



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (3)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (3)** held on **Thursday 13th September, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Melvyn Caplan (Chairman), Heather Acton and Aicha Less

1 MEMBERSHIP

There was no changes to the Membership.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

1 FAR EAST, GROUND FLOOR, 13 GERRARD STREET, LONDON, W1D 5PS

LICENSING SUB-COMMITTEE No.3

Thursday 13th September 2018

Membership: Councillor Melvyn Caplan (Chairman), Councillor Heather Acton and Councillor Aicha Less

Legal Adviser: Barry Panto
Policy Adviser: Kerry Simpkin
Committee Officer: Sarah Craddock
Presenting Officer: Shannon Pring

Relevant Representations: Metropolitan Police and Licensing Authority and 14 representations in support of the application.

Present: Mr Alun Thomas (Representing the Applicant), Richard Wu (Applicant), PC Sandy Russell (Metropolitan Police), Roxsana Haq (Licensing Authority) and Ms Natasha Farzaneh Kohzadbayat (resident in support of the application)

**Far East, Ground Floor, 13 Gerrard Street W1D 5PS (“The Premises”)
18/08208/LIPN**

1. Late Night Refreshment (on and off):

Monday to Sunday: 23:00 to 05:00 on the following day

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 38 Catering Ltd, (“the Applicant”) for a New Premises licence in respect of Ground Floor, 13 Gerrard Street, W1D 5PS.

The Presenting Officer provided an outline of the application to the Sub-Committee. She confirmed that the Metropolitan Police Force and Licensing Authority had maintained their representation on policy grounds and because the Premises was located in the West End Cumulative Impact Area. She further confirmed that the Environmental Health Service had withdrawn their representation.

All parties were invited to make representations to the Sub-Committee in relation to the application. The parties responded to the Sub-Committee’s questions and were given an opportunity to ask questions of each other.

Mr Thomas (Applicant’s Representative) stated that this was an application for a new Premises licence for Late Night Refreshment (on and off) the premises Monday to Sunday: 23:00 to 05:00 only. There was no sale of alcohol.

Mr Thomas outlined the circumstances and extenuating circumstances in relation to the application. The Sub-Committee heard that this was a family run business and that the previous licence had lapsed following the death of the licence holder in the family in February 2013. The effect of his death was that the licence had lapsed although this was unbeknown to the owners who had carried on running the business, without incident or complaint since.

The Sub-Committee further heard that since discovering the licence had lapsed the premises had only been open after 11pm on Temporary Event Notices (TENs), again without complaint, pending determination of the application and as such the premises had not been closed.

Mr Thomas referred to paragraphs 2.4.8 and 2.1.8 of the Council’s Licensing Policy and read from paragraph 2.1.8 ‘in cases where licences have lapsed through insolvency or death, the Council will generally grant a new licence on similar terms to the lapsed licence as a replacement. However the Council will take into account the previous history of the premises, the length of time the premises have been closed and any problems at the premises....’ Mr Thomas emphasised that this application was therefore to reinstate the licence on the exact same terms as the existing premises licences on the basis that the

premises had continued to operate, there was no history of complaints/problems at the premises and that model conditions had been agreed with Environmental Health.

Full details of the submissions from Mr Thomas were set out in his letter to the licensing service dated 6th September 2018.

Ms Natasha Farzaneh Kohzadbayat (resident in support of the application) advised that she had regularly visited the restaurant for the past 20 years and it had always fulfilled her expectations in terms of good quality food and service. She emphasised that she had always found it to be a safe place with a friendly atmosphere late at night and was in support of the reinstatement of its licence. The Licensing Sub-Committee noted similar representations that had been made by 12 other individuals who used the restaurant and also by a Director of Shaftesbury Chinatown PLC, the landlord and freeholder of the premises.

In response to questions from the Sub-Committee, Mr Wu (Applicant) confirmed that he was now fully aware of the responsibilities of being a premises licence owner and that it had been a costly mistake as the restaurant had only been able to open using Temporary Event Notices. Mr Thomas then outlined the checks that Shaftesbury Estates carried out to ensure that all their premises complied with their premises licence and tenancy agreement.

PC Sandy Russell (Metropolitan Police) advised that they had maintained their representations on policy grounds but had been reassured that the Applicant was now aware of his responsibilities and the requirement to comply with all the conditions attached to the premises Licence. PC Russell advised there was no history of problems at the premises.

Roxsana Haq (Licensing Authority) confirmed that they had maintained their representation as this was a new premises application located in a cumulative impact area. It was acknowledged that this premises had been operating as a family business for many years and there was no history of problems, however, it was for the Sub-Committee to decide if the application had demonstrated that it could be considered an exception to policy

The Sub-Committee carefully considered all the evidence and decided to grant the application. The Sub-Committee considered the application was an exception to policy due to paragraphs 2.4.8 and 2.1.8 of the Council's Licensing Policy, but the Chairman emphasised that the Sub-Committee had to be confident that the applicant was fully aware of the conditions on the licence and the implications of provisions within the legislation relating to the lapse of a licence. The Sub-Committee noted that conditions had been agreed with both the Police and Environmental Health and that there had been no history of complaints at the premises and Mr Thomas confirmed, on behalf of the applicant, that they did now fully understand the implication of a licence lapsing. The Sub-Committee considered the conditions imposed on the Premises Licence to be appropriate and proportionate and was satisfied that they would help promote the licensing objectives.

3.	Opening Hours of the premises Monday to Sunday: 09:00 to 05:00 on the following day
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The application was granted, the reason for the decision is detailed in section 1.

Conditions attached to the Licence

Mandatory Conditions

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

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

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;

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

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

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

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

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule:

9. The premises may be kept open for the purposes of this licence from 23:00 on each of the days Sunday to Saturday to 05:00 on each day following.
10. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 45 persons.
11. Licensable activities are only permitted on the ground floor.
12. 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.
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. 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.
15. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
16. 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.

17. 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.
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
19. 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 visit by a relevant authority or emergency service.
20. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
21. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.

2 REIGN, 215-217 PICCADILLY, LONDON, W1J 9HF

LICENSING SUB-COMMITTEE No.3

Thursday 13th September 2018

Membership: Councillor Melvyn Caplan (Chairman), Councillor Heather Acton and Councillor Aicha Less

Legal Adviser: Barry Panto
Policy Adviser: Kerry Simpkin
Committee Officer: Sarah Craddock
Presenting Officer: Shannon Pring

Relevant Representations: Metropolitan Police

Present: Mr Philip Kolin QC (Counsel, representing the Applicant), Ms Lana Tricker (Solicitor, representing the Applicant), Mr Scott Chester (Applicant Company, Company Director), Mr David Diaz (General Manager, Applicant Company) and PC Reaz Guerra (Metropolitan Police)

Reign, 215-217 Piccadilly, W1J 9HF (“The Premises”) 18/04798/LIPV	
1.	<p>To amend conditions 55 and 57 so as to increase the last entry time from 01:30 to 02:30 and to reduce the number of SIA door supervisors (from a ratio of 1 supervisor to 25 customers to 1 supervisor to 35 customers).</p> <p>To delete condition 62 as the works to which it refers have been completed and approved by the Environmental Health Service but the condition has not yet been removed by licensing.</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 Strongarm Holdings Limited, (“the Applicant”) for a Variation of the licence in respect of Reign, 215-217 Piccadilly, W1J 9HF.</p> <p>The Presenting Officer provided an outline of the application to the Sub-Committee. She confirmed that the Metropolitan Police Force had maintained their representation on policy grounds and that there had been no residential representations.</p> <p>All parties were invited to make representations to the Sub-Committee in relation to the application. The parties responded to the Sub-Committee’s questions and were given an opportunity to ask questions of each other.</p> <p>Mr Kolin, representing the Applicant, explained that this was an application for a variation of a premises licence to amend conditions 55 and 57 so as to increase the last entry time from 01:30 to 02:30 and to reduce the number of SIA door supervisors. The Applicant also wished to delete condition 62 as the works had been completed.</p> <p>Mr Kolin outlined the operation of the premises. The Sub-Committee heard that Reign offered vibrant shows with a luxury nightlife experience with the first cabaret performance starting at 01:00 each night. The performances were then continuous for the remainder of the evening. The Sub-Committee noted that the venue had joined the Best Bar None Scheme through the Heart of London Business Alliance and had achieved Gold Standard in this Scheme. Mr Kolin</p>

emphasised that the change in entry time would give the venue's clients increased flexibility especially if they had just finished work.

The application does not involve any variation to the licensable activities or the hours during which those activities can take place. The maximum capacity of the premises was 400 and Scott Chester advised that the typical capacity on Tuesday to Thursday evenings was 200 to 250 persons and on Friday and Saturday evenings was 300 to 350 persons. Mr Kolvin mentioned that approximately 30 persons might arrive at the premises after 01.30.

The written submission from the Applicant explained that restrictions on the last entry time and the SIA requirements had originally been imposed following a review of the licence held by a previous operator that had no association with Reign London. The last entry time had been relaxed by the Licensing Sub-Committee in December 2017 when it was increased from 00.30 to 01.30.

Mr Kolvin advised that since the Applicant had been operating the premises a total of ten Temporary Event Notices (TENs) had been allowed to proceed with a last entry of 02:30. Mr Kolvin emphasised that during their operation no complaints had been received from local residents, no responsible authorities had objected to the events and no evidence had been provided that any of the events had undermined the licensing objectives.

Mr Kolvin advised that the ratio of SIA had been approved by the Police and EH on a number of the TENs already and the small reduction in the number of SIA licensed door supervisors, given the complete change in style of operation, had not resulted in any concern or issues with the trading at Reign. Mr Chester gave details of the assessments that were carried out every month (in accordance with condition 58 on the licence) to ensure that the venue was complying with its Premise Licence. He explained that they engaged the services of a consultant who checked for compliance with all conditions on the Premises Licence. There had been 100% compliance during the last 6 months and only one very minor issue before that.

PC Reaz Guerra representing the Metropolitan Police Force advised that the Police had maintained their representation as they had concerns about the extension to the last entry time and the possible increase in crime and disorder in the area. PC Guerra confirmed that there had been no complaints or problems at the venue in the last year and the licence holders had been proactive and co-operative. The police were content with the reduction of one SIA licensed door supervisor to thirty-five customers but emphasised it was the venue's responsibility to ensure that there was always an adequate number of door supervisors present at the premises.

The Sub-Committee had regard to the oral and written submissions from the applicant, including a detailed additional statement, and the evidence given by the police. After careful consideration the Sub-Committee agreed to grant the application. The applicant had been provided with an opportunity to prove it could effectively operate a last entry time to the Premises of 02:30 whilst promoting the licensing objectives which it had subsequently done. It was recognised that there was no evidence of any nuisance or crime and disorder

<p>arising from the premises. The applicant had demonstrated their ability for the conditions 55 and 57 to be relaxed and it was therefore considered on balance that it was reasonable, appropriate and proportionate to amend conditions 55 and 57.</p> <p>It was also determined that it would be appropriate to delete the works condition 62. It was noted that there had been no objection from the Environmental Health Service in that regard.</p>
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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.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Annex 2 – Conditions consistent with the operating Schedule

None

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

10. From 21:00 until 30 minutes after close of business, a minimum of 2 SIA licensed door staff to be stationed at the entrance on Piccadilly whose tasks will include:
- o Reminding customers that this is a residential area and to respect the needs of neighbours
 - o To maintain an orderly queue where necessary
 - o To ask customers leaving the premises to do so quickly and quietly.
11. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. The number of persons accommodated at any one time (excluding staff) shall not exceed the following: Mezzanine- 140 persons; Basement Auditorium - 300 persons. Maximum capacity of 400 persons on the premises at any one time. A minimum of 50 seats will be provided in the mezzanine area and a minimum of 250 seats will be provided in the basement auditorium.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises 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.
14. 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.
15. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
16. After 23.00hrs all security employed at the premises shall wear high viz jackets or tabards.
17. 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.
18. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that: (a) The Police (and where appropriate, the London Ambulance Service) are called without delay, using emergency telephone number 999; (b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the Police; (c) As is reasonably practicable, the crime scene is preserved so as to enable a full forensic investigation to be carried out by the Police; and (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises." 'Serious assault' includes (but is not limited to) any assault in which emergency medical treatment is required and any assault in which a weapon is used.
19. No children under the age of 16 shall be permitted on the premises after 21:00 hours.
20. No children under the age of 14 shall be admitted on the premises.
21. 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.
22. The highway in the vicinity of the premises shall be swept at regular intervals and also at the close of business. Litter and sweepings collected shall be stored in accordance with the approved refuse storage arrangement.

23. No unauthorised advertisements of any kind shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree or any other property, or is distributed to the public, that advertises or promotes the establishment, its premises or any of its events, facilities, goods and services.
24. No payment shall be made by or on behalf of the premises for distribution of flyers or tickets within public areas in the Licensing District of Westminster.
25. A daily log is to be maintained to ensure that any capacity limit set for the various floors and the overall capacity of the premises is recorded hourly and can be properly monitored. Information regarding the capacity will be given to an authorised officer or Police Officer on request.
26. Alcohol may not be sold or supplied to persons admitted after 23:00 other than to:
 - (a) Persons taking a table meal; or
 - (b) Persons who have paid a minimum admission fee of at least £20 for performance based entertainment (not to be credited against consumables)
 - (c) Persons who have paid a minimum annual membership fee of at least £450 payable in advance for music, dancing and entertainment (not to be credited against consumables) and up to a maximum of 4 bona fide guests. A list of all people who have paid an annual membership fee and their guests will be held at reception for inspection by relevant authority; or
 - (d) Persons given free membership and their bona fide guests where there has been an interval of at least 48 hours between application for membership. A list of all persons who have free membership will be held at reception for inspection by the relevant authority; or
 - (e) Persons who are bona fide guests of the license holder or management, a list of whom shall be kept at reception for inspection by the relevant authorities; or
 - (f) Artistes and persons employed by the premises; or
 - (g) persons attending at private function; the function organiser's name and address to be kept at reception for inspection by the relevant authorities.
27. Substantial food and non-intoxicating beverages, including water, shall be available throughout the permitted hours in all parts of the premises where intoxicating liquor is sold and supplied for consumption on the premises.
28. The sale and consumption of alcohol must be ancillary to the use of the premises for patrons attending performance based entertainment.
29. No payment shall be made by or on behalf of the licensees to any persons bringing customers into the premises.

30. A noise limiter located in a separate and remote lockable cabinet from the volume control must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Community Protection Department 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 to the satisfaction of officers from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the applicant only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
31. 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.
32. Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.
33. All entrance doors to be kept closed except for people's immediate access and egress.
34. No speakers shall be located in the entrance area.
35. All refuse will be paid, properly presented and placed on the street 30 minutes before any agreed collection time. Every endeavour will be made to prevent refuse being left on the street for more than 2.5 hours.
36. No bottles will be moved, removed or placed in outside areas between 23:00 and 08:00.
37. No persons 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: This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

38. The approved arrangements at the premises, including means of escape provisions, fire warning and fire fighting equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
39. The certificates listed below shall be submitted to the Licensing Authority annually:
 - (a) Any emergency lighting battery or system
 - (b) Any electrical installation
 - (c) Any fire alarm system.

40. 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.
41. All exit doors shall be available at all times without the use of a key, code, card or similar means.
42. All fire doors shall be maintained effectively self-closing and not half open other than by an approved device.
43. Fire doors to ducts, service shafts and cupboards shall be kept locked shut.
44. The edges of the treads and steps and stairways shall be maintained so as to be conspicuous.
45. Only hanging, curtains, upholstery and temporary decorations, complying with the relevant British Standard shall be used. Where necessary these shall be periodically tested for flame resistance and re-treated as necessary.
46. Curtains and hangings shall be arranged so as not to obstruct fire safety signs, fire extinguishers or other fire fighting equipment.
47. Staff with specific responsibilities in the vent of fire or other emergency, together with deputies, shall receive training and written instruction appropriate to their role.
48. Any special effects or mechanical installations shall be arranged and sorted so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given:
 - dry ice and cryogenic fog
 - smoke machines and generators
 - pyrotechnics and fog generators
 - firearms
 - lasers
 - explosives and highly flammable substances
 - real flame
 - strobe lighting.
49. Flashing or particularly bright lights on or outside the premises will not be permitted to cause a nuisance to nearby properties (save insofar as they are necessary for the prevention or crime).
50. After 21:00, at least one Personal License Holder shall be on duty on the premises while alcohol is being sold or supplied.
51. A minimum of two SIA staff shall be deployed with Body Worn Video, capable of recording audio and video in any light condition. 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.

52. There shall be an electronic search arch installed at the premises and every patron entering or re-entering the premises when in use under this licence (including from the smoking area) shall pass through the search arch with searching supplemented by the use of two functional metal detecting wands. Patrons shall be searched by an SIA-trained member of staff and monitored and recorded by the premises CCTV system.

53 (a) All customers entering the premises shall have their ID scanned on entry, save for when a biometric scanning system is in place (when fingerprint scanning will be required for all customers who have previously shown identification at the premises). The details recorded shall include a live facial image capture of the customer and capture the photographic identification produced. The details recorded by the ID scanner system shall be made available to the Police and the local authority upon request.

(b) The above requirement (a) is subject to the following exception, namely that a maximum number of 20 guests per night may be admitted at the Managers discretion without necessarily being ID scanned and recorded. A legible record (the Signing in Sheet) of these guests' names shall be retained on the premises for inspection by the licensing authority and Police for a period of 31 days. The name of manager authorising the admission will also be recorded by that manager. Guests shall be required to produce some form of ID such as a bank card (or emailed electronic photo I D) and an ID scan entry with a live photo shall be created.

(c) Notwithstanding (a) and (b) above, patrons who are attending a pre-booked corporate event at the premises do not need to have their ID scanned on entry and instead a written guest list shall be held at reception for the event, and will be retained for 28 days after the event for inspection by the police and responsible authorities upon request.

54. All drinking containers used within the premises shall be polycarbonate. All glass bottles to be decanted into polycarbonate glassware or polycarbonate glassware carafes, with the exception of champagne and bottles of spirits of a minimum size of 70cl, supplied by waiter/waitress service to tables. Staff will clear all empty champagne and spirit bottles from the tables promptly. Customers will not be permitted to self-serve or remove bottles from the tables. Customers will not be permitted to drink directly from champagne or spirit bottles.

Notwithstanding this condition, with the written agreement of the Westminster Police Licensing Team, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the lounge/club area.

55. There shall be no entry or re-entry (excluding persons from the smoking area) to the premises after 02:30 or such time as agreed in writing by the

Westminster Police Licensing Unit (and a copy of any agreement to be held at reception).

56. Risk reduction training inclusive of crime scene preservation shall be carried out by 2 February 2017 and refresher training every 6 months thereafter.
57. A minimum of one SIA licensed door supervisor to thirty-five customers shall be on duty at the premises whenever it is open for business.
58. Impartial unannounced compliance visits shall take place at the premises on a monthly basis. A written record of each visit shall be kept at the premises and produced for immediate inspection by a police officer or authorised officer of the licensing authority.
59. The premises shall provide a cloakroom and all coats and outdoor jackets shall be placed in the cloakroom by handing them to an attendant who shall be constantly on duty at the cloakroom during the whole time that the premises are open.
60. There shall be live, real-time CCTV monitoring of the premises at all times the premises is open for business except when the premises is being used exclusively for a private pre-booked event.
61. There shall be a dedicated search captain employed at the premises to supervise the searching of customers at all times when the premises are open.

3 GROVE END FOOD & WINE, UNIT 2, GROVE END GARDENS, 18 ABBEY ROAD, NW8 9AG

The Review was not heard as the applicant had surrendered his licence prior to the hearing

The Meeting ended at 11.30 am

CHAIRMAN: _____

DATE _____