



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (4)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** Committee held on **Monday 27th June, 2016**, Rooms 1A, 1B & 1C - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

Members Present: Councillors Jean Paul Floru (Chairman), Nick Evans and Peter Freeman

1 MEMBERSHIP

There were no changes of Membership.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 28/50, BASEMENT AND GROUND FLOOR, 15-17 AND 19 MARYLEBONE LANE, W1

LICENSING SUB-COMMITTEE No. 4

Thursday 27th June 2016

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Nick Evans and Councillor Peter Freeman

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

Relevant Representations: Environmental Health and 1 local resident.

Present: Mr Alun Thomas (Solicitor, Representing the Applicant), Mr Sid Clark (Designated Premises Supervisor) and Mr Dave Nevitt (Environmental Health).

**28/50, Basement And Ground Floor, 15-17 and 19 Marylebone Lane, W1
16/03005/LIPV**

1. Layout alteration

To change the layout in the basement and add a bar server as per drawing no. 1064-PLN-03.

Amendments to application advised at hearing:

None.

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

This was an application for a variation of the premises licence to change the layout in the basement and add a bar server, allow the sale of alcohol without food in the basement by up to 12 customers and permit off-sales to either seated customers taking a table meal in the external seating area or in sealed containers. Mr Thomas, representing the Applicant, stated that 28/50 had opened in 2012 and was owned by Agnar Sverrisson, chef patron and owner of the Textile restaurant group. He owned two other premises in Westminster. There was an emphasis on French food at the premises and customers were offered a programme of wine tastings, workshops and themed dinners.

Mr Thomas explained that not only was there a similar area where alcohol was not ancillary to food for approximately ten people at the Maddox Street premises but that there was already a bar area on the ground floor at this Marylebone Lane premises where alcohol was not ancillary to food for up to 12 seated customers. Alcohol would be supplied in the basement by waiter or waitress.

Mr Thomas responded to the local resident's written representation. He expressed the view that the representation was making the case that the application would add to cumulative impact. Mr Thomas made the point that Policy PB1 was relevant for bar use outside the designated cumulative impact areas. Applications would only be granted if it could be demonstrated that the proposal met the relevant criteria in Policies CD1, PS1, PN1 and CH1. He added that there were no grounds to reach a conclusion that the licensing objectives would not be promoted if the application was granted.

In response to questions from Members of the Sub-Committee, Mr Thomas stated that off-sales were required for any outside area which was not on the private forecourt and also have the capacity to buy a bottle of wine which was in keeping with the concept of the premises offering a wine workshop. Mr Thomas and Mr Clark clarified that it was not the intention for the basement to be purely a vertical drinking area. There would be seating at the bar and people would want to eat at the bar counter. A condition had also been proposed to the effect that alcohol could only be supplied to persons who are seated.

The Sub-Committee heard from Mr Nevitt, representing Environmental Health. He advised Members that the premises had operated without any cause for concern in the four years since it had opened. 28/50 is food led and is not located within the designated cumulative impact areas. He referred to the fact that the additional area proposed where alcohol would not be ancillary to food was in the basement and was not visible from the street. Mr Nevitt believed the application was not controversial and he had maintained his representation in order to assist the Sub-Committee and also the local resident had he been in attendance.

The Sub-Committee sought to clarify the position regarding use of any outside areas. Mr Thomas explained that there were two external areas, one in Jason Court which was within the demise of the premises and one in Marylebone Lane, which it was believed was on the public highway.

The Sub-Committee granted the application, subject to conditions as set out below. Members were satisfied that granting the application with hours that were in keeping with the Council's Core Hours at a location which was not within the designated cumulative impact areas would not undermine the licensing objectives. Members took into account Mr Nevitt's advice that the premises had operated to date without any cause for concern with the management having experience of already operating a bar within a restaurant at 15-17 and 19 Marylebone Lane.

The Sub-Committee permitted the Applicant's suggested amendments to conditions 18, 24 and 26 on the existing premises licence as they updated the position in the light of there now being a bar area in the basement in addition to the one on the ground floor. It was agreed in respect of replacing condition 10 on the existing licence that this needed to reflect that off-sales would be in sealed containers only, save for the external seated area in Marylebone Lane which was not within the demise of the premises.

2. Conditions being varied, added or removed

<p>Condition 10: 'There shall be no seating in the external areas of the premises, save for seating permitted by the City Council, where such consent is required.'</p>	<p>Amend to: 'All sales of alcohol for consumption off the premises shall be to patrons seated in any external area of the premise taking a table meal, or in sealed containers only.'</p>
<p>Condition 18: 'The sale of alcohol in the bar area hatched in revised plans shall be by waiter or waitress service only'</p>	<p>Amend to: 'The sale of alcohol in the bar areas hatched on the attached plans shall be by waiter or waitress service only'</p>
<p>Condition 24: 'Save for the bar area on the ground floor hatched on the revised plans, the supply of alcohol at the premises shall only be to a person seated</p>	<p>Amend to: 'Save for the bar areas hatched on the plans, the supply of alcohol at the premises shall only be to a person seated taking a table meal there and</p>

	<p>taking a table meal there and for consumption by such a person as ancillary to their meal.'</p>	<p>for consumption by such a person as ancillary to their meal.'</p>
	<p>Condition 26: 'In the bar area on the ground floor hatched in the revised plans (to be submitted by the Applicant), alcohol shall only be supplied to persons who are seated and a maximum of 12 persons shall be permitted in the bar area at any one time.'</p>	<p>Amend to: 'In the bar areas hatched in the, alcohol shall only be supplied to persons who are seated and a maximum of 12 persons shall be permitted in each bar area at any one time.'</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>	
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee permitted the Applicant's suggested amendments to conditions 18, 24 and 26 on the existing premises licence as they updated the position in the light of there now being a bar area in the basement in addition to the one on the ground floor. It was agreed in respect of replacing condition 10 on the existing licence that this needed to reflect that off-sales would be in sealed containers only, save for the external seated area in Marylebone Lane which was not within the demise of the premises.</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

- 9. All doors and windows onto Jason Court shall be kept closed after 23:00, except for emergency access and egress.
- 10. Sales of alcohol for consumption off the premises shall be in sealed containers only, save for sales to patrons seated and taking a table meal in the external area in Marylebone Lane.
- 11. External tables and chairs shall be rendered unusable by 23:00 hour.
- 12. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
- 13. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every

person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

14. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
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. Notices shall be displayed reminding customers to leave quietly.
17. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
18. The sale of alcohol in the bar areas hatched on the attached plans shall be by waiter or waitress service only'
19. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
20. No deliveries to the premises shall be arranged between 23:00 and 08:00 hours.
21. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
22. Save for the bar areas hatched on the plans, the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
23. The supply of alcohol shall be by waiter or waitress service only.
24. In the bar areas hatched in the plans, alcohol shall only be supplied to persons who are seated and a maximum of 12 persons shall be permitted in each bar area at any one time.

25. The number of persons permitted inside the premises at any one time when licensable activities take place (excluding staff) shall not exceed 80 persons.

4 28A LEICESTER SQUARE, WC2

LICENSING SUB-COMMITTEE No. 4

Thursday 27th June 2016

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Nick Evans and Councillor Peter Freeman

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

Relevant Representations: 1 local resident.

Present: Mr Jack Spiegler (Solicitor, Representing the Applicant), Mr Scott Matthews (Operations Director, Applicant Company), Mr Nathan Quick (Chief Executive Officer, Applicant Company) and Ms Colleen Sanders (local resident).

**Dirty Martini, 28A Leicester Square, WC2
 16/03431/LIPN**

1.	Recorded Music, Live Music, Performance of dance, Anything of a similar description to that above, Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit (all indoors)
	Monday to Wednesday 09:00 to 01:45 Thursday to Saturday 09:00 to 03:45 Sunday 09:00 to 01:15.
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee initially heard from Mr Spiegler, representing the Applicant. He referred to 28A Leicester Square currently being operated as a nightclub, Club Storm and that the local resident in attendance, Ms Sanders indicated in her written representation that it was a problem premises causing public

nuisance. Mr Spiegler stated that the Police had also indicated to him that Club Storm was associated with crime and disorder. He added that Mr Matthews of the Applicant Company had agreed a conditional deal to take over the premises in the event there was a successful outcome for the Applicant at the current hearing.

Mr Spiegler explained that his client was seeking a new licence with an increased capacity from 235 people excluding staff to 300 people excluding staff in order to ensure the commercial viability of the business. However, it was recognised that the venue is located in the West End Cumulative Impact Area. Mr Spiegler placed an emphasis on the potential new licence holders turning the premises around. He believed that Ms Sanders' representation was understandably based on the premises' past issues rather than how it would be operated in the future. He also put forward the grounds for the application being an exception to policy. These included that the existing licence permitted the premises to operate as a substantial nightclub and it was now being proposed that this would be replaced with a less intrusive well managed cocktail bar. There was also a significant reduction in hours. These included a reduction in the terminal hour for the sale of alcohol from 03:00 to 01:00 Monday to Wednesday and also a reduction in the terminal hour for Regulated Entertainment and Late Night Refreshment seven days a week, notably a reduction in Regulated Entertainment from 06:00 to 03:45 on Thursdays to Saturdays. Mr Spiegler drew Members' attention to more stringent conditions being proposed for the current application, including a minimum of two SIA licensed door supervisors being on duty from 20:00 until closing time Thursday to Saturday, restrictions on smokers and a last entry of 01:30. The proposed conditions had addressed any concerns of the Responsible Authorities. He made the point that taking all aspects of the application into account there was a sound argument that it resulted in a reduction in cumulative impact in the West End Cumulative Impact Area

Mr Matthews addressed the Sub-Committee on how he intended to operate the premises. There were currently seven Dirty Martini sites in London. If the application was granted, 28A Leicester Square would trade as a cocktail venue. There would not be a dance floor there as it was not a nightclub. There would be music and DJs at the premises. Dirty Martini had a focus on fresh food products although this was not the core part of the business. Waiter or waitress service was available. Approximately 40% of business was pre-booked which increased to 60 or 65% at Christmas. This he stated enables the Applicant to know who their customers are and ensures the security of the venue. There would be senior managers overseeing the front entrance of the premises. The floor team and the staff at the bar would also be managed by senior managers. In response to a question from the Sub-Committee, it was confirmed that there was no connection between the management of Club Storm and the Applicant.

The Sub-Committee next heard from Ms Sanders. She stated that she did not object to the Applicant becoming the new licence holder. However, she had some concerns regarding the application. It was her experience that patrons who were smoking and were intoxicated loitered outside her window in Leicester Square after the premises had closed, particularly during the summer. She asked the Applicant what the plans were for a designated smoking area. Would

patrons be allowed to go in and out of the premises until the early hours of the morning? Mr Spiegler replied that his client had agreed a condition with the Police that patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, would not be permitted to take drinks or glass containers with them. He was also content to offer to limit the number of smokers outside to a maximum of 20 at any one time. This had also been discussed with the Police. Mr Matthews added that at the company's venues there were allocated roped off smoking areas which were overseen by the security team manager. When smokers finished their cigarettes they were asked to go back inside the premises and if they chose not to do so they would be directed away from the premises. It was confirmed that the Applicant would be content to have a condition attached to the premises licence that patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, would be limited to 20 persons at any one time. Mr Matthews stated that both TGI Fridays and Wetherspoons had terraces and the area between these premises created a natural walkway to the front door. This could create a natural space for a designated smoking area.

The Applicant was asked by the Sub-Committee about an instance at Dirty Martini's premises in Covent Garden where a Member had witnessed an area with glass on the floor where people had been dancing and despite it being raised with the management it had still not been sufficiently removed. Mr Matthews apologised for this and stated that there was a team on the floor at this site who should have removed the glass in its entirety. There was no formal dance floor at this site. Staff were fully aware of the contents of the operations manual. He visited the premises regularly to ensure that standards were maintained.

Ms Sanders also asked whether it was proposed that there would be any speakers near the doorway. Music currently did emanate from the premises. Mr Matthews confirmed that there would be no speakers near the doorway. In addition the venue at 28A Leicester Square would be reconstructed and soundproofing would be a major aspect of this. Mr Spiegler stated that his client was content to agree a proposed condition that no noise would emanate from the premises.

The Sub-Committee considered, in granting the application, that the application would not add to cumulative impact in the West End Cumulative Impact Area. Whilst the capacity was being increased, the hours of operation were being significantly reduced. There would also be no entry to the premises after 01:30 on Thursdays to Saturdays. It was also noted that the representations from the Police and Environmental Health had been withdrawn following agreement of the conditions proposed by them.

Members also took the view that there were some stringent conditions being attached to the licence which were likely to reduce the potential for the licensing objectives to be undermined. The Applicant had sought to address the concerns of the Responsible Authorities and also Ms Sanders with the agreement of conditions. The Sub-Committee attached the model conditions limiting the number of smokers to a maximum of 20 at any one time, ensuring that no noise emanated from the premises and preventing loudspeakers being located in the

	entrance lobby or outside the premises building. The Sub-Committee advised those present that should the licensing objectives be undermined, Ms Sanders and other local residents or the Responsible Authorities had the option to submit an application for a review of the premises licence.
2.	Late Night Refreshment (Indoors)
	Monday to Wednesday 23:00 to 01:45 Thursday to Saturday 23:00 to 03:45 Sunday 23:00 to 01:15.
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): Granted, subject to conditions as set out below.
3.	Sale by retail of alcohol (On)
	Monday to Wednesday 10:00 to 01:00 Thursday to Saturday 10:00 to 03:00 Sunday 10:00 to 00:30.
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): Granted, subject to conditions as set out below (see reasons for decision in Section 1).
4.	Opening Hours
	Monday to Wednesday 09:00 to 01:45 Thursday to Saturday 09:00 to 03:45 Sunday 09:00 to 01:15.
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report):

	Granted, subject to conditions as set out below.
5.	Seasonal variations / Non-standard timings:
	<p><u>Recorded Music, Live Music, Performance of dance, Anything of a similar description to that above, Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit (all indoors), Late Night Refreshment (Indoors), Sale by retail of alcohol (On) & Opening Hours</u></p> <p>Hours to be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour when British Summer Time commences.</p> <p><u>Recorded Music, Live Music, Performance of dance, Anything of a similar description to that above, Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit (all indoors), Late Night Refreshment (Indoors) & Opening Hours</u></p> <p>On Sundays before Bank Holiday Mondays these hours to be extended to 03:45.</p> <p><u>Sale by retail of alcohol (On)</u></p> <p>On Sundays before Bank Holiday Mondays these hours to be extended to 03:00.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below.</p>

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

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

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

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

7. The responsible person must ensure that—

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

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

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

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

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

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

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

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

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

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

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

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

Additional Conditions

9. The premises may remain open for the provision of licensable activities from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

10. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing

time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.

11. Cloakroom facilities shall be available at all times the premises is open to members of the public.
12. The number of persons accommodated at any one time in the premises shall not exceed 300 (excluding staff).
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. At least one personal licence holder shall be present during the whole time intoxicating liquor is supplied, sold or consumed.
15. 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.
16. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.
17. 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 this premises licence / 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.
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 the date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer through the preceding 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 is open. This staff member must be able to provide a Police or authorised council officer, with copies of recent CCTV images or data with the absolute minimum of delay when requested.

20. After 8pm all staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.
21. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) All crimes reported to the venue
 - (b) All ejections of patrons
 - (c) Any complaints received concerning crime and disorder
 - (d) Any incidents of disorder
 - (e) All seizures of drugs or offensive weapons
 - (f) Any faults in the CCTV system or searching equipment or scanning equipment
 - (g) Any refusal of the sale of alcohol
 - (h) Any visit by a relevant authority or emergency service
22. 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.
23. Except for persons temporarily leaving the premises to smoke, there shall be no entry to the premises after 01:30am on Thursdays to Saturdays.
24. The Licence will have no effect until the works shown on the plans (or subsequently submitted plans) have 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 - if there are minor layout changes during the course of construction new plans shall be submitted.
25. 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.
26. 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.
27. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
28. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
29. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
30. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.

31. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
32. A minimum of 2 SIA licensed door supervisors (increasing to a ratio of 1:100 customer capacity) shall be on duty from 2000 until close Thursday to Saturday inclusive.
33. The premises shall operate a search on entry policy subject to an operational risk assessment.
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. 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.
36. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 20 persons at any one time.
37. 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.
38. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

5 RESTAURANT, BASEMENT AND GROUND FLOOR, 1 GROSVENOR GARDENS, SW1

LICENSING SUB-COMMITTEE No. 4

Thursday 27th June 2016

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Nick Evans and Councillor Peter Freeman

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

Relevant Representations: Environmental Health, 1 business and 4 local residents.

Present: Mr Laurence Selman (Director of Applicant Company), Mr Fiaz Rasool (Responsible for the Servicing Management Plan), Mr Ian Watson (Environmental Health), Mr Stuart Geddes (Goring Hotel) and Ms Ursula Claxton (local resident).

Restaurant, Basement and Ground Floor, 1 Grosvenor Gardens, SW1 15/07477/LIPN	
1.	Late Night Refreshment (Indoors)
	Monday to Thursday 23:00 to 23:30 Friday to Saturday 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>The Sub-Committee had previously adjourned the application in March 2016 in order that further information was obtained from the Applicant Company as to how its management service plan would meet the licensing objectives. Goring Hotel and local residents had submitted representations objecting to the use of Grosvenor Gardens Mews East for deliveries and collections at the back of the proposed restaurant site. The hearing on 12 May 2016 was further adjourned due to an indication being given by Grosvenor Estates (the landlord) that it would not give permission for the Mews to be used to service the restaurant. This hearing amounted to a complete rehearing of the application based on a revised service plan.</p> <p>At the hearing it was confirmed on behalf of the Applicant that as set out in the revised Servicing Management Plan (which had been approved by the landlord, Grosvenor Estates), Grosvenor Gardens Mews East would not be used for deliveries and collections. Servicing would instead take place from Beeston Place and/or the loading bay in Upper Grosvenor Gardens. Incoming supplies would be transported manually along the Lower Grosvenor Place footway, from the delivery vehicle to the Restaurant staff entrance. This would be via the new stairs (there was planning consent and listed building consent to replace the existing ladder with the stairs) from the street level to the basement of the premises. It was confirmed in response to a question from the Sub-Committee that off-sales were not required.</p> <p>Mr Watson, representing Environmental Health, referred to the nature of the application being for the sale of alcohol and late night refreshment for hours that were within the Council's Core Hours policy. Alcohol would be ancillary to a table meal except for a hatched area where some bar use was sought on the basement and ground floors. Mr Watson stated that the emergency escape to Grosvenor Gardens Mews East needed to remain. The Applicant had now set out in the revised Servicing Management Plan that there would be no deliveries and collections in Grosvenor Gardens Mews East. Deliveries would now be to the main entrance to the Restaurant or staff entrance on Lower Grosvenor Place. Mr Watson commented that the ladder to the basement was unsuitable</p>

for collections and deliveries. He had raised this with the Applicants and they now had planning consent for a new substantial staircase which ensured safe access and egress.

Mr Watson explained that one of the key points that had been raised at the previous hearing in March was noise from collections. The Council's collections did not take place from Grosvenor Gardens Mews East. Residents and businesses brought their refuse to Beeston Place for collection. He advised that he had agreed a condition with the Applicants that there would be no collections of waste or recyclable materials, including bottles between 23:00 and 08:00 on the following day. There would be no deliveries between 21:00 and 08:00 the following day. As part of the planning permission, the Applicants were required to have a refuse store. Environmental Health recommended that this was of a sufficient size to hold three days' refuse which was suitable during Bank Holidays. Mr Watson added that he believed the solution where vans could park in Beeston Place and Grosvenor Gardens and then manual deliveries could be undertaken to the staff entrance was a better one than using Grosvenor Gardens Mews East. This solution had been approved by the landlord, Grosvenor Estates.

Mr Geddes stated on behalf of The Goring Hotel that he was delighted and relieved that Grosvenor Gardens Mews East would not be used for deliveries and collections. He did have concerns regarding the potential for increased congestion along Beeston Place as a result of deliveries and collections to the Restaurant. There was a single yellow line along the road where vans and trucks parked. There were already deliveries and collections to The Goring Hotel and another restaurant and bar in the locality.

The Sub-Committee was also addressed by Ms Claxton, a local resident. She also expressed relief that Grosvenor Gardens Mews East would not be used for deliveries and collections. In addition to the matters raised by Mr Geddes, she wished to know whether the service lorries of the Restaurant would be bigger than five metres 40 centimetres wide which was the width of Beeston Place in the event that the bays were being used. She expressed concerns that such lorries would have the potential to block Beeston Place. If items were being manually delivered to Lower Grosvenor Place then it was believed the vehicles would be stationary in Beeston Place for some time. Mr Selman replied that his company would use its best endeavours to have service vehicles of the same size as those used by the other firms in the locality referred to by Mr Geddes.

Ms Claxton also made reference to the plan of Grosvenor Gardens Mews East at page 109 of the report which had a legend identifying commercial premises at ground floor level. For the record, she wanted it to be noted that units 3, 7, 9 and 11 were actually residential at first floor level.

Ms Claxton drew the attention of those present to the proposed basement plan (east) included in the report and asked whether a hoist would remain in the refuse store. This she believed indicated that goods could still be moved through Grosvenor Gardens Mews East and she was concerned that refuse might be stored in the fire escape area. She was informed that there were no plans to store refuse in the fire escape area. The hoist was an aspect of an

earlier revision of the plans when it had still been intended to service via Grosvenor Gardens Mews East. The reference to the hoist could now be removed from the plans as there were now no plans to do so. Ms Claxton requested that any updated plans were accurate.

In respect of timings of deliveries, she referred to the Servicing Management Plan indicating that these would take place between 07:30 and 16:00 on weekdays and between 08:00 and 13:00 on a Saturday. There would be no deliveries or collections on Sundays and Bank Holidays. Mr Watson replied that the times Ms Claxton had referred to were said to be too early at the previous hearing. The times which had been agreed between Environmental Health and the Applicant would overrule those set out in the Servicing Management Plan should the Sub-Committee be minded to attach the proposed conditions to the premises licence.

Ms Claxton made the point that the bedroom of residents at number 3, Grosvenor Gardens Mews East was located next to the fire escape area. She was concerned that the premises would be open from 07:00 to midnight on Fridays and Saturdays and that the residents would be disturbed.

The Sub-Committee asked those representing the Applicant Company whether they would be content with a condition being attached to the premises licence that Grosvenor Gardens Mews East would not be used for any activity related to the restaurant except as an emergency exit. Mr Selman confirmed that they had no objection to such a condition being attached.

The Sub-Committee noted that the application had been previously adjourned in March 2016 in order that further information was obtained from the Applicant Company as to how its management service plan would meet the licensing objectives, in particular public nuisance. The Sub-Committee considered in granting the application that the Applicant had taken steps to minimise the potential for public nuisance by not having any collections or deliveries via Grosvenor Gardens Mews East as set out in its revised Servicing Management Plan. There were restrictions on the timings of deliveries and collections as agreed between Environmental Health and the Applicant and the Sub-Committee decided that there would be no deliveries or collections on Sundays or Bank Holidays as had been indicated in the Applicant's Servicing Management Plan.

Members were aware that parking is a matter for consideration by a planning committee but not by a licensing sub-committee. Deliveries and collections were relevant in so far as they related to licensable activities and had the capacity to cause public nuisance to local residents in Grosvenor Gardens Mews East. Members did not feel it appropriate that consideration of the application should be based on possible parking scenarios in Beeston Place. It was also not appropriate for the Applicant to be denied the same opportunities to collect or deliver at Beeston Place that were currently available to The Goring or other premises in the locality.

The Sub-Committee also considered in granting the application that this was an application for licensable activities within Core Hours outside the designated

	cumulative impact areas. The Applicant was no longer seeking off-sales.
2.	Sale by retail of alcohol (On and Off)
	Monday to Thursday 10:00 to 23:30 Friday to Saturday 10:00 to 00:00 Sunday 12:00 to 22:30.
	Amendments to application advised at hearing: It was confirmed by the Applicant that off-sales were not required.
	Decision (including reasons if different from those set out in report): The proposed hours for on-sales were granted, subject to conditions as set out below (see reasons for decision in Section 1).
3.	Opening Hours
	Monday to Thursday 07:00 to 23:30 Friday to Saturday 07:00 to 00:00 Sunday 07:00 to 22:30.
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): Granted, subject to conditions as set out below.
4.	Seasonal variations / Non-standard timings:
	<u>Late Night Refreshment (Indoors)</u> From the end of permitted hours on New Year's Eve to 05:00 on New Year's Day. Sunday before Bank Holiday 23:00 to 00:00. <u>Sale by retail of alcohol (On and Off)</u> From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Sunday before Bank Holiday 10:00 to 00:00. <u>Opening Hours</u>

	<p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>Sunday before Bank Holiday 07:00 to 00:00.</p>
	<p>Amendments to application advised at hearing:</p> <p>Off-sales were withdrawn by the Applicant.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>This aspect of the application was granted except for off-sales which had been withdrawn by the Applicant, subject to conditions as 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.

Additional Conditions

9. Save for the area(s) hatched black on the plan, the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

10. Substantial food and non-intoxicating beverages, including drinking water shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

11. The venue will install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the venue is open for licensable activities for a period of 31 days with date and time stamping. Recordings shall be made available, immediately upon the request of Police or authorised officer throughout the preceding 31 days.

12. A staff member from the Premises who is conversant with the operation of the CCTV system shall be on the Premises at all times when the Premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.

13. 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 or passport.

14. 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:
 - i) all crimes reported to the venue
 - ii) all ejections of patrons
 - iii) any complaints received
 - iv) any incidents of disorder
 - v) all seizures of drugs or offensive weapons
 - vi) any faults in the CCTV system
 - vii) any refusal of the sale of alcohol
 - viii) any visit by a relevant authority or emergency service.
15. 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.
16. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
17. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
18. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 08:00 hours on the following day.
19. 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 sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
20. 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.
21. No licensable activities shall take 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 150 persons excluding staff.
22. The licence will have no effect until the Licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the district Surveyor's Association – technical Standards for Paces of Entertainment and the reasonable requirements of Westminster environmental Health Consultation team, at which time this condition will be removed from the licence.
23. The supply of alcohol for consumption 'On' the premises shall be by

waiter/waitress or bar service only.

24. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 on Monday to Saturday and 08.00 on the following day. There shall be no such collections on Sundays and Bank Holidays.
25. No deliveries to the premises shall take place between 21.00 on Monday to Saturday and 08.00 on the following day. There shall be no deliveries on Sundays and Bank Holidays.
26. The emergency exit door leading onto Grosvenor Gardens Mews East shall be self-closing and remain closed when the premises are operating under the authority of the licence.
27. 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.
28. 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.
29. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
30. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
31. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
32. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
33. Grosvenor Gardens Mews East will not be used for any activity related to the restaurant except as an emergency exit.