



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (3)**

Meeting Date: **Thursday 13th October, 2016**

Time: **10.00 am**

Venue: **Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP**

Members: **Councillors:**

Melvyn Caplan (Chairman)
Nick Evans
Shamim Talukder



Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 9.00am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Jonathan Deacon.

**Email: jdeacon@westminster.gov.uk Tel: 020 7641 2783
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of any personal or prejudicial interests in matters on this agenda.

Licensing Applications for Determination

1. CAFE ITALIA, 326 VAUXHALL BRIDGE ROAD, SW1

(Pages 1 - 20)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	Vincent Square Ward / not in cumulative impact area	Café Italia, 326 Vauxhall Bridge Road, SW1	New	16/06647/LIPN

2. DUKE OF YORK, 45 HARROWBY STREET, W1

(Pages 21 - 36)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	Bryanston and Dorset Square Ward / not in cumulative impact area	Duke of York, 45 Harrowby Street, W1	New	16/08637/LIPN

3. KEBAB CENTRE, 368 HARROW ROAD, W9

(Pages 37 - 66)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	Harrow Road Ward / not in cumulative impact area	Kebab Centre, 368 Harrow Road, W9	New	16/07884/LIPN

4. DRAMA, 35 HERTFORD STREET, W1

**(Pages 67 -
106)**

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
4.	West End Ward / not in cumulative impact area	Drama, 35 Hertford Street, W1	Variation	16/08072/LIPV

**Charlie Parker
Chief Executive
7 October 2016**

In considering applications for premises licences under the Licensing Act 2003, the sub-committee is advised of the following:

POLICY CONSIDERATIONS

The City of Westminster statement of licensing policy applies to all applications where relevant representations have been made. The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy and the guidance issued by the Secretary of state under Section 182 of the Licensing Act 2003.

GUIDANCE CONSIDERATIONS

The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

LIVE MUSIC ACT 2012

The Live Music Act amends the Licensing Act 2003 by:

- removing the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on premises authorised by a premises licence or club premises certificate to supply alcohol for consumption on the premises (at a time when those premises are open for the purposes of being used for the supply of alcohol for consumption on the premises), subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate
- removing the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
- removing the licensing requirement for unamplified live music taking place between 8am and 11pm in any place, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises
- removing the licensing requirement for the provision of entertainment facilities
- widens the licensing exemption for live music that is integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applies to both live or recorded music instead of just unamplified live music in that instance.

CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES

(As set out in the Council's Statement of Licensing Policy 2011)

- For premises for the supply of alcohol for consumption on the premises:

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

Monday to Thursday: 10:00 to 23:30.

- For premises for the supply of alcohol for consumption off the premises:

Monday to Saturday: 08:00 to 23:00

Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight

Sundays immediately prior to Bank Holidays: 09.00 to midnight

Other Sundays: 09.00 to 22.30

Monday to Thursday: 09.00 to 23.30.

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Item No:	
Date:	13 October 2016
Licensing Ref No:	16/06647/LIPN - New Premises Licence
Title of Report:	Café Italia 326 Vauxhall Bridge Road London SW1V 1AA
Report of:	Director of Public Protection and Licensing
Wards involved:	Vincent Square
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr David Sycamore Senior Licensing Officer
Contact details	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	29 June 2016		
Applicant:	Covent Garden Italy Limited		
Premises:	Cafe Italia		
Premises address:	326 Vauxhall Bridge Road London SW1V 1AA	Ward:	Vincent Square
		Cumulative Impact Area:	n/a
Premises description:	A small Italian cafe which has been operating for a number of years on a busy commuter road. The premises is located at the base of a large block of flats.		
Premises licence history:	The premises licence has been issued since 30 th May 2013.		
Applicant submissions:	Updated plans have been received showing all fixed seating.		
	Police have withdrawn their objections after agreeing conditions.		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	n/a
End:	23:30	23:30	23:30	23:30	23:30	23:30	n/a
Seasonal variations/ Non-standard timings:		N/A					

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:30	10:30	10:30	10:30	10:30	10:30	10:30
End:	23:30	23:30	23:30	23:30	23:30	23:30	22:30
Seasonal variations/ Non-standard timings:		N/A					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun

Start:	07:00	07:00	07:00	07:00	07:00	07:00	08:00
End:	23:30	23:30	23:30	23:30	23:30	23:30	22:30
Seasonal variations/ Non-standard timings:	None						
Adult Entertainment:	n/a						

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Ian Watson
Received:	17/08/2016
<p>1. The provision and hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area.</p> <p>2. The provision and hours requested for Late Night Refreshment will impact on Public Safety and have the likely effect of causing an increase in Public Nuisance within the area.</p> <p>The applicant has provided some conditions in support of the application which are being considered but do not fully address the concerns of Environmental Health.</p>	

2-B Other Persons	
Name:	James and Carolyn Penrose
Address and/or Residents Association:	Evelyn Mansions, Carlisle Place, SW1P 1NH
Received:	17/08/2016
<p>My wife, Carolyn Penrose, and I are residents of Evelyn Mansions, Carlisle Place, SW1P 1NH.</p> <p>We ask that you note our strong objection to the grant of any extension of the opening hours, or the liberalization of the hours during which alcohol can be sold, as requested in the licensing application of the operators of the Café Italia at 326 Vauxhall Bridge Road.</p> <p>The Café Italia is below our bedroom windows. We need no further noise or disruption.</p> <p>In particular, we object to any extension of Café Italia's opening hours and to the sale of alcohol on any Sunday after 21:30 and on any other day after 22:30. As with the objection of Mr. Pascal Bates, our Evelyn Mansions neighbor, the grounds of our objection are to prevent nuisance, crime and disorder.</p>	

I would appreciate your acknowledging receipt of this letter.	
Name:	Michele Tetzlaff
Address and/or Residents Association:	Vauxhall Bridge Road London
Received:	17/08/2016

I wish to object to the above application Covent Garden Italy 16/06647/LIPN. My property overlooks Vauxhall Bridge Road and I believe that the recent addition of more tables will attract more customers who are likely to cause nuisance into the late hours in the evening. I am particularly concerned with regard to the volume of sound as my property is on the first floor.

Name:	Mr Richard Lund
Address and/or Residents Association:	5 Evelyn Mansions Carlisle Place London SW1P 1NH
Received:	6 th July 2016

My bedroom windows, and more importantly my children's bedroom windows are two floors directly above Cafe Italy (Italia). I wish to strongly object to the licence being extended from 22.30 to 23.30, as people coming and going at that time of night are particularly noisy and wake up my whole family. This is further aggravated by allowing alcohol to be sold this late. Furthermore there is then a clearing up process of emptying out rubbish causing further disruption. The cafe is attached to a residential Mansion block and the residents should not have to put up with this. A few years ago a similar application was made and I appeared along with other residents at the hearing on Victoria Street. My recollection is 22.30 was agreed. This should not have to be revisited.

Name:	Pascal Bates		
Address and/or Residents Association:	EMRA		
Status:	Valid	In support or opposed:	Opposed
Received:	21/07/2016		

I write with reference to a possible licensing application by the operators of a cafe premises on Vauxhall Bridge Road. I write as Chairman of the Evelyn Mansions Residents Association (EMRA) which represents residents of Evelyn Mansions. Evelyn Mansions backs onto Vauxhall Bridge Road and the cafe premises is part of a parade of shops upon which part of Evelyn Mansion is built (and directly contiguous to which is the rest of Evelyn Mansions).

By a letter date 29/06/16 (copy attached) some residents were informed of a new licensing application under reference 16/06647/LIPN and were asked to make any

objection by 27/07/16. Any such application was always going to be contentious - I am informed that the last time residents were notified of an application regarding these premises in 2013, several did object and the subcommittee hearing took 2 hours.

A number of residents have expressed to me their objections to any further licensing, and I am further informed that by 12/07/16 at least four residents had objected online, including Mr. Richard Lund, who was an objector in 2013.

When I went online to object on Tuesday (19/07/16) I could not find any application under reference 16/06647/LIPN or any outstanding application for the address in question. In case it was a temporary blip, I left the matter to today to try again. In the meantime, I have been informed that Mrs. Marjorie Stonehouse, a 96 year old lady in frail health but in remarkable command of her faculties, whose flat has direct party walls with the premises in question, has been attempting to contact officers.

A week ago she was promised that copy application documents would be sent to her by post, as she is not online. Today I am told that she has been further informed that the application under reference 16/06647/LIPN has been invalidated, that no application is currently live, and that any revived application will be the subject of fresh notification and consultation.

She, and I, are concerned that this has not been communicated by the City of Westminster in writing and that (i) there is currently no means to access application documents, (ii) there is no means through the City of Westminster website to object online, (iii) in consequence some who may have objected will have been induced not to do so, (iv) that the four objections logged whilst there was a live link to application 16/06647/LIPN may have been lost by the City of Westminster and, failing an undertaking to treat them as made on any revised application, might have to be repeated and (v) a number of residents are now, or are shortly to go, away, including Mr. Richard Lund, whose longstanding objections regarding the licensing of the premises in question should be apparent from the file.

Accordingly, could you please by return confirm that (a) there is no outstanding application (or else explain what comment may be made by what means, under what reference and by when), (b) previous objections will be carried across to any new application and (c) all residents of the forty-two flats in Evelyn Mansions (those being numbered 1-12, 14-16, 18-39, 12A, 15A, 18A, 21A and 24A) will be notified of any fresh consultation period.

Furthermore, in the event that there is any outstanding application (whether under reference 16/06647/LIPN or otherwise) kindly record this email as my and EMRA's objection to it in so far as it might permit (1) opening after 22:00 on a Sunday or 23:00 on any other day, (2) sale of alcohol (whether for consumption on or off the premises) on any Sunday after 21:30 and on any other day after 22:30. The grounds of objection are for the prevention of nuisance, crime and disorder. The operators to whom the premises licence was granted in limited terms in 2013 did not in the event much trade, especially in the evenings. The business closed some time ago and has for many months now been in the course of a refit. I understand that the refit may involve the introduction of a material extent of additional seating which, together with the pavement tables, will mean that there is a considerable prospect of disruption through and up the side of Evelyn Mansions if the conditions of any new license permit substantial and/or late night evening trade and if the new operators, unlike the old, take advantage of such conditions to trade to an unprecedented manner and extent for that site. Given that this

objection, by reason of the removal of application 16/06647/LIPN has had to be framed without detailed consideration of any supporting documents, I must reserve the right for me/EMRA further to particularise this objection, including as to further and other grounds, if/when documents are made accessible.

I have copied this email to some of those most affected by the possible application, and would be most grateful if you would 'reply all' so that all can see what you have and have not confirmed.

Name:		Anne Barnes	
Address and/or Residents Association:		Flat 11 Evelyn Mansions	
Status:	Valid	In support or opposed:	Opposed
Received:	19.08.2016		

I refer to the application with the above reference. Although you have had an objection from the Residents Association for Evelyn Mansions, I should also like to add that it is totally unacceptable that this café be granted extended hours and facilities. It would really impair the living conditions for the residents of Evelyn Mansions. Many thanks for your consideration.

Name:			
Address and/or Residents Association:		Senior Pensions Group	
Status:	Valid	In support or opposed:	Opposed
Received:	25.07.2016		

Hand written letter – Summary

Objections to any increase in the hours for this restaurant/coffee bar to serve alcohol, or indeed trade beyond normal hours. They are currently serving breakfasts before 8 am and yesterday positioned their triangular sign in front of the fire escape route, from Evelyn Mansions. They also have chairs etc on adjoining owner's pavement.

We respectfully ask whether the following are compliant?

- a) Landlords approvals and regulations.
- b) Managing Agents (Faradays) requirements
- c) Building Regulations
- d) Fire Brigade requirements

The premises now have upper deck seating. Are escape routes satisfactory. Smoke Kills.

Trusting the above may be considered.

Yours faithfully

Unreadable signature. Copies sent to many residents.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy PB/1 applies	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.
Policy HRS/1 applies	Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Mr David Sycamore Senior Licensing Officer
Contact:	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Representation from EH	August 2016
5	Representation from Police - Withdrawn	August 2016
6	Various Resident Objections	August 2016
7	Senior Pensioners Group Objections	August 2016
8	New plan submitted.	August 2016
4	Agent agrees Police Conditions	August 2016
5	EH conditions sent to agent.	September 2016.
6	Notice of hearing to objectors	September 2016
7	Notice of hearing to agent	September 2016



Applicant Supporting Documents

Appendix 2

None

Application	Details of Application	Date Determined	Decision
13/02360/LIPN	New Application	30.05.2013	Granted under delegated Authority
16/03309/LIPT	Transfer	19.04.2016	Granted under delegated Authority
16/03312/LIPDPS	Vary Designated Supervisor	07.04.2016	Granted under delegated Authority

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

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 proposed by the Police and agreed with applicants.

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
12. 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.
13. 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.
14. 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.
15. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
16. There shall be no sales of hot food or hot drink for consumption off the premises after 00.00.
17. There shall be no sales of alcohol for consumption off the premises after 23:00.

18. All outside tables and chairs shall be rendered unusable by 21:00 each day.
19. No self-service of alcohol on the premises.

Conditions Consistent with the operating schedule

20. All children will be accompanied by a person who is 18 or over.
21. No child shall be present on the premises after 21:00

Conditions proposed by EH but not agreed at publication (Duplicates deleted)

22. The maximum number of persons permitted in the premises at any one time (including staff) shall not exceed 30 persons.
23. All sales of alcohol for consumption 'Off' the premises shall be in sealed containers only, and shall not be consumed on the premises except to persons seated at the outside tables and chairs.
24. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
26. There shall be no sales of alcohol for consumption 'Off' the premises after 23.00 hours.
27. There shall be no sales of hot food or hot drink for consumption 'Off' the premises after 23.00 hours.
28. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
29. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- ~~30. The entrance door shall be kept closed after 22:00 hours except for the immediate access and egress of persons. 21:00 hours agreed with Police.~~
31. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
32. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
33. 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.

34. 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.
35. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
36. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
37. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.
38. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day.
39. No licensable activities shall take place at the premises until the premises 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.



Premises within 50 metres of: 326 Vauxhall Bridge Road

p / n	Name of Premises	Premises Address	Licensed Hours
6042	Cafe Italia	326 Vauxhall Bridge Road London SW1V 1AA	Monday to Saturday 07:00 - 23:30 Sunday 08:00 - 22:30
12938	Wrap City	318 Vauxhall Bridge Road London SW1V 1AA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-10137	Apollo Victoria Theatre	17 Wilton Road London SW1V 1LG	Monday to Sunday 09:00 - 00:30
2971	Il Posto	Ground Floor 314 - 316 Vauxhall Bridge Road London SW1V 1AA	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00

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Item No:	
Date:	13.10.2016
Licensing Ref No:	16/08637/LIPN - New Premises Licence
Title of Report:	Duke of York 45 Harrowby Street London W1H 5HX
Report of:	Director of Public Protection and Licensing
Wards involved:	Bryanston And Dorset Square
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr David Sycamore Senior Licensing Officer
Contact details	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	12 August 2016		
Applicant:	H Company 2 Limited		
Premises:	Duke Of York		
Premises address:	45 Harrowby Street London W1H 5HX	Ward:	Bryanston and Dorset Square
		Cumulative Impact Area:	No
Premises description:	A traditional pub in a busy residential area where other small businesses operate.		
Premises licence history:	The application is to replace a previous licence which lapsed when the premises licence holder went into liquidation. A history of the previous premises can be found at appendix 3.		
Applicant submissions:	Agreed conditions with the Police and Environmental Health. Police have withdrawn after conditions have been agreed. Email sent to objectors at appendix 2.		
	Hours of recorded music have now been reduced to those of all other licensable activities after consultation with Environmental Health.		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	N/A
End:	23:30	23:30	23:30	23:30	23:30	23:30	N/A
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:30
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					

Recorded Music				Indoors			
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:30
Seasonal variations/ Non-standard timings:			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:30	23:30	23:30	23:30	23:30	23:30	23:00
Seasonal variations/ Non-standard timings:			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				
Adult Entertainment:			N/A				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Mr David Nevitt
Received:	8 th September 2016

Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.
The applicant has proposed Conditions which are under consideration.

Conditions have been proposed and agreed, the representation is maintained due to resident objections.

NOISE COMPLAINT HISTORY

16/06538/ENC45 05.03.2016 19:00

Noise complaints after karaoke evening. Event finished at 21:00hrs.

15/28927/ENC45 24.10.2015 21:00

Loud music coming from Duke Of York. Return call requested.

Music not audible in customer Flat. Went to pub and spoke to a member of staff who said he was not DPS but was a License Holder. Admits they had a band for a Private Party tonight but it finished at 10pm. Now just background music.

A few people outside but appears well controlled

15/25019/ENC45 17.09.2015 22:00

Pub is blaring music into the street very loudly. No call back required. Visit The Duke of York noise from loud amplified music clearly audible in the street. Spoke to member of staff and music turned down on request. NFA taken because noise not substantiated within complainant's premises.

15/06696/ENC45 18.03.2015

This pub is running a rave/disco on Saturday nights, with unacceptably high noise levels passed 10pm. The pub does not hire bouncers or any form of control which results in patrons coming outside the premises and being very loud without any consideration for the residents nearby. This has been happening on Saturday nights, for the last few weeks. Logged

2-B Other Persons	
Name:	Mr Nic Protopsaltis
Address and/or Residents Association:	Flat 232 Marble Arch Apartments 11 Harrowby Street London W1H 5PQ
Received:	9 th September 2016
<p>I have been resident at this address for almost five years. In the last three years the pub has been a nuisance on most weekends and weekdays during the summer months. We have made numerous calls to the Westminster Noise Pollution team as the pub management has decided to host live bands and dance nights without the appropriate noise insulation installed, making the noise coming out of the venue too loud. The patrons of the pub have also been very noisy in the evening, and numerous calls to the pub have not resulted in managing the outside area either via a door man or by posting signs asking the patrons to respect the residents in the area.</p> <p>During the time the pub has been closed it has made a huge improvement to our quality of life, and I hope that the license will not be re-issued which will allow the neighbouring residents to have a improved quality of life.</p> <p>I would also like to add that there are four pubs in the two square blocks between Brendon Street and Shouldham Street, and none of these establishments cause the amount of noise and complaints that the Duke of York has.</p>	
Name:	Mrs Julia Lloyd
Address and/or Residents Association:	27 Molyneux Street London W1H 5HW
Received:	6 th September 2016
<p>I would like to make two comments:</p> <p>First, we note that the bins should not be filled or emptied during unsociable hours. of course, what happens in practice is that the bins are filled when the pub closes (at 2330) and are emptied by the Council at 6am. The bins are on Molyneux Street, which is a residential street. As the Duke of York's postal address is on Harrowby Street, which is more commercial, can we request that the commercial waste bin is located</p>	

adjacent to the pub door on Harrowby Street?

Second, it is not clear to me whether the tables outside are on the premises or on the highway. If they are on the premises, please can the terms of the licence state that the tables should not be used after 9pm (as is common with the other pubs in the immediate vicinity, such as the Larrik). Currently, there seems to be no restriction on when these tables can be used for people to sit/stand and be served alcohol. In addition, the tables are not tied up at night, which means that passers by (at 3, 4 in the morning) can sit at the tables and talk/drink. As this is a residential neighbourhood, I would hope that the same conditions to serving alcohol outdoors which apply to other pubs, such as the Larrik, can be observed here too. If the tables are not on the premises, but are on the highway, I note that there is no planning permission for the tables (and the decking). Please can you let me know whether this should also be referred to the planing team? We have n objection to the outdoor tables per se - just that they not be used right up until 2330 each day, and that they are tidied away/tied up when they are not in use? Thank you.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy PB/1 applies

Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

Policy HRS/1 applies

Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.

4. Appendices

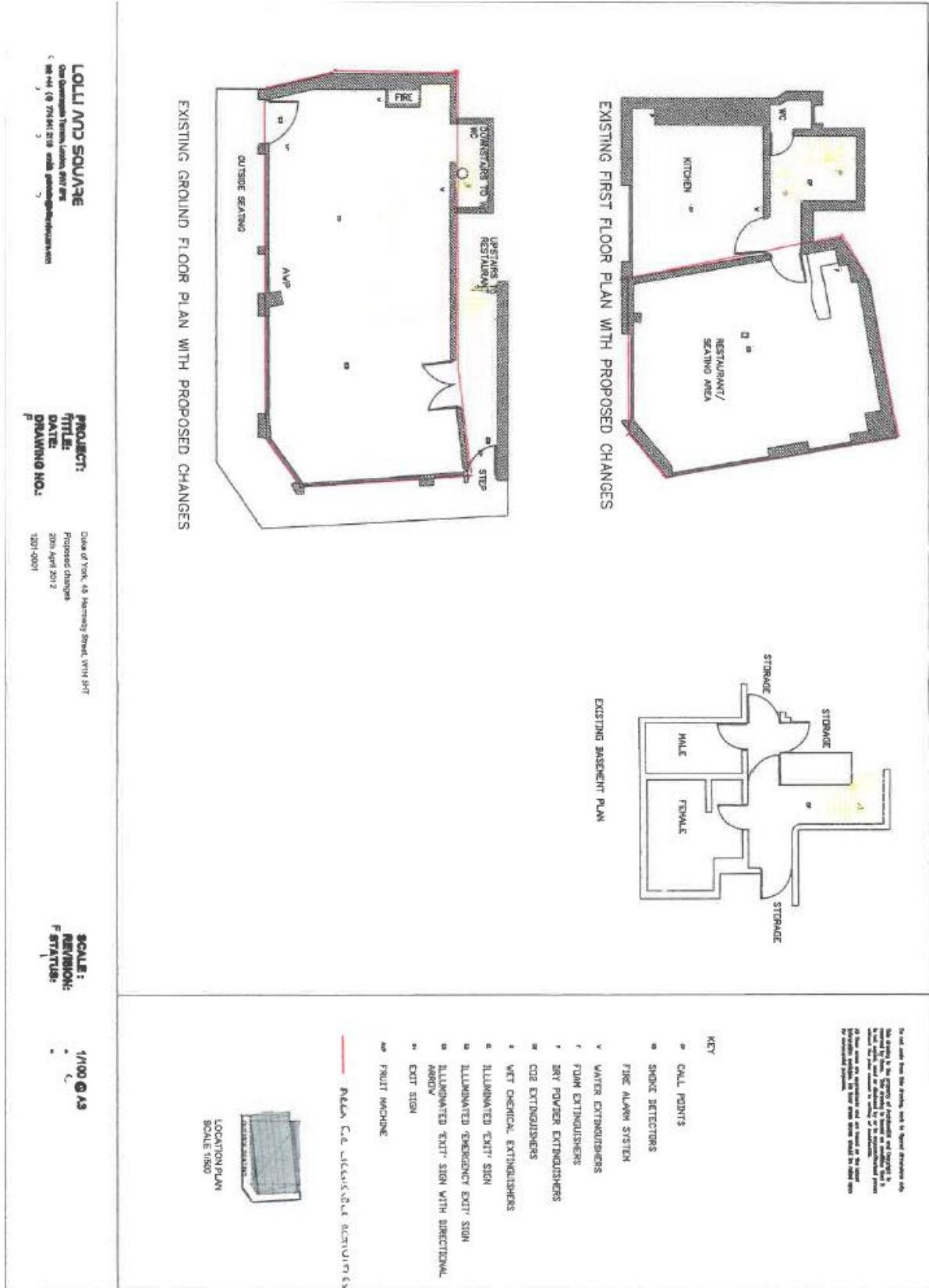
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Mr David Sycamore Senior Licensing Officer
Contact:	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Representation from EH	September 2016
5	Representation from Police - Withdrawn	September 2016
6	Resident comments.	September 2016
7	Resident Comments	September 2016
8	Police conditions agreed	September 2016
9	EH conditions agreed	September 2016



Email sent from solicitors to objectors.

I act for the applicant in respect of the above premises. I have received a copy of your representations to the above application from the Licensing Department at Westminster City Council.

I note that you have commented on issues regarding disposal of rubbish and also use of the outside tables and chairs from the previous operators of this premise.

Our clients are intending to work with both the authorities and the local residents to ensure this pub becomes part of the community rather than a nuisance to all concerned.

We have been in consultation with the relevant authorities during the consultation period for this application and I would like to confirm the following further conditions have been agreed between all parties:-

- The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
- 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.
- A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
- 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:
 - all crimes reported to the venue
 - all ejections of patrons
 - any complaints received concerning crime and disorder
 - any incidents of disorder
 - all seizures of drugs or offensive weapons
 - any faults in the CCTV system or searching equipment or scanning equipment

- any refusal of the sale of alcohol
 - any visit by a relevant authority or emergency service.
- Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
 - All outside tables and chairs shall be rendered unusable by 2300 each day.
 - All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
 - A risk assessment will be carried out to determine the maximum occupancy figure for the first floor in agreement with the Council's Environmental Health Officer. This risk assessment will be updated upon the granting of any works to this floor.

These conditions are to be added to those already provided in our application, namely:-

- All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
- No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23.00 hours and 08.00 hours.
- No deliveries to the premises shall take place between 23.00 hours and 08.00 hours
- During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

I wonder whether the above would alleviate your concerns in respect of this application and would be grateful if you would let me have your thoughts by return? If you wish to discuss any of the points raised please feel free to call me on the number below.

Application	Details of Application	Date Determined	Decision
05/05720/LIPCV	Conversion from the old Act.	06.09.2005	Granted under delegated authority.
11/01667/LIPDPS	Vary Designated Premises Supervisor	10.03.2011	Granted under delegated authority
12/04092/LIPVM	Vary Designated Premises Supervisor	11.06.2012	Refused
14/00424/LIPDPS	Vary Designated Premises Supervisor	05.02.2014	Granted under delegated authority
15/09681/LIPT	Transfer	28.01.2016	Granted under delegated authority

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

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 proposed by the Environmental Health

9. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
10. All outside tables and chairs shall be rendered unusable by 23.00 each day.
11. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
12. A risk assessment will be carried out to determine the maximum occupancy figure for the first floor in agreement with the Council's Environmental Health Officer. This risk assessment will be updated upon the granting of any works to this floor.

Conditions proposed by the Police and agreed with applicants.

13. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
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. 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.
15. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram. Challenge 21
16. 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.

Conditions consistent with the operating schedule

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 or placed in outside areas between 23.00 hours and 08.00 hours.
19. No deliveries to the premises shall take place between 23.00 hours and 08.00 hours
20. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.



Item No:	
Date:	13 th October 2016
Licensing Ref No:	16/07884/LIPN - New Premises Licence
Title of Report:	Kebab Centre 368 Harrow Road London W9 2HU
Report of:	Director of Public Protection and Licensing
Wards involved:	Harrow Road
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mrs Sumeet Anand-Patel Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	27 July 2016		
Applicant:	Mr Bashir Jafari		
Premises:	Kebab Centre		
Premises address:	368 Harrow Road London W9 2HU	Ward:	Harrow Road
		Cumulative Impact Area:	None
Premises description:	<p>Premises shall operate as a cafe providing hot food and drink after 23:00 on ground floor level with an outside yard area.</p> <p>The Licensing Service has asked the applicant to confirm if the yard area is privately owned but are still awaiting their confirmation.</p>		
Premises licence history:	This premises has not previously benefitted from a premises licence under the Licensing Act 2003.		
Applicant submissions:	The applicant contacted the objectors, addressing their concerns within their submission, attached at Appendix 2. One resident's representative has provided a response to the applicant's submission directly to the Licensing Service. Please see resident objections below.		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	01:30	01:30	01:30	01:30	02:00	02:00	01:30
Seasonal variations/ Non-standard timings:		None					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	01:30	01:30	01:30	01:30	02:00	02:00	01:30
Seasonal variations/ Non-standard timings:		None					
Adult Entertainment:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police
Representative:	PC Adam Deweltz
Received:	3 rd August 2016
Status:	Withdrawn
<p>With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be making a representation against this application.</p> <p>It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.</p> <p>There are no conditions contained within the operating schedule.</p> <p>I have listed the following conditions the Police would like to see on the Premises Licence. If these are agreed to I would be willing to withdraw my representation:</p> <ol style="list-style-type: none"> 1) 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. 2) 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. 3) 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: <ol style="list-style-type: none"> (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) any faults in the CCTV system, (f) any visit by a relevant authority or emergency service. <p>Note: following the applicants agreement to this application, the Police have withdrawn their representation.</p>	
Responsible Authority:	Environmental Health
Representative:	Maxwell Koduah
Received:	27 th July 2016
<p>I refer to the application for a New Premises Licence number for the above premises.</p> <p>This representation is based on plans of ground floor and basement by Saeed Dadkhah Architect dated 06/09/09 submitted with the operating schedule.</p>	

The applicant is seeking the following licensable activities:

1. Provision of late night refreshment "Indoors" and "Outdoors" at the following times
Sunday - Thursday: 23:00 to 01:30
Friday - Saturday: 23:00 – 02:00

I wish to make the following representations:

1. Provision of late night refreshment and hours requested may have the likely effect of increasing Public Nuisance in the area and impact on Public Safety.

Conditions have been offered in the operating schedule and these are under consideration.

The applicant is asked to contact the undersigned to arrange a site visit to assess the premises to ensure the premises is satisfactory and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety.

The granting of the new premises licence as presented would have the likely effect of causing an increase in Public Nuisance and may impact on Public Safety within the Area.

Environmental Health have provided a list of noise complaints received for this premises:

Date	Complaint	Officer observation
14.12.2015	At 22:28 Complaint of loud music at rear of complainant's premises. Complainant alleged that a large marquee had been set up without license and loud music blaring out and	At 23:10, an officer visited. Faint music audible in mews. Went to the neighbouring restaurant and spoke to a manager who confirmed a private party in a tent to rear of building. Party finished whilst officers were on site. Officer was informed that it was a one off event. NFA
11.09.2015	At 16:47 Complaint of constant loud noise from air conditioning unit	No visit done
19.03.2015	At 10:21 Complaint that 368 Harrow road London w9 2hp has been trading as kebab & pizza centre late into the night without illegally (without late night refreshment licence). This has been going on for the past 6 months	Officer visited and found no evidence of LNR
25.10.2012	At 15:38 Complaint about noise from refrigeration and plant from 368 Harrow Road and 366 Harrow Road	Officer noted that unattended and attended measurements showed little evidence of the newsagents or kebab shops impacting the received noise level at the resident's property. Complainant was advised that the measurements were not showing anything prominent. Complainant was advised there may be a better chance at finding the offending plant during summer when the

		noise is more prominent. Complainant agreed and NFA was taken
25.09.2012	At 07:26 Complaint about droning noise	At 21:40, a council officer visited and advised that no nuisance from both chillers. Need to revisit when weather warmer.
19.09.2012	At 22:15 Complaint about chiller type noise	At 23:22, a council officer visited. Noted that some plant noise could be heard in complainant's rear bedroom but at the time of visit, the kebab shop had closed. Officer was not able to confirm source of the noise and NFA was taken
11.07.2012	At 20:37 Compliant of noise from unit at rear	At 20:38, an officer visited and monitored from rear roof terrace. Some fan noise heard but from various units and nothing excessive. Officer agreed to arrange further night visit to assess
Note: Environmental Health have proposed conditions which are attached at Appendix 4 but Licensing are yet to receive the applicants comments regarding these.		

2-B Other Persons	
Name:	Ms Sara Poland
Address and/or Residents Association:	6 Chippenham Mews London W9 2AW
Received:	16 th August 2016
<p>This is the third application. I see no reason whatsoever for the current closing times to be extended - ever. I live directly behind the premises and already have to put up with noise, unpleasant cooking smells, extremely noisy out of date extractor fans which operate around the clock, not to mention an unsightly yard which probably is a good home for vermin - all of which makes sleeping well nigh impossible.</p> <p>I am entitled to enjoy my home and rest at night and not to have to undergo this constant disturbance. Additional opening hours should absolutely not be permitted under any circumstance. This establishment has never been refurbished or updated to accommodate the concerns of this now largely residential neighbourhood. The additional foot and vehicle traffic encouraged by yet another 'late night' fast food stop will only increase the public nuisance and noise.</p> <p>We have sufficient cheap fast food outlets and the closure of the Chicken shop on the corner of Marylands Road and the Harrow Road has significantly improved the quality of living in the area. Less chicken bones, less noise and less disturbances. But it took 4 years or more from local residents to make this happen. I believe this application could be yet another attempt to</p>	

use the basement and whole premises for yet another unsociable men only shisha bar or something similar.

One such bar a few doors up the road has finally been served notice to close - much to our relief and gratitude to the council. The type of food and eating habits establishments such as these promote are not conducive to public health and every measure should be made to discourage them. The people who own these premises do not live in the vicinity so have no idea of the problems it causes to the area.

Name:	Diana Carrasco
Address and/or Residents Association:	2C Chippenham Mews London W9 2AW
Received:	3 rd August 2016

I write to make a representation in respect of the above application for a new premises licence. The representation is made on the basis that the likely impact of the application, if granted, would be to harm the licensing objectives of prevention of public nuisance and prevention of crime and disorder.

Introduction

I live at 2C Chippenham Mews. I live directly above the premises, on the first and second floors Bedroom windows face to the rear. I enclose a photograph showing my property with the application premises below it.

I live with my husband and my 19 month-old baby.

The Mews where we live is mainly a residential street, with a few businesses that operate short hours. It is a very quiet street, family oriented with no parking allowed during the week and very little traffic, Therefore, the noise and disturbance levels are minimal at the moment. The concern relates to four possibilities:

1. Noise nuisance from customers of the premises loitering in the Mews eating their food.
2. Anti-social behaviour from customers of the premises loitering in the Mews eating their food.
3. Residents feeling intimidated returning to their homes in the late evening or in the early hours.
4. Litter and packaging left in the Mews.

I am not aware of any premises on this stretch of Harrow Road which both a) operate to the hours proposed by the applicant; and b) operate in the same manner as proposed by the applicant. Other nearby premises seem to either be subject to an earlier terminal hour, or are restricted to providing a delivery service only or an eat-in service only after a certain hour.

The application

The application would fundamentally change the way that the premises operates, as it would permit the premises to provide hot food and hot drinks until well into the early hours.

The premises are currently open during the day.

The application is for a fast food takeaway, with limited dining on the premises. According to the plans, there will be and an area out at the back of the premises which could be used by customers, staff breaks or for keeping the garbage bins. I understand that 'late night refreshment' is the provision of hot food and hot drinks. Will this be for consumption on the premises, outside in the area at the back of the premises, or for takeaway?

Granting a premises licence for late night refreshment to enable the premises to provide hot food later than 11pm would certainly cause a great deal of nuisance.

This area will be connected to the food preparation area, with windows and doors that, when open, will let all the noise and smells come out and up straight to our windows.

Actually, the use of the yard, which is of course one of the main points of contention, is very opaque:

- The application states 'The yard is used for sitting out and recreation.' Use by whom? For what purpose? Until when?
- What do they intend by provision of late night refreshment outdoors? Is this to the yard?
- Conditions were proposed on the previous application and assurances given re: the use of the yard. It seems strange that they not been replicated here?
- The plan submitted with the application does not show the yard. The plans submitted with the previous application did show the yard (albeit not with the licensable area). Is there a reason for this?

Hot takeaway will also attract people having been drinking, with a potential increase in litter, crime and noise. It is also likely that the customers gather in the tranquillity of the Mews to eat their take away, bringing the above mentioned nuisance to the front of our property as well.

I do not believe that the application is compliant with policies PN1, HRS1 and FFP1 as set out in the Council's Statement of Licensing Policy 2016.

FFP1 states that 'Applications will only be granted if it can be demonstrated that the proposal meets relevant criteria in Policies CD1, PS1, PN1 and CH1.' Para 2.5.18 of the Policy states that 'Fast food premises which are open after 23:00 can attract large groups of customers, many of whom have been consuming alcohol in pubs, bars and nightclubs sometimes some distance away. The congregation of people around these premises leads to additional noise and disturbance and further congestion in the area...The council considers that the addition of hot fast food and hot drink adds to the attractiveness of premises to people who have been drinking and who are more likely to be involved in anti-social behaviour.' Para 2.5.19 states that 'The Metropolitan Police have raised concerns about the levels of crime and disorder that happen outside fast food premises late at night due to alcohol fuelled behaviour, and the opportunities for crime afforded by the congregation of people. Studies of 11 major fast food premises in Westminster show that they have a comparatively high association with reports of crimes of violence against the person. The consumption of food outside premises can result in food waste

and litter on pavements, to an extent that amounts to public nuisance.'

Conclusion

For the reasons stated, I am opposed to the application being granted.

I look forward to being kept informed of any developments. I would very much like to attend the hearing, but will have limited availability in certain dates that I am happy to discuss with the Council.

Note: Ms Vime's representative, Mr Richard Brown (CAB), has provided a response to the applicant's submission attached at Appendix A2:

Summary

1. Mrs Carrasco Vime lives in Chippenham Mews, which runs parallel to Harrow Road. The houses on the west side of the mews overlook the back of the premises. This is where the concerns about the use of the yard/garden area at the rear of the premises arise.

2. The Mews itself is narrow, cobbled, and quiet, particularly in the evenings and at night. This is what attracts residents to the properties. However, regrettably, there is a concern that the self-same characteristics are likely to attract customers of no368 in the late evening and late at night. This concern relates to four possibilities:

2.1 Noise nuisance from customers of the premises loitering in the Mews eating their food.

2.2 Anti-social behaviour from customers of the premises loitering in the Mews eating their food.

2.3 Residents feeling intimidated returning to their homes in the late evening or in the early hours.

2.4 Litter and packaging left in the Mews.

3. These concerns are reflected by the Policy.

3.1 Policy FFP1 states that 'Applications will only be granted if it can be demonstrated that the proposal meets relevant criteria in Policies CD1, PS1, PN1 and CH1.' In particular, paras 2.5.18 and 2.5.19 (set out in the representation) are relevant.

3.2 A late night takeaway premises can act as a 'honeypot' for people to gather, who may have been drinking. Para 2.5.18 of the Policy states that 'Fast food premises which are open after 23:00 can attract large groups of customers, many of whom have been consuming alcohol in pubs, bars and nightclubs sometimes some distance away. The congregation of people around these premises leads to additional noise and disturbance and further congestion in the area....The council considers that the addition of hot fast food and hot drink adds to the attractiveness of premises to people who have been drinking and who are more likely to be involved in anti-social behaviour.'

Comments on document submitted on behalf of applicant

4. In para 3.2, it is stated that there is a rear garden, but that this will 'not be subject to the Licence if granted.' Use of the rear garden is among Mrs Carrasco Vime's major concerns. Residents' properties overlook the yard. The application states that the yard is used 'for sitting out and recreation'. The application for provision of late night refreshment includes 'indoors' and 'outdoors'. Clarification is requested as to whether the yard will be used by customers and/or staff.

5. In para 5.3, it is stated that other premises are open late, that there are similar

establishments nearby, and that a new licence will therefore not add materially to the problems.

6. However, Mrs Carrasco Vime is not aware of any premises on this stretch of Harrow Road which both a) operate to the hours proposed by the applicant; and b) operate in the same manner as proposed by the applicant. An analysis of nearby premises reveals that there is a range of fast food premises in the vicinity:

- Paddington Fish Bar, 2 Marylands Road – no premises licence, therefore cannot lawfully provide hot food after 11pm

- Chicken Cottage, 360 Harrow Road – no premises licence, therefore cannot lawfully provide hot food after 11pm

- PJ's, 358 Harrow Road – premises licence permits late night refreshment to midnight Sun-Thurs, 1am Fri-Sat. However, the licence is subject to a condition that 'After 2300 no customers shall be permitted on the premises and all sales will be by delivery only to a bona fide address'.

Other nearby premises seem to either be subject to an earlier terminal hour, or are restricted to providing a delivery service only or an eat-in service only after a certain hour.

Conclusion

7. By opening later, Mrs Carrasco Vime feels that it is likely that the issues set out in para 2 above will become more serious. Accordingly, she concludes that the application does not promote the licensing objectives of 'prevention of public nuisance' or 'prevention of crime and disorder'.

8. Mrs Carrasco Vime would like to state that she wishes the applicant well in running his business, but remains of the view that the application as it currently stands should be refused for the reasons set out above.

Name:	Ms Jen Lindsay
Address and/or Residents Association:	1C Chippenham Mews London W9 2AN
Received:	4 th August 2016

I see absolutely no reason why the current closing time of 2300 needs extension. It is not conducive to the public good to have these premises open until the early hours of the morning: particularly to residents in the immediate vicinity who are already disturbed by cooking smells, extractor fan noise and the general disturbance of conversation and people moving around.

The additional foot and vehicle traffic as people get to know this is a 'late night stop', and possibly gather and eat in and around it, will only exacerbate this public nuisance. There is a plethora of fast food outlets such as this in this area, none of which serves the daily needs or the interests of local residents, and which cause waste food and packaging to be strewn in the streets. The type of food and the eating habits these establishments promote are not conducive to public health and every measure should be taken to discourage them.

3. Policy & Guidance

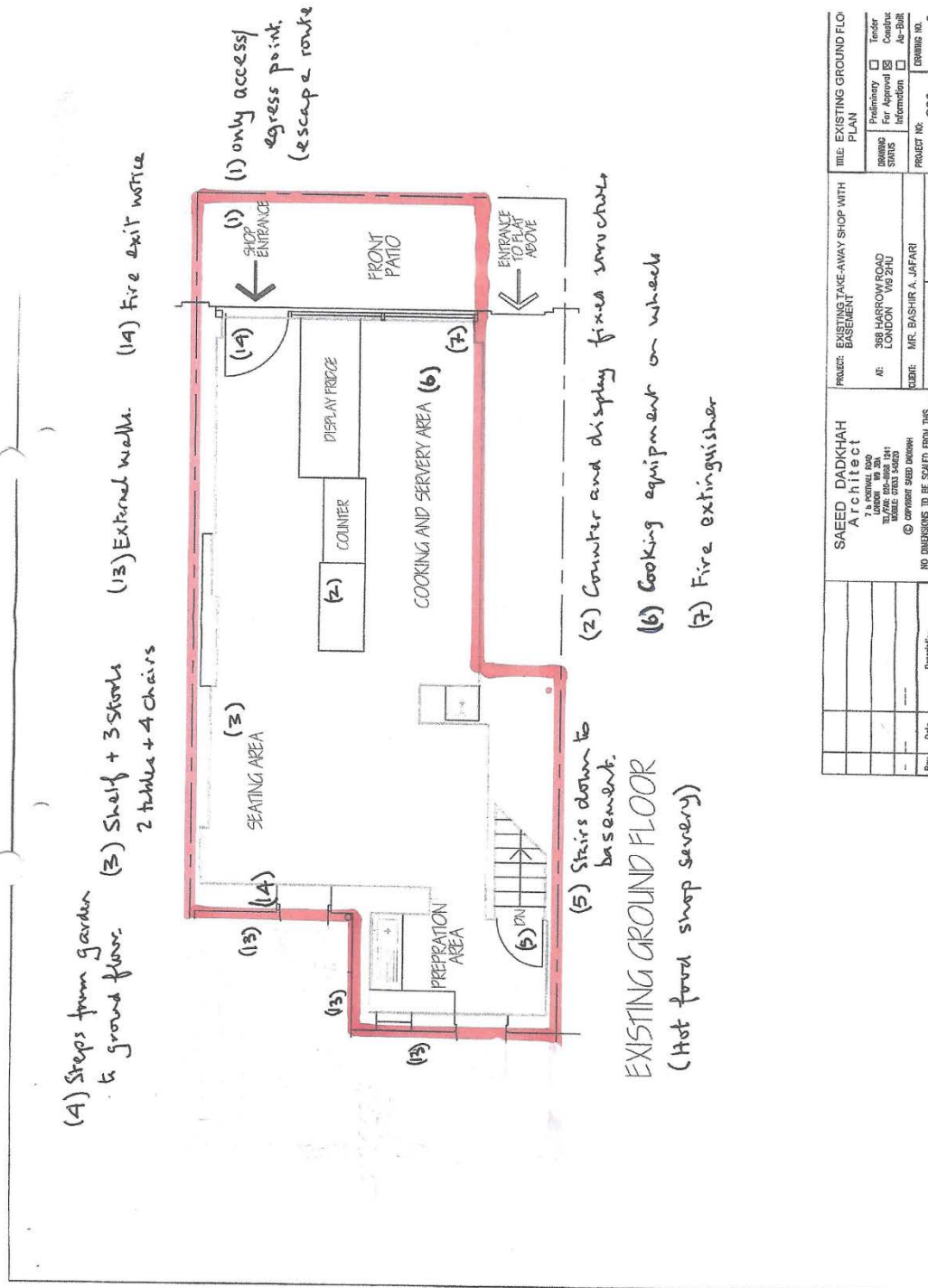
The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy FFP1 applies	Applications will only be granted if it can be demonstrated that the proposal meets relevant criteria in Policies CD1, PS1, PN1 and CH1
Policy HRS1 applies:	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents - None
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Mrs Sumeet Anand-Patel Senior Licensing Officer	
Contact:	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk	
If you have any queries about this report or wish to inspect one of the background papers please contact the report author.		
Background Documents – Local Government (Access to Information) Act 1972		
1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Forms	27 th July 2016
5	Plans	27 th July 2016
6	Environmental Health Representation	27 th July 2016
7	Metropolitan Police Representation	3 rd August 2016
8	Sara Poland Representation	16 th August 2016
9	Diana Carrasco Representation	3 rd August 2016
10	Jen Lindsay Representation	4 th August 2016

25/7/16



Rev	Date	Description

SAEED DADKHAH Architect 100, 101, 102 LONDON, W9 2HU TEL: 020 8996 2941 FAX: 020 8996 2942 © COPYRIGHT SAEED DADKHAH		PROJECT: EXISTING TAKE-AWAY SHOP WITH BASEMENT NO DIMENSIONS TO BE SCALED FROM THIS DRAWING EXCEPT FOR PLANNING DEPARTMENT	TITLE: EXISTING GROUND FLOOR PLAN DRAWING STATUS: Preliminary <input type="checkbox"/> Tender <input type="checkbox"/> For Approval <input checked="" type="checkbox"/> Construction Information <input type="checkbox"/> As-Built <input type="checkbox"/> PROJECT NO: 900 DRAWING NO: 0
ARCHITECT: SAEED DADKHAH ADDRESS: 100, 101, 102 LONDON, W9 2HU TEL: 020 8996 2941 FAX: 020 8996 2942 © COPYRIGHT SAEED DADKHAH		CLIENT: MR. BASHIR A. JAFARI DATE OF ISSUE: 06/09/09 SCALE: 1:50	PROJECT NO: 900 DRAWING NO: 0

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**COMMENTS ON REPRESENTATIONS MADE BY
MEMBERS OF THE PUBLIC RELATING TO
PROPOSED LATE NIGHT LICENCE**

at

368 HARROW ROAD, LONDON, W9 2HU

(16/07884/LIPN)

16 September 2016

<u>Contents</u>	<u>Page No.</u>
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2. The Applicant.....	2
3. The Premises	2
4. Hours of operation	3
5. Public Consultation	3
6. Consultations with Statutory Bodies.....	4
7. Summary	4

Appendices:

1. Police: Suggested Conditions
2. Environmental Health Officer: Suggested Conditions

1. INTRODUCTION

- 1.1 A further application has been submitted by Bashir Jafari for extended late night opening at 368 Harrow Road W9.
- 1.2 This second application follows an earlier one which was withdrawn at the suggestion of Westminster City Council as it did not contain sufficient information for a determination.
- 1.3 The current application is going forward to the Licensing Committee at Westminster City Hall on Thursday 13 October 2016.
- 1.4 These comments are intended to address issues raised by members of the public.

2. THE APPLICANT

- 2.1 Bashir Jafari is a married family man with three children. He lives along the Harrow Road and is able to walk to work.
- 2.2 He was formerly the owner of Pars Restaurant at 370 Harrow Road adjoining the subject premises. He worked there from 2004-2013.
- 2.3 At No.368 he employs three staff and works long hours himself dealing with cooking and supervision of the shop. He is not aware of any anti-social behaviour and the Police have not been called.
- 2.4 Also he has not directly received complaints from the public.

3. THE PREMISES

- 3.1 The Licenced activity will only take place on the ground floor (shop) part of the building.

3.2 In addition there is the rear garden and the basement (use for preparation) but these will not be subject to the Licence if granted.

4. HOURS OF OPERATION

4.1 The extended opening hours are set out in the licence application as:

Monday	23:00-01:30
Tuesday	23:00-01:30
Wednesday	23:00-01:30
Thursday	23:00-01:30
Friday	23:00-02:00
Saturday	23:00-02:00
Sunday	23:00-01:30

4.2 These are considered fair and reasonable having regard to the location of the premises on a busy thoroughfare with a residential hinterland.

5. PUBLIC CONSULTATION

5.1 The application was advertised in a local newspaper and a notice displayed on the premises. To date three representations have been received via the Licensing Department. Our comments are being circulated to these people.

5.2 Representations raise a number of points. Chiefly these are noise and disturbance in the vicinity as patrons walk away from the premises with their food consuming this as they go. They may be noisy and drop litter.

5.3 Unfortunately this can occur at any time when the premises are currently open. They are one of number of such units along Harrow Road which is a main thoroughfare. Other premises are open late and it is not considered that the application premises will add materially to any such problems.

5.4 Allegations of noise from the premises have also been made. This again might occur as patrons leave the premises and walk into the surrounding area. This could occur from any of the similar establishments nearby and it is not thought that a new licence here will add materially to the problems.

6. CONSULTATIONS WITH STATUTORY BODIES

6.1 Two bodies have made their views known – The Police and The Environmental Health Officer (EHO).

6.2 The Police have no objection to three conditions regarding a CCTV system.(Appendix1). As Mr. Jafari already has CCTV installed there is no difficulty in complying with these conditions.

6.3 On being informed of this the Police are content with the application.

6.4 The EHO has also requested conditions (Appendix 2). These are acceptable except No.2 which relates to hours of opening and differs from those in the application. Such more restricted hours are not acceptable to the applicant who wishes the application to be judged on these basis of the hours set out therein (para 4.1) above.

7. SUMMARY

7.1 The application seeks a late night refreshment licence in respect of the shop at 368 Harrow Road. Only the shop itself will be licenced and not any other part of the premises

7.2 The applicant has, for a number of years, run a restaurant and this hot food take-away shop. He is highly experienced and is on the premises between most of the opening hours. He intends to be present during extended opening hours if the licence is granted.

7.3 The applicant requests the following opening hours:

Monday to Thursday 23:00-01:30

Friday and Saturday 23:00-02:00

Sunday 23:00-01:30

7.4 The applicant is a responsible and experienced cater and wishes to extend his opening hours to meet local demand. The premises are suitable, the proposed opening hours reasonable and there seems to be no reason why he should not trade like other in the vicinity.

APPENDIX 1

POLICE: SUGGESTED CONDITONS

POLICE: SUGGESTED CONDITIONS

368 Harrow Road, London, W9 2HU

1. 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.

2. 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.

3. 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) any faults in the CCTV system,
 - (f) any visit by a relevant authority or emergency service.

APPENDIX 2

ENVIRONMENTAL HEALTH OFFICER:

SUGGESTED CONDITIONS

Application reference: 16/07884/LIPN

Premises: **Kebab Centre**
368 Harrow road
London
W9 2HU

18 August 2016

Proposed EH conditions

1. Prominent signage indicating the permitted hours for walk-in service and home delivery services shall be displayed so as to be visible before entering the premises and at the point of sale
2. There shall be no walk-in sales of hot food or hot drink for consumption "on" or "off" the premises after 00.00 hour (midnight) Sunday to Thursday and 01:00 hour Friday and Saturday
3. There shall be no sales of hot food or hot drink for home delivery after 00.00 hour (midnight) Sunday to Thursday and 02:00 hour Friday and Saturday
4. The menu board lights in the customer service area shall be turned off at 00.00 hour (midnight) Sunday to Thursday and 01:00 hour Friday and Saturday
5. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 12 persons
6. Notices shall be prominently displayed at the exit requesting patrons to respect the needs of local residents and businesses and leave the area quietly
7. No persons shall be permitted to use the garden at the rear of the premises after 23:00 hour
8. No noise generated on the premises, or by its associated plant or equipment or delivery cars/motorbikes, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance
9. All windows and external doors shall be kept closed after 23:00 hour except for the immediate access and egress of persons
10. There shall be no queuing on the pavement outside the premises at any time
11. All tables and chairs shall be removed from the pavement along Harrow Road by 23.00 hour each day
12. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
13. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas including rear garden between 23.00 hour and 08.00 hour on the following day

14. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 hour and 08.00 hour on the following day
15. No deliveries to the premises shall take place between 23.00 hour and 08.00 hour on the following day
16. 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
17. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated
18. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business

There is no licence or appeal history for the premises.

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

Mandatory Conditions

None

Conditions consistent with the operating schedule

None

Conditions proposed by the Environmental Health

1. Prominent signage indicating the permitted hours for walk-in service and home delivery services shall be displayed so as to be visible before entering the premises and at the point of sale
2. There shall be no walk-in sales of hot food or hot drink for consumption “on” or “off” the premises after 00.00 hour (midnight) Sunday to Thursday and 01:00 hour Friday and Saturday
3. There shall be no sales of hot food or hot drink for home delivery after 00.00 hour (midnight) Sunday to Thursday and 02:00 hour Friday and Saturday
4. The menu board lights in the customer service area shall be turned off at 00.00 hour (midnight) Sunday to Thursday and 01:00 hour Friday and Saturday
5. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 12 persons
6. Notices shall be prominently displayed at the exit requesting patrons to respect the needs of local residents and businesses and leave the area quietly
7. No persons shall be permitted to use the garden at the rear of the premises after 23:00 hour

8. No noise generated on the premises, or by its associated plant or equipment or delivery cars/motorbikes, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance
9. All windows and external doors shall be kept closed after 23:00 hour except for the immediate access and egress of persons
10. There shall be no queuing on the pavement outside the premises at any time
11. All tables and chairs shall be removed from the pavement along Harrow Road by 23.00 hour each day
12. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
13. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas including rear garden between 23.00 hour and 08.00 hour on the following day
14. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 hour and 08.00 hour on the following day
15. No deliveries to the premises shall take place between 23.00 hour and 08.00 hour on the following day
16. 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
17. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated
18. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business

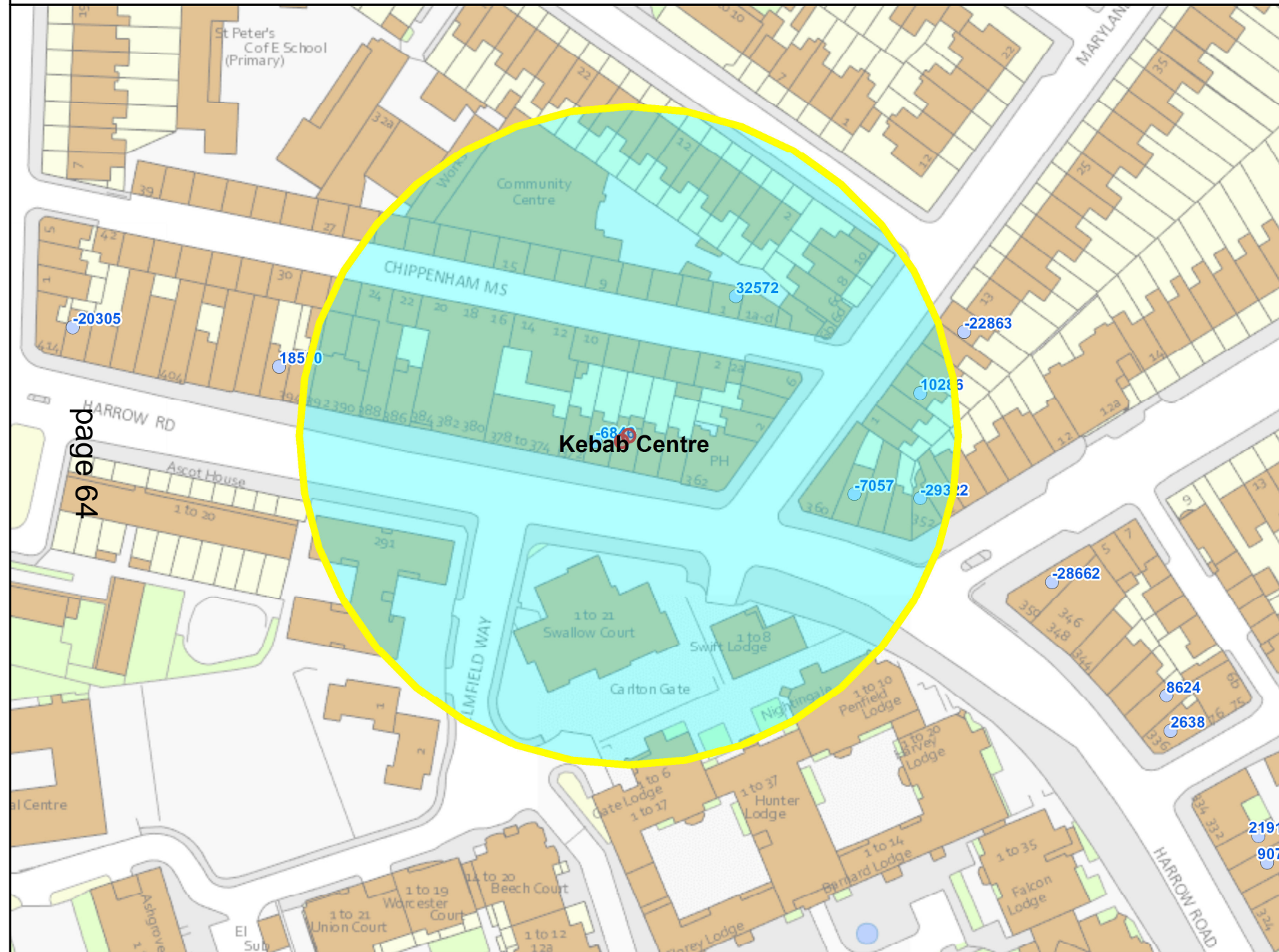
Conditions proposed by the Police

19. 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.
20. 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.

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. 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) any faults in the CCTV system,
 - (f) any visit by a relevant authority or emergency service.



Kebab Centre, 368 Harrow Road, London



page 64

Residential / Proposed Residential	237
Under Construction	Not Known
Other Uses	Not Known
Proportion Residential of all Uses	Not Known

10
 Meters

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Data Source: Uniform Database
 Date: 29/09/2016

Premises within 75 metres of: Kebab Centre, 368 Harrow Road, London

p / n	Name of Premises	Premises Address	Opening Hours
-29322	Champers	Basement And Ground Floor 352 Harrow Road London W9 2HT	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
-7057	PJ's Pizza	Basement And Ground Floor 358 Harrow Road London W9 2HT	Friday to Saturday 09:00 - 02:00 Monday to Thursday 10:00 - 01:30 Sunday 10:00 - 01:30
10286	Tsiakkos & Charcoal	5 Marylands Road London	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
32572	The Yaa Centre	1 Chippenham Mews London W9 2AN	Monday to Sunday 09:00 - 00:00
-6846	PARS Restaurant	Ground Floor 370 Harrow Road London W9 2HU	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00

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City of Westminster

Agenda Item 4 Licensing Sub-Committee Report

Item No:	
Date:	13 October 2016
Licensing Ref No:	16/08072/LIPV - Premises Licence Variation
Title of Report:	Drama 35 Hertford Street London W1J 7SD
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises																
Application Type:	Variation of a Premises Licence, Licensing Act 2003															
Application received date:	29 July 2016															
Applicant:	Hilton Worldwide Limited															
Premises:	Drama															
Premises address:	35 Hertford Street London W1J 7SD	Ward:	West End													
		Cumulative Impact Area:	No													
Premises description:	The premises operate as a nightclub in the London Hilton on Park Lane.															
Variation description:	The proposed application for variation of the premises licence as follows:															
	<p>1. Increase the permitted hours in respect of all licensable activities and opening hours Monday to Sunday by a further hour following the current terminal hour, i.e.</p> <table border="1"> <tbody> <tr> <td>Exhibition of films</td> <td>10:00am – 04:00am</td> </tr> <tr> <td>Performance of live music</td> <td>10:00am – 04:00am</td> </tr> <tr> <td>Recorded Music</td> <td>10:00am – 04:15am</td> </tr> <tr> <td>Performance of dance</td> <td>10:00am – 04:00am</td> </tr> <tr> <td>Late night refreshment</td> <td>23:00am- 04:30am</td> </tr> <tr> <td>Supply of alcohol</td> <td>10:00am- 04:00am</td> </tr> <tr> <td>Opening hours</td> <td>10:00am- 04:30am</td> </tr> </tbody> </table> <p>2. To amend conditions 48, 49 and 50 on the Premises Licence in respect of terminal hours, closure of the premises to reflect the additional hour.</p>			Exhibition of films	10:00am – 04:00am	Performance of live music	10:00am – 04:00am	Recorded Music	10:00am – 04:15am	Performance of dance	10:00am – 04:00am	Late night refreshment	23:00am- 04:30am	Supply of alcohol	10:00am- 04:00am	Opening hours
Exhibition of films	10:00am – 04:00am															
Performance of live music	10:00am – 04:00am															
Recorded Music	10:00am – 04:15am															
Performance of dance	10:00am – 04:00am															
Late night refreshment	23:00am- 04:30am															
Supply of alcohol	10:00am- 04:00am															
Opening hours	10:00am- 04:30am															
Premises licence history:	The premises are currently licensed (16/05966/LIPVM). A full licence history can be found at Appendix 4 of the report															
Applicant submissions:	No additional submissions have been received															

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Exhibition of films, Performance of Dance, Performance of Live Music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	03:00	10:00	04:00	Ground Floor	Unchanged
Tuesday	10:00	03:00	10:00	04:00	Ground Floor	Unchanged
Wednesday	10:00	03:00	10:00	04:00	Ground Floor	Unchanged

Thursday	10:00	03:00	10:00	04:00	Ground Floor	Unchanged
Friday	10:00	03:00	10:00	04:00	Ground Floor	Unchanged
Saturday	10:00	03:00	10:00	04:00	Ground Floor	Unchanged
Sunday	10:00	03:00	10:00	04:00	Ground Floor	Unchanged
Seasonal variations/Non-standard timings:	From the end of licensable hours on New Year's Eve to the commencement of licensable hours on New Year's Day					

Playing of Recorded Music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	03:15	10:00	04:15	Ground Floor	Unchanged
Tuesday	10:00	03:15	10:00	04:15	Ground Floor	Unchanged
Wednesday	10:00	03:15	10:00	04:15	Ground Floor	Unchanged
Thursday	10:00	03:15	10:00	04:15	Ground Floor	Unchanged
Friday	10:00	03:15	10:00	04:15	Ground Floor	Unchanged
Saturday	10:00	03:15	10:00	04:15	Ground Floor	Unchanged
Sunday	10:00	03:15	10:00	04:15	Ground Floor	Unchanged
Seasonal variations/ Non-standard timings:			Current: From the end of licensable hours on New Year's Eve to the commencement of licensable hours on New Year's Day.			

Late night refreshment						
Indoors, outdoors or both		Current :			Proposed:	
		Indoors			Indoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	03:30	23:00	04:30	Ground Floor	Unchanged
Tuesday	23:00	03:30	23:00	04:30	Ground Floor	Unchanged
Wednesday	23:00	03:30	23:00	04:30	Ground Floor	Unchanged
Thursday	23:00	03:30	23:00	04:30	Ground Floor	Unchanged
Friday	23:00	03:30	23:00	04:30	Ground Floor	Unchanged
Saturday	23:00	03:30	23:00	04:30	Ground Floor	Unchanged
Sunday	23:00	03:30	23:00	04:30	Ground Floor	Unchanged
Seasonal variations/ Non-standard timings:			Current: From the end of licensable hours on New Year's Eve to the commencement of licensable hours on New Year's Day			

Sale by Retail of Alcohol						
On or off sales		Current :			Proposed:	
		On			On	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	03:00	10:00	04:00	Ground Floor	Unchanged
Tuesday	10:00	03:00	10:00	04:00	Ground Floor	Unchanged
Wednesday	10:00	03:00	10:00	04:00	Ground Floor	Unchanged

Thursday	10:00	03:00	10:00	04:00	Ground Floor	Unchanged
Friday	10:00	03:00	10:00	04:00	Ground Floor	Unchanged
Saturday	10:00	03:00	10:00	04:00	Ground Floor	Unchanged
Sunday	10:00	03:00	10:00	04:00	Ground Floor	Unchanged
Seasonal variations/ Non-standard timings:			Current:			
			From the end of licensable hours on New Year's Eve to the commencement of licensable hours on New Year's Day			

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	03:30	10:00	04:30	Ground Floor	Unchanged
Tuesday	10:00	03:30	10:00	04:30	Ground Floor	Unchanged
Wednesday	10:00	03:30	10:00	04:30	Ground Floor	Unchanged
Thursday	10:00	03:30	10:00	04:30	Ground Floor	Unchanged
Friday	10:00	03:30	10:00	04:30	Ground Floor	Unchanged
Saturday	10:00	03:30	10:00	04:30	Ground Floor	Unchanged
Sunday	10:00	03:30	10:00	04:30	Ground Floor	Unchanged
Seasonal variations/ Non-standard timings:			Current:			
			On New Year's Eve the premises may remain open to the commencement of opening hours on New Year's Day			

1-D Conditions being varied, added or removed	
Condition	Proposed variation
48 which reads: All licensable activities must end no later than 03:00 hrs save that the playing of recorded music and dancing must end no later than 03:15 hrs and the provision of late night refreshment must end no later than 03:30 hrs	Amended to read All licensable activities must end no later than 04:00 hrs save that the playing of recorded music and dancing must end no later than 04:15 hrs and the provision of late night refreshment must end no later than 04:30 hrs
49 which reads: The premises must close to the public no later than 03:30 hrs.	Amended to read The premises must close to the public no later than 03:30 hrs.
50 which reads: No customers may enter or re-enter the premises after 01:00 hrs (save for customers who have temporarily left the premises to smoke tobacco products) with the exception that customers who have pre-booked entry prior to midnight and whose names are on a list may enter between 01:00 - 02:00 hrs. This list must be kept at the premises and made available to police and local authority officers on demand	Amended to read No customers may enter or re-enter the premises after 02:00 hrs (save for customers who have temporarily left the premises to smoke tobacco products) with the exception that customers who have pre-booked entry prior to 01:00 and whose names are on a list may enter between 02:00 - 03:00 hrs. This list must be kept at the premises and made available to police and local authority officers on demand

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Environmental Health Service
Representative:	Ian Watson
Received:	25 th August 2016
<p>I wish to make the following representation</p> <ol style="list-style-type: none"> 1. The additional hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area. 2. The additional hours requested to permit the provision of late night refreshment will have the likely effect of causing an increase in Public Nuisance within the area. 3. The additional hours requested to permit the provision of regulated entertainment will have the likely effect of causing an increase in Public Nuisance within the area. 4. The applicant has not proposed new wording for the conditions and therefore it is difficult to assess the impact with regard to prevention of public nuisance. <p>The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance within the area.</p> <p>The applicant has not provided any information addressing appendix 11 of licensing policy regarding noise for the later hours.</p> <p>The Environmental Health Service has provided additional information from visits undertaken by the City Inspectors made on the following dates namely, 4th September 2016, 17th September 2016, Sunday 25th September 2016 and Saturday 1st October (Appendix 3)</p>	
Responsible Authority:	The Metropolitan Police
Representative:	Michael Day
Received:	25 th August 2016
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, are making a representation. It is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>The venue is not situated within any Cumulative Impact Area, but at this stage we believe that this variation would cause additional policing problems in the area.</p>	

2-B Other Persons	
Name:	Miss Ginette Haiat

Address and/or Residents Association:		10 Down Street, London	
Status:	Local resident	In support or opposed:	Opposed
Received:	19 th August 2016		
<p>We are managing a block of residential block of apartments - corner of hertford street /down street. The residents are already disturbed by the noise and disruption by the noise. long queues outside walking towards our block drunk , etc we hereby object to a further extension of the license .. this is mayfair and we should not have to put up with all the disruption of the people then moving towards our block - it is highly unsightly for this high class area - with the type of people it attracts and does cause a lot of complaints and disruptions to all. We are not happy now as it is never mind ... a further extension ... we have had our ashtray set on fire, non stop people on our door step - and constant disruption.. we object to this extension and suggest that they have the decency to pay attention to their neighbours as it is a highly expensive and high class area being ruined by this mob of people making noise , and around the block queues etc not always of the best quality of people .</p>			

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy MD1 applies:	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.
Policy HRS1 applies:	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>

4. Appendices

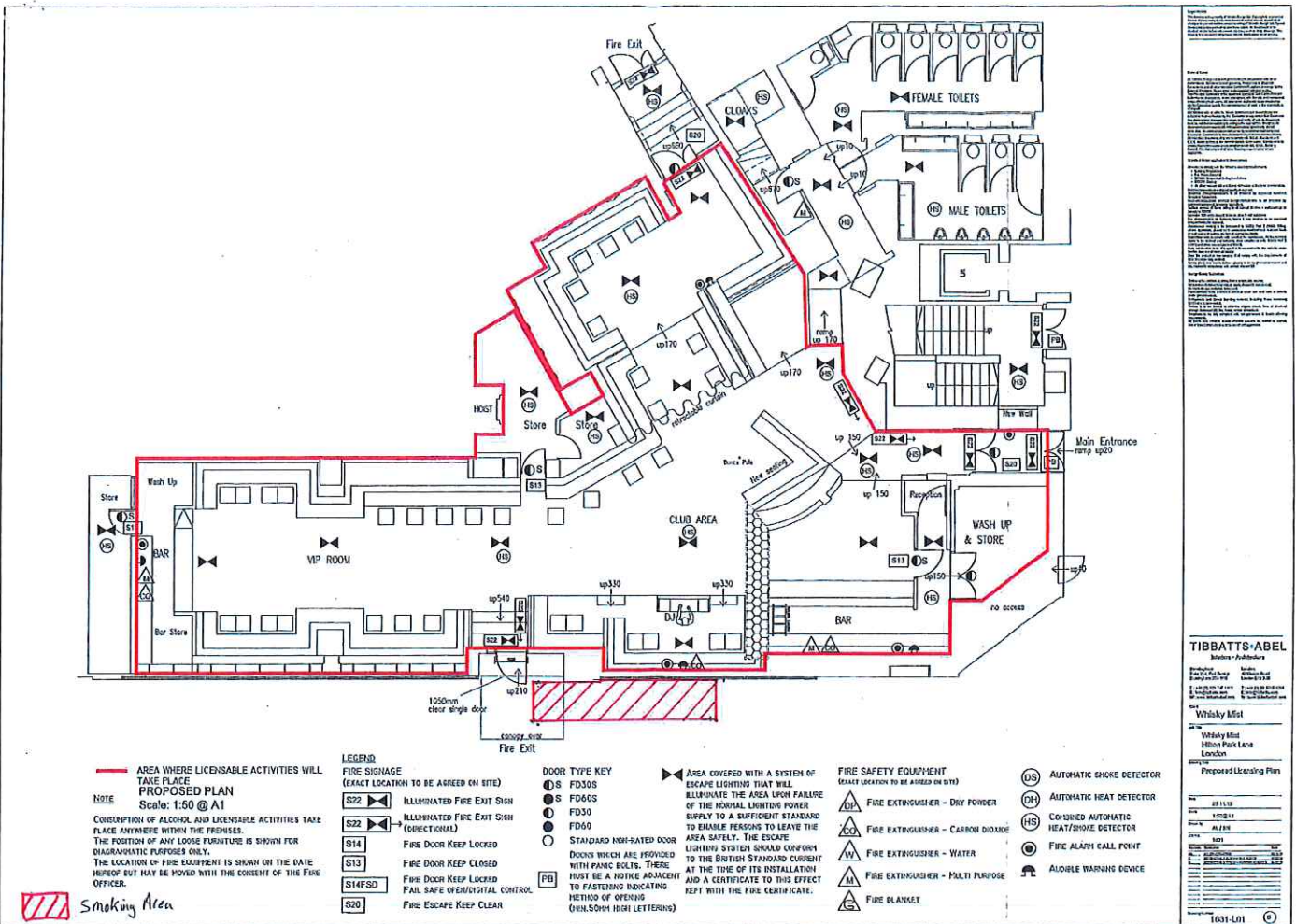
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Environmental Health Service Submission
Appendix 4	Premises licence history
Appendix 5	Proposed conditions
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	29 th July 2016
5	Environmental Health Representation	25 th August 2016
6	Police Representation	25 th August 2016
7	Miss Ginette Haiat Representation	19 th August 2016



TIBBATS+ABEL
 Fire Engineers - Architects
 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000

Whisky Mist
 Whisky Mist
 1000 Park Lane
 London
 W1A 3AA

Proposed Licencing Plan

1631-L01

Applicant Supporting Documents

No additional supporting documents have been received

CITY OF WESTMINSTER

MEMORANDUM

TO Licensing Officer

REFERENCE 16/08072/LIPV

FROM EH Consultation Team

REFERENCE

BEING DEALT WITH BY Ian Watson (iwatson@westminster.gov.uk)

TELEPHONE 020 7641 3183

DATE 3rd October 2016

The Licensing Act 2003

Drama, 35 Hertford Street, W1

I refer to the application for variation of the Premises Licence to extend their licensable activities Monday to Sunday from 03.00 hours to 04.00 hours (LNR 04.30 hours) with additional hour added to conditions 48, 49 and 50 (PL 16/05966/LIPVM).

Following this application the premises have been visited by licensing inspectors on the following occasions.

Sunday 4th September 2016 @ 00.35 hours. Visited by Toby Webber and Brian Eaton. Walkthrough conducted, no issues.

Saturday 17th September 2016 @ 01.00 hours. Visited by Daniel Ferrer and Lee Cavill.

My colleague, Lee Cavill, and I arrived outside Drama, 35 Hertford Street at 01:00 hours on Saturday 17th September 2016. We saw a large number of customers outside the premises and along Hertford Street. There were about 40 customers outside and only a handful of smokers in the roped off smoking area which was located on Hertford Street. I saw one or two smokers outside on the pavement on Hertford Street who were not in the smoking area. I noted that there was 1 SIA door staff in high vis positioned close to the smoking area. A number of SIA door staff were also outside close to the entrance but they did not take much action in moving smokers into the smoking area nor did they attempt to move customers who were blocking the pavement. I also noticed a large amount of cigarette butts along Hertford Street pavement from the entrance to the smoking area. I took photographs of the exterior of the premises. (Please see the first 2 attachments). It was only then that the SIA door staff started to take action.

We then started to observe customers entering the premises. I saw that a black cab stopped on Hertford Street and 3 females walked up to the queue at the entrance. I also saw a white Mercedes pull up outside the entrance and a male and female came out of their vehicle and entered the premises. I then made myself known to one of the door staff and asked for the Duty Manager. I continued to watch the entrance and noted that the 3 females who came out of the black cab were refused entry. After a few minutes a gentleman I now know as Mr. Mauro PISANO came out and greeted us. I explained the purpose of our visit and pointed out the large group of customers and some smokers not

in the smoking area. He stated that the celebrity, Will.I.A.M. was in the premises and so a lot of people were trying to get in but were "bounced".

I asked to look at the ID scan system (condition 12) and I could see it was in operation. He looked up records on the system and stated that 378 people had been ID Scanned throughout the night which included those who had been refused entry. Mr PISANO then showed me a record of a list of 13 names who did not have to ID Scanned and admitted at the managers discretion.

I then asked to look at the list of customers who had pre booked and who could enter the premises after 01:00 (condition 50). A female at the front entrance then showed me a list on her clip board with 39 names, typed and hand written. She stated that 17 of these 39 had already arrived.

Mr. PISANO, Mr. Cavill and I then entered the premises and carried out a walkthrough of the premises. There was a large number of customers inside the premises, dancing to recorded music and consuming what appeared to be alcohol. The bars were open and serving customers. I checked some of the drinking vessels and confirmed that they were polycarbonates. I checked one of the escape routes which led from the ground floor dance floor to Hertford Street and found it partially obstructed by a metal pole from the smoking area and some customers who were smoking.

We then went into the office to check the paperwork. Mr. PISANO produced a certified copy of the premises licence and his personal licence. Mr. PISANO confirmed that he was the DPS and that the premises was open to the public and not a private corporate event. He stated that he had a total of 11 SIA staff at the premises and 6 of these were positioned outside. A capacity check was done at 01:39 hours and Mr. PISANO stated that there were 240 customers inside the premises.

We then checked the CCTV system where we had to leave the office and go to a viewing room which was located in part of the Hilton. Mr. PISANO was familiar with working the system and I asked him to go to the camera which showed where searching took place. He directed me to Channel 10 where I could see a male member of the door staff positioned inside the entrance corridor. I watched this for a while and could not see the SIA door staff searching. Therefore, I asked him to play footage from 01:00 hours when the premises was busy. However, I could still not see any clear evidence of customers being searched. So we looked at footage from 00:45 onwards up to 01:00 hours. The images showed the entrance being very busy with people entering and re-entering, however again I could not see clear images of customers being searched. The DPS kept stating that we were looking at customers who were re-entering from smoking. I advised that it was my opinion that customers were not being properly searched on entry as I could not see any "patdowns" being carried out, a minimum requirement of condition 16.

We then came back outside the premises and I had a short conversation with the member of staff responsible for carrying out searches. He was SIA registered and stated that he carried out searches all the time. I said that it was not apparent from the CCTV footage I had watched. We had another look at the smoking area which was very busy at this time. I counted 18 customers inside but some of them were standing in front of the escape route door. This was quickly rectified when the door staff saw us inspecting it. I also noticed that I could hear the bass from the recorded music being played within the premises, however, I could not confirm whether this could be heard in an "occupied premises in the vicinity" as required by condition 44. We then left the premises at 02:15 hours.

So, to summarise, in relation to the specific conditions that you initially pointed out:

12. (ID Scan) The ID scan system was in use and a list for those who did not have to be ID Scanned was produced.

14. (Nominated member of staff to monitor the outside area) There were 6 outside but could have been more pro-active especially when we first arrived.

15. (Door supervisors to be in high vis) Door staff inside and out were all seen wearing high vis.

16. (All customers to be searched) From viewing Channel 10 CCTV footage for about 10-15 minutes I could not see any evidence of patdowns. I queried the location of the apparent searching and asked why it was not at the front of the premises outside where there was more space and it was before customers paid. Mr. PISANO stated that "it was all approved".

21. (Door on Hertford Street to be closed). This was complied with.

22. (Smoking area). Lee took a couple of photos so please have a look at these to see if that this was the location that was approved. (Last two attachments). However, my concerns was that the edge of it partially obstructed the escape route and also when we arrived some smokers were not being directed to use this area.

29. (No consumption or removal of vessels outside) This was complied with.

44. (No noise audible in occupied premises in the vicinity). As I have said earlier on, the bass could be heard from the smoking area but I did not go into another premises to check noise levels.

49. (The premises to close at 03:30). This was not checked as we had made ourselves known and left at 02:15 hours

50. (Re-entry conditions) The male and female at the start of my observations entered the premises after 01:00 but a pre booking list was produced and so this was the reason given as to why they were allowed entry.

65. (Polycarbonates). I checked a number of drinking vessels and confirmed that none were made of glass including the bottle of 'Becks' beer.

Sunday 25th September 2016 @ 01.00 hours. Visited by David Wood and Leroy Adedeji.

At the request EH Consultation and Licensing, officers visited Drama, 35 Hertford Street W1 at 01.00 hrs. We noted 7 SIA doormen outside and about 20 smokers in the smoking area. There was a guest list in place at the entrance of the nightclub. The SIA doormen handle the Club patrons in an orderly manner. Two of the doormen were stationed at the smoking area to control and disperse the patrons accordingly. At 10 minutes interval, we noted 15 smokers in the area allocated for smoking. At 01.40hrs, the capacity of the club according to the Head doorman and the in/out count was 203. Between the hours of 01.50hrs and 02.40hrs, a gentleman on a wheelchair stormed out of the club and screaming at the doormen. He alleged that another guest in the club touched his girlfriend and demands that management to deal with the patron. While the management

tried to get the gentleman to stay calm, he continued and asked the doormen to get his party guest to leave the Club. At 02.10hrs, a total of 10 people believed to belong to his party group emerged from the club and spoke to him. All efforts to calm him down proved difficult. He became more agitated, the management team managed to get him a specialized cab to take him. His Party group dispersed within 15 minutes after he left the scene.

We undertook a walkthrough of the club 02.55hrs and noted 6 SIA security personnel walking around and making sure patrons were well behaved. We went to the CCTV room with the operations manager – Mauro PISANO to view randomly the smoking area and the events that had taken place during the night. At 03.05hrs, guest started departing the club and by 03.30hrs, the club was empty. All Security Personnel made sure Guest queued outside the Hilton Hotel and registered Taxis took them to their various locations. We left the vicinity at 03.50hrs.

Saturday 1st October 2016 @ 02.40 hours. Visited by James Hayes, Glyn Franks and Mary Pring.

A request has been received from Environmental Health to monitor activity on the street at closing time for this venue. On arrival at 02:40 hours a crowd of approximately 45 people were standing at the main entrance of the venue on Hertford Street and there was a heavy flow of vehicular traffic passing through Hertford Street in both directions- mainly black cabs and Uber taxis. People started to leave the area in these vehicles and a few people walked away along Hertford Street in the direction of Shepherd Market. One SIA doorman, wearing HiVis, was seen controlling the area.

At 02:50 the crowd had dispersed and only a few people were left on the footway outside the premises. One of these persons was a highly intoxicated female who was assisted by hotel security personnel into a cab. An email will be sent to WCC outlining the company's policy on Duty of Care.

At 03:00 there were approximately 15 people outside the venue and again there was an increase in the number of vehicles along the road for a few minutes. A second SIA doorman came out of the premises to assist with crowd dispersal and by 03:10 the area was clear and quiet.

The premises is licensed for a capacity of persons on the premises (excluding staff) is 300 and the maximum number persons admitted to the premises tonight was 247.

There are no complaints relating to noise nuisance on file for the last two years.

Should you wish to discuss the matter further please do not hesitate to contact me.

Ian Watson
Senior Practitioner Environmental Health (Licensing)

17/09/2016 01:00:36

StampThePhoto from ArvanSoft



17/09/2016 01:07:36

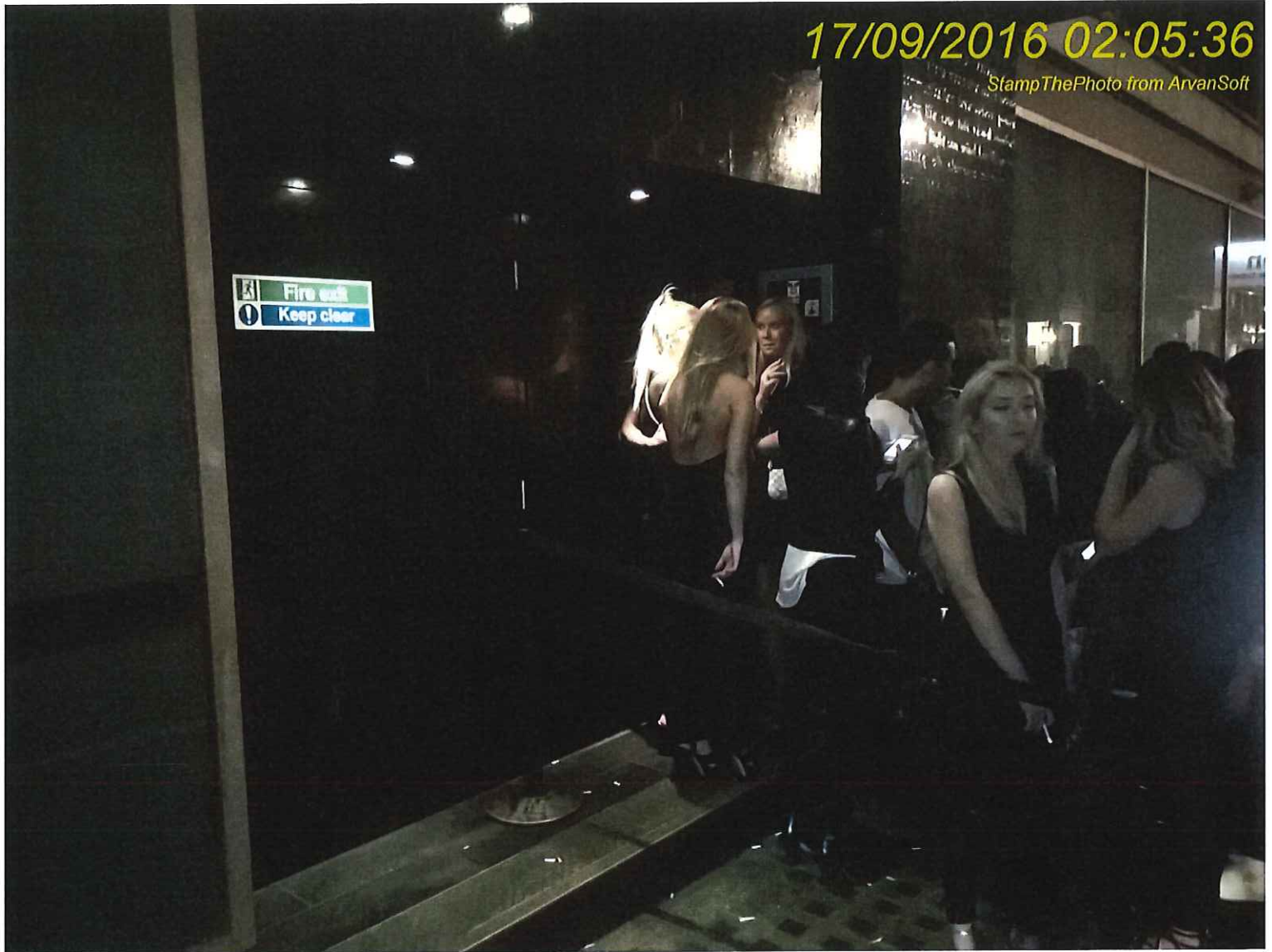
StampThePhoto from ArvanSoft



17/09/2016 02:05:36

StampThePhoto from ArvanSoft

Fire exit
Keep clear



17/09/2016 02:06:04

StampThePhoto from ArvanSoft



APPENDIX 4

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/02649/LIPC	Conversion of the Justices' On licence, supper hours certificate, extended hours order, special hours certificate and music and dancing licence	05.06.2005	Granted under delegated authority
06/04552/LIPN	Application for new premises licence for (formerly Whisky Mist @Zeta) as part of the Hilton Hotel	06.07.2006	Granted by Licensing Sub Committee
08/03856/LIPV	Variation to vary the internal layout of the Zeta nightclub on the ground floor (formerly Whisky Mist @Zeta) as part of the Hilton Hotel	10.06.2008	Granted by Licensing Sub Committee
08/10877/LIREVP	Review of the Whisky Mist @Zeta licence 08/03856/LIPV as part of the Hilton Hotel by the Metropolitan Police The review was brought by the Metropolitan Police on the grounds of Crime and Disorder	The review hearing was adjourned as the premises licence 08/03856 was surrendered.	
08/11179/LIPN	Application for a new premises licence	12.02.2009	Granted by Licensing Sub Committee
09/06103/LIPV	-To vary condition 21 so that it reads "Subject to the use of the entrance door and lobby door on Hertford Street in accordance with condition 27, the emergency exit doors shall be maintained closed at all times and the emergency exit doors shall not be used for general	26.10.2009	Granted under delegated authority

	<p>access or egress at any time except in cases of emergency.</p> <p>- That the doors leading back into the foyer of the Hotel cease to be designed emergency exit doors and that the route leading to those doors ceases to be an escape route subject to the works to the two remaining fire exists as on drawing 02_0022 Revision D being completed.</p> <p>-To remove condition 22 which relates to the placing of tables and loose seating on the emergency exit route leading to the hotel foyer.</p> <p>-To remove condition 59 as the requirements referred to in that condition have been fulfilled.</p>		
10/09040/LIPDPS	Variation of the DPS	03.02.2011	Granted under delegated authority
11/06575/LIPDPS	Variation of the DPS	08.07.2011	Granted under delegated authority
11/06575/LIPDPS	Variation of the DPS	04.08.2011	Granted under delegated authority
12/00098/LIPDPS	Variation of the DPS	08.03.2012	Granted under delegated authority
12/01150/LIPVM	Minor variation to vary Condition 22 so that capacity of Main Room is 200 (the capacity of the premises remaining at 240).	07.03.2012	Granted under delegated authority
13/05077/LIPV	Variation application 1) To vary condition 22 so that the capacity	28.08.2013	Granted under delegated authority

	<p>in the main room is increased to 220. The capacity of the Luxe Room is to remain as 80.</p> <p>2) Alterations of the premises to include a reconfiguration of lavatories.</p>		
13/06668/LIPV	<p>Variation application:</p> <ul style="list-style-type: none"> -To change the layout of the premises to include a revised layout of the Luxe Room which includes re-located bar servery and DJ desk, and the installation of a DJ podium pulpit in the Main Room; -To amend condition 11(a) in relation to the use of polycarbonate drinking vessels so as to include the use of ceramic drinking vessels; -To vary condition 12 deleting the words "save for a maximum of 25 guests per night who may be admitted at the managers discretion" and replace with the words "save for those admitted at the managers discretion"; -To vary condition 14 deleting the words "with no more than 240 persons at any one time" so that it reads "with no more than 300 persons at any one time" in line with the current combined approved capacities for the Main Room and the Luxe Room; -To remove condition 40 and to vary 	24.10.2013	Granted under delegated authority

	condition 30 so that it reads as follows "subject to the use of the entrance door and lobby on Hertford Street, the emergency exit doors shall be maintained and closed at all times and the emergency exit doors shall only be used for access to and from the designated smoking area, and in the case of emergency. The access to and from smoking area, and the smoking area itself will be under constant supervision by a member of staff wearing a high visibility coat		
13/07782/LIPDPS	Variation of the DPS	28.10.2013	Granted under delegated
13/07827/LIPVM	Minor Variation Application -To vary the existing premises licence so as to incorporate amendments to conditions numbered 11a, 12, 38, 48 and 58. -To add an additional condition to the licence .	28.10.2013	Granted under delegated
13/09263/LIPDPS	Variation of the DPS	09.12.2013	Granted under delegated
14/00213/LIPV	Variation Application 1.To vary condition 14 2.To vary condition 5	17.03.2014	Granted under delegated
14/00251/LIPVM	Minor Variation to vary Condition 12	29.01.2014	Granted under delegated
14/01088/LIPVM	Minor Variation to vary the layout and plans to show a reconfiguration of male toilets.	21.02.2014	Granted under delegated
14/11470/LIPDPS	Variation of the DPS	21.01.2015	Granted under delegated
15/03812/LIPVM	Minor Variation to: -configure the internal configuration of the	11.06.2015	Granted under delegated

	<p>premises.</p> <ul style="list-style-type: none"> -A works condition will be added to licence - to amend Condition 14 of the premises -To amend Condition 20 of the premises. - To amend Condition 37 of the premises. - To add a new condition 45 -The emergency exit doors on Hertford Street shall be soundproofed so that no music is reasonably audible at one metre from the facade of the premises. 		
15/04211/LIPT	<p>Application to transfer the premises licence from Hilton UK Corporate Director Limited (formerly Metropole Hotels Limited) to Hilton Worldwide Limited</p>	03.07.2015	Granted under delegated
15/06225/LIPVM	<p>Minor Variation to change layout so as to block off direct access from NCP Car Park to the premises.</p>	14.08.2015	Granted under delegated
16/05966/LIPVM	<p>Minor Variation</p> <ul style="list-style-type: none"> -to approve alterations to the premises to install retractable curtains to reduce the operational area of the premises on occasions, -amendments to condition 19 and 30 to the premises licence and inclusion of an additional condition in respect of the provision of door supervision when the curtains are in use. 	30.06.2016	Granted under delegated

There is no appeal history

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a variation premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

Conditions: On Current Licence -

Mandatory:

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

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

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

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

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

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

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

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

Where -

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

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

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

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

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

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

- 8(iv).
 - (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.
10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Annex 2 – Conditions consistent with the operating Schedule

11. (a) All drinking vessels used in the venue shall be polycarbonate. All drinks in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served, with the exception of champagne or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables, or mixers served in cans. Staff shall clear all empty champagne and spirit bottles, and empty cans from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.
- (b). Notwithstanding condition a) above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the lounge/club area.
12. Save for private corporate events are taking place (when a full detailed list of attendees will be kept on the premises for 31 days after the event), when the premises are open, and save for when a Biometric Scanning System is in place (when fingerprint scanning will be required for all customers who have previously shown identification at the premises) all customers entering the premises will have their ID scanned on entry save for a maximum number of 40 guests per night who may be admitted at the managers discretion without ID being scanned and recorded, and that a legible record of these people's names shall be retained on the premises for inspection by the licensing authority and police for a period of 31 days. The name of the manager authorising the entrance without scanning will also be recorded.
13. On entry staff will actively promote to patrons the facility for the storage of handbags, free of charge, in the cloakroom.
14. Save for private corporate events, when the premises are opened a nominated member of staff shall be present outside the premises at all times that the premises are in use under this licence to monitor the area outside the premises to ensure that there is proper supervision of door staff, valet staff and mini-cab staff and that any potential disturbance is addressed.
15. All door supervisors employed at the entrance or outside the venue shall wear yellow high visibility jackets or vests
16. Save for private corporate events when the premises are open, all customers entering the premises must be searched (pat-down of outer garments as a minimum). All bags being carried by customers upon entry to the premises must be hand searched at all times.
17. The premises will operate a Management Committee to ensure licensing compliance.
18. The Committee will meet on a weekly basis, a record of which will be available on request to the Police or Local Authority and retained for a period of 12 months.
19. The number of persons accommodated at any one time (excluding staff) shall not exceed 300 and when the retractable curtains are in use to reduce the operational area the number of persons accommodated at any one time (excluding staff) shall not exceed 240.

20. The entrance doors and inner lobby doors shall be kept closed at all times except for the immediate access and egress of patrons.
21. The door on Hertford Street shall be maintained closed at all times except in the case of emergency.
22. A designated area reserved for smokers shall be agreed with the Licensing Authorities Environmental Health Consultation team. No more than 20 persons shall be in the designated smoking area at any one time.
 - (a). Whenever in use, the designated smoking area shall be clearly defined by ropes and stanchions or similar and under the constant supervision of a licensed door supervisor wearing a high visibility coat.
23. The emergency exit doors on Hertford Street shall be soundproofed so that no music is reasonably audible at one metre from the facade of the premises.
24. At least 6 door supervisors are to be employed at the premises whilst it is open to the public, except Fridays and Saturdays when a minimum of 8 door supervisors (including 1 female) shall be employed at the premises and Sundays when a minimum of 8 shall be employed at the premises. From 22:00 hrs a minimum of 2 door supervisors shall be permanently positioned at the entrance to the premises.
25. A door supervisor will be positioned in front of the retractable curtains when they are in use and fully drawn to reduce the operational area of the premises to prevent unauthorised access to the part of the premises not open to the public at that time.

Annex 3 – Conditions attached after a hearing by the licensing authority

26. This Licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
27. Substantial food and suitable non-intoxicating beverages, including drinking water, shall be available throughout the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
28. After 22.00 hours the sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
29. No drinks shall be consumed outside the premises nor glasses/bottles removed from the premises by patrons when leaving.
30. The provision of films shall be incidental to other licensable activities and there shall be no cinema style showing of films.
31. Curtains and hangings shall be arranged so as not to obstruct any emergency signs or exits, save the fire exit from the premises leading into the neighbouring hotel shall not be regarded as a fire exit when the retractable curtains shown on the Premises Licence plans are in use and dully drawn to reduce the operational area of the premises and the capacity of persons on the premises at any one time (excluding staff) does not exceed 240.
32. All fabrics, curtains, drapes and similar features shall be either non-combustible or be durably or inherently flame-retarded fabric.
33. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
34. Any entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall not be provided.
35. No striptease, no nudity and all persons on the premises to be decently attired.
36. The premises shall install and maintain a comprehensive digital CCTV system as per the minimum requirement of the Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered and the street environment where queues and smokers may gather. The CCTV system must enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open for licensable activities and the recordings shall be kept available for a minimum of 31 days with time and date stamping. Digital recordings shall be made immediately available to an authorised officer of the City Council or a police officer together with facilities for viewing throughout the following 31 day period.

37. A diary log shall be maintained to ensure that the capacity limit set for the premises is recorded hourly from when the premises open to closing time. This log must show the number of persons having entered the premises and left the premises within the hour and the running total. Both the head door supervisor and manager shall sign the records hourly to verify the running totals. Information regarding the capacity shall be given to an authorised officer or Police Officer on request.
38. An attendant shall be stationed in the cloakroom during the whole time it is in use.
39. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used when 10 days prior notice is given to the Licensing Authority and written consent is provided from the EH Consultation Team (where consent has not previously been given);
 - o dry ice and cryogenic fog
 - o smoke machines and fog generators
 - o pyrotechnics including fire works
 - o firearms
 - o lasers
 - o explosives and highly flammable substances
 - o real flame
 - o strobe lighting
40. A noise limiter located in a separate and remote lockable cabinet from the volume control must be fitted to all musical amplification systems. Music volumes must be set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Community Protection Department so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured to the satisfaction of officers from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the applicant only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
41. No alteration or modification to any existing sound system(s) should be effected without the prior knowledge of an authorised Officer of the Environmental Health Service.
42. No additional sound generating equipment shall be used without being routed through the sound limiter device.
43. No loudspeakers shall be located in or near the entrance lobby.
44. Noise from acoustic or amplified music shall not be audible at or in occupied premises in the vicinity at any time.
45. Notices shall be prominently displayed at the exit requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
46. A member of the management team shall ensure that queuing by patrons outside the premises is conducted in a quiet and orderly manner so as not to cause nuisance.

47. The Premises Licence Holder shall employ the services of a competent acoustic consultant to carry out a survey of Whisky Mist at Zeta to determine:
- o Transmission of structure borne noise
 - o Noise breakout

A noise report of the findings of the survey shall be produced identifying sound insulation and sound reduction measures, conclusions, recommendations and time scales.

A copy of the noise report shall be submitted to the Environmental Health Service Consultation team for comment after which time all recommended works shall be carried out.

48. All licensable activities must end no later than 03:00 hrs save that the playing of recorded music and dancing must end no later than 03:15 hrs and the provision of late night refreshment must end no later than 03:30 hrs.
(Proposed amendment to read):

All licensable activities must end no later than 04:00 hrs save that the playing of recorded music and dancing must end no later than 04:15 hrs and the provision of late night refreshment must end no later than 04:30 hrs.

49. The premises must close to the public no later than 03:30 hrs.
(Proposed amendment to read):

The premises must close to the public no later than 04:30 hrs.

50. No customers may enter or re-enter the premises after 01:00 hrs (save for customers who have temporarily left the premises to smoke tobacco products) with the exception that customers who have pre-booked entry prior to midnight and whose names are on a list may enter between 01:00 - 02:00 hrs. This list must be kept at the premises and made available to police and local authority officers on demand. **(Proposed amendment to read):**

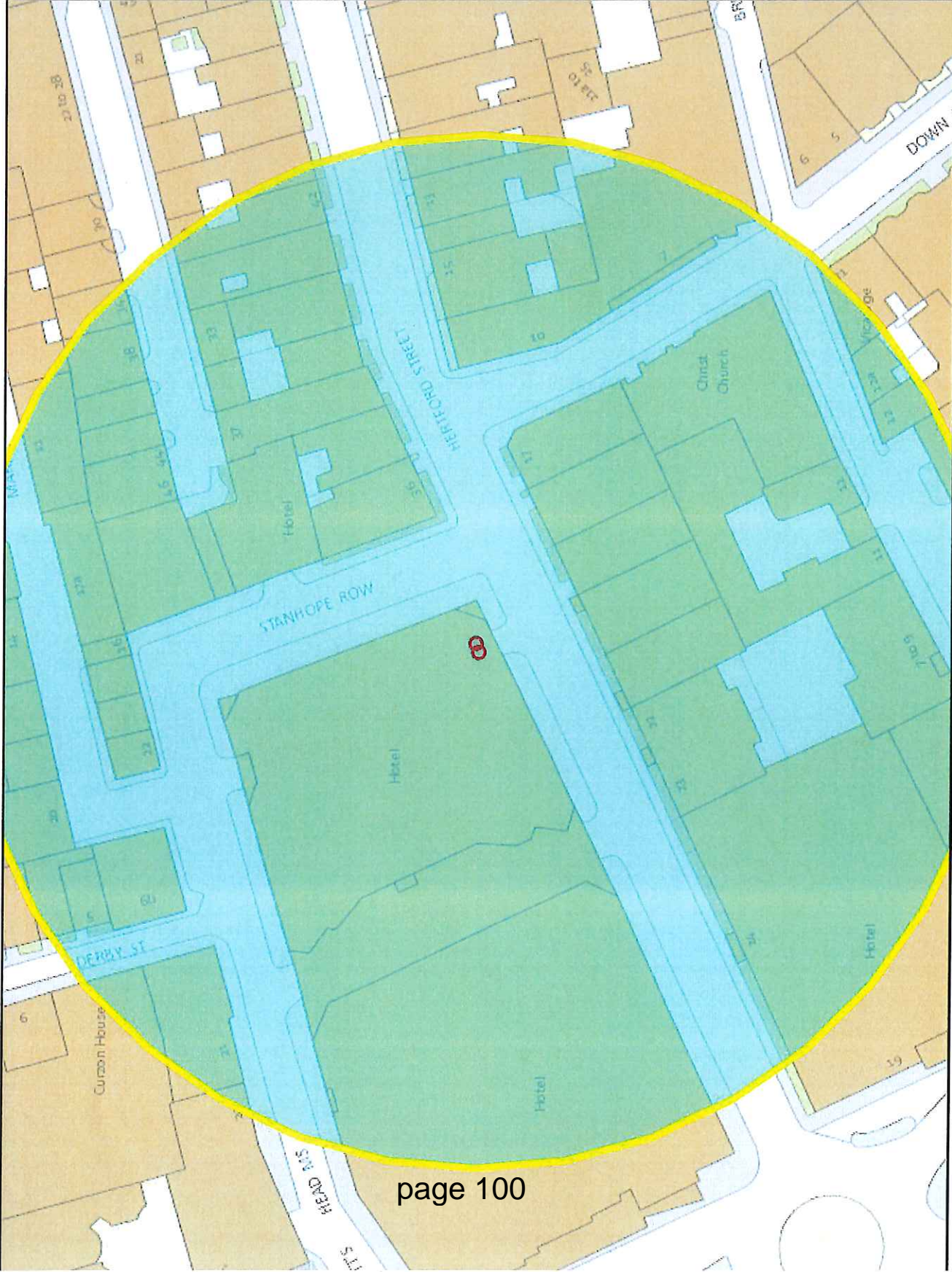
No customers may enter or re-enter the premises after 02:00 hrs (save for customers who have temporarily left the premises to smoke tobacco products) with the exception that customers who have pre-booked entry prior to midnight and whose names are on a list may enter between 02:00 - 03:00 hrs. This list must be kept at the premises and made available to police and local authority officers on demand

51. Mr Michael Charles Shepherd is not to have any control or involvement in the operational management of the premises.
52. There shall be a personal licence holder on duty at the premises at all times when the premises are open to the public.
53. Security at the premises must be supplied by an independent company to that of the Hilton Hotel's in-house security. All incident management and recording shall be the responsibility of the Duty Management at Whisky Mist @Zeta. The Hilton Hotel's security shall have no involvement in the management or reporting of incidents at the premises.

54. A drinks policy as set out in the attached 'Whisky Mist @ Zeta Action Plan' will be operated. All staff shall be trained on this policy and new members of staff shall have training on induction. A signed record shall be kept of all persons so trained and stored for a minimum of 12 months.
55. There shall be no promotional sales of alcohol at the premises where alcohol is sold at a price lower than that at which the same or similar alcoholic drinks are sold, or usually sold, on the premises.
56. There shall be no complimentary alcoholic drinks for customers, save for bona fide guests of the Duty Manager. A list of all those receiving complimentary drinks shall be maintained at the premises. The list shall be signed by the manager and made readily available for inspection by a Police Officer upon request.
57. A staff member who is conversant with the operation of the CCTV system shall be available to be in the premises without delay at all times when the premises is open to the public. The staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
58. The premises must be operated in strict accordance with the contents of the Whisky Mist @ Zeta Action Plan as attached or any subsequent agreed amended document between the licence holder and the Metropolitan Police Services.
59. A dedicated member of staff shall monitor the customers behaviour and report any customers who behave in a suspicious manner or show signs of drunkenness to the Duty Manager and the Duty Manager shall take the necessary action to prevent any incident occurring. A record will be maintained in the daily incident log of the premises, detailing the above information.
60. All front of house staff shall receive refresher training regarding the Licensing Act 2003 at least twice yearly.
61. A daily incident log shall be correctly maintained at the premises and signed at the end of each day by the Duty Manager. The log shall be made available upon request to an authorised Officer of the Council or the Police, which will record the following:-
 - a) All crimes reported to the venue
 - b) All ejections of patrons
 - c) Any complaints
 - d) Any incidents of disorder
 - e) Seizure of drugs or 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
62. A daily Door Supervisor log shall be correctly maintained at the premises and signed at the end of each day by the Duty Manager. This will include: The printed name of the Door Supervisor/ Badge number/Expiry date of SIA Licence and a signature of the Door Supervisor.
63. If any event at the premises includes the services of an external promoter or external DJ, performer or other similar artist, then at least 14 days before that event the

premises must complete and submit to the Clubs and Vice Unit of the Metropolitan Police a Metropolitan Police Risk Assessment Form (Form 696).

64. Promoters used by the premises (whether internal or external) must follow the Code of Conduct for Promoters (as attached).
65. All bottled beers are to be decanted into polycarbonate vessels. No glass bottles of beer may be provided to customers.
66. To monitor the behaviour of patrons leaving the premises and if behaviour is not appropriate to ban such persons from using the premises.
67. To continue liaison with the relevant authorities in order to reduce/remove the problems of illegal parking and illegal taxi operations in Hertford Street.
68. No persons under 18 years of age will be admitted at any time.
69. Proof of age will be required by the production of a passport or photo driving licence or a PASS approved identification from any person who appears to be under 21 years of age.
70. The reception area shall be kept clear of all equipment other than a small reception desk and a computer/till for payment.



Residential / Proposed Residential	Under Construction	Other Uses	Proportion Residential of all Uses
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Premises within 75 metres of: Drama 35 Hertford Street London			
p / n	Name of Premises	Premises Address	Licensed Hours
15263	Park Lane Club London	Park Lane Casino 22 Park Lane London W1K 1BE	Monday to Sunday 00:00 - 00:00
-11034	Park Lane Mews Hotel	Park Lane Mews Hotel, 2 - 6 Stanhope Row London W1J 7BS	Monday to Sunday 00:00 - 00:00 Monday to Saturday 09:00 - 00:30 Sunday 09:00 - 23:30 Monday to Saturday 10:00 - 02:00 Sunday 12:00 - 00:00
2718	The Colony Club	24 Hertford Street London W1J 7SA	Monday to Sunday 00:00 - 23:59
21201	Prezzo	Basement And Ground Floor 17 Hertford Street London W1J 7RS	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-18812	Drama	35 Hertford Street London W1J 7SD	Monday to Sunday 10:00 - 03:30
25061	London Hilton	London Hilton 22 Park Lane London W1K 1BE	Monday to Sunday 00:00 - 23:59



WHISKY MIST
AT ZETA







WHISKY MIST
AT ZETA

