



**CITY OF WESTMINSTER**

# **MINUTES**

## **Licensing Sub-Committee (3)**

### **MINUTES OF PROCEEDINGS**

Minutes of a meeting of the **Licensing Sub-Committee (3)** held on **Thursday 19th July, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

**Members Present:** Councillors Melvyn Caplan (Chairman), Peter Freeman and Rita Begum

**Also Present:** Councillors

**Apologies for Absence:**

**1 MEMBERSHIP**

**2 DECLARATIONS OF INTEREST**

**1 CENTURY CLUB, 61-63 SHAFTESBURY AVENUE, LONDON, W1D 6LQ**

### **LICENSING SUB-COMMITTEE No. 3**

*Thursday 19<sup>th</sup> July 2018*

**Membership:** Councillor Melvyn Caplan (Chairman), Councillor Peter Freeman and Councillor Rita Begum

**Legal Adviser:** Barry Panto

**Committee Officer:** Kisi Smith-Charlemagne

**Presenting Officer:** Samantha Eaton

**Relevant Representations:** The Licensing Authority, Environmental Health, Metropolitan Police, the Soho Society and 27 representations in support of the application

**Present:** Ms Lana Tricker (Solicitor, representing the Applicant), Century Club Limited (Applicant), Ron Holenbury (General Manager, representing Applicant) Ms Daisy Gadd (Licensing Authority), Mr Anil Drayan (Environmental Health), PC Bryan Lewis (Metropolitan Police), Richard

Brown (CAB Licensing Project on behalf of the Soho Society) and Ms Jane Doyle, Mr Kenneth Rodgers, Mr Ali Rezakhani and Mr Michael Davies (The Soho Society)

<b>Century Club, 61-63 Shaftesbury Avenue, London, W1D 6LQ (West End Ward/ West End Cumulative Impact Area) ("The Premises") 18/03894/LIPV</b>	
1.	<p><b><u>Current</u></b>  <b>Regulated Entertainment (Indoors, outdoors or both):</b> Indoors  <b>Exhibition of films</b>  <b>Playing of recorded music</b></p> <p>Ground, First, Second, Third &amp; Fourth Floor</p> <p>Monday to Sunday: 10:00 to 01:00</p> <p><b><u>Proposed</u></b>  <b>Regulated Entertainment (Indoors, outdoors or both):</b> Indoors  <b>Exhibition of films</b>  <b>Playing of recorded music</b></p> <p>Ground, First, Second, Third &amp; Fourth Floor</p> <p>Monday to Wednesday: 10:00 to 01:00  <b>Thursday to Saturday: 10:00 to 03:00</b>  Sunday: 10:00 to 01:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by Century Club Limited, for a premises licence variation in respect of Century Club, 61-63 Shaftesbury Avenue, London, W1D 6LQ, in the West End Ward and West End Cumulative Impact Area. The Licensing Officer provided an outline of the application to the Sub-Committee.</p> <p>Ms Tricker advised the Sub-Committee that the operator opened its doors in 2001 and the premises operates as a discrete, private members club on Shaftesbury Avenue. Ms Tricker described the location and the interior of the premises, explaining that there is no trade on the ground floor. The Applicant sought to increase licensable activities for Thursday, Friday and Saturday until 03:00 and terminal hours until 03:30. The Applicant also sought to update conditions 28 to bring it in line with Westminster's model condition and to add a last entry condition.</p> <p>Ms Tricker explained to the Sub-Committee the details of the club's membership criteria, as set out in the application. Ms Tricker advised the Sub-Committee of the club's operations, referring to what was on offer to members. Ms Tricker</p>

then explained that there had been no previous noise or nuisance complaints. Ms Tricker confirmed that this was supported with a noise survey report prepared by Big Sky Acoustics (set out at pages 69 to 93 of the Licensing Sub-Committee report) which showed that the extension of hours would not cause any impact. Ms Tricker advised the Sub-Committee that the premises consisted of three floor and a roof terrace, where smoking and dining took place. Ms Tricker advised that the noise survey shows that there would be no impact from the terrace and it was advised that there were certain noise insulation and barriers that prevented the noise from travelling.

Ms Tricker stated that the objections from the Licensing Authority, Environmental Health, Metropolitan Police and Soho Society, had confirmed that there were no real operational concerns, all objections were concerned with policy. Ms Tricker advised that a new licence was granted in 2016 under delegated authority, with terminal hours of 01:00, which was already past Westminster core hours as an exception to policy. Ms Tricker advised that this was not a premises that added to cumulative impact issues; and this had been verified by user trade and the premises does not exhibit characteristics of a cumulative area; as per appendix 14 of WCC policy. It was also advised that there is no impact on the life of local residents, the support submission showing that there are many residents who are club members.

Ms Tricker advised that a condition for last entry of 01:30 had been proposed with the exception of smokers, however this exception was no longer required as smokers could access the roof and there would be no impact at street level. It was advised that there were no off sales, no issues with street cleaning and that the application was member driven and was for members who wanted to stay in a safe environment. It was also advised that the premises was not a dance lead operation, there were no advertisements and no queuing and the club was not associated with drunk and disorderly behaviour. Mr Tricker referred to the WCC policy on Cumulative impact advising that it is not absolute and each application should to be judged on its own merit. Ms Tricker advised the Sub-Committee that the premises had operated a number of TEN's (20) until 03:00, with no problems. Ms Tricker advised that this showed that the premises is responsible and capable of operating until 03:00 with no concerns.

Ms Tricker then discussed the additional conditions proposed, referring to last entry time of 01:30 on Thursday, Friday and Saturday advising that there were currently no security condition on the licence, but are prepared to offer a condition for 1 Officer on Shaftsbury Avenue until 02:00 to aid dispersal. The Delivery condition on page 64 had been agreed, as had the reduction in capacity at 23:00 from 550 to 500. Ms Tricker also advised that each member is allowed up to 4 guests, as per WCC model conditions.

The Sub-Committee asked the legal adviser to clarify wording of the WCC Cumulative Impact Area policy. Mr Panto referred to page 22 of the report referring to PB2 and confirming the need to show an exception to the policy to ruse drink led applications in the Cumulative Impact Area. He also referred to paragraphs 2.4.10 to 2.4.12 from the Statement of Licensing Policy which stated that proprietary clubs and premises which promote private functions are very likely to contribute to cumulative impact. Ms Tricker advised that she agreed with

Mr Panto and stated that there were a variety of reasons why her client was exceptional. She summarised the operation of the club, stating that there were no complaints about dispersal, made reference to the use of TEN's, additional security conditions, transport links, including the later tube service, the provisions of cabs in Shaftesbury Avenue and finally pointed out that the customers would be contained within the premises after 01.00 rather than seeking to find alternative venues. Ms Tricker advised the Sub-Committee that these were the exceptions. Ms Tricker confirmed the capacity within the premises and 150 on the roof terrace. She pointed out that half of the terrace roof is retractable and is closed as 23:00.

The Sub-Committee then heard from local residents in support of the application, Mr Rezakhani discussed the members behaviour, explaining the importance of good behaviour from themselves and their guest in order to protect their membership. Mr Rezakhani described the premises as a safe place to socialise and work for the creative industry. Mr Rezakhani advised that the extended hours would allow the time to sit and order a cab in a safe way

Mr Rogers described the membership processes which required 2 references, an intensive interview and committee approval. Mr Rogers advised that he loved the contained space. It's a great space to socialise for work and bring in guests. Mr Rogers discussed dispersal and capacity, advising the Sub-Committee that he had never seen 500 people at the premises in the early hours, leaving at the same time.

Mr Davies confirmed that he had been going to Century since 2002, first as a guest then as a member. Mr Davies advised that it is a great place for him to do business and he brings business guests there all the time. When he has international guest they are surprised that the club closes at 01:00. Mr Davies explained that Century is a safe place and he has never seen any trouble in the sixteen years that he has been going there.

It was further explained to the members that the Club had 2,500 members and a Committee of 8 people would determine whether to grant membership renewals every month. The Sub-Committee inquired as to whether the club had a dress code. The Applicant advised that there was a dress code of smart/causal; and this was enforced.

The Metropolitan Police (MP) maintained their objection and PC Bryan Lewis advised the Sub-Committee that he had visited the club and had raised some concerns. PC Lewis explained that he was able to walk straight into the club without being challenged. PC Lewis maintained that the premises was hidden, so much so that you would not know there was a club there. PC Lewis informed the Sub-Committee that there were Security staff on site, but some were not wearing SIA licenses, which is essential. PC Lewis advised that they would possibly need to review security. PC Lewis also advised that there were still club members on the roof terrace until 01:30 and a group of at least 20 people on the street outside, but they were not causing a nuisance.

The Environmental Health (EH) officer Mr Anil Drayan, maintained his representation and confirmed this was based on policy. Mr Drayan advised the

Sub-Committee that the last noise nuisance complaint was received in 2014, this was resolved using acoustic measures and sound limiters. Mr Drayan informed the Sub-Committee that he had visited the roof terrace and observed that it was very isolated and he was unsure who would be impacted at 03:00, if the area is well controlled.

The Licensing Authority (LA) represented by Ms Daisy Gadd, also maintained their representation, referring to WCC policy 2.5.23 advising that where the LA considers licensing variations to Pubs and bars, exceptional circumstances should be demonstrated. Ms Gadd said that the Applicant's representative had presented points regarding alleged exceptional circumstances and it would be for the Sub-Committee to decide whether they are genuine exceptional circumstances that would allow them to depart from policy PB2, which is to refuse applications of this type.

The Sub-Committee then heard from Richard Brown from the CAB project, who advised the Sub-Committee that he would be representing Ms Jane Doyle from the Soho Society. Mr Brown confirmed that the representation was not about the current management operation of the premises, but more about the impact of extended licensable activities and later hours in the CIA and on local residents. Mr Brown advised the Sub-Committee that in order to grant, they should be convinced that there are genuine exceptional circumstances. Mr Brown continued advising that the policy does not state what a genuine exception is, it states that the case is unlikely to be an exception unless it addresses the underlying reasons for the policy, in this case the number of late night and drink let establishments which have given rise to crime and public nuisance; and the cumulative effect. Cumulative impact arises from the number of people in the CIA late at night.

Mr Brown addressed the points raised by the Applicant's solicitor, specifically responding to the main reasons for the variation, which was club members requesting extended hours. Mr Brown felt that this was not an exceptional circumstance as any applicant could say this. Mr Brown felt this would keep 500 people in the CIA who would have ordinarily gone home. Mr Brown felt that Ms Tricker's statement regarding the TEN's demonstrated a snapshot of the situation and did not determine the whole picture. Mr Brown then addressed the capacity reduction proposed by the Applicant, from 550 to 500, advising that from 01:00 there would still be 500 more people in the CIA. Mr Brown also discussed the noise report confirming that this was not conducted during a TEN, so was unable to observe the premises at 03:00, which would have provided a more comparable analysis. In closing Mr Brown discussed the statistics relating to the number of premises with 03:00 licenses, confirming that there were none in the immediate area. Mr Brown also demonstrated the incremental increase of hours and capacity for the premises:

- Prior to 2016: 01:00 with capacity of 330
- 2016: 01:00 with Capacity of 550
- 2018: 03:00 with capacity of 500 (current application)

Ms Jane Doyle addressed the Sub-Committee explaining that there was a lot of crime in that area and Club members leaving the premises at 03:00 could be

	<p>victims of crime and disorder. It was also noted that Ms Doyle’s written representation made reference to the Authority’s policy statement to the effect that the operation of a proprietary club, in itself, would not demonstrate an exception to policy.</p> <p>The Sub-Committee invited Ms Tricker to respond to the representations and comments; and to confirm in a final summary where the application demonstrated exceptional circumstances. Ms Tricker confirmed that security would be addressed with additional conditions and repeated that there have never had any complaints or issues previously. Ms Tricker advised that after conversations with her client, they were proposing a further reduction in capacity from 500 to 475. Ms Tricker advised the Sub-Committee that the Applicant would be containing club members in a safe, self-contained premises which would prevent those people from leaving the premises, where they may go onto other later late night establishments and possibly become victims of crime.</p> <p>After carefully considering all of the evidence heard and submitted by the Applicant, including all the supporting representations, the Sub-Committee decided to refuse the variation application. The Sub-Committee felt that the variation would significantly impact on the already pressured West End Cumulative impact area. The Sub-Committee recognised how well the premises was run, but that could not constitute an exceptional reason for granting the application. Neither could the fact that there had been no complaints about the way the premises had been operating, including the operation of Temporary Event Notices until 3 am. The policy presumption against the application was a difficult hurdle to overcome. The proposed variation would have potentially permitted another 475 people to consume alcohol for an additional 2 hours and their membership of a proprietary club would not mitigate against the likelihood that a significant number of them would add to the existing cumulative impact in the area during those hours. Nothing else had been said in evidence which could justify the application being granted as an exception to policy.</p>
2.	<p><b><u>Current</u></b>  <b>Late Night Refreshment (Indoors, outdoors or both):</b> Indoors</p> <p>Ground, First, Second, Third &amp; Fourth Floor</p> <p>Monday to Saturday: 23:00 to 01:30  Sunday: 23:00 to 01:00</p> <p><b><u>Proposed</u></b>  <b>Late Night Refreshment (Indoors, outdoors or both):</b> Indoors</p> <p>Ground, First, Second, Third &amp; Fourth Floor</p> <p>Monday to Wednesday: 23:00 to 01:30  <b>Saturday to Thursday: 23:00 to 03:00</b>  Sunday: 23:00 to 01:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>

	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee did not grant this application (see reasons for decision in Section 1).</p>
<p><b>3.</b></p>	<p><b><u>Current</u></b>  <b>Sale by retail of Alcohol (On or off sales):Both</b></p> <p>Ground, First, Second, Third &amp; Fourth Floor</p> <p>Monday to Saturday: 10:00 to 01:00  Sunday: 10:00 to 00:30</p> <p><b><u>Proposed</u></b>  <b>Sale by retail of Alcohol (On or off sales): Both</b></p> <p>Ground, First, Second, Third &amp; Fourth Floor</p> <p>Monday to Wednesday: 10:00 to 01:00  <b>Saturday to Thursday: 10:00 to 03:00</b>  Sunday: 10:00 to 00:30</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee did not grant this application (see reasons for decision in Section 1).</p>
<p><b>4.</b></p>	<p><b><u>Current</u></b>  <b>Hours Premises are open to the public</b></p> <p>Ground, First, Second, Third &amp; Fourth Floor</p> <p>Monday to Saturday: 08:00 to 01:30  Sunday: 08:00 to 01:00</p> <p><b><u>Proposed</u></b>  <b>Hours Premises are open to the public</b></p> <p>Ground, First, Second, Third &amp; Fourth Floor</p> <p>Monday to Wednesday: 08:00 to 01:30  <b>Saturday to Thursday: 08:00 to 03:30</b>  Sunday: 08:00 to 01:00</p>

	Amendments to application advised at hearing:  None.	
	Decision (including reasons if different from those set out in report):  The Sub-Committee did not grant this application (see reasons for decision in Section 1).	
6.	<b>Condition</b>	<b>Proposed variation</b>
	<b>Delete condition 28:</b> An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:  (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system or searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.	<b>To be amended to:</b> An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:  (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
		<b>To add the following condition:</b> There shall be no new entries or re-entries to the premises on Thursday, Friday and Saturdays, save for smokers, after 01.30.
	Amendments to application advised at hearing:  None.	
	Decision (including reasons if different from those set out in report):  The Sub-Committee did not grant this application (see reasons for decision in Section 1).	



**2 ME HOTEL, 335 STRAND, LONDON, WC2R 1HA**

**LICENSING SUB-COMMITTEE No. 3**

*Thursday 19<sup>th</sup> July 2018*

Membership: Councillor Melvyn Caplan (Chairman), Councillor Peter Freeman and Councillor Rita Begum

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

Relevant Representations: Environmental Health, Metropolitan Police and 3 local resident's

Present: Mr Craig Baylis Solicitors (Agent, representing the Applicant, London XXI Limited), Mate Konczos (Logistics Manager and license holder DPS, representing Applicant), Mr Ian Watson (Environmental Health), PC Bryan Lewis (Metropolitan Police), Kate Swann (Local Resident)

<b>ME Hotel, 335 Strand, London, WC2R 1HA (St James's Ward/ Not in Cumulative Impact Area) ("The Premises") 18/06018/LIPV</b>		
<b>1.</b>	<b>Condition</b>	<b>Proposed variation</b>
	<b>Delete condition 37:</b> After 22:30 the area marked Terrace 1 on the licence plan shall not be used except in an emergency and for access to and from the Penthouse Suite.	<b>To be amended to:</b> After 22:30 the area marked Terrace 1 on the licence plan shall not be used except:  a. On Thursday to Saturday until midnight after which it shall be cleared of all patrons; b. In an emergency at any time; and c. For access to and from the Penthouse Suite at any time
	Amendments to application advised at hearing:  None	
	Decision (including reasons if different from those set out in report):  The Sub-Committee considered an application by London XXI Limited, for a premises licence variation in respect of ME Hotel, 335 Strand, London, WC2R 1HA. The Licensing Officer provided an outline of the application to the Sub-Committee, confirming that photographs and a plan had been submitted with the application. The Licensing Officer also confirmed that representations had been received from the Environmental Health (EH), Metropolitan Police (MP) and three members of the Public.	

Mr Baylis confirmed that the Sub-Committee had the most recent version of the conditions and then advised the Sub-Committee that it had before it a variation to the licence and conditions. The premises operates as a Hotel and the Applicant sought permission to use the Southern terrace area on the 10<sup>th</sup> floor on Thursday to Sunday until Midnight (an increase from 22.30). The Applicant also sought to make a related amendment to condition 37 to allow such access through the Southern Terrace. Mr Baylis advised the Sub-Committee that the residents had been very approachable and a pleasure to work with, making particular reference to Ms Swan.

Mr Baylis then advised the Sub-Committee that Ms Swann brought a review four years ago regarding noise from the hotel and that she was right to do so. Mr Baylis explained that his client was surprised to find that their own acoustics technician found that in Ms Swan's flat you could hear noise coming from the ME Hotel roof top terrace. Mr Baylis advised that this was bizarre, as Ms Swan's flat is on the other side of the Strand and the noise was going over the roof, bouncing off the wall and bouncing back again. Mr Baylis explained that for four years his client had not been able to use the roof terrace and he felt that it was time they were given a second chance.

Mr Baylis felt that the conditions proposed were reasonable and would not cause any issues. His client had used TEN's to test out the hour of operation and use of the roof terrace with no problems. Mr Baylis summarised that the key issues that lead to the review four years ago were overcrowding, vertical drinking and standing above the glass screen to see the great view. After drinking alcohol, customers' voices became louder and the noise would travel. Mr Baylis was of the view that this could be policed correctly with the new conditions. Mr Baylis advised that this would be no more than 60 people, all seated with waiter service at all time, which would keep patrons below the level of the glass screen which creates the noise. Mr Baylis also explained that his client would have a dedicated SIA door supervisor, to make sure the doors to the terrace remained closed and to ensure patrons remain seated. Mr Baylis advised that his client understands the concerns and the proposed measures would substantially reduce the risk of noise nuisances.

Mr Konczos then explained to the Sub-Committee the details of the previous weekend's TEN, advising that it went very, very well. Mr Konczos advised that there were problems in the past, but the hotel had spent the last year making changes focusing on the environment rather than the bar; seating and additional staff to ensure customers would be seated straight away. The Sub-Committee questioned Mr Konczos, asking how he knew the TEN had gone well, if the noise is potentially generated elsewhere i.e. in Ms Swann's flat. Mr Baylis advised the Sub-Committee that it had received no complaints. The Sub-Committee queried whether there had been any other complaints during the last four years. Mr Baylis advised that there had been no complaints, he then took the Sub-Committee through the premises plans, highlighting the terrace area.

The Sub-Committee then heard from PC Lewis, who advised that there

were two areas that were of concern to him. PC Lewis felt that the wording was odd and it would be difficult to enforce the SIA conditions (conditions 72 and 77), explaining that 'all parts' would be better and suggested alternative wording. The Sub-Committee asked Mr Konczos to confirm how the SIA supervisors would work on the terrace. Mr Konczos confirmed that there would be four door supervisors/staff on at all times. PC Lewis then advised that condition 56 is the old CCTV condition and would need to be updated.

Mr Ian Watson from Environmental Health advised that before the review four years ago, the premises was used as a party venue, with many noise and nuisance complaints from residents and other hotel guests. The premises has since had a major cultural change, new management and since 2014 there have been no complaints received regarding the premises. Mr Watson felt that when the license was granted in 2012, the 10<sup>th</sup> floor was always going to be an area on concern and, although there was an initial condition which stated that no regulated entertainment should take place on the 10<sup>th</sup> floor, this condition was later breached.

Mr Watson then advised the Sub-Committee that in considering the new proposed application, he had met with the Applicant and Mr Baylis to discuss conditions, as no conditions were submitted with the application. There were five conditions that were agreed, including people being seated and the provision of a dedicated SIA. Mr Watson then discussed entrance and egress and the doors covering the terrace area. Mr Watson advised that during their meeting they discussed what physical changes could be made and discussed raising the level of the glass barrier. The Hotel had looked into this but that was cost prohibitive. Mr Watson advised that during this meeting there was a discussion relating to people and capacity numbers and he agreed a seating capacity of 60 was reasonable. He noted that no music was allowed on the 10<sup>th</sup> floor.

The Sub-Committee queried what conditions EH had proposed, bearing in mind that many of the activities that had contributed to the noise, i.e. raised voices above the glass barrier taking in the views, were activities that are not licensable. The Sub-Committee were unsure if the wording "when licensable activities take place" encapsulated the essence of the concern and felt that stronger wording may be required. Mr Watson then showed the Sub-Committee the ornate covering on the south terrace on the submitted plans. Mr Watson then felt that the next area to consider was the management of the premises and suggested trying the new conditions under a TEN and if a TEN application came through, EH would not object if reasonable conditions were attached. Mr Watson felt that it was difficult to gauge the performance on the back of one TEN. All Mr Watson could confirm at this stage was there were no complaints. Mr Watson, then discussed how patrons would be made aware of the restrictions on the use of the terrace, advising that it should fall to the management to ensure that appropriate systems were in place, to avoid noise and nuisance.

Mr Panto sought clarification regarding proposed conditions 73 – 77 as some of them made reference to post 22:30 and some did not. Mr Baylis confirmed that all additional conditions should be post 22:30.

	<p>The Sub-Committee then heard from local resident Ms Kate Swann who was representing herself and Mr Thomas Kuppler. Ms Swann advised that the hotel were moving in the right direction, however was disappointed with the level of detail submitted with the application and she said that she had only received a copy of the new proposed conditions that morning. Ms Swann was reassured by EH regarding the number of seated patrons (60), as this was a concern for her.</p> <p>One area that was still a concern for Ms Swann, was the policing of the proposed conditions, Ms Swann advised that this was an expensive high-end venue, with fantastic views from the south terrace. Ms Swann felt that there could be up to 60 people wanting to take selfies who would probably be quite lively. Ms Swann referred to a record that she had kept (before the 2014 review), where she recorded when she was woken up. This was mainly patrons standing at the edge and talking loudly rather than music. Ms Swann felt that if people could be persuaded to stay seated that would be great, but as the barrier is quite low, Ms Swann was sceptical this could be achieved.</p> <p>The Sub-Committee questioned the Applicant regarding the action that would be taken to enforce the conditions proposed, specifically regarding the seating and non-standing in the terraced area. Mr Baylis responded, advising that his client was fully aware of the issues that were previously caused. His client had not done anything for four years, but now they wanted to do things correctly. Mr Baylis then advised that the clientele had changed, and that the management had been working with the MP and EH to ensure a reasonable proposal was submitted, to reinstate the terrace on a limited basis and for limited hours. Mr Konczos advised that there were 6 staff in place, who were trained and allocated areas. It was communicated to patrons via staff that the area was seated only. Mr Konczos advised the Sub-Committee that at 22:00, staff would inform all patrons on the terrace area that it would become a seated only area after 22:30; anyone entering the terrace after 22:30 was also informed. Mr Konczos also confirmed that there were approximately 55-65 on that side of the terrace who departed at 23:30. Finally Mr Konczos informed the Sub-Committee that there are 59 members of staff who work on the 10<sup>th</sup> floor of the Hotel.</p> <p>The Sub Committed carefully considered all the information presented from all parties, taking into consideration the previous review. The Sub-Committee decided to grant the variation application with further conditions to reduce the impact on residents. The Sub-Committee felt that the Licensee had taken steps to work with residents and had offered suitable conditions that would uphold the licensing objectives.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>

	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted this application (see reasons for decision in Section 1).</p>
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<b>Conditions attached to the Licence</b>	
<b><u>Mandatory Conditions</u></b>	
1.	No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2.	No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3.	Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.	<p>(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.</p> <p>(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;</p> <p>(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or</p> <p>(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</p> <p>(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;</p> <p>(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;</p> <p>(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</p>

effects of drunkenness in any favourable manner;

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

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

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

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

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

(a) a holographic mark, or

(b) an ultraviolet feature.

7. The responsible person must ensure that—

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

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

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

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

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

8(i) A relevant person shall ensure that no alcohol is sold or supplied for

consumption on or off the premises for a price which is less than the permitted price.

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

or

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

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

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

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

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

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

9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.
10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

#### **Conditions consistent with the operating Schedule**

11. The provision of regulated entertainment is restricted to the basement area only.
12. The number of persons accommodated at any one time within the basement area (excluding staff) shall not exceed 300 persons. (subject to District Surveyor approval).
13. All activities shall be pre-booked and details of the event organiser and event shall be kept for a period of 21 days after the event.
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. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
18. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
19. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
20. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing should be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes, other than foyers,



entertainment areas or function rooms, should be non-combustible.

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

- o Any emergency lighting battery or system
- o Any electrical installation
- o Any emergency warning system

22. Any special effects or mechanical installations shall be arranged and stored so as to

special minimise any risk to the safety of those using the premises. The following

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 fire works
- o firearms
- o lasers
- o explosives and highly flammable substances.
- o real flame.
- o strobe lighting.

23. 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.

24. Other than in hotel bedrooms, 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.

25. Licensable activity in this area will only be provided to hotel residents and their bona fide guests, persons attending a pre booked function, artists or performers at such functions.

#### 10<sup>th</sup> Floor

26. The number of persons accommodated at any one time on the 10th Floor (including staff) shall not exceed 240 persons.

27. The supply of alcohol shall be by waiter or waitress service only.

28. There shall be no entry to the 10th floor of the premises after 01.00 except to the following persons:-
- o Residents of the Hotel and/or their guests (maximum number of 4 bona fide guests).
  - o A list of the persons on the guest list to be held at the Hotel reception.
  - o Persons attending a pre-booked function - a list of the persons attending the private function to be available at the Hotel reception.
  - o Persons employed by the Hotel proprietor including artistes.
29. Alcohol shall not be supplied to non residents on the rooftop bar area after 02.00 Hours.
30. A noise limiter must be fitted to the musical amplification system set at a level determined by and in consultation with local residents to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management 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.
31. The premises licence holder shall ensure that any patrons drinking and/or smoking on the external terrace area do so in an orderly manner and are supervised by sufficient staff so as to ensure that there is no public nuisance.
32. After 22:30 the area marked Terrace 1 (shown hatched on the plan) on the licence plan shall not be used except:
- a. On Thursday to Saturday until midnight after which it shall be cleared of all patrons;
  - b. In an emergency at any time; and
  - c. For access to and from the Penthouse Suite at any time
33. All doors to the south terrace to be kept closed after 22.30 hours save for the central door that shall be kept closed except for immediate access and egress.
34. After 22:30 apart from access to and egress from the terrace all patrons on the south terrace are to be seated when licensable activity is authorised.

35. After 22:30 there shall be no more than 60 patrons permitted on the south terrace.
36. After 22:30 there shall be no music on the south terrace.
37. At least four dedicated SIA door supervisors shall be provided in all parts of the 10<sup>th</sup> floor terrace at all times that it is occupied by patrons, at least one of which is to be in attendance on the south terrace from 22:30 until cessation of licensable activities to ensure good order.
38. Notices shall be prominently displaced at all entrances to the terrace clearly stating that after 22:30 all patrons using the south terrace must remain seated.
39. All SIA registered door supervisors shall ensure that their SIA badges are visible at all times.

#### First Floor Fine Dining Restaurant (Cucina Assellina Restaurant)

40. Intoxicating liquor in the fine dining restaurant area shall not be sold or supplied on the premises otherwise than to a person seated taking table meals there and for consumption by any such person as an ancillary to their meal.
41. Notwithstanding the above condition, alcohol may be supplied and consumed prior to their meal in the designated bar area.
42. The supply of alcohol shall be by waiter or waitress service only in the fine dining restaurant.

#### Ground Floor Restaurant and Bars (STK Restaurant and Marconi Bar and Restaurant)

43. Where licensable activity is permitted on the ground floor, the supply of alcohol may only be permitted to non-residents (save for guests of residents and persons attending a pre-booked function) between 08.00 and 02.00 on the day following.
44. On the ground floor where licensable activity is permitted, a minimum of one SIA registered door supervisor shall be on duty at all entrances to the premises from 22.00.
45. There shall be no new entry for non-residents after 00:30.
46. The maximum number of persons (excluding staff) within the ground floor licensed areas between 01.00 hours and 02.00 hours shall not exceed STK Restaurant 200 persons; Marconi Bar and Lounge 60 persons
47. After 1.00am, the sale of alcohol in the ground floor restaurants will be ancillary

to food, consumed by seated persons, supplied by waiter / waitress.

48. After 1.00am, the sale and consumption of alcohol in the Marconi bar will be to seated persons, supplied by waiter / waitress.

#### Ground Floor Reception Area

49. Supply of alcohol to the first floor reception area shall only be to hotel residents and their bona fide guests
50. No regulated entertainment is permitted in the first floor reception area.

#### All Areas

51. 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.
52. Notwithstanding the permitted hours, alcohol may be supplied to persons residing in the premises for consumption by such persons and their bona fide guests at anytime without restrictions.
53. The Supply of Alcohol to members of the public shall be permitted from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
54. Patrons temporarily leaving the premises on the ground floor for the purposes of smoking shall not take any drinks of any kind with them outside the premises.
55. All deliveries shall be to the service road leading to the basement delivery area.
56. No loudspeakers shall be located in the entrance area/corridor or external to the building, including the external terrace area on the 10<sup>th</sup> Floor.
57. No rubbish including bottles will be moved, removed or placed in outside areas between 23.00 hours and 07.00hours.
58. 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.

59. 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.
60. All refuse will be stored internally prior to collection.
61. Any `off' sales of alcohol are to be in sealed containers only and for consumption off the premises.
62. There will be no self-service of alcohol except for in the guest bedrooms.
63. Notices shall be prominently displayed at all exits and on the 10<sup>th</sup> Floor external roof terraces requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
64. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
65. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises directly off the street.
66. A proof of age scheme, such as Challenge 21, shall be operated at the premises where a customer wishes to purchase alcohol and the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
67. There shall be at least one SIA registered door supervisor employed at the entrance to the Hotel at all times.
68. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
69. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons

	(f) any faults in the CCTV system or searching equipment or scanning equipment
	(g) any refusal of the sale of alcohol
	(h) any visit by a relevant authority or emergency service.
70.	All beers and lagers sold in glass bottles are to be decanted into drinking containers prior to being served.
71.	CCTV will be provided to cover the external area used for tables and chairs
72.	All service of alcohol within the external area (edged in red) on the Aldwych as shown on plan JT 1413 shall be by waiter or waitress and to person seated only.
73.	Any condition on this licence relating to live music will have effect and section 177A will not apply to such conditions.

**3 9A IRVING STREET, LONDON, WC2H 7AT**

**LICENSING SUB-COMMITTEE No. 3**

*Thursday 19<sup>th</sup> July 2018*

Membership: Councillor Melvyn Caplan (Chairman), Councillor Peter Freeman and Councillor Rita Begum

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

Relevant Representations: Licensing Authority and 2 local residents (one in support and one opposing the application)

Present: Ms Lana Tricker (Solicitor, representing the Applicant, 9A And Ant Limited0, Andy Jones (Director on behalf of the Applicant Company) and Ms Daisy Gadd (Licensing Authority)

**9A Irving Street, London, WC2H 7AT (St James's Ward/ West End Cumulative Impact Area) ("The Premises") 18/03647/LIPV**

<b>1.</b>	<p><b><u>Current</u></b>  <b>Late Night Refreshment:</b></p> <p>None</p> <p><b><u>Proposed</u></b>  <b>Late Night Refreshment (Indoor and Outdoor)</b></p>
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	<p>Ground Floor Restaurant, Basement and External seating area</p> <p>Monday to Thursday: 23:00 to 00:00  Friday to Saturday: 23:00 to 01:00  Sunday: 23:00 to 00:00</p> <p><b>Seasonal variations/Non-Standard Timings:</b></p> <p>The premises may remain open for the sale of alcohol and the provision of late night refreshments 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.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by 9A and Ant Limited, for a premises licence variation in respect of 9A Irving Street, London WC2H 7AT. The Licensing Officer provided an outline of the application to the Sub-Committee.</p> <p>Ms Tricker representing the Applicant, advised the Sub-Committee that this was an application for a premises licences variation. The premises operates as an Italian restaurant. The Applicant sought extended terminal hours for the sale of alcohol for an additional one hour on Monday to Thursday and an additional two hours on Friday to Sunday. In addition, the applicant was seeking Late Night Refreshment for the same extended hours. Ms Tricker explained that the hours requested were within the hours already permitted under the table chairs licence. One resident and the Licensing Authority objected to the variation, raising concerns regarding the outside seating area and hours which were beyond the core hours.</p> <p>Ms Tricker advised the Sub-Committee that her client is operating the full restaurant model condition 66 and trades on the ground floor, basement and external seating area. Ms Tricker described the layout using the submitted plan of the premises. Ms Tricker explained that menus and photographs for the premises had been submitted and advised that the restaurant has seating throughout with table waitress service. The premises has planning permission until 01:00 for the table and chairs outside and a table and chairs license to 01:00, Monday to Sunday.</p> <p>Ms Tricker advised that her client was seeking to match the terminal hours with the planning permission. It was advised that the Applicant would not be attracting new people to the area, but capturing the customers already in the area. The premises is currently trading under the table and chairs license for non-licensable activities. The restaurant was described as small with a capacity of 30, open for breakfast, lunch and dinner within the CIA. Ms Tricker discussed the noise in the surrounding area, advising that many of the surrounding premises operated terminal hours until 01:00 and 05:00 and the variation would</p>

not add to CIA.

Ms Tricker advised that the Application is supported by a resident that lives directly above the restaurant, she also informed the Sub-Committee that WCC policy advises that restaurants have little association with crime, disorder and nuisance. Ms Tricker advised that the premises had received no complaints, there was no regulated entertainment submitted as part of this application and neither Environmental Health nor the Police had objected to the application. Mr Tricker addressed dispersal, advising that there are numerous taxis from the location.

The Sub-Committee queried how long the restaurant had been operating and Mr Jones confirmed that it had been open since December 2017. The Sub-Committee queried the table and chairs licence and its end date in August 2018. Mr Jones advised the Sub-Committee that he must apply for the table and chairs licence every year and he was currently in the process of applying for a new licence. Mr Jones explained that they trade to 01:00 but do not sell alcohol beyond the hours permitted on the current licence. He had operated a number of TEN's and was able to sell alcohol on those occasions. Mr Jones advised that there are eight tables and sixteen chairs; and that he runs a very small restaurant, surrounded by many Italian restaurants which have much later licenses. Mr Jones explained that he had not previously applied for a variation to match his table and chairs licence, because his priority had been to get the restaurant up and running first. Now that the restaurant is established, the time was right to seek the extension.

The Sub-Committee then heard from Daisy Gadd representing the Licensing Authority. Ms Gadd advised that the LA would be maintaining their objection based on policy. Ms Gadd explained that the application sought to exceed WCC core hours as defined in the WCC policy. Ms Gadd advised the Sub Committee that one of the main reason for objecting to the application was to allow the applicant to show how the extended house would not impact on the CIA. Ms Gadd advised that through discussions the applicant had shown an awareness to the premises location within the CIA, as per the WCC restaurant policy and have attempted to demonstrate that they will not add to the CIA. Ms Gadd advised that it would be for members to decide if they agreed that the variation application would not add to cumulative impact.

The Sub-Committee carefully considered all the evidence and decided to grant the variation application. The Sub-Committee felt that due to the existing opening hours, size and nature of the premises that the variation of the licence would not add to the CIA and would maintain the licensing objectives. Although the extension of hours sought was until 1 am on Friday and Saturday nights it was recognised that such hours were not exceptional in the immediate area surrounding Leicester Square. The Sub-Committee also agreed to remove the existing condition 23 from the licence as it was not appropriate in the circumstances. Existing condition was also deleted as it referred to consumption off the premises and the licence only permitted on-sales. For the avoidance of doubt, the sales to the external seating area constituted on-sales as the external area had (unusually) been included within the ambit of the licensed premises.



<p><b>2.</b></p>	<p><b><u>Current</u></b>  <b>Sale by Retail of Alcohol (On sales)</b></p> <p>Ground Floor Restaurant, Basement and External seating area</p> <p>Monday to Saturday: 12:00 to 23:00  Sunday: 12:00 to 22:00</p> <p><b><u>Proposed</u></b>  <b>Sale by Retail of Alcohol (On sales, off sales or both): On sales</b></p> <p>Ground Floor Restaurant, Basement and External seating area</p> <p>Monday to Thursday: 12:00 to 00:00  Friday to Saturday: 12:00 to 01:00  Sunday: 12:00 to 00:00</p> <p><b>Seasonal variations/Non-Standard Timings:</b></p> <p>The premises may remain open for the sale of alcohol and the provision of late night refreshments 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.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted this application (see reasons for decision in Section 1).</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
<p><b>3.</b></p>	<p><b><u>Current</u></b>  <b>Hours premises are open to the public</b></p> <p>Ground Floor Restaurant, Basement and External seating area</p> <p>Monday to Saturday: 08:00 to 23:30  Sunday: 08:00 to 23:00</p> <p><b><u>Proposed</u></b>  <b>Hours premises are open to the public</b></p> <p>Ground Floor Restaurant, Basement and External seating area</p> <p>Monday to Thursday: 08:00 to 00:30  Friday to Saturday: 08:00 to 01:30  Sunday: 08:00 to 00:30</p> <p><b>Seasonal variations/Non-Standard Timings:</b></p> <p>The premises may remain open for the sale of alcohol and the provision of late</p>

	night refreshments 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.
	Decision (including reasons if different from those set out in report):  The Sub-Committee granted this application (see reasons for decision in Section 1).
	Amendments to application advised at hearing:  None.

## Conditions attached to the 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.

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

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. There shall be no self-service of alcohol on the premises.
12. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue, (b) all ejections of patrons, (c) any complaints received concerning crime and disorder, (d) any incidents of disorder, (e) all seizures of drugs or offensive weapons, (f) any faults in the CCTV system or searching equipment or scanning equipment, (g) any refusal of the sale of alcohol, (h) any visit by a relevant authority or emergency service.
13. The premises (including the external seating area) shall only operate as a restaurant -
  - (i) in which customers are shown to their table,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - (iv) which do not provide any take away service of food or drink for immediate consumption,
  - (v) which do not provide any take away service of food or drink after 23.00, and
  - (vi) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated in the premises (or external seating area) and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

14. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
15. 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.
16. The external door shall be kept closed after 21:00 hours except for the immediate access and egress of persons.
17. Notices shall be prominently displayed at the exit requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
18. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 30 persons.
19. 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.
20. 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.
21. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
22. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
23. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.
24. No deliveries to the premises shall take place between 23.00 hours and 08.00 hours on the following day.
25. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
26. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

**4 AM 2 PM. 122-124 CHIPPENHAM ROAD, LONDON, W9 2AD**

**LICENSING SUB-COMMITTEE No. 3**

*Thursday 19<sup>th</sup> July 2018*

Membership: Councillor Melvyn Caplan (Chairman), Councillor Peter Freeman and Councillor Rita Begum

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

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

Present: Mr Panchal (Solicitor, representing the Applicant), Mrs Ghalwa Bou Diab Abou Saada (General Manager and Applicant) Ms Daisy Gadd (Licensing Authority), Ms Sally Fabbriatore (Environmental Health) and PC Reaz Guerra (Metropolitan Police)

<b>AM 2 PM, 122-124 Chippenham Road, London, W9 2AD (Harrow Road Ward/ Not in Cumulative Impact Area) (“The Premises”) 18/06093/LIPV</b>		
<b>1.</b>	<b>Condition</b>	<b>Proposed variation</b>
	<p><b>Condition 22:</b>                      This premises licence only has effect if Mr Khalid Javed is the licence holder or a Director of the company that holds the premises licence.</p>	<p><b>To be removed:</b></p>
<p>Amendments to application advised at hearing:</p> <p>None</p>		
<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application, for a premises licence variation in respect of AM 2 PM, 122-124 Chippenham Road, London, W9 2AD. The Licensing Officer provided an outline of the application to the Sub-Committee.</p> <p>Mr Panchant, representing the Applicant explained to the Sub-Committee that this was a variation to the licence and condition (22). Mr Panchant advised the Sub-Committee that the premises currently operates as an off-licence and convenience store. Mr Panchant did not want to go through all the details of the previous review but confirmed that in 2014 condition 22 was added to ensure the licence objectives were robustly supported. The Applicant sought to remove condition 22, which specified that the premises licence only had effect if Mr</p>		



Khalid Javed was the licence holder or a director of the company that holds the premises licence. .

Mr Panchant explained to the Sub-Committee that Since 2015 to 2018, Mrs Ghalwa Bou Diab Abou Saada continued to work at the premises before she applied to acquire the business on a management basis. She then put an application in to transfer the licence to her name. It was noted that the transfer application had been granted under delegated authority. Mr Panchant advised that all staff had been trained regularly and a training manual had been put in place in accordance to the conditions on the existing licence. It was recognised that the transferred licence could not be utilised until condition 22 was removed and that is why his client had applied for a minor variation to that effect. That application had been refused and that is why this application was now being made to the Licensing Sub-Committee.

Mr Panchant advised that at the moment there are no licensable activities taking place at the premises, because condition 22 has prevented the sale of any alcohol. Mr Panchant explained that his client was not seeking the removal of condition 23 as Mr Jihad Albeainy and Mrs Jihad Beaini had no involvement in the current operation of the premises but they had been the reason why the licence had been reviewed and suspended in 2014. Mr Panchant advised that Mrs Ghalwa Bou Diab Abou Saada did understand the four licensing objectives and can outline how she had been operating the premises.

The Sub-Committee sought to clarify the chronology of the application, querying when Mrs Ghalwa Bou Diab Abou Saada started working at the premises and when Mr Javed stopped being involved in the business. Mrs Ghalwa Bou Diab Abou Saada confirmed she started working there in 2015. Mr Panchant confirmed that the business was offered to Mrs Ghalwa Bou Diab Abou Saada in December 2017 and then transferred in March 2018. The Sub-Committee queried when licensing activities ceased. Mrs Ghalwa Bou Diab Abou Saada confirmed that licensing activities ceased last month (June 2018) when instructed by the licensing authority.

Mr Panchant advised that his client was seeking the removal of condition 22 so that licensable activities can continue on the premises. Mr Panchant advised that his client had kept a number of refusal book and incident books which show how robustly Mrs Ghalwa Bou Diab Abou Saada had been running the business. The Sub-Committee made inquiries relating to Mrs Ghalwa Bou Diab Abou Saada's understanding of the licence conditions, as it appeared that she had been trading between March and June 2018 contrary to the terms of the licence. Mr Panchant advised that when his client was informed by the Licensing Officers about the condition last month, his client then understood and ceased licensable activities.

The Sub Committee then heard from PC Reaz Guerra representing the Metropolitan Police. PC Guerra advised that the MP would be maintaining its representation to ensure that the new applicant could present themselves and explain how they would fully promote the licensing objectives. PC Guerra explained that there were previous concerns and hence the 2014 review and felt It was very difficult to prove there was no link between this applicant and the

previous premises holders; if the condition was removed. PC Guerra advised that it appears that the applicant had been there since 2015 and should have been aware of the condition, and at least responsible for understanding the business she was involved in and ensuring that the conditions of the licence were adhered to. PC Guerra felt that if the applicant can demonstrate that they are not linked to Mr Jihad and can show that they can run the business effectively, then it would be for the Sub-Committee to decide whether to grant.

The Sub-Committee then heard from Sally Fabbriatore representing Environmental Health. Ms Fabbriatore advised the Sub-Committee that EH would be maintaining its representation. Due to the previous history Ms Fabbriatore felt that this was a matter that needed to come before the Sub-Committee, giving the applicant the opportunity to present any new evidence. However EH still maintained its objections under the crime prevention and the protection of children from harm objectives.

The Sub-Committee then heard from the Licensing Authority represented by Daisy Gadd. The Sub-Committee asked Ms Gadd to clarify the chronology from the LA perspective. Ms Gadd advised the Sub-Committee that a transfer application was applied for in March 2018, and the license was transferred over to Mrs Ghalwa Bou Diab Abou Saada under delegated powers. The Applicant was then instructed to submit a minor variation application to remove condition 22, which was refused. Ms Gadd then explained that the Applicant was advised to submit this full variation application, which then went to the Licensing Authority and was raised at the Westminster Responsible Authority Group. A City inspector then visited the premises and it was at this point that the Applicant was informed to stop trading.

Ms Gadd confirmed that the LA would be maintaining its representation as there was insufficient information provided as to how the Applicant would uphold the licensing objectives if condition 22 was removed. PC Guerra advised that a previous variation application was submitted by Mrs Ghalwa Bou Diab Abou Saada in 2016 which the MP objected to and was then subsequently withdrawn; PC Guerra felt this showed that the applicant was aware of the condition.

The Sub-Committee felt that there needed to be further clarity regarding when Mr Javed stopped being involved in the business and asked Mr Panchant if he could please clarify. Mr Panchant confirmed discussion happened in December and then in March Mr Javed transferred the business to Mrs Ghalwa Bou Diab Abou Saada. Ms Gadd confirmed that a City inspector visited the premises on 20<sup>th</sup> June and advised Mrs Ghalwa Bou Diab Abou Saada to cease licensable activities. The Sub-Committee confirmed that the business was transferred in March and asked the Applicant if they were selling alcohol between March and June. Mrs Ghalwa Bou Diab Abou Saada advised the Sub-Committee that she thought that once the licence was transferred to her name she would be able to sell alcohol; and confirmed that she was selling alcohol between March and June. Once informed Mrs Ghalwa Bou Diab Abou Saada confirmed that she stopped selling alcohol.

After very careful consideration, the Sub-Committee decided not to remove the condition with the intention of making the licence unusable. The Sub-Committee

felt that the Applicant should have been aware of the conditions of the licence having been employed at the premises since 2015. The Sub-Committee was of the view that the Applicant had breached the licence between March and June 2018, selling alcohol when Mr Javed was no longer part of the business. She either did this knowingly or did so in ignorance of the actual condition on the licence and that was a significant concern. Condition 22 was imposed on the licence in 2014 when a previous Licensing Sub-Committee had decided not to revoke the licence following allegations that alcohol had been sold to persons under 18 years of age. The condition was imposed because submissions had been made that Mr Javed was capable of effectively promoting the licensing objectives at the premises in place of the previous operators. In theory, there was no reason why the condition could not be removed on the application of a new licence holder but that would be on the assumption that the new licence holder would not sell alcohol until the condition had been removed. It was not good enough for the applicant to only do that on the advice of the licensing authority. She should have known about the condition and appreciated the implication of selling alcohol before the condition had been removed. The Licensing Sub-Committee did not have any confidence in the applicant. It did not have the option of being able to revoke the licence but a refusal of the application would effectively achieve the same purpose.

## **5 PANCS, 32 THE MARKET, COVENT GARDEN, LONDON, WC2E 8RE**

### **LICENSING SUB-COMMITTEE No. 3**

*Thursday 19<sup>th</sup> July 2018*

Membership: Councillor Melvyn Caplan (Chairman), Councillor Peter Freeman and Councillor Rita Begum

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

Relevant Representations: Environmental Health and the Licensing Authority.

Present: Mr Alun Thomas (Solicitor, representing the Applicant, International Food Technologies Ltd), Ms Antanela Traxela (General Manager on behalf of the Applicant), Mr Anil Drayan (Environmental Health) and Ms Daisy Gadd (Licensing Authority)

**Pancs, 32 The Market, Covent Garden, London, WC2E 8RE (St James's Ward/ West End Cumulative Impact Area) ("The Premises") 18/05781/LIPN**

1.	<p><b>Late Night Refreshment (Indoors)</b>  Monday to Thursday: 23:00 to 23:30  Friday to Saturday: 23:00 to 00:00  Sunday: N/A</p> <p><b>Seasonal variations/Non-Standard Timings:</b></p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>On Sundays prior to bank holiday's/public holidays 12:00 to 00:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by International Food Technologies Ltd, for a new premises licence in respect of Pancs, 32 The Market, Covent Garden, London, WC2E 8RE. The Licensing Officer provided an outline of the application to the Sub-Committee. Mr Thomas advised the Sub-Committee this was an application for a new premises licence for a restaurant that serves pancakes and crepes with external seating in the lower ground floor area of Covent Garden Market. Mr Thomas took the Sub-Committee through the pictures of the premises and premises plan and advised that this was a small premises with a capacity of 50. Opposite the Pancs unit was a small public toilet. The Sub-Committee reviewed the pictures and layout provided.</p> <p>Mr Thomas advised that the premises is seeking to sell bottled beer and wine only, no spirits and no draft beer; alcohol will be 5% of total sales. Pancs is an early meal establishment with hot and cold pancakes for eat in or take away. It's not the type of place for drinking, however they had received customer requests for a glass of wine. Mr Thomas explained that the dwell time is very short - about 20-30 minutes. Mr Thomas advised that there are two concerns, first how his client demonstrates that the premises will not impact of the CIA. Mr Thomas explained that the hours, modest capacity, type of use, the amount of alcohol likely to be served and location; is highly unlikely to add to CIA.</p> <p>Mr Thomas advised that the second concern related to the toilets, Mr Thomas advised that he could only agree to part of the condition proposed by Environmental Health. Mr Thomas read out the condition, <i>The sale of alcohol for consumption on the premises shall only be permitted during the hours that Covent Garden public toilets are made available free of charge</i>, Mr Thomas could not agree to the "Free of charge" part of the condition. Mr Thomas advised that his client was happy to close at 22:00 or when the public toilets close. Mr Thomas confirmed there is no space on the licensed premises for a public toilet. The toilet is currently £1 per use and is where the premises is currently directing customers. There have been no complaints. Mr Thomas explained that the net profit per pancake is 10% and that would not be viable if</p>

	<p>the restaurant had to potentially pay the £1 charge for each customer. Mr Thomas agreed that any off sales will be with a takeaway meal.</p> <p>The Sub-Committee then heard from Environmental Health represented by Anil Drayan, who advised that Environmental Health had agreed the amended model condition 66, capacity numbers and off sales ancillary to a takeaway meal with the Applicant. Mr Drayan explained that the restaurant next door did have the toilet condition on its licence. It was agreed that Capco and the restaurant would work out between them as to how the toilet arrangements would be managed. Mr Drayan felt that when consuming alcohol customers should not have to pay to use the toilet facilities referring to requirement 6465, especially in the CIA.</p> <p>The Licensing Authority represented by Ms Daisy Gadd, maintained its objections advising that this was a new premises application in the CIA. Ms Gadd explained the WCC policy RNT2 states applicant must demonstrate that they will not add to cumulative impact. Ms Gadd felt that it would be for the Sub-Committee to decide if this had been demonstrated accordingly.</p> <p>After carefully considering all of the evidence heard and submitted by the Applicant, the Sub-Committee decided to grant the licence. The Sub-Committee was of the view that the conditions proposed were appropriate and proportionate in the circumstances and would ensure the premises did not add to cumulative impact in the area. The sale of alcohol would be by waiter or waitress service to seated customers and the consumption of the alcohol had to be ancillary to a substantial table meal. Off-sales of alcohol could only be supplied with and ancillary to a take away meal and off-sales of all drink and food would have to cease at 23.00. The Sub-Committee further decided that it would not impose the toilet condition requested by Environmental Health, as it did not feel that was appropriate for this application.</p> <p>However, it was important that the toilets were actually available to customers at any time when the sale of alcohol was permitted.</p>
<p><b>2.</b></p>	<p><b>Sale be retail of Alcohol (On sales and Off sales)</b>  Monday to Thursday: 10:00 to 23:30  Friday to Saturday: 10:00 to 00:00  Sunday: 12:00 to 22:30</p> <p><b>Seasonal variations/Non-Standard Timings:</b></p> <p>From the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day.</p> <p>On Sundays prior to bank holidays/public holidays 12:00 to 00:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>

	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted this application (see reasons for decision in Section 1).</p>
<b>3.</b>	<p><b>Hours premises are open to the public</b></p> <p>Monday to Thursday: 08:00 to 00:00  Friday to Saturday: 08:00 to 00:30  Sunday: 08:00 to 23:00</p> <p><b>Seasonal variations/Non-Standard Timings:</b></p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>On Sundays prior to bank holidays/public holidays 12:00 to 00:30</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted this application (see reasons for decision in Section 1).</p>

<b>Conditions attached to the Licence</b>	
<b><u>Mandatory Conditions</u></b>	
1.	No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2.	No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3.	Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.	<p>(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.</p> <p>(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—</p>

- (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.

#### **Conditions consistent with the operating schedule**

- 9. The premises (including the external seating area) shall only operate as a restaurant:
  - (i) where the supply of alcohol is by waiter or waitress service only.
  - (ii) which provide food in the form of a substantial table meal that are prepared on the premises
  - (iii) which do not provide any take away service of hot food for immediate consumption save for pancakes and crepes
  - (iv) which do not provide any take away service for food or drink after 23:00 and
  - (v) where alcohol shall not be sold or supplied for consumption on the premises otherwise than for consumption by persons who are seated in the premises (including the external seating area) and bona fide taking substantial table meals there, and provided always that consumption of alcohol by such persons is ancillary to taking such meals.

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

their meal.

10. There shall be no sales of alcohol for consumption off the premises after (23.00).
11. The sale of alcohol for consumption off the premises shall be in sealed containers and only supplied with and ancillary to a take away meal.
12. The sale of alcohol for consumption on the premises shall only be permitted during the hours the Covent Garden Market public toilets are open.
13. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
14. 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.
15. 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.
16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. 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.
17. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
18. 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.
19. 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.

20. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
21. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
22. The number of persons accommodated at the premises (excluding staff) shall not exceed (50).

The Meeting ended at 3.00 pm

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

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