



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (1)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (1)** Committee held on **Thursday 21st September, 2017**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

**Members Present:** Councillors Angela Harvey (Chairman), Jan Prendergast and Shamim Talukder

#### 1 MEMBERSHIP

There were no changes to the Membership.

#### 2 DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 3 SWINGERS, 15 JOHN PRINCE'S STREET, W1

#### LICENSING SUB-COMMITTEE No. 1

*Thursday 21st September 2017*

Membership: Councillor Angela Harvey (Chairman), Councillor Jan Prendergast and Councillor Shamim Talukder

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Jonathan Deacon

Presenting Officer: Daisy Gadd. Heidi Lawrance also in attendance.

Relevant Representations: Environmental Health, Metropolitan Police and local residents x 3.

Present: Mr Gerald Gouriet QC (Representing the Applicant), Mr Jeremy Simmonds (Co-founder and Managing Director), Mr Ian Watson (Environmental Health) and PC Reaz Guerra (Metropolitan Police).

**Swingers, 15 John Prince's Street, W1  
17/08278/LIPN**

**1. Late Night Refreshment (Indoors)**

Monday to Wednesday: 23:00 to 00:30  
Thursday to Saturday: 23:00 to 01:30  
Sunday: 23:00 to 00:30

Amendments to application advised at hearing:

Mr Gouriet advised the Sub-Committee that his client had amended the proposed hours for licensable activities to the Council's Core Hours (a terminal hour of 23:30 Monday to Thursday, midnight Friday and Saturday and 22:30 on Sunday).

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

The Sub-Committee heard from Mr Gouriet. He confirmed that the site of the premises was the former staff café at British Homes Stores. The premises would operate as an indoor crazy/mini golf facility. The Applicant was currently operating a similar venue in the City of London and had been given recent permission to operate a venue in Leadenhall Street. The expected age range for indoor crazy/mini golf at 15 John Prince's Street was 30-50 years of age in line with the City of London venue.

Mr Gouriet said there would be at least two SIA licensed door supervisors employed at all times and there would be up to six door supervisors employed at peak periods. Mr Simmonds in response to a question from the Sub-Committee stated that immediately opposite the premises were predominantly office tenants. There were no residents directly opposite. There were residents on the corner of Margaret Street and John Prince's Street.

Mr Gouriet made the point that the Phoenix pub in John Prince's Street was able to operate until the early hours of the morning. His client had decided to amend the proposed hours for licensable activities so that they were in keeping with the Council's Core Hours policy. His client was seeking a closing time to the public of half an hour after the licensable activities concluded.

Mr Gouriet described the operation on the first floor of the premises. There were two 9 hole mini golf courses. They were surrounded by table and chairs. There were 450 seats on the first floor in total (Mr Gouriet requested that the capacity was finalised by the Senior Licensing Surveyor and Environmental Health). Mr Gouriet advised that the purpose of coming to the premises was to play indoor golf with the majority booking to play. 50% of the business was corporate bookings. It was possible to hire out the whole venue or the private areas. Approximately 10% would be customers who had not booked in advance. There

would be up to 7 or 8 staff on both courses supervising and helping people with carrying their drinks known as 'caddies'. Overall there was a pool of 150 staff with 120 being full time and 40 staff being on duty at any one time. There were four food areas and two bars.

The Sub-Committee was addressed by Mr Gouriet on the proposed conditions. He requested that the Police's proposed condition which stipulated that there would be polycarbonate vessels used at the premises was not attached to the premises licence should the Sub-Committee be minded to grant the application. His reasoning for this was that there had been no issues at the City premises since it had opened 15 months ago, the clientele was not the type where fighting would take place, there were the caddies on hand should any issues arise and there was a stigma involved in providing polycarbonate vessels. Mr Simmonds added that 30% of the total beverages sold were cocktails and it would be a difficult sell to ask the likes of investment bankers or tech companies to buy a £12 cocktail in a polycarbonate vessel.

Mr Gouriet provided the additional information that subject to the application being granted, the works at the premises were due to start in early October and the venue would be due to open in February 2018.

The Sub-Committee asked Mr Gouriet and Mr Simmonds a number of questions. These included how the Applicant would monitor the smokers outside. Mr Gouriet replied that a maximum number of 20 would be acceptable to the Applicant. The designated smoking area would be in front of the demise of the premises and next to the rear of Reserved, a high street retailer at 252-258 Oxford Street. It would be monitored by security staff.

Mr Gouriet and Mr Simmonds were also asked what live music would be played. Mr Simmonds replied that live music was not core to the concept at the premises. At the venue in the City of London there was some live jazz played during Sunday brunch. Swingers in John Prince's Street would not be a music venue for live bands. It was put to Mr Gouriet and Mr Simmonds that the Applicant would not be affected if he decided, for instance, to book a live jazz band during Sunday brunch as live music was deregulated prior to 23:00. Mr Gouriet advised that the Applicant was content for live music to be withdrawn from the application.

The Sub-Committee also asked about what steps the Applicant had taken in terms of sound proofing the premises. Mr Simmonds informed Members that an acoustic report had been carried out on the Applicant's behalf. It had found that noise would not emanate from the premises outside. The Applicant Company was paying for acoustic treatment to ensure that noise did not travel through the walls to neighbouring retail units. Underneath the 2 mini golf courses, acoustic matting had been introduced. Mr Simmonds said that whilst the windows would open, there was no intention to open them. There would be adequate air conditioning at the venue.

Mr Gouriet was asked to respond to the perception that the application was significantly drink led. Whilst customers may be coming to the venue to play golf, a significant number of the approximate 500 capacity were able to drink.

They were also able to take drinks with them around the two mini golf courses. There was no requirement for the alcohol to be ancillary to food. Mr Gouriet did not accept that the application was drink led on the basis that all the customers were coming to the venue to play indoor golf. He stated that it was not the Applicant's experience that customers came to the venue just to drink. He offered to amend the condition agreed with the Police in the event that the Sub-Committee was minded to grant the application that 'the sale of alcohol at all times shall be ancillary to the main use of the premises for playing indoor golf'. He offered that in addition there would be the provision of food.

Mr Simmonds advised the Sub-Committee that the vast majority of corporate packages included food as well as indoor golf and beverages. In terms of the ticket price, just under a third of the cost related to the food element. He wished to emphasise the degree to which customers were playing indoor golf. Every five minutes a group of four to five people were 'teeing off'. This meant that up to 1200 to 1300 people per day were on each of the two courses. At one time there were up to 100 people playing golf over a five minute period.

The Sub-Committee asked Mr Simmonds what the options were if a customer arrived who had not bought a ticket. He replied that it was possible to have food or a drink at the bar. Approximately 10% of the venue was not booked so that customers would be able to play indoor golf without a ticket.

The Sub-Committee heard from PC Guerra on behalf of the Metropolitan Police. He referred to the Applicant having amended the proposed hours for licensable activities to Core Hours and also the conditions that the Police had agreed with the Applicant. He was content with the sale of alcohol at all times being ancillary to the main use of the premises for playing golf and with the provision of food.

PC Guerra also requested that the Council's Model Condition 41 was attached to the premises licence that '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' rather than 'substantial refreshment' which was included in the operating schedule.

PC Guerra advised that the Applicant had agreed a variation on Model Condition 67 which restricted smokers to a designated smoking area. It would be continually supervised whenever it was in use although no plan has as yet been submitted by the Applicant.

PC Guerra expressed the view that there was a potential risk if glassware was used rather than polycarbonate drinking vessels. There was the possibility of groups on the two mini courses coming into conflict and these groups would be walking around the courses with glasses in their hands. Any injuries would be much less severe if there was conflict and polycarbonate vessels were used rather than glassware.

PC Guerra also enquired whether the Applicant agreed to the use of high visibility jackets for the SIA licensed door supervisors. Mr Gouriet responded that his client was content for the door supervisors to wear the high visibility jackets.

The Sub-Committee heard from Mr Watson on behalf of Environmental Health. He referred to residents living above a late night venue in Margaret Street which had closed and that The Finery and The Phoenix are located in the area. The former had a midnight terminal hour Thursday to Saturday and the latter had a 03:00 terminal hour for entertainment and 02:00 terminal hour for sale of alcohol. Mr Watson expressed the view that it was helpful that the Applicant was now requesting Core Hours for Swingers and that alcohol could only be consumed inside the premises unlike The Phoenix and The Finery.

Mr Watson said that he was content with a designated external smoking area away from residents being supervised after 22:00. He had noted the representations from the local residents on the corner of John Princes' Street and Margaret Street. He was also content with a maximum number of 20 smokers outside provided they were adequately supervised. Mr Gouriet confirmed that the smoking area would be supervised at all times and not just after 22:00.

Mr Watson referred to the windows on the first floor potentially being opened. He believed it was highly likely that Swingers would be a lively venue and recommended that they were secured so that they could not be opened. It was the flank of the building where the residents are located and the Applicant was committed to providing air conditioning on the first floor. Mr Watson was aware that the Applicant had carried out a noise impact assessment and asked that this information was provided to Environmental Health. Mr Gouriet responded that he would be able to provide this information to Mr Watson.

Mr Watson advised that it was unlikely there would be issues with queuing but made the point that it would be for the security staff to monitor it. He informed the Sub-Committee that a fire strategy risk assessment had been carried out that had recommended a capacity of approximately 800 people. The maximum capacity which Environmental Health and the Senior Licensing Surveyor would assess from a public safety point of view would reduce from 800 as the mini golf courses would take up significant space. The ballpark figure based on emergency escapes would be 500 people. In response to concerns expressed by the Sub-Committee that there could potentially be a maximum capacity of 800 people, Mr Gouriet said that subject to the view of the Environmental Health/Senior Licensing Surveyor inspection his client was content with a maximum capacity of 600 including staff.

Mr Watson made the additional point that there would be significant numbers dispersing from the venue. It was the security staff's role to direct customers to Oxford Street or via Castle Street to Regent Street. He advised that there had not been any formal complaints received by the Noise Team in respect of The Finery or The Phoenix despite the latter having a later terminal hour and both premises having drinkers outside. A query had been raised by one resident with the City Guardians about drinkers obstructing pedestrians on the pavement in respect of The Finery and The Phoenix.

Mr Gouriet referred to the dispersal plan which had been submitted to the Sub-Committee. He confirmed that security door staff would direct customers

towards Oxford Street and Regent Street. Mr Gouriet wished to emphasise that dispersal would be more gradual from the venue than it would be from a nightclub. He advised that customers tended to complete one of the courses, finish their drinks and leave.

The Sub-Committee asked whether the employees of corporations who hired the venue would leave at the same time. Mr Simmonds replied that corporate bookings tended to be during the early evening. He added that the average dwell time for customers as a whole was two hours to two and a half hours. By the time the premises in the City reached the terminal hour, there were thirty or forty people remaining who were playing indoor golf. There was not a mass exodus of customers.

Mr Watson stated that he supported the Police's view that the Council's Model Condition 41 was attached to the premises licence requiring substantial food to be available in all parts of the venue where alcohol is sold or supplied for consumption on the premises.

Mr Simmonds clarified that it was intended that there would at peak times be two SIA licensed door supervisors situated at the external door with four others stationed around the venue and at other times there would be one door supervisor situated at the external door with one other stationed around the venue. Peak time was 18:00 to 22:00 hours. Mr Simmonds and Mr Gouriet also clarified that the proposed opening hours for the premises would be in keeping with the Council's Core Hours policy.

It was accepted by Mr Gouriet that new plans would need to be submitted to take into account that the designated smoking area was different on the old plans from the one now being proposed.

Mr Gouriet was given the opportunity to respond to the points raised by the Responsible Authorities. He specifically revised his view on agreeing the Police's proposed condition which it was suggested would be amended so that the sale of alcohol at all times shall be ancillary to the main use of the premises for playing indoor golf with the provision of food. He asked that 'at all times' was not included in the condition because a City Inspector could enter the premises and reach the immediate conclusion that an individual was having a drink but was not playing indoor golf. The individual could indeed be waiting to play. Mr Gouriet was content with the remainder of the proposed condition. He believed the key aspects were that in general the sale of alcohol was ancillary to the golf and that food would be provided.

Mr Gouriet re-iterated his concerns about the Applicant being required to use polycarbonate vessels rather than glassware. He believed the risk of conflict was minimal. In response to a question from the Sub-Committee, Mr Gouriet said that his client would like to retain recorded music as there would be occasions when DJs would be directly employed by the Applicant/licence holder.

PC Guerra asked what the approach of the licence holder would be to those under the age of 18. Mr Gouriet replied that there was no intention to invite those under the age of 18 to come to the venue. He was asked by the Sub-

Committee whether there might be the potential for a corporate family event. After a discussion with his client, Mr Gouriet requested that there was no condition applied preventing those under the 18 coming to the venue in case it was decided to hold a corporate family event.

The Sub-Committee noted that 15 John Prince's Street is located outside of the Council's designated cumulative impact areas. There was no policy presumption against the application and it was therefore considered on its merits. Members decided to grant the application for a number of reasons. These included that the Applicant had reduced the hours for licensable activities to Core Hours (the closing time would be half an hour later). In addition to there being no live music which could possibly emanate from the premises, there was less potential for a public nuisance to be caused to local residents.

The Sub-Committee also considered that the conditions attached to the premises licence would promote the licensing objectives. A key condition which was attached in line with what was offered by the Applicant was that there would be sufficient SIA licensed door supervisors to monitor inside and outside the premises, including the designated smoking area and also direct customers away from residential areas as they dispersed from the premises. Before 18:00, there would be a minimum of two door supervisors on duty including one located outside the main entrance. After 18:00, there would be a minimum of six door supervisors on duty including two outside the main entrance.

The Sub-Committee did consider it appropriate to attach a condition as requested by the Police that polycarbonate vessels would be used at the premises rather than glassware. Whilst Members did not take the view that there were likely to be regular problems caused by the clientele of the premises, in the event there was conflict between rival groups on or off the mini golf courses it would reduce the potential for injuries if glassware was not used. The Sub-Committee did not accept that there would be a stigma created by not using glassware and that customers' safety was the main priority.

As requested by the Applicant, the Sub-Committee decided to attach the condition that on sales of alcohol (no drinks could be taken outside) would be ancillary to the main use of the premises as a golf playing venue and with the provision of food and not add the words 'at all times'. This was sufficient for the premises not to operate purely as a bar. The Sub-Committee accepted that the Applicant's intention was for customers to visit the premises primarily in order to play indoor mini/crazy golf.

Also at the request of the Applicant, the Sub-Committee did not stipulate by way of condition that those under the age of 18 would be prevented from entering the premises. Members noted that the Applicant would potentially think about having corporate family days at the venue. There were existing laws in place which the premises licence holder would need to comply with to ensure that alcohol was not sold to those under the age of 18.

<b>2. Sale by retail of alcohol (On)</b>

	<p>Monday to Wednesday: 10:00 to 00:00  Thursday to Saturday: 10:00 to 01:00  Sunday: 10:00 to 00:00</p>
	<p>Amendments to application advised at hearing:</p> <p>Mr Gouriet advised the Sub-Committee that his client had amended the proposed hours for licensable activities to Core Hours (a terminal hour of 23:30 Monday to Thursday, midnight Friday and Saturday and 22:30 on Sunday). The commencement hour on Sunday in keeping with the Council's Core Hours policy would be midday.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the amended hours, subject to conditions as set out below (see reasons for decision in Section 1).</p>
<b>3.</b>	<b>Live Music (Indoors)</b>
	<p>Monday to Wednesday: 23:00 to 00:00  Thursday to Saturday: 23:00 to 01:00  Sunday: 23:00 to 00:00</p>
	<p>Amendments to application advised at hearing:</p> <p>During the hearing, the Applicant decided to withdraw live music from the application.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee was not required to consider this aspect of the application as it had been withdrawn by the Applicant.</p>
<b>4.</b>	<b>Recorded Music (Indoors)</b>
	<p>Monday to Wednesday: 23:00 to 00:00  Thursday to Saturday: 23:00 to 01:00  Sunday: 23:00 to 00:00</p>
	<p>Amendments to application advised at hearing:</p> <p>Mr Gouriet advised the Sub-Committee that his client had amended the proposed hours for licensable activities to Core Hours (a terminal hour of 23:30 Monday to Thursday, midnight Friday and Saturday and 22:30 on Sunday). The commencement hour on Sunday in keeping with the Council's Core Hours policy would be midday.</p>



	Decision (including reasons if different from those set out in report):  The Sub-Committee granted the amended hours, subject to conditions as set out below (see reasons for decision in Section 1).
<b>5.</b>	<b>Hours premises are open to the public</b>
	Monday to Wednesday: 10:00 to 00:30 Thursday to Saturday: 10:00 to 01:30 Sunday: 10:00 to 00:30
	Amendments to application advised at hearing:  Mr Gouriet advised the Sub-Committee that his client had amended the proposed closing time to the public to half an hour after Core Hours (midnight Monday to Thursday, 00:30 Friday and Saturday and 23:00 on Sunday).
	Decision (including reasons if different from those set out in report):  The Sub-Committee granted the amended hours, 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.	(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. The sale of alcohol shall be ancillary to the main use of the premises for playing indoor golf and the provision of food.
11. Substantial food and non-intoxicating beverages including drinking water shall be available to all parts of the premises where alcohol is sold or supplied for consumption on the premises.
12. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined. The capacity shall be a maximum of 600 persons including staff and contractors.
13. A Challenge 21 proof of age scheme shall be operated at the premises where

the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, passport or proof of age card with the PASS hologram.

14. 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.
15. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 20 persons at any one time.
16. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area hatched on the plan. The area shall be continually supervised whenever it is in use.
17. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
18. All windows shall be kept closed whilst licensable activities are provided at the premises.
19. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
20. Flashing or particularly bright lights on or outside the premises will not be permitted to cause a nuisance to nearby properties.
21. Notices shall be prominently displayed at all exists requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
22. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangement by close of business.
23. 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.
24. 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.
25. 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.
26. All emergency exit doors shall be available at all material times without the use of a key code, card or similar means.

27. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
28. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
29. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
30. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
31. 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.
32. 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 licensable activities are provided. 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.
33. An incident log shall be kept at the premises, and made available on request to an authorised office of the City Council or the Police, which will record the following:
  - a) All crimes reported to the venue
  - b) All ejections of patrons
  - c) Any complaints received concerning crime and disorder
  - d) Any incidents of disorder
  - e) All seizures of drugs or offensive weapons
  - f) Any faults in the CCTV system
  - g) Any refusal of the sale of alcohol
  - h) Any visit by a relevant authority or emergency service
34. Before 18:00 hours a minimum of 2 SIA licensed door supervisors, including one at the external entrance door, shall be on duty at the premises. After 18:00 hours a minimum of 6 SIA licensed door supervisors, including two at the external entrance door, shall be on duty at the premises until it closes.
35. There shall be no sales of hot food or hot drink for consumptions off the premises after 23.00 hours.

36. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
37. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
38. No licensable activities shall take place at the premises until the premises have been assessed as satisfactory by the Environmental health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority.
39. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.
40.
  - a) All drinking vessels used in the venue shall be polycarbonate. All drinks in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served, with the exception of champagne or bottles of spirits with a minimum capacity of 70cl supplied by waiter/waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle
  - b) Notwithstanding a) above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within a specified area of the premises.

#### **4 CONNAUGHT HOTEL, CARLOS PLACE, W1**

##### **LICENSING SUB-COMMITTEE No. 1**

*Thursday 21st September 2017*

Membership: Councillor Angela Harvey (Chairman), Councillor Jan Prendergast and Councillor Shamim Talukder

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Jonathan Deacon

Presenting Officer: Daisy Gadd. Heidi Lawrance also in attendance.

Relevant Representations: Councillor Glenys Roberts (local ward councillor).

Present: Mr Mark Browning (Solicitor, Representing the Applicant) and Mr Massimiliano Binda (General Manager, Connaught Hotel).

**Connaught Hotel, Carlos Place, W1  
17/07945/LIPV**

**1. Sale by retail of alcohol (On and Off)**

**Current Hours**

Monday to Saturday 10:00 to 02:30  
Sunday 10:00 to 00:00

**Proposed hours**

Monday to Saturday 07:00 to 02:30  
Sunday 07:00 to 00:00

Amendments to application advised at hearing:

The Applicant proposed a condition that there would be no off sales prior to 10:00.

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

The Applicant had applied by way of a variation of the premises licence to update the ground floor plans for the hotel following refurbishment work to the new restaurant known as Jean George @ The Connaught. The Applicant now intended to have direct access to the pavement/street at the corner of Mount Street and Carlos Place. This would allow guests to access the restaurant without passing through the hotel. Councillor Glenys Roberts had submitted a written representation expressing concerns regarding the direct access for non-hotel residents, particularly during the later hours. She had referred to the arrangement with the Connaught bar where visitors entering and leaving after midnight would be via the hotel lobby entrance only.

Mr Browning, addressing the Sub-Committee, stated that the Applicant was seeking to provide alcohol with a business breakfast between 07:00 and 10:00, including to non-hotel guests. He advised he had written to Councillor Roberts on this point. Conditions had been offered by the Applicant that there would be no off sales prior to 10:00 and that alcohol restricted to wines or champagnes may be served between 07:00 and 10:00 by waiter or waitress to non-hotel guests and the service of such alcohol will be ancillary to the supply of food.

Mr Browning was asked by the Sub-Committee about the access to the Jean George restaurant. He advised that there was a security person covering the main entrance who would also be able to monitor the new access via the pavement/street at the corner of Mount Street and Carlos Place. It was proposed that the entrance at the corner of Mount Street and Carlos Place would close at 01:00. Mr Browning also confirmed there was access from the Jean George restaurant to the lobby of the Connaught Hotel.

The Sub-Committee asked Mr Browning for his view on Councillor Roberts' request that a similar arrangement was introduced for the corner of Mount Street



and Carlos Place entrance as the Connaught bar where visitors entering and leaving after midnight would only be via the hotel lobby entrance only. Mr Browning replied that his client did not wish to see restrictions on the use of the corner of Mount Street and Carlos Place entrance. This was on the grounds that there had been a significant concession in removing the Connaught Bar entrance onto Mount Street and the door staff and other staff would be able to monitor. It would interfere with the running of the hotel. However, he did not have particular objections if the new entrance was closed at midnight as it was unlikely to be used after this time.

Mr Binda informed the Sub-Committee that there are 93 covers at the Jean George restaurant. He estimated that there would be 300 non-hotel guests and 100 hotel guests in the Jean George restaurant per day. He was of the view that it was likely that many of the hotel guests and the non-hotel guests would not seek to enter the restaurant from the corner of Mount Street and Carlos Place entrance.

The Sub-Committee queried the nature of the plans. The plans had included two Coburg bars and the blue lines had been described as 'areas included under separate restaurant and bars premises licence'. Mr Browning believed that the plans were likely to have been out of date. He confirmed that the bar shown as the Coburg Bar adjacent to Mount Street was actually meant to be shown as the Connaught Bar and he added that he would ensure that the latest plans were submitted. He clarified there were two licences in existence for the premises and the licence currently being varied covered the whole hotel.

The Sub-Committee, in granting the application, noted that there had been no objections to on-sales of alcohol being sold at the premises between 07:00 and 10:00. The Connaught Hotel is not located in one of the Council's designated cumulative impact areas. The Applicant had offered a condition that the sale of alcohol would be ancillary to food. The Sub-Committee amended this condition so that 'between 07:00 and 10:00 the sale of alcohol to non-hotel guests shall only be to persons taking a table meal there for consumption as an ancillary to the meal. The consumption of alcohol shall be restricted to wines or champagnes served by a waiter or waitress'. The Applicant had also offered the proposed condition that there would be no off sales prior to 10:00. There was an existing condition on the premises licence which set out that there would be no off sales between 23:00 and 08:00. The Sub-Committee therefore extended this condition from 08:00 to 10:00.

The Sub-Committee shared Councillor Roberts' concerns about using the entrance on the corner of Mount Street and Carlos Place at all times the Jean George Restaurant was operating (on sales of alcohol could be served to non-hotel guests until 02:30) as there would be the potential for public nuisance. Members noted that Mr Browning had formally offered at the hearing that the entrance would be closed at 01:00 and had not had any particular objections if the entrance was closed at midnight as it was unlikely to be used after this time. The Sub-Committee therefore decided that as with the Connaught bar, visitors entering and leaving after midnight would only be via the hotel lobby entrance.

<b>2.</b>	<b>Proposed layout alterations</b>
	<p>The Espellette Restaurant has been converted to suit the requirements of the new celebrity Chef Jean George, the Restaurant will be called Jean George @ The Connaught.</p> <p>A new staircase has been constructed directly from the Kitchen area up to the Restaurant on the ground floor.</p> <p>The dividing wall between the Restaurant and the original pantry area has been modified to allow access either side of the chimney breast and therefore extending the Restaurant.</p> <p>The Restaurant also now has direct access to the pavement/street at the corner of Mount Street and Carlos Place.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the proposed layout alterations with the proviso that the entrance at the corner of Mount Street and Carlos Place would close at midnight.</p>
<b>3.</b>	<b>Conditions to be added</b>
	<p>(i) Alcohol restricted to wines or champagnes may be served between 07:00 and 10:00 by waiter or waitress to non-hotel guests and the service of such alcohol will be ancillary to the supply of food.</p> <p>(ii) No off sales prior to 10:00.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee amended the conditions as follows (see reasons for decision in Section 1):</p> <p>(i) 'Between 07:00 and 10:00 the sale of alcohol to non-hotel guests shall only be to persons taking a table meal there for consumption as an ancillary to the meal. The consumption of alcohol shall be restricted to wines or champagnes served by a waiter or waitress'.</p>

- (ii) 'There will be no Off sales between 23:00 and 10:00'. This is an amendment of condition 18 on the existing premises licence.

### 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.
9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

### **Additional Conditions**

10. The permitted hours for sale of alcohol are:
- (a) Monday to Saturday 07:00 to 02:30
- (b) Sunday 07:00 to 00:00
- (c) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00:00 midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the

holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

11. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
  - (b) He resides in the premises, but is not employed there.
  - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
  - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

12. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.
13. The number of persons accommodated at the tables and chairs located outside the premises shall not exceed 16 persons at any time.
14. The Supply of Alcohol to the outside area shall be by waiter or waitress only.
15. The supply of alcohol to the outside area shall cease at 21.00 hours and outside tables and chairs shall be removed or rendered unusable by 23.00 each day.
16. Waiter/Waitress service will be available throughout the Connaught Bar and Champagne Bar.
17. Off Sales of Alcohol are to be in sealed containers only and for consumption off the premises.
18. There will be no Off sales between 23:00 and 10:00.
19. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
20. Admission to the Jean George Restaurant and the Connaught Bar after midnight on Monday to Sunday shall be through the hotel lobby entrance only and all patrons departing after midnight shall exit in the same way, save for in

the case of an emergency.

21. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, is swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
22. Windows in the Connaught Bar shall be closed after midnight.
23. The premises will install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for Licensable Activities and during all times when customers remain on the premises. All recordings shall be kept available for a minimum period of 31 days with time and date stamping. Recordings shall be made available, immediately upon the request of an authorised officer or a police officer together with facilities for viewing throughout the preceding 31 day period.
24. All functions in the West Wing shall be pre-booked. Details of an event shall be made available to relevant authorities when requested.
25. Access to the West Wing shall be via the hotel lobby and all persons departing after midnight shall exit in the same way, save for in the case of emergency.
26. Substantial food and suitable beverages other than alcohol shall be available in all parts of the premises where alcohol is supplied.
27. There shall be no entry or re-entry after 01:30 except those wishing to smoke
28. The supply of alcohol in the Connaught Bar after 00:30 shall be by waiter or waitress service only to persons seated
29. All external windows and doors of the ground floor of the West Wing shall remain closed after 2300hrs, except for the immediate access or egress of persons in case of emergency.
30. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
31. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
32. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
33. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used 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 fog generators
- pyrotechnics including fire works
- firearms
- lasers
- explosives and highly flammable substances.

34. 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.
35. 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.
36. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
37. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
38. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
39. Regulated entertainment of live music, performance of dance, anything of a similar description to live music and dance, making music, dancing and entertainment of a similar description to making music and dancing is permitted only in the function rooms of the new west wing.
40. Live music is permitted in the Japanese Garden up to 21.00 hours restricted to four performers.
41. The supply of alcohol after 01.30 hours shall only be to persons attending a pre-booked function or to residents and their bona fide guests.
42. The number of persons permitted in the West Wing function rooms at any one time (excluding staff) shall not exceed  
Function Room 1 - 140 standing or 80 seated.  
Function Room 2 - 60 standing or 40 seated.
43. Between 07:00 and 10:00 the sale of alcohol to non-hotel guests shall only be to persons taking a table meal there for consumption as an ancillary to the meal. The consumption of alcohol shall be restricted to wines or champagnes served by a waiter or waitress.