26. Whilst Relevant Entertainment is taking place at the premises, the maximum number of persons accommodated at any one time (excluding staff and dancers) shall not exceed 10 persons in the basement, 70 persons on the ground floor and 9 persons on the first floor.
27. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
28. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
29. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
30. 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.
31. 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.
32. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
33. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
 - i. pyrotechnics including fire works
 - ii. firearms
 - iii. lasers
 - iv. explosives and highly flammable substances.
 - v. real flame.
 - vi. strobe lighting.
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. There shall be at least one SIA registered door supervisor on duty on every floor where Relevant Entertainment is provided for the entire time the Relevant Entertainment is provided.
36. a) Applying to the basement only:
 - i. Licensable activity is not to take place until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association –

Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the licence.

- ii. Before this area opens to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

b) Applying to the ground floor only:

- i. Licensable activity is not to take place until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the licence.
- ii. Before this area opens to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

c) Applying to the first floor / mezzanine only:

- i. Licensable activity is not to take place until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the licence.
- ii. Before this area opens to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

37. All windows and external doors shall be kept closed at any time when Relevant Entertainment takes place, except for the immediate access and egress of persons.

38. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter

shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence Holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

39. No sexual entertainment performances will take place which will involve the passing round of a glass or jar or any other container that has to be filled with money before the performers remove any clothing.

4 VANITY BAR & NIGHTCLUB, 4 CARLISLE STREET, W1 (LA03 APPLICATION)

LICENSING SUB-COMMITTEE No. 1
Thursday 18 December 2014

Membership: Councillor Tim Mitchell (Chairman), Councillor Susie Burbridge and Councillor Patricia McAllister

Legal Adviser: Barry Panto
Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon

Relevant Representations: Environmental Health, Metropolitan Police, 4 local residents, 2 Ward Councillors, 2 businesses and The Soho Society.

Present: Mr Julian Skeens (Solicitor, representing the Applicant), Mr Manpal Singh (Applicant Company), Mr Adrian Studd (Licensing Consultant), Ms Mary Hennessy (Trainee Solicitor on behalf of Applicant), Ms Sally Thomas (Environmental Health), Mr James Hayes (Licensing Inspectorate), PC Jim Sollars (Metropolitan Police), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project – on behalf of The Soho Society and other residents), Ms Alice Dugdale (local resident) and Mr Robert Nadler (local business owner).

Vanity Bar & Nightclub, 4 Carlisle Street, W1 14/06652/LIPV	
1.	Change of plans
	(i) To amend the plans so as to a) Revise the layout of the basement, specifically removal of stage area and introduction of new fixed and removable booths;

	<p>b) Install a podium/stage area on ground floor; c) Install new fixed and removable booths on the first floor.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below. The Sub-Committee noted that the application had been submitted in conjunction with a variation of the Sexual Entertainment Venue ('SEV') Licence (ref: 14/06704/LISEVV) being considered at the same meeting to permit relevant entertainment to take place on the ground and first floors. Relevant entertainment was already permitted in the basement. The change of plans related to the permitting of relevant entertainment for the SEV application which the Sub-Committee granted.</p> <p>The Sub-Committee noted that there were no proposed increases in hours for licensable activities for the application submitted under the Licensing Act 2003 legislation. The increase in hours related to the SEV licence. There were also no proposed changes to the capacity for the Licensing Act 2003 application. The capacity would reduce significantly when the premises operated as a SEV.</p>
<p>2.</p>	<p>Remove the following conditions from the Premises Licence:</p>
	<p>10. 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.</p> <p>15. Dancing and striptease shall only take place in the basement.</p> <p>30. All licensees to possess the National Entertainment Licensees Certificate or an equivalent qualification or to be in the process of acquiring such qualification.</p> <p>32. 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.</p> <p>34. On any evening where the premises or part of the premises are open for music and dancing and a section 77 Special Hours Certificate is in operation, intoxicating liquor shall not be sold or supplied to persons entering the premises after 23:00 other than to:-</p> <p>(a) Persons who have paid a minimum admission fee of at least £3</p>

	<p>Monday to Thursday and £5 Friday to Saturday for music, dancing and entertainment (not to be credited against consumables);</p> <p>(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;</p> <p>(c) Guests of the proprietors/directors of Candy Bar, bona fide entertained and specially invited prior to admission (a full list of whose individual names shall be kept at reception available for inspection by police);</p> <p>(d) Artistes and persons employed at the premises;</p> <p>(e) Notwithstanding (a) above, persons taking full table meals;</p> <p>(f) Persons attending a private function at the premises.</p> <p>41.(e) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.</p> <p>47. Striptease entertainment may only be provided in the basement area of the premises.</p>
	<p>Amendments to application advised at hearing:</p> <p>Alternative conditions were proposed and attached to the licence (see decision below).</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee made the following decisions in respect of the conditions:</p> <ul style="list-style-type: none"> • Condition 10 was replaced by an alternative condition proposed by the Applicant (condition 10 in the list of conditions below). • Condition 15 was deleted. • Condition 30 was replaced by an alternative condition proposed by the Applicant (condition 19 in the list of conditions below). • The Sub-Committee considered it was necessary to retain the existing condition 32 so that 'substantial food and suitable beverages other than alcohol (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' (condition 21 in the list of conditions below) to promote the licensing objectives. • Condition 34 was deleted. • Condition 41(e) was deleted and replaced with a condition to the effect that the sale of alcohol shall be ancillary to the use of the premises for either i) music and dancing and substantial refreshment or ii) Relevant Entertainment and substantial refreshment (condition 30 in the list of conditions below). • Condition 47 was deleted. <p>The Sub-Committee attached a condition that 'there shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence'. A number of conditions on the existing licence which did not apply</p>

when a Sexual Entertainment Licence was in effect at the premises were deleted on the current licence as they were no longer appropriate and equivalent conditions were now included on the SEV licence.

In order to prevent public nuisance, the Sub-Committee attached three model conditions. Firstly, all windows and external doors would be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons. Secondly, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, would be limited to 7 persons at any one time. Thirdly, 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.

The Sub-Committee attached the public safety conditions relating to the Rules of Management suggested by Ms Thomas for Environmental Health.

The Chairman advised the objectors that if conditions on the licence were breached or the licensing objectives were undermined, including the prevention of public nuisance, they or the Responsible Authorities would have the option of submitting a review of the premises licence. As stated by Mr Skeens, due to the phased works (in condition 31 below), each of the floors would not be used until Environmental Health were content. In order to be content, Environmental Health would need to be satisfied that there was no noise outbreak.

Conditions attached to the Licence

Mandatory Conditions

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

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

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) 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.

5. 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).

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

7. (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.

8. 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.

9(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.

9(ii) For the purposes of the condition set out in paragraph 9(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.

9(iii). Where the permitted price given by Paragraph 9(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.

- 9(iv). (1) Sub-paragraph 9(iv)(2) below applies where the permitted price given by Paragraph 9(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.

Additional Conditions

10. The licensee will adopt a street management plan to be agreed with the Environmental Health Officer. Such plan to include the following:
- Ordering taxis from inside the premises
 - Encouraging patrons waiting for taxis to remain inside the premises
 - Asking taxi drivers to turn off their engines whilst waiting
 - Control of smokers
 - Control of patrons leaving the premises.
11. 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).

12. The entertainment provided at the premises shall be of the type commonly known as discotheque, karaoke and striptease.
13. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
14. Where the premises is used for Licensable Activities other than Relevant Entertainment, SIA registered security staff are to be employed on a 1:50 ratio (staff/customers).
15. Only activities which have previously been agreed by the council shall take place.
16. The basement door going onto the street shall be kept closed at all times, except for emergency use.
17. All doors giving access/egress to the premises shall not be fixed open after 23:00.
18. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
19. At least one Personal Licence Holder shall be present during the whole time alcohol is sold, supplied or consumed.
20. Except where Relevant Entertainment is provided The number of persons accommodated (excluding staff) shall not exceed:

Basement - 70,
Ground Floor - 80,
First Floor - 25.
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 alcohol is sold or supplied.
22. 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 preceding 31 day period.

23. 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.
24. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.
25. Alcohol shall not be sold, supplied or consumed in or taken from the premises except during permitted hours.
 - (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 (12.00 on Christmas Day and Good Friday) 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-
 - (i) 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 commence at 12.00 and 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 commence at 12.00 and extend until 03.00 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 hours for the sale of alcohol set out in d(i) and (ii) above.
- (e) 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.

26. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.
 - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

27. 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 the premises licence (or the holder of the 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.
28. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.
29. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
30. The sale of alcohol shall be ancillary to the use of the premises for either i) music and dancing and substantial refreshment or ii) Relevant Entertainment and substantial refreshment.
31. Works:
- a. Applying to the basement only:

- i. Licensable activity is not to take place until Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this

condition will be removed from the licence.

- ii. Before this area opens to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

b. Applying to the ground floor only:

- i. Licensable activity is not to take place until Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the licence.
- ii. Before this area opens to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

c. Applying to the first floor/mezzanine only:

- i. Licensable activity is not to take place until Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the licence.
- ii. Before this area opens to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

32. All windows and external doors shall be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

33. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 7 persons at any one time.

34. 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.
35. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
36. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
37. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
38. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
39. 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.
40. 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.
41. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
42. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
 - i. pyrotechnics including fire works
 - ii. firearms
 - iii. lasers
 - iv. explosives and highly flammable substances.
 - v. real flame.
 - vi. strobe lighting.

5 CUMBERLAND FOOD & WINE, 11 GREAT CUMBERLAND PLACE, W1

LICENSING SUB-COMMITTEE No. 1

Thursday 18 December 2014

Membership: Councillor Tim Mitchell (Chairman), Councillor Susie Burbridge and Councillor Patricia McAllister

Legal Adviser: Barry Panto
 Policy Adviser: Chris Wroe
 Committee Officer: Jonathan Deacon

Relevant Representations: Environmental Health and 4 local residents.

Present: Mr Thomas O'Maoileoin (Solicitor, representing the Applicant), Ms Rima Volterkumar Mekwan (Designated Premises Supervisor) Mr Saleem Rehan (Operations Director, Applicant Company) and Ms Sally Thomas (Environmental Health)

Cumberland Food & Wine, 11 Great Cumberland Place, W1 14/09194/LIPV	
1.	Sale of Alcohol: On the premises
	Monday – Saturday 10:00 to 23:00 Sunday 12:00 to 22:30.
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The application was deferred to a later hearing. Mr O'Maoileoin explained that the application was purely for the outside area. His client was seeking a small café there. The Sub-Committee also heard from Mr O'Maoileoin that despite extensive efforts it had not as yet been confirmed with the Land Registry whether the outside area was part of the premises' demise. He had attempted to contact the property directors who had dealt with the matter originally but their company had merged with another firm and the papers had been sent to storage. Mr O'Maoileoin believed that the outside area was part of the premises' demise but accepted that his client would need to apply for a 'tables and chairs' licence if it was not. It was agreed that the application would be deferred to give the Applicant time to check the current position with the Land Registry. The Licensing Service would also look to confirm the current position with the Council's Highways Department. Mr O'Maoileoin had offered the option of conditions that the Applicant would need to satisfy the Licensing Authority or the Council's Highways Department that the area applied for was part of the premises' demise and that if this was not the case the licence would have no effect until a 'tables and chairs' licence was permitted. The onus would be on the Applicant to send the relevant documentation from the Land Registry. The Sub-Committee considered however that Mr O'Maoileoin's alternative offer to request the adjournment of the application was more appropriate as Members would have all the available information before them and they would be able to assess

whether it met the licensing objectives, in particular the public safety licensing objective.

The Sub-Committee noted the point made by Mr O'Maoileoin that his client had agreed conditions proposed by the Police which had led to the withdrawal of their representation and also those proposed by Environmental Health. His client would also be prepared to surrender the existing right to provide regulated entertainment, namely the unrestricted right to provide recorded music and private entertainment. Mr O'Maoileoin and Ms Thomas both referred to the fact that the application was for less than the Council's Core Hours and was not located in one of the designated stress areas. Alcohol would be ancillary to food. Environmental Health's original concerns regarding the use of the kitchen had been addressed. There would not be any primary cooking at the premises. The maximum capacity for the external area was yet to be determined but was not likely to be in excess of 30 should the application be granted. It would depend on the availability of toilets for public use. Ms Thomas also advised that emergency lighting work would need to take place in order to ensure that access to the current WCs via the stairs was safe and therefore complied with the public safety objective. This could be achieved with the proposed works condition.

6 CERU, BASEMENT AND GROUND FLOOR, 29 RATHBONE PLACE, W1

LICENSING SUB-COMMITTEE No. 1

Thursday 18 December 2014

Membership: Councillor Tim Mitchell (Chairman), Councillor Susie Burbridge and Councillor Patricia McAllister

Legal Adviser: Barry Panto
Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon

Relevant Representations: 1 resident.

Present: Mr Piers Warne (Solicitor, representing the Applicant), Mr Barry Hilton (Applicant Company) and Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project – on behalf of Mr Oscar Arias, local resident)

Ceru, Basement And Ground Floor, 29 Rathbone Place, W1 14/09445/LIPN

1. Sale of Alcohol: On and Off the premises

Monday to Thursday – 10:00 to 23:30
Friday to Saturday – 10:00 to 00:00
Sunday – 12:00 to 22:30
Sunday Before Bank Holiday - 12:00 to 00:00.

	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee initially heard from Mr Warne, representing the Applicant. It was his client's intention to operate Ceru as a restaurant until April/May 2015 after which the building would be redeveloped. The concept would be tested whilst a permanent site was sought. The food offer was from the Levant region including pastries and wraps in the morning and more formal dining later including small dishes to be shared. The alcohol range was fairly limited in scope and was not that of a bar. A restaurant menu was available. The proposed capacity was 30 people inclusive of staff with 18 inside the premises and potentially 8 outside although Ceru would not be operating beyond the spring.</p> <p>Mr Warne referred to the fact that the proposed hours were within the Council's Core Hours policy. He was of the view that the application was in keeping with policy RNT1 of the Council's Statement of Licensing Policy 2011 for a restaurant outside the stress areas. Conditions had been agreed with Metropolitan Police and Environmental Health and they had subsequently withdrawn their representations. Mr Warne addressed Members on the representation of Mr Arias. It was the view of Mr Arias that Ceru was operating later hours than other premises in the vicinity. Mr Warne, however, asserted that it was a restaurant operating to Core Hours outside the stress areas and there were other licensed premises in the area operating until later. There was very little potential for crime and disorder in restaurants. He also stated that TENs had been operated at the premises without any complaints. He informed Members that he had an email confirmation of the TENs in response to there being no record of this on the licensing service database.</p> <p>Mr Wroe advised the Sub-Committee that the proposed restaurant condition did differ from the Council's model restaurant condition in that it only required alcohol to be ancillary to meals and not substantial table meals. Mr Warne made the point that it was in his view a proportionate condition based on the size and capacity of the premises. It had been agreed with the Police.</p> <p>Mr Brown represented Mr Arias. He stated that Mr Arias lived approximately 50 metres from the premises in Rathbone Street and this was primarily residential unlike Charlotte Street or Rathbone Place. It was Mr Arias' experience that premises in the locality tended to close between 23:00 and 23:30, regardless of the hours permitted on the premises licences, when the street would quieten down. He was requesting that Ceru did not operate until midnight at weekends which he believed would cause nuisance to residents as customers dispersed. It was Mr Arias' position that he had no objection to the premises having a licence but he was concerned at a late night licence being granted for alcohol. His original concern had been that the premises would be a bar. Since that time a</p>

condition had been agreed between the Police and the Applicant which was almost that of the Council's restaurant condition and the Applicant would have to abide by the agreed provisions within the condition. A fully conditioned restaurant would be preferable to that of a bar. Mr Arias was of the view that the premises gave the impression of being a cocktail bar, including a sign being displayed in the window.

Mr Brown added that Mr Arias was also concerned that there was outside seating which appeared to be a permanent structure and which he had observed passers-by using. He was requesting that this was rendered unusable after 23:00 Monday to Saturday and after 22:30 on Sunday. The Applicant did not have a 'tables and chairs' licence for this area.

The Sub-Committee asked Mr Warne about the current position relating to the outside area. He replied that the seated area was within the demise of the premises. There was the issue of the seating being bolted to the wall which made it difficult to render it unusable. The Sub-Committee asked him to consider alternative ways to render the seating unusable given that it could be used by rough sleepers or passers-by, including as Mr Arias had observed patrons from the pub across the road. Mr Warne was content with tarpaulin covering the seating after the hours proposed. It was his particular request that his client was not required to unscrew the seating every evening to render it unusable.

The Sub-Committee granted the application. Taking into account one of the concerns of Mr Arias, Members decided to ensure that the premises had a restaurant use rather than a bar use so that residents would not be affected by public nuisance and attached the Council's model restaurant condition (this added the requirement for alcohol to be ancillary to substantial table meals to the condition already agreed between the Applicant and the Police). Whilst the Applicant only intended to operate the premises until April/May 2015, the premises licence could potentially be transferred with a very limited food menu having to be provided. The Sub-Committee considered that a fully conditioned restaurant operating until Core Hours with a capacity of 30 would promote the licensing objectives. The Sub-Committee also attached the condition the outside seating would be rendered unusable during the hours proposed by Mr Arias/Mr Brown. A tarpaulin cover would suffice provided that it was fitted over the seating in such manner as to prevent the seating from being used.

2. Late Night Refreshment: Indoors

Monday to Thursday - 23:00 to 23:30
 Friday to Saturday – 23:00 to 00:00
 Sunday Before Bank Holiday – 23:00 to 00:00.

Amendments to application advised at hearing:

None.

	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>
3.	Non-Standard Timings
	<p>The hours the premises are opening to the public and the hours for Late Night Refreshment and sale of alcohol are permitted may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below.</p>
4.	Opening Hours
	<p>Monday to Thursday – 08:00 to 23:30 Friday to Saturday – 08:00 to 00:00 Sunday – 08:00 to 22:30 Sunday Before Bank Holiday – 08:00 to 00:00.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below.</p>

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

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

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

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

7. The responsible person must ensure that—

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

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

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

(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.
- (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.
- (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.

Additional Conditions

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

10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested
11. The premises shall only operate as a restaurant
- (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iv) which do not provide any take away service of food or drink for immediate consumption,
 - (v) which do not provide any take away service of food or drink after 23.00, and
 - (vi) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
- Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
12. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
13. There shall be no self service of alcohol.
14. Save for persons seated at tables patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.
15. 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) any faults in the CCTV system or searching equipment or scanning equipment
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service.
16. Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the

premises.

17. The capacity of the premises shall not exceed 30 people (inclusive of staff).
18. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
19. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
20. 'Off' sales of alcohol shall be restricted to persons seated at the outside tables and chairs.
21. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
22. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
23. All outside tables and chairs shall be rendered unusable by 23.00 from Monday to Saturday and after 22:30 on Sunday.

7 PICKLE AND TOAST, 72 WARDOUR STREET, W1

LICENSING SUB-COMMITTEE No. 1

Thursday 18 December 2014

Membership: Councillor Tim Mitchell (Chairman), Councillor Susie Burbridge and Councillor Patricia McAllister

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Jonathan Deacon

Relevant Representations: Environmental Health and Metropolitan Police.

Present: Mr Niall McCann (Solicitor, representing the Applicant), Mr Rajeeve Ahuja and Mr Sanjay Ahuja (Directors, Applicant Company), Mr Stephen Smith and Ms Sally Thomas (Environmental Health) and PC Jim Sollars and PC Toby Janes (Metropolitan Police).

**Pickle and Toast, 72 Wardour Street, W1
14/09446/LIPN**

1.	Late Night Refreshment: Indoors

	Thursday to Saturday 23:00 to 01:00.
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Chairman on behalf of the Sub-Committee asked Mr McCann, representing the Applicant, to describe the nature of the operation. This was in order to assess where the application stood in relation to the Council's Statement of Licensing Policy. The Applicant was seeking a new premises licence with a terminal hour for licensable activities that was beyond Core Hours in the West End Stress Area. It would be necessary for Members to consider whether the application was likely to add to cumulative impact. Mr McCann informed the Sub-Committee that the concept for Pickle and Toast was an exciting new one with slow cook toasted sandwiches (eight minutes duration) on the finest quality bread, cheeses from the West Country and locally sourced vegetables. There would be a particular focus on premium Craft beer. There was no formal bar area and customers would be seated at tables or high stools.</p> <p>Mr McCann took Members through the conditions which he had discussed with Environmental Health and the Police prior to the hearing. Three matters in particular were looked at in detail. Firstly, the Applicant had agreed a condition with the Police and Environmental Health that had one amendment to the Council's model restaurant condition. This was that only after core hours would the supply of alcohol be by waiter or waitress only. The Applicant intended that during the day customers would have the option of taking the food back to the table with them.</p> <p>Secondly, the Applicant was seeking a capacity of 35 including members of staff. This was one aspect that had not been agreed as Environmental Health had recommended a capacity of 15 persons including staff based on British Standard 6465 relating to toilet provision. Mr McCann made the case that the British Standard was guidance, that it was not possible to have more than one toilet at the premises due to the configuration of the building and that it was up to staff to manage the matter. It would not, in his view, impact on the licensing objectives. The establishment would be dry led and not wet led. There would be plenty of 'turnover' of customers. Mr Sanjay Ahuja commented that the emphasis was very much on the Applicant Company being vendors of an artisan product including Montgomery cheese. Craft beers would be sold but there would not be lots of customers consuming high levels of alcohol. Mr Smith and Ms Thomas for Environmental Health, in response, advised that there were a lack of toiletry facilities and people would expect to be able to use toilet facilities within a reasonable timescale. Ultimately there was the potential for the licensing objectives to be undermined if toiletry facilities were not available. The application was for beyond core hours in the West End Stress Area. Mr Smith and Ms Thomas were content for the capacity to be revised to between 20 and 25 on the basis that the Applicant had now agreed a condition which made the</p>

premises akin to being a restaurant. Mr McCann, following discussions with his clients, offered to reduce the capacity to 28 exclusive of staff on the basis that this would mean the premises with the proposed operation was still commercially viable.

Thirdly, the Applicant was seeking some flexibility to the model conditions in wishing to sell Craft beer in cans for consumption off the premises. PC Sollars on behalf of the Metropolitan Police was content with this arrangement providing that the types of beers that were sold in cans were agreed with the Police in advance. The Police's chief concern was that strong beers that were cheap could be available to street drinkers. Craft beers on the other hand were premium products and not cheap. The Sub-Committee explored with the parties present how the model condition should be amended and then enforced. If an exception was to be made for Craft beer in cans, what was to prevent another establishment with another premium beer product coming forward to claim an exception for their product? A condition was agreed that in the case of off-sales, no super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers, lagers and ciders supplied in glass bottles or products in cans approved by the Police.

In reaching their decision regarding the application, Members of the Sub-Committee considered that given the nature of the proposed operation, including the specialist sale of breads, cheeses and Craft beers, Pickle and Toast was somewhere between a restaurant and a superior delicatessen in style. Whilst the application was not directly contrary to policy following the model restaurant condition being proposed minus the requirement for waiter/waitress service prior to core hours, it was for a new licence in the West End Stress Area and the Sub-Committee needed to be satisfied that the application would not add to cumulative impact. The Sub-Committee therefore granted Core Hours in respect of the terminal hours for all activities and the hours by which the premises have to be closed. The commencement hours for all activities and the times when the premises could open each day would be granted as applied for. The Sub-Committee considered that a capacity of 35 people with only one toilet was not acceptable and took up Mr McCann's compromise offer of a capacity of 28 people, although this would be inclusive of staff.

2. Sale of Alcohol: On and Off the premises

Monday to Wednesday 11:00 to 23:00
 Thursday to Saturday 11:00 to 01:00
 Sunday 12:00 to 22:30.

Amendments to application advised at hearing:

 None.

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

	The Sub-Committee granted core hours for the sale of alcohol for consumption on and off the premises (see reasons for decision in Section 1).
3.	Opening Hours
	Monday to Wednesday 07:00 to 23:00 Thursday to Friday 07:00 to 01:00 Saturday 08:00 to 01:00 Sunday 08:00 to 22:30.
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted core hours for the opening hours (see reasons for decision in Section 1).

Conditions attached to the Licence	
<u>Mandatory Conditions</u>	
1.	No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2.	No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3.	Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.	(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
	(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
	(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
	(i) drink a quantity of alcohol within a time limit (other than to drink

alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

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

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

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

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

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

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

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

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

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

(a) a holographic mark, or

(b) an ultraviolet feature.

7. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied

having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

Where -

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

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

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

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

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that 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.

Additional Conditions

9. The number of persons permitted in the premises at any one time (including staff) shall not exceed 28 persons.

10. 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.

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

12. All flat surfaces in the toilet cubicles, including any toilet roll holder ellipses, are to be designed-out in order to prevent drugs misuse.

13. Staff shall be trained in recognising the signs of drunkenness and drugs misuse. This training shall be documented and available to the Police and Council officials upon request. This training shall be refreshed every 6 months for all staff.

14. A comprehensive staff training programme shall be put together, which shall cover the Licensing Act 2003; fire evacuation procedures and critical incident best-practice. This training shall be clearly documented and any training for future staff shall also be organised at the appropriate time. Details of training are to be made available for inspection by Police or other Responsible Authorities upon request.

15. A minimum of 1 SIA licensed door supervisors shall be on duty at the premises from 23.00 to the close of business on Thursdays, Fridays and Saturdays.

16. A designated taxi number shall be available.

17. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
19. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
20. No waste or recyclable materials including bottles, shall be moved, removed from or placed in outside areas between 2300 hours and 0800 hours on the following day.
21. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
22. 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 preceding 31 day period.
23. 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.
24. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
25. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
26. No deliveries to the premises shall take place between 2300 and 0800 on the following day.
27. In the case of off-sales, no super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers, lagers and ciders supplied in glass bottles or products in cans approved by the Police.
28. The premises shall only operate as a restaurant
 - (i) in which customers are shown to their table,
 - (ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - (iii) which do not provide any take away service of food or drink for immediate consumption,
 - (iv) which do not provide any take away service of food or drink after 23.00, and

(v) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

29. There shall be no supply of draught beer.
30. There shall be no self service of alcohol on the premises.
31. 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.
32. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence
33. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.