



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (4)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** Committee held on **Thursday 10th March, 2016**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

Members Present: Councillors Jean Paul Floru (Chairman), Heather Acton and Louise Hyams

1 MEMBERSHIP

There were no changes to the membership.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 CLEVELAND ARMS PUBLIC HOUSE, 28 CHILWORTH STREET, W2

LICENSING SUB-COMMITTEE No. 4

Thursday 10th March 2016

Membership: Councillor Jean Paul Floru (Chairman), Councillor Heather Acton and Councillor Louise Hyams

Legal Adviser: Barry Panto
Policy Officer: Chris Wroe
Committee Officer: Andrew Palmer
Presenting Officer: David Sycamore

Relevant Representations: Environmental Health, four residents and a Residents Association (opposing application) and one resident in support of application.

Present: Maria Tamander (Applicant), Mr Anil Drayan (Environmental Health), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project – on behalf of local residents), Mr John Zamit (South East Bayswater Residents Association), Natalia Georgiadou, Fran Hutchinson and Anne Roberts (local residents).

Cleveland Arms Public House, 28 Chilworth Street, W2 15/09112/LIPV	
	Variation of a Premises Licence, Licensing Act 2003
1.	Current and proposed licensing activities
	<ul style="list-style-type: none"> • To increase the hours of opening times to allow the sale of breakfast (so as to allow the premises to open at 08.00 on Monday to Friday and 09.00 on Saturday and Sunday). • Internal changes to the layout (including an amended plan) so as to increase the space available for licensable activities in the basement area and to reinstate full cooking facilities. • Extra male and female toilet facilities to be added. • The capacity of the premises is to remain at 90 including staff.
	<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>Ms Maria Tamander (Applicant) addressed the Sub-Committee in respect of the application, which sought to gain approval for extending the use of the lower ground floor of the premises where a kitchen and dining room would be installed; and for serving breakfast earlier in the morning. Ms Tamander informed the Sub-Committee that she had been working with the City Council and local residents over the past two years, to enable the premises to provide food and attract a broader clientele.</p> <p>Mr Sycamore informed the Sub-Committee that the conditions set out in the report had been agreed with the Applicant. Further conditions which had been proposed by Mr John Zamit (South East Bayswater Residents Association) and agreed by the Applicant were circulated at the meeting.</p> <p>Ms Hutchinson (local resident) confirmed that Mr Zamit's comments were in line with the opinions of local residents; and requested that any drinking outside the premises would be strictly restricted to the private forecourt area, with all tables and chairs being removed by 22:30 hours. Ms Hutchinson confirmed that the main concern was not over the proposed changes to the Licence, but related to nuisance caused by people drinking outside of the premises and leaving once the premises had closed.</p> <p>Ms Natalia Georgiadou and Ms Anne Roberts (local residents) supported the comments made by Ms Hutchinson.</p> <p>Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project) addressed the Sub-Committee on behalf of local residents, and outlined the</p>

comments made by SEBRA on the proposed conditions, which included restricting the smoking area to the private forecourt of the premises; limiting the number of patrons temporarily leaving the premises to smoke after 23:00 hours; and revising the timings for the movement and removal of recycling materials and bottles and for deliveries at weekends.

Ms Tamander confirmed that she would be willing to agree the restriction on outside drinking, but informed the Sub-Committee that removing the furniture from the forecourt area would be difficult due to the lack of space inside the building. Mr Drayan commented that he did not consider that the furniture would need to be taken in as it was situated within a sectioned off area secured by metal railings, and was unusable when the premises was closed. Environmental Health had also taken into account residents' concerns over the use of the adjacent archway, which has been addressed by appropriate conditions.

The Sub-Committee gave careful consideration to both the written representations and to the points made at the hearing, and granted the application with conditions as set out below.

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. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Further Conditions

10. Alcohol may be sold or supplied:

- (a) on Monday to Thursday 10:00 to 23:30
- (b) on Friday to Saturday 10:00 to 00:00
- (c) on Sundays 12:00 to 22:50
- (d) on New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE: The above restrictions do not prohibit:

- (a) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or registered club for the purposes of the trade or club;

- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (e) the taking of alcohol from the premises by a person residing there;
- (f) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (g) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

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

11. The licence holder to provide emergency lighting to BS5266 or an equivalent standard as approved by LFEPA.
12. Regulated entertainment in the form of Live Music, Recorded Music and anything of a similar description is permitted Monday to Sunday within the hours outlined in Condition 10 above, subject to the following agreed conditions:
 - (a) the premises are to operate within the provisions of s.177 of the Licensing Act 2003.
 - (b) no external drinking after 23:00.
 - (c) the Regulated Entertainment will be limited to 2 performers.
13. No children under 14 are allowed in the bar unless the following conditions are satisfied:
 - (a) the premises are not being used solely for the sale or supply of alcohol.
 - (b) any child under the age of 14 is accompanied by a responsible adult, parent or guardian over the age of 18.
 - (c) It is between 10:00 and 21:00, except where a meal has been ordered before 21:00 in which case the child may remain on the premises up until 21:30 to allow the consumption of the meal.
14. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises or in its vicinity.

15. 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.
16. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
17. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
18. All windows shall be kept closed when amplified music is being played 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.
19. The number of persons permitted in the premises at any one time (including staff) shall not exceed 90 persons with local restrictions of 60 (*final figure to be determined on completion of works but not more than 60*) in the basement.
20. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall be restricted to within the private forecourt of the premises at the entrance as shown on the plans.
21. After 23:00 hours patrons permitted to temporarily leave and then re-enter the premises eg to smoke, shall be restricted to the private forecourt referred to in condition 20 and to a maximum of 10 people at any one time and shall not be permitted to take any drinks or glass containers with them.
22. Notices shall be prominently displayed at the exit/entrance and in the external area requesting patrons to respect the needs of local residents and businesses and when leaving to do so quietly.
23. The premises licence holder shall ensure that patrons do not use the archway outside the premises, except for access and egress. This area to be modified by staff including by use of CCTV.
24. 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.

25. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 08:30 hours on the following day Monday to Saturday and 23:00 hours and 09:30 hours the following day on Sunday.
26. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
27. No collections of waste or recycling materials, including bottles, from the premises shall take place between 20:00 and 07:00 hours on the following day Monday to Friday between 20:00 and 09:00 hours on the following day on Saturday and between 20:00 and 10:00 hours on the following day Sunday and must only be collected via the front of the premises in Chilworth Street.
28. Deliveries to the premises shall not take place between 20:00 and 07:00 hours on the following day Monday to Friday between 20:00 and 09:00 hours on the following day on Saturday and between 20:00 and 10:00 hours on the following day Sunday except Beer which can only be delivered between 09:00 to 20:00 hours via Gloucester Mews West.
29. 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.
30. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and/or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
31. The variation of this premises licence, 15/09112/LIPV, will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation team at which time this condition shall be removed from this licence by the Licensing Authority.

4 G-A-Y LATE, GROUND FLOOR, 5 GOSLETT YARD, WC2

Licensing SUB-COMMITTEE No. 4

Thursday 10th March 2016

Membership: Councillor Jean Paul Floru (Chairman), Councillor Heather Acton and Councillor Louise Hyams

Legal Adviser: Barry Panto

Policy Officer: Chris Wroe

Committee Officer: Andrew Palmer

Presenting Officer: David Sycamore

Relevant Representations: Metropolitan Police, Environmental Health, one local resident and the Soho Society.

Present: Mr Craig Baylis (Solicitor, on behalf of the Applicant), Mr Jeremy Joseph (Manager), Sgt Richard Bunch (Metropolitan Police), Mr Dave Nevitt (Environmental Health) and Mr Tyler Thorne (local resident).

G-A-Y Late, Ground Floor, 5 Goslett Yard, WC2 16/00325/LIPV	
	Variation of a Premises Licence, Licensing Act 2003
1.	Hours for Licensable Activities and Opening Hours
	<p>To increase the terminal hour of all licensable activities (apart from Late Night Refreshment) until 04:00 hours on the days following Tuesday – Saturday (with the premises closing at 04.30).</p> <p>To increase the terminal hour for the provision of Late Night Refreshment until 04.30 hours on the days following Tuesday to Saturday.</p> <p>To amend the commencement hour for the sale of alcohol on Sunday from 12.00 to 10.00.</p>
	<p>Amendments to application advised at hearing:</p> <p>Mitchells and Butlers Leisure Retail Limited had agreed to withdraw their objection, subject to the agreement of the additional conditions set out under 2 below.</p>
	<p>The Sub-Committee noted that the application was located within a Cumulative Impact Area.</p> <p>Mr Craig Baylis (Solicitor) addressed the Sub-Committee on behalf of the Applicant. The premises operated under a pre-conversion licence with old conditions which included a restriction of hours and conditions for membership that had originally been obtained to provide for late opening on Sundays. The hours of operation on Bank Holidays and on the Sunday before Bank Holidays had previously been extended through successful applications for Temporary Event Licenses, and the Applicant accordingly sought to embed into the Licence the changes that were being approved every year. The Applicant was no longer seeking such an extensive variation regarding barriers outside of the premises.</p> <p>Mr Jeremy Joseph (Manager) addressed the Sub-Committee and commented on problems with Somalian gangs in Charing Cross Road and in the Soho area. Mr Joseph was looking for ways to ensure that patrons were safe, and to provide more security for customers leaving the premises, and considered that extended</p>

closing time to 04.30 hours would enable the time that customers left the premises to be staggered.

Mr Baylis highlighted that no complaints regarding the premises had been made to the Noise Team since May 2013, and suggested that this should be taken into account when considering the application for extended hours. Mr Baylis considered that the general character of the premises and the way it was operated should also be taken into account when applying policy; and that consideration should be given as to whether the application would add to the cumulative impact. Mr Bayliss suggested that the question should be whether the proposals would conflict with the original reasons for adopting the policy.

Mr Panto commented on the issues relating to policy, and advised the Sub-Committee that there was a clear burden on the Applicant to demonstrate that their applications would not add to cumulative impact so as to justify an exception to the policy. Mr Panto also advised that the policy made a clear assumption that all premises were well managed and that having received no complaints would not be a consideration. The assumption was also that anyone consuming alcohol at these hours would by definition be likely to add to cumulative impact. The Sub-Committee accepted that the character of the premises might be a factor to take into account but only if that character could itself support an assertion that the additional hours would not add to cumulative impact.

Sgt Richard Bunch (Metropolitan Police) advised the Sub-Committee that the Police were wholly opposed to the application on the grounds of cumulative impact and the extended opening to 04:30 hours. Sgt Bunch reported that over the past 12 months there had been 85 reported crimes in Goslett Yard, of which 51% could be attributed directly to G-A-Y Late. Over 250 arrests had made in the area since July 2015 to address the problem. The Police were aware that the vast majority of victims of robbery by Somali Gangs had come from the premises late at night, many of whom were intoxicated. Any extension of hours would also impact on the ability to police the area.

Sgt Bunch commented on instances of reported crime at the premises, and confirmed that the Police had met with the operator twice since the beginning of the year, and were making progress in working together to reduce crime figures and to return lost property.

Mr Nevitt maintained the objection by Environmental Health, as the principle of granting the application within a Cumulative Impact Area would be against policy. Environmental Health also saw no reason why the application was an exception to policy, and considered that approval could have a negative impact on local residents and invite similar applications from other premises in the area. Mr Nevitt also expressed concerns on the proposal to extend the time of last entry, as customers could have had time to drink more alcohol before entering the premises and be noisier while queuing outside.

Mr Nevitt expressed concern that the barriers placed outside the premises could obstruct the public highway, as the existing gap was already narrow due to the adjacent ongoing works. Mr Joseph commented that barriers were considered

to be the best way to manage people queueing to enter the premises from 23:00 hours, and informed the Sub-Committee that the area outside the premises was supervised by three security staff, with an additional member of staff inside. The smoking area had also been placed near the front door so it could be managed.

Mr Baylis confirmed that the Applicant would be willing to withdraw the proposal to remove condition 26, and keep the last entry at 01:00 hours (on the day following Sundays) with the exception of Sundays before Bank Holidays and the annual Gay Pride event.

Mr Thorne addressed the Sub-Committee as a local resident, and stated that his main concerns were over the proposal to extend the terminal hour to 04:00 hours. Mr Thorne informed the Sub-Committee that his property was situated near to the staff entrance, and that he had complained directly to the premises about noise being caused by staff. Mr Joseph confirmed that he had been working with Mr Thorne to make sure there were no further problems, and that staff now only exited the premises through the main entrance. A member of security also now waited outside to ensure that staff left quietly.

The Sub-Committee gave careful consideration to both the written representations and to the points made at the hearing, and granted the application in part, with conditions. In determining the application, the Sub-Committee acknowledged that decisions had to be made in line with Westminster's existing policy.

The Sub-Committee agreed to the removal of conditions 23 and 24, as requested, and agreed that condition 26 would be amended to provide that there will be no entry to the premises after 01:00 hours except for Sundays before Bank Holidays and the Sunday of the Gay Pride Festival.

The Sub-Committee refused the application for a general extension of hours to 4:00 and 4:30 opening hours, with the exception of the Saturday of the annual Gay Pride Festival upon which dates permission would be granted (with extended hours for the sale of alcohol applying to 04.00 on the Sunday morning and for the provision of late night refreshment applying to 04.30 on the Sunday morning). The reason for the exception was that there were already a great number of additional people in the area. At other times, it was not considered that the applicant had provided any justification as to why the additional hours would not add to cumulative impact and this was especially so in view of the evidence provided by the police about crime in the immediate area of the premises. The character of the premises, the way that the premises was managed and the clientele that it attracted were not relevant in this case.

The full set of conditions is set out below.

2.	Conditions being varied, added or removed
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	<ul style="list-style-type: none"> • To remove conditions 23, 24, 25 and 26. • Seasonal variations to permit the premises to remain open longer prior to bank holidays and British Summer Time. • Add other conditions and change the registered office address of the holder.
	<p>Amendments to application advised at hearing:</p> <p>Several conditions and changes were proposed:</p> <ul style="list-style-type: none"> • Withdrawal of the request to remove condition 25. • Withdrawal of the request to remove condition 26 apart from Sundays before bank holidays and the Sunday of the Gay Pride week-end. • That SIA registered door staff will arrange barriers on the street to ensure that queues of patrons waiting to enter the premises and smokers are kept within the barriers and do not cause obstruction on the road or pavement to Goslett Yard. • That the external smoking area to close at 03.30 hours. <p>Conditions had also been proposed following discussions between the applicant and one of the objectors:</p> <ol style="list-style-type: none"> 1. The license 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. 2. Queuing outside the premises shall be restricted to a designated area located behind the barriers erected for this purpose. 3. Patrons permitted to temporarily leave and re-enter the premises to smoke shall be restricted to a designated smoking area behind the barriers erected for this purpose.
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application for the variation, addition and removal of conditions as indicated above. (See reasons for decision in Section 1).</p> <p>The full set of conditions is set out below.</p>

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

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

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

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

7. The responsible person must ensure that—

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

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

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

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

9. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001

10. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of

regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).

11. The number of people accommodated at any one time (excluding staff) shall not exceed 300.
12. Substantial food and suitable non-intoxicating beverages, including drinking water shall be available throughout permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
13. 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.
14. No payment to be made by or on behalf of the premises for distribution of flyers or tickets within public areas in the Licensing Districts of Westminster.
15. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
 - (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.
 - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress,
 - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.
16. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence:
 - (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
 - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
 - (c) to take all other reasonable precautions for the safety of the children.
17. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day. On the week-end of the Gay Pride Festival, the terminal hour for the provision of late night refreshment is extended to 04.30 on the Sunday morning.

Annex 2 — Conditions consistent with the operating Schedule

18. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a

minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

19. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
20. 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 or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
21. Admission for or by members shall be gained by use of a police approved scan system.
22. There is to be no entry to the premises after 01:00 on Sundays except for Sundays immediately preceding a bank holiday and the Sunday when the Gay Pride Festival takes place.

Permitted hours for the sale of alcohol

23. (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 and extend until 03.00 on the morning following except that -
 - (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
 - (ii) on any day that music and dancing end between 00.00 midnight and 03.00 the permitted hours shall end when the music and dancing end
- (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect with the substitution of references to 04.00 for references to 03.00.
- (c) On Sunday the permitted hours shall commence at 12:00 and extend until 03:00 on the following day, with the exception of the Sunday of the Gay Pride Festival when the permitted hours shall extend to 04.00 on the Sunday morning.
- (d) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (e) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
 - (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
 - (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
 - (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered; the sale of alcohol to a trader or registered club for the purposes of the trade or club;
 - (e) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of her Majesty's naval, military or air forces;
 - (g) the taking of alcohol from the premises by a person residing there;
 - (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
 - (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.
 - (i) In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.
24. The license 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.
25. Queuing outside the premises shall be restricted to a designated area located behind the barriers erected for this purpose.
26. Patrons permitted to temporarily leave and re-enter the premises to smoke shall be restricted to a designated smoking area behind the barriers erected for this purpose.

5 THE HARCOURT ARMS, 32 HARCOURT STREET, W1

LICENSING SUB-COMMITTEE No. 4

Thursday 10th March 2016

Membership: Councillor Jean Paul Floru (Chairman), Councillor Heather Acton and Councillor Louise Hyams

Legal Adviser: Barry Panto
Policy Officer: Chris Wroe
Committee Officer: Andrew Palmer
Presenting Officer: Yolanda Wade

Relevant Representations: Environmental Health and 9 residential objections.

Present: Mr Piers Warne (appearing on behalf of the Applicant), Mr Thomas Haring (General Manager), Andrew Endean (Operator), Mr Maxwell Koduah (Environmental Health) and Ms Jo Slevin (resident).

The Harcourt Arms, 32 Harcourt Street, W1H 4HX 16/00449/LIPN	
1. Late Night Refreshment	
	<p>Sunday to Thursday 23.00 to 23.30 Friday and Saturday 23.00 to 00.00</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.</p> <p>From the end of permitted hours on Sundays immediately prior to a bank holiday until 00.00.</p>
	<p>Amendments to application advised at hearing:</p> <p>Ms Wade informed the Sub-Committee that since the publication of the report, the representations made by the Police had been withdrawn as the Applicant had agreed to conditions proposed by the Police as set out at page 134 of the report.</p> <p>Mr Warne confirmed there was no application for late night refreshment on a Sunday, as the premises would close at 22:30.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Mr Piers Warne addressed the Sub-Committee, and confirmed that the Applicant was seeking a new premises licence for the existing public house which was currently being refurbished. The lower ground floor (basement) and ground floor were both used as part of the existing licence, and the application sought to make changes to the layout of the premises, with the addition of private dining rooms on the first floor; a change of</p>

layout to the garden area in the lower ground floor which would become a new dining room seating up to 65 customers; and the extension to core hours for both late night refreshment and the sale of alcohol on Fridays and Saturdays..

In response to discussions and representations from local residents, the Applicant had removed a request for recorded music and had agreed conditions with the Police, local residents and Environmental Health. Mr Warne confirmed that music would be provided as occasional background entertainment, which had been discussed with the residents. A further condition had also been agreed regarding capacity, which reflected the fire risk assessment. The capacity agreed was 60 for the Lower Ground Floor, 35 for the Ground Floor and 30 for the First Floor.

The Sub-Committee noted that the previous premises focussed more on serving alcoholic drinks, with music and barbeques in the garden area which led to complaints from local residents. A kitchen situated on the first floor had also caused problems. Mr Warne confirmed that the previous problems would be addressed by the proposed changes to the internal layout of the premises which had been made in response to concerns from residents. Under the new configuration, the kitchen would be removed from the first floor, and the basement area would be totally enclosed and fully covered to ensure that there was no noise nuisance. The premises would also be more food-led, and would seek to attract a different type of clientele.

The Sub-Committee heard evidence from Environmental Health, who asked that the number of people smoking outside of the premises should be limited to 10. Mr Warne considered that conditions agreed had covered all eventualities. If any problems were caused, the applicant would take measures to resolve them, but it was not considered that limiting the numbers of people smoking outside the premises would be justified in accordance with the licensing objectives. The Sub-Committee decided that smoking was generally an issue of understandable concern to residents as it had the potential to cause a nuisance whenever customers temporarily left the premises for that purpose. Although very few of the objectors had raised smoking as an issue, it was noted that the area was highly residential and it was therefore decided that a condition should limit the number of smokers (and anyone else who had to temporarily leave the premises) to 12 persons at any one time, but only after 22.30 hours.

The Sub-Committee also heard from Ms Slevin who, having seen the most recent amendments to the application, was extremely reassured.

The Sub-Committee also noted the representations from other local residents who were not present at the hearing. Most of them backed on to the premises and were concerned about the noise that might be caused by the new restaurant operation in the garden area to the rear of the premises. It was noted that the rear garden would be enclosed and that other measures had been taken during the refurbishment programme which would avoid the type of nuisance that was being caused by the previous operation of the pub, including the moving of the kitchen from the first floor to the basement. A whole raft of additional conditions had also been agreed with the police and the environmental health service so as to provide further protection to the residents. In those circumstances it was considered to be appropriate to grant the application to the core hours being sought by the applicant.

The Sub-Committee gave careful consideration to both the written representations and

	to the points made at the hearing, and granted the application, subject to conditions attached to the licence as set out below.
2.	Sale by retail of alcohol (on-sales only)
	<p>Monday to Thursday 10.00 to 23.30 Friday and Saturday 10.00 to 00.00 Sunday 12.00 to 22.30</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.</p> <p>From the end of permitted hours on Sundays immediately prior to a bank holiday until 00.00.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application. (See reasons for decision in Section 1).</p> <p>The full set of conditions is set out below.</p>
3.	Opening Hours
	<p>Monday to Thursday 10:00 to 23:30 Friday and Saturday 10:00 to 00:00 Sunday 12.00 to 22.30</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.</p> <p>From the end of permitted hours on Sundays immediately prior to a bank holiday until 00.00.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application. (See reasons for decision in Section 1).</p> <p>The full set of conditions is set out below.</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.
9. 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.
10. All outside tables and chairs shall be rendered unusable by 22.30 each day.
11. After 22.30 each day 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.
12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
13. 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
14. 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.
15. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
16. No licensable activities shall take place at the premises until premises licence 15/05088/LIPT or such other subsequently issued for the premises has been surrendered.
17. 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

19. Loudspeakers shall not be located in the entrance lobby or outside the premises building
20. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business
21. 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.
22. 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.
23. 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.
24. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
25. 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.
26. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority
27. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority
28. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
29. All windows and external doors shall be kept closed after 22:30 hours, except for the immediate access and egress of persons.
30. 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.
31. After 22:30 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 12 persons at any one time.

32. The capacity for the premises shall not exceed:

Lower Ground Floor – 60

Ground Floor – 35

First Floor – 30

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

6 EL CAMION, 25-27 BREWER STREET, W1

LICENSING SUB-COMMITTEE No. 4

Thursday 10th March 2016

Membership: Councillor Heather Acton (Chairman) and Councillor Louise Hyams

Legal Adviser: Barry Panto

Policy Officer: Chris Wroe

Committee Officer: Andrew Palmer

Presenting Officer: Ola Owojori

Relevant Representations: Environmental Health.

Present: Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project – on behalf of the Applicant), Mr Ken White and Mr Lawrence Lynch (Applicants), Ms Maria Soares and Ms Paula Soares (local residents), Ms Sally Thomas (Environmental Health), Mr Mark Browning (on behalf of the Licence Holder), Mr Edmund Conran (Owner and Managing Director of the Corporate Licensee), Mr Peter Rogers (Acoustics Expert), Mr Matthew Scott (General Manager), Mr Adam McLeen (Assistant Manager) and Ms Alice Harrison (local resident in support of the licence holder).

Review of the premises licence for El Camion, 25-27 Brewer Street, W1F ORR 15/11278/ LIREVP

Summary of application

An application had been made by Mr Lawrence Lynch and Mr Ken White to review the premises licence for El Camion, 25-27 Brewer Street, W1F ORR, on the grounds of Prevention of Public Nuisance and Protection of Children from Harm. Their concerns related to:

- Music noise emanating from the basement and or ground of the premises into residential accommodation above the premises.
- Noise nuisance from groups of customers smoking outside the premises
- Noise from groups of customers dispersing late at night
- Music noise emanating from the basement and or ground of the premises into the children's bedroom of Flat 52 St. James's Residence causing broken sleep of the children thereby harming their health and development.

Details of the application were set out at pages 154 to 160 of the report to the Licensing Sub-Committee (where it was noted that pages 157 and 158 had been paginated in the wrong order). The report also included written statements from Mr White, Mr Lynch and Ms Soares.

Prior to the application to review the premises licence, the applicants had met with the licensee and officers from Environmental Health to resolve the noise issues. The resulting recommended action had, however, not been fully implemented, as noise from the premises continued to affect residential accommodation above the premises.

The applicants had proposed a number of remedial actions which they believed were appropriate and proportionate to promote the licensing objectives, which included the removal of the performance of dance, live music, recorded music and anything of a similar description from the ground floor; and a reduction in permitted hours for licensable activities and opening hours on Monday to Sunday to the Council's core hours.

The application for review had been supported by the Environmental Health Service, who had recorded seven noise/nuisance related complaints against the premises over the last two years; and had served a Section 80 Abatement Notice on the premises on 30 September 2015. The review had also been supported by the NHS, who had expressed concern over the health and wellbeing of the children who were being affected by the noise coming into their bedroom.

Representations had been made in support of the review by three local residents, on the grounds of regular noise nuisance from the premises into residential accommodation; and of further nuisance being caused by groups of customers smoking outside the premises and leaving in the early hours of the morning. The capacity of the premises was 40 customers on the ground floor restaurant and 49 in the basement.

In Councillor Jean-Paul Floru's absence, Councillor Heather Acton was appointed Chairman for consideration of this item.

Decision

Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project) addressed the Sub-Committee on behalf of the Applicant, and summarised the events which had led to the review being requested. Mr Brown informed the Sub-Committee that the problems had been ongoing with a series of different owners since the current licence had originally been granted. Although there had been

improvements since the review had been requested, the Applicants were still seeking a reduction in hours, and for there to be no regulated entertainment on the ground floor. A number of conditions had been proposed, which included limitations on noise and people smoking outside of the venue; and the provision of a contact number by which local residents could contact the premises.

The Sub-Committee heard from Mr Lynch, who lived in the property situated directly above El Camion, and noted the problems that had been caused by noise coming from the premises. The Sub-Committee also heard from Mrs Maria Soares and her daughter Ms Paula Soares who lived in an adjoining property, and were shown photographic and video evidence in support of the application. The Sub-Committee noted the disturbance caused by customers smoking outside the premises and leaving after 03:00 hours, and Ms Soares stated that she had made several unsuccessful attempts to contact the premises.

Mr White addressed the Sub-Committee as one of the joint applicants, and recognised that certain levels of noise and disruption could be expected when living in the West End. Mr White considered however that the nuisance currently being caused by the premises was unacceptable, and sought an amiable agreement on the reduction of operation back to core hours; together with noise limitation and more effective door management.

By way of clarification, Mr Panto (Legal Adviser) informed the Sub-Committee that the 03:00 premises licence had originally been permitted by way of a Special Hours Certificate for the late night sale of alcohol, which had been granted prior to conversion under the Licensing Act 2003. Mr Panto sought confirmation that the local residents were assured that the nuisance was being caused by the premises, and not by other venues in the area. Mr White confirmed that there were no other venues in the street that remained open until 03:00, and that people could be seen entering and leaving the premises. Mr Lynch also confirmed that further noise was being caused by taxis and Pedit cabs collecting customers. Mr Brown commented that although he acknowledged that the cumulative impact could not be attributed solely to the premises, in a review of a premises licence the location of the premises in a stress area and need to reduce impact were factors that needed to be taken into account.

Ms Sally Thomas (Environmental Health) outlined the involvement of the Environmental Health service in responding to noise issues that had arisen in connection with the premises, and confirmed that the noise limiter had been re-set in November 2015 following the serving of the Noise Abatement Notice. It was unclear why the noise limiter set in 2012 with the previous operator had not been in operation since that date, but Ms Thomas was able to confirm that there had been no recorded problems since November. The Sub-Committee noted that as of 5 March, Westminster's Noise Officer had agreed that the Section 80 Notice had been complied with, and that no further action would be taken. Noise limiters were now in operation on the ground floor and basement, and the noise management plan included a logger that recorded sound levels at the premises and could corroborate complaints. Environmental Health was not certain that removing activity from the ground floor was necessary in view of the noise limiters, but agreed that noise conditions should be attached to the licence. Ms Thomas also agreed that further conditions relating to the hours of operation and control of noise generated by customers should be determined by the Sub-Committee. The local residents

acknowledged that although sound could still be heard, there had been a significant improvement since the Section 80 Notice had been served.

The Sub-Committee heard from Mr Mark Browning on behalf of the licence holder. Mr Browning considered that many of the comments made by the applicants and local residents were unfair and disproportionate, and highlighted the need to recognise what the Licensee had done and was continuing to do. Mr Browning commented that since the noise limiter had been set in 2012, no complaint had been received by the Council from local residents for three years. The problem of sound travelling within the structure of the building had not been foreseen, and although action had been taken immediately with an acoustics expert being appointed to deal with the issue, it had taken six weeks to gain access to Mr Lynch's property. Mr Browning also commented that it was extremely rare in reviews to have a local resident who was supportive of the premises.

Mr Browning indicated that the licensee did not accept responsibility for the alleged nuisance that might have been caused outside the premises. He asserted that the premises employed one of the best doormen in the business and made reference to a covert visit undertaken by Mr Keegan (one of the licensing inspectors) where no noise nuisance was identified.

Mr Peter Rogers (Fellow of the Institute of Acoustics) informed the Sub-Committee that he knew the area of Westminster well, and that although he had not conducted any external survey, he considered Brewer Street to be a vibrant area in which noise should be expected. Mr Rogers stated that he had visited the premises twice, and had found on his first visit that there were noise limiters on the ground floor and in the basement. Although the music played within the dining area on the ground floor had only been ambient, the sound system had been fitted with a cut-off noise limiter. The basement area had however been fitted with a noise limiter which had no restriction, and was considered to be the source of the noise nuisance. In response to recommendations, a new limiter had been put in place in the basement, with microphones to monitor sound levels; and the bass frequency on the sound system had been adjusted, with speakers being isolated on rubber mats. A decibel logger had also been installed with staff being trained in its use, and a best practice noise management plan (set out at page 299 of the Licensing Sub-Committee report) which included dispersal had been adopted.

Mr Rogers informed the Sub-Committee that his subsequent visit had been to Mr Lynch's property, and that Mr Lynch had confirmed that the adjusted sound was not audible from his property. Mr Rogers had been unable to gain access to the other flats.

Mr Edmund Conran (Licensee) spoke on the management of the outside areas, and commended the door supervisors who were employed at the premises. Mr Conran considered that Brewer Street was as busy at 03:00 as it was at 18:00, with rickshaws and cabs operating throughout the night. Although Mr Conran did not dispute that the operation of the premises had caused difficulties for Mr Lynch, he considered that the problems had arisen through a misunderstanding of the location of the noise, and that the issues had been dealt with by prompt measures and could not happen again. The members of the Sub-Committee also had regard to the detailed statement from Mr Conran that was included with the Sub-Committee

papers.

The Sub-Committee also heard from Mrs Alice Harrison, who was a resident in a flat on the opposite side of the road to El Camion. Mrs Harrison had wished to attend the review to support the premises as she considered the venue to be well managed with effective doormen. Mrs Harrison had not been subject to noise nuisance, but had sympathy for Mr Lynch.

Mr Browning commented that the Licensee considered it appropriate as a gesture of good will to add conditions that would enforce the measures already taken, which included the noise limiter; the closing of windows and doors; and the number of patrons being permitted to temporarily leave the premises to smoke. Although the Licensee would also be willing to position the designated smoking area wherever it was appropriate for residents, he considered that it would be disproportionate to impose conditions beyond those set out in the report.

Mr Browning suggested that there was no evidence that the premises was causing disruption in the street, and considered that asking the premises to revert to core hours would be unfair and disproportionate. The Licensee similarly believed that it would be disproportionate to have two door supervisors after 18:00, as two doormen were already on the premises on a Friday and Saturday night, with a further supervisor in the basement. Mr Browning further considered that it would not be necessary to address the regulated entertainment on the ground floor, as the customers' voices were usually louder than the music.

Mr Brown responded to the Licensee's submission on behalf of the Applicant, and suggested that the assertion that there had been no complaints between 2012 and 2015 was not true. Residents had made numerous calls to the premises during this time, which should have been reported by the Designated Premises Supervisor on a day to day basis, and Mr Brown considered that the disconnect lay with the premises management, and not the residents. Mr Brown similarly confirmed that the Applicant had not suggested that Brewer Street would be a quiet area if El Camion was not there; and that the condition for two doormen had been requested as Brewer Street was busier at night, with people more likely to have been drinking and therefore less inhibited. The requirement for customers to possess membership would also not indicate or guarantee good behaviour. Mr White reiterated that he did not consider the Applicant's request for a review to be disproportionate, as it was the responsibility of the Licensee to ensure that the premises was properly managed.

Having considered carefully all of the evidence and supporting submissions and representations, the Sub-Committee did not consider the application for review of the Premises Licence to be vexatious or disproportionate, and were satisfied that there had been public nuisance for some time. The Sub-Committee acknowledged the difficulties associated with a nightclub/bar being situated below residential premises, but expressed concern over how the premises manager had only responded to the issues raised by local residents following the Noise Abatement Notice. The Sub-Committee acknowledged that Westminster had received no representations between 2012 and 2015, but accepted the evidence given by residents that numerous complaints had been made to the premises over that period, and that there had been a failure in the management of the premises. The Sub-Committee concluded that the noise nuisance from music transmission did appear to have

improved following the recent actions of the Licensee, and concluded that the addition of specific conditions to address nuisance both inside and outside the premises was an appropriate and proportionate response to the application. The Sub-Committee had given serious consideration to reducing the hours of operation, but trusted that the Licensee had an obligation and an opportunity to help residents with the imposition of the conditions. If this did not resolve matters to the satisfaction of residents, they could make further complaints to the Environmental Health Service, and the premises could be subject to further review.

The Licensee apologised for the nuisance that the premises had caused local residents, and agreed to establish a liaison process with the applicants.

The revised conditions that would be attached to the Licence are set out below.

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. 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. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
11. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
12. Notwithstanding the provisions of Rule of Management No 6 the premises may remain open for the purposes of this licence from 23:00 on each of the days Monday to Saturday to 03:00 on the day following.
13. An appropriate mechanism will be installed and maintained on the fire escape door at the rear of the premises so as to ensure that this entrance/exit is used by customers/members only in cases of emergency.
14. There will be no deliveries to the premises before 08:30.
15. Refuse will be properly bagged, sealed and disposed of in accordance with Westminster City Council requirements.
16. Refuse shall not be placed outside the premises until 30 minutes before the specified refuse collection time.
17. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree or any other property, or is distributed on the street to the public, that advertises or promotes the establishment, its premises or any of its events, facilities, goods or services.

18. The number of persons accommodated at any one time (excluding staff) shall not exceed the following: ground floor – 95, Basement – 49.
19. Notwithstanding the above condition, the TOTAL number of persons accommodated over both floors at any one time shall not exceed 125 (excluding staff).

Conditions for Sale of Alcohol

20. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to:
 - (a) Members of the club meeting at within mentioned premises for consumption by those members and their bona fide guests. No person shall be admitted to membership of the said club without an interval of at least 24 hours between nomination or application for membership and admission.
 - (b) Any person attending a private function at the premises, of which 24 hours' notice shall be given to Police, a list of whom shall be kept at reception for inspection by the relevant statutory authorities.
 - (c) Artistes or persons employed on the premises.
 - (d) Persons taking full take meal, a list of whom are held at reception for inspection by the relevant statutory authorities.
21. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
22. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.
23. 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.
24. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
25. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised

officer throughout the entire 31 day period.

26. 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. 32. The maximum number of persons, including staff, to be present in the licensed premises shall not exceed the number specified from time-to-time by the proper officer of the London Fire and Civil Defence Authority.

27. (i) Monday to Saturday

(a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10:00 (12:00 on Christmas Day and Good Friday) and extend until 03:00 on the morning following, except that:

- (i) the permitted hours shall end at 00:00 midnight on any day on which music and dancing is not provided after midnight; and
- (ii) on any day that music and dancing end between 00:00 midnight and 03:00, the permitted hours shall end when the music and dancing end;

(b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-

- (i) With the substitution of references to 04:00 for references to 03:00.

(c) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.

(d) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January to 00:00 on New Year's Eve.

NOTE: The above restrictions do not prohibit:

(a) During the first thirty minutes after the above hours the consumption of the alcohol on the premises;

(b) During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

(c) The sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;

(d) The ordering of alcohol to be consumed off the premises or the despatch by the vendor of the alcohol so ordered;

- (e) The sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an unauthorised mess of members of her Majesty's naval, military or air forces;
- (g) The taking of alcohol from the premises by a person residing there;
- (h) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (i) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

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

(ii) Sunday

Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30;
- (b) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30;
- (c) On New Year's Eve on a Sunday, 12:00 to 22:30;
- (d) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE: The above restrictions do not prohibit:

- (a) During the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

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

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

28. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (a) He is the child of the holder of the premises licence.
- (b) He resides in the premises, but is not employed there.
- (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

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

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

Conditions attached after a hearing by the licensing authority

31. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
32. 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.
33. On Thursday, Friday and Saturday, at least two SIA licensed door supervisors shall be on duty outside the premises after 10pm on any day when the premises is open for business. The principal duties of the supervisors shall be to manage patrons who have temporarily left the premises, e.g. to smoke and to ensure that customers disperse from the premises without causing a public nuisance to local residents.
34. Patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
35. 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 they remain within the designated smoking area referred to in condition 41 and to ensure that there is no public nuisance or obstruction of the public highway.
36. A noise limiter must be fitted to each of the musical amplification systems on both floors of the premises and 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 limiters 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 limiters shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to an existing sound system(s) should be affected 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 at least one of the sound limiter devices.

37. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
38. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall be limited to 8 persons at any one time.
39. A direct telephone number for the Manager not diverted to an answerphone 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.
40. 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.
41. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area defined as between the two doors of the premises as marked on the licence plan.
42. A decibel logger measuring noise levels shall be continuously operated at the premises whenever they are open for business. Records from the logger shall be retained for a minimum of 31 days with date and time recording. Records shall be supplied to an authorised Environmental Health Officer immediately upon request over the entire 31-day period.