



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 22nd January, 2015**, Rooms 5, 6 & 7 - 17th Floor, City Hall.

Members Present: Councillors Tim Mitchell (Chairman), Nick Evans and Peter Freeman

1 MEMBERSHIP

There were no changes to the Membership.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 22-25 KINGLY STREET AND 14-16 FOUBERTS PLACE, W1

LICENSING SUB-COMMITTEE No. 1

Thursday 22nd January 2015

Membership: Councillor Tim Mitchell (Chairman), Councillor Nick Evans and Councillor Peter Freeman

Legal Adviser: Kirsten Chohan

Policy Adviser: Chris Wroe

Committee Officer: Joe McBride

Relevant Representations: Environmental Health, 2 local residents and a resident association (please see page 3 of the report)

Present: Mr Alun Thomas (Solicitor, representing the Applicant), Robert Kirk (Shaftesbury Plc) Stephen Smith (Environmental Health Officer), Liz Callingham (Resident)

22-25 Kingly Street / 14-16 Foubert's Place, London W1	
1.	Regulated Entertainment: Indoors

	<p><u>Playing of Recorded Music</u> Monday to Thursday 10:00 to 00:00. Friday to Saturday 10:00 to 00:30 Sunday 12:00 to 00:00.</p>
	<p>Amendments to application advised at hearing: None.</p>
	<p>Decision (including reasons if different from those set out in report): Granted, subject to conditions as set out below (see Section 5 for decision).</p>
2.	Late Night Refreshment: Indoors
	<p>Sunday to Thursday 23:00 to 00:00 Friday to Saturday 23:00 to 00:30</p>
	<p>Amendments to application advised at hearing: None.</p>
	<p>Decision (including reasons if different from those set out in report): Granted, subject to conditions as set out below (see Section 5 for decision).</p>
3.	Sale of Alcohol: On the premises
	<p>Monday to Thursday 10:00 to 00:00 Friday to Saturday 10:00 to 00:30 Sunday 12:00 to 00:00</p>
	<p>Amendments to application advised at hearing: None.</p>
	<p>Decision (including reasons if different from those set out in report): Granted, subject to conditions as set out below (see Section 5 for decision).</p>
4.	Non Standard Timings/Seasonal Variations
	<p>To extend the hours for licensable activities and opening times 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>

	None.
	Decision (including reasons if different from those set out in report): Granted, subject to conditions as set out below (see Section 5 for decision).
5.	Opening Hours
	Sunday to Thursday 10:00 to 00:00 Friday to Saturday 10:00 to 00:30
	Amendments to application advised at hearing: None.
	<p>Decision (including reasons if different from those set out in report):</p> <p>An application for a new premises licence for on and off sales, late night refreshment: indoors and opening hours within the Council's Core Hours policy. The application was made on the same terms and conditions as a provisional statement granted by a previous Sub-Committee in March 2013, with the applicants seeking to include their external courtyard under the current application.</p> <p>Representations were received from two local residents. One of these representations was later removed because of confusion regarding the entrance to the premises which the resident had mistakenly been informed was on Foubert's Place as a result of a computer error. The entrance to the premises is actually on Kingly Street and the representation was subsequently withdrawn.</p> <p>Mr Thomas, representing the Applicant, made reference to the previous Sub-Committee's decision to grant the premises a provisional statement in March 2013. It had been the opinion of the Sub-Committee then that the premises, despite its large capacity, should reduce cumulative impact in the area because it would, for the most part, involve a reduction in both licensable activities and in the hours when those activities could be carried on at the premises.</p> <p>Mr Thomas stressed that the only change of circumstances in this present application were those that are beneficial to the amenity and promote the licensing objectives. For example, conditions have been added so that in the internal courtyard and external seating area in Kingly Street off sales are restricted to persons who are seated. All other off sales must be in sealed containers.</p> <p>Environmental Health informed Members of the Sub-Committee that substantial discussions with the Applicants had taken place in the lead up to the committee hearing. Previous concerns regarding the existing sanitary arrangements had been allayed as a result of a condition put forward by the Applicant.</p>

Ms Callingham, while admiring much of the recent good work that Shaftesbury has undertaken in Soho, suggested that the current application, for a restaurant with a 300 capacity, was out of step with the direction Soho was moving towards and would add to cumulative impact in the area. Ms Callingham also felt that deliveries should be prohibited between the hours of 23:00 – 08:00 and not 23:00 – 07:00 as proposed by the Applicant.

The Sub-Committee granted the application but restricted off sales to alcohol in sealed containers and to persons seated at the tables and chairs within the area of the courtyard, applied for under the application, providing it was ancillary to a table meal.

Restaurant conditions were attached to the licence for the premises with a capacity of 270 persons and the application was granted with the Sub-Committee not considering that it would add to cumulative impact in the West End Stress Area. Deliveries were prohibited between the hours of 23:00 – 07:00 as the Sub-Committee felt that the window for deliveries was already restrictive due to the pedestrianisation of Kingly Street except for the hours of 07:00 – 11:00 Monday to Saturday.

Conditions attached to the Licence

Mandatory Conditions

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

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for

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

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

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

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

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

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

(b) "permitted price" is the price found by applying the formula -

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

Where -

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

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

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

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

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

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

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

Conditions consistent with the operating schedule

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. 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 to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.

11. 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

- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

12. The supply of alcohol for consumption on the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
13. 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.
14. The number of persons accommodated at the premises (excluding staff) shall not exceed 270. Subject to the sanitary accommodation being improved to the satisfaction of the Council's Environmental Health Officer, the capacity may be increased to such number as may be agreed with the licence holder. The actual capacity will only increase when an appropriate condition to that effect has replaced this condition on the licence.
15. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
16. No striptease, no nudity and all persons to be decently attired at all times except when the premises are operating under the provision of a Sexual Entertainment Venue Licence.
17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
18. 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.
19. Patrons temporarily leaving the premises shall not be permitted to take drinks outside with them.
20. 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.
21. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
22. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
23. 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.

24. This licence shall not take effect until notice of surrender of licence number 12/11202/LIPT, accompanied by the premises licence, has been given by the premises licence holder to the Licensing Authority under section 28 of the Licensing Act 2003.

Conditions proposed by Environmental Health

25. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

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

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

28. When regulated entertainment takes place all windows and external doors should be kept closed after 21:00 and after 23:00 at all other times, except for the immediate access and egress of persons.

29. The sale of alcohol for consumption off the premises shall be restricted to:

a) alcohol in sealed containers and shall not be consumed on the premises

b) persons seated at tables and chairs in an area of Kingly Street adjacent to the premises which is appropriately authorised for such use as shown on the approved plan

4 HILTON LONDON PADDINGTON HOTEL, 146 PRAED STREET, W2

LICENSING SUB-COMMITTEE No. 1

Thursday 22nd January 2015

Membership: Councillor Tim Mitchell (Chairman), Councillor Nick Evans and Councillor Peter Freeman

Legal Adviser: Kirsten Chohan

Policy Adviser: Chris Wroe

Committee Officer: Joe McBride

Relevant Representations: From Environmental Health and two resident associations Updated conditions agreed between Applicant and Richard Brown circulated before the hearing

Present: Ewen McGregor (Solicitor, representing the Applicant), Mark Roth (Applicant), Richard Brown (Representing PMWV) Stephen Smith (Environmental Health),

Hilton London Paddington Hotel, 146 Praed Street, London, W2 1RL	
1.	Regulated Entertainment: Indoors
	<p>Films Monday to Sunday 00:00 to 00:00</p> <p>Live Music (All Areas except Steam Bar) Monday to Sunday 10:00 to 03:00 From permitted hours on New Year's Eve to 03:00 on 2nd January</p> <p>Live Music (Steam Bar) Sunday to Thursday 10:00 to 03:00 Friday to Saturday 10:00 to 04:00 From permitted hours on New Year's Eve to 03:00 on 2nd January</p> <p>Recorded Music Monday to Sunday 00:00 to 00:00</p> <p>Performance of Dance (All Areas except Steam Bar) Monday to Sunday 10:00 to 03:00 From permitted hours on New Year's Eve to 03:00 on 2nd January</p> <p>Performance of Dance (Steam Bar) Sunday to Thursday 10:00 to 03:00 Friday to Saturday 10:00 to 04:00 From permitted hours on New Year's Eve to 03:00 on 2nd January</p>
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): Granted, subject to conditions as set out below (see Section 5 for decision).
2.	Late Night Refreshment: Indoors
	Monday to Sunday 23:00 to 05:00 From permitted hours on New Year's Eve to 05:00 on 2 nd January
	Amendments to application advised at hearing:

	None.
	Decision (including reasons if different from those set out in report): Granted, subject to conditions as set out below (see Section 5 for decision).
3.	Sale of Alcohol: On and Off the premises
	<p><u>Non Residents</u></p> <p>All Areas except Steam Bar Monday to Sunday 10:00 to 03:00 From permitted hours on New Year's Eve to 03:00 on 2nd January</p> <p>Steam Bar Sunday to Thursday 10:00 to 03:00 Friday to Saturday 10:00 to 03:30 From permitted hours on New Year's Eve to 03:00 on 2nd January</p> <p><u>Residents</u> Monday to Sunday 00:00 to 00:00</p>
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): Granted, subject to conditions as set out below (see Section 5 for decision).
5.	Opening Hours
	Monday to Sunday 00:00 to 00:00
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): Mr McGregor explained that the Applicant is requesting variation to the existing licence to provide for entry to the hotel's Steam Bar via a side entrance on Friday and Saturday nights only. The application for a new licence is being requested as a result of 55 new bedrooms being added to the hotel and because the hotel security team believe that the proposed side entrance will make the entry and egress of persons more convenient during the Steam Bar's busiest period of the week.

While the police had not made a representation regarding the current application the Applicant, as a responsible operator, had positive discussions with the police, represented by Mr Jim Sollars, and agreed to a number of conditions that are contained in the schedule of agreed conditions. Mr McGregor provided a list of updated conditions to the Sub-Committee with those agreed to by the police and Environmental Health highlighted.

Mr McGregor was keen to point out that this application was not being made in order to increase capacity, change the style of the operation or to incorporate the basement as part of the hotel Steam Bar. The hotel has operated in the area for the past eight years without complaint and Mr McGregor contended that the new entrance to the hotel Steam Bar would not alter the way the hotel goes about its business on Friday and Saturday nights.

Members of the Sub-Committee were mindful of an adverse representation from Environmental Health on the grounds that the application would cause a Public Nuisance due to the increased visibility of the on-street entrance. Environmental Health confirmed that extensive discussions had taken place with the Applicant. Mr Smith highlighted the Council's Licensing Policy Section 2.5.49 which would normally encourage entrance through a hotel lobby and noted that the proposed entrance would be entirely separate from the main hotel lobby. Mr Smith also raised concerns over queuing at the side entrance, advertising at such an entrance and the number of SIA door-staff at the side door.

Mr Brown also referenced Section 2.5.49 in the Council's Licensing Policy and raised the possibility of the creation of a late night bar that could be run entirely separate from the main hotel bar. He reiterated that any decision to grant permission for a side use would constitute an exception to the current policy. Mr Brown also referenced a number of previous review applications within Westminster that resulted in increased public nuisance from the granting of a late night bar within a hotel (but with separate access away from the hotel lobby). Mr Brown felt that entrance through the main hotel lobby offers added protection against public nuisance and explained that this is why he has asked for various conditions, including the adoption of core hours and increased SIA provision, to be attached to the licence should the Sub-Committee be minded to grant the application.

Mr Zamit stated that if the application was granted it would fundamentally change the operation of the hotel bar in what he claimed was a residential area. Mr Zamit felt that the previous operation of a late night bar in this area was mitigated by the fact that entrance was restricted to the hotel lobby with the controls that this offered such as the presence of the concierge service. Mr Zamit explained that while he was totally against the current application, if the Sub-Committee were minded to grant it he requested that after core hours patrons be required to leave through the main hotel lobby. Mr Zamit was also concerned that the Steam Bar could also be run by a different operator entirely in the future with the introduction of this new entrance.

Mr McGregor, responding to points made by Mr Brown and Mr Zamit, stressed that the basement was not part of this application and that SIA security staff

would be present at all times that the side entrance was being used on Friday and Saturday nights. Mr McGregor also emphasised that the nature of the operation at the Steam Bar has been consistent over the last eight years and it would continue to operate in the same manner going forward with the only difference being that patrons could now use the side entrance if the application was granted. This consistency of operation would also apply to the ownership of the Steam Bar as the Applicant has no intention of allowing it to be run by a different operator as part of this application or in the future.

The application was granted subject to conditions that restricted the use of the new entrance to after 21:00 on Friday and Saturday only and that the provision of licensable activity in the Steam Bar shall be ancillary to the use of the premises as a hotel. The Sub-Committee confirmed that the basement did not form any part of this application.

Conditions attached to the Licence

Mandatory Conditions

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

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

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

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

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

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

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

(b) "permitted price" is the price found by applying the formula -

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

Where -

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

officer to prevent the supply in question; and

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

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

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

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

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

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

Proposed conditions from Environmental Health and agreed by applicant:

EH consolidated conditions :

11. Subject to Condition (15) below, all door staff engaged at Steam Bar whether inside the bar or outside shall wear fluorescent arm bands displaying their SIA badges.

12. On Friday and Saturday nights a minimum of 4 SIA licensed door supervisors shall be on duty at the Steam Bar from 2100 to close of business

13. On Friday and Saturday nights the Steam Bar must employ 1 female SIA door woman from 2100 to close of business.

14. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:

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

of all persons present on the premises.

15. From the end of licensable activities up until 30 minutes after the end of licensable activities in the Steam Bar on a Friday and Saturday night, the door staff employed outside the premises shall wear high vis jackets to ensure safe and crime free dispersal of customers from the premises
16. 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.
17. 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. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
18. 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.
19. The number of persons accommodated at any one time (excluding staff) shall not exceed the following:
 - a) Ground Floor
 - Steam Bar: 180 (Sunday to Thursday)
 - Steam Bar: 230 (Friday to Saturday)
 - Restaurant: 150
 - Executive Lounge: 100
 - Maclver Function Room: 40
 - Thunderbolt Function Room: 50
 - Maine Function Room: 20
 - Tangley Function Room: 20
 - Talisman Function Room: 20
 - b) First Floor
 - Hobart Function Room: 20
 - Campanula Function Room: 25
 - Hurricane Function Room: 15
 - Kingfisher Function Room: 25
 - Redstar Function Room: 40
 - Comet Function Room: 20
 - Hotspur Function Room: 10
 - King George Function Room: 25
 - Great Western 1 and Great Western 2 Function Rooms: 400

c) Second Floor
Somerset Function Room: 12

d) Fourth Floor
Cornwall Function Room: 20

e) Fifth Floor
Arlington Function Room: 20

20. Substantial food will be available throughout the permitted hours.
21. The supply of alcohol and provision of regulated entertainment in the Function and Meeting Rooms shall be restricted to pre-booked functions only.
22. The supply of alcohol in the Restaurant after 23:00 hours until 03:00 hours shall be ancillary to table meals or to persons who are:
- (i) Residents of the hotel
 - (ii) Guests of residents of the hotel
 - (iii) Persons attending a pre-booked function at the hotel
 - (iv) Bona fide guests of the proprietor
 - (v) Artistes or persons employed at the premises.
23. The supply of Alcohol in the Steam Bar after 23:00 hours shall be ancillary to music and/ or dancing and substantial refreshment.
24. For any persons admitted to the Steam Bar after 23:00 hours, the supply of alcohol shall only take place if they fall into one of the following categories, namely:
- a) persons who have paid a minimum admission fee of £5 Sunday to Thursday and £7 Friday and Saturday, such sum not to be credited against consumables, or
 - b) persons attending a pre-booked private function at the premises, or
 - c) artistes or persons employed at the premises, or
 - d) bona fide guests of the proprietor, or
 - e) persons who are taking or have taken a table meal within the hotel, or
 - f) persons residing at the hotel and their bona fide guests.
25. With the exception of residents and their bona fide guests, all alcohol must be consumed within 30 minutes after the end of permitted hours.
26. Persons under 16 shall not be permitted in the bar areas unless accompanied by an adult.
27. With the exception within hotel bedrooms there shall be no striptease, no nudity and all persons shall be decently attired at all times in all parts of the premises.
28. 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.

29. 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.
30. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
31. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
32. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
33. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
34. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
35. The certificates listed below shall be submitted to the Licensing Authority upon written request.
 - a. Any permanent or temporary emergency lighting battery or system
 - b. Any permanent or temporary electrical installation
 - c. Any permanent or temporary emergency warning system
36. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.
37. The provision of Regulated entertainment shall be ancillary to the main use of the premises as a hotel.
38. Food and non-alcoholic drinks including drinking water shall be available in all parts of the premises where alcohol is available.
39. On Sunday to Thursdays if there is a pre-booked party of 100 persons or more at the Steam Bar then an SIA registered door supervisor shall be present at the hotel lobby entrance to the Steam Bar from 21:00 until all patrons have left the said Steam Bar.
40. In relation to licensable activities or the provision of facilities to enable licensable activities to take place no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a

nuisance.

41. Entrance to the Executive Lounge shall be restricted to those guests who are residing in an Executive room at the premises, or to those people who pay an entry fee.
42. The Executive Lounge shall be supervised at all times by a dedicated member of staff.
43. All 'off' sales are to be in sealed containers and for consumption off the premises.
44. To permit Regulated Entertainment consisting of Live Music, Performance of Dance, Anything of a similar description to Live Music, Recorded Music or Performance of Dance, on New Year's Eve from 10:00 hours until 03.00 on 2 January.
45. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
46. 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) any complaints received regarding crime and disorder
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system
 - (e) any refusal of the sale of alcohol
 - (f) any visit by a relevant authority or emergency service.
47. There shall be no admittance after 02:30 hours to the Steam Bar.
48. There shall be no re-admittance after 02:30 hours to the Steam Bar except for those wishing to smoke.
49. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
50. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
51. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the Steam Bar, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.

52. 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.
53. 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.
- dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fireworks
 - firearms
 - lasers
 - explosives and highly flammable substances.
 - real flame.
 - strobe lighting.
54. There shall be no off sales of alcohol in the Steam Bar
55. Save for Friday and Saturday after 2100 access to the ground floor Steam Bar shall only be via the hotel reception.
56. The provision of licensable activity in the Steam Bar shall be ancillary to the use of the premises as a hotel.
57. Patrons temporarily leaving and then re-entering the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
58. Patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall be limited to 8 persons at any one time.

5 FANTASIA, 28 PRAED STREET, W2

LICENSING SUB-COMMITTEE No. 1

Thursday 22nd January 2015

Membership: Councillor Tim Mitchell (Chairman), Councillor Nick Evans and Councillor Peter Freeman

Legal Adviser: Kirsten Chohan

Policy Adviser: Chris Wroe

Committee Officer: Joe McBride

Relevant Representations: One local resident in support of the application.

Environmental Health Service, South East Bayswater Residents' Association (SEBRA) and Paddington Waterways and Maida Vale Society (PWMV) Residents' Association and one local resident objecting to the proposed variation.

Present: Mr Omar Mohammed (Applicant), Mr Noel Samaroo (Agent), John Zamit (SEBRA), Richard Brown (Representing Paddington Waterways Residents Association), Anil Drayan, (Environmental Health Officer)

Fantasia, 28 Praed Street, London, W2 1NH	
1.	Regulated Entertainment: Indoors
	<p>Exhibition of a Film Monday to Thursday: 10:00 to 23:30 Friday to Saturday: 10:00 to 00:00 Sunday: 12:00 to 22:30 Sundays before Bank Holidays: 12:00 to 00:00</p> <p>Provision of facilities for making Music Monday to Thursday: 18:00 to 23:00 Friday to Saturday: 18:00 to 23:30 Sunday: 18:00 to 22:00 Sundays before Bank Holidays: 18:00 to 23:30</p> <p>Performance of Live Music Monday to Thursday: 18:00 to 23:00 Friday to Saturday: 18:00 to 23:30 Sunday: 18:00 to 22:00 Sundays before Bank Holidays: 18:00 to 23:30</p> <p>Playing of Recorded Music Monday to Thursday: 10:00 to 23:00 Friday to Saturday: 10:00 to 23:30 Sunday: 12:00 to 22:00 Sundays before Bank Holidays: 12:00 to 23:30</p> <p>Anything of a similar description to Live Music or Recorded Music Monday to Thursday: 18:00 to 23:00 Friday to Saturday: 18:00 to 23:30 Sunday: 18:00 to 22:00 Sundays before Bank Holidays: 18:00 to 23:30</p>
	<p>Amendments to application advised at hearing:</p> <p>Exhibition of a Film No variation applied for</p> <p>Provision of facilities for making Music No variation applied for</p>

	<p>Performance of Live Music Monday to Wednesday: No variation applied for Thursday to Saturday: 18:00 to 01:30 Sunday: No variation applied for Sundays BBH: No variation applied for</p> <p>Playing of Recorded Music Monday to Wednesday: No variation applied for Thursday to Saturday: 10:00 to 01:30 Sunday: No variation applied for Sundays BBH: No variation applied for</p> <p>Anything of a similar description to Live Music or Recorded Music No variation applied for</p> <p>Performance of Dance (New additional activity) Monday to Wednesday: 10:00 to 23:00 Thursday to Saturday: 10:00 to 01:30 Sunday: 10:00 to 22:00</p>
	<p>Decision (including reasons if different from those set out in report): Granted, subject to conditions as set out below (see Section 5 for decision).</p>
2.	Late Night Refreshment: Indoors
	<p>Monday to Thursday: 23:00 to 23:30 Friday to Saturday: 23:00 to 00:00 Sundays before Bank Holidays: 23:00 to 00:00</p>
	<p>Amendments to application advised at hearing: Monday to Wednesday: 23:00 to 01:00 Thursday to Saturday: 23:00 to 01:30 Sunday BBH: No variation applied for</p>
	<p>Decision (including reasons if different from those set out in report): Granted, subject to conditions as set out below (see Section 5 for decision).</p>
3.	Sale of Alcohol: On and Off the premises
	<p>Monday to Thursday: 10:00 to 23:30 Friday to Saturday: 10:00 to 00:00 Sunday: 12:00 to 22:30 Sundays before Bank Holidays: 12:00 to 00:00</p>
	<p>Amendments to application advised at hearing:</p>

	<p>Monday to Wednesday: 10:00 to 00:30 Thursday to Saturday: 10:00 to 01:00 Sunday: No variation applied for Sundays BBH: No variation applied for</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see Section 5 for decision).</p>
<p>5.</p>	<p>Opening Hours</p>
	<p>Monday to Thursday:10:00 to 23:45 Friday to Saturday:10:00 to 00:15 Sunday:12:00 to 22:45 Sundays before Bank Holidays:12:00 to 00:15</p>
	<p>Amendments to application advised at hearing:</p> <p>Monday to Wednesday: 10:00 to 01:00 Thursday to Saturday: 10:00 to 01:30 Sunday: 12:00 to 23:00 Sundays BBH: No variation applied for</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Mr. Samaroo, representing the Applicant as a consultant with no formal legal training, explained that police had made a representation in relation to the original hours proposed as they were significantly beyond core hours. The Applicant subsequently reduced these hours to those proposed in the current application and made further amendments to conditions through consultation with the police.</p> <p>The current application is being made with a view to permitting the Applicant to trade beyond core hours because of the competitive nature of the restaurant business on Praed Street and the surrounding area. Mr. Samaroo explained that the Applicant had been in business since 2012 without complaint from residents or local businesses. Furthermore, the Applicant has provided no cause for the police, Environmental Health or the licensing authority to make a visit on any negative grounds.</p> <p>Mr. Samaroo accepted that the application to extend opening hours gave rise to concerns over increased public nuisance but sought to ensure the committee that the Applicant would be taking the necessary steps to moderate any such threat. Mr. Samaroo also noted that the immediate area surrounding the restaurant is served by a 24-hour Tesco Express and ambulance emergency station and contented that the area is busy at all hours of the day and night.</p> <p>In explaining the reasons why the current application should be granted, Mr. Samaroo drew Members' attention the fact that the Applicant had previously operated beyond core hours through a series of Temporary Event Notices</p>

(TENs) in September and October 2014. Mr. Samaroo explained that it was as a result of the success of these late nights permitted under TENs that the Applicant considered the current application. There were no complaints received during the period that the business operated its extended hours. Mr. Samaroo also drew the Sub-Committee's attention to a representation from a local resident in support of the increased opening hours.

Westminster City Council's designated Environmental Health Officer, Mr. Anil Drayan, shared his concerns over the proposed extension of core hours and asked the Members of Sub-Committee to consider whether any extension would promote the licensing objectives.

Members of the Sub-Committee asked the Applicant to explain the nature of the regulated entertainment that takes place within the restaurant and to specify where this licensable activity takes place. Mr. Samaroo responded that, as a Greek restaurant, patrons like to dance to live music but that this would only take place in the basement, capacity 30 persons, and not on the first floor, of the restaurant. Mr. Samaroo felt that this restriction would limit the potential for public nuisance by restricting noise levels to the basement.

Mr. Brown, representing Paddington Waterways Residents Association, suggested that the 02:00 closing time was likely to cause considerable nuisance. He highlighted a list of premises within 75 meters of the Applicant's restaurant that were all restricted to core hours. In regard to the restriction of regulated entertainment to the basement, Mr. Brown raised concerns for the basement to potentially operate as a late night club.

Mr. Zamit, representing SEBRA, was concerned that any extension of core hours would set a dangerous precedent in a location that was very near to the Edgware Road Stress area. He objected to any extension of core hours. Mr. Zamit supported the proposed condition from Environmental Health that restricted new entry into the restaurant after 00:00 should the Sub-Committee be minded to grant the application.

Members of the Sub-Committee granted the proposed variation taking into account both the success with which the premises had operated beyond core hours under TENs and the limited capacity of the restaurant (60 persons). Regarding opening hours, the Sub-Committee restricted the restaurant to 01:30 from Thursday to Saturday. A condition was also imposed restricting regulated entertainment to the basement at all times. All parties agreed to a condition that prohibited new entrants to the restaurant beyond 00:00.

Conditions attached to the Licence

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.

7. The responsible person must ensure that—

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

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

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

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

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

(b) "permitted price" is the price found by applying the formula -

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

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

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

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

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

10. *The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.*
11. *A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.*
12. *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*
 - 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.*
13. *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.*
14. *The provision of unamplified live music shall be restricted to 2 performers playing in the basement area only. Drums are not to be played at any time.*
15. *No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.*
16. *Loudspeakers shall not be located in the entrance lobby or outside the premises building.*
17. *All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.*
18. *Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.*
19. *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.*

20. *Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.*
21. *Outside tables and chairs shall be limited to South Wharf Road only and shall be rendered unusable after 23.00 hours each day.*
22. *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.*
23. *No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.*

NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952
24. *All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.*
25. *No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.*
26. *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.*
27. *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.*
28. *The maximum number of persons accommodated (including staff) at any one time shall not exceed:*
 - *Ground Floor 30 persons.*
 - *Basement 30 persons.*
29. *Regulated Entertainment shall be restricted to the Basement Floor only.*
30. *No deliveries shall be made to the premises between the hours 23:00 hours and 08:00 hours.*
31. *The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.*
32. *The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified*

in accordance with the plans provided.

33. *All exit doors shall be available at all material times without the use of a key, code, card or similar means.*
34. *Doors at such exits will be regularly checked to ensure that they function satisfactorily, and a record of the check kept.*
35. *All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.*
36. *The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.*
37. *Curtains and hangings shall be arranged so as not to obstruct Emergency safety signs, fire extinguishers or other fire fighting equipment.*
38. *All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing should be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes, other than foyers, entertainment areas or function rooms, should be non-combustible.*
39. *The certificates listed below shall be submitted to the Licensing Authority upon written request.*
 - *Any emergency lighting battery or system*
 - *Any electrical installation*
 - *Any emergency warning system*
40. *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.*
 - *dry ice and cryogenic fog*
 - *smoke machines and fog generators*
 - *pyrotechnics including fire works*
 - *firearms*
 - *lasers*
 - *explosives and highly flammable substances.*
 - *real flame.*
 - *strobe lighting.*
41. *A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.*

42. *The hours for licensable activities and opening times 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.*
43. *As soon as possible, and in any event within 1 month from the grant of this licence,*
the premises shall join the local Pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.
44. A minimum of 2 SIA licensed door supervisors shall be on duty at the premises from 23:00 until the terminal hour and the premises are clear of all customers.
45. All persons entering or re-entering the premises after 23:30 shall be searched by an SIA trained member of staff.
46. There shall be a minimum of 1 SIA door supervisor at the entrance of the premises at all times after 23:30 to control the entrance area and supervise the designated smoking area.
47. All staff engaged outside the entrance to the premises, supervising or controlling the smoking area, shall wear high visibility yellow jackets or vests.
48. 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 save when sitting in areas of the highway authorised for tables and chairs use adjacent to the premises .
49. Patrons permitted to temporarily leave to smoke, shall be limited to 5 persons at any one time.
50. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
51. All staff will be trained every 6 months with regards to responsible alcohol retailing this training will be carried out externally and fully documented.
52. 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.
53. Notices will be displayed informing customers that an Age Verification and Zero Drugs Policy are in operation at the venue and will be vigorously enforced.
54. A Personal Licence holder will be on the premises throughout the period of licensable activity.

At any time that the DPS is not on the premises a Personal Licence holder will be acting DPS through a letter of Delegated Authority that will be displayed for

inspection by any Authorised Officer.

55. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises. The distribution of leaflets or similar promotional material is also prohibited within the specified area.

For the purpose of this section, 'Directly' means:- employ, have control of or instruct. 'Indirectly' means allowing / permitting the service of or through a third party.

56. The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) where the supply of alcohol is by waiter or waitress service only, (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) where alcohol shall not be sold, 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.

57. No new entry of patrons shall be permitted after midnight.

6 MIMI'S BARS LIMITED, 19 NEWMAN STREET, W1

LICENSING SUB-COMMITTEE No. 1

Thursday 22nd January 2015

Membership: Councillor Tim Mitchell (Chairman), Councillor Nick Evans and Councillor Peter Freeman

Legal Adviser: Kirsten Chohan

Policy Adviser: Chris Wroe

Committee Officer: Joe McBride

Relevant Representations:

Representations have been received from one business one building manager and five residents, in support of the application.

An adverse representation has been made against the application by the Environmental Health Service, two local Councillors, one amenity association, one local business and 17 local residents

Present: Mr Gareth Hughes (Solicitor, representing the Applicant), Amin and Aly Thobani (Applicants), Mr. Anil Drayan (Environmental Health) Linus Rees (Fitzrovia Residents' Association), Rania Benjani (Resident) Alison Matthews (Resident) with Richard Brown, Joanna King (Resident) with Matthew Butt

Mimi's Bars Limited, 19 Newman Street, London, W1T 1PF	
1.	Regulated Entertainment: Indoors
	<p>Performance of Live Music Thursday to Saturday 23:00 to 01:00</p> <p>Playing of Recorded Music Sunday to Wednesday 07:00 to 00:00 Thursday to Saturday 07:00 to 03:00</p>
	<p>Amendments to application advised at hearing: Performance of Live Music Playing of Recorded Music No change</p> <p>Exhibition of films Performances of dance Sunday to Wednesday 07:00 to 00:00 Thursday to Saturday 07:00 to 03:00</p>
	<p>Decision (including reasons if different from those set out in report): Granted, subject to conditions as set out below (see Section 5 for decision).</p>
2.	Late Night Refreshment: Indoors
	<p>Sunday to Wednesday 23:00 to 00:00 Thursday to Saturday 23:00 to 03:00</p>
	<p>Amendments to application advised at hearing:</p>
	<p>Decision (including reasons if different from those set out in report): Granted, subject to conditions as set out below (see Section 5 for decision).</p>
3.	Sale of Alcohol: On and Off the premises

	Sunday to Wednesday 07:00 to 23:30 Thursday to Saturday 07:00 to 02:30
	Amendments to application advised at hearing: None
	Decision (including reasons if different from those set out in report): Granted, subject to conditions as set out below (see Section 5 for decision).
4.	Capacity
	The maximum number of persons accommodated at the premises (excluding staff) is to be specified by WCC on completion of the works, but shall not exceed 150 persons
	Amendments to application advised at hearing: The maximum number of persons accommodated at the premises (excluding staff) shall not exceed 215.
	Decision (including reasons if different from those set out in report): Granted, subject to conditions as set out below (see Section 5 for decision).
5	Opening Hours
	Sunday to Wednesday 07:00 to 00:00 Thursday to Saturday 07:00 to 03:00
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): Mr. Hughes explained that the current application was to vary a premises licence that had been granted by a previous Sub-Committee in July 2014. The Applicants are the leaseholders of the building, have been in the premises for seven years and had previously run the Post Office in the building for ten years before it was forced to close. Both Applicants are resident in Westminster. Mr. Hughes explained to the Sub-Committee that permission had previously been granted to run the premises as a private members' club and the current application does not seek to alter the nature of the establishment but instead to modify some of the conditions and add regulated entertainment.

The Applicants are seeking the addition of the performance of dance to the licence under the current application. Mr. Hughes suggested that this may benefit certain types of events that would regularly be held within the club. The performance of films is also applied for within the current application so that the club can show films in the background but not in the form of a cinema style operation.

Mr. Hughes stated that a change of the building plans is also applied for under the current application as a result of issues that have come to light in the Applicants' discussions with potential service providers. The Applicants feel that a reconfiguration of the basement is required to accommodate the equipment and machinery needed to provide for food and drinks to members. The staircase will also need to be moved as a result of these works.

Condition 19 on the previous licence restricted capacity of the club to 150 persons and Mr. Hughes explained that the Applicants were originally seeking to increase this to 280 persons. In attempting to allay the fears of residents and mitigate potential for public nuisance, the Applicants have offered to reduce the capacity to 215 persons.

Mr. Hughes also addressed the specific concerns of residents listed in the papers and felt that the variations applied for in the application would have no adverse impact; on public nuisance, anti-social behavior, litter or noise in the surrounding area. Mr. Hughes also noted that the Applicants had provided for a designated external smoking area in the basement of the club so that there will be no smokers on the street. The number of smokers in this area will also be restricted to five persons.

Mr. Drayan from the Environmental Health Service felt that an increase in capacity from 150 to 280, as originally proposed, would result in a substantial risk to public nuisance. He did note, however, the mitigations proposed by the Applicants including a reduction in capacity to 215, extra SIA security outside, the introduction of a queuing area on the ground floor and an area for people waiting for taxis as factors for consideration for the Sub-Committee in making their decisions. Environmental Health have no concerns regarding the safety of the venue should the committee grant the application with a capacity of 215 persons.

Members of the Sub-Committee heard representations from residents who objected to the proposed application for a number of reasons. The main objection centered around the increased levels of noise that residents contended would be an unavoidable consequence of any increase in capacity. Ms Benjani and Ms Matthews highlighted the fact that the noise report referenced in the application was taken from July 2012 when Crossrail construction was underway and felt that it was unrepresentative of the normal levels of noise in the area.

Mr. Brown asked the Sub-Committee to take a common sense approach to the application and said that such a significant increase in capacity will result in increased public nuisance in what is a residential area. Mr. Brown referred to the Council's public nuisance policy and stressed that it particularly applies in areas of residential accommodation that is situated in such close proximity to

premises similar to the current application. Mr. Brown asked the Sub-Committee to impose tougher standards in this case as a result.

In responding to the objections put forward by residents, Mr. Hughes invited Mr. Vivian to discuss the noise reports submitted by the Applicants. Mr. Vivian stated that all his calculations are based on the fact that the noises with character (police sirens, people shouting etc.), once extrapolated to the residential properties, are lower than the ambient noise levels in the area. The data suggests that if a group of people were talking loudly when leaving the venue it would not exceed the background noise levels. Mr Vivian stated that there was no Crossrail activity at night during the period that the data was collected in 2012 and having checked other surveys in 2014, the data was still representative of the area.

In granting the variation, the Sub-Committee were mindful of the fact that the private members' club was not yet operational and as such it is impossible to determine the impact that an increase in capacity would have on residents. Members, however, noted that the application was outside the Stress Area and felt that the conditions attached to the licence, in conjunction with the mitigations offered by the Applicants including the reduced capacity of 215 persons, would promote the licensing objectives. The Sub-Committee empathised with the concerns of residents and reminded them of their option to apply to review the licence should there be an increase public nuisance when the premises opens.

Conditions attached to the Licence

Mandatory:

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 shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of

the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;

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

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

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

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

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

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 shall ensure that free tap water is provided on request to customers where it is reasonably available.

7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

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

holographic mark.

8. The responsible person shall ensure that;
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures;
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

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

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.

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

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

12. 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.

13. No noise should emanate from the premises nor vibration be transmitted through the structure of the premises which given rise to a nuisance.

14. A direct number for the manager at the premises should be publically available at all times the premises is open. This telephone number is to be made available to residents and business in the vicinity.

15. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
16. There should be rules of the club for the election of members and copy of such rules any other rules should be kept at the premises and made available for inspection by Council or Police Officers. A copy of such rules, and any updated version of such rules, shall also be sent to the Council's licensing service.
17. A list of the names and address of members of the club should be kept on the premises together with a book showing the names of any guest introduced by members and should be produced on demand for inspection by an officer of the Council or Police.
18. 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.
19. No unaccompanied customer under 18 years of age shall be permitted on the premises.
20. The licence will have no effect until the capacity of the premises has been assessed by the Environmental Health Consultation Team and a condition detailing the agreed capacity has replaced this condition on the Licence not to exceed 215 persons (excluding staff)
21. No intoxicating liquor should be sold or supplied on the premises other than to:
 - a. Members of the club and bona fide guests of such members or accompanied by a member. No member to be permitted more than 3 guests at a time. Guests must be accompanied by a member at all times.
 - b. Persons attending a private or pre-booked function organised by a member of the club and booked at least 24 hours in advance, a register of such events and persons attending to be kept for a period of 1 year and made available for inspection by the responsible authorities on request. Such functions shall be limited to no more than 12 per year.
 - c. Persons admitted to the premises between 12:00 to 3pm for purposes of taking a table meal must pre-book.
 - d. Bonafide guests of the management limited to a maximum number of 15 persons. A list of such guests to be kept at reception for inspection by officers of the Council or the police.
 - e. No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.
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 should be on the premises at all times when the premises is open under the terms of this licence. This staff member must be able to show police or authorised council officer recent data or footage with the absolute minimum delay when requested.
24. There should be personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
25. After 22.00 hours when there are more than 100 persons on the premises (excluding staff) a minimum of two SIA registered door supervisors should be employed and when there are more than 200 people on the premises a minimum of three SIA registered door supervisors shall be employed.
26. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
27. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
28. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
29. 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.
30. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.

31. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
32. 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.
- dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fireworks
 - firearms
 - lasers
 - explosives and highly flammable substances.
 - real flame.
 - strobe lighting.
33. 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.
34. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.
35. 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.
36. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
37. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
38. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
39. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
40. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
41. The premise licence holder shall ensure that any patrons leaving the premises shall do so in an orderly manner and are supervised by staff so as to ensure there

is no public nuisance or obstruction of the highway.

42. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be restricted to the designated smoking area (marked on plan...) and limited to 5 persons at any one time.
43. 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.
44. The supply of alcohol at the premises between the hours of 07:00 to 10:00 hours shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
45. The Licence will have no effect 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.
46. Persons seeking entry into the premises shall not be permitted to queue outside the premises.
47. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
48. The licence holder shall enter into an agreement with a hackney carriage and / or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
49. There shall be no cinema style showing of films.