



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (4)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** held on **Thursday 23rd May, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Karen Scarborough, Murad Gassanly and Rita Begum

#### 1 MEMBERSHIP

1.1 There were no changes to the membership.

#### 2 DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

#### 1 GRAYS AND FEATHER, BASEMENT AND GROUND FLOOR, 26 WELLINGTON STREET, LONDON, WC2E 7DD

#### LICENSING SUB-COMMITTEE No. 4

*Thursday 23rd May 2019*

Membership: Councillor Karen Scarborough (Chairman), Councillor Murad Gassanly and Councillor Rita Begum

Legal Adviser: Horatio Chance  
Committee Officer: Tristan Fieldsend  
Presenting Officer: Michelle Steward

Relevant Representations: The Licensing Authority and Environmental Health, The Covent Garden Community Association, the Florin House Residential Management Co Ltd, four local businesses and Shaftesbury PLC.

Present: Mr Jack Spiegler (Solicitor, representing the Applicant), Ms Jenny Wardle and Mr Andrew Gray (Applicants), Mr Joseph Lynch (General Manager), Miss Daisy Gadd (Licensing Authority), Mr Maxwell Koduah (Environmental Health) and Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing)

**Grays and Feather, Wellington Street, Basement and Ground Floor, 26 Wellington Street, London, WC2E 7DD (“The Premises”) 19/03269/LIPV**

**1. Hours Premises are Open to the Public**

Current:

Monday to Sunday: 09:00 to 23:00

Proposed:

Monday to Thursday: 08:00 to 23:00

Friday to Saturday: 08:00 to 23:30

Sunday 09:00 to 23:00

Amendments to application advised at hearing:

None.

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

The Sub-Committee considered an application by Grays and Feather Wellington Street Ltd for a variation of a premises licence in respect of Grays and Feather, Wellington Street, Basement and Ground Floor, 26 Wellington Street, London, WC2E 7DD.

Mr Spielger, representing the applicant, advised the Sub-Committee that the application before it primarily consisted of three areas. The first element was to vary the Premises opening hours by extending the morning hours to 08:00 and extending the terminal hour to 23:30 on Friday and Saturday evenings. Secondly, it was proposed to remove the condition requiring the supply of alcohol to be to a person seated taking a table meal and for consumption by such a person as ancillary to their meal only. The Applicant sought to replace this condition which one requiring the supply of alcohol to persons who had entered the Premises before 20:00 being ancillary to them taking substantial refreshment. Thirdly, permission was sought to allow private events to take place at the Premises.

Ms Wardle and Mr Gray, the applicants, provided a brief history of the Premises advising that it was a family run business established in 2011 with a particular focus on sparkling wines. The ethos of the Premises was to educate people on various sparkling wines from around the world and their food pairings. It was stated that a relaxed environment was provided where alcohol was supplied in a controlled environment that would help promote the licensing objectives. The Sub-Committee was advised that the Premises did not function as a pub. Currently, tasting events were prohibited and permission to permit these was sought to cater for this demand. To future proof the licence it was suggested that it be made personal to the Applicants. Ms Wardle advised that it was hoped the variation would be granted to allow tasting and network events to be held on site in order to improve the future viability of the operation.

Mr Spiegler advised that pre-application consultation had been undertaken with the responsible authorities and the Covent Garden Community Association (CGCA). The application sought to amend the opening hours with no changes proposed to the hours relating to licensable activities. No objections had been raised to the earlier opening hours but it was recognised there had been to the additional 30 minutes sought on Friday and Saturday evenings. In response a dispersal policy had been introduced to provide reassurance that the later hours would not create nuisance to residents in the local area. In terms of the Council's Statement of Licensing Policy section HRS1 was quoted and regarded as being relevant. The policy stated that applications seeking hours within core hours would generally be granted whether they were located in a Cumulative Impact Area (CIA) or not. The extension in hours on Friday and Saturday evenings would still be 30 minutes less than core hours. Policy CIP1 was also highlighted as it stated that applications would be refused other than applications to vary hours within core hours. The policy recognised that extensions in hours within core hours did not add to cumulative impact and therefore the application could be considered policy compliant.

Mr Spiegler advised that following consultation with the CGCA the proposed condition requiring the supply of alcohol to those persons arriving at the Premises before 20:00 hours to be seated taking substantial refreshment had been amended. It was originally proposed for the hour to be 21:00 hours but this had been scaled back following the concerns raised. It was recognised that there were queries over what constituted substantial refreshment and as such the food menu available at the Premises was highlighted. It was noted that the menu consisted of both smaller and larger plates of food but what was being proposed was that alcohol could be sold with the smaller portions of food. After 20:00 hours alcohol could still only be available to persons taking substantial refreshment. Mr Spiegler acknowledged that the application as it was currently did not meet policy RNT2. However, the character of the Premises could be considered to be consistent with certain elements of the policy and would therefore not add to cumulative impact. These elements included the character of the Premises as it would not attract customers who would be involved in substantial drinking. The flexibility being sought on the licence would only be to customers arriving at the Premises before 20:00 hours. The supply of alcohol would be ancillary to substantial refreshment, although this could take the form of smaller plates of food. An additional condition was also proposed requiring the supply of alcohol to be ancillary to the Premises operating as a wine parlour and merchant. This tightly controlled and future proofed the licence ensuring the Premises could not be transformed in the future to an establishment which would add to cumulative impact. Another condition would require the supply of alcohol to be by waiter or waitress service only for members of the public entering the Premises therefore preventing any public vertical drinking from taking place. For these reasons the application could be considered an exception to policy and unlikely to add to cumulative impact.

In response to a question from the Sub-Committee Mr Lynch, the Premises General Manager, provided further details on the type of private events envisaged for the Premises. The events would focus on wine tasting events where attendees would enter the venue and participate in tasting small volumes of sparkling wine with canapes. The events at the Premises would consist of

networking, celebrations and a various mix of social and business gatherings. Mr Spiegler confirmed that they were not the type of events to add to cumulative impact as they would not be promoted or involve such activities as hiring a DJ. It was suggested that these events would be restricted to the basement area of the Premises which held a maximum of 50 customers. The functions would not extend to late, would not be available for members of the public to attend and it was suggested that they be limited to only 25 per year. A dispersal policy had been introduced with a proposed condition requiring one to be in place. If the Sub-Committee was minded to grant the application the licence would be ancillary to the Premises being used as a wine parlour and merchant therefore preventing its use being changed and adding to cumulative impact. It was suggested that all parties were close to agreeing what conditions should be added to the licence. To reach this stage however compromises had been made by the Applicant to address concerns raised, but following these it would make further concessions difficult to accede to. Finally, Mr Spiegler highlighted the letters of support which had been submitted by local businesses on behalf of the application which demonstrated the positive impact the Premises had had on the Covent Garden area.

Miss Gadd, representing the Licensing Authority, confirmed that their representation was maintained as the Premises was located within a CIA and had the potential to operate as a bar. A main area of concern centred on the proposed amendment to the conditions which would relax the current restrictions requiring the supply of alcohol to be ancillary to persons being seated taking a table meal. The application had to be considered under the pubs/bars policy and exceptional circumstances had to be demonstrated in order for the application to be considered an exception to policy. It was therefore a decision for the Sub-Committee to decide if the applicant had demonstrated exceptional circumstances.

Mr Koduah, representing Environmental Health, confirmed that following the concessions made by the Applicant he had no major concerns with regards to the application. There were two issues he wanted to bring to the Sub-Committee's attention however. Firstly, an overall capacity of the Premises of 60 persons, excluding staff, had been agreed and this was deemed as meeting health and safety requirements. Private events would be held in the basement and these would have a capacity of 50, so therefore the number of persons permitted on the ground floor during these events would be limited to 10. As there were no means of escape from the basement this was considered necessary to ensure the safety of customers. Secondly, if the Sub-Committee was minded to grant the application Mr Koduah advised of some proposed amendments to the wording of EH's proposed dispersal condition. The Applicant was asked if it was planned to apply for any Temporary Event Notices and Mr Spiegler advised that it was not intended to apply for any although this could not be ruled out in the future.

Mr Brown, from the Citizens Advice Bureau Licensing Advice Project, representing the Florin House Residential Management Co Ltd addressed the Sub-Committee. He expressed sympathy with the licence holder over the difficult financial situation many premises were currently facing and confirmed that there were no issues over the operation of Grays and Feather. However, when the

licence holders submitted an application in 2016 the Sub-Committee at the time imposed model condition 38 on the licence, instead of the full model restaurant condition, in order to provide the Premises with a degree of flexibility. However, concern was expressed that the proposals would permit an even greater degree of flexibility. The Sub-Committee was advised that the planning permission granted required customers to be off the Premises by 23:00. There was no opposition to the proposed earlier opening hours or to sections a and b of the third proposed condition. It was also recognised that the condition requiring the Premises to operate as a wine parlour and merchant would limit its operation however it was noted that it did not contain any reference to food. To provide reassurance and allay concerns it was therefore suggested that the variation only apply to Grays and Feather and not the entire licence. It was also suggested that the conditions be amended to ensure that it was clear that the private, pre-booked events took place only in the basement area. Other potential amendments to the proposed conditions included a requirement that after 22:00 hours the supply of alcohol be ancillary to persons taking a table meal. Also, it was suggested that the number of private events taking place after 22:00 hours be restricted with persons attending such functions being off the Premises by 23:00 hours. Mr Spiegler advised that the Applicant was content for the variation application to apply only when Grays and Feather held the Premises licence if the Sub-Committee was minded to grant the application

The Sub-Committee was interested to learn further about why the application could be considered an exception to policy. Mr and Ms Wardle advised that their Premises provided a “unique” experience specialising in sparkling wines. The experience was educational in its manner with written materials available to inform customers and improve knowledge of the wines available. The nature of the Premises and its design made it apparent it was not functioning simply as a wine bar but was providing a relaxed, intimate atmosphere which was not set up for the purposes of vertical drinking. Mr Spiegler also confirmed that the variation could be restricted to Grays and Feather holding the licence so this was an important factor the Sub-Committee could take into consideration when determining matters. The Premises would only sell sparkling wine but was unique in that this did not include champagne.

The Sub-Committee carefully considered the evidence provided by all parties and agreed to grant the application with several amendments. The Sub-Committee was of the opinion that the Premises could not be considered a standard wine bar but was instead providing a unique experience with a form of specialised branding by the selling of sparkling wines and educating its customers in relation to their history and various wines it had on offer. It specialised in sparkling wines only with an educational perspective to inform customers of the produce. The nature and character of the establishment would not encourage vertical drinking and instead would provide an appropriate, relaxed setting to sample the wine. It was therefore considered that the application could be considered an exception to policy. The Sub-Committee deemed the proposed conditions appropriate to ensure that any impact on local residents would be minimised. This included restricting the supply of alcohol to the Premises being used as a wine parlour and merchant. Alcohol would also be supplied by waiter/waitress service, except for private events held in the basement area to which members of the public would not be admitted. The Sub-

Committee also considered it important that the variation should only be permitted whilst the licence was held by Grays and Feather, therefore making it personal. It was considered that these conditions were restrictive enough to permit the removal of conditions 22 and 33 and ensure that any potential disturbance to residents would be mitigated appropriately. The operator was considered responsible, as evidenced by the letters of support supplied by local businesses, which in addition to the nature of the operation was unlikely to add to cumulative impact in the local area.

Having taken into account all the evidence the Sub-Committee was satisfied that the application had addressed the concerns raised and could be considered an exception to policy for the reasons given above. Even though the Premises was located within a CIA the nature of the operation and the conditions offered by the Applicant were restrictive enough to ensure it was unlikely to add to cumulative impact in the CIA, was suitable for the local area and ultimately promoted the licensing objectives. The Sub-Committee therefore considered that the conditions it imposed on the licence were appropriate and proportionate and granted the application accordingly.

## **2. Conditions being Varied, Added or Removed**

### Conditions to be Removed:

Condition 22 - The supply of alcohol shall be by waiter or waitress service only.

Condition 32 - The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

### Conditions being Added:

1. The supply of alcohol on the premises shall be ancillary to the use of the premises as a wine parlour and merchant.
2. The supply of alcohol shall be by waiter or waitress service only, except during pre-booked and bona fide private functions or events to which members of the public are not admitted.
3. The supply of alcohol for consumption on the premises shall be restricted to persons:
  - a. Seated taking a table meal there and for consumption by such a person as ancillary to their meal; or
  - b. That have arrived at the premises before 20:00 who are seated taking substantial refreshment there and for consumption by such a person as ancillary to their substantial refreshment; or
  - c. Attending a pre-booked and bona fide private function or event in the basement to which members of the public are not admitted. The number of private events taking place after 22:30 shall be limited to 25 per annum.

	<p>4. The premises shall implement and maintain a dispersal policy designed to ensure that persons leaving the premises do not cause a public nuisance to people living above or in the vicinity of the premises. All staff will be trained in its implementation.</p>
	<p>Amendments to application advised at hearing:</p> <p>The Sub-Committee agreed to amend proposed condition 3 to require all licensable activities permitted under 3(b) and (c) should be permitted whilst the premises licence was held by Grays and Feather Ltd.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application; see the reasons for the decision in Section 1.</p>

<b>Conditions attached to the Licence</b>	
<b><u>Mandatory Conditions</u></b>	
<ol style="list-style-type: none"> <li>1.</li> <li>2.</li> <li>3.</li> <li>4.</li> </ol>	<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 require or encourage, individuals to;</p> <p>(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or</p> <p>(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</p>

- (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. With the exception of any external area licensed by Westminster City Council for the placing of tables and chairs, all sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

10. 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.

11. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

12. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

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

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

15. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20:00 and 08:00 hours on the following day.

16. 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.

17. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry 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.
18. 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.
19. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, 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 (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
20. Before the premises opens to the public, the plans as deposited 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 LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority.
21. The Licence will have no effect until the works shown on the plans appended to the application (or subsequently substituted plans) have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
22. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
23. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 60 persons.
24. 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.

25. 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.
26. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
27. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
28. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
29. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 8 persons at any one time.
30. 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.
31. The supply of alcohol on the premises shall be ancillary to the use of the premises as a wine parlour and merchant.
32. The supply of alcohol shall be by waiter or waitress service only, except during pre-booked and bona fide private functions in the basement area of the premises or events to which members of the public are not admitted.
33. The supply of alcohol for consumption on the premises shall be restricted to persons:
  - a. Seated taking a table meal there and for consumption by such a person as ancillary to their meal; or
  - b. That have arrived at the premises before 20:00 who are seated taking substantial refreshment there and for consumption by such a person as ancillary to their substantial refreshment; or
  - c. Attending a pre-booked and bona fide private function or event in the basement to which members of the public are not admitted. The number of private events taking place after 22:30 shall be limited to 25 per annum.

The licensable activities permitted under 33 (b) and (c) above shall only be permitted whilst the premises licence is held by 'Grays and Feather Wellington Street Limited.'
34. The premises shall implement and maintain a dispersal policy designed to ensure that persons leaving the premises do not cause a public nuisance to people living above or in the vicinity of the premises. All staff will be trained in its implementation.
35. The Premises Licence Holder shall ensure that there is dispersal policy to include, but not limited to; arrangement for patrons to leave quietly on public transport; signage; security and stewarding arrangement; staff conduct during

terminal hours in order not to cause a public nuisance to persons living above or in the vicinity of the premises. The policy shall be kept on the premises and made available immediately upon the request of Police or authorised officer.

36. The Premises Licence Holder shall ensure that a register of persons attending pre-booked events shall be maintained for a minimum of 12 months; be kept at the premises and made available for immediate inspection by Police or authorised officer of the Council.

**2 UNIT EC2, 73-75 CHARING CROSS ROAD, LONDON, WC2H 0NE**

**LICENSING SUB-COMMITTEE No. 4**

*Thursday 23rd May 2019*

Membership: Councillor Karen Scarborough (Chairman), Councillor Murad Gassanly and Councillor Rita Begum

Legal Adviser: Horatio Chance  
 Committee Officer: Tristan Fieldsend  
 Presenting Officer: Michelle Steward

Relevant Representations: The Metropolitan Police, Environmental Health, Licensing Authority and the Covent Garden Community Association

Present: Ms Chithra Somasundaram (Solicitor, representing the Applicant), Mr Kyung Tae Kweon (Applicant) and Miss Daisy Gadd (Licensing Authority)

<b>Unit EC2, 73-75 Charing Cross Road, London, WC2H 0NE (“The Premises”) 19/03049/LIPN</b>	
<b>1.</b>	<b>Sale by Retail of Alcohol – Off Sales</b>  Monday to Saturday: 08:00 to 22:00 Sunday: 10:00 to 22:00
	Amendments to application advised at hearing:  None.
	Decision (including reasons if different from those set out in report):  The Sub-Committee considered an application by GKss Ltd (“The Applicant”) for a new premises licence in respect of Unit EC2, 73-75 Charing Cross Road, London, WC2H 0NE.  The Licensing Officer introduced the application and confirmed that the Police, Environmental Health and the Covent Garden Community Association had all withdrawn their representations following the agreement of conditions with the

	<p>applicant.</p> <p>Ms Somasundaram, representing the Applicant, advised the Sub-Committee that the Applicant was an accomplished specialist in supplying Korean produce. Various other similar establishments were already operated throughout London by the Applicant and this application formed part of an expansion plan. The company held a good reputation and after extensive consultation the Police, Environmental Health and the Covent Garden Community Association (CGCA) had all withdrawn their representations.</p> <p>Miss Gadd, representing the Licensing Authority, confirmed that they had maintained their representation as the Premises was located in a Cumulative Impact Area (CIA) and the Applicant had to demonstrate that the application would not add to cumulative impact. It was recognised that the Premises was primarily a retail unit which would sell authentic Asian beverages for consumption at home with an Asian meal. The proposed hours for the off sales of alcohol were within core hours and it was confirmed that overall the Licensing Authority was content with the application.</p> <p>The Sub-Committee carefully considered the application and noted that it was located within a CIA. However, the hours sought for the sale of alcohol were within core hours with the alcohol for sale consisting of mainly rice wine, sake and Asian beers for consumption at home. It was also noted that customers would not have direct access to the alcohol which would be located behind the cashiers counter. The Sub-Committee was pleased to note the extensive level of consultation undertaken by the Applicant with both the responsible authorities and local stakeholders. As a result the Police, Environmental Health and the CGCA had all withdrawn their representations. The Premises was located in a CIA, however the proposed conditions were considered appropriate and proportionate to ensure the promotion of the licensing objectives. They were also deemed restrictive enough to ensure the application would not add to cumulative impact in the local area. The niche character of the alcohol for sale and also the fact that it would be sold within core hours provided reassurance that the application would not create any public nuisance. The Sub-Committee therefore granted the application accordingly.</p>
<p><b>2.</b></p>	<p><b>Hours Premises are Open to the Public</b></p> <p>Monday to Saturday: 08:00 to 23:00  Sunday: 09:00 to 22:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application (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 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.
- 5(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.
- 5(ii) For the purposes of the condition set out in paragraph 5(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.

5(iii). Where the permitted price given by Paragraph 5(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.

- 5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(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**

- 6. 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.
- 7. 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.



8. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
9. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
10. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, save for Asian alcoholic beverages such as premium Asian beers, ciders and sake wine.
11. No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises, save for Asian alcoholic beverages.
12. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
13. There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV, except for premium Asian beers, ciders and sake wine.
14. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
15. All cashiers will receive refresher training on relevant alcohol laws and the licence holder's policy on challenging for ID. Such training to take place at least twice a year. Records will be maintained at the premises containing information about the training of any person who may make a sale of alcohol including the date of their training and the nature of the training undertaken. The relevant documentation shall be produced on request to a police officer or a relevant officer of a responsible authority.
16. The licence holder shall ensure that all cashiers are trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example, thumb print or pupil recognition) is introduced. All cashiers will be instructed, through training, that a sale shall not be made unless this evidence is produced.
17. 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) any faults in the CCTV system
  - (f) any refusal of the sale of alcohol

(g) any visit by a relevant authority or emergency service.

18. On the Day of London Pride:-
  - i. Alcohol sales in respect of cans of beer or cider are limited to no more than 4 cans per person.
  - ii. The premises will not externally advertise local promotions of alcohol.
  - iii. No sales of alcohol in bottles or glass containers are made during this period.
  - iv. Upon the direction of a Police Officer, using the grounds of the prevention of crime and disorder or public safety, the premises will immediately cease to sell alcohol until further directed by the Police.
19. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
20. Deliveries to the premises shall take place between 08:00-23.00 hours On Monday to Saturday and 10:00-21:00 hours on Sunday.
21. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
22. A 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.

**3 ARRO COFFEE, 77 BISHOP'S BRIDGE ROAD, BISHOPS COURT,  
LONDON, W2 6BG**

**LICENSING SUB-COMMITTEE No. 4**

*Thursday 23rd May 2019*

Membership: Councillor Karen Scarborough (Chairman), Councillor Murad Gassanly and Councillor Rita Begum

Legal Adviser: Horatio Chance  
Committee Officer: Tristan Fieldsend  
Presenting Officer: Michelle Steward

Relevant Representations: Environmental Health, Licensing Authority and the South East Bayswater Residents Association

Present: Ms Iolanda Meola (Food and Beverage Manager, representing the Applicant company), Ms Angela Seaward (Licensing Authority and Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing the Florin House Residential Management Company)

**Arro Coffee, 77 Bishop's Bridge Road, Bishops Court, London, W2 6BG ("The Premises")**  
**19/04141/LIPN**

**1. Sale by Retail of Alcohol –**

**Off Sales**

Monday to Sunday: 08:00 to 21:30

**On Sales**

Monday to Sunday: 11:00 to 21:30

Amendments to application advised at hearing:

The Sub-Committee was advised by the applicant that the hours for the sale by retail of alcohol would be amended to the following:

**Off Sales**

Monday to Sunday: 10:00 to 20:00

**On Sales**

Monday to Saturday: 11:00 to 20:00

Sunday: 12:00 to 20:00

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

The Sub-Committee considered an application by Galleria Cafe Ltd ("The Applicant") for a new premises licence in respect of Arro Coffee, 77 Bishop's Bridge Road, Bishops Court, London, W2 6BG.

The Licensing Officer introduced the application and advised all parties present that the hours for the sale of alcohol had been amended with the terminal hour for on and off sales now 20:00 hours Monday to Sunday. The Sub-Committee was also advised that Environmental Health had withdrawn their representation following the agreement of conditions with the Applicant.

Ms Meola, Food and Beverage Manager for the Applicant, advised that the Premises currently operated as a coffee shop selling traditional Italian beverages and food. The application was seeking to provide an opportunity for customers to enjoy an aperitivo which would permit them to consume Italian alcohol. As part of the application the Sub-Committee was advised that it was proposed for a condition to be placed on the licence introducing a thirty-minute drinking up time to ensure a smooth, orderly closing of the Premises. The Sub-Committee noted that conditions had been agreed with Environmental Health (EH) following which they had withdrawn their representation. It was acknowledged that the South East Bayswater Residents Association (SEBRA) had concerns over the application but the proposals sought were simply to

increase custom during the traditionally quieter afternoon period.

Ms Seaward, representing the Licensing Authority, confirmed that the Premises was located in a Cumulative Impact Area (CIA). It was also confirmed that the terminal hour for the supply of alcohol had been scaled back to 20:00 hours which now brought the application in line with the Council's core hours policy. Serious concerns had been raised over off-sales from the Premises due to the significant street-drinking problems in the local area. The applicant, in consultation with the Police, had tried to address this issue by placing additional conditions on the licence requiring all sales of alcohol for consumption off the Premises to be in sealed containers only. It was also proposed that no super strength beers or lagers above 5.5% ABV would be sold at the Premises. The Licensing Authority had maintained its representation due to an outstanding representation from an interested party, and as it was located in a CIA which required exceptional reasons to be demonstrated.

Mr Brown, from the Citizens Advice Bureau Licensing Advice Project, representing SEBRA, addressed the Sub-Committee. He brought to the Sub-Committee's attention the updated conditions circulated by the Applicant as there appeared to be some confusion over what was being proposed. It was unclear if the sale of alcohol would be ancillary to customers taking a table meal and if so whether this related to inside or outside the Premises. Permitting a drinking up time could also potentially permit customers to purchase alcohol before the terminal hour for the sale of alcohol and continue to drink to later in the evening. Several conditions also appeared to contradict what was proposed and further clarity on what was sought was required. The Queensway area contained a significant number of coffee shops and there was concern that permitting the supply of alcohol which was ancillary to a table meal from the Premises would set a precedent in the area. In conclusion therefore significant concerns still existed that none of the proposed conditions required the sale of alcohol to be ancillary to food and also with regards to the lack of clarity over the wording of some of the conditions.

Ms Meola stated that the Premises did not function as a restaurant but was proposing to offer a buffet selection which customers drinking alcohol would have access to. It was recognised however that it would be difficult to monitor if all customers were taking substantial refreshment when consuming alcohol as customers would be under no obligation to eat the buffet food on offer if they did not want to. In response to questions from the Sub-Committee it was explained that off sales of alcohol had been applied for to allow customers to purchase bottles of wine for consumption at their homes.

As the Premises was located in a CIA the application was contrary to the Council's Statement of Licensing Policy and as such the Sub-Committee was particularly interested to learn why it should be considered an exception to policy. Ms Meola advised that the food served at the Premises was handmade, with 90% of their products originating from Italy.

The Sub-Committee carefully considered the application on its individual merits and the evidence provided by all parties. It was noted that the Premises was located within a CIA and as such the applicant was required to demonstrate that

	<p>the application could be considered an exception to policy. The reasons provided by the Applicant as to why it was an exception, which centred on it providing an authentic Italian experience, were not considered unique or exceptional enough to allow the Sub-Committee to depart from the policy presumption in that granting the application would not add to negative cumulative impact within the CIA. There was also a lack of clarity with regard to the proposed conditions and therefore the Sub-Committee was uncertain over how various aspects of the Premises were proposed to operate effectively and efficiently which would have the overall effect of promoting the licensing objectives. Significant concern was expressed by the Sub-Committee that permitting the sale of alcohol from the Premises would change the style, nature and character of its operation and have the potential to add to cumulative impact. The application as presented was therefore considered inappropriate for the local area, had the potential to add to cumulative impact and on balance was deemed unlikely to promote the licensing objectives. The Sub-Committee therefore refused the application accordingly.</p>
<b>2.</b>	<p><b>Hours Premises are Open to the Public</b></p> <p>Monday to Sunday: 07:00 to 22:00</p>
	<p>Amendments to application advised at hearing:</p> <p>The Sub-Committee was advised that the opening hours for the Premises would be amended to 07:00 to 22:00 Monday to Saturday and 08:00 to 22:00 on Sundays.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee refused the application (see reasons for decision in Section 1).</p>

**4 65 BEAK STREET, LONDON, W1F 9SN**

The application was granted under delegated authority.

**5 HIPPODROME CASINO, THE HIPPODROME, 10-14 CRANBOURN STREET, LONDON, WC2H 7JH**

**LICENSING SUB-COMMITTEE No. 4**

*Thursday 23rd May 2019*

Membership: Councillor Karen Scarborough (Chairman), Councillor Murad Gassanly and Councillor Rita Begum

Legal Adviser: Horatio Chance  
Committee Officer: Tristan Fieldsend  
Presenting Officer: Michelle Steward

Relevant Representations: The Metropolitan Police

Present: Mr Craig Bayliss (Solicitor, representing the Applicant), Mr Simon Thomas (Applicant) and PC Bryan Lewis (Metropolitan Police)

<p><b>Hippodrome Casino, The Hippodrome, 10-14 Cranbourne Street, London, WC2H 7JH (“The Premises”)</b>  <b>19/02792/LIPV</b></p>			
<p><b>1. Conditions being Varied, Added or Removed</b></p>	<table border="0"> <tr> <td style="vertical-align: top;"> <p><u>Current:</u></p> <p>Condition 52: All sales of alcohol for consumption “off” the premises is restricted to:</p> <p>(a) Sealed containers sold to invited customers of the Hippodrome Wine Club; and</p> <p>(b) Patrons who are gaming within the adjacent Hippodrome Bingo premises supplied only through The Street (as shaded on plan reference LA/P-100 dated May 2016) by waiter/waitress service between 09:00 and 00:00 Hours (midnight) Monday to Sunday.</p> </td> <td style="vertical-align: top;"> <p><u>Proposed:</u></p> <p>Condition 52: All sales of alcohol for consumption “off” the premises is restricted to:</p> <p>(a) Sealed containers sold to invited customers of the Hippodrome Wine Club; and</p> <p>(b) Patrons who are gaming within the adjacent Hippodrome Bingo premises supplied only through The Street (as shaded on plan reference LA/P-100 dated May 2016) by waiter/waitress service 24 hours per day.</p> </td> </tr> </table>	<p><u>Current:</u></p> <p>Condition 52: All sales of alcohol for consumption “off” the premises is restricted to:</p> <p>(a) Sealed containers sold to invited customers of the Hippodrome Wine Club; and</p> <p>(b) Patrons who are gaming within the adjacent Hippodrome Bingo premises supplied only through The Street (as shaded on plan reference LA/P-100 dated May 2016) by waiter/waitress service between 09:00 and 00:00 Hours (midnight) Monday to Sunday.</p>	<p><u>Proposed:</u></p> <p>Condition 52: All sales of alcohol for consumption “off” the premises is restricted to:</p> <p>(a) Sealed containers sold to invited customers of the Hippodrome Wine Club; and</p> <p>(b) Patrons who are gaming within the adjacent Hippodrome Bingo premises supplied only through The Street (as shaded on plan reference LA/P-100 dated May 2016) by waiter/waitress service 24 hours per day.</p>
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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>The Sub-Committee considered an application by Hippodrome Casino Ltd for a variation of a premises licence in respect of Hippodrome Casino, The Hippodrome, 10-14 Cranbourne Street, London, WC2H 7JH.</p> <p>The Licensing officer introduced the application and confirmed that the Licensing Authority had withdrawn their representation following discussions with the Applicant.</p> <p>Mr Bayliss, representing the Applicant, advised that the Hippodrome owned and operated the Premises next door which he would refer to as the Crystal Rooms. It was submitted that the application was simply seeking to provide the ability for patrons to move between the two Premises even though they had separate licences. Patrons in the Crystal Rooms would be supplied with alcohol from within the adjacent casino. When the original application was made it was for 24-hour service in the Crystal Rooms, however Environmental Health advised that the gambling licence for the Crystal Rooms operated only until midnight. It was</p>		

suggested that to be compliant with the Council's Statement of Licensing Policy alcohol should only be supplied to the same hours as the gambling licence. The current off sales therefore only operated until midnight. Subsequently, the gambling licence had been varied to 24 hours and as such the application was seeking to extend the off sale hours in the Crystal Rooms to the same hours. No other changes to the licence were proposed, there would be no off sales of alcohol outside the Premises and an extension in hours for off sales in the Crystal Room was only being sought.

PC Lewis, representing the Metropolitan Police, confirmed that their representation was maintained as the Premises was located within a Cumulative Impact Area (CIA). The application was seeking to sell alcohol to an increased number of people to increased hours in a high-risk area. The Leicester Square area attracted lots of crime and disorder and the proposed increase in hours for off sales would add to cumulative impact in the area. Leicester Square was considered a difficult place to police as reflected in the crime statistics circulated. The Hippodrome was a very popular establishment attracting lots of gamblers as well as people consuming alcohol. The online reviews of the Premises were generally very positive with any bad reviews mainly centring on people being ejected for being drunk and being refused alcohol. This reflected well on the Premises in terms of its management practices, however these people who could potentially be inebriated and considered a cause for concern would still be located within the CIA and create problems elsewhere.

PC Lewis advised the Sub-Committee that the Premises often held parties and was not just focused on gaming. Further information was required on how it was proposed to provide the off sales of alcohol and how they would be controlled. It was also queried if Premises be open to non-gamers? No conditions had been offered with the application and therefore the Police suggested that an additional condition be added to the licence if the Sub-Committee was minded to grant the application. This condition would require all public entrances to the Hippodrome casino between 23:00 and 06:00 hours to be controlled by SIA security wearing high visibility yellow jackets or tabards. The SIA staff had a very important role in managing queues, protecting smokers, verifying the age of patrons and it was therefore essential that they were highly visible. PC Lewis advised that other casinos in Westminster required their SIA staff to wear high visibility jackets. It was acknowledged that the Applicant did not accept the condition but the Police considered it important. It was further stated that the wearing of high visibility jackets allowed the Police to identify SIA staff if they had to review CCTV footage of incidents and a recent event had demonstrated the importance of this. The Police were not advising that the application be refused but it was for the Sub-Committee to decide if the application would add to cumulative impact.

Mr Bayliss advised that the Licensing Authority had withdrawn their representation and had expressed no concerns that the application would add to cumulative impact. Currently all public entrances and exits at the Premises were managed by SIA door staff. Mr Bayliss did not believe that other casinos in Westminster required their door staff to wear high visibility jackets. It was stated that this style of clothing did not fit the nature of the Premises where the SIA staff were dressed more as hotel concierges, the high visibility jackets were more akin to a nightclub operation which this Premises was not and therefore did not want

to give customers frequenting the Premises this impression. The Sub-Committee was informed that the Applicant would request that the application be refused rather than enforce a condition on the licence requiring their SIA staff to wear high visibility jackets.

Mr Thomas, the Applicant, in response to a question with regards to the wine club events held at the Hippodrome explained that these were very small scale events catering for approximately 15 to 20 customers only. It allowed the customers to sample high quality wines and purchase a bottle to consume at home if they wanted. It was considered that the wine club did not form a key part of the business. Mr Thomas advised that the Hippodrome was a world class casino which formed a top tourist attraction in London. It provided various forms of entertainment to customers and due to the character and nature of the Premises all SIA door staff were required to wear concierge clothing in keeping with the Applicants image. They were not nightclub staff as the Premises was a very different operation from a nightclub. There were between 6-15 SIA staff on duty at the Premises 24 hours a day, 7 days a week and this level of staffing was in excess of what was required on the licence in any event. The number of incidents occurring at the Premises where staff had to be identified on CCTV was low but they had to look like concierges 100% of the time. The application was for a minor change to the licence, it would have minimal impact on cumulative impact and was only seeking to permit 10-15 customers to drink alcohol when gaming. At present due to the close proximity of the Crystal Rooms to the casino they could walk 6 yards and get a drink if they wanted anyway. The Crystal Rooms had an SIA presence on site 24 hours a day as well as 24 hour CCTV coverage forming an effective security presence. The police's request for the SIA staff to wear high visibility jackets was considered disproportionate bearing in mind the nature of the application.

The Sub-Committee was interested to learn that as the Premises was located in a CIA why should the application be considered an exception to policy. Mr Thomas advised that the number of patrons using the Crystal Rooms was very small and currently if they wanted a drink they could walk a very short distance within the same building to get one. The supply of alcohol would be by waiter/waitress service and the proposals only sought to extend the hours patrons could access alcohol in the Crystal Rooms.

The Legal Adviser to the Sub-Committee asked PC Lewis that if there was evidence requiring SIA staff to wear high visibility jackets would increase the level of protection at the Premises. PC Lewis explained that the Hippodrome was a unique operation and not comparable to other premises. Requiring the SIA staff to wear high visibility jackets made them easily recognisable and provided reassurance to the public. The Legal Adviser then sought clarification as to whether there were any instances of crime and disorder at the Premises to justify the additional condition. PC Lewis acknowledged that the Applicant was a responsible operator, however due to the high level of footfall generated in the area by the Hippodrome it had the potential to be a source of incidents. Mr Bayliss confirmed that the Applicant was unwilling to accept a modified condition on the licence requiring the SIA staff to wear high visibility armbands.

After carefully considering the application on its individual merits the



Sub-Committee agreed to grant the application. The Sub-Committee noted that the Premises was located within a CIA however it was considered that the application could be deemed an exception to policy. The small capacity of the Crystal Rooms, the fact the supply of alcohol would be by waiter/waitress service and as the Premises was located in the same building as the Hippodrome, would mean it was unlikely to add to cumulative impact. Customers at the Crystal Rooms already had the ability to consume alcohol by walking a very short distance to a bar in the Hippodrome so in practical terms the extension in hours was considered unlikely add to cumulative impact in the local area. The high level of security in place at the Premises also provided reassurance that the extension in hours would be mitigated and not create any disturbance or crime and disorder. The security consisting of SIA staff permanently employed at the Premises 24 hours a day seven days a week in conjunction with a 24-hour CCTV system in operation would ensure the area was effectively monitored and controlled. The request by the Police to impose a condition on the licence requiring the SIA staff to wear high visibility jackets was considered. However, this was not deemed appropriate nor proportionate due to the nature of the operation, which was not that of a nightclub, and because of the extensive level of staffing already in place at the venue which had been established over time.

The Sub-Committee considered the Police evidence but felt that the wearing of high visibility jackets on this occasion was not justified in the circumstances for these Premises. When determining licensing applications, the Sub-Committee had to have regard to the Revised Guidance produced by the Home Office. Paragraph 9.43 on page 76 of the Guidance stated that *“the authority’s determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve”*.

*Paragraph 10.10 on page 78 of the Guidance specifically states that the 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided...”*

Having taken into account all the evidence (with due consideration being given to the representation by the Police, the Sub-Committee was satisfied that the application was suitable for the local area and had addressed the concerns raised. The Applicant had demonstrated that the application was appropriate,

and the conditions already placed on the licence would ensure the promotion of the licensing objectives.

### **Conditions attached to the Licence**

#### **Mandatory Conditions**

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

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

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different

from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

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

**Conditions attached after a hearing by the Licensing Authority**

11. Where regulated entertainment involves special effects such as lasers or pyrotechnics, seven days prior notice shall be given to Westminster City Council Environmental Health Consultation Team.
12. Door Supervisors will be deployed at the premises to monitor the entry and exit points whenever the premises are open after 21:00 hours.
13. The premises shall comply with the appropriate provisions of the DSA Technical Standards for Places of Entertainment.
14. Any Premises Licence granted under the Licensing Act 2003 in respect of this application (number 10/03842/LIPN) shall have no effect unless a Casino Licence is in force and any such Premises Licence shall be surrendered to the Licensing Authority if the Gaming Licence is no longer in force.
15. A personal licence holder shall be on duty at the premises at all times when licensable activities are taking place.
16. The sale and supply of alcohol and the provision of regulated entertainment shall be secondary to the provision of casino facilities.
17. The supply of alcohol to the tables on the first floor will be by Waiter/waitress service, save for tables in the bar area.
18. Substantial food and suitable beverages other than alcohol shall be available where licensable activities are taking place.
19. The number of persons accommodated at any one time (including staff) shall not exceed the following:  
4th floor card deck: 110  
persons Auditorium  
Balcony: 60 persons  
Cabaret balcony: 110

persons 1st Floor

Cabaret: 240 persons

Remaining parts of premises: 2010 persons

With a maximum capacity of 2530 persons (including staff) at any one time.

20. The operators of the business and/or the licensees shall ensure that any capacity limits set for the premises is properly monitored at all times. Information regarding the capacity shall be given to an authorised officer or Police Officer on request.
21. An attendant shall be on duty in the cloakroom during the whole time that it is in use.
22. A minimum of two door supervisors shall be on duty at all times when licensable activities are taking place.
23. The premises licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
24. The venue will maintain a comprehensive CCTV system that ensures all parts of the licensed premises are monitored, including all entry and exit points and the street environment including the identification of every person entering in any light condition. All such cameras, that are not unique to casinos, required and approved by the Police and Licensing Authority shall continually record whilst the premises are open to the public and the recordings shall be retained and made available for 31 days with time and date stamping. Recordings shall be made available to an authorised officer or a Police officer together with facilities for viewing. The recordings for the preceding two days shall be made available on request. Recordings outside this period shall be made available at 24 hours notice. All recording imagery that is unique to casinos such as gaming surveillance and cash desk imagery will be retained for the periods prescribed by the Gambling Commission or in the absence of a defined time, in accordance with the existing procedure. Where there is doubt or overlap the longest period will apply. (Subject to Data Protection Act 1998)
25. 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 capable of showing Police recent data or footage with the absolute minimum of delay when required to do so.

26. Loudspeakers shall not be located in the entrance lobby areas.
27. Noise and/or vibration emanating from the premises or transmitted through the structure shall not be audible beyond the boundary of the premises at any time.
28. Notices shall be prominently displayed at exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
29. The means of escape provided for the premises shall at all times be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
30. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all times be maintained in good condition and full working order.
31. All exit doors shall be available at all times without the use of a key, code, card or similar means.
32. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
33. The edges of the treads of steps and stairways shall be marked and maintained so as to be conspicuous at all times.
34. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
35. The certificates listed below shall be submitted to the Licensing Authority upon written request.
36. 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.

- dry ice and cryogenic fog
- smoke machines and fog generators
- pyrotechnics including fire works
- firearms
- lasers
- explosives and highly flammable substances
- real flame
- strobe lighting

37. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).

38. 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.

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

40. No refuse, including bottles, shall be moved, removed or transferred to or in outside areas between 2300 hours and 0800hours.

41. All private and corporate events in the VIP rooms on the 3rd Floor and the private dining areas on the 2nd floor with more than 60 guests will be notified to Westminster Licensing Police giving a minimum of 10 working days notice. All such notifications shall include the following information: the date and time of the event, the duration of the event and the name of the organiser of the event. All such events shall not take place if so instructed by the Police.



42. Uniformed employees of the premises licence holder may be permitted to distribute flyers or leaflets advertising or promoting the premises or any of its events, facilities, goods or services, within 25 metres of any entrance to the Hippodrome Casino, but shall not do so in a manner which may cause an obstruction of the highway nor a nuisance to any passer-by.
43. The pavement within 25 metres of the entrances to the premises shall be kept free of litter or debris arising from the premises and its operation at all times to the satisfaction of the Council.
44. No flyers to be distributed after 21.00 hours or before 08.00 hours.
45. Any flyers distributed outside the premises shall contain no reference to any activity licensed at the premises for the purposes of the Sexual Entertainment licence.
46. Distributors of the flyers will operate a "Think 25" policy.
47. No more than two persons may distribute flyers at any one time.
48. No un-authorized 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 outside the premises to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.
49. Gaming may take place in the basement and on ground, first, second, third and fourth floors. Cabaret will be limited to the designated area on the first floor. Designated restaurant and dining areas are located on first, second and third floors.
50. All alcohol served in the restaurant will be ancillary to food.
51. The variation of the Premises Licence (14/07918/LIPV) to include (addition of double entrance doors to the lounge) will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
52. All sales of alcohol for consumption "off" the premises is restricted to:

- (a) Sealed containers sold to invited customers of the Hippodrome Wine Club
- (b) Patrons who are gaming within the adjacent Hippodrome Bingo premises supplied only through The Street (as shaded on plan reference LA/P-100 dated May 2016) by waiter/waitress service 24 hours per day.

53. Patrons permitted to temporarily leave and then re-enter The Hippodrome Casino or Hippodrome Bingo, e.g. to smoke, shall not be permitted to take drinks or glass containers with them

The Meeting ended at 12.20 pm

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

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