



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (5)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (5)** Committee held on **Thursday 22nd February, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Peter Freeman (Chairman), Julia Alexander and Jan Prendergast

1 MEMBERSHIP

There were no changes to the Membership.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

1 GARRICK HOUSE, 63-66 ST MARTIN'S LANE, WC2

LICENSING SUB-COMMITTEE No. 5

Thursday 22 February 2018

Membership: Councillor Peter Freeman (Chairman), Councillor Julia Alexander and Councillor Jan Prendergast

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Jonathan Deacon

Presenting Officer: Simone Murray. Yolanda Wade in attendance.

Relevant Representations: In support – 1 local resident

Objecting - Environmental Health, Licensing Authority and 2 x local residents / residents' association.

Present: Mr Alun Thomas (Solicitor, representing the Applicant), Mr Cole (Applicant Company), Mr Dave Nevitt (Environmental Health), Mr Steve Rowe (Licensing Authority) and Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing Mr Selwyn Hardy).

**Garrick House, 63-66 St Martin's Lane, WC2
17/15038/LIPN**

1. Late Night Refreshment (Indoors)

Monday to Saturday: 23:00 to 00:30
Sunday: 23:00 to 00:00

Amendments to application advised at hearing:

None.

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

The Sub-Committee heard from Mr Thomas, representing the Applicant. He explained that the company holding the previous premises licence had gone into administration on 31 July 2017 as a result of which the licence had lapsed. His client, the landlord of the premises, had only become aware that the licence had lapsed in December 2017 and had then submitted an application to directly replace the licence.

It was noted by the Members of the Sub-Committee that the previous licence was a bar licence to 23.00 (22.30 on Sunday) with a table meal condition thereafter until midnight (23.30 on Sunday) plus 30 minutes drinking up time until closing at 00.30 (midnight on Sunday).

Mr Thomas commented that the Council did have concerns about the use of the exterior of the building in terms of anti-social behaviour since the premises had been closed. It had been used during that time as a shelter by the homeless. He made the point that a representation in support of the application had been received from a local resident living upstairs due to concerns about the premises' current use and requesting that there was a thriving business there.

The Applicant was requesting that the new premises licence was granted on almost exactly the same terms as the lapsed licence. Mr Thomas quoted paragraphs 2.1.8 and 2.4.8 of the Council's Statement of Licensing Policy. 2.1.8 sets out that 'in cases where licences have lapsed through insolvency or death, the Council will generally grant a new licence on similar terms to the lapsed licence as a replacement. However the Council will take into account the previous history of the premises, the length of time the premises have been closed, and any problems at the premises, and will impose conditions that reflect current good practice for the type of business proposed at the premises'. Mr Thomas stated that he was not aware of any recorded complaints received by the Council. He also expressed the view that the licence had lapsed recently and that conditions had been offered that reflected current good practice for the type of business proposed at the premises and promoted the licensing objectives. These included the model condition preventing noise emanating

from the premises and the licence holder being required to ensure that measures were in place to prevent litter and waste accumulating outside the premises. He added that he had agreed the Council's Model Condition 57 with Mr Hardy that '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.'

Paragraph 2.4.8 of the Council's Statement of Licensing Policy sets out that 'applications for new licences to replace licences which have lapsed because of the failure to submit an interim authority notice in due time in the event of the death or insolvency of a licence holder will be considered by the licensing authority as possible exceptions. Unless there are representations that indicate there have been problems with the previous licence licences may be granted with conditions which replicate the effect of those of the previous licence and with conditions which bring the licence in line with good practice on other licences'. Mr Thomas said that this paragraph was equally relevant in terms of this application.

Mr Thomas informed the Sub-Committee that he had spoken with Mr Brown who was representing Mr Hardy and Mr Brown had requested a condition that 'no collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 on the following day'. Mr Thomas and his client were amenable to this condition being attached to the premises licence in the event the Sub-Committee was minded to grant the application. Mr Thomas advised that the only significant difference between Mr Hardy's position and the Applicant's was that Mr Hardy was requesting Core Hours for the operation of the premises. The Applicant was seeking exactly the same hours as the lapsed licence which were beyond Core Hours.

Mr Thomas stated that his client was content for live music to be withdrawn from the premises licence. The Applicant did want to retain recorded music and regulated entertainment of a similar description without restriction as this was included on the lapsed licence.

The Sub-Committee heard from Mr Nevitt on behalf of Environmental Health. He made the point that the application was for a drinks and entertainment led application in the West End Cumulative Impact Area beyond Core Hours which was normally contrary to the Council's policy. However, in this instance the Applicant wished to rely on the application for a new licence to replace a licence which has lapsed because of the failure to submit an interim authority notice in due time in the event of the insolvency of a licence holder as a possible exception. Mr Nevitt had two particular questions in relation to this. Firstly, was the Applicant's reliance on paragraph 2.4.8 of the Statement of Licensing Policy appropriate? It was for the Sub-Committee to assess whether the length of time the premises at 63-66 St Martin's Lane had been closed was significant. Secondly, had the Applicant demonstrated that the requirements in paragraph 2.4.8 had been properly met? Mr Nevitt advised that the advantage of the application was that it provided the opportunity to attach up to date conditions to the licence in the event the application was granted.

Mr Nevitt said Environmental Health had maintained their representation

because it had been unclear whether the Applicant needed live music. It was also the case that the application as submitted by the Applicant had included the conditions on the lapsed licence and Environmental Health were keen to investigate whether there was scope for updated conditions to be attached to the licence. Environmental Health also wished to hear any representations from residents who had objected to the application. Mr Nevitt also queried whether in policy terms the replacement of the lapsed licence referred to the same hours as well as the same use of the premises. It was also a matter for discussion as to whether to keep the works condition which had been on the previous licence on the current licence.

Mr Rowe on behalf of the Licensing Authority concurred with Mr Nevitt's points as to the relevant policy considerations for the Sub-Committee to take into account.

The Sub-Committee was addressed by Mr Brown, representing Mr Hardy (Mr Hardy is also the Chairman of Burleigh Mansions Residents' Association who had submitted a representation). Mr Brown advised that Burleigh Mansions is located on the opposite side of the road to 63-66 St Martin's Lane (not directly opposite). He referred to the previous licence at the premises being an old 'supper hours certificate'. Alcohol was therefore required after 23:00 to be ancillary to a table meal.

Mr Brown accepted Mr Thomas' point that in respect of the lapsed licence, the application was capable of being considered an exception to policy. However, he was of the view that the fact that the premises would be operated as a bar until 23:00 in the West End Cumulative Impact Area should be taken into account. He raised the matter that it was not known who the landlord intended to let the premises to and what sort of operation would take place there.

Mr Brown explained that Mr Hardy had concerns that customers would be leaving late (he defined this as being after Core Hours) and this could impact on residents' relative peace and quiet after 23:30 Monday to Thursday, midnight Friday and Saturday and 22:30 on Sunday.

Mr Brown confirmed that he was seeking that the no collections of waste (including bottles) from the premises condition between 23:00 and 07:00 was attached to the licence. The Applicant was not objecting to this.

Mr Brown expressed the view that it was necessary for the Sub-Committee to find an exception to the Council's policy in order to grant the application given the bar element in the application. He queried whether paragraph 2.4.8 of the Statement of Licensing Policy meant that the hours as well as the use of the previous licence had to be replaced exactly in terms of the new premises licence.

The Sub-Committee asked the Applicant a number of questions. These included whether it was possible to provide any further information about the new tenant or style of operation. Mr Thomas replied that he was unable to disclose who the new tenant was likely to be as negotiations had not been concluded and the matter was commercially sensitive. He expected the new

tenant to be an experienced operator of 'high end' bars. There was likely to be a substantial level of seating at the premises and a substantial food offer. He believed it would be a much better operation than what had existed at the premises before.

The Sub-Committee also asked Mr Thomas why the Applicant required off sales. He replied that it had been a permitted licensable activity on the previous licence which the Applicant was seeking to mirror on the new licence. However, his client was prepared to withdraw it if it was a concern for the Sub-Committee, particularly in an area where there was anti-social behaviour. The Applicant would potentially like an outside area in the future. He clarified that no outside drinking would be permitted as part of the application for the new premises licence.

Mr Thomas was content for the works condition to be transferred on to the new premises licence in the event it was granted given that the premises had been closed for a couple of months. He was also content for the capacity of the premises to be determined and set by Environmental Health. The likely capacity was 240. Mr Nevitt sought clarification on the use of the basement area in relation to determining the likely capacity and whether there were public toilets there. Mr Thomas responded that he did not believe that the basement would be part of the licensed area.

Mr Thomas wished to respond to Mr Brown's points at the hearing. He believed there were two options for the Sub-Committee in terms of making a decision on the proposed hours of operation. One was to grant the hours on the previous licence with the old 'supper hours' certificate. He did not accept that the application would be subject to Policy PB2 after 23:00 because alcohol would have to be ancillary to a table meal then. He was also of the view that the Council's Policy required the licence to be mirrored in terms of the hours as well as the use. The second option was to grant the bar to Core Hours.

Mr Panto explored with the Applicant about the length of time between the insolvency of the previous operator and the new application. His legal advice was that the new application did not necessarily have to be granted on exactly the same terms, including the same hours, as the previous licence. Potentially the Sub-Committee would be able to take a decision without being bound by the previous licence.

Mr Thomas responded that no parties to the hearing had mentioned that the premises should operate as a restaurant. A restaurant operation would not be acceptable to the Applicant. He believed the length of time the licensed had lapsed was short. He asserted that it was very rare that a landlord became aware immediately when a tenant's operation had gone into administration. He added that in this case the previous licence had lapsed on 27 August 2017 and the new application had been submitted in December 2017. Mr Thomas made the case that there was a 28 day window and the licence had only lapsed at the end of August when the administrator had been appointed. The licence had gone into administration on 31 July 2017.

The Sub-Committee, in granting the application, took into consideration the

	<p>Council's policy, the additional conditions being proposed and the removal of licensable activities being proposed by the Applicant. The Sub-Committee was satisfied that the length of time since the licence had lapsed through insolvency in this case was an exception to policy. Members also considered that conditions had been agreed which made the new application an improvement over the previous licence. These included the conditions agreed between the Applicant and the Responsible Authorities and the additional conditions agreed at the hearing including that no collections of waste or recycling materials (including bottles) would take place between 23:00 and 07:00 on the following day and patrons not being able to take drinks outside.</p> <p>The Sub-Committee took the view also that there was a benefit in removing off sales and live music from the licence in order to promote the licensing objectives.</p> <p>The Sub-Committee gave careful consideration to Mr Hardy's request for Core Hours but took the view there was a benefit in permitting the hours applied for with the requirement for alcohol to be ancillary to food at 23:00 as opposed to allowing a bar to operate throughout to Core Hours. The Sub-Committee required alcohol to be ancillary to a substantial table meal after 23:00. Recorded music was limited to the same hours as the hours premises are open to the public (it was previously unrestricted).</p> <p>The aspect of the application to extend on sales and opening hours on Sundays prior to Bank Holiday was refused. This had not been permitted on the lapsed licence.</p>				
2.	Sale by retail of alcohol (On and Off)				
	<table> <tr> <td>Monday to Saturday:</td> <td>10:00 to 00:00</td> </tr> <tr> <td>Sunday:</td> <td>12:00 to 23:30</td> </tr> </table>	Monday to Saturday:	10:00 to 00:00	Sunday:	12:00 to 23:30
Monday to Saturday:	10:00 to 00:00				
Sunday:	12:00 to 23:30				
	<p>Amendments to application advised at hearing:</p> <p>Mr Thomas did indicate that the applicant would be prepared to remove the request for off-sales provided that it was acknowledged that they might want to apply for external seating in due course. Subject to that proviso, the Members accepted the offer and off-sales were not granted.</p>				
	<p>Decision (including reasons if different from those set out in report):</p> <p>On sales were Granted, subject to conditions as set out below (see reasons for decision in Section 1). Off sales were not granted.</p>				
3.	Live Music (Indoors)				
	<table> <tr> <td>Monday to Sunday:</td> <td>00:00 to 23:59</td> </tr> </table>	Monday to Sunday:	00:00 to 23:59		
Monday to Sunday:	00:00 to 23:59				

	Amendments to application advised at hearing: This was withdrawn by the Applicant.
	Decision (including reasons if different from those set out in report): The Sub-Committee was not required to consider this aspect of the application as it had been withdrawn.
4.	Recorded Music (Indoors)
	Monday to Sunday: 00:00 to 23:59
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted the same hours for recorded music (indoors) as the hours premises are open to the public.
5.	Anything of a similar description (Indoors)
	Monday to Sunday: 00:00 to 23:59
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted the same hours for this aspect of the application as the hours premises are open to the public.
6.	Hours premises are open to the public
	Monday to Saturday: 10:00 to 00:30 Sunday: 12:00 to 00:00
	Amendments to application advised at hearing: None.

	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below.</p>
7.	<p>Seasonal variations / Non-standard timings</p>
	<p><u>Late Night Refreshment (Indoors), Sale by retail of alcohol (On and Off) and Hours premises are open to the public</u></p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p><u>Late Night Refreshment (Indoors)</u></p> <p>On Sundays prior to bank holidays / public holidays 23:00 to 00:30</p> <p><u>Sale by retail of alcohol (On and Off)</u></p> <p>On Sundays prior to bank holidays / public holidays 12:00 to 00:00</p> <p><u>Hours premises are open to the public</u></p> <p>On Sundays prior to bank holidays / public holidays 12:00 to 00:30</p>
	<p>Amendments to application advised at hearing:</p> <p>Mr Thomas did indicate that the Applicant would be prepared to remove the request for off-sales provided that it was acknowledged that they might want to apply for external seating in due course. Subject to that proviso, the Members accepted the offer and off-sales were not granted.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee permitted the aspect of the application relating to New Year's Eve but did not grant the additional time requested on Sundays prior to Bank Holidays. The latter had not been included on the lapsed licence.</p> <p>Off-sales were not granted.</p>

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.

Additional Conditions

9. Substantial food and 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 where intoxicating liquor is sold or supplied.
10. (i) Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours. In this condition, permitted hours means:
(a) On weekdays, other than Christmas Day or Good Friday, 10:00 to 23:00
(b) On Sundays, other than Christmas Day, 12:00 to 22:30
(c) On Good Friday, 12:00 to 22:30
(d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30
(e) 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, midnight on 31st December).
- (ii) Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day), and on Christmas Day, between 15.00 and 19.00, to persons taking substantial table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.
- 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 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;
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 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.

14. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
15. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - a) All crimes reported to the venue
 - b) All ejections of patrons
 - c) Any complaints received concerning crime and disorder
 - d) Any incidents of disorder
 - e) All seizures of drugs or offensive weapons
 - f) Any faults in the CCTV system
 - g) Any refusal of the sale of alcohol
 - h) Any visit by a relevant authority or emergency service
16. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
17. All doors and windows to be kept closed after 23:00 hours except for immediate access and egress of persons.
18. There shall be no take-away of hot food or hot drink after 23:00 hours.
19. No deliveries to the premises shall be made between the hours of 23:00 hours and 07:00 hours.
20. Substantial food and suitable beverages other than intoxicating liquor shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
21. Loudspeakers shall not be located in the entrance areas or outside the premises building.
22. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
23. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

24. 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.
25. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 07:00 hours.
26. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
27. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 on the following day.
28. 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.
29. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
30. 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.

2 WASABI, UNIT 12, THE LAWN, PADDINGTON STATION, PRAED STREET, W2

LICENSING SUB-COMMITTEE No. 5
Thursday 22 February 2018

**Wasabi, Unit 12, The Lawn, Paddington Station, Praed Street, W2
 17/14596/LIPN**

Application granted under delegated powers prior to the hearing as all representations had been withdrawn.

3 THE SHAN STATE, 100-102 SHAFTESBURY AVENUE, W1

LICENSING SUB-COMMITTEE No. 5

Thursday 22 February 2018

**The Shan State, 100-102 Shaftesbury Avenue, W1
17/14772/LIPN**

The application was adjourned to a later hearing.