



**CITY OF WESTMINSTER**

# MINUTES

## **Licensing Sub-Committee (5)**

### **MINUTES OF PROCEEDINGS**

Minutes of a meeting of the **Licensing Sub-Committee (5)** held on **Thursday 31st May, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

**Members Present:** Councillors Murad Gassanly (Chairman), Heather Acton and Aziz Toki

**Also Present:** Councillors

**Apologies for Absence:**

- 1 MEMBERSHIP**
- 2 DECLARATIONS OF INTEREST**
- 1 BAG O' NAILS, 9 KINGLY STREET, W1**

### **LICENSING SUB-COMMITTEE No. 5** *Thursday 31<sup>st</sup> May 2018*

**Membership:** Councillor Murad Gassanly (Chairman), Councillor Heather Acton and Councillor Aziz Toki

**Legal Adviser:** Barry Panto  
**Committee Officer:** Kisi Smith-Charlemagne  
**Presenting Officer:** Samantha Eaton

**Relevant Representations:** The Licensing Authority, Environmental Health, Metropolitan Police and two Local Residents

**Present:** Mr Craig Baylis (Solicitor, representing the Applicant), Giovanni Delmino (on behalf of the Applicant company), Miss Daisy Gadd (Licensing Authority), Mr Dave Nevitt (Environmental Health), PC Bryan Lewis (Metropolitan Police) and Richard Brown (CAB Licensing Project representing Liz Callingham)

**Bag O' Nails, 9 Kingly Street, W1 18/03731/LIPV**

**1. Conditions being Varied, Added or Removed**

Current:

Proposed:

**Add the Following Conditions:**

**Model Condition 1**

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.

**Model Condition 2**

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.

**Condition 25**

At least 2 SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business.

**Remove the Following Condition:**

Condition 13

Condition 14

	<p>Condition 21 Condition 22 Condition 23 Condition 24</p>
	<p>Amendments to application advised at hearing:</p> <p><b>None</b></p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by West End Commercial Properties Ltd, for a premises licence variation in respect of Bag O Nails, 9 Kingly Street, London, W1B 5PH.</p> <p>The Licensing Officer provided an outline of the application to the Sub-Committee.</p> <p>Mr Baylis, representing the applicant, advised the Sub-Committee that the existing licence was old and pre dated the 2003 Licensing Act. My Baylis further advised the Sub-Committee that the application required a tidy up of the current licence, the removal of some of the old, redundant conditions and the updating of the licence in line with new conditions such as CCTV. Mr Baylis then went on to discuss the current terminal hours for licensable activities (03:00 Monday-Friday and 23:00 on Saturday) describing the hours as unusual. Mr Baylis described the premises as a private members club with a capacity limit of over 350, but indicated that it was never used to its full capacity.</p> <p>My Baylis advised the Sub-Committee that there had been a number of onsite meetings with the Police and Environmental Health (EH) Officers where conditions have been agreed. The only decision that could not be agreed with the EH, is the last entry time every day at 00:00. My Baylis informed the Sub-Committee that in terms of the licence, this was a straight swap, changing one day of the week (Monday) when the premises is less busy, for a day when they would like to take advantage of greater demand (Saturday). Mr Baylis expressed the view that the premises had been in existence for many years and was exceptional as there had been no problems or complaints regarding the premises in this time. Mr Baylis also advised that this application was exceptional due to it being a private members club.</p> <p>The Sub-Committee then heard from PC Bryan Lewis from the Metropolitan Police, who advised that this was a policy objection, there were conditions proposed to which the applicant agreed, however due to policy the objection is still maintained. PC Lewis also confirmed that the police have had no complaints regarding the premises. Dave Nevitt, representing Environmental Health was invited to speak. Mr Nevitt raised concerns regarding the likely impact on the cumulative impact area and advised that there was the potential for 150 extra people to be active in the cumulative area on a Saturday night. It was felt that this was not a like for like swap. Monday nights are very different from Saturday's; it was felt that this would be adding more people to an already saturated area. The Licensing Authority (LA) Officer Daisy Gadd, advised that the LA did not view the trade in operating hours to be exceptional</p>

circumstances, however it would be for the Sub-Committee to decide.

Richard Brown, from Citizen Advice Bureau (CAB) who represented local resident Liz Callingham, agreed with the applicant's representative in regards to the current operating hours being usual. However it was felt that the proposed swap (Monday to Saturday) was not a fair trade. The Sub-Committee was also advised that according to the applicant website, it does not currently open on Monday's. Mr Brown also referred to WCC licensing policy (2.4.1) regarding the concentration of late night and alcohol led premises and licences and in particular the requirement that applications that were contrary to policy should only be granted in exceptional circumstances. Mr Brown went on to discuss private member clubs not being exceptional circumstances referring to the 2016 change in policy. Mr Brown was generally happy with the rest of the conditions but asked the applicant if they would consider keeping condition 22, and especially the provision which required the sale of alcohol to be ancillary to the use of the premises for music and dancing and substantial refreshment. The applicants agreed to keep condition 22 as this was already a part of their operating model.

Local resident Ms Callingham, then addressed the Sub-Committee raising concerns regarding the lack of communication from the applicant prior to the licensing hearing. Ms Callingham felt that there was a large difference between Monday and Saturday night trading and that the application may be motivated by financial gain at the expense of residents. The number of people in the areas is growing and everyone is aware of the cumulative impact around Kingly Court. There is already a problem with cabs and chatting on narrow streets with noise echoing. Ms Callingham felt there would be 150 more people on the street and crowds attract crime and objected to the application strongly.

The Sub-Committee listened to all the evidence presented and advised that good behaviour, good conduct and lack of complaints does not constitute exceptional circumstances that could justify the grant of an application. That is expected from all license holders. The Sub-Committee asked the applicant how they felt 150 people in the cumulative impact area at 03:00 on a Sunday morning would not add to the impact. Mr Baylis urged the Sub-Committee to consider the likely impact, advising the Sub-Committee that the applicant is able to manage 150 people every other day of the week, so there is unlikely to be any additional impact. The Sub Committee asked additional questions of Mr Delmino regarding the number of members and crowd dispersal routes. The legal adviser to the Licensing Sub-Committee, Barry Panto then addressed the Sub-Committee, making reference to WCC policy (2.4.5) which related to the global and cumulative effect on licencing on the area as a whole. It is about movement of people who leave those areas. He also referred to the policy regarding proprietary clubs and premises that promote private functions, which stated that they were very likely to contribute to cumulative impact. The Sub-Committee then retired to make its decision.

The Sub-Committee did not grant the amended application in full, as the Sub-Committee felt that a switch of operating hours from a Monday night to a Saturday night would clearly add to the cumulative impact and no exceptional to policy had been shown to justify granting the application. However, policy did

	<p>allow the variation of an existing licence to within core hours and the Sub-Committee were happy to grant the licences until 00:00 on Saturday night, with an additional 30 minutes for drinking up time, therefore ceasing operations at 00:30. The Sub-Committee also advised that it would not be removing the 03:00 operating time for Mondays; this would remain in place. The Sub-Committee encouraged the applicant to continue its current dispersal policy, asking patrons to leave via Regents Street. The Licensing Sub-Committee decided not to impose any further conditions regarding smokers who might congregate outside the premises, but nevertheless expected that the licence holder would manage this so as to ensure that it did not cause any public nuisance.</p> <p>Overall having listened to all the evidence and concerns raised by all the objectors, including the local residents, the Sub-Committee was satisfied that a small increase in operating hours on a Saturday night so as to match core hours would not add to cumulative impact and could be granted. However, any hours beyond core hours would have added to cumulative impact and would not have promoted the licensing objectives.</p> <p>It was decided to delete most of condition 22 from the existing licence as requested, apart from the key requirement in that condition to the effect that the sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment. It was decided to remove the other conditions proposed by the applicant but the Licensing Sub-Committee did not impose the additional condition proposed by the applicant which would have required 2 door supervisors to be on duty at the entrance as this was not considered to be appropriate in the circumstances. New CCTV conditions were imposed as offered by the applicant in the application form as were other conditions proposed by Environmental Health that were considered to be appropriate.</p>						
<p><b>2.</b></p>	<p><b>Sale by Retail of Alcohol – On and Off Sales</b></p> <table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;"><u>From</u></th> <th style="text-align: left;"><u>To</u></th> </tr> </thead> <tbody> <tr> <td>Monday 10:00 to 03:00</td> <td>Monday 10:00 to 23:00</td> </tr> <tr> <td>Saturday 10:00 to 23:00</td> <td>Saturday 10:00 to 03:00</td> </tr> </tbody> </table>	<u>From</u>	<u>To</u>	Monday 10:00 to 03:00	Monday 10:00 to 23:00	Saturday 10:00 to 23:00	Saturday 10:00 to 03:00
<u>From</u>	<u>To</u>						
Monday 10:00 to 03:00	Monday 10:00 to 23:00						
Saturday 10:00 to 23:00	Saturday 10:00 to 03:00						
	<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 grant part of the application (see reasons for decision in Section 1).</p>						
<p><b>3.</b></p>	<p><b>Performance of Dance and Live Music (Indoors)</b></p> <table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;"><u>From</u></th> <th style="text-align: left;"><u>To</u></th> </tr> </thead> <tbody> </tbody> </table>	<u>From</u>	<u>To</u>				
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	Monday 09:00 to 03:00 Saturday 09:00 to 23:00	Monday 09:00 to 23:00 Saturday 09:00 to 03:00
	Amendments to application advised at hearing:  None	
	Decision (including reasons if different from those set out in report):  The Sub-Committee grant part of the application (see reasons for decision in Section 1).	
<b>4.</b>	<b>Late Night Refreshment (Indoors)</b>	
	<u>From</u>  Monday 23:00 to 03:30 Saturday 23:00 to 23:30	<u>To</u>  Monday – Not Required Saturday 23:00 to 03:30
	Amendments to application advised at hearing:  None	
	Decision (including reasons if different from those set out in report):  The Sub-Committee grant part of the application (see reasons for decision in Section 1).	
<b>5.</b>	<b>Hours Premises Are Open to the Public</b>	
	<u>From</u>  Monday 09:00 to 03:30 Saturday 09:00 to 23:00	<u>To</u>  Monday 09:00 to 23:30 Saturday 09:00 to 03:30
	Amendments to application advised at hearing:  None.	
	Decision (including reasons if different from those set out in report):  The Sub-Committee granted part of the application (see reasons for decision in Section 1).	

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

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

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

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

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

7. The responsible person must ensure that—

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

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

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

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

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

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

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

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

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

Where -

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



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

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

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

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

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that 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. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

### **Conditions Consistent with the Operating Schedule**

10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.

11. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).

12. Notwithstanding the provisions of Rule of Management No.6 the premises may remain open for the purposes of this licence from 23:00 on each of the days Monday to Friday to 03:00 on the day following.

13. An attendant shall be on duty in the cloakroom during the whole time it is in use.

14. The exitway to Beak Street via the open court and Kingly Court shall be maintained readily available and the collapsible gate at the inner end of the arch shall be locked back fully in the open position when the premises are in use.

15. The spring keys to the entrance doors of No. 10 Kingly Street be removed and retained in the possession of a responsible person during the whole time the public are on the premises.

16. The number of persons accommodated at any one time (excluding staff) shall not exceed the following: Ground floor of Nos. 9 and 10 Kingly Street – 30.  
Basement of No. 9 Kingly Street and Nos. 12/15 Kingly Court – 120.

17. The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.

18. 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.

19. 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.

20. The supply of alcohol at the premises shall only be sold for consumption by members and their bona fide guests (not exceeding 4 guests per member). No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.

21. A list of the names and addresses of members shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council.

22. After 23:00 hours, the supply of alcohol at the premises shall only be to a person seated at a table

23. 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.

24. All external doors shall be kept closed after 23:00 hours, or at any time when

regulated entertainment takes place, except for the immediate access and egress of persons.

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

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

27. 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.

28. 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

29. 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.

30. 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.

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

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

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

## **2 91 JERMYN STREET, SW1**

### **LICENSING SUB-COMMITTEE No. 5**

*Thursday 31<sup>st</sup> May 2018*

Membership: Councillor Murad Gassanly (Chairman), Councillor Heather Acton and Councillor Aziz Toki

Legal Adviser: Barry Panto  
Committee Officer: Kisi Smith-Charlemagne  
Presenting Officer: Samantha Eaton

Relevant Representations: 2 local residents

Present: Mr Craig Baylis (Solicitor, representing the Applicant), Mr Spice (on behalf of the Applicant company)

<b>91 Jermyn Street SW1 6JT 18/03038/LIPN</b>	
<b>1.</b>	<p><b>Late Night Refreshment (Indoors)</b> Monday to Sunday: 23:00 to 03:30</p> <p><b>Seasonal Variations/Non-Standard Timings:</b></p> <p>From 23:00 on New Year's Eve to 05:00 on New Year's Day.</p> <p>An additional hour when British Summer Time commences</p>
	<p>Amendments to application advised at hearing:</p> <p><b>None</b></p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application from Pye Properties Ltd, for a new premises licence in respect of 91 Jermyn Street, SW1 6JT. The premises does currently have the benefit of a premises licence (17/08750/LIPV). The Licensing Officer provided an outline of the application to the Sub-Committee, confirming that both Environmental Health and the Metropolitan Police had withdrawn their objections after conditions were revised.</p> <p>Mr Baylis, representing the applicant, advised the Sub-Committee that the new licence is intended to operate as a shadow licence which effectively replicates the activities, hours and conditions set out in the current licence. My Baylis advised the Sub-Committee that there were concerns regarding the current tenant, informing the Sub-Committee that the current tenant has held the licence since 2014 and has not operated the licence in this time. Mr Baylis explained that the current tenant owed in excess of £600,000 in service charges to the applicant. The applicant is concerned that the tenant may surrender the existing licence and so, being cautious, is seeking a shadow licence to sit in the background.</p> <p>Mr Baylis addressed the objections submitted by local residents, advising that the residents may have misunderstood the nature of a shadow licence. Mr Baylis confirmed that both himself and the applicant had written to each resident and had not received any response; he then highlighted the fact that no residents had attended the committee meeting. The Sub-Committee queried why the primary licence had not been used, but this was unknown to the applicant or his representative. Mr Spice advised the Sub-Committee that the money owed to him was a result of contributions to service charge as the</p>

	<p>building is being refurbished. Mr Spice also advised the Sub-Committee that his company is currently going through a tribunal process to establish exact amounts to be paid.</p> <p>After reviewing all of the presented information and considering the residents objections, the Sub-Committee decided to grant the new licence, with the removal of condition 32 (iii) (a) as agreed with the police. The conditions attached to the licence were considered appropriate and proportionate in the circumstances and the Sub-Committee was therefore satisfied that the application would promote the licensing objectives.</p>
<b>2.</b>	<p><b>Sale by Retail of Alcohol – On and Off Sales</b></p> <p>Monday to Saturday: 10:00 to 03:00 Sunday: 12:00 to 00:00</p> <p><b>Seasonal Variations/Non-Standard Timings:</b></p> <p>From the start time on New Year’s Eve to the finish time on New Year’s Day.</p> <p>An additional hour when British Summer Time commences</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>
<b>3.</b>	<p><b>Exhibition of Films; Performance of Live Music and Dance (Indoors)</b></p> <p>Monday to Sunday: 09:00 to 03:30</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>
<b>4.</b>	<p><b>Playing of Recorded Music (Indoors)</b></p> <p>Monday to Sunday: 00:00 to 00:00</p>
	<p>Amendments to application advised at hearing:</p>

	None
	Decision (including reasons if different from those set out in report):  The Sub-Committee granted the application (see reasons for decision in Section 1).
<b>3.</b>	<b>Hours Premises Are Open to the Public</b>  Monday to Sunday: 09:00 to 03:30  <b>Seasonal Variations/Non-Standard Timings:</b>  From the start time on New Year's Eve to the finish time on New Year's Day.  An additional hour when British Summer Time commences.
	Amendments to application advised at hearing:  None.
	Decision (including reasons if different from those set out in report):  The Sub-Committee granted the application (see reasons for decision in Section 1).

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

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

10. 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 Consistent with the Operating Schedule**

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

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

13. Curtains and hangings shall be arranged so as not to obstruct emergency signs.

14. 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.

15. 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.

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

17. Any special effects or mechanical installations shall be arranged, operated and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the licensing authority where consent has not previously been given:

- o dry ice and cryogenic fog
- o smoke machines and fog generators
- o pyrotechnics including fireworks
- o firearms
- o lasers
- o explosives and highly flammable substances.
- o real flame

o strobe lighting.

18. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased. NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

19. The premises may remain open for regulated entertainment, the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

20. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.

21. The number of persons accommodated at any one time (excluding staff) shall not exceed the following:

Sub-Basement - 100

Basement- 135.

22. 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.

23. The sale and consumption of alcohol must be ancillary to the use of the premises for music and dancing and/or substantial refreshment.

24. The supply of alcohol in the Basement Restaurant area, as marked on the licensing plans, shall be to persons seated taking a table meal there and for consumption by such persons as ancillary to their meal. The supply of alcohol shall be by waiter or waitress service only.

25. A minimum number of 50 seats shall be maintained in the Sub-Basement area at all times of operation.

26. A minimum number of 70 seats shall be maintained in the Basement area at all times of operation.

27. There shall be a personal licence holder on duty on the premises from 22:00 until close, when the sub-basement is open to patrons.

28. The reception lobby shall be manned by staff whenever the premises is open for trade and patrons shall be greeted by a member of staff when entering the premises.

29. There shall be waiter or waitress service available throughout the premises at all times the floors are open and trading.

30. An attendant shall be on duty in the vicinity of the cloakroom during the whole time that the premises is open and trading.

31. Admission to the premises by patrons shall be through the Jermyn Street entrance lobby area only.

32. (i) When the premises are open all customers entering the premises, or entering the sub-basement floor from the basement floor, after 23:00 will have their ID and/or membership card scanned on entry, or be subject to a biometric scanning system (when fingerprint scanning will be required for all customers who have previously shown identification at the premises).

(ii) All customers entering shall have their facial image captured by the ID Scanner camera with the exception of persons who enter using finger print scanning and have provided a recent facial image captured by the ID Scanner.

(iii) The above requirement is subject to the following exception, namely that a maximum number of 25 guests per night may be admitted at the Manager's discretion without necessarily ID being scanned and recorded. The admission of such guests however shall be in accordance with the following procedure.

a. A legible record (the Signing in Sheet) of these guests' names shall be retained on the premises for inspection by the licensing authority and Police for a period of 31 days. The name of the Manager authorising the admission will be clearly recorded.

b. Guests shall be required to produce some form of ID such as a bank card (or emailed electronic photo ID) and an ID scan entry with a live photo shall be created.

c. Where there are appropriate reasons for a guest not to be able to produce ID and be subject to ID scan, the Manager may nevertheless permit entry. In such circumstances he shall also record the reasons for this in the Signing in Sheet.

(iv) Notwithstanding (i) and (iii) above, patrons who are attending a pre-booked private event at the premises do not need to have their ID scanned on entry and instead a written guest list shall be held at reception for the event, and will be retained for 31 days after the event for inspection by the police and responsible authorities upon request.

33. In relation to any membership scheme at the premises, no person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.

34. A list of the names and addresses of members of the club shall be kept on the premises at all times together with a record showing the names and dates of attendance of any guests introduced by members. Both the list and the record shall be produced on demand for inspection by the police or an authorised officer of the Council

35. There shall be no entry or re-entry (save for existing customers who have left for smoking) to the premises after 02:00 hours.

36. When the sub-basement is open to patrons there will be a minimum of 1 SIA at the premises from 6pm. From 11pm there will be a minimum of 2 SIA at the premises.

37. The internal glass doors on the ground floor Jermyn Street entrance shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

38. Patrons shall not enter or leave the premises from / by Ormond Yard, except in the event of an emergency.

39. Any patrons that use Ormond Yard to gain access, smoke or leave the premises (whether by vehicle or on foot) shall be refused entry or subsequent re-entry to the premises.

40. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

41. 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

42. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services. It will be a condition of any agreement that patrons will not be collected from Ormond Yard

43. The licence holder to use the Jermyn Street address on all literature relating to the premises.

44. 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.

45. 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 to the

public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.

46. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area on Jermyn Street.

47. 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.

48. 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.

49. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear yellow high visibility armbands and will display the SIA badges prominently.

50. Staff shall clear all empty bottles promptly from any tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.

51. An incident log shall be kept at the premises, completed within 24 hours 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
- d. any incidents of disorder
- e. all seizures of drugs or offensive weapons
- f. any faults in the CCTV system or searching equipment or scanning equipment
- g. any refusal of the sale of alcohol
- h. any visit by a relevant authority or emergency service.

52. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.

53. 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.

54. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 on the following day.

55. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.

56. 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.

57. Notices shall be prominently displayed at the Jermyn Street exit requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

58. 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.

59. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

60. Prior to the licence taking effect, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority.

61. There shall be no cinema style screening of films.

62. Door staff dressed in yellow high visibility tabards or jackets, shall ensure safe dispersal of all customers at the premises closure time.

63. 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.

### **3 QUEENS ICE BOWL, QUEENS ICE CLUB, 17 QUEENSWAY, W2**

#### **LICENSING SUB-COMMITTEE No. 5**

*Thursday 31<sup>st</sup> May 2018*

Membership: Councillor Murad Gassanly (Chairman), Councillor Heather Acton and Councillor Aziz Toki

Legal Adviser: Barry Panto  
Committee Officer: Kisi Smith-Charlemagne  
Presenting Officer: Samantha Eaton

Relevant Representations: The Licensing Authority, Environmental Health and local residents association.

Present: Mr James Anderson-Poppleston Allen (Solicitor, representing the Applicant), Leisure Box Limited (Applicant), David Devaney (General Manager for applicant)

company) Miss Daisy Gadd (Licensing Authority), Mr David Nevitt (Environmental Health), Richard Brown (CAB Licensing Project on behalf of SEBRA) and John Zamit (SEBRA)

<b>Queens Ice Club, 17 Queensway, London, W2 4QP, (Lancaster Gate Ward/ Queensway &amp; Bayswater Cumulative Impact Area) 18/03595/LIPV</b>	
<b>1.</b>	<p>To vary the premises licence and for clarity, this is licence number 17/03341/LIPVM:</p> <ol style="list-style-type: none"> <li>1. To remove condition 11, 12, 13, 16 and 24.</li> <li>2. To remove the first sentence from condition 23 (See details in 1-D).</li> <li>3. To amend condition 41 such that it states as follows:- In the restaurant area the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.</li> <li>4. To extend the red line so that alcohol can be both sold and consumed in the Ice Rink Café, the Ice Rink View Café and the Viewing Gallery areas.</li> <li>5. To extend the existing restaurant area into the current games area.</li> <li>6. To allow the sale and consumption of alcohol in the Ice Rink shown hatched blue on the plan limited to when there is a pre-booked private function.</li> <li>7. To add the following conditions to promote the licensing objectives               <ol style="list-style-type: none"> <li>a. The sale and consumption of alcohol in the Ice Rink shaded blue on the plan will only take place when there is a pre-booked private function using the Ice Rink.</li> <li>b. In the Ice Rink Café and the Ice Rink View Café and the related Viewing Gallery areas the supply of alcohol will only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal until 7pm.</li> </ol> </li> <li>8. All licensable activities and permitted hours and opening hours to remain as existing. All other conditions are to remain as existing subject to comments made by the Environmental Health Officer with whom there has been a pre-application meeting.</li> </ol>
	<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 Leisurebox Limited Ltd, for a premises licence variation in respect of Queens Ice Club, 17 Queensway,</p>

	<p>London, W2 4QP. The Licensing Officer provided an outline of the application to the Sub-Committee.</p> <p>The applicant's representative, Mr Anderson, advised the Sub-Committee that an issue has arisen and that he was asking for an adjournment. He was of the view that one of the conditions (41) which the applicant was requesting to be amended, should already be a condition within the current licence and this would need further investigation. This impacted on the adverse impression that would be given regarding other areas of the premises near to the main restaurant area.</p> <p>Mr Panto, the legal adviser to the Licensing Sub-Committee, confirmed that he was aware of a previous variation decision that appeared to have been granted under delegated authority and which was not reflected on the current licence.</p> <p>The Sub-Committee agreed to adjourn the application to a later date, agreed as 21<sup>st</sup> June 2018.</p>
2.	<p><b>Sale by Retail of Alcohol; Late Night Refreshment; the Performance of dance and live music; the Playing of recorded music and the provision of private entertainment with a view to profit.</b></p> <p>To extend the area of the premises where the activities could take place so as to include the Ice Rink Café, the Rink View Café and the Viewing gallery (with the consumption of alcohol being ancillary to a table meal until 7pm) and to extend the area for the sale and consumption of alcohol to the Ice Rink Area when a pre-booked planning function was taking place.</p>

The Meeting ended at 2.00 pm

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

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