



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (4)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** Committee held on **Tuesday 15th December, 2015**, Rooms 5, 6 & 7 - 17th Floor, City Hall.

Members Present: Councillors Jean Paul Floru (Chairman), Nick Evans and Murad Gassanly

1 MEMBERSHIP

There were no changes to the membership.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 TOMMI'S BURGER JOINT, BASEMENT AND GROUND FLOOR, 30 THAYER STREET, W1

LICENSING SUB-COMMITTEE No. 4

Tuesday 15th December 2015

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Nick Evans and Councillor Murad Gassanly

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

Relevant Representations: 1 local resident in support of application, 2 local residents objecting to application.

Present: Mr Craig Baylis (Solicitor, representing the Applicant), Mr Robert Magnusson (Director, Applicant Company), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing Mr Andrew Lane and Mr Richard Hillier).

**Tommi's Burger Joint, Basement And Ground Floor, 30 Thayer Street, W1
15/09478/LIPV**

1. Sale by Retail of Alcohol (Off) for deliveries only

Monday to Sunday: 10:00 to 23:00

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.

The Sub-Committee noted that this is an application for a variation of the premises licence to permit off-sales of alcohol by delivery only between 10:00 and 23:00 hours. Members considered that the Applicant had proposed or agreed a number of conditions which were likely to ensure that the licensing objectives were promoted. These included that off-sales would only be supplied with and ancillary to a take away meal and a Challenge 21 or 25 proof of age scheme would be operated for the home deliveries. As a result of the proposed conditions, Environmental Health had withdrawn their representation prior to the hearing.

Two local residents had submitted representations objecting to the application. Mr Brown had submitted a written representation prior to the hearing which requested two specific conditions were attached to the licence. These were that 'any person engaged to deliver alcoholic beverages and/or food for consumption off the premises shall be required to park and wait on Thayer Street only, and not on Bulstrode Street or the corner of Bulstrode Street and Thayer Street' and 'no deliveries of alcoholic beverages and/or takeaway food for consumption off the premises shall be collected from the premises after 22.30'. Mr Baylis, representing the Applicant, confirmed at the hearing that the two conditions were agreed by his client. Mr Brown stated that on this basis the two residents' key concerns were addressed. The Sub-Committee, in granting the application, attached the two conditions to the licence. This effectively meant that off-sales of alcohol were restricted to 22.30 rather than 23.00. The Sub-Committee also noted that the applicant did not employ delivery staff directly but used an online company that drove to the licensed premises to collect the orders before delivering them to the customer. That significantly reduced the likelihood that drivers would hang around outside the premises and cause a nuisance to local residents.

The Sub-Committee made two changes to conditions. One of these changes was to replace the Applicant's proposed condition that 'Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to take-

	<p>away meal when delivered to the customers home address by trained delivery drivers' with 'sales of alcohol for consumption off the premises shall only be supplied with and ancillary to a take away meal when delivered to the customer's home or business address, by delivery drivers trained in licensing procedures'. Members considered that the drivers needed to ensure that the Challenge 21 or 25 proof of age scheme was properly implemented and access to the alcohol was not given to children. Mr Baylis confirmed this condition was acceptable to the Applicant. The second amendment was a grammatical change from 'there shall be no self service to alcoholic drinks' to 'there shall be no self service of alcohol drinks'.</p>
2.	Amend and add conditions
	<p>i. Amend condition 12 from 'the supply of alcohol shall be by waiter or waitress service only' to read 'The supply of alcohol for consumption on the premises shall be by waiter and waitress service only'</p> <p>ii. Add a new condition 'Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to take-away meal when delivered to the customers home address by trained delivery drivers'</p> <p>iii. Add a new condition 'All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises'</p> <p>iv. Add a new condition 'A challenge 21 or Challenge 25 proof of age scheme shall be operated in relation to home deliveries of alcohol 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.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the amendment in (i) above as it provided the necessary clarity given that off-sales in the form of deliveries were now proposed. The Sub-Committee amended (ii) above as Members considered that the drivers needed to ensure that the Challenge 21 or 25 proof of age scheme was properly implemented and access to the alcohol was not given to children. Mr Baylis confirmed this condition was acceptable to his client.</p> <p>The Sub-Committee attached (iii) and (iv) above as they contributed significantly to promoting the licensing objectives when off-sales were delivered to other premises.</p>

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.

Additional Conditions

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iii) which do not provide any take away service of food or drink for immediate consumption, and (iv) where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals.
12. The supply of alcohol for consumption on the premises shall be by waiter and waitress service only.
13. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
14. There shall be no sales of hot food or hot drink for consumption off the premises after 22.30.
15. The maximum number of persons accommodated at the premises any one time shall not exceed (excluding staff) 30 persons.
16. Substantial food and non-intoxicating beverages shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
17. There shall be no self service of alcoholic drinks.
18. No noise shall emanate from the premises nor vibration be transmitted through

the structure of the premises which gives rise to a nuisance.

19. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
20. 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.
21. During the hours of operation ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that the aforementioned area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
22. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
23. All outside tables and chairs shall be rendered unusable by 9pm Mon-Sat, 8pm Sun.
24. No deliveries shall be made to the premises between 23.00 and 08.00.
25. 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.
26. No rubbish, including bottles, will be moved, removed or placed in outside areas between 10pm and 8am.
27. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated, after 1st January 2014.
28. The Bulstrode Street entrance shall not be used by customers of the premises except in an emergency.
29. Sales of alcohol for consumption off the premises shall only be supplied with and ancillary to a take away meal when delivered to the customer's home or business address, by delivery drivers trained in licensing procedures.
30. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
31. A Challenge 21 or Challenge 25 proof of age scheme shall be operated in relation to home deliveries of alcohol 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.
32. Any person engaged to deliver alcoholic beverages and/or food for

consumption off the premises shall be required to park and wait on Thayer Street only, and not on Bulstrode Street or the corner of Bulstrode Street and Thayer Street.

33. No deliveries of alcoholic beverages and/or takeaway food for consumption off the premises shall be collected from the premises after 22.30.

4 LINA STORES, 18 BREWER STREET, W1

LICENSING SUB-COMMITTEE No. 4

Tuesday 15th December 2015

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Nick Evans and Councillor Murad Gassanly

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

Lina Stores, 18 Brewer Street, W1
15/09155/LIPV

Application granted under delegated powers prior to the hearing as all objections had been withdrawn.

5 19 BROOK'S MEWS, W1

LICENSING SUB-COMMITTEE No. 4

Tuesday 15th December 2015

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Nick Evans and Councillor Murad Gassanly

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

19 Brook's Mews, W1
15/09517/LIPN

Application granted under delegated powers prior to the hearing as all objections had been withdrawn.

6 PICTUREHOUSE CENTRAL, TROCADERO, 13 COVENTRY STREET, W1

LICENSING SUB-COMMITTEE No. 4

Tuesday 15th December 2015

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Nick Evans and Councillor Murad Gassanly

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

Relevant Representations: Environmental Health and Metropolitan Police.

Present: Mr James Rankin (Counsel, representing the Applicant), Ms Lyn Goleby (Managing Director, Applicant Company), Mr Anil Drayan (Environmental Health) and PC Toby Janes (Metropolitan Police).

**Picturehouse Central, Trocadero, 13 Coventry Street, W1
15/08814/LIPV**

1. Conditions being varied, added or removed

12. Entry to the first floor cafe designated on the licensed plan is restricted to persons who have a ticket for a screening that day or who are attending a pre-booked private function (booked at least 24 hours in advance, a record of those attending to be retained for inspection by police or an authorized council officer and shall be kept for at least 31 days for inspection by the responsible authorities)

12. a) Before 21:30, the sale of alcohol in the first floor café designated on the licensed plan is restricted to *persons who are seated in the area edged yellow on the plan* or who have a ticket for a screening that day or who are attending a pre-booked private function (booked at least 24 hours in advance, a record of those attending to be retained for inspection by police or an authorized council officer and shall be kept for at least 31 days for inspection by the responsible authorities).

b) After 21:30, the sale of alcohol in the first floor café designated on the licensed plan is restricted to persons who have a ticket for a screening that day or who are attending a pre-booked private function (booked at least 24 hours in advance, a record of those attending to be retained for

	<p>inspection by police or an authorized council officer and shall be kept for at least 31 days for inspection by the responsible authorities).</p> <p>Add a condition “a minimum of 80 seats will be provided in the designated area save for when the area is being used for a private pre-booked function.”</p>
<p>13. The supply of alcohol in the Members Area’ (2nd, 3rd, 4th and 5th Floors) is restricted to:</p> <p>(a) persons attending pre-booked private function (booked at least 24 hours in advance, a record of those attending to be retained for inspection by police or an authorized council officer and shall be kept for at least 31 days for inspection by the responsible authorities), or</p> <p>(b) Members (and their guests) who have a ticket for screening that day. (Members are as defined in the document headed 'Trocadero Cinema Rules of Membership 2014' or such amended Rules as submitted to the Licensing Authority from time to time). No member to be allowed to bring more than four guests at any one time. Details of the membership register to be disclosed to the responsible authorities when requested.</p>	<p>Amend condition 13 to read as follows:</p> <p>Before 21:30, the sale of alcohol in the Members Area (2nd, 3rd, 4th and 5th Floors) is restricted to:</p> <p>a) persons attending pre-booked private function (booked at least 24 hours in advance, a record of those attending to be retained for inspection by police or an authorized council officer and shall be kept for at least 31 days for inspection by the responsible authorities), or</p> <p>b) Members (and their guests) (Members are as defined in the document headed 'Trocadero Cinema Rules of Membership 2014' or such amended Rules as submitted to the Licensing Authority from time to time).</p> <p>After 21:30, the sale of alcohol in the Members Area (2nd, 3rd, 4th and 5th Floors) is restricted to:</p> <p>a) persons attending pre-booked private function (booked at least 24 hours in advance, a record of those attending to be retained for inspection by police or an authorized council officer and shall be kept for at least 31 days for inspection by the responsible authorities), or</p> <p>b) Members (and their guests) <i>who</i></p>

		<p><i>have a ticket for a screening that day.</i> (Members are as defined in the document headed 'Trocadero Cinema Rules of Membership 2014' or such amended Rules as submitted to the Licensing Authority from time to time).</p> <p>No member to be allowed to bring more than four guests at any one time. Details of the membership register to be disclosed to the responsible authorities when requested.</p>
	<p>14. All drinks sold, supplied or consumed in any auditoria shall only be in open polycarbonate or crushable vessels.</p>	<p>14. All drinks sold, supplied or consumed in any auditoria shall only be in accordance with the Trocadero Risk Assessment 2015 or such amended Risk Assessment as submitted and approved by the Environmental Health Consultation Team from time to time.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>	
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee noted that there were three key aspects to the application for a variation of the premises licence. Firstly, the existing licence prevented alcohol being sold to members of the public on the first floor if they did not have a ticket for a film screening that day. The Applicant sought permission to be allowed to sell alcohol up to 21.30 hours to members of the public without a ticket. The members of the public would be required to be seated within an area that was shown edged in yellow on the plan. A further condition proposed that there should be a minimum of 80 seats in that area. Secondly, there was a proposal to allow alcohol to be sold up to 21:30 to members and guests on the second, third, fourth and roof terrace floors who do not have a ticket for a screening. Thirdly, the Applicant requested that a condition requiring all drinks that were consumed in any auditoria to be sold in polycarbonate containers be amended.</p> <p>Mr Rankin, representing the Applicant, stated that Picturehouse Central had brought significant improvements to the Trocadero and the wider area. He also</p>	

explained that the existing premises licence caused some operational difficulties from the Applicant's point of view. He stated that members of the public who were part of a group of friends often went up to the first floor having not decided which film they wanted to see. They were not able to purchase a drink without having first bought a film ticket. This meant they either had to go without having a drink or they would have to purchase a film ticket without knowing what the rest of the group would want to see.

Mr Rankin referred to the limits the premises licence had imposed on enabling the public or Picturehouse members and their guests to socialise. He informed the Sub-Committee that Picturehouse membership gave access to club facilities such as meals and newspapers that were not available to the general public. When customers became members, they were buying into a lifestyle.

Mr Rankin explained that there were events such as premieres that were likely to be held at the premises and that polycarbonate vessels were not appropriate for this scenario. It was proposed that glassware could be allowed into the auditoria in accordance with a risk assessment that was provided to the Sub-Committee. Any amended version of the risk assessment would have to be approved by the Environmental Health Consultation Team. The risk assessment provided would mean that guests attending private screenings and events in the auditoria that are pre-booked and not open to the general public would be able to take stemmed glassware into the auditoria provided that extra staff were available to check the auditorium for broken glass after the event. For normal day to day screenings, customers wishing to take glasses into the auditoria would only be able to take in stemless glasses that fit into the cupholders.

The Sub-Committee noted that the application was contrary to policy and asked Mr Rankin to explain why the application would not add to cumulative impact. Mr Rankin replied that it was possible to depart from policy without creating a precedent. The premises would continue to be a Picturehouse cinema. His client would be willing to have a condition attached to the licence that the primary use would be as a cinema (though the Sub-Committee noted this was already an existing condition on the licence). There would be a cut-off point for the sale of alcohol of 21:30 hours so the premises would not be a destination venue like a pub or a nightclub. There would be a good wine list available. He added that there was a safeguard in place as the premises now had a track record which had not been the case when the original application had been submitted in January 2014. Mr Rankin and Ms Goleby also made the point that whilst there were approximately 3000 Picturehouse members, it was not likely that more than 300 would attend at any one time. If the application was granted, the only change would be offering an additional service to the existing clientele (the public on the first floor or the membership on the second, third, fourth or roof terrace floors) rather than affecting the numbers in the premises. They confirmed that the bar on the first floor could not be seen from ground floor level and were willing to have a condition on the premises licence which limited the number of seated customers on the first floor.

The Sub-Committee heard from PC Janes on behalf of the Metropolitan Police and Mr Drayan on behalf of Environmental Health. Both PC Janes and Mr Drayan stated that their representations were based on the application being

contrary to policy in the West End Stress Area with alcohol being sold up to 21:30 without it being ancillary to food. They both were of the view that the application would potentially add to cumulative impact. However, they made the point that they had agreed the proposed conditions with the Applicant in the event the Sub-Committee was minded to grant the application. PC Janes emphasised that the regeneration of the Trocadero had led to reduced levels of crime which had mainly been drug dealing and anti-social behaviour. He advised in response to a question from the Sub-Committee that he did not have specific concerns about the proposals on the first floor.

Mr Wroe referred to the condition on the existing licence (condition 40) which stated that 'the licence will have no effect until the capacity of the premises has been assessed (for each of the trading areas) by the Environmental Health Consultation Team and a condition detailing the agreed capacity has replaced this condition on the licence'. He asked why a new condition with the capacities for the trading areas had not been attached to the licence. Mr Drayan replied that Environmental Health had decided not to introduce capacities for the premises. Patrons going inside and outside the premises as they entered and left the auditoria were likely to cause temporary breaches of the capacities. Mr Drayan added that he was content for the capacities set out in the premises' fire risk assessment to apply. Mr Wroe made the point that the capacities for the different floors were of note from the point of view that Picturehouse Central was in the West End Stress Area. Given that there was the potential for a large number of Picturehouse members to come to the premises and for the auditorium to be full, with the members not being required to purchase a film ticket to consume alcohol until 21:30, Mr Wroe recommended that there were capacities set out for the trading areas. Mr Rankin wished to make it clear that if the application was granted, the areas where alcohol would not be ancillary to food prior to 21:30 would not be advertised as a bar. The point was also made during the hearing on behalf of the Applicants that there was always one SIA security person operating at the premises.

Members of the Sub-Committee, in reaching a decision, were aware of the Council's consultation on the review of the Statement of Licensing Policy which had proposed that when the sale of alcohol is not permitted beyond 20:00 hours then the Council considers that permitting the sale of alcohol for consumption on the premises is unlikely to add to cumulative impact. This aspect had been included in the revised Statement of Licensing Policy which was approved by Full Council and which comes into effect in January 2016. The Sub-Committee gave considerable thought to weighing up the nature of the establishment as referred to by Environmental Health and the Police and its positive impact on the locality against the policy considerations. It was the case in terms of the policy considerations that the later the alcohol was being sold at the cinema that was not ancillary to food, the greater the impact on the West End Stress Area. The Sub-Committee did give serious consideration to only granting the concessions sought to 20.00 hours as there was a concern that the café on the first floor would become a destination venue in its own right. It was not minded to grant the concession to 21.30 in the heart of the stress area. However, having weighed up the nature and value of the premises and the policy considerations, the Sub-Committee considered it appropriate to grant a terminal hour of 21:00 for the sale of alcohol to members of the public without a ticket on the first floor

and also to Picturehouse members without a ticket on the second, third, fourth and roof terrace floors. Members did consider that these were additional bar areas within the West End Stress Area and that it would not be appropriate in the future to vary the licence to a later hour within the Council's Core Hours policy.

Following discussions between the Sub-Committee and the Applicant, Members decided that there would be a minimum of 90 seats provided in the designated first floor area save for when the area is being used for a private pre-booked function. It was asserted by the applicant that many of the seats provided could actually be used by customers who did have a ticket or even by patrons of the café who did not want to consume alcohol. It was thought that a relatively insignificant number of persons would be drinking in the area who did not have a ticket and that it was generally better to provide seating than not to provide seating.

The Sub-Committee decided to amend condition 14 as requested by the applicant, taking into account the risk assessment that had been produced. This would permit guests attending private screenings and events that are pre-booked and not open to the general public to be able to take stemmed glassware into the auditoria. The public would be permitted to use stemless glasses in the auditoria rather than polycarbonate vessels.

The Sub-Committee also decided that it was appropriate for the variation to the licence to only come into effect when the capacity of the premises had been assessed (for each of the trading areas) by the Environmental Health Consultation Team and a condition detailing the agreed capacity replaced this condition on the licence. This took into account the concerns raised by Mr Wroe regarding the assessment of capacities in the West End Stress Area.

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.

34. 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.

Additional Conditions

35. 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.

36. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
37. a) Before 21:00, the sale of alcohol in the first floor café designated on the licensed plan is restricted to persons who are seated in the cross-hatched area edged in yellow on the plan or who have a ticket for a screening that day or who are attending a pre-booked private function (booked at least 24 hours in advance, a record of those attending to be retained for inspection by police or an authorized council officer and shall be kept for at least 31 days for inspection by the responsible authorities).
- b) After 21:00, the sale of alcohol in the first floor café designated on the licensed plan is restricted to persons who have a ticket for a screening that day or who are attending a pre-booked private function (booked at least 24 hours in advance, a record of those attending to be retained for inspection by police or an authorized council officer and shall be kept for at least 31 days for inspection by the responsible authorities).
38. A minimum of 90 seats will be provided in the designated first floor area save for when the area is being used for a private pre-booked function.
39. Before 21:00, the sale of alcohol in the Members Area (2nd, 3rd, 4th and roof terrace) is restricted to:
- a) persons attending pre-booked private function (booked at least 24 hours in advance, a record of those attending to be retained for inspection by police or an authorized council officer and shall be kept for at least 31 days for inspection by the responsible authorities), or
- b) Members (and their guests) (Members are as defined in the document headed 'Trocadero Cinema Rules of Membership 2014' or such amended Rules as submitted to the Licensing Authority from time to time).
- After 21:00, the sale of alcohol in the Members Area (2nd, 3rd, 4th and roof terrace) is restricted to:
- a) persons attending pre-booked private function (booked at least 24 hours in advance, a record of those attending to be retained for inspection by police or an authorized council officer and shall be kept for at least 31 days for inspection by the responsible authorities), or
- b) Members (and their guests) who have a ticket for a screening that day. (Members are as defined in the document headed 'Trocadero Cinema Rules of Membership 2014' or such amended Rules as submitted to the Licensing Authority from time to time).

No member to be allowed to bring more than four guests at any one time.
Details of the membership register to be disclosed to the responsible

authorities when requested.

40. All drinks sold, supplied or consumed in any auditoria shall only be in accordance with the Trocadero Risk Assessment 2015 or such amended Risk Assessment as submitted and approved by the Environmental Health Consultation Team from time to time.
41. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
42. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
43. 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 refusals of the sale of alcohol
 - h) Any visit by a relevant authority or emergency service.
44. The sale of alcohol in all parts of the premises will be ancillary to the primary use of the premises as a cinema.
45. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
46. Patrons temporarily leaving the premises such as for the purposes of smoking shall not take any drinks with them.
47. Save for preparation for film premieres and events no deliveries shall be made to the premises between 23:00 and 07:00 hours.
48. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0700 hours.
49. During the hours of operation ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that the aforementioned area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
50. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card

with the PASS Hologram.

51. The edge of the treads of steps and stairways shall be maintained so as to be conspicuous.
52. All exit doors shall be available at all material times without the use of a key, code, card or similar means. Any fastenings or electrically controlled locks shall be approved by the Council.
53. Only hangings, curtains, upholstery and temporary decorations, complying with the relevant British (or where appropriate European) Standard shall be used. Where necessary these shall be periodically tested for flame resistance and re-treated as necessary.
54. 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.
55. 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.
56. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
57. 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.
58. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
59. 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 7 days prior notice being given to Westminster City Council Consultation Team where consent has not previously been given:
 - a. dry ice and cryogenic fog;
 - b. smoke machines and fog generators;
 - c. pyrotechnics including fireworks;
 - d. firearms;
 - e. lasers;
 - f. explosives and highly flammable substances;
 - g. real flame;
 - h. strobe lighting.
60. 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.

61. Save for in a showing of a film appropriate categorised by the BBFC 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.
62. The certificates listed below, together with, if necessary, satisfactory details of remediation works identified, shall be submitted to the Environmental Health Consultation Team upon written request:
 - a. Any emergency lighting battery or system
 - b. Any electrical installation
 - c. Any fire alarm system.
 - d. Any ceiling inspection
63. Each auditorium shall be visited by a member of staff at least every 30 minutes during film showings to monitor screens and the behaviour of customers.
64. The external terrace will not be used for licensable activities after midnight.
65. The variation will have no effect until the capacity of the premises has been assessed (for each of the trading areas) by the Environmental Health Consultation Team and a condition detailing the agreed capacity has replaced this condition on the Licence.
66. In the ground floor area the supply of alcohol in the cafe is restricted only to persons who have a ticket for a screening that day or to a person seated there and for consumption by such persons as ancillary to food purchased on the premises.