



City of Westminster

# Committee Agenda

Title: **Licensing Sub-Committee (5)**

Meeting Date: **Thursday 31st May, 2018**

Time: **10.00 am**

Venue: **Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR**

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

**Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda.**

**Admission to the public gallery is via a visitor's pass which is available from the main ground floor reception at 5 Strand from 9.30am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.**



**An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer Kisi Smith-Charlemagne.**

**Email: [kscharlemagne@westminster.gov.uk](mailto:kscharlemagne@westminster.gov.uk) Tel: 020 7641 2783  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

**AGENDA**

**PART 1 (IN PUBLIC)**

**1. MEMBERSHIP**

To report any changes to the membership.

**2. DECLARATIONS OF INTEREST**

To receive declarations by Members and Officers of any personal or prejudicial interests in matters on this agenda.

**Licensing Applications for Determination**

**1. BAG O' NAILS, 9 KINGLY STREET, W1**

**(Pages 1 - 32)**

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	West End Ward / West End Cumulative Impact Area	Bag O' Nails, 9 Kingly Street, W1	Variation of a Premises Licence	18/03731/LIPV

**2. 91 JERMYN STREET, SW1**

**(Pages 33 - 54)**

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	St James's Ward / not in cumulative impact area	91 Jermyn Street, SW1	New Premises Licence	18/03038/LIPN

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

**(Pages 55 - 84)**

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	Lancaster Gate Ward / Queensway & Bayswater Cumulative Impact Area	Queens Ice Bowl, Queens Ice Club, 17 Queensway, W2	Variation of a Premises Licence	18/03595/LIPV

**Stuart Love  
Chief Executive  
25 May 2018**

In considering applications for premises licences under the Licensing Act 2003, the sub-committee is advised of the following:

### **POLICY CONSIDERATIONS**

The City of Westminster statement of licensing policy applies to all applications where relevant representations have been made. The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy and the guidance issued by the Secretary of state under Section 182 of the Licensing Act 2003.

### **GUIDANCE CONSIDERATIONS**

The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

### **CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES** (As set out in the Council's Statement of Licensing Policy 2016)

- For premises for the supply of alcohol for consumption on the premises:

Friday and Saturday: 10:00 to midnight  
Sundays immediately prior to Bank Holidays: Midday to midnight  
Other Sundays: Midday to 22:30  
Monday to Thursday: 10:00 to 23:30.

- For premises for the supply of alcohol for consumption off the premises:

Monday to Saturday: 08:00 to 23:00  
Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight  
Sundays immediately prior to Bank Holidays: 09.00 to midnight  
Other Sundays: 09.00 to 22.30  
Monday to Thursday: 09.00 to 23.30.



City of Westminster

# Licensing Sub-Committee Report

Agenda Item 1

Item No:	
Date:	31 May 2018
Licensing Ref No:	18/03731/LIPV - Premises Licence Variation
Title of Report:	Bag O' Nails 9 Kingly Street London W1B 5PH
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Ms Sam Eaton Senior Licensing Officer
Contact details	Telephone: 020 7641 2700 Email: <a href="mailto:seaton@westminster.gov.uk">seaton@westminster.gov.uk</a>

# 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	6 April 2018		
<b>Applicant:</b>	West End Commercial Properties Limited		
<b>Premises:</b>	Bag O' Nails		
<b>Premises address:</b>	9 Kingly Street London W1B 5PH	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	The premises are a private members club.		
<b>Variation description:</b>	<p>The premises are looking to vary the licence as follows:</p> <ol style="list-style-type: none"> <li>1. Permit a terminal hour on Saturday for all licensable activity of 03:00.</li> <li>2. Reduce the terminal hour on Monday for all the licensable activity to 23:00.</li> <li>3. Add model conditions 1 and 2 to the licence in respect of the provision of CCTV.</li> <li>4. The addition of a new condition stating that "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."</li> <li>5. Remove conditions 13, 14, 21, 22, 23 &amp; 24 from the licence.</li> </ol>		
<b>Premises licence history:</b>	The premises have benefitted from a premises licence since July 2005. A full history can be found at Appendix 3.		
<b>Applicant submissions:</b>	None.		
<b>Note:</b>	Please note that the applicant has amended the application so that the terminal hour for the sale of alcohol on Sunday's will remain at 22:30 as per the current licence (Ref: 12/06745/LIPDPS).		

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Performance of Dance						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	09:00	03:00	09:00	23:00	No change	No change
<b>Tuesday</b>	09:00	03:00	09:00	03:00		
<b>Wednesday</b>	09:00	03:00	09:00	03:00		
<b>Thursday</b>	09:00	03:00	09:00	03:00		
<b>Friday</b>	09:00	03:00	09:00	03:00		
<b>Saturday</b>	09:00	23:00	09:00	03:00		
<b>Sunday</b>						
<b>Seasonal variations:</b>	<b>Current:</b>				<b>Proposed:</b>	
	Private entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit: Unrestricted				Private entertainment consisting of music or dancing for consideration and with a view to profit shall be unrestricted	
<b>Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31 <sup>st</sup> December).				From the start time on New Year's Eve to the end time on New Year's Day.	

Performance of live music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	09:00	03:00	09:00	23:00	No change	No change
<b>Tuesday</b>	09:00	03:00	09:00	03:00		
<b>Wednesday</b>	09:00	03:00	09:00	03:00		
<b>Thursday</b>	09:00	03:00	09:00	03:00		
<b>Friday</b>	09:00	03:00	09:00	03:00		
<b>Saturday</b>	09:00	23:00	09:00	03:00		
<b>Sunday</b>						
<b>Seasonal variations:</b>	<b>Current:</b> Private entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit: Unrestricted				<b>Proposed:</b> Private entertainment consisting of music or dancing for consideration and with a view to profit shall be unrestricted	
<b>Non-standard timings:</b>	<b>Current:</b> The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31 <sup>st</sup> December).				<b>Proposed:</b> From the start time on New Year's Eve to the end time on New Year's Day.	

Playing of recorded music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	Unrestricted		09:00	23:00	No change	No change
<b>Tuesday</b>	Unrestricted		09:00	03:00	No change	No change
<b>Wednesday</b>	Unrestricted		09:00	03:00	No change	No change
<b>Thursday</b>	Unrestricted		09:00	03:00	No change	No change
<b>Friday</b>	Unrestricted		09:00	03:00	No change	No change
<b>Saturday</b>	Unrestricted		09:00	03:00	No change	No change
<b>Sunday</b>	Unrestricted		09:00	23:00	No change	No change
<b>Seasonal variations:</b>	<b>Current:</b> None.				<b>Proposed:</b> None.	
<b>Non-standard timings:</b>	<b>Current:</b> The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31 <sup>st</sup> December).				<b>Proposed:</b> From the start time on New Year's Eve to the end time on New Year's Day.	



Anything of a similar description to Live Music, Recorded Music or Performance of Dance						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:00	No change		No change	No change
Tuesday	09:00	03:00				
Wednesday	09:00	03:00				
Thursday	09:00	03:00				
Friday	09:00	03:00				
Saturday	09:00	23:00				
Sunday						
<b>Seasonal variations:</b>	<b>Current:</b> Private entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit: Unrestricted				<b>Proposed:</b> Private entertainment consisting of music or dancing for consideration and with a view to profit shall be unrestricted	
<b>Non-standard timings:</b>	<b>Current:</b> The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31 <sup>st</sup> December).				<b>Proposed:</b> From the start time on New Year's Eve to the end time on New Year's Day.	

Late night refreshment						
Indoors, outdoors or both	Current :				Proposed:	
	Indoors				Indoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	03:30			No change	No change
Tuesday	23:00	03:30	23:00	03:30		
Wednesday	23:00	03:30	23:00	03:30		
Thursday	23:00	03:30	23:00	03:30		
Friday	23:00	03:30	23:00	03:30		
Saturday	23:00	23:30	23:00	03:30		
Sunday						
<b>Seasonal variations:</b>	<b>Current:</b> Private entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit: Unrestricted				<b>Proposed:</b> Private entertainment consisting of music or dancing for consideration and with a view to profit shall be unrestricted	
<b>Non-standard timings:</b>	<b>Current:</b> The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31 <sup>st</sup> December).				<b>Proposed:</b> From the start time on New Year's Eve to the end time on New Year's Day.	

	December).	
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<b>Sale by Retail of Alcohol</b>						
<b>On or off sales</b>			<b>Current :</b>		<b>Proposed:</b>	
			Both		Both	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	10:00	03:00	10:00	23:00	No change	No change
<b>Tuesday</b>	10:00	03:00	10:00	03:00		
<b>Wednesday</b>	10:00	03:00	10:00	03:00		
<b>Thursday</b>	10:00	03:00	10:00	03:00		
<b>Friday</b>	10:00	03:00	10:00	03:00		
<b>Saturday</b>	10:00	23:00	10:00	03:00		
<b>Sunday</b>	12:00	22:30	12:00	23:00		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b> The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31 <sup>st</sup> December).				<b>Proposed:</b> From the start time on New Year's Eve to the end time on New Year's Day.	

<b>Hours premises are open to the public</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Premises Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	09:00	03:30	09:00	23:30	No change	No change
<b>Tuesday</b>	09:00	03:30	09:00	03:30		
<b>Wednesday</b>	09:00	03:30	09:00	03:30		
<b>Thursday</b>	09:00	03:30	09:00	03:30		
<b>Friday</b>	09:00	03:30	09:00	03:30		
<b>Saturday</b>	09:00	23:30	09:00	03:30		
<b>Sunday</b>	12:00	23:00	12:00	23:00		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b> The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31 <sup>st</sup> December).				<b>Proposed:</b> From the start time on New Year's Eve to the end time on New Year's Day.	

<b>1-C Conditions being varied, added or removed</b>	
<b>Condition</b>	<b>Proposed variation</b>
13. A liquor licensee shall be present on the premises at all times that the premises are open to the public.	Proposed to be removed
14. Notwithstanding the provision of Rule of Management No. 4 entertainment by the way of traditional striptease may be provided.	Proposed to be removed
21. No gaming otherwise than by machines authorised under part III, Gaming Act, 1968.	Proposed to be removed
<p>22. Mondays to Fridays</p> <p>(a) Subject to the following paragraphs, the permitted hours shall commence at 10:00 (12:00 on Christmas Day and Good Friday) and extend until 03:00 on the morning following, except that -</p> <p>(i) the permitted hours shall end at 00:00 midnight on any day on which music and dancing is not provided after midnight; and</p> <p>(ii) on any day that music and dancing end between 00:00 midnight and 03:00, the permitted hours shall end when the music and dancing ends;</p> <p>(b) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.</p> <p>(c) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day 00:00 on 31st December.</p> <p>Saturday to Sunday</p> <p>(d) On Saturdays, other than Christmas Day or New Year's Eve, 10:00 to 23:00</p> <p>(e) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30</p> <p>(f) On Christmas Day, 12:00 to 15:00. and 19:00 to 22:30</p> <p>(g) On New Year's Eve, except on a Sunday, 10:00 to 23:00</p> <p>(h) On New Year's Eve on a Sunday, 12:00 to 22:30</p> <p>(i) 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</p>	Proposed to be removed

permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

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

In this condition, any reference to a person residing in the premises shall be construed as

<p>including a person not residing there but carrying on or in charge of the business on the premises.</p>	
<p>23. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:</p> <ul style="list-style-type: none"> <li>(a) He is the child of the holder of the premises licence.</li> <li>(b) He resides in the premises, but is not employed there.</li> <li>(c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.</li> <li>(d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.</li> </ul> <p>In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.</p>	<p>Proposed to be removed</p>
<p>If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):</p> <ul style="list-style-type: none"> <li>(a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,</li> <li>(b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and</li> <li>(c) to take all other reasonable precautions for the safety of the children.</li> </ul>	<p>Proposed to be removed</p>

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Maxwell Owusu Koduah
<b>Received:</b>	1 <sup>st</sup> May 2018
<p>I refer to your application to vary the Premises Licence for above mentioned premises. The premises is located within the West End Cumulative Impact area. I have considered the information that you have provided within and accompanying this application. I have also considered the proposed variation in line with the relevant policies within the Councils Statement of Licensing Policy dated January 2016.</p> <p><b>The licensee is seeking the following variations to their licence:</b></p> <ol style="list-style-type: none"> <li>1. Extend the terminal hour on Saturday for the following licensable activities:; <i>performance of live music; playing of recorded music; performance of dance; provision of late night refreshment and the supply of alcohol</i> by 4 hours from 23:00 hours to 03:00 hours</li> <li>2. Reduce the terminal hour on Monday for the following licensable activities: <i>performance of live music; playing of recorded music; performance of dance; provision of late night refreshment and the supply of alcohol</i> by 4 hours from 03:00 hours to 23:00 hours</li> <li>3. Add model conditions 1 and 2 to the licence in respect of the provision of CCTV <ul style="list-style-type: none"> <li><b>MC01</b> 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</li> <li><b>MC02</b> 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</li> </ul> </li> <li>4. To add an additional condition that states that: At least 2 SIA licenced door supervisor shall be on duty at the entrance of the premises at all times whilst it is open for business</li> <li>5. Remove conditions 13,14, 21, 22, 23 &amp; 24 <ul style="list-style-type: none"> <li><b>Condition 13</b> A liquor licensee shall be present on the premises at all times that the premises are open to the public.</li> <li><b>Condition 14</b> Notwithstanding the provision of Rule of Management No. 4 entertainment by the way of</li> </ul> </li> </ol>	

traditional striptease may be provided.

**Condition 21**

No gaming otherwise than by machines authorised under part III, Gaming Act, 1968.

**Condition 22**

Mondays to Fridays

- (a) Subject to the following paragraphs, the permitted hours shall commence at 10:00 (12:00 on Christmas Day and Good Friday) and extend until 03:00 on the morning following, except that -
- (i) the permitted hours shall end at 00:00 midnight on any day on which music and dancing is not provided after midnight; and
  - (ii) on any day that music and dancing end between 00:00 midnight and 03:00, the permitted hours shall end when the music and dancing ends;
- (b) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (c) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day 00:00 on 31st December.

**Saturday to Sunday**

- (d) On Saturdays, other than Christmas Day or New Year's Eve, 10:00 to 23:00
- (e) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30
- (f) On Christmas Day, 12:00 to 15:00. and 19:00 to 22:30
- (g) On New Year's Eve, except on a Sunday, 10:00 to 23:00
- (h) On New Year's Eve on a Sunday, 12:00 to 22:30
- (i) 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:**

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

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

**Condition 23**

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (a) He is the child of the holder of the premises licence.
- (b) He resides in the premises, but is not employed there.
- (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

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

**Condition 24**

If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):

- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
- (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
- (c) to take all other reasonable precautions for the safety of the children.

Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council's Statement of Licensing Policy I wish to make the following representations:

1. To extend the terminal hour on Saturday for all named licensable activities by 4 hours may have the likely effect of increasing Public Nuisance and impact on Public Safety within the West End Cumulative Impact area
2. No objection
3. No objection
4. No objection
5. Removal of conditions 13,14, 21, 22, 23 & 24 without appropriate replacements may have the likely effect of increasing Public Nuisance and impact on Public Safety within the West End Cumulative Impact area

The applicant has provided an additional condition in support of the application but this does not fully address the concerns of Environmental Health and additional conditions may be proposed.

It is my view that the granting of this variation, as presented, would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area.

Should you wish to discuss the matter further please do not hesitate to contact me.

**The following conditions have been proposed by the Environmental Health Service but not agreed by the applicant:**



1. MC88 as amended  
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.
2. MC89  
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.
3. MC38 as amended  
After 23:00 hours, the supply of alcohol at the premises shall only be to a person seated at a table
4. MC15  
There shall be no admittance or re-admittance to the premises after midnight (00:00 hours)
5. MC12  
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.
6. MC14  
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.
7. MC21  
Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
8. MC34  
All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
9. MC57  
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.
10. MC42  
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
11. MC72  
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.
12. MC73  
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.
13. MC74  
All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
14. MC75  
All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
15. MC76  
The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Adam Deweltz
<b>Received:</b>	1 <sup>st</sup> May 2018

Bag o Nails, 9 Kingly Street, W1 – 18/03731/LIPV

With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be making a representation against this application.

The venue is situated within the Cumulative Impact Area and the applicant seeks to extend hours. It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.

This application will need to be heard before the Licensing Sub-Committee.

**Further correspondence has been sent by the Metropolitan Police Service and the following conditions have been proposed and agreed with the applicant:**

In relation to a last entry time, the Police would be happy for Midnight on the Saturday only.

Having met with Giovanni last weekend, we discussed the number of guests per member. Could you find out if he is willing to accept the following Westminster City Council Model Conditions:

- 1) Alcohol may only be sold for consumption by members of a private club 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.
- 2) On Saturday there where be a last entry time of midnight (save for smokers).

In terms of the conditions you have submitted in the operating schedule, Police are happy.

<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Steven Rowe
<b>Received:</b>	2 <sup>nd</sup> May 2018

I write in relation to the application submitted for a variation of the premises licence for Bag O' Nails, situated at 9 Kingly Street.

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority as concerns in relation to this application and how the premises would promote the Licensing Objectives:

- Prevention of Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of children from harm

This variation seeks the following:

- \* Permit a terminal hour on Saturday for all licensable activity of 03:00, except for late night refreshment which is for 03:30
- \* Reduce the terminal hour on Monday for all licensable activity to 23:00, except for late night refreshment which is applied to be removed from the licence on Monday
- \* Add model conditions 1 and 2 to the licence in respect of the provision of CCTV
- \* 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.

The premises is located within a Cumulative Impact Area and as such a number of policy points must be considered, namely CIP1, HRS1, PB2 and MD2.

The premises currently falls within policy PB2 which states to “refuse applications in the Cumulative Impact Areas other than applications to vary within core hours”. The Licensing Authority notes that the applicant wishes to extend the terminal hour for licensable activities on Saturday, and at the same time reduce the terminal hour for licensable activities on Monday. Paragraph 2.5.23 of the Council’s Statement of Licensing Policy states that “the Licensing Authority considers that the grant of variations or new licences for pubs and bars in the Cumulative Impact Areas should be limited to exceptional circumstances”.

It will be for Committee Members to determine whether the applicant has demonstrated any genuinely exceptional circumstances that would allow to depart from policy.

Further discussions will be held with the applicant and any additional submissions will be forwarded on for Members information.

Please accept this as a formal representation.

**2-B Other Persons**

<b>Received:</b>	25 <sup>th</sup> April 2018
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I object to this licence application. This club is applying to swap Monday closing hours (currently 3am) to Friday (currently 11pm). This venue is not a restaurant, so this is clearly contrary to the Cumulative Impact policy and to the 'core hours' policy. This venue is not giving up much of value (Monday nights are notoriously quiet in Soho) but gaining 4 hours extension on Friday night. It will add 150 people on to the streets at 3am on the busiest night of the week. Residents already see Kingly Street as overcrowded and fear for the consequences. This addition will inevitably cause an unacceptable risk of nuisance to residents nearby, and add to Cumulative Impact further afield.

Thanks hopefully for your support

<b>Received:</b>	26 <sup>th</sup> April 2018
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The current license restrictions at the weekend on these premises were imposed for very good reason and should not be overturned on the premise of a variation. 150 extra late night revellers in this location at the weekend would be untenable. This is already one of the busiest, most congested areas in the country and the cumulative impact of this number of people at these times would push past the tipping point for safety and for residents quiet enjoyment of their dwellings.

I trust the committee will refuse this cynical application.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy CIP1 applies:</b>	<ul style="list-style-type: none"> <li>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</li> <li>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</li> </ul>
<b>Policy HRS1 applies:</b>	<ul style="list-style-type: none"> <li>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</li> <li>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</li> </ul>
<b>Policy MD2 applies:</b>	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours, under Policy HRS1.
<b>Policy PB2 applies:</b>	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.

## 4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

## 5. Appendices

<b>Appendix 1</b>	Applicant supporting documents
<b>Appendix 2</b>	Premises history
<b>Appendix 3</b>	Proposed conditions
<b>Appendix 4</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Ms Sam Eaton Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 2700 Email: <a href="mailto:seaton@westminster.gov.uk">seaton@westminster.gov.uk</a>

**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

### **Background Documents – Local Government (Access to Information) Act 1972**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Environmental Health Service	1 <sup>st</sup> May 2018
<b>5</b>	Metropolitan Police Service	1 <sup>st</sup> May 2018
<b>6</b>	Licensing Authority	2 <sup>nd</sup> May 2018
<b>7</b>	Representation	25 <sup>th</sup> April 2018
<b>8</b>	Representation	26 <sup>th</sup> April 2018

None.

### Licence & Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Decision</b>	<b>Date Determined</b>
05/08618/LIPC	Conversion Application	Granted Under Delegated Authority	18.09.2005
06/06887/WCCMAP	New Premises Application	Granted Under Delegated Authority	18.09.2005
12/06745/LIPDPS	Application to Vary the Designated Premises Supervisor	Granted Under Delegated Authority	29.08.2012

<b>Application</b>	<b>Details of Application</b>	<b>Decision</b>	<b>Date Determined</b>
15/09556/LITENP	Temporary Event Notice	Event allowed to proceed	03.11.2015
15/09550/LITENP	Temporary Event Notice	Event allowed to proceed	03.11.2015
15/09549/LITENP	Temporary Event Notice	Event allowed to proceed	03.11.2015
15/09547/LITENP	Temporary Event Notice	Event allowed to proceed	03.11.2015
15/09545/LITENP	Temporary Event Notice	Event allowed to proceed	03.11.2015
15/09543/LITENP	Temporary Event Notice	Event allowed to proceed	03.11.2015
15/08999/LITENP	Temporary Event Notice	Event allowed to proceed	21.10.2015
15/08996/LITENP	Temporary Event Notice	Event allowed to proceed	21.10.2015

15/08995/LITENP	Temporary Event Notice	Event allowed to proceed	21.10.2015
15/00747/LITENP	Temporary Event Notice	Event allowed to proceed	07.07.2015

**There is no appeal history**



*CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING*

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

**Conditions: On Current Licence -**

**Mandatory:**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor.

For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

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

**Conditions reproducing the effect of conditions subject to which the relevant existing licenses have effect.**

**Conditions relating to regulated entertainment:**

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. A liquor licensee shall be present on the premises at all times that the premises are open to the public.  
***Proposed for deletion***
14. Notwithstanding the provision of Rule of Management No. 4 entertainment by the way of traditional striptease may be provided.  
***Proposed for deletion***
15. An attendant shall be on duty in the cloakroom during the whole time it is in use.
16. 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.
17. 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.
18. 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.

**Conditions for the Sale of Alcohol**

19. Intoxicating liquor may be sold only to members of the club meeting at the club premises for the consumption by those members and their bona fide guests.
20. No person shall be admitted to membership of the said club without an interval of at least two days between membership and admission. The name and address of the person so applying must be prominently displayed in the club premises, in a part frequented by the members, for at least two days before election.
21. No gaming otherwise than by machines authorised under part III, Gaming Act, 1968.  
***Proposed for deletion***

**Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments.**

22. Mondays to Fridays

- (a) Subject to the following paragraphs, the permitted hours shall commence at 10:00 (12:00 on Christmas Day and Good Friday) and extend until 03:00 on the morning following, except that -
  - (i) the permitted hours shall end at 00:00 midnight on any day on which music and dancing is not provided after midnight; and
  - (ii) on any day that music and dancing end between 00:00 midnight and 03:00, the permitted hours shall end when the music and dancing ends;
- (b) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (c) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day 00:00 on 31st December.

Saturday to Sunday

- (d) On Saturdays, other than Christmas Day or New Year's Eve, 10:00 to 23:00
- (e) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30
- (f) On Christmas Day, 12:00 to 15:00. and 19:00 to 22:30
- (g) On New Year's Eve, except on a Sunday, 10:00 to 23:00
- (h) On New Year's Eve on a Sunday, 12:00 to 22:30
- (i) 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:

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

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

***Proposed for deletion***

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

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

***Proposed for deletion***

24. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):
- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
  - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
  - (c) to take all other reasonable precautions for the safety of the children.

***Proposed for deletion***

**Annex 2 – Conditions consistent with the operating Schedule**

None

**Annex 3 – Conditions attached after a hearing by the licensing authority**

None

**Conditions proposed by the applicant as part of the variation:**

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.

**Conditions proposed by the Environmental Health Service:**

26. 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.

27. 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.
28. After 23:00 hours, the supply of alcohol at the premises shall only be to a person seated at a table
29. There shall be no admittance or re-admittance to the premises after midnight (00:00 hours)
30. 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.
31. 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.
32. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
33. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
34. 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.
35. 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
36. 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.
37. 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.
38. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
39. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
40. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

**Conditions proposed by the Metropolitan Police Service and agreed by the applicant:**

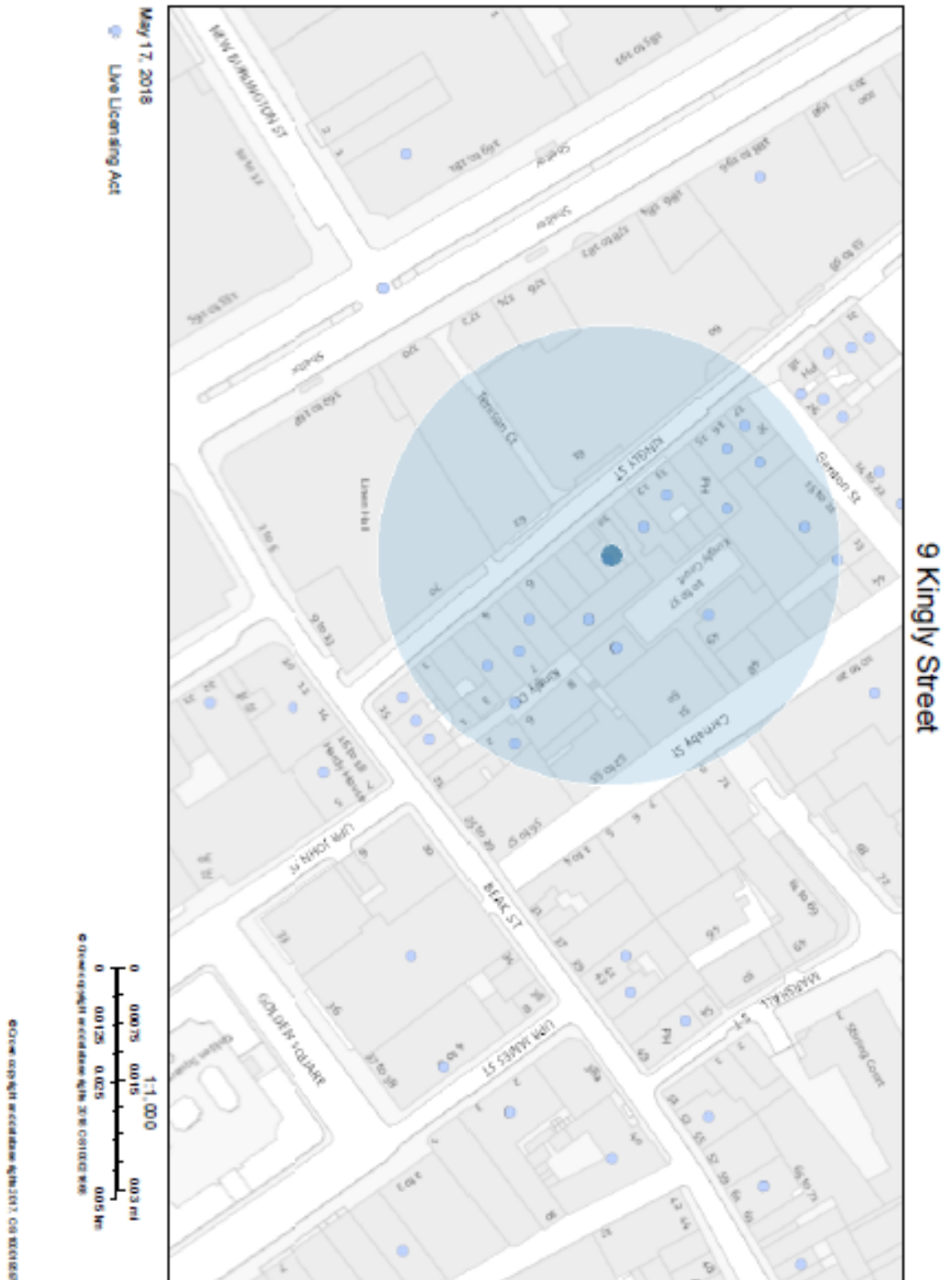
41. Alcohol may only be sold for consumption by members of a private club and their bona fide guests (not exceeding 4 guests per member). No person shall be admitted to

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.

42. On Saturday there where be a last entry time of midnight (save for smokers).



Residential Map and List of Premises in the Vicinity



Resident Count: 139

**Premises within 50 metres of: 9 Kingly Street**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Licensed Hours</b>
37075	Bag O' Nails	9 Kingly Street London W1B 5PH	Monday to Friday; 09:00 - 03:30 Saturday; 09:00 - 23:30 Sunday; 12:00 - 23:00
37006	Pizza Pilgrims	11 Kingly Street London W1B 5PL	Monday to Sunday; 08:00 - 00:30
36995	Pizza Pilgrims Kiosk	11 Kingly Street London W1B 5PL	Monday to Saturday; 08:00 - 23:00 Saturday; 10:00 - 23:00 Sunday; 10:00 - 22:30
58556	Senor Ceviche	Kingly Court Kingly Court London	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00
58538	Oka Restaurant Units 1.14 - 1.16	Kingly Court Kingly Court London	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00
58526	Le Bab (Units 2.10 And 2.11)	Kingly Court Kingly Court London	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00
58577	Dirty Bones Units 2.12 And 2.13	Kingly Court Kingly Court London	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00
58546	Units 1.7 And 1.8, First Floor	Kingly Court Kingly Court London	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00
37134	Wright Brothers Soho	12 - 13 Kingly Street London W1B 5PB	Monday to Saturday; 08:00 - 00:00 Sunday; 08:00 - 23:00
15849	Darjeeling Express, Unit 2.14-2.16	Former Ground Floor Unit G2 Kingly Court London	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00

26581	Shoryu	Former Unit G3 Kingly Court London	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00
15861	Whyte And Brown	Former Ground Floor Unit G2 Kingly Court London	Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:00 Sunday; 07:00 - 22:30
15856	Units G2, 1.4, 1.5 & 1.6	Former Ground Floor Unit G2 Kingly Court London	Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:00 Sunday; 07:00 - 22:30
52329	Life Goddess	Former Unit 1.9 Kingly Court London	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00
15035	Cinnamon	5 Kingly Street London W1B 5PF	Monday to Saturday; 09:00 - 01:10 Sunday; 09:00 - 01:00
47948	Cahoots	Unit G 13 Kingly Court London W1B 5PW	Monday to Wednesday; 09:00 - 03:00 Thursday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 00:00
37088	Red Lion Public House	14 Kingly Street London W1B 5PR	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
67633	Shampers Wine Bar	Ground Floor 4 Kingly Street London W1B 5PE	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
20949	Jinjuu	Basement And Ground Floor 15 - 16 Kingly Street London W1B 5PS	Monday to Saturday; 10:00 - 01:30 Sunday; 12:00 - 00:00
67623	Two Floors	Ground Floor 3 Kingly Street London W1B 5PD	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 23:00 Sundays before Bank Holidays; 12:00 - 00:00

27702	Rosa's	23A Ganton Street London W1F 9BW	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 23:00 Sundays before Bank Holidays; 12:00 - 00:00 Christmas Eve; 10:00 - 00:00 Christmas Eve; 12:00 - 00:00
83979	Rum Kitchen, First Floor, Units 1.12 And 1.13	Kingly Court London	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00
83956	Open Space	Kingly Court London	Monday to Sunday; 00:00 - 00:00
2900	Dehesa	17 Kingly Street London W1B 5PU	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00
41782	Cirque Le Soir	Basement 15-21 Ganton Street London W1F 9BN	Monday; 00:00 - 00:00   Wednesday to Saturday; 00:00 - 00:00
38569	Premises Is 19 Ganton Street	15-21 Ganton Street London W1F 9BN	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00
85726	Disrepute	Basement And Ground Floor 4 Kingly Court London W1B 5PW	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 01:00 Sundays before Bank Holidays; 09:00 - 01:30
38559	Sacred Cafe	13 Ganton Street London W1F 9BL	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30

Item No:	
Date:	31 May 2018
Licensing Ref No:	18/03038/LIPN - New Premises Licence
Title of Report:	91 Jermyn Street London SW1Y 6JT
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 0207 641 2751 Email: hlawrance@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	19 March 2018		
<b>Applicant:</b>	Pye Properties Ltd		
<b>Premises:</b>			
<b>Premises address:</b>	91 Jermyn Street London SW1Y 6JT	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	None.
<b>Premises description:</b>	According to the application, the premises will operate as a nightclub.		
<b>Premises licence history:</b>	<p>This is an application for a new premises licence. However, the premises does currently have the benefit of a premises licence (17/08750/LIPV) and a full history can be found at <b>Appendix 3</b>.</p> <p>The application indicates that this new licence is intended to operate as a shadow licence which effectively replicates the activities, hours and conditions set out in the current licence.</p>		
<b>Applicant submissions:</b>	None submitted.		
<b>Plan:</b>	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Proposed licensable activities and hours							
<b>Recorded Music</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	00:00	00:00	00:00	00:00	00:00	00:00	00:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:00	00:00	00:00
<b>Seasonal variations/ Non-standard timings:</b>			Unrestricted				

<b>Films / Live Music / Performance of Dance /</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	09:00	09:00	09:00	09:00	09:00	09:00	09:00
<b>End:</b>	03:30	03:30	03:30	03:30	03:30	03:30	03:30
<b>Seasonal variations/ Non-standard timings:</b>							

<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>End:</b>	03:30	03:30	03:30	03:30	03:30	03:30	03:30
<b>Seasonal variations/ Non-standard timings:</b>			From 23:00 on New Year's Eve until 05:00 on New Years Day.  An additional hour when British Summer Time commences.				

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	03:00	03:00	03:00	03:00	03:00	03:00	00:00
<b>Seasonal variations/ Non-standard timings:</b>			From the start time on New Year's Eve until the finish time on New Years Day.  An additional hour when British Summer Time commences.				

<b>Hours premises are open to the public</b>							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	09:00	09:00	09:00	09:00	09:00	09:00	09:00
<b>End:</b>	03:30	03:30	03:30	03:30	03:30	03:30	03:30
<b>Seasonal variations/ Non-standard timings:</b>			From the start time on New Year's Eve until the finish time on New Years Day.  An additional hour when British Summer Time commences.				
<b>Adult Entertainment:</b>			Not applicable.				

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Metropolitan Police Service <b>(WITHDRAWN)</b>
<b>Representative:</b>	PC Bryan Lewis
<b>Received:</b>	5 <sup>th</sup> April 2018

**Our objections relate to the following:**

- More information is required to properly ensure this application promotes the licensing objectives

I will contact you to further discuss this matter

*Further Police discussions:*

Can you please confirm all conditions on the existing licence will go on the shadow licence you are applying for. That is with the exception of a slight alteration to condition (32), wording below.

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.

c. 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.

d. 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.

I am now withdrawing the Police objection. I have made a slight alteration to condition 32, wording agreed.

***Following the agreement of conditions, the MET Police have withdrawn their representation.***

<b>Responsible Authority:</b>	Environmental Health Consultation Team
<b>Representative:</b>	Mr Ian Watson
<b>Received:</b>	10 <sup>th</sup> April 2018

I refer to the application for a New Premises Licence for the above premises.

This representation is based on the plans and operating schedule submitted.

The applicant is seeking the following

1. To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Saturday between 10.00 and 03.00 hours and Sunday between 12.00 to 00.00 hours. New Year's Eve to New Year's Day. Additional hour for British Summer Time.
2. To provide Late Night Refreshment 'Indoors' Monday to Sunday between 23.00 and 03.30 hours. New Year's Eve to New Year's Day. Additional hour for British Summer Time.
3. To provide regulated entertainment 'Indoors' comprising
  - Films
  - Live Music
  - Recorded Music (Unrestricted)
  - Performance of DanceMonday to Sunday between 09.00 to 03.30 hours.
4. The applicant has submitted floor plans of the premises dated 10.07.2015 of the basement and sub-basement. These plans do not reflect the current layout of the premises as approved under licence 17/08750/LIPV.

I wish to make the following representation

1. No objection
2. No objection.
3. No objection.
4. Representation is raised as the proposed layout indicated on the plans dated 10.07.2015 will impact on Public Safety and have the likely effect of causing an increase in Public Nuisance.

The applicant states that if this application is granted the licence will operate as a shadow licence. The applicant has not applied for the correct alcohol hours on a

Sunday nor applied for all the regulated entertainment currently permitted.

Should you wish to discuss the matter further please do not hesitate to contact me.

**2-B Other Persons**

**Received:** 9<sup>th</sup> April 2018

My residence is a few doors from 6-7 Ormond Yard. I object to a licence which will allow alcohol to be served until 3am because I will be disturbed by patrons leaving the premises while I am asleep.

The patrons leaving clubs in masons Yard already disturb us. The club around the corner on duke of York st has taxis purring at 3am while patrons shout at each other on the street at 3am. I pay band h council tax to live here. I object to losing any more sleep.

**Received:** 30<sup>th</sup> March 2018

My flat is on the rear side (West facing) of Bray House and looks directly onto 6-7 Ormond Yard. Ormond Yard is a cul-de-sac where noise is contained and amplified and residents already suffer from late night noise from patrons of the Gas Light Gentlemans Club when they leave at c.2am - 3am. Having yet another late night drinking establishment where excessive noise is created in the middle of the night as these venues close is not acceptable to the quality of life of those long term residents in the area. I strongly reject the application and encourage any council member to attend Ormond Yard at 2-3am on a Thurs/Fri/Sat morning to witness the noise already created that would only worsen if yet another late night establishment was granted a licence. Thank you for your attention to this matter.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies:</b>	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.  (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
<b>Policy PB1 applies</b>	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.
<b>Policy MD1 applies:</b>	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

### 4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

## 5. Appendices

<b>Appendix 1</b>	Applicant supporting documents
<b>Appendix 2</b>	Premises history
<b>Appendix 3</b>	Proposed conditions
<b>Appendix 4</b>	Residential map and list of premises in the vicinity
<b>Report author:</b>	Miss Heidi Lawrance Senior Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 2751 Email: hlawrance@westminster.gov.uk

**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

### **Background Documents – Local Government (Access to Information) Act 1972**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Application Form	19 <sup>th</sup> March 2018
<b>5</b>	Metropolitan Police Service	5 <sup>th</sup> April 2018
<b>6</b>	Environmental Health	10 <sup>th</sup> April 2018
<b>7</b>	Representation	9 <sup>th</sup> April 2018
<b>8</b>	Representation	30 <sup>th</sup> April 2018

**Applicant Supporting Documents**

None submitted.

**Premises History**

<b>Application</b>	<b>Details of Application</b>	<b>Decision</b>	<b>Date Determined</b>
05/10267/LIPC	Conversion Application	Granted Under Delegated Authority	03.10.2005
06/00659/LIPV	Variation Application	Refused by Licensing Sub-Committee	23.03.2006
06/00692/LIPDPS	Application to Vary the Designated Premises Supervisor	Granted Under Delegated Authority	03.02.2006
06/11045/LIPDPS	Application to Vary the Designated Premises Supervisor	Granted Under Delegated Authority	08.11.2006
06/07411/WCCMAP	Minor Variation Application	Granted Under Delegated Authority	07.03.2007
07/11192/LIPV	Variation Application	Granted by Licensing Sub-Committee	17.01.2007
08/03918/LIPDPS	Application to Vary the Designated Premises Supervisor	Granted Under Delegated Authority	03.06.2008
11/12582/LIPV	Variation Application	Refused by Licensing Sub-Committee	15.03.2012
13/02093/LIPVM	Minor Variation Application	Granted Under Delegated Authority	15.04.2013
13/09468/LIPDPS	Application to Vary the Designated Premises Supervisor	Granted Under Delegated Authority	20.01.2014
15/00234/LIPT	Transfer Application	Granted Under Delegated Authority	19.01.2015
15/09736/LIPT	Transfer Application	Granted Under Delegated Authority	15.12.2015

16/13174/LIPT	Transfer Application	Granted Under Delegated Authority	20.02.2017
16/13620/LIPV	Variation Application	Application Withdrawn	02.03.2017
17/01144/LIPDPS	Application to Vary the Designated Premises Supervisor	Granted Under Delegated Authority	20.02.2017
17/08750/LIPV	Variation Application	Granted by Licensing Sub-Committee	05.10.2017

<b>Application</b>	<b>Details of Application</b>	<b>Decision</b>	<b>Date Determined</b>
14/02824/LISEVN	New Sexual Entertainment Venue Application	Refused by licensing sub committee	03.07.2014

There is no licence or appeal history for the premises.

## **CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING**

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

### **Mandatory Conditions**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;



- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. 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 Managers discretion without necessarily ID being scanned and recorded. The admission of such guests however shall be in accordance with the following procedure.
    - a. The Police shall approve in writing the names of those managers (Police Approved Managers) who are authorised to sign in such guests, such approval shall not be unreasonably withheld. There shall be a maximum of three Police Approved Managers.

- b. 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 Police Approved Manager authorising the admission will also be recorded by that Manager.
  - c. 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.
  - d. Where there are appropriate reasons for a guest not to be able to produce ID and be subject to ID scan, the Police Approved 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.

***Police have proposed that condition 32 be amended as follows (agreed by the applicant)***

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

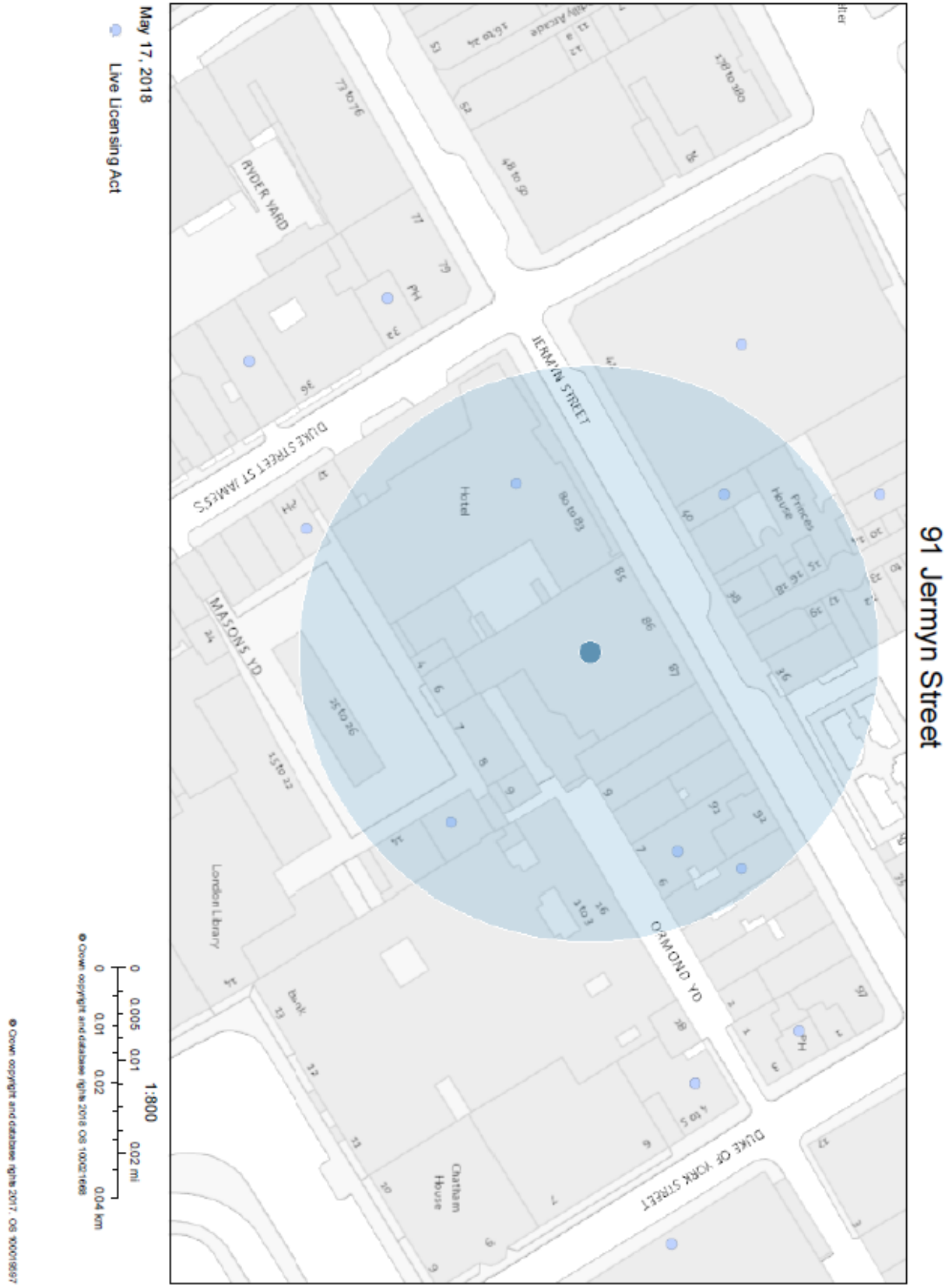
recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

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.



Residential Map and List of Premises in the Vicinity



<b>Premises within 50 metres of: 91 Jermyn Street</b>			
<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Licensed Hours</b>
67403	The Cavendish Hotel	81-84 Jermyn Street London SW1Y 6JF	Monday to Saturday; 10:00 - 01:00   Monday to Sunday; 00:00 - 00:00   Sunday; 10:00 - 22:30
14665	Tramp	40 Jermyn Street London SW1Y 6DN	Monday to Sunday; 09:00 - 05:00
16240	The Jermyn Club	6 - 7 Ormond Yard London SW1Y 6JT	Monday to Sunday; 09:00 - 03:30
69777	The Scotch Of St James	Basement And Ground Floor 13 Mason's Yard London SW1Y 6BU	Monday to Saturday; 09:00 - 05:30   Sunday; 09:00 - 03:30
67414	Paxton & Whitfield Ltd	Basement And Ground Floor 93 Jermyn Street London SW1Y 6JE	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00



City of Westminster

# Licensing Sub-Committee Report

## Agenda Item 3

Item No:	
Date:	31 May 2018
Licensing Ref No:	18/03595/LIPV - Premises Licence Variation
Title of Report:	Queens Ice Bowl Queens Ice Club 17 Queensway London
Report of:	Director of Public Protection and Licensing
Wards involved:	Lancaster Gate
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Sam Eaton Senior Licensing Officer
Contact details	Telephone: 020 7641 2700 Email: <a href="mailto:seaton@westminster.gov.uk">seaton@westminster.gov.uk</a>

# 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	5 April 2018		
<b>Applicant:</b>	Leisure Box Limited		
<b>Premises:</b>	Queens Ice Bowl		
<b>Premises address:</b>	Queens Ice Club 17 Queensway London W2 4QP	<b>Ward:</b>	Lancaster Gate
		<b>Cumulative Impact Area:</b>	Queensway & Bayswater
<b>Premises description:</b>	The premises are a ice rink and bowling alley with cafe and restaurant.		
<b>Variation description:</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>4. To extend the existing restaurant area into the current games area.</li> <li>5. 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>6. 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>7. 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>		
<b>Premises licence history:</b>	The premises have benefitted from a licence since July 2005. A full history can be found at Appendix 4.		

<b>Applicant submissions:</b>	None.
<b>Plans:</b>	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.

<b>1-B Current and proposed licensable activities, areas and hours</b>						
<b>Regulated Entertainment</b>						
<b>Performance of dance</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	09:00	23:00	No change		Within the red line indicated on the existing plans	Within the red line indicated on the plans to include Ice Rink Cafe, Rink View Cafe and the Viewing Gallery
<b>Tuesday</b>	09:00	23:00				
<b>Wednesday</b>	09:00	23:00				
<b>Thursday</b>	09:00	23:00				
<b>Friday</b>	09:00	23:00				
<b>Saturday</b>	09:00	23:00				
<b>Sunday</b>	09:00	22:30				
<b>Seasonal variations:</b>	<b>Current:</b>				<b>Proposed:</b>	
	None				None	
<b>Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	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).				No change	

Performance of live music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	09:00	23:00	No change		Within the red line indicated on the existing plans	Within the red line indicated on the plans to include Ice Rink Cafe, Rink View Cafe and the Viewing Gallery
<b>Tuesday</b>	09:00	23:00				
<b>Wednesday</b>	09:00	23:00				
<b>Thursday</b>	09:00	23:00				
<b>Friday</b>	09:00	23:00				
<b>Saturday</b>	09:00	23:00				
<b>Sunday</b>	09:00	22:30				
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>					<b>Proposed:</b>
	None					None
	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).					No change

Playing of recorded music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	Unrestricted		No change		Within the red line indicated on the existing plans	Within the red line indicated on the plans to include Ice Rink Cafe, Rink View Cafe and the Viewing Gallery
<b>Tuesday</b>						
<b>Wednesday</b>						
<b>Thursday</b>						
<b>Friday</b>						
<b>Saturday</b>						
<b>Sunday</b>						
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>					<b>Proposed:</b>
	None					None
	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).					No change

Private entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Unrestricted		No change		Within the red line indicated on the existing plans	Within the red line indicated on the plans to include Ice Rink Cafe, Rink View Cafe and the Viewing Gallery
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>					<b>Proposed:</b>
	None					None
	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).					No change

Late night refreshment						
Indoors, outdoors or both			Current :			Proposed:
			Indoors			No change
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	00:00	No change		Within the red line indicated on the existing plans	Within the red line indicated on the plans to include Ice Rink Cafe, Rink View Cafe and the Viewing Gallery
Tuesday	23:00	00:00				
Wednesday	23:00	00:00				
Thursday	23:00	00:00				
Friday	23:00	00:30				
Saturday	23:00	00:30				
Sunday						
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>					<b>Proposed:</b>
	None					None
	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).					No change

Sale by Retail of Alcohol						
On or off sales			Current :			Proposed:
			Both			No change
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:00	No change		Within the red line indicated on the existing plans	Within the red line indicated on the plans to include Ice Rink Cafe, Rink View Cafe and the Viewing Gallery
Tuesday	10:00	23:00				
Wednesday	10:00	23:00				
Thursday	10:00	23:00				
Friday	10:00	23:30				
Saturday	10:00	23:30				
Sunday	12:00	22:30				
Seasonal variations/ Non-standard timings:	Current:					Proposed:
	None					None
	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).					No change

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	23:30	No change		Within the red line indicated on the existing plans	Within the red line indicated on the plans to include Ice Rink Cafe, Rink View Cafe and the Viewing Gallery
Tuesday	09:00	23:30				
Wednesday	09:00	23:30				
Thursday	09:00	23:30				
Friday	09:00	00:00				
Saturday	09:00	00:00				
Sunday	09:00	23:00				
Seasonal variations/ Non-standard timings:	Current:					Proposed:
	None					None
	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).					No change



<b>1-C Layout alteration</b>
<ol style="list-style-type: none"> <li>1. 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>2. To extend the existing restaurant area into the current games area.</li> <li>3. 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> </ol>

<b>1-D Conditions being varied, added or removed</b>	
<b>Condition</b>	<b>Proposed variation</b>
11. Entertainment under this licence shall be provided in the Ice Rink area only.	Proposed for deletion
12. Musical entertainment under this licence shall be limited to music accompanying any form of ice skating where ice skating is the principal form of entertainment.	Proposed for deletion
<p>13. The exit leading into the road Queens Court and Princess Court shall not be used except in the event of an emergency - EXCEPT that this condition shall not apply during the refurbishment of the premises when the following applies -</p> <ul style="list-style-type: none"> <li>- There is no access/exit to the premises through the main door on Queensway.</li> <li>- The only area accessible to the public will be the ice rink area.</li> <li>- There are no licensable activities taking place.</li> <li>- The ice rink area will only be used between 10.00am and 9.00pm with all customers vacating the premises by 9.30pm.</li> <li>- The exit will be used for entrance and exit on a temporary basis until November 2016.</li> <li>- An SIA registered door staff will be employed for queue management stationed at the main exit.</li> <li>- The number of customers will be restricted to 250 per session.</li> <li>- A manned box office will be stationed at the entrance.</li> <li>- Signage and printed media will be displayed and handed to all customers ensuring noise is kept to a minimum</li> </ul>	Proposed for deletion
16. There shall be no sale or supply or consumption of intoxicating liquor other than in the areas coloured pink on the deposited plan.	Proposed for deletion
23. From the hours of 11.00am to 6.00pm Monday to Friday the reception desk at the front door of the premises will at all times be operational so as to monitor customers	<p><b>To be amended as follows:</b></p> <p>From 2.00pm until 6.00pm on Saturday, Sundays and Bank Holiday Mondays there</p>

<p>coming into the premises. From 2.00pm until 6.00pm on Saturday, Sundays and Bank Holiday Mondays there will be a minimum of one accredited door supervisor on duty within the public area of the licensed premises. From 6.00pm until licensable activities cease Monday to Sunday there will be a minimum of two accredited door supervisors on duty within the public area of the premises.</p>	<p>will be a minimum of one accredited door supervisor on duty within the public area of the licensed premises. From 6.00pm until licensable activities cease Monday to Sunday there will be a minimum of two accredited door supervisors on duty within the public area of the premises.</p>
<p>24. Notices requesting persons to leave the premises in a quiet and orderly manner and to respect the local residents and businesses shall be placed prominently at all exits from the premises.</p>	<p>Proposed for deletion</p>
<p>41. 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.</p>	<p><b>To be amended as follows:</b></p> <p>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.</p>
<p><b>To add:</b></p> <p>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.</p>	
<p><b>To add:</b></p> <p>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.</p>	

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Metropolitan Police Service ( <b>Withdrawn</b> )
<b>Representative:</b>	PC Caroline Cockshull
<b>Received:</b>	26 <sup>th</sup> April 2018
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>The venue is situated in the West End Cumulative Impact, a locality where there is traditionally high crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.</p> <p>We would want to see the following condition attached to the Licence</p> <ol style="list-style-type: none"> <li>1. 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:               <ol style="list-style-type: none"> <li>a) All crimes reported to the venue</li> <li>b) All ejections of patrons</li> <li>c) Any complaints received concerning crime and disorder</li> <li>d) Any incidents of disorder</li> <li>e) All seizures of drugs or offensive weapons</li> <li>f) Any faults in the CCTV system</li> <li>g) Any refusal of the sale of alcohol</li> <li>h) Any visit by a relevant authority or emergency service</li> </ol> </li> </ol> <p>Please do not hesitate to contact me if you wish to discuss this further.</p> <p style="text-align: center;"><b><i>The above condition has been agreed with the applicant and the Metropolitan Police Service have subsequently withdrawn their representation.</i></b></p>	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Mr Dave Nevitt
<b>Received:</b>	3 <sup>rd</sup> May 2018
<p>I wish to make Representations on the following grounds:</p> <p>Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.</p> <p><u>Further correspondence between the applicant and Environmental Health dated 16<sup>th</sup> May 2018:</u></p> <p>Dear Dave</p>	

We met, of course, here and discussed the application at a formal pre-application meeting.

We have then submitted the application which, as you will know, goes to a hearing on Thursday, 31<sup>st</sup> May 2018.

There are representations from John Zamit who Dave Devaney is meeting next week, licensing and yourself.

We did discuss several conditions including that customers be seated in the new Viewing Gallery and Viewing Gallery Café.

Is it your proposal to suggest certain conditions to address any concerns prior to the hearing?

Further correspondence from Environmental Health and the applicant dated 23<sup>rd</sup> May 2018:

Hi James,

Yes – I was thinking maybe waiter/waitress service to seated customers in the new/extended area of the café/restaurant – the area overlooking the rink.

I was also thinking of a capacity figure to be set for the new area on the other side of the rink.

What do you think?

Further correspondence from the application and Environmental Health dated 23<sup>rd</sup> May 2018:

Thanks Dave; I will discuss with Dave Devaney and respond and also on the plans. Regards, James.

<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Ms Daisy Gadd
<b>Received:</b>	1 <sup>st</sup> May 2018

I write in relation to the application submitted for a variation of the premises licence for Queens Ice Bowl, situated at 17 Queensway.

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:

- Prevention of Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of children from harm

This variation application seeks the following:

- To remove condition 11, 12, 13 and 16 from the licence.
- To amend condition 23 and 41
- To extend the red line so that alcohol can be sold and consumed in the Ice Rink Café, the Ice Rink View Café and the Viewing Gallery areas
- To extend the existing restaurant area

To allow the sale and consumption of alcohol in the Ice Rink when there is a pre-booked private function using the Ice Rink.

The premises is located within a Cumulative Impact Area and as such a number of policy points must be considered, namely CIP1, PB2 and HRS1.

This application currently falls under policy PB2. As part of this application, it is proposed to extend the licensable area so that alcohol can be sold and consumed in the Ice Rink Café, the Ice Rink View Café and the Viewing Gallery areas. The applicant has proposed the following condition in relation to the operation of these areas:

*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.*

The Licensing Authority are concerned that, after 7pm, these areas then come to operate as bars within the Cumulative Impact Area. Paragraph 2.5.23 of the Council's Statement of Licensing Policy states that "the Licensing Authority considers that the grant of variations or new licences for pubs and bars in the Cumulative Impact Areas should be limited to exceptional circumstances". The applicant has not yet demonstrated any genuinely exceptional circumstances that would allow to depart from policy.

The application also seeks to allow the consumption of alcohol in the Ice Rink when there is a pre-booked private function. The Licensing Authority are concerned about the operation of these pre-booked private functions and how they are to be managed, with specific regard to the consumption of alcohol on the ice rink. Paragraph 2.4.10 of the policy states that "persons leaving proprietary clubs or premises operating private functions will sometimes cause nuisance or be involved in crime, either as perpetrators or victims". The Licensing Authority require the applicant to provide further submissions as to the management and control of those attending a pre-booked function, when coupled with the fact that alcohol consumption is sought to be permitted on the ice rink during these functions.

The Licensing Authority would also like to express concern about the amended wording of condition 23 which seeks to remove the following words from the condition:

*"From the hours of 11:00am to 6:00pm Monday to Friday the reception desk at the front door of the premises will at all times be operational so as to monitor customers coming into the premises."*

The applicant needs to provide further information as to the reasoning behind removing this aspect of condition 23 and how the premises now intends to monitor customers entering the premises.

Further discussions will be held with the applicant and any additional submissions will be forwarded on for Members information.

Please accept this as a formal representation.

**2-B Other Persons**

**Received:** 22<sup>nd</sup> April 2018

We note application which we are digesting and broadly agree some of proposed changes to existing conditions

However we strongly object to any sale or consumption of alcohol or other drinks on ice rink itself

Also yellow colouring on plan not clear as should be continued on right side on access to ice rink and elsewhere.

Not clear where is the 'viewing gallery' is and what drinking arrangements are there.

Also new areas for drinking on both sides of ice rink should be different colour on plan to existing red area (where at all times alcohol consumption ancillary to taking food at tables) or area hatched for ease of reference.

Interested to hear views of Environmental Health Officer & Building Surveyor at WCC & Police re new proposals and fire exits etc for new 'drinking area (assume CCTV will cover these new areas) and capacity figures for each section and where, if any, 'vertical drinking', after which we may have further representations to make.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies:</b>	<ul style="list-style-type: none"> <li>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</li> <li>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</li> </ul>
<b>Policy PB2 applies:</b>	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.
<b>Policy CIP1 applies:</b>	<ul style="list-style-type: none"> <li>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</li> <li>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</li> </ul>

### 4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

## 5. Appendices

<b>Appendix 1</b>	Applicant supporting documents
<b>Appendix 2</b>	Premises history
<b>Appendix 3</b>	Proposed conditions
<b>Appendix 4</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Miss Sam Eaton Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 2700 Email: seaton@westminster.gov.uk

**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

### **Background Documents – Local Government (Access to Information) Act 1972**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Metropolitan Police Service (Withdrawn)	26 <sup>th</sup> April 2018
<b>5</b>	Environmental Health Service	3 <sup>rd</sup> May 2018
<b>6</b>	Licensing Authority	1 <sup>st</sup> May 2018
<b>7</b>	Representation	22 <sup>nd</sup> April 2018



Applicant Supporting Documents

None.

### Licence & Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Decision</b>	<b>Date Determined</b>
05/10410/LIPC	Conversion Application	Granted Under Delegated Authority	03.10.2005
06/10171/WCCMAP	New Premises Application	Granted Under Delegated Authority	03.10.2005
13/04559/LIPV	Variation Application	Granted Under Delegated Authority	20.08.2013
14/01718/LIPT	Transfer Application	Granted Under Delegated Authority	12.03.2014
14/05701/LIPT	Transfer Application	Granted Under Delegated Authority	01.09.2014
16/05019/LIPVM	Minor Variation Application	Granted Under Delegated Authority	02.06.2016
16/05320/LIPV	Variation Application	Granted Under Delegated Authority	10.08.2016
16/09287/LIPVM	Minor Variation Application	Granted Under Delegated Authority	11.01.2017
17/01745/LIPDPS	Application to Vary the Designated Premises Supervisor	Granted Under Delegated Authority	30.03.2017
17/03341/LIPVM	Minor Variation Application	Granted Under Delegated Authority	24.04.2017

<b>Application</b>	<b>Details of Application</b>	<b>Decision</b>	<b>Date Determined</b>
18/00061/LITENP	Temporary Event Notice	Event allowed to proceed	09.01.2018
18/00059/LITENP	Temporary Event Notice	Event allowed to proceed	09.01.2018
17/06293/LITENP	Temporary Event Notice	Invalid Application	09.06.2017
17/06292/LITENP	Temporary Event Notice	Event allowed to proceed	14.06.2017
17/06283/LITENP	Temporary Event Notice	Invalid Application	09.06.2017
17/02588/LITENP	Temporary Event Notice	Event allowed to proceed	11.04.2017
17/00516/LITENP	Temporary Event Notice	Application Withdrawn	25.01.2017
17/00515/LITENP	Temporary Event Notice	Application Withdrawn	25.01.2017

**There is no appeal history**

*CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING*

When determining an application for a variation of a premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

**Conditions: On Current Licence -**

**Mandatory:**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or

less in a manner which carries a significant risk of undermining a licensing objective;

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

**Conditions reproducing the effect of conditions subject to which the relevant existing licenses have effect.**

### **Conditions relating to regulated entertainment:**

10. 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).
11. Entertainment under this licence shall be provided in the Ice Rink area only.  
***(Proposed for deletion)***
12. Musical entertainment under this licence shall be limited to music accompanying any form of ice skating where ice skating is the principal form of entertainment.  
***(Proposed for deletion)***
13. The exit leading into the road Queens Court and Princess Court shall not be used except in the event of an emergency -  
EXCEPT that this condition shall not apply during the refurbishment of the premises when the following applies -
  - There is no access/exit to the premises through the main door on Queensway.
  - The only area accessible to the public will be the ice rink area.
  - There are no licensable activities taking place.
  - The ice rink area will only be used between 10.00am and 9.00pm with all customers vacating the premises by 9.30pm..
  - The exit will be used for entrance and exit on a temporary basis until November 2016.
  - An SIA registered door staff will be employed for queue management stationed at the main exit.
  - The number of customers will be restricted to 250 per session.
  - A manned box office will be stationed at the entrance.
  - Signage and printed media will be displayed and handed to all customers ensuring noise is kept to a minimum***(Proposed for deletion)***
14. No noise shall emanate from the premises which shall be audible in any residential premises.
15. The number of persons accommodated (excluding staff) at the premises shall not exceed 1000.

### **Conditions related to Sale of Alcohol**

16. There shall be no sale or supply or consumption of intoxicating liquor other than in the areas coloured pink on the deposited plan.  
***(Proposed for deletion)***
17. There shall be no sale or supply of intoxicating liquor under this licence except when the ten pin bowling and/or the ice skating facilities are in use or available for use.
18. A member of staff over the age of 18 years shall be in the area of the ten pin bowling lanes during permitted licensing hours to monitor the consumption of intoxicating liquor and to ensure that good order is maintained.

19. No person under 18 years shall be allowed to consume intoxicating liquor anywhere within the licensed premises.
20. No person shall be allowed to bring intoxicating liquor into the Queens Ice Bowl from outside the premises for consumption on the premises, and notices to that effect shall be displayed at all public entrances to the premises.
21. At least one licensee shall be present on the licensed premises during all permitted hours.
22. The whole of the premises of the Queens Ice Bowl shall be covered by a closed circuit television system, installed, operated, maintained and usage monitored, to a standard that is satisfactory to the Metropolitan Police Crime Prevention Officer of the Local Police Division.
23. From the hours of 11.00am to 6.00pm Monday to Friday the reception desk at the front door of the premises will at all times be operational so as to monitor customers coming into the premises. From 2.00pm until 6.00pm on Saturday, Sundays and Bank Holiday Mondays there will be a minimum of one accredited door supervisor on duty within the public area of the licensed premises. From 6.00pm until licensable activities cease Monday to Sunday there will be a minimum of two accredited door supervisors on duty within the public area of the premises.

***Proposed to be amended as follows:***

Will at all times be operational so as to monitor customers coming into the premises. From 2.00pm until 6.00pm on Saturday, Sundays and Bank Holiday Mondays there will be a minimum of one accredited door supervisor on duty within the public area of the licensed premises. From 6.00pm until licensable activities cease Monday to Sunday there will be a minimum of two accredited door supervisors on duty within the public area of the premises.

24. Notices requesting persons to leave the premises in a quiet and orderly manner and to respect the local residents and businesses shall be placed prominently at all exits from the premises.

***(Proposed for deletion)***

25. No direct access from the street to any bar.

**Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments.**

26. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of this premises licence / club premises certificate:

(a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,

(b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and

(c) to take all other reasonable precautions for the safety of the children.



## **Annex 2 – Conditions consistent with the operating Schedule**

27. No under 18's will be permitted in the bar unless under the supervision of an adult. Signage to this effect will be displayed.
28. 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.
29. All emergency exit doors shall be available at all times without the use of a key, code, card or similar means.
30. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
31. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
32. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
33. Only hangings, curtains, upholstery and temporary decorations, complying with the relevant British (or where appropriate European) Standard shall be used. Where necessary these shall be periodically tested for flame resistance and re-treated as necessary.
34. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 7 days prior notice being given to the Council where consent has not previously been given:
  - Dry ice and cryogenic fog.
  - Smoke machines and fog generators.
  - Pyrotechnics including fireworks.
  - Firearms.
  - Lasers.
  - Explosives and highly flammable substances.
  - Real flame.
  - Strobe lighting.
35. 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.
36. The certificates listed below shall be submitted to the Council upon written request.
  - Any emergency lighting battery or system.
  - Any electrical installation.
  - Any fire alarm system.
37. 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
38. There shall be no admittance to the premises after 22.30
  39. There shall be no unaccompanied persons under the age of 18 on the premises after 23.00.
  40. 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.
  41. 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.

***Proposed to be amended 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.
42. The premises shall operate a zero tolerance towards drugs.
  43. Substantial food and substantial beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
  44. Suitable beverages other than intoxicating liquor, including drinking water, shall be available at the premises.
  45. The premises licence holder shall require the DPS or another person nominated by him to attend any local Pubwatch scheme or equivalent if available.
  46. Any entertainment, performance, service or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted) shall not be provided.
  47. 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.
  48. There shall be no loud speakers, amplification or live entertainment to take place within the front entrance lobby of the premises
  49. 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.

50. Notices will be prominently displayed at exits requesting the public to respect the need of local residents and to leave the premises and the area quietly.
51. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and the use the area quietly.
52. Where outside waste collection is required, all waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
53. The area immediately outside the premises shall be swept and/or washed and liquor and sweepings collected and stored in accordance with the approved refuse storage arrangements.
54. The Premises Licence Holder will enter into an agreement with the reputable private hire or mini cab firm to service customers leaving the premises. Information will also be made available to customers as to local transport provision.
55. Customers leaving the venue will be directed by staff and/or notices towards the Queensway. The DPS and Premises Licence Holder will use their reasonable endeavors to ensure there be no pick up or drop off at the main entrance to Queen's Ice Bowl.
56. Patrons temporarily leaving the premises and/or going to external areas of the premises for the purposes of smoking shall not take any drinks with them.
57. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
58. There shall be not striptease or nudity, and all persons shall be decently attired at all times.
59. The certificates listed below shall be submitted to the Licensing Authority upon written request:
  - Any emergency lighting battery or system
  - Any electrical installation
  - Any emergency warning system
60. Any special effects or mechanical installations shall be arranged and stored so as to minimize any risks to the safety of those using the premises. The following special effects will only be used when 10 working days prior notice is given to the licensing authority and written consent is provided from the EH Consultation Team (where consent has not previously been given).
61. In respect of the Phase 2 Variation, no licensable activities shall take place in the affected areas until the premises has been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the licence.  
**(To be removed – cleared by Environmental Health)**

### **Annex 3 – Conditions attached after a hearing by the licensing authority**

None.

#### **Conditions proposed by the applicant to form part of the operating schedule:**

62. 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.
63. 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.

#### **Conditions proposed by the Police and agreed with the applicant to form part of the operating schedule:**

64. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - a) All crimes reported to the venue
  - b) All ejections of patrons
  - c) Any complaints received concerning crime and disorder
  - d) Any incidents of disorder
  - e) All seizures of drugs or offensive weapons
  - f) Any faults in the CCTV system
  - g) Any refusal of the sale of alcohol
  - h) Any visit by a relevant authority or emergency service

Residential Map and List of Premises in the Vicinity



Resident count: 150

**Premises within 50 metres of: 17 Queensway**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Licensed Hours</b>
55189	La Docta	Unit A15 Queensway Market 23 - 25 Queensway London W2 4QJ	Monday to Sunday; 10:00 - 20:30
56237	Del Casa	27 Queensway London W2 4QJ	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
56340	Queen's Ice Bowl	Queens Ice Club 17 Queensway London W2 4QP	Monday to Thursday; 09:00 - 00:00 Friday to Saturday; 09:00 - 00:30 Sunday; 09:00 - 23:00
56231	Royal China Chinese Restaurant	13 Queensway London W2 4QJ	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
29550	Casa Brasil	Unit L001 Queensway Market 23-25 Queensway London W2 4QJ	Monday to Saturday; 11:00 - 20:00 Sunday; 12:00 - 18:00
73410	Mandarin Kitchen	14-16 Queensway London W2 3RX	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
54982	Not Recorded	10 Queensway London W2 3RX	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:00
54813	Med Mezze	22 Queensway London W2 3RX	Monday to Thursday; 10:00 - 23:00 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30 Sundays before Bank Holidays; 10:00 - 00:00
7562	Food Basics Limited	28 Queensway London W2 3RR	Monday to Saturday; 10:00 - 23:00 Sunday; 10:00 - 22:30
56295	Ground Floor	31-31A Queensway London W2 4QJ	Monday to Saturday; 07:00 - 00:00 Sunday; 08:00 - 00:00
56239	Taza Take Away	35A Queensway London W2 4QJ	Monday to Sunday; 10:00 - 00:00
56241	Kalinka	35 Queensway London W2 4QJ	Monday to Saturday; 11:00 - 20:00 Sunday; 12:00 - 18:30
56244	Queensway Food & Wine	37 Queensway London W2 4QJ	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30

11332	Caps News	35B Queensway London W2 4QJ	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
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