



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (2)** Committee held on **Thursday 29th September, 2016**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

Members Present: Councillors Nickie Aiken (Chairman), Jan Prendergast and Aziz Toki

1 MEMBERSHIP

There were no changes to the membership.

2 DECLARATIONS OF INTEREST

There were no interests to declare from any of the members present.

1 FRITH STREET HOTEL, 56-57 FRITH STREET, W1

LICENSING SUB-COMMITTEE No. 2

Thursday 29th September 2016

Membership: Councillor Nickie Aiken (Chairman), Councillor Jan Prendergast and Councillor Aziz Toki

Legal Adviser: Horatio Chance
Policy Adviser: Chris Wroe
Committee Officer: Tristan Fieldsend
Presenting Officer: Heidi Lawrence

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

Present: Mr Alun Thomas (Solicitor, Representing the Applicant), Mr Conrad Patterson (Applicant), Mr Anil Drayan (Environmental Health) and PC Reaz Guerra (Metropolitan Police).

**Frith Street Hotel, 56-57 Frith Street, W1D 3JG
16/07867/LIPN**

1.	<p>On and Off Sales by retail of Alcohol</p> <p>Monday to Saturday: 10:00 – 23:00 Sunday: 12:00 – 22:30</p> <p>Seasonal variations/Non-standard timings:</p> <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>On Sundays prior to bank holiday 12:00 – 23:00</p> <p>Residents and their bona fide guests 00:00 – 24:00</p>
2.	<p>Hours Premises are Open to the Public</p> <p>Monday to Saturday: 07:00 – 23:30 Sunday: 08:00 – 00:00</p> <p>Seasonal variations/Non-standard timings:</p> <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>On Sundays prior to bank holiday 12:00 – 23:30</p> <p>Residents and their bona fide guests 00:00 – 24:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by Soho Bau Ltd for a new premises licence in respect of Frith Street Hotel, 56-57 Frith Street, W1D 3JG.</p> <p>The Licensing Officer provided an outline of the application to the Sub-Committee.</p> <p>All parties were invited to make representations to the Sub-Committee in relation to the application. The parties responded to members’ questions and were given an opportunity to ask questions of each other.</p> <p>Mr Thomas, representing the applicant, provided the Sub-Committee with an explanation as to why this application should be considered an exception to the Cumulative Impact Policy under the City Council’s Statement of Licensing Policy (“SLP”). It was firstly explained that the sale of alcohol would be permitted only until 23:00 with members of the public being required to leave the premises by 23:30. This would be in line with the planning permission already granted for the premises. Sales of alcohol would also only take place to patrons seated and</p>

whilst it was recognised that this was not an exception itself it was consistent with exceptions to the policy. Secondly, the Hotels Policy – HOT1 under the SLP, suggested that even in a Cumulative Impact Area hotel bars would be granted unless late hours had been requested which was not the case in this application. Subsection (b) of the Policy states that “The hours of serving alcohol to the general public will be subject to conditions limiting the sale of alcohol after a specified time to those attending pre-booked events held at the hotel.” This inferred that if conditions were in place to stop the consumption of alcohol after 23:00 hotel bars were acceptable even in a Cumulative Impact Area. Another reason why this application was considered an exception to policy was that a previous licence had been in operation on the same site. The applicant was not applying for a standalone bar but a hotel bar where the use would be ancillary to other activities. As the licence for the previous premises had been surrendered, due to the company becoming insolvent, the new licence would only be a substitution of use therefore not increasing the cumulative impact in the area. These circumstances, it was suggested, also gave weight to the application being an exception to policy.

In response to a question it was confirmed that the licence had been surrendered on 29 November 2011. The Sub-Committee expressed concern that this was a significant time period for a substitution. Mr Thomas explained that 2.4.8 of the SLP stated that, “Applications for new licences to replace licences which have lapsed because of the failure to submit an interim authority notice in due time in the event of death or insolvency of a licence holder will be considered by the licensing authority as possible exceptions”. The Policy Adviser provided some background to the administration of the company who previously held the licence. The Policy Adviser suggested the Sub-Committee take into account the time between the surrender of the licence, or the company entering administration, and the application for a new licence. The Sub-Committee then had to decide on that basis what weight it gave the substitution.

The applicant explained that he had been in the licence trade for ten years. A very light food menu was on offer to patrons as there were no kitchen facilities on the premises and alcohol would only be provided to customers seated.

Mr Thomas referred to the representation received from a local resident objecting to the noise emanating from building works taking place. No complaints had been received from any other residents or the Council. The building work had been undertaken during approved allocated hours and whilst it was recognised that there had been noise during the redevelopment of the hotel this wasn't a relevant consideration for this case. It was also confirmed that there would be no function room and no extension to the hours as mentioned in the representation. The applicant confirmed that he would communicate with the resident shortly.

Mr Thomas requested some amendments to the conditions proposed by Environmental Health.

It was proposed to change condition 24 so that members of the public would have to vacate the premises by 23:30 hours. It was also suggested that condition 32 be altered so the number of persons permitted in the ground floor

hotel bar at any one time, excluding staff, should not exceed 45.

Mr Drayan of Environmental Health confirmed that the bar was called Henson's and the hotel was called Mimi's, both of which had different entrances. Paragraph 2.5.57 of the Hotel Policy states that "The extent and location of provision of bar facilities will be taken into account. Hotel bars that are directly or easily reached from the street will be likely to raise similar concerns to pubs and bars." It was this concern that the bar would be distinct from the hotel that formed the basis of the representation from Environmental Health. Mr Drayan provided some history to the site and explained that when the previous licence for the site had been surrendered the premises had been occupied by squatters resulting in several issues. It was pleasing that the premises was now being utilised again but it was important any application complied with the Licensing Policy and this application did not.

PC Guerra stated that the Metropolitan Police's representation was based on the same grounds as Environmental Health. The main concern centred on whether the bar formed part of the hotel, how accessible it was to the public and what times it would open to members of the public?

The Sub-Committee questioned why the two plans submitted for the premises were different? Mr Thomas explained that it was just to show how the premises would look and that it could be amended to show where a waiter station would be located. It was confirmed there would be two entrances, both manned by staff, one was the hotel reception and the other would be the waiter station. The application was seeking modest hours, a modest capacity, all customers would be seated, there was a light food offer and security would be provided at both entrances. This would all ensure that the premises would be unlikely to raise similar concerns to pubs and bars.

The Sub-Committee raised the question why the bar would have a different name to the hotel? It was explained that this was purely a marketing exercise and it would be obvious that the premises was a hotel bar. Mr Patterson clarified that the bar would have two doors as the hotel had a beautiful façade whilst internally a cosy atmosphere would be generated inside the bar area. Only providing one door would break the mood created and it was felt the two doors would generate a better customer journey.

Concern was still expressed by members regarding whether the application would solely be a hotel bar. The previous licence had been surrendered but this was now approximately five years ago. A question was also raised about the outside area shown in the plans.

Mr Thomas confirmed there was a small outside area where tables and chairs could be located. A condition could be attached to the licence requiring all outside furniture to be rendered unusable by 23:00. The number of persons permitted in this area would not exceed nine and these would be included within the requested maximum capacity of forty-five.

In response to the concern over a second door to the premises on Frith Street the Sub-Committee was informed that this would be dealt with through the use

of a waiter station and, if required, by locking this door from 23:00. It was stated that other hotel bars in the area didn't have these safeguards in place. Also, because it was a hotel bar with seated service only customers would have a different mind-set compared to normal bars and this was relevant to the application.

The Council's Legal Adviser drew the Sub-Committee's attention to a point of law in relation to the lapsed licence and referred members to Section 28 (3) of the Licensing Act 2003. This states that "*Where a notice of surrender is given in accordance with this section, the premises licence lapses on receipt of the notice by the authority.*" Mr Thomas was clear on this aspect and stated that the lapsed licence provided some weight and assistance and some relevance to whether the exception had been made with regards to the Hotel Policy.

The Sub-Committee considered the application and was of the opinion that it was not an exception to the Cumulative Impact Area Policy. The separate branding of the bar from the hotel and the two entrances, including one direct from the street, gave the impression they were different entities and hence the operation of a bar would add to the cumulative impact in the area. It was also felt that as the previous licence had lapsed over five years ago, which was considered a significant period of time, suggesting the granting of a new licence would not add to the cumulative impact any further was incorrect. The Sub-Committee was pleased to note however that the premises was now in use again and as such agreed to grant the application subject to the amended conditions as proposed by Environmental Health plus an additional condition proposed by the Sub-Committee that hotel residents only would be allowed to use the bar. It was felt the addition of these conditions would ensure that the premises would not add to the cumulative impact in the area. The Sub-Committee also requested an updated plan to show the location of the waiter station. The Sub-Committee considered that granting the application with the conditions added would help the Applicant uphold the promotion of the licensing objectives and ensure it did not add to the cumulative impact in the area.

Conditions attached to the Licence

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-

- (a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) Drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

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

(a) a holographic mark, or

(b) an ultraviolet feature.

7. The responsible person must ensure that—

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

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

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

Where –

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

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

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

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

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

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

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

Conditions Consistent with the Operating Schedule

9. With the exception of any external areas marked on the plan, all sales of alcohol for consumption off the premises shall be in sealed containers only.
10. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
11. 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.
12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
13. A staff member from the premises who is conversant with the operation of the

CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

14. 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
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
15. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
16. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

Conditions Attached After a Hearing by the Licensing Authority

17. Alcohol for consumption on the premises may only be to persons who are seated and who are residents of the hotel at 56-57 Frith Street and their bona fide guests with a maximum of 4 guests per adult resident at any time;
18. Off sales of alcohol are restricted to hotel residents and their bona fide guests.
19. Between noon and 23:00 a staffed waiter station shall be provided adjacent to the Frith Street entrance to prevent access by members of the general public whilst the bar is open to the general public.
20. There shall be no external advertising of the ground floor bar that is visible from the street.
21. After 23:00 hours all windows and doors along Frith Street shall remain closed except for immediate access and egress in an emergency.
22. Tables and chairs in the external area shall be rendered unusable after 23:00 hours.
23. A Challenge 21 scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, passport or proof of age card with the PASS Hologram.

24. 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 give rise to a nuisance.
25. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
26. No collection of waste or recycling materials (including bottles) from the premises shall take place between 23:00 and 08:00 on the following day.
27. No deliveries to the premises shall take place between 23:00 and 08:00 on the following day.
28. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 45 to include 9 in the external area.

2 THE LOCKHART, GROUND FLOOR, 24 SEYMOUR PLACE, W1

Application withdrawn.

3 ADULT WORLD, 5 WALKER'S COURT, W1

LICENSING SUB-COMMITTEE No. 2

Thursday 29th September 2016

Membership: Councillor Nickie Aiken (Chairman), Councillor Jan Prendergast and Councillor Aziz Toki

Legal Adviser: Horatio Chance
 Policy Adviser: Chris Wroe
 Committee Officer: Tristan Fieldsend
 Presenting Officer: David Sycamore

Relevant Representations: Westminster City Council - Licensing Authority.

Present: Mr Philip Doyle and Mr Rory Clarke (Agents representing the Applicant), Mr Steven Doyle (Applicant) and Mr Steven Rowe (Licensing Authority)

Adult World, 5 Walker's Court, London, W1F 0BT	
2.	Layout Alteration
	The application was to vary the layout of an existing Sex Establishment as shown on the plans to allow the basement area to be included within the licenced area. It was proposed for three booths to be located on the premises to

	allow customers to preview videos prior to purchasing.
	<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 considered an application by Unique Mood Limited for a variation of a premises licence in respect of Adult World, 5 Walker's Court, W1F 0BT.</p> <p>The Licensing Officer provided an outline of the application to the Sub-Committee.</p> <p>All parties were invited to make representations to the Sub-Committee in relation to the application. The parties responded to members' questions and were given an opportunity to ask questions of each other.</p> <p>Mr Clarke confirmed that currently only the ground floor of the premises was licenced and it was proposed to extend the licensed area to the basement in order to install three preview booths. No objections had been received aside from the Licensing Authority and efforts had been made to address the concerns raised regarding the potential misuse of the booths. The Sub-Committee was advised that the booths would be single occupancy accessed through the rear of the shop and any customer wanting to preview a movie would be escorted to the booths by a member of staff. CCTV would be installed to cover the area outside the booths in order to allow staff to monitor customer behaviour in the basement. It was explained CCTV would not be installed inside the booths, however each booth would have a spyhole in the door to allow staff to ensure no indecent behaviour took place inside. Customers would be able to lock the booth doors from the inside however this could be overridden by staff from the outside at any time. It was stated that the he same style booths had been used at similar premises nearby with no reported difficulties or problems. The application wanted to provide an extra facility for customers, there was no reason to expect any problems and conditions attached could address any immediate concerns raised by the Licensing Authority.</p> <p>Mr Rowe, representing the licensing authority, explained that the representation was maintained. Every sex establishment was subject to standard conditions, including one which governed indecent behaviour. Concern was raised that there was the potential for indecent behaviour to take place inside the booths as they could be locked from the inside and it would be difficult for staff to monitor the inside of them. It was for the Sub-Committee to decide if spyholes in the doors were satisfactory. Other premises did utilise similar booths, the use of which had been granted before 2000, however this case had to be decided on its individual merits. Why would the booth need to be locked if no indecent behaviour was going to take place? The alternative was provided that maybe the booths could have their doors removed to prevent any potential indecent behaviour.</p>

In response to a question it was confirmed that customers would be charged 50 pence per minute to preview movies. A sex cinema licence had not been applied for as the model applied for better suited the proposed operating model. It wasn't expected that customers would preview movies for significant periods of time and the application only wanted to extend the facilities of the sex shop. It was anticipated that a large percentage of customers previewing a movie would buy a DVD.

To address concerns it was explained that even though the booths could be locked from the inside staff could still access them from the outside and each would have a spyhole. It was felt that allowing customers to lock the door would ensure they had the required level of privacy. The booths were used throughout Europe and allowing the doors to be closed also ensured there was no noise pollution. Removing the doors would make it difficult for staff to control how many people entered a booth and could also potentially harm income streams.

The Sub-Committee questioned why CCTV was not installed inside the booths. The applicant explained that this was not felt necessary. Spyholes were installed in each booth door, they could be unlocked from the outside and providing an extra camera per booth was an extra expense which may also impact on a customer's privacy. The Sub-Committee felt that it was important for the premises to be properly and securely managed. In response the applicant agreed that CCTV could be installed in each booth to alleviate these concerns. The CCTV monitors were installed behind the staff counter and one fulltime member of staff was on the premises at any one time. It was planned to employ one more member of staff in the future.

The Sub-Committee was advised by the Applicant that if a member of staff observed a customer behaving indecently they would take immediate action by opening the booth door, cut the power to the booth and take such reasonable steps to eject the customer from the Premises.

The Sub-Committee considered the application and decided that extending the licensed area of the premises to include preview booths in the basement was acceptable. The importance of ensuring that the booths were well managed was stressed however and concern had been expressed that under the current application it would be difficult to manage customer behaviour in the booths. As such the Sub-Committee granted the application but felt it was appropriate and proportionate to impose special conditions on the licence in order to ensure the potential for indecent behaviour would be negated. Conditions to be added to the licence included installing and maintaining a comprehensive CCTV in each booth, ensuring the booths could not be locked from the inside and requiring an extra member of staff to be employed whilst the booths were in operation. The Sub-Committee also requested that the applicant submit an updated plan of the premises to show the CCTV monitoring areas and the location of the three booths. It was the view of the Sub-Committee that with the addition of these extra conditions this would ensure the effective and efficient management practices of the premises.

Conditions attached to the Licence

PART I – GENERAL

Definitions

1 In these rules, unless the context otherwise requires:

‘Approval of the Council’ or ‘Consent of the Council’ means the approval or consent of the Council in writing.

‘Approved’, ‘accepted’, or ‘permitted’ means approved, accepted or permitted by the Council in writing.

‘Approved arrangements’ means the arrangement of the premises, fittings, installations and all other things in connection therewith as approved by the Council.

‘Council’ means Westminster City Council.

‘Escape lighting’ (safety lighting) means lighting, obtained from a source independent of the general supply for the building, provided to assist the public and staff to leave the premises without the aid of normal lighting.

‘Film exhibition’ has the meaning described in Section 21 of the Cinemas Act 1985.

‘Licensee’ means the holder of a sex establishment licence.

‘Non-combustible’ material means material which is deemed to be non-combustible when tested in accordance with the provisions of British Standard 476: Part 4, or such other material or combination of materials as the Council accepts as being non-combustible for the purpose of these rules.

‘Officer’ means any person authorised in writing by the Council. (This may include officers of the London Fire and Civil Defence Authority).

‘Premises’ means any premises within the Council’s area licensed as a sex establishment and includes all installations, fittings and things in connection therewith.

‘Sex Establishment’, ‘Sex Cinema’, ‘Sex Shop’, ‘Sex Encounter Establishment’ and ‘Sex Article’ shall have the meanings ascribed to them in the Third Schedule to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986.

Dispensation or modification of rules

2. (a) These rules may be dispensed with or modified by the Council in any special case.
- (b) Where in these rules there is any reference to the consent of the Council being required, such consent may be given on such terms and conditions and subject to such restrictions as may be so specified.
- (c) If the licensee wishes any of the terms of the licence to be varied an application must be made to the Council.

PART II

GENERAL RULES RELATING TO MANAGEMENT, CONDUCT ETC

Exhibition of Licence

3 The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.

Hours of Opening and Closing

4 The premises shall not, for any purpose of the licence, be opened before 0900 hours and shall not be kept open beyond 2300 hours.

Responsibility of Licensee

5 (a) The licensee shall take all reasonable precautions for the safety of the public and employees and except with the consent of the Council, shall retain control over all portions of the premises.

(b) No poster, advertisement, photograph, sketch, synopsis or programme shall be displayed by or on behalf of the licensee at the licensed premises or at any other public place except in accordance with the Town and Country Planning (Control of Advertisements) Regulations 1992 or any Order amending or replacing the same.

(c) The premises may not be used under the terms of the licence unless and until any necessary permission and/or consents have been obtained pursuant to the Town and Country Planning Act 1990, the London Building Acts 1930-1939 and the Building Act 1984 or any legislation amending or replacing the same.

Persons in Charge of Licensed Premises

6 (a) The licensee or some responsible person over 18 years of age nominated by him in writing for the purpose shall be in charge of, and upon, the licensed premises during the whole time that they are open to the public. Such written nomination shall be continuously available for inspection by a police officer or an officer authorised in writing by the Council.

(b) The person in charge shall not be engaged on any duties which will prevent him from exercising general supervision and he shall be assisted as necessary by suitable adult persons to ensure adequate supervision. The person in charge should be conversant with these conditions, a copy of which should be held on the premises.

(c) A notice showing the name of the person in charge of the premises at the time they are open under the licence shall be conspicuously exhibited in a position where it can be easily seen by customers.

(d) All members of staff shall be easily identifiable as such. If required by the Council in writing the licensee shall ensure that during the hours the premises are open for business every employee or person (apart from, where employed, hostesses or other companions) working in the licensed premises wears a badge of a type approved by the Council indicating his name and that he is an employee or person working in the premises.

Conduct of

7 (a) The licensee shall maintain good order on the premises and in particular shall ensure that none of the following shall take place:

- (a) Unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971;
- (b) Indecent behaviour, including sexual intercourse;
- (c) The offer of any sexual or other indecent service for reward;
- (d) Acts of violence against person or property and/or the attempt or threat of such acts.

(b) The licensee shall ensure that the public are not admitted to any part or parts of the premises other than those which have been approved by the Council.

(c) The licensee or any other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting from the premises, immediately outside the premises or in the vicinity of the premises, nor allow the premises to be used by prostitutes.

Note: Soliciting includes the distribution of leaflets unless authorised by a consent under section 4 of the London Local Authorities Act 1994.

(d) No person under the age of 18 shall be admitted to any part of the premises which is used as a sex establishment or be employed in the business of the sex establishment.

(e) No poster, photograph, sketch, painting or any form of advertisement or display shall be displayed by or on behalf of the licensee on, outside or within the premises in a position where it is visible to the public if the Council regards it as unsuitable for exhibition to the public. If the licensee is notified in writing that the Council objects under this rule to a poster, photograph, sketch, painting, advertisement or display such poster, photograph, sketch, painting, advertisement or display shall be removed or completely obscured from sight.

Doorway Opening, Windows etc.

8 (a) The entrances to the premises shall be of a material or covered with a material which will render the interior of the premises invisible to passers by.

(b) Windows and openings to the premises other than entrances shall either be

obscured or with the consent of the Council shall have suspended behind them, in a position and at an altitude approved by the Council, opaque screens or blinds of a type and size approved by the Council.

Change of Use

9 No change of use of any portion of the premises from that approved by the Council shall be made until all necessary consents have been obtained from the Council. For the avoidance of doubt this includes a change from one class of sex establishment (e.g. a sex shop) to a different class of sex establishment (e.g. a sex encounter establishment).

Alterations

10 No alterations (including temporary alterations) shall be made to the premises, without the prior written consent of the Council. This condition shall not require notice to be given in respect of routine maintenance works.

Where works necessitate the premises being closed for a period of time, the premises shall not reopen for the purpose of the licence, until the licensee has been notified in writing by the Council of the satisfactory completion of the work.

PART III - RULES IN RESPECT OF FIRE AND SAFETY CONDITIONS

Maintenance

11 The approved arrangements shall be maintained at all times in good order, repair and condition.

Overcrowding

12 (a) Overcrowding shall not be permitted in any part of the premises.

(b) The licensee shall maintain a register in a form approved by the Council indicating which staff are on duty at any time whilst the premises are in use under this licence. This register shall be produced immediately on request by a police officer or an authorised officer of the Council.

NOTE: The register will be used by police officers or authorised officers of the Council to assist in deciding how many members of the public are present on the premises at any given time. It is essential, therefore, that the register is properly maintained at all times and that it is readily available for inspection. Compliance with this condition is of the utmost importance and any breach would be regarded as extremely serious.

(c) The licensee shall ensure that any accommodation limit specified on the licence is not exceeded and shall at any time whilst the premises are in use under this licence be aware of the precise number of patrons currently on the premises. This information shall immediately be divulged on request by a police officer or an authorised officer of the Council.

Maintenance of Means of Escape

- 13** (a) All exit routes shall be maintained with nonslip and even floor/step surfaces and be free of trip hazards at all times. Such exit routes shall be unobstructed and available for immediate use at all times.
- (b) All exit doors shall be available for immediate use, without use of a key or si time the public are in the premises. Only fastenings that have been approved by be provided on such doors.
- (c) All fire doors shall be maintained effectively self-closing, and not wedged open.
- (d) Any removable security fastenings approved by the Council shall be removed from the doors prior to opening to the public. All such fastenings shall be kept in a position approved by the Council during the whole time the premises are in use.

Curtains, decorations etc

- 14** (a) Where approval is given for curtains to be used, the curtains shall where necessary be periodically resprayed to maintain their fire resistance. Curtains shall be arranged so as not to obstruct EXIT notices and/or fire extinguishers or other fire fighting equipment.
- (b) Curtains where permitted across doors shall be in two halves, on a free running rail to enable them to be parted easily. Such curtains shall have a clearance of at least 75mm between the bottom of the curtain and the floor.

Fire Alarms

- 15** Any fire alarm system shall be checked monthly to ensure it is fully operational. In addition any system shall be serviced yearly by a qualified engineer and all results recorded in a log book to be retained on the premises.

Fire Fighting Equipment

- 16** (a) All fire extinguishers and fire fighting equipment shall be checked yearly by a competent person and the test date recorded on the equipment, or in the case of hose reels and sprinkler systems the test results shall be recorded in a log book retained on the premises.
- (b) Any extinguisher discharged shall be replaced or recharged immediately.

Outbreaks of Fire

- 17** The Fire Brigade shall be called to any outbreak of fire, however slight. Suitable notices shall be displayed indicating how the Brigade can be summoned.

Cleansing of Ventilation Ductwork

- 18** (a) Filters within kitchens, serveries and grill extract systems shall be cleaned daily. The associated extract ductwork shall be thoroughly cleaned and degreased at regular intervals.
(b) The ventilation system(s) shall be maintained in a clean condition and full working order.

PART IV - OTHER SAFETY RULES AND RULES RELATING TO SANITATION AND NOISE

Sanitation

- 19** The licensee shall ensure that adequate sanitary accommodation is available in the premises for the free use of both staff and members of the public and in particular shall:
- (a) maintain each sanitary convenience in clean and efficient order;
 - (b) ensure that any room which contains a sanitary convenience is suitably and sufficiently lighted and ventilated and is kept clean.
 - (c) ensure that in the sanitary accommodation provided there are installed and maintained suitable and sufficient wash-hand basins and that each basin is provided with an adequate supply of hot and cold water or of hot water at a suitably controlled temperature: together with an adequate supply of soap and suitable hand drying facilities.
 - (d) the premises are so constructed with the adequate provision of efficient drains, suitable wall, floor and ceiling finishes etc. so that satisfactory sanitation can be maintained.

Lighting

- 20** All lighting (including escape lighting) shall be maintained in full working order.

Electrical Installation

- 21** The electrical installation for the premises and any equipment used therein shall be maintained in a safe working condition as prescribed by the Electricity at Work Regulations 1989, and the current edition of the Regulations for electrical installations issued by the Institute of Electrical Engineers.

Electrical Certificates

- 22** Unless the Council decide otherwise an inspection certificate, as prescribed in the current edition of the Regulations for electrical installations issued by the Institution of Electrical Engineers, for the electrical installation associated with the sex establishment shall be submitted to the Council at least once every five years or such other time specified on the certificate. The certificate shall be signed by a qualified engineer.

Escape Lighting

- 23** The escape lighting installation shall be tested every six months by a qualified engineer and a certificate for each test submitted to the Council.

Heating

- 24** (a) The heating system and/or appliances used within the premises shall be fully maintained in good working order for use when required. Any guards required by the Council shall be securely held in position.
- (b) Portable heating appliances shall not be used without the Council's written consent.
- (c) No alterations/additions to the approved heating system shall be made without the written consent of the Council.

Electrical, Gas and Mechanical Ventilation Systems

No alterations shall be made to any part of the electrical, gas or mechanical ventilation systems without the written consent of the Council.

Gas and Electricity Meters

- 26** (a) Gas and electricity/mains intake enclosures shall not be used for any other purpose (e.g. storage).
- (b) Where meters are not in an enclosure the meters shall not be obstructed and shall be available for immediate access.

Paraffin and Mineral Oil

- 27** Paraffin or other mineral oil shall not be used in any lamp, stove or other appliance in premises except with the prior written consent of the Council.

Noise and Vibration

- 28** (a) The licensee shall ensure that no noise shall emanate from the licensed premises or vibration be transmitted through the structure of the licensed premises which gives rise to a nuisance to the occupiers of premises in the vicinity of the licensed premises.
- (b) Without prejudice to the generality of this condition the licensee shall ensure that no form of loudspeaker or sound amplification equipment is sited on or near the exterior of the licensed premises or in or near any foyer, doorway, window or opening to those premises.

NOTE: The licensee must ensure that appropriate measures are taken to prevent any nuisance which may be caused by the operation or use of ventilation or other equipment.

PART V CONDITIONS APPLYING TO SEX SHOPS

Goods Available in Sex Establishments

- 29** All sex articles and other things displayed for sale, hire, exchange or loan within a sex shop shall be clearly marked to show to persons who are inside the sex shop the respective prices being charged.

- 30** All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the sex establishment.
- 31** No film or video shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification or such other authority performing a similar scrutinising function as may be notified to the licensee by the Council, and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified.

Conditions attached after a Licensing Hearing

- 32** The premises shall install and maintain a comprehensive CCTV system to include coverage of all areas of the basement including inside the viewing booths. 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. Viewings of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
- 33** A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
- 34** Doors to the viewing booths shall not be lockable from the inside.
- 35** A second member of staff shall be employed and in attendance at the premises whenever members of the public are permitted in the basement.

The Meeting ended at 12.09 pm

CHAIRMAN: _____

DATE _____

