



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (3)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (3)** held on **Thursday 24th August, 2017**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

**Members Present:** Councillors Melvyn Caplan (Chairman), Susie Burbridge and Shamim Talukder.

#### 1 MEMBERSHIP

1.1 There were no changes to the membership.

#### 2 DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

#### 1 CAFFE FRATELLI, 106-108 WIGMORE STREET, W1

### LICENSING SUB-COMMITTEE No. 3

*Thursday 24th August 2017*

Membership: Councillor Melvyn Caplan (Chairman), Councillor Susie Burbridge and Councillor Shamim Talukder.

Legal Adviser: Barry Panto  
Policy Adviser: Chris Wroe  
Committee Officer: Toby Howes  
Presenting Officer: Yolanda Wade

Relevant Representations: A local resident.

Present: Mr Antonio Motisi (Company Director, Applicant Company).

**Caffe Fratelli, 106 Wigmore Street, W1  
17/07583/LIPN**

**1. Sale by retail of alcohol: On and Off Sales**

Monday to Friday: 11:00 to 19:30

	<p>Saturday: 11:00 to 19:00  Sunday: 11:00 to 18:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Mr Antonio Motisi (Company Director, Applicant Company) addressed the Sub-Committee and advised that the Applicant Company had operated at the premises for 10 years. Coffee accounted for around 60% of total sales. However, the increased costs involved in operating the premises had led the Applicant Company to consider additional streams of income, as well as increasing the customer offer. It was considered that the sale of alcohol would achieve both these objectives and increase the customer base. Mr Motisi confirmed that no additional hours were sought and all alcohol consumption on the premises would be ancillary to a seated table meal.</p> <p>The Sub-Committee was advised that the resident objecting to the application had not responded to attempts by the Licensing Service and the Applicant Company to contact him to discuss the matter. The Sub-Committee did have regard to the objections that he had made but was satisfied that the conditions agreed with the responsible authorities fully addressed the concerns that had been raised.</p> <p>The Sub-Committee granted the application. In determining the application, the Sub-Committee noted that Environmental Health and the Metropolitan Police had withdrawn their representations following agreement of conditions with the Applicant Company. In addition, the hours applied for were well within core hours and the premises was not located in a cumulative impact area. The Sub-Committee also noted that all alcohol consumption at the premises (including consumption in the external areas) would be ancillary to a seated table meal and that all supplies of alcohol would be by aiter or waitress service. In granting the application, the Sub-Committee considered that the conditions agreed would assist the Applicant Company in upholding the promotion of the licensing objectives (prevention of crime and disorder, prevention of public nuisance, public safety, and protection of children from harm).</p>
<b>2.</b>	<b>Hours premises are open to the public</b>
	<p>Monday to Friday: 07:00 to 19:30  Saturday: 08:30 to 19:00  Sunday: 11:00 to 18:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>

	Decision (including reasons if different from those set out in report):
	Granted, subject to conditions as set out below (see reasons for decision in Section 1).

<b>Conditions attached to the Licence</b>	
<b><u>Mandatory Conditions</u></b>	
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.	<p>(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.</p> <p>(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—</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;</p> <p style="padding-left: 40px;">(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</p> <p style="padding-left: 40px;">(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</p> <p>(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;</p> <p>(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</p>

period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

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

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

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

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

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that—

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

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

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

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

measures are available.

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

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

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

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-

paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

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

### **Additional Conditions**

9. The premises 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. The supply of alcohol shall be by waiter or waitress service only.
12. 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.
13. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
14. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables and for consumption by such a person as ancillary to their meal.
15. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
16. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
17. There shall be no self-service of alcohol.

18. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
19. 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.
20. A 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.
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) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
22. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

**2 REIGN (FORMERLY KNOWN AS RAH RAH ROOMS), 215-217  
PICCADILLY, W1**

**LICENSING SUB-COMMITTEE No. 3**

*Thursday 24th August 2017*

Membership: Councillor Melvyn Caplan (Chairman), Councillor Susie Burbridge and Councillor Shamim Talukder.

Legal Adviser: Barry Panto  
 Policy Adviser: Chris Wroe  
 Committee Officer: Toby Howes  
 Presenting Officer: Yolanda Wade

Relevant Representations: Metropolitan Police and the Licensing Authority.

Present: Ms Lana Tricker (Solicitor, representing the Applicant Company), Asher Amis (Owner, Applicant Company), Scott Chester (Company Director, Applicant Company), PC Adam Deweltz (Metropolitan Police) and David Sycamore (Licensing Authority).

**Reign (Formerly known as Rah Rah Rooms), 215-217 Piccadilly, W1  
17/06549/LIPV**

**1. Layout alteration**

The premises has undergone a refurbishment and new plans have been produced.

The main changes are re-orientation of the stage and performance spaces, slight reduction in mezzanine floor and bar on mezzanine to facilitate better customer viewing of the shows (with reconfiguration of all the seating).

Amendments to application advised at hearing:

None.

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

Ms Lana Tricker (Solicitor, representing the Applicant Company) began by confirming that there had been no objections to the proposed layout alterations and Environmental Health had withdrawn their representation. No overall increase in capacity was proposed and the Applicant Company had agreed with Environmental Health and the District Surveyor that the number of persons (excluding staff) at any one time should be 140 persons for the mezzanine, 300 persons for the basement auditorium and an overall maximum capacity of 400 persons. Ms Tricker referred to the number of conditions that had been added to the premises licence following a review hearing in January 2017 under the previous operator. She advised that the Applicant Company had met with the Metropolitan Police to discuss the premises before the Applicant Company had purchased the lease and acquired the premises licence from the previous operator in April 2017. The Applicant Company had secured the agreement of the previous operator to withdraw their appeal against the outcome of the January 2017 review as part of the terms in taking over the premises. Ms Tricker advised that the Applicant Company had no connections with the previous operator and written assurances had been provided to the Metropolitan Police to confirm this.

Turning to how the Applicant Company intended to operate the premises, Ms Tricker stated that it was intended to provide entertainment performances at 00:30, 01:30 and 02:30 hours, with the premises opening to the public from 21:00. She then introduced Mr Asher Amis (Owner, Applicant Company) to expand upon how the premises would operate.

Mr Amis began by stating that he had known the site for a number of years and he felt that it had yet to fulfil its potential. As the premises contained high ceilings and was located close to the West End's Theatreland, it was ideally placed to hold performances. Mr Amis felt that there was an appetite for the cabaret style entertainment that was proposed, which would be complemented by table service to customers. He added that show directors, choreographers and

producers would be employed to create and produce the performances and the experience would be similar to watching snippets of a West End performance.

Ms Tricker continued her address to the Sub-Committee and stated that an amendment to condition 55 extending last entry until 01:30 was sought as the premises was a late night venue and food would be available for customers from 21:00, although it was not intended to be a restaurant. She contended that customers who intended to eat elsewhere at around 23:00, when a number of West End shows would finish, would not be able to arrive in time for the 00:30 last entry and so this was another reason why 01:30 last entry was sought. Ms Tricker also felt that the current 00:30 last entry time would lead to a number of customers arriving outside in the street at this time to ensure that they could enter the premises. She therefore suggested that the 01:30 last entry time proposed would allow for better door control and help the Applicant Company uphold the licensing objectives. Ms Tricker added that the theatre located next to the premises had not objected to the proposed later last entry time.

Ms Tricker stated that additional sound doors would be installed at the premises to prevent noise breakout. As there was no proposal to extend the terminal hour, she felt that there would be no additional impact in respect of customers leaving to enter the cumulative impact area nearby. Ms Tricker commented that Environmental Health had not objected to the last entry 01:30 proposal and other venues in the area had this or even later last entry times. In respect of proposed condition 53 (b), Ms Tricker stated that exceptions to customers having to produce ID and be subject to an ID scan to gain entry to the premises at the manager's discretion was sought as some customers would be high profile and well known publically. CCTV on the premises would provide facial recognition and all customers would be required to enter via a search arch. In respect of proposed condition 53 (c) requesting that patrons attending a pre-booked corporate event do not require an ID scan but instead have their names included on a written guest list, Ms Tricker anticipated that such events would usually happen around Christmas time and the guest list would be retained for inspection for responsible authorities upon request.

Ms Tricker emphasised that the premises was not in a cumulative impact area and would be entertainment led, with no increase in capacity and terminal hours sought. The licence would be subject to a number of conditions and the Applicant Company had been in discussions with responsible authorities throughout the application process to ensure that the licensing objectives were met. Staff would undergo risk reduction training and cloakroom monitoring would also take place. Ms Tricker stated that there were no residential properties within the immediate area of the premises and there were good transport links to help with customer dispersal. The high prices that customers would pay would ensure a different clientele to those visiting the premises under the previous operator. The Sub-Committee heard that the Applicant Company would also be developing a membership scheme.

The Sub-Committee raised a number of questions about the application. The Chairman sought further details in respect of the operation of the premises and asked how many customers would be seated and the number of customers anticipated to watch the performances. In respect of conditions 26 and 28 on the

current premises licence, he queried whether these were now strictly relevant and why had the Applicant Company not sought to amend these. As the Company sought a relaxation of conditions, it was queried how it would ensure that the licensing objectives would be met. It was also asked when the Applicant Company intended to open the premises.

In reply to the issues raised by the Sub-Committee, Mr Amis reiterated that the high prices intended to attract a certain type of clientele and that many would be international clients. He anticipated that a significant proportion of the clientele would be returning customers as the business developed. Technology installed in the 7 rooms on the premises would make it possible to track customers, including what times they arrive and the products they purchase and this would enable the Applicant Company to build up knowledge of the customers' needs and preferences. In respect of the membership scheme, Mr Amis stated that potential members would be identified by the management team. He stated that a large area of the premises was seated with larger seats installed and he anticipated that around 90% of customers would be seated, with around 250 customers seated overall. Mr Amis stated that a number of customers arriving would have pre-booked. Upon the premises opening at 21:00, a pianist or singer would provide accompanying music initially and there would be dedicated hosts and waiters/waitresses to serve customers, with food available in the basement. Mr Amis advised the Sub-Committee that it was intended to open the premises in mid-September.

Ms Tricker stated that the conditions added to the premises licence at the review hearing in January 2017 were extensive and proportionate for the previous operator. The Applicant Company would operate the premises significantly differently to the previous operator and there had been discussions with the Metropolitan Police to ensure that the licensing objectives were met. Ms Tricker stated that the Applicant Company felt that it could meet existing condition 26 (c) and she suggested that the annual membership fee could be increased from £150 to £250.

Mr David Sycamore (Licensing Authority) then addressed the Sub-Committee and stated that the proposals as they stood only represented a concept. As the premises had not traded since the review, he felt that it was not appropriate to amend or remove conditions at this time. Mr Sycamore suggested that it would be preferable for the Applicant Company to operate the premises under the existing conditions for a period of time to demonstrate their effectiveness before making an application to vary conditions. Mr Sycamore also had concerns about the potential for queues to form in the street and a condition could be added to address this.

In reply to queries from Members, Mr Sycamore confirmed that he was satisfied with condition 48 on the existing licence in respect of the use of special effects and mechanical installations.

PC Adam Deweltz (Metropolitan Police) addressed the Sub-Committee and confirmed that he maintained his representation on the grounds of the crime and disorder licensing objective. He stated that the January 2017 review had been requested because of the high level of crime and disorder associated with the

premises. PC Deweltz confirmed that he was satisfied that the Applicant Company had no links to the previous operator and that he had no concerns with respect to the proposed alterations to the layout.

During Members' discussions, concern was raised in respect of seating as there was potential for up to 150 customers to be standing and consuming alcohol with glasses and bottles and this could give rise to vertical drinking. Further information was sought with regard to what the performances would entail. In respect of the high quality and costs of the products on offer, it was commented that references to food such as hot dogs, as mentioned in the presentation, did not necessarily portray this view and more details were requested. Members asked who the other Applicant Company owner was. Members asked how the performances would work if there were a large amount of people standing and was seating also available at the bar. In respect of the fact that the premises was yet to open under the new operator, the Sub-Committee sought the Applicant Company's views about the possibility of trading for a few months to demonstrate their ability as an operator before applying for a variation.

Mr Barry Panto (Legal Adviser) commented that there were some conditions on the current licence, such as condition 28, that would effectively allow the premises to continue to operate as a nightclub and this condition may need to be appropriately re-worded, along with some other conditions. He added that the conditions as they stood did not state that persons could only consume alcohol that was ancillary to food and merely that food was available, which meant that potentially the premises could operate as a drinks led establishment.

In reply to questions and issues raised by the Sub-Committee and the Legal Adviser, Ms Tricker advised that condition 54 on the premises licence addressed matters in respect of drinking vessels in which all drinks provided to customers shall be in polycarbonate containers. She stated that most standing customers would be part of a group of people at tables or located at the premises' two bars, where seating was also provided. Ms Tricker acknowledged that it was not possible to seat all customers, however as large a proportion of seating as possible was being provided. She added that there was potential for more seating to be provided at the bar in the mezzanine. The premises would not operate as a traditional theatre where a ticket is purchased and the performance is continuous. The intention was to provide short shows with intervals in between and customers could also enjoy shows whilst standing watching performers on podiums, as well as seated customers enjoying such performances.

Mr Amis stated that there would be no customer movement during shows as this would disrupt the performance. He stated that there would be continuing ambient performances between the main shows and the mixture of cabaret, performance dancers and pianists would be an immersive experience for the customers. The food offer would be led by Tom Sellars, a Michelin star chef, who would provide high quality, accessible food that was fun to eat. Mr Amis confirmed that Mr Stuart Finch was the other owner of the Applicant Company and who was the main investor. Mr Amis and Mr Finch had been in discussion for some years in providing such a venue and Mr Amis confirmed that neither knew the previous operator, nor any of the individuals who were associated with the previous operator.

The Chairman then allowed the Applicant Company a further 15 minutes to consider their proposals, in view of the number of issues raised.

Upon resumption of proceedings, Ms Tricker confirmed that 250 seats would be provided in the basement and 50 seats in the mezzanine, providing a total of 300 seats. In respect of condition 28, Ms Tricker suggested that it be re-worded so that the sale and consumption of alcohol be ancillary to the use of the premises for patrons attending performance based entertainment. For pre-booked corporate events, customers would have the option to be provided with performance events. Ms Tricker stated that the mezzanine would open from 21:00 and food would be offered to patrons. In respect of condition 26 (b), Ms Tricker proposed that persons may be sold or supplied alcohol after 23:00 where where they have paid an admission fee of at least £20; for condition 26 (c), the membership fee to be at least £450, and; condition 26 (d), an interval of least 48 hours between application and membership for those given free membership, including their bona fide guests. In respect of condition 50, Ms Tricker suggested that this be amended so that at least one personal licence holder shall be on duty on the premises from 21:00 whilst alcohol is sold or supplied. She confirmed that condition 54 should be retained.

Ms Tricker concluded by emphasising that the premises would not operate as a traditional theatre, but would be performance based from the time of opening at 21:00. There was no link to the previous operator and there were a number of existing conditions on the premises licence. Ms Tricker stressed that the proposals only involved relaxing some conditions and not removing them.

The Sub-Committee granted the application in part. The Sub-Committee granted the alterations to the layout, taking into account that Environmental Health and the Metropolitan Police had no concerns in respect of this element of the application. The Sub-Committee also granted the amendment to condition 12 with regard to capacity, again taking into account that this had been agreed with Environmental Health and the District Surveyor. In relation to the proposed amendment to condition 53 regarding admission to the premises, this was partially amended, subject to the deletion of the final sentence in 53 (b), as the Sub-Committee considered that it was not appropriate that the manager have discretion to permit admission to the premises without any ID whatsoever as this had the potential to undermine the licensing objectives. The Sub-Committee also refused the proposed amendment to condition 55 to extend the last entry or re-entry to 01:30 as the Applicant Company had not yet demonstrated their ability for this condition to be relaxed as the premises was yet to open and so it was it considered on balance that this was likely to undermine the licensing objectives and that it was reasonable, appropriate and proportionate to refuse this amendment.

The Sub-Committee also added a condition stating that licensable activities shall only be provided at the premises where it is primarily used for performance based entertainment. The Sub-Committee agreed to amend condition 28 relating to the consumption of alcohol, condition 26 (b), (c) and (d) relating to admission fee, membership fee and commencement of membership respectively and condition 50 concerning the time a personal licence holder shall be on the

premises, as suggested by Ms Tricker on behalf the Applicant Company at the hearing. Condition 26 (c) was also further amended limiting the number of bona fide guests of members to 4 persons. Some other conditions were also appropriately re-worded, including where they reflected the latest model conditions.

In determining the application, the Sub-Committee took account of the concerns raised in the representations from the Metropolitan Police and the Licensing Authority and also the additional written statement that had been submitted in support of the application. The Sub-Committee also considered that the conditions on the premises licence, including those amended and added at the hearing, would help the Applicant Company uphold the promotion of the licensing objectives (prevention of crime and disorder, prevention of public nuisance, public safety, and protection of children from harm).

**2. Conditions being varied, added or removed**

**Condition 12**

The number of persons accommodated at any one time (excluding staff) shall not exceed the following: Mezzanine - 100 Basement Auditorium - 300. With a maximum capacity of 400.

**Proposed variation**

The number of persons accommodated at any one time (excluding staff) shall not exceed the following: Mezzanine- 160 Basement Auditorium- 350. With a maximum capacity of 400.

**Condition 53**

All customers entering the premises shall have their ID scanned on entry, 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). The details recorded shall include a live facial image capture of the customer and capture the photographic identification produced. The details recorded by the ID scanner system shall be made available to the Police upon request.

**Proposed variation**

a) All customers entering the premises shall have their ID scanned on entry, 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). The details recorded shall include a live facial image capture of the customer and capture the photographic identification produced. The details recorded by the ID scanner system shall be made available to the Police upon request.

(b) The above requirement (a) is subject to the following exception, namely that a maximum number of 20 guests per night may be admitted at the Managers discretion without necessarily being ID scanned and recorded. A legible record (the Signing in Sheet) of these guests' names shall be retained on the premises for inspection by the licensing

	<p>authority and Police for a period of 31 days. The name of manager authorising the admission will also be recorded by that manager. Guests shall be required to produce some form of ID such as a bank card (or emailed electronic photo I D) and an ID scan entry with a live photo shall be created. Where there are appropriate reasons for a guest not to be able to produce ID and be subject to ID scan, the manager may nevertheless permit entry. In such circumstances he shall also record the reasons for this in the Signing in Sheet.</p> <p>(c) Notwithstanding (a) and (b) above, patrons who are attending a prebooked corporate event at the premises do not need to have their 10 scanned on entry and instead a written guest list shall be held at reception for the event, and will be retained for 28 days after the event for inspection by the police and responsible authorities upon request.</p> <p><b>Condition 55</b></p> <p>There shall be no entry or re-entry (excluding persons from the smoking area) to the premises after 00:30 or such time as agreed in writing by the Westminster Police Licensing Unit (and a copy of any agreement to be held at reception).</p> <p><b>Proposed variation</b></p> <p>There shall be no entry or re-entry (excluding persons from the smoking area) to the premises after 01:30 or such time as agreed in writing by the Westminster Police Licensing Unit (and a copy of any agreement to be held at reception).</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted in part, subject to conditions as set out below (see reasons for decision in Section 1).</p>

<b>Conditions attached to the Licence</b>
<b><u>Mandatory Conditions</u></b>

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

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

7. The responsible person must ensure that—

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

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

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

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

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

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

9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

### **Additional Conditions**

10. From 21:00 until 30 minutes after close of business, a minimum of 2 SIA licensed door staff to be stationed at the entrance on Piccadilly whose tasks will include:
  - o Reminding customers that this is a residential area and to respect the needs of neighbours
  - o To maintain an orderly queue where necessary
  - o To ask customers leaving the premises to do so quickly and quietly.
11. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. The number of persons accommodated at any one time (excluding staff) shall not exceed the following: Mezzanine- 140 persons; Basement Auditorium – 300 persons. Maximum capacity of 400 persons on the premises at any one time. A minimum of 50 seats will be provided in the mezzanine area and a minimum of 250 seats will be provided in the basement auditorium.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
14. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
15. 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.
16. After 23.00hrs all security employed at the premises shall wear high viz jackets or tabards.
17. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

18. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that: (a) The Police (and where appropriate, the London Ambulance Service) are called without delay, using emergency telephone number 999; (b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the Police; (c) As is reasonably practicable, the crime scene is preserved so as to enable a full forensic investigation to be carried out by the Police; and (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises." 'Serious assault' includes (but is not limited to) any assault in which emergency medical treatment is required and any assault in which a weapon is used.
19. No children under the age of 16 shall be permitted on the premises after 21:00 hours.
20. No children under the age of 14 shall be admitted on the premises.
21. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
22. The highway in the vicinity of the premises shall be swept at regular intervals and also at the close of business. Litter and sweepings collected shall be stored in accordance with the approved refuse storage arrangement.
23. No unauthorised advertisements of any kind shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree or any other property, or is distributed to the public, that advertises or promotes the establishment, its premises or any of its events, facilities, goods and services.
24. No payment shall be made by or on behalf of the premises for distribution of flyers or tickets within public areas in the Licensing District of Westminster.
25. A daily log is to be maintained to ensure that any capacity limit set for the various floors and the overall capacity of the premises is recorded hourly and can be properly monitored. Information regarding the capacity will be given to an authorised officer or Police Officer on request.
26. Alcohol may not be sold or supplied to persons admitted after 23:00 other than to:
  - (a) Persons taking a table meal; or
  - (b) Persons who have paid a minimum admission fee of at least £20 for performance based entertainment (not to be credited against consumables)
  - (c) Persons who have paid a minimum annual membership fee of at least £450 payable in advance for music, dancing and entertainment (not to be credited against consumables) and up to a maximum of 4 bona fide guests. A list of all people who have paid an annual membership fee and their guests will be held at reception for inspection by relevant authority; or
  - (d) Persons given free membership and their bona fide guests where there has been an interval of at least 48 hours between application for membership. A list of all persons who have free membership will be held at reception for inspection by the relevant authority; or

- (e) Persons who are bona fide guests of the license holder or management, a list of whom shall be kept at reception for inspection by the relevant authorities; or
- (f) Artistes and persons employed by the premises; or
- (g) persons attending at private function; the function organiser's name and address to be kept at reception for inspection by the relevant authorities.

27. Substantial food and non-intoxicating beverages, including water, shall be available throughout the permitted hours in all parts of the premises where intoxicating liquor is sold and supplied for consumption on the premises.
28. The sale and consumption of alcohol must be ancillary to the use of the premises for patrons attending performance based entertainment.
29. No payment shall be made by or on behalf of the licensees to any persons bringing customers into the premises.
30. A noise limiter located in a separate and remote lockable cabinet from the volume control must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service'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.
31. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service.
32. Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.
33. All entrance doors to be kept closed except for people's immediate access and egress.
34. No speakers shall be located in the entrance area.
35. All refuse will be paid, properly presented and placed on the street 30 minutes before any agreed collection time. Every endeavour will be made to prevent refuse being left on the street for more than 2.5 hours.
36. No bottles will be moved, removed or placed in outside areas between 23:00 and 08:00.
37. No persons shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

NOTE: This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

38. The approved arrangements at the premises, including means of escape provisions, fire warning and fire fighting equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
39. The certificates listed below shall be submitted to the Licensing Authority annually:
  - (a) Any emergency lighting battery or system
  - (b) Any electrical installation
  - (c) Any fire alarm system.
40. 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.
41. All exit doors shall be available at all times without the use of a key, code, card or similar means.
42. All fire doors shall be maintained effectively self-closing and not half open other than by an approved device.
43. Fire doors to ducts, service shafts and cupboards shall be kept locked shut.
44. The edges of the treads and steps and stairways shall be maintained so as to be conspicuous.
45. Only hanging, curtains, upholstery and temporary decorations, complying with the relevant British Standard shall be used. Where necessary these shall be periodically tested for flame resistance and re-treated as necessary.
46. Curtains and hangings shall be arranged so as not to obstruct fire safety signs, fire extinguishers or other fire fighting equipment.
47. Staff with specific responsibilities in the vent of fire or other emergency, together with deputies, shall receive training and written instruction appropriate to their role.
48. Any special effects or mechanical installations shall be arranged and sorted so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given:
  - dry ice and cryogenic fog
  - smoke machines and generators
  - pyrotechnics and fog generators
  - firearms
  - lasers
  - explosives and highly flammable substances
  - real flame
  - strobe lighting.

49. Flashing or particularly bright lights on or outside the premises will not be permitted to cause a nuisance to nearby properties (save insofar as they are necessary for the prevention or crime).
50. After 21:00, at least one Personal License Holder shall be on duty on the premises while alcohol is being sold or supplied.
51. A minimum of two SIA staff shall be deployed with Body Worn Video, capable of recording audio and video in any light condition. 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.
52. There shall be an electronic search arch installed at the premises and every patron entering or re-entering the premises when in use under this licence (including from the smoking area) shall pass through the search arch with searching supplemented by the use of two functional metal detecting wands. Patrons shall be searched by an SIA-trained member of staff and monitored and recorded by the premises CCTV system.
- 53 (a) All customers entering the premises shall have their ID scanned on entry, 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). The details recorded shall include a live facial image capture of the customer and capture the photographic identification produced. The details recorded by the ID scanner system shall be made available to the Police and the local authority upon request.
  - (b) The above requirement (a) is subject to the following exception, namely that a maximum number of 20 guests per night may be admitted at the Managers discretion without necessarily being ID scanned and recorded. A legible record (the Signing in Sheet) of these guests' names shall be retained on the premises for inspection by the licensing authority and Police for a period of 31 days. The name of manager authorising the admission will also be recorded by that manager. Guests shall be required to produce some form of ID such as a bank card (or emailed electronic photo I D) and an ID scan entry with a live photo shall be created.
  - (c) Notwithstanding (a) and (b) above, patrons who are attending a pre-booked corporate event at the premises do not need to have their ID scanned on entry and instead a written guest list shall be held at reception for the event, and will be retained for 28 days after the event for inspection by the police and responsible authorities upon request.
54. All drinking containers used within the premises shall be polycarbonate. All glass bottles to be decanted into polycarbonate glassware or polycarbonate glassware carafes, with the exception of champagne and bottles of spirits of a minimum size of 70cl, supplied by waiter/waitress service to tables. Staff will clear all empty champagne and spirit bottles from the tables promptly. Customers will not be permitted to self-serve or remove bottles from the tables. Customers will not be permitted to drink directly from champagne or spirit bottles.

Notwithstanding this condition, with the written agreement of the Westminster

Police Licensing Team, 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.

55. There shall be no entry or re-entry (excluding persons from the smoking area) to the premises after 00:30 or such time as agreed in writing by the Westminster Police Licensing Unit (and a copy of any agreement to be held at reception).
56. Risk reduction training inclusive of crime scene preservation shall be carried out by 2 February 2017 and refresher training every 6 months thereafter.
57. A minimum of one SIA licensed door supervisor to twenty five customers shall be on duty at the premises whenever it is open for business.
58. Impartial unannounced compliance visits shall take place at the premises on a monthly basis. A written record of each visit shall be kept at the premises and produced for immediate inspection by a police officer or authorised officer of the licensing authority.
59. The premises shall provide a cloakroom and all coats and outdoor jackets shall be placed in the cloakroom by handing them to an attendant who shall be constantly on duty at the cloakroom during the whole time that the premises are open.
60. There shall be live, real-time CCTV monitoring of the premises at all times the premises is open for business except when the premises is being used exclusively for a private pre-booked event.
61. There shall be a dedicated search captain employed at the premises to supervise the searching of customers at all times when the premises are open.
62.
  - a. No licensable activities shall take place on lower level 2 (basement auditorium) and in the toilet area and DJ booth on lower level 1 (mezzanine) of the premises until these areas of 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.
  - b. No licensable activities shall take place in the trading room/bar on lower level 1 (mezzanine) of the premises until this area of the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
  - c. Prior to the licence taking effect, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority.

The Meeting ended at 12.50 pm

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_