



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (1)** held on **Thursday 11th April, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Angela Harvey (Chairman), Jacqui Wilkinson and Aicha Less.

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 Councillor Angela Harvey declared that she had sat on the Sub-Committee that had considered a previous application for these premises, however, that would not prevent her from dealing with this matter with an open mind.

1 BVLGARI HOTEL, 171 KNIGHTSBRIDGE, LONDON, SW7 1DW

LICENSING SUB-COMMITTEE No. 1

Thursday 11th April 2019

Membership: Councillor Angela Harvey (Chairman), Councillor Jacqui Wilkinson and Councillor Aicha Less.

Legal Adviser: Horatio Chance
Committee Officer: Toby Howes
Presenting Officer: Kevin Jackaman

Relevant Representations: Environmental Health, Knightsbridge Association and Winkworth Sherwood on behalf of the Knightsbridge Residents Management Company Limited.

Present: Jeremy Bark (Solicitor, representing the Applicant), Costas Faltous (Applicant Representative), Dave Nevitt (Environmental Health), Melville Haggard (Knightsbridge Association) and Robert Boktai (Winkworth Sherwood on behalf of the Knightsbridge Residents Management Company Limited).

Bulgari Hotel, 171 Knightsbridge, London, SW7 1DW (“The Premises”) 18/14405/LIPV							
1.	Playing of recorded music						
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Licensable Area: Ground floor bar	Basement floor bar						
	<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 Chairman noted that a number of additional papers had been submitted by the Applicant just prior to the meeting and sought the agreement of all other interested parties present that they would accept these to be taken into consideration by the Sub-Committee in its determination of the matter. Dave Nevitt (Environmental Health), Melville Haggard (Knightsbridge Association) and Robert Boktai (Winkworth Sherwood on behalf of the Knightsbridge Residents Management Company Limited) all confirmed their acceptance of these papers respectively.</p> <p>Jeremy Bark (Solicitor, representing the Applicant) stated that the rationale for the variation application was to move the hotel’s ground floor bar to the basement where the hotel restaurant was currently located. The restaurant would be duly moved to the ground floor of the Premises. There would be potential for customers to stand whilst consuming alcohol in the area marked hatched on the plans in the proposed basement bar, however customers would be encouraged to be seated. At the entrance of the Premises, staff would direct customers to the ground floor restaurant or the basement bar accordingly. Mr Bark informed the Sub-Committee that the Premises was undergoing a substantial refurbishment. He then referred to an additional paper circulated that included further amendments to proposed conditions 30 to 39 in the report, following Mr Boktai’s response to them.</p> <p>At this point Mr Boktai advised that he had not seen these further amended conditions.</p> <p>The Sub-Committee then agreed to the Chairman’s suggestion that there should be a short adjournment whilst the Applicant and all interested parties had the opportunity to discuss amongst themselves the most recently proposed conditions before re-commencing the hearing.</p> <p>Upon resumption of the hearing, Melville Haggard (Knightsbridge Association)</p>						

indicated that he was satisfied with the proposed conditions following discussions and formally withdrew his representation on behalf of the Knightsbridge Association and at that point with the consent of the Sub-Committee Mr Haggard left the hearing

Mr Bark then referred to proposed conditions 30 to 39 on pages 37 and 38 of the additional papers circulated. Mr Bark stated that proposed condition 34 which stated that *“The supply of alcohol on the ground floor restaurant shall be by waiter or waitress service only, other than to persons seated at the counter who may be served directly”* was necessary otherwise customers would be required to take the drinks from the counter and then give these to the waiter or waitress to return back to them. The Sub-Committee was advised that in respect of condition 37 concerning a host being present in the lobby area of the restaurant when it was open to non-residents, that the hours a host would be in attendance would be from 07:00 hours to 01:00 hours and each host would do an eight hour shift. The Sub-Committee noted that the capacity for smokers would be around 12 people.

Dave Nevitt (Environmental Health) then addressed the Sub-Committee and stated that he had no particular concerns in respect of the proposed layout changes and the capacity limits and the Premises was well managed. The Sub-Committee was advised that the wording of the proposed conditions had been discussed with the Applicant and residents and he felt that the use of a host carrying out a meet and greet function was helpful. In relation to proposed condition 31 regarding customers consuming alcohol in the hatched bar area of the restaurant, Mr Nevitt suggested that this only be permitted temporarily whilst customers were waiting to be seated and that this condition be re-worded accordingly. He also felt some wording in brackets in conditions 32 and 35 were extraneous and could be deleted because they did not add to the construction of the conditions in terms of their meaning. Mr Nevitt stated that otherwise he was content with the conditions proposed, however he suggested adding model conditions 22, 57, and 67 relating to smoking capacity, prevention of drinks and glasses being taken out of the Premises for customers temporarily leaving the Premises and designation of a smoking area respectively. Mr Nevitt added that the terrace area facing Knightsbridge Crescent might be an appropriate area for designated smoking and he suggested that a capacity of 15 people for this area would be acceptable.

Robert Boktai (Winkworth Sherwood on behalf of the Knightsbridge Residents Management Company Limited) confirmed that he was content with the conditions proposed, apart from an amendment to condition 39 (b) to read *“Non-residents shall only use the basement bar area between the hours of 7am and 1am on Mondays to Saturdays and 11pm on Sundays and bank holidays.”*

At this point, Mr Bark confirmed acceptance of this amendment on behalf of the Applicant. Mr Bank also confirmed acceptance on behalf of the Applicant model conditions 22, 57 and 67 as suggested by Mr Nevitt.

The Legal Adviser to the Sub-Committee asked whether the Applicant would be satisfied with a slight re-wording of proposed condition 37 so that it to read *“A host shall be present at all times within the ground floor restaurant meet and greet lobby area whenever this area is open to non-residents”* and to the deletion of the last two sentences. Mr Bark agreed to this change on behalf of

	<p>the Applicant.</p> <p>The Sub-Committee granted the application with the proposed conditions as agreed between the Applicant and all interested parties at the hearing. Model condition 22 was added concerning patrons being allowed to leave and re-enter the Premises for activities such as smoking, and limited to 15 people, as suggested by Mr Nevitt on behalf of Environmental Health. Model condition 57 stating that patrons temporarily leaving and re-entering the Premises shall not be permitted to take drinks or glass containers with them and model condition 67 specifying the designated smoking area identified on the plans were also added, following Mr Nevitt's suggestion. The Sub-Committee also noted that Mr Banks had agreed to model conditions 22, 57 and 67 on behalf of the Applicant at the hearing when adding these conditions to the Sub-Committee's decision. The Sub-Committee also added a further condition stating that revised plans be submitted and labelled accordingly, including specifying the host area and smoking area, as well as all other licensable activities.</p> <p>In determining the application, the Sub-Committee noted that the Premises was not located in a cumulative impact area and therefore has to consider each case on its individual merits. The Sub-Committee considered that the conditions imposed on the premises licence would assist the Applicant in promoting the licensing objectives (prevention of crime and disorder, prevention of public nuisance, public safety, and protection of children from harm) and on that basis the application was granted.</p>						
2.	Performance of live music						
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	<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>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>						
3.	Performance of recorded music						

	<p><u>Current</u></p> <p>Monday to Saturday: 07:00 to 00:00 Sunday: 07:00 to 23:00</p> <p>Licensable Area: Ground floor bar</p>	<p><u>Proposed</u></p> <p>Monday to Saturday: 07:00 to 01:00 Sunday: 07:00 to 23:00 (no change)</p> <p>Basement floor bar</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>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>	
4.	Exhibition of film	
	<p><u>Current</u></p> <p>Monday to Saturday: 07:00 to 00:00 Sunday: 07:00 to 23:00</p> <p>Licensable Area: Ground floor bar</p>	<p><u>Proposed</u></p> <p>Monday to Saturday: 07:00 to 01:00 Sunday: 07:00 to 23:00 (no change)</p> <p>Basement floor bar</p>
	<p>Amendments to application advised at hearing:</p> <p>Recorded music to be provided indoors only.</p>	
	<p>Decision (including reasons if different from those set out in report):</p>	
5.	Late night refreshment	
	<p><u>Current</u></p> <p>Monday to Saturday: 23:00 to 00:00 Sunday: 23:00 to 00:00</p> <p>Licensable Area: Ground floor bar</p>	<p><u>Proposed</u></p> <p>Monday to Saturday: 23:00 to 01:00 Sunday: 23:00 to 00:00 (no change)</p> <p>Basement floor bar</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>	

	Decision (including reasons if different from those set out in report): Granted, subject to conditions as set out below (see reasons for decision in Section 1).	
6.	Sale by retail of alcohol: On and off sales	
	<u>Current</u> Monday to Saturday: 07:00 to 00:00 Sunday: 07:00 to 23:00 Licensable Area: Ground floor bar	<u>Proposed</u> Monday to Saturday: 07:00 to 01:00 Sunday: 07:00 to 23:00 (no change) Basement floor bar
	Amendments to application advised at hearing: None.	
	Decision (including reasons if different from those set out in report): Granted, subject to conditions as set out below (see reasons for decision in Section 1).	
7.	Hours premises are open to the public	
	No changes proposed to hours. Premises area to be varied from the ground floor bar to the basement floor bar.	
	Amendments to application advised at hearing: None.	
	Decision (including reasons if different from those set out in report): Granted, subject to conditions as set out below (see reasons for decision in Section 1).	
8.	Variations of Conditions	
	Condition	Proposed variation
	Condition 31	The sale of alcohol in the main ground floor restaurant shall only be to persons seated at tables and as ancillary to table meals except for hotel residents and up to 3 guests for each resident, (additional guests may

	be allowed only with the prior authorisation from the manager in writing for specific additional guests, a copy of which shall be held at the hotel reception and made available for inspection at the request of the Police or authorised officer) and save for those seated in the ground floor café area or stood by the café bar counter.
Condition 32	The main restaurant in the ground floor and shall be laid out as a restaurant and this area together with the ground floor café area (which shall contain suitable seating arrangements) shall have no more than 140 persons (excluding staff) seated within this area at any one time.
Condition 33	The maximum capacity within the basement bar area shall be 90 persons (excluding staff) at any one time.
Condition 34	The supply of alcohol in the restaurant shall be by waiter or waitress only save for in relation to the café area where such service shall remain available and be encouraged when in use but not be required.
Condition 35	The supply of alcohol in the basement bar shall be by way of waiter/waitress service only other than to persons in the bar area immediately in front of the bar (as show more particularly on the plans submitted with the application).
Condition 37	A person shall be employed as a host within the ground floor reception lobby/host station to the restaurant and café area (located close to the **** whenever this area is open to non-residents who will greet all persons entering this area and shall monitor the numbers of persons accommodated within this area.
Condition 38	The Knightsbridge Green entrance to

		<p>the ground floor restaurant and café area may be used by members of the public as a entrance or exit to these areas or the basement bar area during the hours when they are permitted to use the ... these areas. Whenever, the door is in such use it shall be closed except for access and the reception lobby shall be manned by a host during such use. In addition or the consumption of food or alcohol.</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>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>	

Conditions attached to the Licence	
<p><u>Mandatory Conditions</u></p>	
<p>1. 2. 3. 4.</p>	<p>No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.</p> <p>No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.</p> <p>Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.</p> <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</p>

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.

Additional Conditions

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. 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 are open to the public. This staff member shall be able to show Police recent recordings with the absolute minimum of delay when requested.

11. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

12. The refuse and delivery arrangements to the premises shall be in accordance with the detailed provisions agreed under the planning consent for the premises.
13. Off sales of alcohol are to be either
 - (i) in sealed containers only and for consumption off the premises, or
 - (ii) to the serviced apartments on the 7th to 9th floors of the premises,
 - (iii) to the small terrace area located in Knightsbridge Green, or to the cigar shop which operates as separate premises on the mezzanine level within the building.
14. There shall be a minimum of 5 personal licence holders employed at the premises.
15. There shall be no unsupervised self-service of alcohol except for in the guest bedrooms.
16. On occasions when the Knightsbridge Green door is used for public access or egress to the hotel itself notices shall be prominently displayed throughout the time of such use at this exit requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
17. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
18. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is 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 or services.
19. 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.
20. The premises will employ a dedicated security manager based at the premises and responsible for overseeing all security issues within the premises.
21. The premises shall employ its own internal SIA registered security personnel together with such additional external SIA registered security personnel at it believes is necessary for particular times or days of the week. The numbers of such personnel employed shall be kept under review and will take account of any activities or events being hosted at the premises. In assessing the numbers of personnel required the premises will have regard to any advice provided, or comments made, by the police.
22. There will be a dedicated manager in respect of and responsible for the bar/restaurant areas and the conference and banqueting areas. Such

managers will hold a personal licence.

23. A concierge shall be employed and be based at the ground floor entrance at all times the premises are open. In addition, there will be valet parking attendants available to persons requiring such service within this area.
24. The premises shall adopt and operate a specific policy in relation to the management of smoking areas outside of the hotel. Such policies shall make provision for any external areas to be monitored and supervised at all times when used. The primary designated smoking areas shall be on Knightsbridge Green and there shall be no designated smoking areas on Knightsbridge but for the avoidance of doubt this shall not preclude any individual from smoking on Knightsbridge.
25. The following licensable activities may be provided within guest bedrooms for hotel residents at any time; the sale of alcohol and the provision of regulated entertainment consisting of either recorded music or the showing of films.
26. The provision of late night refreshment off the premises may only be provided to the serviced apartments on the 7th to 9th floors of the premises and may be provided during the period 11pm to 5am on any day of the week.
27. Off Sales of alcohol may be provided to the serviced apartments on the 7th to 9th floors of the premises (in line with condition 7) at any time.
28. Only the following licensable activities may be permitted with these areas; the sale and supply of alcohol, the provision of regulated entertainment (consisting of recorded music, live music, facilities for making music and the showing of films) and late night refreshment.
29. The sale of alcohol in the ground floor restaurant area shall only be to persons seated at tables and as ancillary to table meals except for hotel residents and up to 3 guests for each resident, (additional guests may be allowed only with the prior authorisation from the manager in writing for specific additional guests, a copy of which shall be held at the hotel reception and made available for inspection at the request of the Police or authorised officer) save for in the hatched area (as shown on the approved layout drawings) where alcohol may be consumed by persons who are seated and where food shall be available. Within the hatched area up to 10 persons may consume alcohol whilst standing as they temporarily wait to be seated within the ground floor restaurant.
30. The ground floor restaurant shall be laid out as a restaurant and shall have no more than 140 persons (excluding staff) within this area at any one time.
31. The maximum capacity within the basement bar area shall be 90 persons (excluding staff) at any one time.
32. The supply of alcohol in the ground floor restaurant shall be by waiter or waitress only other than to persons seated at the counter who may be served directly.

33. The supply of alcohol in the basement bar shall be by way of waiter/waitress service only other than to persons in the hatched area immediately in front of the bar.
34. 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.
35. A host shall be present at all times within the ground floor restaurant meet and greet lobby area whenever this area is open to non-residents.
36. The Knightsbridge Green terrace area shall not be used for licensable activities or the consumption of food or alcohol.
37.
 - (a) Non-residents shall only use the ground floor restaurant between the hours of 7am and midnight on Mondays to Saturdays and between 7am and 11pm on Sundays and bank holidays.
 - (b) Non-residents shall only use the basement bar area between the hours of 7am and 1am on Mondays to Saturdays and 11pm on Sundays and bank holidays.
38. Only the following licensable activities may be permitted with this area; the sale and supply of alcohol, the provision of regulated entertainment (consisting of recorded music, live music and the showing of films) and late night refreshment.
39. The sale of alcohol within the private dining rooms shall be ancillary to a table meal within this area other than in respect of hotel residents and their bona fide guests or to persons attending a private or corporate function.
40. Non Residents shall only use this area between 7am and midnight on Mondays to Saturdays and between 7am and 11pm on Sundays and bank holidays, save that the use of this area by non residents is extended from midnight to 01.00 Monday to Saturday when the supply of alcohol is to a person seated at a table and for consumption by such a person as ancillary to their meal.
41. The maximum capacity within the private dining area shall be 50 persons (excluding staff).
42. Only the following licensable activities may be permitted with this area; the sale and supply of alcohol, the provision of regulated entertainment (consisting of recorded music, facilities for making music and the showing of films) and late night refreshment.
43. Non Residents shall only use this area in connection with licensable activities between 7am to midnight on Mondays to Sundays.
44. The maximum capacity within the business centre area when licensable activities are provided shall 40 persons (excluding staff).

45. Only the following licensable activities may be permitted within this area; sale and supply of alcohol, the provision of late night refreshment and the provision of regulated entertainment of all descriptions other than indoor sports and wrestling.
46. Non-residents shall only use this area between the hours of 7am and midnight on any day of the week.
47. These areas will be used in conjunction whenever licensable activities are provided and the maximum capacity when licensable activities are provided within this area (either in the pre-screening area, the screening area or both areas combined) shall be 50 persons (excluding staff).
48. Only the following licensable activities may be permitted within this area; sale and supply of alcohol, the provision of late night refreshment and the provision of regulated entertainment of all descriptions other than indoor sports and wrestling.
49. Non-residents may only be allowed to use this area between the hours of 7am and 11.30pm on Mondays to Sundays with the exception that on up to 50 days per year the terminal hour for such use may be extended until midnight.
50. The maximum capacity of these areas when the ball room is used individually or combined with the pre-function room area for licensable activities shall be; 310 persons (including staff) where the event hosted is a standing only event, 140 (excluding staff) when the event is laid out for dinner style seating and 100 (excluding staff) when laid out in theatre style seating.
51. Dedicated conference and banqueting staff will be employed by the hotel to work at any events or functions held within this area and all such staff will be fully trained in relation to relevant provisions and duties imposed under licensing legislation and in relation to the hotel's own operation policies in relation to the use of this area.
52. Whenever an event or function involving licensable activities is hosted within this area then the premises shall ensure that there are a sufficient number of door staff on duty, or employed at the hotel, during the currency of the event in order to ensure the proper supervision of such event or function.
53. The smoking policy implemented by the hotel (see condition '27 above) shall specifically deal with the management of smoking by persons attending an event or function within this area.
54. In respect of the Function Room and Pre-Function Room (Basement 3), where the entire area is used by an external promoter and the promoter will then be solely responsible for organising the event and selling tickets to it, a Form 696 Metropolitan Police Risk Assessment will be submitted for consideration by Police.
55. Access to this area shall be carefully controlled by the hotel's management,

security and conference and banqueting staff. In the case of events or functions involving attendance by non-residents then access shall be via the main hotel entrance and the central lift areas.

56. Sufficient members of staff will be on duty to manage such access and egress properly.
57. Access and transport to and from this area will operate in line with the specific policies adopted under the planning consent controlling and managing this issue.
58. Only the following licensable activities are permitted within the Spa areas; the sale and supply of alcohol and the provision of regulated entertainment consisting of recorded music and the facilities for making music, dancing and facilities for dancing (gym area only) and the showing of films.
59. Other than within the Spa reception/café/lounge area within basement level 5, no drinks shall be served in glass containers at any time in the spa area.
60. The Spa areas may only be used by the residents of the hotel and/or apartments and their bona fide guests or by private members of the spa area.
61. These areas may only be used for licensable activities between the hours of 7am and 10pm on any day and non-residents will not be admitted to these areas outside of these times.
62. 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.
63. 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.
64. All exit doors on designated escape routes leading from the areas set out in condition 17 shall be available at all material times without the use of a key, code, card or similar means.
65. All self-closing doors shall be effectively maintained and not held open other than by an approved device.
66. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
67. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
68. 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

69. With the exception of the showing of films in the Hotel bedrooms, no entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided under the authority of this licence.

70. Loudspeakers shall not be located in the external entrance lobby or outside the premises building with the exception of loudspeakers used in connection with an emergency.

71. With the exception of designated smoking bedrooms (if any), notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

72. There shall be no striptease or nudity, and all persons shall be decently attired at all times.

73. 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.

74. The operators of the hotel shall organise and offer to host regular meetings with the management company of 199 Knightsbridge to which other resident associations may also be invited. It is anticipated that this will be done on a quarterly basis.

75. Whenever the premises apply for a temporary event notice then they shall notify the 199 Knightsbridge residents (via its management company) of such Temporary Event Notice at least 5 days before the event takes place

76. Revised plans must be submitted and labelled accordingly, including specifying the host area, the smoking area and where all other licensable activities will take place.

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

LICENSING SUB-COMMITTEE No. 1

Thursday 11th April 2019

Membership: Councillor Angela Harvey (Chairman), Councillor Jacqui Wilkinson and Councillor Aicha Less.

Legal Adviser: Horatio Chance
Committee Officer: Toby Howes
Presenting Officer: Kevin Jackaman

Relevant Representations: Environmental Health and 1 local resident

Present: Craig Baylis (Solicitor, representing the Applicant), Mr Allen (Food and Beverage Director, Applicant Company) and Ian Watson (Environmental Health).

Declarations of Interest: Councillor Angela Harvey declared that she had sat on the Sub-Committee that had considered a previous application for these premises, however, that would not prevent her from dealing with this matter with an open mind.

ME Hotel, 335 Strand, London, WC2R 1HA ("The Premises") 19/01701/LIPV					
1.	Variation of Condition				
	<table border="1"><thead><tr><th>Condition 32</th><th>Proposed variation</th></tr></thead><tbody><tr><td>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</td><td>After 22.30 the area marked Terrace 1 on the licence plan shall not be used except a. On Monday to Saturday until midnight (in the blue hatched area) after which it shall be cleared of all patrons b. On Monday to Saturday until 01.00 hours (in the red cross hatched area) after which it shall be cleared of all patrons c. In an emergency at any time d. For access to and from the Penthouse Suite at any time"</td></tr></tbody></table>	Condition 32	Proposed variation	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	After 22.30 the area marked Terrace 1 on the licence plan shall not be used except a. On Monday to Saturday until midnight (in the blue hatched area) after which it shall be cleared of all patrons b. On Monday to Saturday until 01.00 hours (in the red cross hatched area) after which it shall be cleared of all patrons c. In an emergency at any time d. For access to and from the Penthouse Suite at any time"
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	Amendments to application advised at hearing: None.				
	Decision (including reasons if different from those set out in report):				

Kevin Jackaman (Presenting Officer) confirmed that the Police had withdrawn their representation, following the agreement of conditions with the Applicant.

Craig Baylis (Solicitor, representing the Applicant) began by confirming on behalf of the Applicant that they were content to proceed with the hearing in the knowledge that Councillor Angela Harvey had declared that she had sat on a Sub-Committee that had considered a previous application for these Premises. Mr Baylis informed the Sub-Committee that a site visit had been conducted between the Applicant and Ian Watson from Environmental Health. The Applicant had not received any complaints in recent history, either from local residents or the landlord. There were no contact details for the resident who had made a representation and so the Applicant had been unable to engage with them to discuss the issues they had raised. Mr Baylis stated the Premises had been the subject of complaints from residents in the past, primarily concerning noise from the terrace. This had led to a review hearing taking place, where a number of conditions were added to the premises licence, including reducing the terminal hour for the use of the terrace from 03:00 hours to 22:30 hours.

Mr Baylis informed the Sub-Committee that a number of changes to the operation of the Premises were made last year, including that all customers would now be seated in the terrace area and all alcohol was served by a waiter or waitress. The changes had been successful and so the Applicant had successfully applied for a modest extension of hours for the use of the terrace. Mr Baylis referred to the photographs of the terrace on page 79 of the report and stated that the terrace was a substantial structure that was effective in preventing noise breakout. It was stated there had been no complaints from residents received since the subsequent extension of hours for the terrace and this demonstrated the effectiveness of the operation of the Premises and so therefore the Applicant was seeking a further extension of the use of the terrace until 01:00 hours. Mr Baylis concluded his initial submission by referring to the proposed variation of condition 32 and an additional condition 74 (as set out in section 2 below).

Ian Watson (Environmental Health).then addressed the Sub-Committee and confirmed that he had attended the previous review hearing where the Premises had been the subject of complaints from residents in respect of noise. Strict conditions had been added to the premises licence following the review and City Inspectors had visited the Premises to ensure conditions were being upheld and complied with. Mr Watson stated that the Applicant had worked with Environmental Health to improve the operation of the Premises and this had led to the agreement of a later terminal hour for the Premises. Conditions remained regarding customers being required to be seated in the terrace area of the Premises. Mr Watson advised that the whole of the southern terrace and part of the northern terrace were now enclosed and the previous problems associated with these areas in terms of noise break had now been dealt with satisfactorily. He confirmed that the roof of the terrace was a rigid structure and the City Inspectors were content with the operation of the Premises and they had not been required to undertake visits to the Premises because of complaints about noise which had previously been a cause for concern. Mr Watson stated that the additional condition requesting that the windows and the opening terrace be kept closed after 22.30 hours was necessary as there had been complaints from local

	<p>residents about noise from this area in the past. However, Mr Watson advised that he had received no complaints about the Premises since the changes had been made and he was content with the application.</p> <p>Mr Allen (Food and Beverage Director, Applicant Company) addressed the Sub-Committee and advised that the nature of the Premises had changed from a high energy venue to a more low key one. Much effort had been made to reduce the 'party crowd' element and there was also a need to ensure guests of the hotel were not disturbed giving rise to potential nuisance.</p> <p>The Sub-Committee asked what time non-residents of the hotel would be allowed to remain in the terrace. In reply, Mr Allen confirmed that non-residents would be permitted at the terrace until 01:00 hours, the same time that hotel residents were allowed to remain there.</p> <p>The Sub-Committee granted the application. In determining the application, the Sub-Committee noted that the conditions that had been added to the premises licence had been demonstrated to be working effectively and that the Premises was no longer the source of complaints from local residents. The Sub-Committee also considered that the conditions would assist the Applicant in upholding the promotion of the licensing objectives (prevention of crime and disorder, prevention of public nuisance, public safety, and protection of children from harm) and accordingly the application was granted.</p>
2.	Additional Condition
	<p>Condition to read: "The windows and openings on the terrace area (cross hatched red on the plan) shall be kept closed at all times after 22.30 hours."</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>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>

Conditions attached to the Licence
<p><u>Mandatory Conditions</u></p> <p>1. No supply of alcohol may be made at a time when there is no designated</p>

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. 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 attached after a hearing by the Licensing Authority

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 minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the

Licensing Authority where consent has not previously been given.

- o dry ice and cryogenic fog
- o smoke machines and fog generators
- o pyrotechnics including 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. 10th 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 on the licence plan shall not be used except
 - a. On Monday to Saturday until midnight (in the blue hatched area) after which it shall be cleared of all patrons
 - b. On Monday to Saturday until 01.00 hours (in the red cross hatched area) after which it shall be cleared of all patrons
 - c. In an emergency at any time
 - d. 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 10th 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 displayed 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 10th 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 10th 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.
74. The windows and openings on the terrace area (cross hatched red on the plan) shall be kept closed at all times after 22.30 hours.

3 3 NORRIS STREET, LONDON, SW1Y 4RJ

LICENSING SUB-COMMITTEE No. 1

Thursday 11th April 2019

Membership: Councillor Angela Harvey (Chairman), Councillor Jacqui Wilkinson and Councillor Aicha Less.

Legal Adviser: Horatio Chance
Committee Officer: Toby Howes
Presenting Officer: Kevin Jackaman

Relevant Representations: Environmental Health and the Licensing Authority.

Present: Craig Baylis (Solicitor, representing the Applicant), Sarah Claridge (Asset Manager, Applicant Company), Dave Nevitt (Environmental Health) and Daisy Gadd (Licensing Authority).

3 Norris Street, London, SW1Y 4RJ (“The Premises”) 19/01287/LIPN	
1.	Late night refreshment
	<p>Monday to Thursday: 23:00 to 23:30 Friday and Saturday: 23:00 to 00:00</p> <p>Seasonal variations/non-standard timings: From start time on New Year’s Eve to the finish time 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>At the start of the hearing, the Sub-Committee agreed to Craig Baylis’s (Solicitor, representing the Applicant) request that this application be considered simultaneously with item 4 on the agenda (Basement and Ground Floor, 69/71 Haymarket, London, SW1Y 4RW) as both applications were closely linked with each other and were from the same Applicant.</p> <p>Mr Baylis began by stating that the Applicant was taking stock of the large number of licenced premises it had, with many of these had licences predating 2005 and had therefore been in existence before the Licensing Act 2003 had come into effect. The Applicant had taken pre-application advice from Environmental Health and had held two meetings with them and two pre-application reports had been produced. It was submitted that the Applicant was seeking to swap the use of 3 Norris Street with 69/71 Haymarket so that 3 Norris Street became a bar and 69/71 Haymarket a restaurant. Mr Baylis stated that in the case of 3 Norris Street, the Applicant wished to increase footfall in the area and as there were already a number of restaurants at this location, it was felt that a bar would create more choice for customers and attract more people in the area. As the St James’s redevelopment was around the corner from the Premises, customers coming to this area after the redevelopment was complete would also welcome the wider choice that would be offered by the presence of a bar. The application was within core hours and a number of conditions were proposed, including that substantial food will be available throughout the Premises at all times and conditions relating to capacity. Mr Baylis added that the Premises would operate as a high end, food driven public house. Mr Baylis acknowledged that the Premises was located in a cumulative impact area and he referred to paragraph 2.4.6 which set out exceptions to the City Council’s Statement of Licensing Policy which he felt applied in this case.</p> <p>Turning to 69/71 Haymarket, Mr Baylis stated that the Premises currently had a pre Licensing Act 2003 licence that allowed for vertical drinking and it had no capacity limit. The application proposed to change the use of the Premises to a</p>

restaurant with all the standard conditions that would apply to restaurant premises licence, including the standard model restaurant condition 66.

Sarah Claridge (Asset Manager, Applicant Company) then addressed the Sub-Committee and explained that the Applicant was taking a long term approach to its licensed property portfolio. The approach was underpinned by retail, governance and leasing strategies. It was stated that the Applicant intended to help contribute to areas becoming distinctive, stimulating and eclectic. In respect of 3 Norris Street, two restaurants in the area had already closed and it was felt that locating a bar there would be ideal. The 69/71 Haymarket site had an old public house licence and the intention was to turn it exclusively into a restaurant facility.

Daisy Gadd (Licensing Authority) addressed the Sub-Committee and confirmed that she was maintaining her representation for 3 Norris Street because the proposal was for a bar in a cumulative impact area. Therefore the Applicant needed to demonstrate that their proposals represented an exception to Policy. She also emphasised that the Applicant should surrender their current licence if this application was granted and welcomed the Applicant's intention to do so.

With regard to 69/71 Haymarket, Ms Gadd noted that the Premises was also located in a cumulative impact area and submitted that policy RNT2 needed to be taken into consideration. Ms Gadd also requested that model condition 62 be added requiring the Applicant to surrender their current licence before any licensable activities can take place at the Premises.

Dave Nevitt (Environmental Health) then addressed the Sub-Committee and referred to the pre-application reports in the report. He welcomed the proposals to reduce hours to core hours for both applications and that each would have a number of conditions attached to their licence, making them highly regulated premises. In respect of 3 Norris Street, Mr Nevitt felt that he could not see how residents would be impacted by the proposals when considering the non-residential nature of the area and in practical terms he did not think the application would add to cumulative impact, adding that if anything the conditions added may help improve the area. With regard to 69/71 Haymarket, Mr Nevitt advised that as there may be a refurbishment of these premises that the capacity limit may change, and therefore model works conditions 81 and 90 should apply.

Mr Baylis confirmed on behalf of the Applicant acceptance of model condition 62 for 69/71 Haymarket as requested by Ms Gadd. In respect of 3 Norris Street, he stated that the application represented a significant reduction in hours for licensable activities compared to the current licence. He also felt that the Police's withdrawal of their representation demonstrated that this application was an exception to policy.

The Sub-Committee granted the application and welcomed the surrender of the current licence before this licence would be issued. In determining the application, the Sub-Committee noted Mr Nevitt's view that the application would not impact upon residents or add to cumulative impact and that the conditions to be attached may help improve the area and also that the Police had withdrawn

	<p>their representation. In addition, the application for all licensable activities was within core hours, with the application representing a reduction in hours for licensable activities compared to those on the current licence. The Sub-Committee also considered that the conditions would assist the Applicant in upholding the promotion of the licensing objectives (prevention of crime and disorder, prevention of public nuisance, public safety, and protection of children from harm) and accordingly the application was granted.</p>
2.	Sale by retail of alcohol (on and off sales)
	<p>Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to 00:00 Sunday: 12:00 to 22:30</p> <p>Seasonal variations/non-standard timings: From start time on New Year's Eve to the finish time 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>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>
3.	Hours premises are open to the public
	<p>Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to 00:00 Sunday: 12:00 to 22:30</p> <p>Seasonal variations/non-standard timings: From start time on New Year's Eve to the finish time 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>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>

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.

Additional Conditions

9. Substantial food shall be available throughout the premises at all times.
10. The capacity of the mezzanine floor shall not exceed 40 persons.
11. The supply of alcohol on the mezzanine level shall only be to persons seated taking a table meal there and for consumption by such a person as ancillary to their meal premises after 23.00.
12. The number of persons (excluding staff) permitted in the premises (to include the external areas) at any one time shall not exceed 215.
13. No licensable activities shall take place at the premises until premises licence 18/12317/LIPT (or such other number subsequently issued for the premises) has been surrendered and is incapable of resurrection.
14. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements for 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. A Challenge 25 scheme shall be in operation at the premises.
17. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
18. 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.
19. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

20. All outside tables and chairs shall be rendered unusable by (23.00) each day.

4 BASEMENT AND GROUND FLOOR, 69 - 71 HAYMARKET, LONDON, SW1Y 4RW

LICENSING SUB-COMMITTEE No. 1

Thursday 11th April 2019

Membership: Councillor Angela Harvey (Chairman), Councillor Jacqui Wilkinson and Councillor Aicha Less.

Legal Adviser: Horatio Chance
Committee Officer: Toby Howes
Presenting Officer: Kevin Jackaman

Relevant Representations: Environmental Health and the Licensing Authority.

Present: Craig Baylis (Solicitor, representing the Applicant), Sarah Claridge (Asset Manager, Applicant Company), Dave Nevitt (Environmental Health) and Daisy Gadd (Licensing Authority).

**Basement and Ground Floor, 69/71 Haymarket, London, SW1Y 4RW (“The Premises”)
19/01305/LIPN**

1. Sale by retail of alcohol (on and off sales)

Monday to Thursday: 10:00 to 23:30
Friday and Saturday: 10:00 to 00:00
Sunday: 12:00 to 22:30

Seasonal variations/non-standard timings: From start time on New Year’s Eve to the finish time on New Year’s Day.

Amendments to application advised at hearing:

None.

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

Kevin Jackaman confirmed that the Police had withdrawn their representation following agreement of conditions with the Applicant.

At the start of the hearing, the Sub-Committee agreed to Craig Baylis’s (Solicitor,

representing the Applicant) request that this application be considered simultaneously with item 3 on the agenda (3 Norris Street, London, SW1Y 4RJ) as both applications were closely linked with each other and were from the same Applicant.

Mr Baylis began by stating that the Applicant was taking stock of the large number of licenced premises it had, with many of these had licences predating 2005 and had therefore been in existence before the Licensing Act 2003 had come into effect. It was stated that the Applicant had taken pre-application advice from Environmental Health and had held two meetings with them and two pre-application reports had been produced. Effectively, the Applicant was seeking to swap the use of 3 Norris Street with 69/71 Haymarket so that 3 Norris Street became a bar and 69/71 Haymarket a restaurant. Mr Baylis stated that in the case of 3 Norris Street, the Applicant wished to increase footfall in the area and as there were already a number of restaurants at this location, it was felt that a bar would create more choice for customers and attract more people in the area. As the St James's redevelopment was around the corner from the Premises, customers coming to this area after the redevelopment was complete would also welcome the wider choice that would be offered by the presence of a bar. The application was within core hours and a number of conditions were proposed, including that substantial food will be available throughout the premises at all times and conditions relating to capacity. Mr Baylis added that the premises would operate as a high end, food driven public house. Mr Baylis acknowledged that the Premises was located in a cumulative impact area and he referred to paragraph 2.4.6 which set out exceptions to the City Council's Statement of Licensing Policy which he felt applied in this case.

Turning to 69/71 Haymarket, Mr Baylis stated that the Premises currently had a pre Licensing Act 2003 licence that allowed for vertical drinking and it had no capacity limit. The application proposed to change the use of the premises to restaurant with all the standard conditions that would apply to restaurant premises licence, including the standard model restaurant condition 66.

Sarah Claridge (Asset Manager, Applicant Company) then addressed the Sub-Committee and explained that the Applicant was taking a long term approach to its licensed property portfolio. The approach was underpinned by retail, governance and leasing strategies. The Applicant intended to help contribute to areas becoming distinctive, stimulating and eclectic. It was stated that in respect of 3 Norris Street, two restaurants in the area had already closed and it was felt that locating a bar there would be ideal. The 69/71 Haymarket site had an old public house licence and the intention was to turn it into a pure restaurant.

Daisy Gadd (Licensing Authority) addressed the Sub-Committee and confirmed that she was maintaining her representation for 3 Norris Street because the proposal was for a bar in a cumulative impact area. Therefore the Applicant needed to demonstrate that their proposals represented an exception to Policy. She also emphasised that the Applicant should surrender their current licence if this application was granted and welcomed the Applicant's intention to do so.

With regard to 69/71 Haymarket, Ms Gadd noted that the premises was also located in a cumulative impact area and policy RNT2 needed to be taken into

	<p>consideration. Ms Gadd also requested that model condition 62 be added requiring the Applicant to surrender their current licence before any licensable activities can take place at the premises.</p> <p>Dave Nevitt (Environmental Health) then addressed the Sub-Committee and referred to the pre-application reports in the report. He welcomed the proposals to reduce hours to core hours for both applications and that each would have a number of conditions attached to their licence, making them highly regulated premises. In respect of 3 Norris Street, Mr Nevitt felt that he could not see how residents would be impacted by the proposals when considering the non-residential nature of the area and in practical terms he did not think the application would add to cumulative impact, adding that if anything the conditions added may help improve the area. With regard to 69/71 Haymarket, Mr Nevitt advised that as there may be a refurbishment of these premises that the capacity limit may change, and therefore model works conditions 81 and 90 should apply.</p> <p>Mr Baylis confirmed on behalf of the Applicant acceptance of model condition 62 for 69/71 Haymarket as requested by Ms Gadd. In respect of 3 Norris Street, he stated that the application represented a significant reduction in hours for licensable activities compared to the current licence. He also felt that the Police's withdrawal of their representation demonstrated that this application was an exception to policy.</p> <p>The Sub-Committee granted the application and added model condition 62 requiring the Applicant to surrender their current licence before any licensable activities can take place at the Premises, as requested by Ms Gadd and agreed by Mr Baylis on behalf of the Applicant at the hearing. Model conditions 48 and 49 relating to refusal of sales of alcohol and maintaining an incident log were also added, as suggested by Mr Nevitt in his written representation.</p> <p>In determining the application, the Sub-Committee noted that although the Premises was located within a cumulative impact area, the application for all licensable activities was within core hours. In addition, the application was for a restaurant with the full restaurant model condition. The Sub-Committee also considered that the conditions would assist the Applicant in upholding the promotion of the licensing objectives (prevention of crime and disorder, prevention of public nuisance, public safety, and protection of children from harm) and accordingly the application was granted.</p>
2.	Sale by retail of alcohol (on and off sales)
	<p>Monday to Thursday: 23:00 to 23:30 Friday and Saturday: 23:00 to 00:00</p> <p>Seasonal variations/non-standard timings: From start time on New Year's Eve to the finish time on New Year's Day.</p>
	Amendments to application advised at hearing:

	None.
	Decision (including reasons if different from those set out in report): Granted, subject to conditions as set out below (see reasons for decision in Section 1).
3.	Hours premises are open to the public
	Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to 00:00 Sunday: 12:00 to 22:30 Seasonal variations/non-standard timings: From start time on New Year's Eve to the finish time on New Year's Day.
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): Granted, subject to conditions as set out below (see reasons for decision in Section 1).

Conditions attached to the Licence	
<u>Mandatory Conditions</u>	
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 attached after a hearing by the Licensing Authority

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

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

copies of recent CCTV images or data with the absolute minimum of delay when requested.

11. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. The premises shall only operate as a restaurant
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - (iv) which do not provide any take away service of food or drink for immediate consumption,
 - (v) which do not provide any take away service of food or drink after 23.00, and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

13. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
14. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
15. 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.
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, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.

5 47 - 49 CHARING CROSS ROAD, LONDON, WC2H 0AN

LICENSING SUB-COMMITTEE No. 1

Thursday 11th April 2019

Membership: Councillor Angela Harvey (Chairman), Councillor Jacqui Wilkinson and Councillor Aicha Less.

Legal Adviser: Horatio Chance
 Committee Officer: Toby Howes
 Presenting Officer: Kevin Jackaman

Relevant Representations: Licensing Authority.

Present: Alun Thomas (Solicitor, representing the Applicant), Andy Hing (Asset Manager, Applicant) and Daisy Gadd (Licensing Authority).

47 - 49 Charing Cross Road, London, WC2H 0AN ("The Premises") 19/00948/LIPN	
1.	Late night refreshment
	Monday to Thursday: 23:00 to 23:30 Friday and Saturday: 23:00 to 00:00 Seasonal variations/non-standard timings: From start time on New Year's Eve to the finish time on New Year's Day.
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): Alun Thomas (Solicitor, representing the Applicant) began by stating that the Applicant, Shaftesbury, was a landlord who made every effort to ensure that quality tenants occupied their properties, as in line with the City Council's Statement of Licensing Policy. The Applicant had not had any tenants who had been subject of a review of their premises licence. Mr Thomas advised that the

Applicant was currently seeking a tenant for these Premises. A high end Swedish deli operated opposite the Premises. With regard to capacity, Mr Thomas stated that the upper floor would be around 120 persons, the ground floor around 80 to 90 persons and the basement around 20 to 30 persons. He referred to the plans and highlighted where a 'holding bar' would be which would be fully seated. The Sub-Committee heard that the Premises had held a premises licence in the past, but this had lapsed three years ago and there was already existing planning permission for a restaurant. Mr Thomas acknowledged that the Premises was located in a cumulative impact area (CIA) and although the application went 30 minutes beyond the terminal core hour from Sunday to Thursday, the hours applied for matched what was permitted under the planning permission and the hours on Friday and Saturday were within core hours. Mr Thomas contended that the application could not add to cumulative impact in the CIA as it was not applying for a new use and the full restaurant model condition was proposed. Policy RNT2 also recognised that restaurants had a low association with crime and disorder therefore were unlikely to add to cumulative impact. As such, Mr Thomas therefore felt that the Applicant did not need to demonstrate an exception to Policy. The Sub-Committee noted that the upper floor had been ancillary to the restaurant and the Premises had been open until 23:30 hours under the previous operator.

Mr Thomas felt that as the Premises was located along a busy road near Leicester Square tube station at the edge of China Town, that the proposals and the hours applied for were highly appropriate and policy HRS1 recognised that applications for restaurant use should be dealt with on the merits of each individual case. Most licenced premises in the area remained open until at least 00:00 hours and some even later until 03:00 hours. There were plenty of public transport options for customers and staff, including three tube lines that used Leicester Square tube station that also benefitted from a later tube service on Friday and Saturday evenings, whilst night buses also operated in the area.

During discussions by the Sub-Committee, the Chairman noted that by using the upper floor, the Premises was effectively doubling its capacity and in view of that there would be residents living above the Premises, she asked if there had been any suitable acoustic treatment undertaken to obtain planning permission. She also asked how residents would access their homes.

In reply, Andy Hing (Asset Manager, Applicant) advised that it was the Applicant's policy to undertake acoustic treatment for licenced premises and this application had benefitted from a high level treatment. He added that residents would enter the building from the Newport Street entrance.

Daisy Gadd (Licensing Authority) advised that she was maintaining her representation on the grounds that the application was outside core hours. She informed the Sub-Committee that the previous licence had permitted the sale of alcohol up until 23:00 hours. In respect of the proposed bar area on the ground floor, Ms Gadd advised that proposed condition 11 stated that alcohol could only be served before, during or after a substantial table meal. Proposed conditions 9, 10 and 11 also satisfied policy in respect of paragraph 2.5.3. Ms Gadd stated that the proposed bar area was much smaller than the restaurant area and an appropriate capacity limit should therefore be set. She added that the Applicant

	<p>must demonstrate that they will not add to cumulative impact as the Premises was located in a CIA.</p> <p>During discussions by the Sub-Committee, the Chairman, in reference to proposed condition 11, stated that in its currently worded form, customers could remain in the holding bar area for some time and she suggested that adding the word “immediately” before or after taking a table meal might be more appropriate.</p> <p>In reply, Mr Thomas stated that all customers in the proposed holding bar area would be seated. The Premises was to be a restaurant and the Applicant did not want a drinking venue at this site, Mr Thomas felt that it would not be practical to not permit consumption of alcohol after customers had finished their meal as they may not yet have finished their drink. It was not anticipated that customers would remain in the holding bar area long after they had finished their meal and most customers would spend up to one hour and 30 minutes on the Premises. Mr Thomas suggested that a capacity of around 20 to 25 persons would be appropriate for the holding bar area as this would equate to around the 10% of floor space that the holding bar would occupy.</p> <p>The Sub-Committee granted the application, subject to the application for licensable activities to be revised to core hours Monday to Sunday. In respect of opening hours, the Sub-Committee agreed to these remaining as proposed in order to provide a sufficient ‘winding down’ time from Sunday to Thursday, as acknowledged in paragraph 2.3.7 of policy. Condition 11 in relation to the bar area was amended to read <i>“In the seated bar area shown on the plan, alcohol can only be consumed immediately before or after a substantial table meal there to a maximum of 24 seated customers”</i> in order to help regulate the time customers could spend in the holding bar area. Condition 30 relating to plans was also amended to include that the licence would not come into effect until a revised plan be submitted, including identifying the seated bar area, in addition to the other requirements set out in this condition.</p> <p>In determining the application, the Sub-Committee noted that although the Premises was located within a CIA, the application was for a restaurant which was less likely to add to cumulative impact and all licensable activities agreed would be within core hours. In addition, the Sub-Committee also considered that the conditions would assist the Applicant in upholding the promotion of the licensing objectives (prevention of crime and disorder, prevention of public nuisance, public safety, and protection of children from harm) and accordingly the application was granted.</p>
<p>2.</p>	<p>Sale by retail of alcohol (on and off sales)</p>
	<p>Monday to Saturday: 10:00 to 00:00 Sunday: 12:00 to 23:00</p> <p>Seasonal variations/non-standard timings: From start time on New Year’s Eve to the finish time 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>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>
3.	Hours premises are open to the public
	<p>Monday to Saturday: 07:00 to 00:00 Sunday: 08:00 to 23:00</p> <p>Seasonal variations/non-standard timings: From start time on New Year's Eve to the finish time 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>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>

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

Additional Conditions

9. The supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.

10. The supply of alcohol on the premises shall be by waiter or waitress service only.

11. In the seated bar area shown on the plan, alcohol can only be consumed immediately before or after a substantial table meal there to a maximum of 24 seated customers.

12. 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.

13. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
14. Substantial food and non-intoxicating beverages, including drinking water shall Be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
15. 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.
16. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the 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.
17. Challenge 21, a 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 or passport.
18. 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
19. 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.
20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
21. 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 sweeping

collected and stored in accordance with the approved refuse storage arrangements by close of business.

22. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.
23. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
24. 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.
25. All waste shall be properly presented and placed out for collection no earlier than 30 Minutes before the scheduled collection times.
26. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a sexual entertainment Venue Licence.
27. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
28. No licensable activities shall take place at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
29. The Licence will have no effect until the works shown on the plans appended to the application have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
30. Before the premises open to the public, revised plans must be deposited highlighting the seated bar area and will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction, new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

The Meeting ended at 2.48 pm

CHAIRMAN: _____

DATE _____

