



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 22nd March, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Angela Harvey (Chairman), Murad Gassanly and Rita Begum

1 MEMBERSHIP

There were no changes to the membership.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

1 THE LARDER@SOHO, SOHOSTEL, 91-92 DEAN STREET, W1

LICENSING SUB-COMMITTEE No. 1

Thursday 22nd March 2018

Membership: Councillor Angela Harvey (Chairman), Councillor Murad Gassanly and Councillor Rita Begum

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

Relevant Representations: The Licensing Authority and The Soho Society

Present: Mr Stuart Ball (Applicant), Mr Steve Rowe (Licensing Authority) and Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project – representing The Soho Society)

**The Larder@Soho, Sohostel, 91-92 Dean Street, London, W1D 3SY (“The Premises”)
17/14805/LIPN**

1.	<p>Sale by Retail of Alcohol – On Sales</p> <p>Monday to Sunday: 10:00 to 19:00</p>
	<p>Amendments to application advised at hearing:</p> <p>The Applicant confirmed that the hours for the sale by retail of alcohol on Sundays would be amended to 12:00 to 19:00.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by One Housing Group for a new premises licence in respect of The Larder@Soho, Sohostel, 91-92 Dean Street, London, W1D 2SY.</p> <p>The Licensing Officer provided an outline of the application to the Sub-Committee and confirmed that the Metropolitan Police had withdrawn their representation following the agreement of conditions with the Applicant, Mr Ball.</p> <p>The Applicant, explained that the Premises operated as a small café. Constructive discussions with the Responsible Authorities had taken place and agreement on adding several conditions on to the licence had been agreed. This included limiting the capacity of the Premises to thirty persons, prohibiting any alcohol being taken off the Premises and removing the provision of off sales from the licence. The main purpose of the application was to allow hostel residents to have a drink and consume some food before or after check-in and check-out. The café would have a limited impact on the surrounding area and would stop selling alcohol from 19:00 hours. Two other licences were already operated from the Premises that related to residents only. Four full time staff were employed who would manage the Premises and this included two café managers and two other staff members.</p> <p>Mr Rowe, representing the Licensing Authority, highlighted that the sale of alcohol would not be ancillary to food and therefore the application came under section PB2 of the City Council’s Statement of Licensing Policy (SLP). Under the policy, there was a presumption to refuse the application. The hours requested were within core hours except on Sundays where it was intended to sell alcohol from 10:00 hours. Mr Ball confirmed that he was willing to change the hours on Sundays for the sale of alcohol to between 12:00 and 19:00 to bring it in line with the core hours policy.</p> <p>Mr Rowe stated that the Applicant had to satisfy the Sub-Committee that the application could be considered an exception to policy as set out in paragraphs 2.4.1 and 2.4.2 of the SLP. This included ensuring the Premises was conditioned to provide reassurance the consumption of alcohol was appropriately regulated.</p> <p>Mr Brown from the Westminster Citizens Advice Bureau, representing The Soho Society, addressed the Sub-Committee. He confirmed that their representation was maintained. Concern was expressed that once the licence was granted then it could be varied at a future date under a different operator resulting in a change</p>

of character at the Premises. Paragraph 2.2.22 of the SLP set out that an appropriate condition that could potentially satisfy the Sub-Committee was to personalise the licence to the current management. It could be considered suitable to do this especially as the café was very closely linked to the hostel operation. Clarification on the food offer available was also requested.

In response to questions from the Sub-Committee Mr Ball confirmed that the Premises was a backpackers hostel consisting of a capacity of two hundred and ninety five people split over eighty-three rooms. There was a designated smoking area outside which was regularly maintained to ensure it remained clean and tidy. Mr Ball also confirmed that the tables and chairs in the café would remain in place and not be moved. Details on the food provision was provided. The Sub-Committee noted there would be limited alcohol available at the café and this would be served to persons seated at the tables.

The Council's Legal Adviser requested information on what training was provided to staff to ensure the licensing objectives were promoted. Mr Ball advised that training was provided to all staff and several existing staff members were already personal licence holders. They were trained in the many different aspects of selling alcohol including logging any sale of alcohol refusals that took place.

Following a question from the Council's Legal Adviser Mr Ball confirmed that he would accept a condition being placed on the licence requiring a direct telephone number to the manager at the Premises to be available at all times. The Sub-Committee was also informed that there would be no external advertising of the alcohol facilities at the café and the applicant agreed for this to be appropriately conditioned. Finally, Mr Ball also confirmed that to provide further reassurance to the Sub-Committee a condition limiting the licence to the hostel operations personal use only would be accepted.

After careful consideration, the Sub-Committee agreed to grant the application. It was recognised that the Premises was located within a Cumulative Impact Area (CIA) however the constructive discussions that had taken place between the Applicant and the Responsible Authorities to ensure appropriate conditions were attached to the licence were welcomed. The Sub-Committee noted that the hours for the sale of alcohol would now be within the core hours policy. No external advertising of the alcohol facilities available was considered appropriate along with the provision that a direct telephone number to the manager would be available at all times. The Applicant had agreed for the licence to be personalised for their use which addressed concerns raised about how it could potentially operate in the future under a different operator. The Sub-Committee was also pleased to note that the capacity of the Premises would be limited to a maximum of thirty persons with alcohol only sold to persons seated at a table and by waiter/waitress service. The Sub-Committee was of the opinion that these conditions would prevent the Premises from becoming a drink-led establishment. The applicant had also accepted a condition where outside of the hours authorised for the sale of alcohol all alcohol would be secured to prevent access to it from customers. All of these conditions were considered appropriate and proportionate by the Sub-Committee and ensured that the Premises could be considered an exception to policy. The Sub-Committee was therefore of the

	<p>opinion that the Premises would not add to cumulative impact in the local area.</p> <p>The Sub-Committee did have careful regard to the concerns expressed by The Soho Society and the Licensing Authority but considered the conditions proposed to be appropriate and proportionate in the circumstances. After careful consideration the Sub-Committee was satisfied that the Premises would promote the licensing objectives. It was therefore agreed to grant the application accordingly.</p>
2.	<p>Hours Premises Are Open to the Public</p> <p>Monday to Sunday: 10:00 to 19:30</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 application (see reasons for decision in Section 1).</p>

Conditions attached to the Licence
<p><u>Mandatory Conditions</u></p> <p>1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.</p> <p>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.</p> <p>3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.</p> <p>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.</p> <p>(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;</p> <p>(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or</p>

- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

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

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

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

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

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

7. The responsible person must ensure that—

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

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

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

beginning on the second day.

Conditions Consistent with the Operating Schedule

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

11. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

12. No more than (15)% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.

13. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.

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

15. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.

16. 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.

17. 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.

18. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS

Hologram.

19. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.

20. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

21. 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.

22. As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local Pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.

23. 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.

24. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as café.

25. The number of persons permitted in the premises at any one time (including staff) shall not exceed 30 persons.

26. No deliveries to the premises shall take place between (23:00) and (08:00) on the following day.

27. All alcoholic drinks are to be decanted into polycarbonate/plastic containers or polycarbonate/plastic carafes prior to being served.

28. The sale of alcohol on the premises shall be by waiter/waitress service only to persons seated at tables or the fixed seating areas.

29. There shall be no sales of alcohol for consumption off the premises.

30. A direct telephone number for the manager at the premises shall be publicly

available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

31. There shall be no external advertising of alcohol on the Premises.

32. The licensed area shall remain at all times under the management of One Housing Group Ltd and the licence is linked to their personal use.

33. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.

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

LICENSING SUB-COMMITTEE No. 1

Thursday 22nd March 2018

Membership: Councillor Angela Harvey (Chairman), Councillor Murad Gassanly and Councillor Rita Begum

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

Relevant Representations: The Licensing Authority, The Metropolitan Police and Environmental Health

Present: Ms Shan New (Applicant), Mr Ian Watson (Environmental Health), Mr Alan Lynagh (Westminster City Council Licensing Surveyor), Mr Steve Rowe (Licensing Authority) and PC Toby Janes (Metropolitan Police)

The Shan State, 100-102 Shaftesbury Avenue, London, W1D 5EE ("The Premises")
17/14772/LIPN

1. Sale by Retail of Alcohol – On Sales

Monday to Saturday: 12:00 to 23:00
Sunday: 12:00 to 22:30

Amendments to application advised at hearing:

None.

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

The Sub-Committee considered an application by Northern Shan State Ltd for a new premises licence in respect of The Shan State, 100-102 Shaftesbury

Avenue, London, W1D 5EE.

The Licensing Officer provided an outline of the application to the Sub-Committee.

Ms Shan, the Applicant, introduced the application and the hours sought for the sale of alcohol. It was stated that the Premises would primarily operate as a dessert café but also provide a selection of rice and noodle dishes that would all be pre-prepared at another location. The Sub-Committee was advised that the Premises would be well managed and not become a source of any disturbance in the local area. It was recognised that concerns had been raised over the kitchen area and as such, Ms Shan provided an overview of the Premises plans. The location of the kitchen was highlighted along with the various fire escapes. The Sub-Committee was advised that no primary cooking would take place at the Premises and the kitchen would mainly consist of a fridge freezer and a microwave. There was no cooking using gas in this area and therefore the level of risk associated with this space was minimal. The clientele mainly consisted of tourists and students.

Mr Rowe, representing the Licensing Authority, confirmed that the applicant had agreed for the model restaurant condition to be incorporated within the operating schedule. Discussions over several of the proposed conditions had taken place and as such, there were various duplicates which could now be deleted if the Sub-Committee was minded to grant the application. Therefore as the Premises was located in a Cumulative Impact Area (CIA) it was now for the applicant to demonstrate that it would not add to CIA in the local area. Ms Shan confirmed that she had agreed the proposed changes to the conditions as discussed.

Mr Watson, representing Environmental Health (EH), informed the Sub-Committee that there had been confusion over the plans and he had therefore visited the Premises. An area of concern had been raised regarding potential means of escape from the basement area. Mr Lynagh, the Council's Licensing Surveyor, addressed the Sub-Committee to provide further details on this concern. The basement area was used for karaoke and the Sub-Committee was advised that it was in a quite remote location from any safety exit. The main issues centred on the level of risk in the kitchen as people exiting from the basement would use it as their means of escape. If there was an incident in the kitchen area then that would cut off any people located in the basement from a means of escape which could have the effect of undermining the Public Safety Licensing Objective. The Applicant had stated that there would be no gas used for cooking only electric but this was still considered an issue. As such, a proposed condition had been suggested to ensure that no licensable activities could take place at the basement floor until this concern had been assessed as satisfactory by EH. Ms Shan stated that she was content for this condition to be added to the licence.

Mr Watson explained that the Premises was currently operating as a food led establishment. Discussions had been held over the capacity of the Premises and the toilet provision provided. There was currently two toilets and two hand basins in operation and this did not meet the required standards for the capacity of the Premises. A third toilet was situated on the first floor but this was not currently in

use. Ms Shan advised that the toilet on the first floor was not in operation following a suggestion from the Council when the Premises was first opened. Mr Watson confirmed that staff currently used the customer toilets however at a premises where there was food preparation it was expected that staff would have access to their own toilet facilities. The Sub-Committee queried what the capacity of the Premises was and the applicant agreed EH's suggestion that it be eighty persons with a maximum of fifty persons on the basement floor. Under the relevant standards, the appropriate toilet provision for eighty persons would be a minimum of two female cubicles, one male cubicle and one urinal. In response to a question from the Sub-Committee Mr Watson stated that the current toilet provision in place was acceptable for a maximum of thirty persons. Mr Watson understood the applicant's issues in increasing the toilet provision due to the Premises being located in a listed building.

Mr Watson confirmed that EH was content with the removal of the duplicate conditions as detailed earlier by the Licensing Authority.

PC Toby Janes, representing the Metropolitan Police, welcomed the agreement of the proposed conditions by the applicant, including the full model restaurant condition, and as such this satisfied the Police's concerns in terms of the crime and disorder licensing objective.

Following a question from the Sub-Committee Ms Shan advised that substantial food in the form of rice and noodle dishes would be available to customers. These dishes would be prepared at a sister restaurant and then transported to the Premises resulting in no primary cooking taking place on site.

The Sub-Committee was pleased to note that during its retirement to make a decision further discussions had taken place between the Applicant and EH concerning the toilet provision. A new updated set of Premises plans were now available and an agreement had been reached between all parties for the first floor toilet to now operate as the staff toilet. Mr Watson also advised that it would be possible to introduce another toilet cubicle into the basement area. The applicant was content to undertake these works with EH's guidance and as such EH were content that this toilet provision would meet current guidance and promote the public safety licensing objective.

The Sub-Committee carefully considered the application in light of the licensing objectives. The conditions proposed by the Responsible Authorities and accepted by the Applicant provided reassurance that the Premises would not permit any vertical drinking and therefore become an alcohol-led establishment. The adoption of the model restaurant condition and restricting the capacity of the Premises, especially the basement area, would ensure it would promote the licensing objectives. Whilst it was recognised that the Premises was located in a CIA the Sub-Committee was of the opinion that the style and nature of the operation together with the conditions imposed on the Premises Licence would not add to cumulative impact in the area. Concern had been raised over the promotion of the public safety licensing objectives with regards to the toilet provision and the means of escape from the basement area. The discussions that had taken place between the applicant and EH regarding increasing the toilet provision were welcomed by the Sub-Committee. The proposed changes

	<p>would be compliant with the food hygiene legislation and addressed the concerns initially raised. To provide assurances that the changes to the toilet provision were undertaken the Sub-Committee agreed to attach a condition to the licence prohibiting any licensable activities from taking place at the Premises until such time that EH were satisfied with the proposed changes. With regards to the means of escape from the basement this was considered a concern and as such a further additional condition would be added to the licence. The condition would prevent any licensable activities from taking place at the basement floor until it had been assessed as satisfactory by EH. The Sub-Committee recognised that this was an important issue which went very much to the heart of the Decision to grant the Premises Licence and one that required addressing before any alcohol would be permitted to be sold.</p> <p>The Sub-Committee was pleased to note that there was an updated set of plans available but requested that a new set, detailing exactly where the proposed licenced area would be, be submitted.</p> <p>After considering all the evidence, the Sub-Committee agreed to grant the application. The Sub-Committee did have regard to the concerns expressed by the Licensing Authority, the Metropolitan Police and Environmental Health but considered the conditions proposed to be appropriate and proportionate in the circumstances. After careful consideration of the evidence the Sub-Committee was satisfied that the Premises would not add to cumulative impact and would promote the licensing objectives. The Sub-Committee therefore granted the application accordingly.</p>
<p>2.</p>	<p>Hours Premises Are Open to the Public</p> <p>Monday to Sunday: 12:00 to 23:30</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 application (see reasons for decision in Section 1).</p>

Conditions attached to the Licence
<p><u>Mandatory Conditions</u></p> <ol style="list-style-type: none"> 1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence. 2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.

3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.

4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

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

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

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

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

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

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

(a) a holographic mark, or

(b) an ultraviolet feature.

7. The responsible person must ensure that—

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

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

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

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

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

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

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

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

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

Where -

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

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

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

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

question; and

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

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

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

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

Conditions Consistent with the Operating Schedule

9. Alcohol will be sold or supplied for consumption on the premises only.

10. The premises shall only operate as a restaurant:

- (i) in which customers are shown to their table,
- (ii) where the supply of alcohol is by waiter or waitress service only,
- (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
- (iv) which do not provide any take away service of food or drink for immediate consumption, and
- (v) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

11. 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

12. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. 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 refusal of the sale of alcohol
- (g) any visit by a relevant authority or emergency service.

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 a driving licence, passport or proof of age card with the PASS Hologram.

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. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 80 persons with a maximum of 50 persons permitted in the basement floor.

16. 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.

17. 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.

18. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.

19. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.

20. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

21. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

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

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

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

25. 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.

26. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

27. No licensable activities shall take place at the basement floor until the basement floor has been assessed as satisfactory by the Environmental Health Consultation Team at which time the Licensing Authority shall remove this condition from the Licence.

28. No licensable activities shall take place in the premises until such time as the toilets facilities meet Environmental Health's approval.

3 HENRIETTA STREET HOTEL, 15 HENRIETTA STREET, WC2

LICENSING SUB-COMMITTEE No. 1

Thursday 22nd March 2018

Membership: Councillor Angela Harvey (Chairman), Councillor Murad Gassanly and Councillor Rita Begum

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

Relevant Representations: The Licensing Authority and Environmental Health

Present: Mr Jack Spiegler (Solicitor, representing the Applicant), Mr Pierre Charles Cros (Applicant), Miss Daisy Gadd and Mr Steve Rowe (Licensing Authority) and PC Toby Janes (Metropolitan Police).

**Henrietta Street Hotel, 15 Henrietta Street, London, WC2E 8QG ("The Premises")
18/00408/LIPV**

<p>1.</p>	<p>Regulated Entertainment</p> <p>RESIDENTS: Monday to Sunday 00:00 to 00:00</p> <p>NON RESIDENTS/GUESTS:</p> <table border="0"> <tr> <td><u>Current:</u></td> <td><u>Proposed:</u></td> </tr> <tr> <td>Monday to Sunday: 08:00 to 00:00</td> <td>Monday to Sunday: 08:00 to 01:00</td> </tr> </table> <p>Licensable Area</p> <table border="0"> <tr> <td>Lower Ground Floor Bar, Mezzanine Floor, Ground Floor, First Floor, Second Floor, Third Floor, Fourth Floor, Fifth Floor</td> <td>Mezzanine Floor, Ground Floor, First Floor, Second Floor, Third Floor, Fourth Floor, Fifth Floor</td> </tr> </table> <p>Seasonal Variations</p> <table border="0"> <tr> <td>Hours extended from the end of permitted hours on New Year's Eve to the start of permitted hours on new Year's Day for all other persons.</td> <td>No changes to permitted seasonal variations / non-standard timings.</td> </tr> </table>	<u>Current:</u>	<u>Proposed:</u>	Monday to Sunday: 08:00 to 00:00	Monday to Sunday: 08:00 to 01:00	Lower Ground Floor Bar, Mezzanine Floor, Ground Floor, First Floor, Second Floor, Third Floor, Fourth Floor, Fifth Floor	Mezzanine Floor, Ground Floor, First Floor, Second Floor, Third Floor, Fourth Floor, Fifth Floor	Hours extended from the end of permitted hours on New Year's Eve to the start of permitted hours on new Year's Day for all other persons.	No changes to permitted seasonal variations / non-standard timings.
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Hours extended from the end of permitted hours on New Year's Eve to the start of permitted hours on new Year's Day for all other persons.	No changes to permitted seasonal variations / non-standard timings.								
	<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 considered an application by Experimental Worldwide Ltd for a variation of a premises licence in respect of Henrietta Street Hotel, 15 Henrietta Street, London, WC2E 8QG</p> <p>The Licensing Officer provided an outline of the application to the Sub-Committee and confirmed that Environmental Health (EH) had withdrawn their representation following the agreement of conditions with the Applicant.</p> <p>Mr Spiegler, representing the Applicant, summarised the current licence in operation across all three floors of the Premises. The lower ground floor had a capacity of fifty persons and permitted vertical drinking without a food provision. The ground floor was subject to the model restaurant condition and it was not proposed to change this element of the licence. Finally, the first floor was also subject to the full restaurant model condition with a capacity of thirty persons. The permitted hours for licensable activities for hotel residents was twenty-four hours. The application before the Sub-Committee however was seeking to increase the hours for non-hotel residents/guests by one hour from midnight to 01:00 hours seven days a week. In exchange it was sought to remove the lower ground floor from the licenced area and its fifty capacity and allow a bar use on the first floor with a capacity of thirty persons. The Sub-Committee was advised that this proposed change would then reduce the number of persons located</p>								

within the Cumulative Impact Area (CIA).

Mr Spiegler explained that a condition had been agreed with the Covent Garden Community Association restricting the use of the bar area on the rear first floor to a maximum of ten persons after 00:00 with the sale of alcohol to be only by waiter/waitress service to seated customers only. EH had proposed some tidying up of the conditions and the applicant was content to accept these. It was highlighted that no residential representations had been received and the representations received from the Licensing Authority and the Police were both policy based. No concerns over the promotion of the licensing objectives had been raised.

Mr Cros, the Applicant, highlighted how Experimental Worldwide Ltd were very experienced in operating late night licences and currently operated five hotels/bars across London and Paris. One of these bars was located in Soho and no issues had arisen during its operation. Mr Cros was aware of potential noise issues from such establishments and every effort was made to ensuring local residents, including their own hotel guests, would not be adversely affected. The Sub-Committee was advised that staff were trained to a high level to provide the proper management of such premises and ensure the licensing objectives were promoted. Mr Cros provided details of the Premises plan and highlighted that the bar on the rear first floor area was not directly accessible from the street and could therefore be fully controlled.

Mr Spiegler addressed some of the policy considerations associated with the application. Paragraph 2.4.7 of the City Council's Statement of Licensing Policy (SLP) recognised that decreases in the capacity of a premises might be considered an exception to policy and was a proven method of promoting the licensing objectives. The hotels policy also recognised that a bar in a hotel with no direct access to the street did not have the same level of impact as a standard bar. Policy section RNT2 of the SLP also highlighted that after 01:00 hours a bar was more likely to impact on the CIA, this application was proposing to close the bar area at 01:00.

Mr Spiegler stressed that overall the application would not impact on the licensing objectives. It was hoped the Sub-Committee had been reassured by the evidence that the proposals would not disturb local residents, or their own customers, by decreasing the capacity of the venue, demonstrating the application was an exception to policy and that it would not add to cumulative impact.

Miss Gadd, representing the Licensing Authority, recognised that the application was seeking an additional hour for the sale of alcohol for non-residents to 01:00. Under policy PB2 of the Council's SLP it was the Licensing Authority's policy to refuse applications in a CIA which varied hours beyond core hours. However, the removal of the bar area on the lower ground floor could possibly be considered an exception under paragraph 2.4.7 of the SLP. The Sub-Committee therefore had to decide if the application would promote the licensing objectives and not add to cumulative impact.

PC Janes confirmed that the Metropolitan Police's representation was

maintained as the application was seeking an additional hour beyond core hours for the sale of alcohol in a public bar. It was noted that there would be an overall reduction in the capacity of the Premises however there would be an actual increase during the additional hour sought. A condition had been accepted by the applicant for the sale of alcohol at the rear first floor bar after 00:00 to be by waiter/waitress service. This satisfied the Police's concerns relating to the crime and disorder licensing objective.

In response to a question from the Sub-Committee Mr Cros confirmed that the hotel had eighteen rooms of which four were located on the first floor.

The Sub-Committee carefully considered the application and after having regard to all the evidence provided agreed on balance to grant the application. It was recognised that the Premises was located within a CIA and was seeking to permit the sale of alcohol from the rear ground floor bar until 01:00 which was in excess of core hours. On balance however, members were of the opinion that the applicant had demonstrated that the application could be considered an exception to paragraphs 2.4.7 and 2.4.16 of the Council's SLP. The removal of the lower ground floor as a licensable area resulted in an overall reduced capacity at the Premises and as stated by the Police addressed any concerns over crime and disorder. There was also no direct access to the bar from the street and this provided reassurances to the Sub-Committee that the area would be sufficiently controlled. The fact it was also a hotel bar, which was considered within the SLP as having less of an impact in a CIA than a standard bar, was noted along with the condition that there would be no external advertising of the bar area. The agreement of the condition to restrict the use of the bar situated within the rear first floor to a maximum of ten persons seated and served by waiter/waitress service only was welcomed. The experience the applicant had of operating licenced premises and ensuring there was no disturbance to local residents reassured the Sub-Committee its impact would be minimal. A slight concern was raised over the number of customers permitted to smoke outside the Premises and with the applicant's agreement this was limited to a maximum of ten persons at any one time.

The Sub-Committee requested that to avoid any confusion a new set of plans be submitted by the Applicant clearly demonstrating where the licensable areas were located.

The Sub-Committee carefully considered the concerns expressed by the Licensing Authority and the Police and took the view that the conditions proposed to be appropriate and proportionate in the circumstances. After careful consideration the Sub-Committee was satisfied that the Premises would not add to cumulative impact and would promote the licensing objectives and therefore granted the application accordingly.

2. Late Night Refreshment – Indoors

Current:

Proposed:

Monday to Sunday:

Monday to Sunday:

	<p>23:00 to 00:00 (non-resident) 23:00 to 05:00 (resident)</p> <p>Licensable Area</p> <p>Lower Ground Floor Bar, Mezzanine Floor, Ground Floor, First Floor, Second Floor, Third Floor, Fourth Floor, Fifth Floor</p> <p>Seasonal Variations</p> <p>Hours extended from the end of permitted hours on New Year's Eve to the start of permitted hours on new Year's Day for all other persons</p>	<p>23:00 to 01:00 (non-resident) 23:00 to 05:00 (resident)</p> <p>Mezzanine Floor, Ground Floor, First Floor, Second Floor, Third Floor, Fourth Floor, Fifth Floor</p> <p>No changes to permitted seasonal variations / non-standard timings.</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 application was granted, the reason for the decision is detailed in section 1.</p>	
<p>3.</p>	<p>Sale by Retail of Alcohol – On Sales</p> <p><u>Current:</u> Monday to Sunday: 08:00 to 00:00</p> <p><u>Proposed:</u> Monday to Sunday: 08:00 to 01:00</p> <p>Licensable Area</p> <p>Lower Ground Floor Bar, Mezzanine Floor, Ground Floor, First Floor, Second Floor, Third Floor, Fourth Floor, Fifth Floor</p> <p>Mezzanine Floor, Ground Floor, First Floor, Second Floor, Third Floor, Fourth Floor, Fifth Floor</p> <p>Seasonal Variations</p> <p>Hours extended from the end of permitted hours on New Year's Eve to the start of permitted hours on new Year's Day for all other persons</p> <p>No changes to permitted seasonal variations / non-standard timings.</p>	
	<p>Amendments to application advised at hearing:</p> <p>None.</p>	

	Decision (including reasons if different from those set out in report): The application was granted, the reason for the decision is detailed in section 1.	
4.	Hours Premises are Open to the Public	
	<u>Current:</u>	<u>Proposed:</u>
	Licensable Area	
	Lower Ground Floor Bar, Mezzanine Floor, Ground Floor, First Floor, Second Floor, Third Floor, Fourth Floor, Fifth Floor	Mezzanine Floor, Ground Floor, First Floor, Second Floor, Third Floor, Fourth Floor, Fifth Floor
	Amendments to application advised at hearing: None.	
	Decision (including reasons if different from those set out in report): The application was granted, the reason for the decision is detailed in section 1.	
5.	Conditions Being Varied, Added or Removed	
	Condition:	Proposed Condition:
	Condition 9 d) To persons in the lower ground floor bar where members of the public present for the consumption of alcohol only shall vacate the premises by midnight.	To remove the reference to the lower ground floor bar in Condition 9 (d)
	To add this condition to the premises licence.	<i>Except for a maximum of 10 persons, after 00.00 the sale of alcohol in the mezzanine bar area shall only be by waiter/waitress service to seated persons only."</i>
	Condition 10 There shall be no external advertising of the lower ground floor bar that is visible from the street.	To remove Condition 10 of the current licence 17/01826/LIPDPS and replace with: <i>There shall be no external advertising of the bar on the mezzanine floor that is visible from the street.</i>
	Condition 39	To remove Condition 39 of the current

	<p>The number of persons permitted within the premises at any one time (excluding staff) shall not exceed:</p> <ul style="list-style-type: none"> <input type="checkbox"/> 30 on the mezzanine floor <input type="checkbox"/> 60 on the ground floor <input type="checkbox"/> 50 in the lower ground floor <p><i>[or lesser numbers to be determined and agreed with the Environmental Health Consultation Team on completion of the development].</i></p>	<p>licence 17/01826/LIPDPS and replace with:</p> <p><i>The number of persons permitted within the premises at any one time (excluding staff) shall not exceed: 30 on the mezzanine floor 60 on the ground floor</i></p>
	<p>Condition 41</p> <p>The Licence will have no effect in respect of the lower ground floor until the works shown on the plans in respect of the lower ground floor appended to the application (or subsequently substituted plans) have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.</p>	<p>To remove Condition 41 of the current licence 17/01826/LIPDPS</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 application was granted, the reason for the decision is detailed in section 1.</p>	

Conditions attached to the Licence
<p><u>Mandatory Conditions</u></p> <ol style="list-style-type: none"> 1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence. 2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended. 3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence. 4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the

premises.

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

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

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

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

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

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

(a) a holographic mark, or

(b) an ultraviolet feature.

7. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up

in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

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

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

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

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

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

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

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

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

Where -

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

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

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

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

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

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

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

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

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.

Conditions attached after a hearing by the Licensing Authority

10. Alcohol may only be supplied to:

a) Hotel residents and their bona fide guests with a maximum of 4 guests per adult resident at any time; or

b) Persons on the ground and rear first floors which shall operate as a restaurant:

(i) in which customers are shown to their table,

(ii) where the supply of alcohol is by waiter or waitress service only,

(iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,

(iv) which do not provide any take away service of food or drink for immediate consumption,

(v) which do not provide any take away service of food or drink after 23:00 and

(vi) where alcohol shall or be sold or supplied, otherwise than for consumption by persons who are seated in the restaurant and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals; or

c) Persons attending a pre-booked and bona fide private function or event to which members of the public are not admitted. A register of persons attending the event shall be kept at the premises and made available for immediate inspection by police or an authorised officer of the Council.

d) Except for a minimum of ten persons, after 00:00 the sale of alcohol in the rear first floor bar area shall only be by waiter/waitress service to seated persons only and shall vacate the premises by 01:00.

11. There shall be no external advertising of the bar on the rear first floor that is visible from the street.

12. 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.

13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

14. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

15. A Challenge 21 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.

16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received regarding crime disorder
- (d) any incidents of disorder
- (e) any faults in the CCTV system
- (f) any refusal of the sale of alcohol
- (g) any visit by a relevant authority or emergency service.

17. The entrance lobby will be supervised by staff 24 hours a day.

18. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which give rise to a nuisance.

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

20. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the need of local residents and use the area quietly.

21. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 10 persons at any one time.

22. 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.

23. 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.

24. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

25. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

26. With the exception of within hotel rooms, 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.

27. 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.

28. No collection of waste or recycling materials (including bottle) from the premises shall take place between 23:00 and 07:00 on the following day.

29. No deliveries to the premises shall take place between 23:00 and 07:00 on the following day.

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

31. All external emergency exit doors shall be fitted with sensor alarms and visible indicators to alert staff when the doors have been opened.

32. 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.

33. 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.

34. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.

35. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.

36. The edges of the treads of steps and stairways shall be maintained so as to be

conspicuous.

37. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.

38. 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.

39. The certificates listed below shall be submitted to the Licensing Authority upon written request.

- a. Any permanent or temporary emergency lighting battery or system
- b. Any permanent or temporary electrical installation
- c. Any permanent or temporary emergency warning system

40.

(a) For the avoidance of doubt there shall be no licensable activities on the lower ground floor area of the premises.

(b) The number of persons permitted within the premises at any one time (excluding staff) shall not exceed:

- 30 on the rear first floor
- 60 on the ground floor

41. The Licence will have no effect in respect of the ground to fifth floors until the works shown on the plans in respect of the ground to fifth floors appended to the application (or subsequently substituted plans) have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

42. The Licence will have no effect in respect of the lower ground floor until the works shown on the plans in respect of the lower ground floor appended to the application (or subsequently substituted plans) have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

4 THE PAINT ROOM, ROOM B47, BASEMENT, NEW WING, SOMERSET HOUSE, STRAND

The application was adjourned.

5 MARQUESS OF ANGLESEY, 39 BOW STREET, WC2

LICENSING SUB-COMMITTEE No. 1

Thursday 22nd March 2018

Membership: Councillor Angela Harvey (Chairman), Councillor Murad Gassanly and Councillor Rita Begum

Legal Adviser: Horatio Chance
Committee Officer: Tristan Fieldsend
Presenting Officer: Daisy Gadd

Relevant Representations: The Licensing Authority and Environmental Health

Present: Ms Lisa Sharkey (Solicitor, representing the Applicant), Mr John St John and Ms Daisy Loganathan (Representing the Applicant Company), Mr Ian Watson (Environmental Health) and Miss Daisy Gadd (Licensing Authority).

**Marquess of Anglesey, 39 Bow Street, London, WC2E 7AU (“The Premises”)
18/00719/LIPV**

1. Late Night Refreshment - Indoors

Current:

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

Proposed:

Monday to Saturday: 23:00 to 23:30
Sunday: No Change

Seasonal Variations

The terminal hour for late night refreshment on new Year’s Eve is extended to 05:00 on new Year’s Day.

The terminal hour for late night refreshment is extended to midnight on a Sunday preceding a bank holiday.

Amendments to application advised at hearing:

None.

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

The Sub-Committee considered an application by Young and Co’s Brewery for a variation of a premises licence in respect of the Marquess of Anglesey, 39 Bow Street, London, WC2E 7AU.

The Licensing Officer provided an outline of the application to the Sub-Committee.

Ms Sharkey, representing the applicant, explained that there were three aspects to the application. Firstly, it was proposed to undertake some refurbishment works to the first floor which would change its layout. Some fixed seating would

be relocated and new waiter station would be installed to aid customer circulation. No objections had been received to the change in layout. The Sub-Committee was then asked to consider the second and third aspects of the application together. It was sought to remove the restaurant condition from the first floor whilst maintaining some of the existing conditions requiring all customers to be seated and served by waiter/waitress service. The current licence was historic and as such extra conditions had been proposed by the applicant to ensure appropriate restrictions were in place. This included restricting the capacity of the first floor so it would not exceed one hundred persons, the provision of a minimum of sixty five covers provided at all times and prohibiting any vertical drinking. A substantial food offer would be available at all times and conditions requiring CCTV and the introduction of a Challenge 21 policy were to be introduced.

Ms Sharkey provided the Sub-Committee with a brief overview of the history of the Premises and the reasons for the application before it. The Premises had operated as a public house since 1751. The first floor had been licenced as a pub between 1956 and 2012 with no restrictions in place. After 2012 the first floor had been refurbished with the kitchen relocated to the second floor. An objection from Environmental Health (EH) had been received to the 2012 application as part of the proposal was to enlarge the Premises. Following discussions EH agreed to withdraw their representation following the agreement to impose the model restaurant condition on the first floor. The application before the Sub-Committee now was purely commercial as the applicant wished to remove the restaurant condition and maximise the use of the Premises area. Currently during busy periods on the ground floor customers were forced to stand and were unable to use the first floor unless they were eating. The use of the area was mainly by tourists and after 20:00 hours very few customers purchased food. Several Temporary Event Notices (TENs) had been operated at the Premises without any issues arising, customers that sat to consume alcohol tended to then order food which was what the applicant hoped to encourage.

It was recognised that the Premises was located within a Cumulative Impact Area (CIA) and as such Ms Sharkey drew the Sub-Committee's attention to Paragraph 2.4.6 of the City Council's Statement of Licensing Policy (SLP) which provided a list of circumstances where an exception may be granted. The application before it met several of the circumstances as a limit on the capacity of the first floor would be imposed, no problems were associated with the Premises when the first floor operated as a public house prior to 2012 and the hours for the sale of alcohol would be reduced to core hours.

Ms Sharkey also highlighted paragraph 2.4.15 of the SLP and how the application would positively promote the licensing objections. This included introducing a maximum capacity, minimum levels of seating for customers and waiter/waitress service. All of the conditions appropriately regulated the operation and as such no residential objections had been received.

Ms Sharkey provided an overview of the Hope & Glory court case and advised how this was relevant to the application before the Sub-Committee.

Miss Gadd, confirmed that the Licensing Authority's representation was

maintained as concerns remained over the proposal on the first floor to remove the sale of alcohol from being ancillary to taking a table meal. It was noted that customers would have to be seated when consuming alcohol, however policy PB2 of the Council's SLP still applied and therefore the application should be refused. The Licensing Authority maintained that the application was not an exception to policy and requested that the sale of alcohol remain ancillary to taking a substantial table meal.

Mr Watson, representing EH, confirmed that the model restaurant condition had been imposed on the first floor in 2012. Prior to this it had operated as a pub which closed at 23:00 hours. Mr Watson had visited the Premises to provide pre-application advice and assess whether it was appropriate to relax the conditions on the area. It was noted that a maximum capacity would be imposed, a minimum level of seating required with a waiter/waitress service. A substantial food element would be available which allied with the successful operation of TENs all provided confidence that the Premises would not be a cause for any concerns. With the additional conditions proposed by the applicant Mr Watson was of the opinion that if granted the application would not be a source of any additional impact in the CIA.

In response to a question from the Sub-Committee Mr Johns confirmed that customers smoking would be located outside the Premises. Currently no restrictions were in place as the outside area was carefully managed by staff and regularly cleaned. It was stated that no tables and chairs were located outside and no complaints had been received by any local residents.

The Sub-Committee was interested to learn how many private functions took place on the first floor. Mr John advised that it was approximately seventy to eighty each year.

In summary, Ms Sharkey requested that the application be granted as it could be considered an exception to policy as set out in paragraph 2.2.4 of the SLP. This included the additional conditions offered which provided a high degree of protection of the area, the reduction in the hours for the sale of alcohol and the imposition of a maximum capacity.

After considering all the evidence, the Sub-Committee in its determination of the matter agreed to grant the application based on its individual merits. It was recognised that the application was located within a CIA and concerns had been raised that permitting the sale of alcohol, which was not ancillary to a table meal, would be contrary to policy. However, the conditions proposed by the applicant which included ensuring the sale of alcohol on the first floor was by waiter/waitress service to those persons seated whilst also restricting the first floor capacity to a maximum of one hundred persons provided reassurance to the Sub-Committee that the Premises would not add to cumulative impact in the CIA. The hours for the sale of alcohol were to be reduced to core hours and the Sub-Committee was of the opinion that this would also help ensure the application did not add to cumulative impact. The proactive management of the premises, including its outside area, was welcomed and the fact that no residential representations had been received was evidence of this. With regards to the proposed layout alteration EH had expressed no concerns and the

	<p>changes were considered appropriate.</p> <p>The Sub-Committee did have careful regard to the concerns expressed by the Licensing Authority and Environmental Health but considered the conditions proposed to be appropriate and proportionate in the circumstances. After careful consideration the Sub-Committee was satisfied that the Premises would not add to cumulative impact and would promote the licensing objectives. The Sub-Committee therefore granted the application accordingly.</p>				
<p>2.</p>	<p>Sale by Retail of Alcohol – On Sales</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><u>Current:</u></p> <p>Monday to Saturday: 10:00 to 00:00 Sunday: 12:00 to 22:30</p> </td> <td style="width: 50%; vertical-align: top;"> <p><u>Proposed:</u></p> <p>Monday to Thursday: 10:00 to 23:30 Friday to Saturday: 10:00 to 00:00 Sunday: 10:00 to 23:30</p> </td> </tr> </table> <p>Seasonal Variations</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Alcohol may be sold or supplied:</p> <p>(ii) First Floor:</p> <p>(a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10.00 to 23.00.</p> <p>(b) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30.</p> <p>(c) On Good Friday, 12.00 to 22.30.</p> <p>(d) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30.</p> <p>(e) On New Year's Eve, except on a Sunday, 10.00 to 23.00.</p> <p>(f) On New Year's Eve on a Sunday, 12.00 to 22.30.</p> <p>(g) 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).</p> <p>(iii) For the First Floor only: Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve), and on Christmas Day, between 15.00 and 19.00, to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by</p> </td> <td style="width: 50%; vertical-align: top;"> <p>The terminal hour for retail sale of alcohol is extended to midnight on a Sunday preceding a bank holiday.</p> </td> </tr> </table>	<p><u>Current:</u></p> <p>Monday to Saturday: 10:00 to 00:00 Sunday: 12:00 to 22:30</p>	<p><u>Proposed:</u></p> <p>Monday to Thursday: 10:00 to 23:30 Friday to Saturday: 10:00 to 00:00 Sunday: 10:00 to 23:30</p>	<p>Alcohol may be sold or supplied:</p> <p>(ii) First Floor:</p> <p>(a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10.00 to 23.00.</p> <p>(b) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30.</p> <p>(c) On Good Friday, 12.00 to 22.30.</p> <p>(d) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30.</p> <p>(e) On New Year's Eve, except on a Sunday, 10.00 to 23.00.</p> <p>(f) On New Year's Eve on a Sunday, 12.00 to 22.30.</p> <p>(g) 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).</p> <p>(iii) For the First Floor only: Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve), and on Christmas Day, between 15.00 and 19.00, to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by</p>	<p>The terminal hour for retail sale of alcohol is extended to midnight on a Sunday preceding a bank holiday.</p>
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	<p>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.</p>					
	<p>Amendments to application advised at hearing: None.</p>					
	<p>Decision (including reasons if different from those set out in report): The application was granted, the reason for the decision is detailed in section 1.</p>					
3.	<p>Hours Premises are Open to the Public</p> <table border="0"> <tr> <td style="vertical-align: top;"><u>Current:</u></td> <td style="vertical-align: top;"><u>Proposed:</u></td> </tr> <tr> <td>Monday to Saturday: 10:00 to 00:30 Sunday: 12:00 to 00:00</td> <td>Monday to Thursday: 10:00 to 23:30 Friday to Saturday: 10:00 to 00:00 Sunday: 12:00 to 23:00</td> </tr> </table>		<u>Current:</u>	<u>Proposed:</u>	Monday to Saturday: 10:00 to 00:30 Sunday: 12:00 to 00:00	Monday to Thursday: 10:00 to 23:30 Friday to Saturday: 10:00 to 00:00 Sunday: 12:00 to 23:00
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	<p>Amendments to application advised at hearing: None.</p>					
	<p>Decision (including reasons if different from those set out in report): The application was granted, the reason for the decision is detailed in section 1.</p>					
4.	<p>Layout Alteration</p> <p>To vary the layout of the premises for the first floor only (all other floors to remain as existing) in accordance with plans supplied by the applicant.</p> <p>Main Change - Changes to fixed seating and the addition of a new waiter station.</p>					
5.	<p>Conditions Being Varied, Added or Removed</p> <table border="1"> <tr> <td style="vertical-align: top;"> <p>Condition:</p> <p>Condition 11:</p> <p>The supply of alcohol on the first floor of the premises shall only be to either: i) A person seated taking a table meal there and for consumption by such a person as ancillary to their meal, the supply of alcohol to be by waiter or waitress service or</p> </td> <td style="vertical-align: top;"> <p>Proposed Condition:</p> <p>Proposal to remove Condition 11</p> </td> </tr> </table>		<p>Condition:</p> <p>Condition 11:</p> <p>The supply of alcohol on the first floor of the premises shall only be to either: i) A person seated taking a table meal there and for consumption by such a person as ancillary to their meal, the supply of alcohol to be by waiter or waitress service or</p>	<p>Proposed Condition:</p> <p>Proposal to remove Condition 11</p>		
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<p>ii) A person attending a pre-booked private function where substantial food is available and a record including the date and name of the function is retained for a period of 31 days following the function.</p>	
<p>Condition 12:</p> <p>Alcohol may be sold or supplied:</p> <p>(ii) First Floor:</p> <p>(a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10.00 to 23.00.</p> <p>(b) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30.</p> <p>(c) On Good Friday, 12.00 to 22.30.</p> <p>(d) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30.</p> <p>(e) On New Year's Eve, except on a Sunday, 10.00 to 23.00.</p> <p>(f) On New Year's Eve on a Sunday, 12.00 to 22.30.</p> <p>(g) 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).</p> <p>(iii) For the First Floor only:</p> <p>Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve), and on Christmas Day, between 15.00 and 19.00, to persons taking 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.</p>	<p>Proposal to remove Condition 12 (ii) and (iii)</p>
<p>The sale of alcohol on the first floor shall be by waiter/waitress service.</p>	<p>Add condition to operating schedule</p>
<p>The number of persons permitted on the first floor of the premises at any</p>	<p>Add condition to operating schedule</p>

<p>one time (excluding staff) shall not exceed 100 persons.</p>	
<p>Substantial food and non-intoxicating beverages, including drinking water, shall be available on the first floor where alcohol is sold or supplied for consumption</p>	<p>Add condition to operating schedule</p>
<p>A minimum of 65 covers shall always be provided on the first floor.</p>	<p>Add condition to operating schedule</p>
<p>A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.</p>	<p>Add condition to operating schedule</p>
<p>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.</p>	<p>Add condition to operating schedule</p>
<p>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 premise 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</p>	<p>Add condition to operating schedule</p>

	<p>absolute minimum of delay when requested.</p> <p>An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system (g) any visit by a relevant authority or emergency service.</p>	
	<p>The premises shall join the local Pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.</p>	<p>Add condition to operating schedule</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 application was granted, the reason for the decision is detailed in section 1.</p>	

Conditions attached to the Licence
<p><u>Mandatory Conditions</u></p> <ol style="list-style-type: none"> 1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence. 2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended. 3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence. 4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of

encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

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

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

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

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

(a) a holographic mark, or

(b) an ultraviolet feature.

7. The responsible person must ensure that—

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

(i) beer or cider: ½ pint;

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

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula - $P = D + (D \times V)$

Where -

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

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

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

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

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

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

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

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

Conditions attached after a hearing by the Licensing Authority

9. Alcohol may be sold or supplied:

(i) Ground Floor:

(a) On Monday to Thursday 10:00 to 23:30; Friday to Saturday 10:00 to 00:00 and Sunday 12:00 to 22:30.

(b) 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).

NOTE - The above restrictions do not prohibit:

For the First Floor only:

(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;

For the Ground and First Floors:

(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.

10. The sale of alcohol on the first floor shall be by waiter/waitress service.

11. The number of persons permitted on the first floor of the premises at any one time (excluding staff) shall not exceed 100 persons.

12. Substantial food and non-intoxicating beverages, including drinking water, shall be available on the first floor where alcohol is sold or supplied for consumption on the premises.

13. A minimum of 65 covers shall always be provided on the first floor.

14. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

15. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.

16. 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 premise 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.

17. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system
- (g) any visit by a relevant authority or emergency service.

18. The premises shall join the local Pubwatch or other local crime reduction

scheme approved by the police, and local radio scheme if available.

19. The sale of alcohol on the first floor will only be to persons who are seated except to persons who are attending a pre-booked private function and the date and name of the function will be retained for a period of 31 days following the function and will be available for immediate inspection by the police or an authorised officer of the council.

The Meeting ended at 3.10 pm

CHAIRMAN: _____

DATE _____