



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (4)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** Committee held on **Thursday 14th September, 2017**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Jean Paul Floru (Chairman), Heather Acton and Louise Hyams

1 MEMBERSHIP

There were no changes to the membership.

2 DECLARATIONS OF INTEREST

Councillor Floru declared that in respect of Item 2 he had attended evening events at the premises.

Councillor Acton declared that in respect of Item 1 she was the Council's Lead Member for Edgware Road and shisha and was also the Cabinet Member responsible for Public Health and as a result was able to consider the application on its individual merits, free from bias and with an open mind during the decision making process. In respect of Item 2 she had attended day time events held at the premises.

Council Hyams declared that in respect of Item 2 the application was situated within her ward and she had previously attended meetings hosted by The Crown Estate. All parties present were in agreement that Cllr Hyams should not be precluded from sitting on the Sub-Committee during the discussion on this item.

As a result of the above declarations made by each Councillor the Sub-Committee felt that it was able to approach the application free from bias and with an open mind and so determined the same on its individual merits.

3 NANERJ, 60 EDGWARE ROAD, W2

LICENSING SUB-COMMITTEE No. 4

Thursday 14th September 2017

Membership: Councillor Jean Paul Floru (Chairman), Councillor Heather Acton and Councillor Louise Hyams

Legal Adviser: Horatio Chance
Committee Officer: Tristan Fieldsend
Presenting Officer: Yolanda Wade

Relevant Representations: Environmental Health and One Local Resident.

Present: Mr Mamoun Eddin (Agent, Representing the Applicant) and Mr Anil Drayan (Environmental Health).

TXE Limited T/a Nanerj, 60 Edgware Road, London, W2 2EH ("The Premises") 17/06307/LIPV	
1.	Performance of Recorded Music Monday to Friday: 11:00 to 23:30 Saturday: 11:00 to 00:00 Sunday: 11:00 to 23:30
	Amendments to application advised at hearing: The Sub-Committee was informed that the provision of recorded music was withdrawn from the licence by the Applicant.
	Decision (including reasons if different from those set out in report): The Sub-Committee considered an application by TXE Limited for a variation of a premises licence in respect of 60 Edgware Road, London, W2 2EH. Councillor Acton declared that she was the Council's Lead Member for Edgware Road and shisha and was also the Cabinet Member responsible for Public Health and as a result was able to consider the application on its individual merits, free from bias and with an open mind during the decision making process. The Licensing Officer provided an outline of the application to the Sub-Committee. Mr Eddin, representing the Applicant, informed the Sub-Committee that the Premises had been trading as a restaurant since 2011. In April 2017 TXE Ltd had purchased the Premises and undertaken a comprehensive refurbishment of the property. This included updating the dining and kitchen areas, fitting new air conditioning units as well as installing a comprehensive CCTV system. The transfer of the premises licence to TXE Ltd had occurred in May 2017 and the

Sub-Committee was now being asked to consider a variation to this licence in order to change the layout of the Premises. The restaurant had been trading since July 2017 and the restaurant offered typical Middle Eastern food catering mainly for families and friends.

In response to the representations received Mr Eddin explained how he had held constructive discussions with Environmental Health (EH) following which it was agreed to withdraw the addition of recorded music to the licence. The only music played at the Premises was of a background nature and therefore did not constitute a licensable activity. The representation received from the local resident expressed concern over the use of the pavement area in front of the Premises and its use for smoking shisha. Mr Eddin explained that this external area had been in use for over ten years and only contained five tables and ten chairs. No hot food was served in this area after 23:00 hours and it was confirmed that no alcohol was either supplied or sold at the Premises. As such it was not a cause for any drunk or disorderly behaviour. Mr Eddin also stated that no residents lived above the Premises and that no complaints had been received from local residents. The Applicant had agreed to all the Police's suggested conditions and as such they had subsequently withdrawn their representation.

Mr Drayan, representing EH, confirmed that the change in layout was satisfactory and in-line with public safety requirements. Some confusion over the use of the external forecourt had arisen, however the application did not indicate this area as being part of the licensed Premises. Mr Drayan confirmed that the provision of recorded music had been withdrawn from the application. The Sub-Committee's attention was drawn to the conditions proposed by the Applicant and Mr Drayan was of the opinion that several of these could be converted into the Council's model conditions. The Sub-Committee questioned if the applicant would have to apply for a tables and chairs licence in order to utilise the forecourt area. Mr Drayan was of the opinion that it didn't require a licence. It was suggested that this part of the pavement used for tables and chairs was regarded as part of the adopted highway but Mr Drayan confirmed that he would clarify its status. The Sub-Committee noted that the smoking of shisha outside was not a licensable activity but questioned if the Premises not only had a canopy overhead but also extendable side panels which would enclose the smoking area? Mr Drayan wasn't aware of any side panels but would seek further clarification on this issue.

In response to further questions Mr Drayan confirmed that the air conditioning unit was located inside the Premises and was unlikely to create any noise disturbance. It was also confirmed that no speakers would be located outside the Premises that would give rise to a public nuisance. The Sub-Committee queried if any takeaway delivery vehicles would service the restaurant? Mr Eddin explained that the Premises did provide takeaway but this was for collection only therefore there would be no delivery vehicles outside the Premises.

The Sub-Committee carefully considered the application and having heard all the evidence was in agreement that the change in layout was satisfactory and in – line with public safety requirements. It was noted that the provision of recorded music had been withdrawn from the application and that only background music would be played. This provided the Sub-Committee with reassurance that the

	<p>application would not create any noise disturbance to local residents. The Sub-Committee considered that as the application’s licensable area did not extend to the pavement this would help ensure no noise and disturbance emanated from the Premises. The Sub-Committee also noted that the Premises did not serve and sell alcohol and would therefore not be a source of any drunk and disorderly behaviour. Having heard all the evidence the Sub-Committee was satisfied that the Premises would uphold and promote the licensing objectives and granted the application accordingly.</p> <p>The Sub-Committee was aware of the health issues of smoking shisha and requested by way of an Informative that the Applicant prominently display notices warning customers of its health dangers. The Applicant was also asked that if in future they decided to operate as a takeaway offering deliveries this be undertaken through the use of sustainable transport.</p> <p>The Sub-Committee agreed to amend, delete or add the following conditions on to the licence in order to update it accordingly:</p> <ul style="list-style-type: none"> • Condition 15 to be replaced with model condition 1; • Condition 16 be removed from the licence; • The following condition be added to the licence “A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence” (Now condition 16); • Model condition 46 be added to the licence (Now condition 17); • Model condition 58 be added to the licence (Now condition 18); • The following condition be added to the licence “All parts of the premises and all fittings and apparatus , door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good and in a safe condition” (Now condition 19); • Model condition 21 be added to the licence (Now condition 20); • Model condition 65 be added to the licence to read “No deliveries to the premises shall take place between 23.00 and 08.00 on the following day” (Now condition 21); • Model condition 43 be added to the licence (Now condition 22); and • Model condition 34 be added to the licence (Now condition 23).
<p>2.</p>	<p>Layout Alteration</p> <p>The premises have undergone a full refurbishment of the ground floor.</p>

	Amendments to application advised at hearing: None.															
	Decision (including reasons if different from those set out in report): The application was granted, the reason for the decision is detailed in section 1.															
3.	Conditions Being Varied, Added or Removed <table border="1" data-bbox="248 524 1401 1704"> <thead> <tr> <th data-bbox="248 524 823 745">Current:</th> <th data-bbox="823 524 1401 745">Proposed:</th> </tr> </thead> <tbody> <tr> <td data-bbox="248 745 823 893">A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence.</td> <td data-bbox="823 745 1401 893">To be added.</td> </tr> <tr> <td data-bbox="248 893 823 965">Custom will not be sought by means of solicitation in the vicinity of the premises.</td> <td data-bbox="823 893 1401 965">To be added.</td> </tr> <tr> <td data-bbox="248 965 823 1187">All parts of the premises and all fittings and apparatus , door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good and in a safe condition.</td> <td data-bbox="823 965 1401 1187">To be added.</td> </tr> <tr> <td data-bbox="248 1187 823 1373">Prominent, legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave premises.</td> <td data-bbox="823 1187 1401 1373">To be added.</td> </tr> <tr> <td data-bbox="248 1373 823 1559">Deliveries of goods will be carried out at such a manner as to prevent nuisance and disturbance to nearby residents.</td> <td data-bbox="823 1373 1401 1559">To be added.</td> </tr> <tr> <td data-bbox="248 1559 823 1704">The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm.</td> <td data-bbox="823 1559 1401 1704">To be added.</td> </tr> </tbody> </table>		Current:	Proposed:	A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence.	To be added.	Custom will not be sought by means of solicitation in the vicinity of the premises.	To be added.	All parts of the premises and all fittings and apparatus , door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good and in a safe condition.	To be added.	Prominent, legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave premises.	To be added.	Deliveries of goods will be carried out at such a manner as to prevent nuisance and disturbance to nearby residents.	To be added.	The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm.	To be added.
Current:	Proposed:															
A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence.	To be added.															
Custom will not be sought by means of solicitation in the vicinity of the premises.	To be added.															
All parts of the premises and all fittings and apparatus , door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good and in a safe condition.	To be added.															
Prominent, legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave premises.	To be added.															
Deliveries of goods will be carried out at such a manner as to prevent nuisance and disturbance to nearby residents.	To be added.															
The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm.	To be added.															
	Amendments to application advised at hearing: None.															
	Decision (including reasons if different from those set out in report): The application was granted, the reason for the decision is detailed in section 1.															

Conditions attached to the Licence

Mandatory Conditions

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

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must

ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

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

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

7. The responsible person must ensure that—

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

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

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

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

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

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

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

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

(b) "permitted price" is the price found by applying the formula - $P = D + (D \times V)$

Where -

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

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

force a premises licence –

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

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

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

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

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

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

Conditions Consistent With the Operating Schedule

9. No children shall be allowed on the premises unless accompanied by an adult.

10. Alcohol shall be supplied for consumption on the premises only.

11. All patrons shall be requested to leave in an orderly and quiet fashion and requested to respect other people within the area.

Conditions Attached After a Hearing by the Licensing Authority

12. The supply of alcohol in the restaurant/bar area shall only be to persons taking table meals there for consumption by such persons as ancillary to their meal.

13. Suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises.

14. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

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 entire 31 day period.

16. A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence.

17. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.

18. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises. The distribution of leaflets or similar promotional material is also prohibited within the specified area.

For the purpose of this section,

'Directly' means:- employ, have control of or instruct.

'Indirectly' means allowing / permitting the service of or through a third party.

'Specified' Area' means the area encompassed within (insert name of boundary roads.)

19. All parts of the premises and all fittings and apparatus , door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good and in a safe condition.

20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

21. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.

22. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 on the following day.

23. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

4 1 ST JAMES'S MARKET, SW1

LICENSING SUB-COMMITTEE No. 4

Thursday 14th September 2017

Membership: Councillor Jean Paul Floru (Chairman), Councillor Heather Acton and Councillor Louise Hyams

Legal Adviser: Horatio Chance
Committee Officer: Tristan Fieldsend
Presenting Officer: Yolanda Wade

Relevant Representations: Environmental Health and the Licensing Authority.

Present: Mr Jack Spiegler (Solicitor, representing the applicant), Mr Nick Kelleher (Representing the Applicant Company), Mr Maxwell Koduah (Environmental Health) and Mr David Sycamore (Licensing Authority).

1 St James's Market, London, SW1Y 4AH ("The Premises") 17/06464/LIPN	
1.	Sale by Retail of Alcohol – On and Off Monday to Saturday: 10:00 to 23:00 Sunday: 12:00 to 22:30
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee considered an application by The Crown Estate for a new Premises licence in respect of 1 St James's Market, London, SW1Y 4AH. The Licensing Officer provided an outline of the application to the Sub-Committee. Councillor Floru declared that he had attended evening events held at the Premises. Councillor Acton declared that she had attended day time events held at the Premises. Council Hyams declared that the application was situated within her ward and she had previously attended meetings hosted by The Crown Estate. All parties present were in agreement that Cllr Hyams should not be precluded from sitting on the Sub-Committee during the discussion on this item. As a result of the above declarations made by each Councillor the Sub-Committee felt that it was able to approach the application free from bias and

with an open mind and so determined the same on its individual merits.

Mr Sycamore, representing the Licensing Authority, confirmed that their representation was maintained on the grounds that clarity was still required on the number, style and capacity of events to be held at the Premises and also that it was located within a Cumulative Impact Area (CIA). The Sub-Committee noted that the applicant had circulated prior to the meeting a document providing further information on the events planned to be held at the Premises.

Mr Koduah, representing Environmental Health (EH), explained he had held initial concerns over the application regarding public safety as the Premises was situated on the 7th floor of the Premises. It was submitted that constructive discussions had been held with the Applicant over the safety arrangements in place, which included the maximum usable floor space and the number of toilets available at the Premises, and was satisfied that these arrangements were satisfactory. There had been some concern over the capacity of the Premises but further clarity provided on the toilet provision available reassured Mr Koduah that the Premises could comfortably support 210 people. It was not considered appropriate to impose a maximum capacity on the licence but if the Sub-Committee was minded to do so then a maximum of 200 people would be considered acceptable.

The Sub-Committee was interested to know why EH had proposed to limit the use of the outside terrace after 21:00 hours when the Premises was not located in a residential area. Mr Koduah explained that the terrace had the potential to create public nuisance if used extensively after 21:00 hours, particularly if residents were to move into the area at some stage in the future and in that respect wanted to preserve the prevention of public nuisance licensing objective.

Mr Spiegler, representing the Applicant, confirmed that information on the nature and style of events to be held at the Premises had been circulated prior to the hearing. A condition restricting the capacity of the Premises to 200 persons could be imposed but the Applicant did not currently hold any events of this size. The Sub-Committee was also informed that the Applicant did not think the 21:00 restriction on the use of the terrace was required but would accept it if the Sub-Committee felt it was appropriate to do so. In terms of the City Council's Statement of Licensing Policy, because the Premises was not a bar, pub, nightclub or fast food Premises it was suggested that it was not appropriate to prove the Premises was an exception to the CIA Policy. If it was however the hours requested, the specific use of the Premises, the level of control in place and as it was not located in a residential area were the relevant tests the Sub-Committee should have regard to when considering what impact (if any) would be caused in the cumulative impact area.

In response to a question Mr Spiegler confirmed that aside from the condition restricting the use of the terrace area the applicant would accept all other conditions proposed by EH.

After careful consideration the Sub-Committee agreed to grant the application. It was recognised that the Premises was located within a CIA however the Sub-Committee was of the opinion it would not add to cumulative impact in the area.

	<p>The hours requested were within the core hours policy, the nature of the events to be held at the Premises and the fact it was not anticipated that a significant number of events would be held per year provided the Sub-Committee with reassurance it would not add to cumulative impact. The Sub-Committee also noted that the Premises was not located in a residential area and was therefore very unlikely to create any noise and disturbance to local residents and undermine the public nuisance licensing objective. It was therefore felt that allowing the use of the external terrace area until 23:00 hours would be acceptable. With regards to capacity the Sub-Committee was satisfied that there were no public safety concerns and the proposed toilet provision was considered acceptable. It was therefore considered that it would not be appropriate to impose any capacity restrictions on the Premises.</p> <p>Having heard all the evidence the Sub-Committee was satisfied that the Premises would uphold and promote the licensing objectives and as such agreed to grant the application accordingly subject to the deletion of condition 17 relating to capacity and the addition of the following amended conditions proposed by EH:</p> <ul style="list-style-type: none"> • There shall be no fixed bar area at any time at the Premises • The external doors to the 7th Floor terraces shall be kept closed after 23:00 hours except for the immediate access and egress of persons • No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance • 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. • 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. • All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means. • The edges of the treads of steps and stairways shall be maintained so as to be conspicuous. <p>The Sub-Committee in determining the application was of the view that the conditions it had imposed on the Premises Licence were appropriate and proportionate and would promote the licensing objectives.</p>
<p>2.</p>	<p>Hours Premises are Open to the Public</p> <p>Monday to Sunday: 00:00 to 00:00</p> <p>Note:</p> <p>The general public do not have access to the premises and there will be no external advertising of licensed facilities. Off-sales are restricted to other areas within the building.</p>

	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The application was granted, the reason for the decision is detailed in section 1.

Conditions attached to the Licence

Mandatory Conditions

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

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

- (a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) Drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a

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

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

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

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

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

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

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

7. The responsible person must ensure that—

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

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

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

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

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if

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

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

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

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

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

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

Where –

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

rate of duty or value added tax.

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

Conditions consistent with the operating schedule

9. The licence shall remain ancillary to the use of the premises as corporate offices.
10. Alcohol shall not be sold or supplied otherwise than to:
 - a. Directors, partners, officers and employees of the Licensee (and subsidiaries and affiliated companies thereof) and their bona fide guests; and
 - b. Persons attending by prior invitation to a private or organised function in the premises a list of whom is to be kept at reception and made available for inspection by the relevant authorities immediately upon request.
11. There shall be no events involving licensable activities organised by an external promoter at the premises.
12. No draught beers shall be sold.
13. Non-alcoholic drinks including drinking water shall be available at all times when alcohol is sold or supplied.
14. There shall be no sales of alcohol for consumption off the premises, with the exception of alcohol sold for consumption in other non-licensed areas of the building.
15. 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.
16. When the premises licence is in use, notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
17. No advertising of the licensed premises outside of the premises.
18. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the Police or an authorised officer of the City Council at all times whilst the premises is open.
19. There shall be no fixed bar area at any time at the premises.
20. The external doors to the 7th Floor terraces shall be kept closed after 23:00 hours except for the immediate access and egress of persons.

21. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
22. 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.
23. 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.
24. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
25. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

The Meeting ended at 10.57 am

CHAIRMAN: _____

DATE _____