



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (2)** held on **Thursday 16th June, 2016**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

Members Present: Councillors Nickie Aiken (Chairman), Nick Evans and Rita Begum

Also Present: Councillors

Apologies for Absence:

1 MEMBERSHIP

There were no changes to the Membership.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

1 SUSHI SAMBA COVENT GARDEN 35 THE MARKET COVENT GARDEN WC2

LICENSING SUB-COMMITTEE No. 2

Thursday 16th June 2016

Membership: Councillor Nickie Aiken (Chairman), Councillor Nick Evans and Councillor Rita Begum

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Jonathan Deacon

Presenting Officer: Sumeet Anand-Patel

Relevant Representations: Environmental Health, Metropolitan Police, Covent Garden Community Association ('CGCA') and 1 local resident.

Present: Mr Alun Thomas (Solicitor, representing the Applicant), Mr Hadi Aknin (Director of Operations), Mr Torben Andersen (Acoustic Consultant), Mr Ian Watson (Environmental Health) and PC Reaz Guerra (Metropolitan Police

Sushi Samba Covent Garden, Units 7 and 35 The Market, Covent Garden, WC2 16/03019/LIPN	
1.	Recorded Music (Indoors)
	<p>Monday to Thursday: 08:00 to 00:30 Friday and Saturday: 08:00 to 01:00 Sunday: 09:00 to 00:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Members of the Sub-Committee initially heard from Mr Thomas, representing the Applicant. He referred to the fact that this was an application for a new premises licence which sought to merge two existing premises licences. One of the existing premises licences was for the ground floor external seating area, 7 The Piazza (formerly known as The Creperie) and the other was applicable to the first floor area, 35 The Piazza (formerly known as Brasserie Blanc). The Applicant was proposing that the sale of alcohol was permitted until 23:00 Monday to Saturday and until 22:30 on Sunday in the Ground Floor external seating area which was in line with the existing permission. The existing premises licence for the First Floor area, containing a restaurant and a bar, permitted alcohol to be sold until midnight Monday to Saturday and 23:30 on Sunday.</p> <p>Mr Thomas wished to emphasise during the hearing that he was replacing 'like for like' until midnight on the first floor including the bar area where alcohol was not ancillary to a table meal after 11.00 within the area edged in green. However, there was an additional period sought after midnight Monday to Saturday when the entire first floor area would be required to operate as a restaurant. A further element of the application was to use the first floor terrace until midnight.</p> <p>Mr Thomas addressed the Sub-Committee on the points of difference with the CGCA. He stated that whilst he accepted that it was up to the Applicant to demonstrate that the application would not add to cumulative impact particularly when the premises operated after the end of Core Hours, it was accepted by the Council's policy that (as the first floor would be a restaurant after midnight) restaurants have little association with crime and disorder and public nuisance.</p>

He referred to The Ivy Café in Henrietta Street having been granted similar hours and not been considered to have added to cumulative impact. He made the point that dispersal from the premises was not an issue, particularly as there was an underground station nearby.

Mr Thomas stated that in relation to Sundays, the sale of alcohol would conclude at 23:30. It was for the Sub-Committee to decide whether as CGCA was requesting the premises should close at 23:30 as required by Planning. In respect of the first floor terrace, the existing area was 161 square metres. As proposed the size would become 68 square metres. Mr Thomas stated that under the existing premises licence the use of the terrace was unrestricted and his client therefore could not agree a restriction of 22:00 hours or the planning time of 23:00. The Applicant was requesting that the terrace was open until midnight. This was based on the recommendations in Mr Andersen's acoustic report that ambient noise levels in the vicinity of the Piazza fall after midnight and there was more potential for noise nuisance after that time. Mr Thomas added that if an earlier terminal hour was imposed for the first floor terrace, there would be less control over smokers who would then smoke in The Piazza.

The Sub-Committee heard that the Applicant had agreed with Environmental Health that the doors and windows would be closed at midnight and did not wish the CGCA's proposed time of 22:30 to be imposed. Mr Thomas stated that appropriate model conditions had been proposed for deliveries and collections and the collections would be undertaken by the Council. His client therefore did not wish to restrict deliveries from 19:30 to 22:30 daily. There were other restrictions in the planning permission. In response to CGCA's proposal that the Council's model restaurant condition, MC66, should apply to the whole area of the first floor, including the terrace, Mr Thomas made the point that this would not be a 'like for like'. The existing premises licence did not specify that the restaurant condition should be in force throughout the first floor. In the Piazza area food was being offered.

The Sub-Committee next heard from Mr Watson, representing Environmental Health. He confirmed that he had been approached by Mr Thomas about the concept of the two premises being merged into one and had provided pre-application advice. He stated that the premises which had historically traded as Brasserie Blanc had no stated capacity and potentially could have had a capacity of 600 people based on floor space and fire escapes. It was now being proposed that there would be some loss of space, including the new entrance on the north-east corner. The suggested internal capacity was 309 and the external capacity for 7, The Piazza was 60. This was supported by toilets and disabled facilities.

Mr Watson advised that external terraces always had the potential to cause concern to Environmental Health. There was no record of complaints regarding the unrestricted use of the existing licence. The terrace would be substantially reduced in size. The existing use showed some tables, chairs and umbrellas. The Applicant's plan showed tables and chairs on the terrace but there was no condition proposed for this. Bar use was sought in this area. Mr Watson had concerns that if people could only be seen drinking there it would advertise the terrace as a new first floor bar. The introduction of tables and chairs would

provide a different perspective. The Applicant's acoustic report carried out by Mr Andersen had taken as its basis a premises occupancy of 15 dining tables/30 customers on the terrace, 15 of whom are speaking simultaneously. Without a 'tables and chairs' condition, there could potentially be 136 people vertically drinking and if a large number spoke at the same time there could be some noise nuisance. Mr Watson also raised the matter of the proposed change from bar to restaurant use internally on the first floor at midnight and how this would be managed.

PC Guerra stated that the Metropolitan Police representation had been maintained as the proposed hours were beyond Core Hours in the West End Cumulative Impact Area. The Applicant needed to make the case as to why there was an exception to the policy. There were two premises with existing premises licences which it was proposed would become one substantial premises. PC Guerra added that there were very low levels of crime at the two premises which had operated previously. He also made the point that the establishment which was run by Sushi Samba in Heron or Salesforce Tower was very different as it operated on the top floor of the building as opposed to being in an open area of Covent Garden.

Mr Thomas responded to some of the points that had been made by the Responsible Authorities. Whilst two premises were becoming one, overall it was a slightly smaller area particularly in relation to the first floor terrace and entrance. It was his assertion that the two premises had not been operated separately. It was also not the Applicant's intention for only vertical drinking to take place on the first floor terrace. There would be tables and chairs situated on the terrace as customers would also want to have lunch and dinner there. Mr Thomas requested that the first floor terrace was not restricted purely to seated customers. The Applicant wanted the flexibility for a few people to stand or smoke on the terrace. There would not be sufficient room between the tables on the first floor terrace for lots of people to stand in this area.

The Sub-Committee asked Mr Thomas a number of questions, including whether he was willing to accept a capacity condition for the first floor terrace. Mr Thomas replied that this was not a 'like for like' as its use was currently unrestricted. He had explained that the likely numbers on the terrace would range from 30 to 70 people. The Sub-Committee then asked Mr Thomas whether he would accept a condition specifying the number of tables on the terrace in line with the 15 tables referred to in the Applicant's acoustic report. Mr Thomas replied that he was willing to accept a condition that a minimum of 15 tables would be located there.

Members asked why it was being suggested that doors and windows would be closed at midnight. Mr Thomas responded that this had been agreed with Environmental Health. Mr Watson explained that checks had been undertaken as part of the pre-application advice of the noise history of the first floor internally and on the terrace. There had been no incidents of noise nuisance. As there was no evidence to suggest that there were issues with noise, a restrictive condition limiting when doors and windows were closed would be open to challenge.

Mr Thomas stated that in respect of a designated smoking area, it was intended that this would be factored into the first floor terrace. In respect of off-sales, it was sought as it would replicate the existing premises licences and customers might wish to buy a bottle of wine. It was noted that a condition had been proposed that there would be no off-sales after 23:00.

The Sub-Committee also asked Mr Thomas about the management of the transition period at midnight for the areas edged in green on the first floor of the premises from alcohol not being ancillary to food to it being subject to the full model restaurant condition. Mr Thomas replied that it was not uncommon for premises licences in Westminster to contain 'supper hours' conditions. Mr Akin added that the emphasis was on the area being managed and a service being provided at all times. Customers would be informed in advance of midnight that alcohol would be ancillary to a substantial table meal.

Mr Thomas was asked why the premises could not operate as a restaurant throughout at all times. He responded that this would not reflect 'like for like'. He expressed the view that the premises would in many ways act as a restaurant that was in keeping with the Council's model condition, MC66. Customers would be shown to their table, would sit down and there would be waiter/waitress service. There were no additional diners in the West End Cumulative Impact Area as a result of the application in comparison to the existing use. There was a potential reduction in capacity in comparison with the two premises licences which were being merged. Mr Thomas made the additional comment that he understood it would make sense to attach a condition that except for the area edged green on the approved plan between the hours of 11.00 and 00.00, the entire premises would only operate as a restaurant in keeping with MC66.

The Sub-Committee, in granting the application, considered that the application did not add to cumulative impact given that there had been two previous licences in existence with similar hours that were now being merged. Members noted that the Applicant did not particularly object to CGCA's request that 23:30 hours be imposed as a closing time on Sundays and took into account that it was the latest terminal hour permitted on the existing licences. In addition to deciding on a 23:30 terminal hour on Sundays, the Sub-Committee considered that a 01:00 closing time was appropriate and proportionate on Fridays and Saturdays. This was in keeping with the Council's policy that refers to the increased potential for the licensing objectives to be undermined at a later time than 01:00. The Sub-Committee granted the hours applied for Monday to Thursday.

The Sub-Committee permitted that for the extension after midnight Monday to Saturday the entire First Floor would be required to operate as a restaurant. Having noted Mr Thomas' comments regarding the restaurant use of the premises, the Sub-Committee decided to attach the condition that except for the area edged green on the approved plan between the hours of 11.00 and 00.00, the entire premises would only operate as a restaurant in keeping with MC66. In respect of the first floor terrace, this area would be able to operate until midnight Monday to Saturday given that there was no record of public nuisance having been caused previously in this area. In order to prevent the

potential for public nuisance, the Sub-Committee attached the condition which had been discussed during the hearing that the first floor terrace would contain a minimum of 15 tables and 30 chairs. The terrace would close on Sundays at 23:30 in line with the closing time for the premises.

The granting of the application is without prejudice to the planning permission in force in relation to these premises. The applicant is warned that planning enforcement action is potentially possible irrespective of any licence that is granted. It was noticed that the permission granted does not prevent the use of the external terrace after 23.00. It simply prevents tables and chairs being placed on the terrace after 23.00.

The Sub-Committee directed the Applicant to the Operational Management Statement included in the report which included a section on 'Deliveries, Collections and Servicing'. This had stated that a condition was being offered that 'deliveries to the premises shall only take place between the hours of 07.30 and 12.00 (midday) Monday to Saturday and between 09.00 and 12.00 Sundays and Bank Holidays'. The Applicant accepted that this condition having been offered should be attached to the licence.

Two conditions were attached to the premises licence in relation to the ground floor external seating area that the sale and consumption of alcohol would be permitted only between 10.00 to 23.00 Monday to Saturday and 12.00 to 22.30 on Sundays and that all tables and chairs would be removed from the external area by 23.00 hours each day. The supply of alcohol to the outside tables and chairs would be by waiter or waitress service only to seated customers.

Other conditions attached to the licence included the one offered in the Applicant's Operational Management Statement that deliveries to the premises would only take place between the hours of 07.30 and 12.00 (midday) Monday to Saturday and between 09.00 and 12.00 Sundays and Bank Holidays. Also attached was the model capacity condition which included that the capacity would not exceed 309 persons excluding staff on the first floor and 60 persons excluding staff on the ground floor. Both the existing premises licences would be surrendered following the granting of the application.

The Chairman advised the Applicant that should there be a problem with public nuisance at the premises there was the potential for the Responsible Authorities or local residents to review the premises licence.

2. Late Night Refreshment (Indoors & Outdoors)

Monday to Thursday:	23:00 to 00:30
Friday and Saturday:	23:00 to 01:00
Sunday:	23:00 to 00:00

Amendments to application advised at hearing:

	None.						
	<p>Decision (including reasons if different from those set out in report):</p> <p>A condition was attached to the premises licence that there would be no late night refreshment in the Ground Floor External seating Area, 7 The Piazza. This therefore only related to the First Floor Area, 35 The Piazza. A further condition was attached that there would be no takeaway from the premises after 23:00.</p> <p>The Sub-Committee granted 23:00 to 00:30 Monday to Thursday, 23:00 to 01:00 Friday and Saturday and 23:00 to 23:30 on Sunday internally on the first floor. A terminal hour of midnight was agreed for the first floor terrace Monday to Saturday and 23:30 on Sunday.</p> <p>See reasons for decision in Section 1.</p>						
3.	Sale by retail of alcohol (On and Off)						
	<table> <tr> <td>Monday to Thursday:</td> <td>08:00 to 00:30</td> </tr> <tr> <td>Friday and Saturday:</td> <td>08:00 to 01:00</td> </tr> <tr> <td>Sunday:</td> <td>09:00 to 23:30</td> </tr> </table>	Monday to Thursday:	08:00 to 00:30	Friday and Saturday:	08:00 to 01:00	Sunday:	09:00 to 23:30
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Sunday:	09:00 to 23:30						
	<p>Amendments to application advised at hearing:</p> <p>It was proposed that there would be no off-sales after 23:00.</p>						
	<p>Decision (including reasons if different from those set out in report):</p> <p>A condition was attached that there would be no off-sales after 23:00. The sale and consumption of alcohol would be permitted from 10.00 to 23.00 Monday to Saturday and 12.00 to 22.30 on Sundays in the external seating area on the ground floor. On-sales were granted in the internal area on the first floor for the hours applied for. On-sales would cease on the first floor terrace at midnight Monday to Saturday and at 23:30 on Sunday.</p> <p>See reasons for decision in Section 1.</p>						
4.	Opening Hours						
	<table> <tr> <td>Monday to Thursday:</td> <td>07:00 to 00:45</td> </tr> <tr> <td>Friday and Saturday:</td> <td>07:00 to 01:15</td> </tr> <tr> <td>Sunday:</td> <td>07:00 to 00:00</td> </tr> </table>	Monday to Thursday:	07:00 to 00:45	Friday and Saturday:	07:00 to 01:15	Sunday:	07:00 to 00:00
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Friday and Saturday:	07:00 to 01:15						
Sunday:	07:00 to 00:00						

	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the opening hours applied for Monday to Thursday. This was without prejudice to the fact that planning permission had only been granted to 00.30. On Friday and Saturday the closing time permitted was 01:00. On Sunday the closing time permitted was 23:30.</p>
5.	<p>Seasonal variations / Non-standard timings</p>
	<p><u>Recorded Music (Indoors), Late Night Refreshment (Indoors & Outdoors), Sale by retail of alcohol (On and Off) and Opening Hours</u></p> <p>From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.</p> <p><u>Recorded Music and Sale by retail of alcohol (On and Off)</u></p> <p>Sundays before Bank Holidays 09:00 to 01:00.</p> <p><u>Late Night Refreshment (Indoors & Outdoors)</u></p> <p>Sundays before Bank Holidays 23:00 to 01:00.</p> <p><u>Opening Hours</u></p> <p>Sundays before Bank Holidays 07:00 to 01:15.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below.</p>

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

2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the

premises in relation to the sale or supply of alcohol.

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

7. The responsible person must ensure that—

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

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

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

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

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

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

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

Where -

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

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

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

Additional Conditions

Conditions Applicable to Ground Floor External seating Area, 7 The Piazza:

9. The sale and consumption of alcohol is permitted only between 10.00 to 23.00 Monday to Saturday and 12.00 to 22.30 on Sundays.

10. There shall be no Regulated Entertainment at any time and there shall be no Late Night Refreshment at any time.
11. The supply of alcohol to the outside tables and chairs shall be by waiter or waitress service only to seated customers.
12. All tables and chairs shall be removed from the external area by 23.00 hours each day.

Conditions Applicable to First Floor Area, 35 The Piazza:

13. 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.
14. Save for the areas edged green on the approved plan between the hours of 11.00 and 00.00, the entire premises shall only operate as a restaurant
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - (iv) which do not provide any take away service of food or drink for immediate consumption,
 - (v) which do not provide any take away service of food or drink after 23.00, and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

15. The external terrace area shall close and not be used after midnight on Monday to Saturday and 23.30 on Sunday.
16. There shall be a minimum of 15 tables and 30 chairs in the external terrace area.

Conditions applicable to whole premises:

17. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.
18. No licensable activities shall take place at the premises until the 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. Such capacity not to exceed

309 persons excluding staff on the first floor and 60 persons excluding staff on the ground floor.

19. 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
20. There shall be no sales of alcohol for consumption 'Off' the premises after 23.00 hours.
21. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
22. 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 premise 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.
23. 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.
24. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
25. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
26. All windows and external doors shall be kept closed after 00:00 hours (midnight) except for the immediate access and egress of persons.
27. 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.
28. Patrons permitted to temporarily leave the first floor area and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

29. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
30. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
31. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
32. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
33. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
34. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
35. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
36. 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.
37. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
38. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23.00 hours and 07.00 hours on the following day.
39. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any visit by a relevant authority or emergency service
 - (h) a record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the

member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premise is open.

40. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
41. Deliveries to the premises shall only take place between the hours of 07.30 and 12.00 (midday) Monday to Saturday and between 09.00 and 12.00 Sundays and Bank Holidays.
42. No licensable activities shall take place at the premises until the works shown on plans submitted to the licensing authority have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the licence by the licensing authority.
43. No licensable activities shall take place at the premises until premises licence numbers 16/00335/LIPT and 16/00840/LIPT (or such other number subsequently issued for the premises) have been surrendered.
44. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.

2 GOLDEN HIND RESTAURANT, 71A - 73 MARYLEBONE LANE, W1

LICENSING SUB-COMMITTEE No. 2

Thursday 16th June 2016

Membership: Councillor Nickie Aiken (Chairman), Councillor Nick Evans and Councillor Rita Begum

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Jonathan Deacon

**Golden Hind Restaurant, 71A-73 Marylebone Lane, W1
16/04033/LIPN**

The application was Granted under Delegated Authority as all representations had been withdrawn.

CHAIRMAN: _____

DATE _____