



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (3)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (3)** held on **Thursday 13th June, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Jacqui Wilkinson (Chairman), Jim Glen and Aicha Less.

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

1 6 WALKER'S COURT, LONDON, W1F 0BU

LICENSING SUB-COMMITTEE No. 3

Thursday 13th June 2019

Membership: Councillor Jacqui Wilkinson (Chairman), Councillor Jim Glen and Councillor Aicha Less.

Legal Adviser: Barry Panto
Committee Officer: Toby Howes
Presenting Officer: Kevin Jackaman

Relevant Representations: Environmental Health, Licensing Authority, a residents' association, an amenity society, a campaign group and 9 local residents (4 of whom support the application).

Present: Philip Kolvin QC (Legal Representative for the Applicant Company), Alun Thomas (Solicitor, Legal Representative for the Applicant Company), Rachel Edwards (Artistic Director, Boulevard Theatre), Fawn James (Director, Applicant Company), Ian Watson (Environmental Health), Angela Seaward (Licensing Authority), Richard Brown (Solicitor, Citizens Advice Bureau, representing Charity Charity and Lucy Haine), David Gleeson (The

Soho Society), Alistair Moss (local resident), Charity Charity (local resident), Lucy Haine (local resident) and Andrew Murray (local resident).

6 Walker's Court, London, W1F 0BU ("The Premises") 18/04038/LIPN	
1.	Plays, Films, Live Music, Recorded Music, Performances of Dance, anything of a similar description [Indoors Only]
	<p>First Floor Restaurant, Auditorium and Theatre Bar:</p> <p>Monday to Saturday: 09:00 to 01:00 Sunday: 09:00 to 23:00</p> <p>First Floor Bar (Hatched Blue)</p> <p>Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to 00:00 Sunday: 11:00 to 22:30</p> <p><u>Seasonal variations/non-standard timings:</u></p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>On Sundays, prior to bank holidays/public holidays extended to 00:00.</p>
	<p><u>Amendments to application advised at hearing:</u></p> <p>First, Second and Third Floor:</p> <p>Monday to Saturday: 09:00 to 01:00 Sunday: 09:00 to 23:00</p> <p>The area hatched in blue on the first floor of the premises was removed from the application and the plans.</p> <p>Seasonal variations/non-standard timings to remain unaltered.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>This is an application by Soho Estates Ltd for a new premises licence in respect of the Boulevard situated at 6 Walker's Court, London W1F 0BU. There are two existing licences for these premises that are effectively being reconfigured and merged. The ground floor has a restaurant licence [14/09064/LIDPSR] and the proposal is for this restaurant to be relocated on to the first floor so as to directly</p>

service the theatre development. The existing licence for the theatre [13/09851/LIPN] is in respect of the first and second floors but the new proposal is for the theatre to be relocated on to the second and third floors. The current theatre is licenced until 1 am when it is being used as a performance venue; core hours when there is no performance and 22.00 when used for private events. Both of these licences have been offered for surrender in the event that this new licence is granted.

Philp Kolvin QC (Legal Representative for the Applicant Company) began by requesting that Alistair Moss (local resident) address the Sub-Committee as he needed to leave the meeting soon after. The request was agreed by the Sub-Committee.

Alistair Moss stated that he was a local resident who had lived in Peter Street for 22 years with his wife and family and his home was about 100 metres from the premises. He confirmed that he was supporting the application and he felt that the proposals would help tackle anti-social behaviour and he welcomed the Applicant Company's stance in taking responsibility for the area, especially at night. Alistair Moss commented that during the daytime, anti-social behaviour was deterred by the security staff working at the various retail outlets in the area, however after these shops closed, anti-social behaviour would surface and continue into the late hours. Alistair Moss then referred to the Applicant Company's security plan on page 37 of the report which outlined the cameras and lighting to be installed.

Mr Kolvin then addressed the Sub-Committee and began by explaining that the premises was to operate as a theatre. The refurbishment and re-development of the theatre was part of a wider redevelopment of Walker's Court that the Applicant Company was undertaking. The Applicant Company also intended to drive out anti-social behaviour in the area as part of the redevelopment and to reinvigorate the area through enhancing the cultural aspect and assist the place making process for Soho, thus fulfilling the aspirations of the Mayor of London. Mr Kolvin referred to the fact that the Police had not make a representation which indicated that they were content in respect of addressing the licensing objectives regarding crime and disorder and public nuisance.

Mr Kolvin stated that the premises had obtained planning permission to remain open until 04:00 in 2014, however the licensing hours sought were much more modest. The capacity stood at 480 persons and there were no proposals to increase this. The Applicant Company wished to reconfigure the premises so that the restaurant was moved from the ground floor to the first floor, an auditorium on the second floor and a balcony on the third floor. The reasons for moving the restaurant to the first floor was so that theatre guests could dine there and the reconfiguration would help improve customer facilities and afford more flexibility to the floor space. At this point, the Sub-Committee was then shown a short video explaining the proposed layout of the premises.

Mr Kolvin explained that customers would enter the premises either through an access point facing Peter Street or at the box office entrance within Walker's Court and they would then use the stairs or lift to the first floor, where there was a glass bridge at first and second floor levels that would lead them across to the

other side of the building where the theatre complex was located. There would be no street facing bar and so people would not be tempted to enter the premises from the street to consume alcohol and the area described on the first floor was a bar restaurant involving a specific route for it be accessed involving stairs and lifts. The large majority of customers would be theatre goers and the theatre had its own arts programme with an aspiration to break even. Mr Kolvin stated that the proposed late shows from Wednesday to Saturday were essential for the business's viability and it was hoped that a loyal clientele would be built.

The Sub-Committee noted that, with the amendments proposed to the application, membership of the theatre would only bring certain privileges in respect of shows and not in respect of consuming alcohol at later hours than any other customers. Conditions were proposed so that after core hours, customers could only purchase alcohol if they were attending a performance or dining. Mr Kolvin stated that there were no proposals to extend the hours for licensable activities and the capacity would remain the same at 480 persons. Furthermore, after core hours, capacity would be reduced to 350 persons and there would be no new admissions to the premises after this time, save for guests of the management.

Mr Kolvin commented that the Applicant Company had spent considerable time addressing the representations and the Council's Statement of Licensing Policy and marrying these up with the commercial aspirations of the premises. He referred to the revised conditions submitted by the Applicant Company following publication of the agenda and stated that these represented six concessions from the Applicant Company, these being:

- A 30% reduction in capacity after core hours
- No new admissions after core hours
- The removal of a membership scheme previously proposed, following concerns raised by the Licensing Authority
- Removal of ability for customers attending private events to obtain alcohol after 00:00
- Cessation of the use of the Peter Street exit after 22:00
- No deliveries (including delivery and removal of stage equipment) between 23:00 and 08:00 on the following day.

Mr Kolvin stated that no alcohol could be taken outside and there were no proposals for off sales of alcohol. In respect of the smoking area, this would be located within Walker's Court and would be supervised by staff in the evenings. He referred to the independent report by Adrian Stud, Independent Licensing Consultant which had observed that most customers entered and left the Box premises (also situated within the Walker's Court development) via Brewer Street as opposed to Peter Street. The Sub-Committee's attention was then drawn to the security report which stated that Security Industry Approved (SIA) guards would implement a dispersal plan to guide customers away from Peter Street and ensure that they are dispersed down Walker's Court towards Brewer Street (page 36 of the Licensing Sub-Committee report). Security staff would also patrol the area to deter anti-social behaviour and there would be a sophisticated CCTV system linked to a central control room that was also linked

to the Police's monitoring system. Mr Kolvin advised that the only extension the Applicant Company was seeking was for the terminal opening hours to be extended to 01:30 Monday to Saturday and 23.00 on Sunday in order to provide a dispersal period of 30 minutes after licensable activities had ceased and this was also important in terms of the operation of the premises when late shows were staged.

Mr Kolvin concluded his initial submission by asserting that the longer dispersal period would be advantageous in ensuring customers would not all leave at the same and so there would be a calmer dispersal. As there would be no new admissions to the premises after core hours and the capacity would be reduced after core hours, this would also reduce the number of customers in the area at later hours. Residents of Peter Street would also benefit from the enhanced security to be provided by the Applicant Company and customers being directed away from Peter Street towards Brewer Street when leaving the premises. Mr Kolvin stated that the nature of the premises as a theatre was recognised by policy as being less problematic and the application would help transform Walker's Court. In addition, the proposed set of conditions were broadly in accordance with policy and he did not think that an exception to policy needed to be demonstrated for approving an application that was located in a cumulative impact area as the premises operated as a theatre and the hours for licensable activities remained unaltered.

The Sub-Committee noted that the application proposed a greater variety of uses on the premises with more complex spaces involved and asked for a further explanation as to how the licensing requirements would be met. More details were also sought in respect of the holding area in the plans and what time would the bars be closing. Members asked how capacity would be reduced after core hours in view of the fact that potentially up to 480 customers could be on the premises before this time. Details of staff numbers were also sought and a question was asked as to why the model restaurant condition 66 for the restaurant area had not been proposed.

Barry Panto (Legal Adviser) asked whether the Applicant Company would agree to deleting '*or private events whenever either of those activities are taking place*' with regard to proposed condition 38 of the revised conditions included in the additional representations. The concern about the condition as drafted was that it meant that alcohol could be sold and consumed at private events at any time without there being any requirement for the premises to be used as a performance venue.

In reply to the issues raised by the Sub-Committee, Alun Thomas (Solicitor, Legal Representative for the Applicant Company) referred to the revised conditions in the additional representations made by the Applicant Company that he felt would ensure that the Applicant Company could meet the licensing objectives. In Particular, he referred to proposed condition 3 restricting capacity after core hours and condition 4, which stated that "*Save for the first floor restaurant bar, licensable activities shall be restricted to persons attending a ticketed theatre show or performance or persons attending a pre-booked, private event.*"

Alun Thomas confirmed that reference to the blue shaded area in the plans was no longer applicable and that the proposed hours for licensable activities now applied to the first, second and third floors. With regard to the reference to a 'holding area', he advised that capacity would only be around 15 persons. The bars would close at 01:00 and there would be no admission to these after core hours. In respect of capacity after core hours, when the auditorium was seated, it had a capacity of 190 persons, whilst the first floor area seating capacity was 170 persons, which would effectively limit the capacity of the premises after this time [though it was actually noted that the seating capacity for the auditorium was 170 and the restaurant capacity on the first floor was 190]. In addition, a number of customers were likely to leave once performances were over. Alun Thomas confirmed that customers would not be able to leave the premises from the Peter Street access point after 22:00. He added that the Applicant Company's proposals were similar to how the Soho Theatre and the Curzon Soho operated and policy acknowledged that bars within theatres were commonplace.

Mr Kolvin agreed on behalf of the Applicant Company to the removal of the words '*or private events whenever either of those activities are taking place*' in respect of revised condition 38. Revised condition 5 also addressed noise breakout issues from the premises and revised conditions 9 to 15 were to be expected for a venue hosting performances. In respect of the first floor, Mr Kolvin stated the model restaurant condition 66 was not appropriate in this instance as the area operated more as a restaurant and bar (also serving customers of the theatre) and not all customers would want to dine.

The Sub-Committee heard that during late shows, there would be 5 front of house staff, at least 6 hospitality staff and 2 SIA supervisors, although this number could be increased if it was deemed necessary for a particular event. The SIA supervisors would also direct customers through Walker's Court in the direction of Brewer Street.

Ian Watson (Environmental Health) then addressed the Sub-Committee and confirmed that the capacity would remain the same at 480 people overall, subject to the capacity limit being signed off after completion of works. There were also floor specific capacities that would apply. Ian Watson informed the Sub-Committee that he had attended pre-application meetings with the Applicant Company to discuss various aspects of the application. He advised that the noise impact assessment had been submitted and the auditorium was designed to contain a volume of 106 decibels, which was considerably greater than the noise the licensable activities were likely to generate. However, if 106 decibels was reached, breakout noise was calculated at 32 decibels, well below the background noise for the area and so this was considered acceptable.

Ian Watson welcomed proposals to encourage customers to disperse towards Brewer Street, but added that staff could not force customers to take this route. SIA staff would also need to apply reasonable robustness to stop customers from loitering in the area after leaving the premises and possibly causing disturbance through loud talking. The Sub-Committee noted that there would be no speakers at the box office on the ground floor level. Ian Watson stated that under the current premises licence, there was no exit onto Peter Street from the

restaurant. With regard to the smoking area, he commented that a capacity limit would need to be set. Ian Watson concluded his submission by advising that he had no concerns about the premises impacting upon residents operationally, apart from how it would manage customers leaving the premises at later hours.

In reply to a question from the Sub-Committee, Alun Thomas confirmed on behalf of the Applicant Company to add a condition in relation to the smoking area and a capacity limit for it (later identified as a supervised area within Walker's Court subject to a maximum of 20 smokers at any one time).

Angela Seaward (Licensing Authority) then addressed the Sub-Committee and confirmed that a site visit had been undertaken and she was maintaining her representation as the premises was located within a cumulative impact area. She stated the relevant policies, CIP1, HRS1, PVC2 and PB2 should be taken into consideration in determining this application. Angela Seaward added that in relation to the proposed condition regarding the sale of alcohol after core hours, Policy PB2 should apply.

In reply to a query from the Sub-Committee, Rachel Edwards (Artistic Director, Boulevard Theatre) advised that there was likely to be 2 matinees a week starting at 14:00, evening performances would commence at 19:30 and late performances would start between 23:00 and 00:00 on Fridays and Saturdays.

Richard Brown (Solicitor, Citizens Advice Bureau, representing Charity Charity and Lucy Haine) then addressed the Sub-Committee and began by stating that residents welcomed some aspects of the application and there had been agreement with the Applicant Company on some matters. However, on the current restaurant licence, he commented that restaurant model condition 66 applied throughout. Under the proposals, there was potential for increased bar use which, in theory at least, could lead to 190 customers on the premises vertically drinking, particularly where private events to core hours were taking place. The key issue for residents was the proposal to extend opening hours to 01:30 as there were concerns that they would be exposed to noise and disturbance from customers at a later time, meaning there was a smaller window for them to be able to sleep. Richard Brown therefore stated that the terminal hour for opening times should be no later than 01:00. The standing and seating capacity in the auditorium had also increased. Richard Brown stated that residents agreed with the proposed condition to prevent new admissions to the premises after core hours. He sought a further explanation as to why the proposed blue hatched area in the plans that had been originally included in the application had been withdrawn. Richard Brown noted that the licence granted in 2014 had not been in operation.

With regard to customer dispersal, Richard Brown stated that some customers would still want to leave via Peter Street, depending on where they were returning to, and in the event of the Crossrail opening, it would make sense for users of this line to do so. In any event, SIA staff could not compel residents to leave via a route heading towards Brewer Street. Turning to policy, Richard Brown asserted that both policies PVC2 and PB2 should apply, and although policy was slightly more relaxed in respect of performance venues, any applications where general bar use was possible in a cumulative impact area

needed to demonstrate exception to policy. He expressed concern that there would be an increase in people leaving the premises at late hours after late shows, particularly if the terminal opening hour was 01:30 and security staff would need to be clear how they managed this. In respect of revised condition 30 with regard to deliveries (including movement of stage equipment), residents requested that there be no such activity between 22:00 and 08:00 Monday to Saturday and no activity at all of this type on Sunday. Richard Brown concurred with Barry Panto's suggestion in respect of revised condition 38 and he also felt there should be a condition requesting the operation of a noise limiter. He suggested that a condition be added to personalise the premises licence to the Applicant Company and also a condition to manage potential nuisance caused by pedicabs.

The Sub-Committee sought a further explanation as to why proposals for licensable activities regarding the blue hatched area in the plans had been withdrawn. In reply, Mr Kolvin stated that it would be difficult to operate in this manner during private events, so it would be more straightforward to add a condition stating that private events terminate no later than core hours.

David Gleeson (The Soho Society) then addressed the Sub-Committee and began by stating that residents were interested in some aspects of what the application had to offer, especially in respect of enhancing the cultural aspect for the area. However, crime rates for April 2011 stood at 1,011 reported cases, an increase from 560 cases in the previous year. Therefore, residents objected to extending the terminal opening hour to 01:30 and it should be noted that this was the most densely residential area in Soho which should be taken into consideration. Dispersal of customers from licenced premises was also a continuing issue for the area.

Charity Charity (local resident) stated that she had lived in the area since 2010 and used to work as a stage manager. She not only was expressing her own views, but also those of the residents of Salt House. She thanked the Applicant Company for being shown the premises and for the steps being taken to address residents' concerns. However, residents were against the proposed terminal time for opening hours being extended to 01:30. Although residents expected Soho to be bustling, they did not want to be disturbed at an even later time. The impact of the premises being permitted to remain open until 01:30, with nearby Berwick Street market opening at 07:30, would mean residents may only get 6 hours sleep, 2 hours below the recommended 8 hours. The soundscape of the local area had also changed and Ms Charity suggested that the proposed glass bridges, although visually appealing, could reflect noise back to Peter Street. Furthermore, Salt House had timber shutters which helped communicate noise back to the building and the problem was exacerbated when the shutters were open during warmer weather. Ms Charity suggested that customers leaving at 01:30 would be different in nature than those leaving at 01:00, as they would have been inside the premises for longer and less sensitive to noise. She concluded by stating that although Soho was a cultural area, the local community should be protected as noise levels rose ever higher.

Lucy Haine (local resident) stated that she had lived in the area for 20 years, and although she supported the creative industries, she was concerned with

anti-social behaviour in the area. She stated that because Peter Street was a dead-end road, this tended to draw in the majority of anti-social behaviour in the area and residents had taken to installing CCTV to address this. Ms Haine felt it was the duty of the Applicant Company and other operators to take some responsibility for the whole of Peter Street. She concurred with other residents' views that an additional 30 minutes added to the end of the terminal opening hour would have a crucial effect on residents' ability to sleep, whilst concerns were also expressed that corporate use of the premises during private events may involve a different clientele than the typical theatre goer and this could lead to more noise. Ms Haine also requested that in respect of deliveries, that there be no deliveries on Sundays and that this activity terminate at 15:00 on Saturdays.

Andrew Murray (local resident) advised that he was representing Pepper House Residents' Association and in recognising the importance of the application for the area, he stated that he had no concerns with the ambition and desire of the Applicant Company. However, the needs of residents needed to be balanced, and because of the problems already being experienced, if anything the hours for the premises should be cut back. He felt that the application as proposed would inevitably lead to more noise because of the increase of visitors to the area at later hours. A short, sharp noise could be very disruptive to sleep, therefore it was important that the terminal opening hour was not extended to the later time of 01:30. In respect of the Applicant Company's assertion that it would reduce crime and anti-social behaviour, Mr Murray suggested that it would simply displace crime to different streets. He felt that the proposals would lead to noise nuisance, anti-social behaviour and crime worsening in the area and he pondered what would happen if the operation of the premises proved commercially unsuccessful. Although a review of a premises licence was always possible, he thought that was an unfair burden to be placed on residents who wanted the anticipated problems to be avoided.

Alun Thomas then remarked for the record that he had not received notice that Andrew Murray was going to attend the hearing to address the Sub-Committee, however the Applicant Company had not raised an objection to him speaking.

Members noted that potentially the bar area within the premises was quite large and they sought views from the Applicant Company as to how they would demonstrate that this would not add to cumulative impact and nuisance in the area. The Sub-Committee also asked whether proposals to extend private events to core hours was because this was perceived as a crucial element to how the premises operated.

In reply, Mr Kolvin stated that the effectiveness of the management of the premises would be important in ensuring that public nuisance did not increase. On behalf of the Applicant Company, he agreed to proposing a condition with regard to the smoking area, including capacity. The current licence did not require the operator to undertake any controls in respect of Peter Street, but this was now being offered in this application and could be set out by way of condition. In respect of the Licensing Authority representation, Mr Kolvin asserted that as the bar area would be ancillary to the premises use as a theatre, then policy PCV2 applied and this is why revised condition 38 had been

offered, whilst policy PB2 would not apply as this was only relevant where premises were operating a general bar. In addition, the hours proposed for licensable activities were within core hours. It was intended to keep performances running at the premises throughout the year and the period in between shows would be no longer than a week. Private events would also be constrained by the theatre activities. Mr Kolvin acknowledged that staff could not force customers to not disperse in the direction of Peter Street, however every effort would be made to direct them south towards Brewer Street. He added that theatre goers were markedly different to a nightclub crowd and much less likely to make excessive noise.

Mr Kolvin stated that consideration would be given to amending the condition in relation to deliveries (including movement of stage equipment) and adding a condition to personalise the licence. He reiterated that the Applicant Company was not seeking longer hours for licensable activities and he argued that as crime incidents had risen, this gave more reason to diversify Soho as this application intended and a performance venue was less likely to be source of trouble compared to other types of licensed premises. The presence of security staff and surveillance would also discourage customers and others in the area from making excessive noise. The proposal to permit private events up to core hours was also subject to a number of additional controls and so should not be a cause for concern. Mr Kolvin concluded by stating that the application represented increasing controls in all ways and reducing capacity after core hours would be a real benefit to the area.

The Sub-Committee had regard to all the detailed representations and submissions, including those from persons who had not attended the hearing. It decided to grant the application, subject to the opening hours being amended to a terminal hour of 01:00 Monday to Saturday. The Sub-Committee also amended and added conditions accordingly relating to SIA staff, smokers, CCTV, deliveries, private events and revised condition 38, following the Applicant Company offering these conditions at the hearing. In respect of the sale of alcohol after core hours, the Sub-Committee amended revised condition 3 c) so that it mirrored condition 14 on page 155 of the original report, save the deletion of 14 b) and 14 d). The Sub-Committee also added a condition stating that *“Licensable activities and the consumption of alcohol shall be restricted to the 1st, 2nd and 3rd floor of the premises.”*

In determining the application, the Sub-Committee recognised the need to balance a range of views, and whilst the night time economy needed to be supported which this application would add to, the potential adverse effects on residents resulting from the operation of the premises also needed to be taken into account. In view of this, a balance needed to be struck between the concerns of residents, whilst not impeding the operation of the premises. It was noted that after core hours alcohol could only be sold to persons attending a ticketed show or performance on that day or to seated persons taking a table meal there and for consumption by such a person as ancillary to their meal. The capacity of the premises also had to reduce after core hours. Prior to core hours there was a potential for the first-floor restaurant and bar to be drink led but that was a possibility under the existing Boulevard licence and was still subject to the overall requirement that the sale and consumption of alcohol had to be ancillary

	<p>to the use of the premises as a performance venue. Private events after 22:00 had to be restricted to no more than 25 per calendar year and a maximum capacity of 350 people.</p> <p>The Sub-Committee noted the concerns raised by residents, particularly in relation to the terminal opening hour and so considered that a terminal hour of 01:00 would address these concerns. The Sub-Committee considered that the decision had regard to policy and to the premises being located in a cumulative impact area, whilst also acknowledging that as a performance venue, the premises was less likely to impact upon the local area than other types of licensed premises. The Sub-Committee was satisfied that the application, as amended, would not add to cumulative impact and also considered that the conditions to be added to the premises licence would help the Applicant Company to uphold the promotion of the licensing objectives (prevention of crime and disorder, prevention of public nuisance, public safety, and protection of children from harm).</p>
2.	Late Night Refreshment [Indoors Only]
	<p>First Floor Restaurant, Auditorium and Theatre Bar:</p> <p>Monday to Saturday: 23:00 to 01:00</p> <p>First Floor Bar (Hatched Blue)</p> <p>Monday to Thursday: 23:00 to 23:30 Friday and Saturday: 23:00 to 00:00 Sunday: 11:00 to 22:30</p> <p><u>Seasonal variations/non-standard timings:</u></p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>On Sundays, prior to bank holidays/public holidays extended to 00:00.</p>
	<p><u>Amendments to application advised at hearing:</u></p> <p>First, Second and Third Floor:</p> <p>Monday to Saturday: 23:00 to 01:00</p> <p>The area hatched in blue on the first floor of the premises was removed from the application and the plans.</p> <p>Seasonal variations/non-standard timings to remain unaltered.</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.	Sale by Retail of Alcohol [On and Off sales]
	<p>First Floor Restaurant, Auditorium and Theatre Bar:</p> <p>Monday to Saturday: 10:00 to 01:00 Sunday: 11:00 to 22:30</p> <p>First Floor Bar (Hatched Blue)</p> <p>Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to 00:00 Sunday: 11:00 to 22:30</p> <p><u>Seasonal variations/non-standard timings:</u></p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>On Sundays, prior to bank holidays/public holidays extended to 00:00.</p>
	<p><u>Amendments to application advised at hearing:</u></p> <p>First, Second and Third Floor:</p> <p>Monday to Saturday: 10:00 to 01:00 Sunday: 11:00 to 22:30</p> <p>The area hatched in blue on the first floor of the premises was removed from the application and the plans.</p> <p>Off-Sales of alcohol were withdrawn from the application.</p> <p>Seasonal variations/non-standard timings to remain unaltered.</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.	Hours premises are open to the public

	<p>Monday to Saturday: 08:00 to 01:30 Sunday: 08:00 to 23:00</p> <p><u>Seasonal variations/non-standard timings:</u></p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>On Sundays, prior to bank holidays/public holidays extended to 00:00.</p>
	<p><u>Amendments to application advised at hearing:</u></p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted until 01:00 on the day following Monday to Saturday and for the hours applied for on Sunday, subject to conditions as set out below. Seasonal variations and non-standard timings granted as applied for (see reasons for decision in Section 1).</p>

Conditions attached to the Licence	
<p><u>Mandatory Conditions</u></p> <ol style="list-style-type: none"> 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. <ol style="list-style-type: none"> (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.

Additional Conditions

11. 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 shall also extend to Peter Street and Walker's Court as agreed with the Metropolitan Police and shall be subject to 24-hour monitoring capability. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

12. 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.
13. Alcohol may only be sold after core hours (23:30 Monday to Thursday, midnight Friday to Saturday and 22:30 Sunday) to persons who are either:
 - a) Attending a ticketed theatre show or other stage performance on that day; or
 - b) Seated and taking a table meal there and for consumption by such a person as ancillary to their meal.
14. Save for the first floor restaurant and bar, the provision of licensable activities shall be restricted to:
 - a) persons attending a ticketed theatre show or other stage performance; or
 - b) persons attending a pre-booked private event; a list of such events shall be kept for 31 days for inspection by the responsible authorities.
15. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
16. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
17. A Challenge 21 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.
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, 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
19. 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 fireworks

- firearms
- lasers
- explosives and highly flammable substances
- real flame
- strobe lighting

20. 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.
21. 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.
22. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
23. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
24. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
25. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
26. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall 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, shall be non-combustible.
27. The operators of the business and/or the licensees shall ensure that any capacity limits set for the premises are properly monitored at all times and recorded hourly. Information regarding the capacity shall be given to an authorised officer or Police Officer on request.
28. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
29. Unless otherwise agreed with the council, a minimum of 7 working days' notice shall be given by the Environmental Health Consultation Team when there is a change to the theatrical production.
30. The certificates listed below shall be submitted to the Licensing Authority upon written request:
 - Any emergency lighting battery or system
 - Any electrical installation
 - Any emergency warning system
 - Ceiling

31. All materials used in finishing and furnishing the premises should, as far as it reasonably practicable, be selected so as to be difficult to ignite and provide a low surface spread of flame and low rates of heat release and smoke emission.
32. 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.
33. After 22:00, smokers will be directed to a designated smoking area in Walker's Court, which shall be supervised and limited to no more than 20 smokers at any time.
34. Patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
35. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
36. Loudspeakers shall not be located in the ground floor entrance lobby or outside the premises save for those used only for making emergency announcements.
37. 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.
38. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
39. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23.00 hours and 08.00 hours.
40. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
41. The entrance on Peter Street shall not be used as an exit (save in the case of emergency) after 22:00 hours.
42. No deliveries (including delivery and removal of stage equipment) to the premises shall take place between 22:00 and 08:00 on the day following or otherwise than between 11:00 and 17:00 on a Sunday.
43. The 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.
44. 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).

45. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway for the purpose of bringing customers to the premises. The distribution of leaflets or similar promotional material is also prohibited.

For the purpose of this section,

'Directly' means:- employ, have control of or instruct.

'Indirectly' means allowing / permitting the service of or through a third party.

46. Licensable activities authorised by this licence may continue from the end of permitted hours on New Year's Eve until the end of permitted hours on New Year's Day.

47. After 22:00, there will always be at least two SIA registered staff on duty at all times when there is a theatre performance or pre-booked event taking place. The duties shall include but not limited to:

- a) Seeking to prevent customers exiting Walker's Court into Peter Street;
- b) Supervising the smoking area;
- c) Patrolling Brewer Street, Walker's Court and Peter Street as agreed with Police from time to time;
- d) Encourage pedicabs not to congregate in the area.

48. Save for pre-booked, private events, any alcohol sold in the auditorium shall only be contained in non-breakable vessels save for 20cl bottles of prosecco and champagne, or where agreed in writing with the Environmental Health Consultation Team. All such drinks in glass bottles are to be served to the customer with a suitable polycarbonate container, and customers shall not be permitted to drink directly from any glass bottle.

49. 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.

50. The licensable activities authorised by this licence are subject to the primary use of the premises continuing to be that of a Theatre and the sale and consumption of alcohol being ancillary to the use of the premises as a performance venue.

51. No licensable activities shall take place at the premises until premises licences 13/09851/LIPN and 14/09064/LIDPSR (or such other numbers subsequently issued for the premises) have been surrendered.

52. No licensable activities shall take place at the premises until the works have 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.

53. Before the premises open 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 Environmental Health Consultation Team and the Licensing Authority.
54. The number of persons permitted on the premises (excluding staff) at any one time shall not exceed 480, comprised of:

First Floor: 190
Second Floor: 170 seated or 200 standing
Third Floor: 60 seated or 90 standing
55. After core hours ((23:30 Monday to Thursday, midnight Friday to Saturday and 22:30 Sunday):
 - a) The number of persons (excluding staff) on the premises shall not exceed 350 persons at any time;
 - b) There shall be no new admissions to the premises, save for bona fide guests of the management, limited to no more than 10% of the capacity at the time.
56. The licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the licence.
57. Licensable activities and the consumption of alcohol shall be restricted to the 1st, 2nd and 3rd floor of the premises.
58. Private events after 22:00 shall be restricted to no more than 25 per calendar year and a maximum capacity of 350 people.

2 ARRO COFFEE, BASEMENT AND GROUND FLOOR, CHILTERN STREET, LONDON, W1U 6NQ

LICENSING SUB-COMMITTEE No. 3

Thursday 13th June 2019

Membership: Councillor Jacqui Wilkinson (Chairman), Councillor Jim Glen and Councillor Aicha Less.

Legal Adviser: Barry Panto
Committee Officer: Toby Howes
Presenting Officer: Kevin Jackaman

Relevant Representations: Environmental Health and 3 local residents (2 objecting and 1 supporting application).

Present: Iolanda Meola (on behalf of Galleria Café Ltd, the Applicant Company) and Dave Nevitt (Environmental Health).

Arro Coffee, Basement and Ground Floor,67 Chiltern Street, London, W1U 6NQ ("The Premises") 19/04131/LIPN	
1.	Sale by retail of alcohol
	<p>On sales: Monday to Sunday: 11:00 to 21:30</p> <p>Off sales: Monday to Sunday: 08:00 to 21:30</p>
	<p>Amendments to application advised at hearing:</p> <p>During the course of the hearing, the applicant confirmed that she would be content for the commencement hour for the sale of alcohol for on and off sales on Sunday to be within core hours (10:00 for off sales and 12:00 for on sales).</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Kevin Jackaman (Presenting Officer) confirmed that the Police had withdrawn their representation after agreeing conditions with the Applicant Company</p> <p>Iolanda Meola (on behalf of the Applicant Company) began by informing the Sub-Committee that the premises operated as an Italian café, offering Italian products. It was intended to offer products such as Prosecco and red wine in order to increase the customer offer. Iolanda Meola stated that wine would be made available as part of the aperitif period between 17:00 to 20:00, along with Italian food.</p> <p>The Sub-Committee asked if it was intended to make wine available to customers outside of the aperitif period to consume within the premises and the reasons as to why there were proposals to sell off sales of alcohol between 08:00 and 21:30 Monday to Sunday. Furthermore, Members asked if the Applicant Company would be content to restrict sale of alcohol for both off and on sales to within the commencement hour for core hours on Sunday. Members also asked whether customers could be seated both inside and outside the</p>

premises.

In reply, Iolanda Meola stated that wine would be available for customers for consumption on the premises in the afternoon and evening outside of the aperitif period. An application for off sales of alcohol between 08:00 and 21:30 Monday to Sunday had been made so that, for example, customers could purchase gift boxes that would include wine during these times and that such sales would be particularly popular during the Christmas period. Iolanda Meola confirmed that customers would be able to eat and drink both inside and outside of the premises, although most would be seated inside, however the café was small. There were also some benches outside for customers to be seated, where they could also smoke. Iolanda Meola confirmed that she would be content for the commencement hour for the sale of alcohol for on and off sales on Sunday to be within core hours (10:00 for off sales and 12:00 for on sales).

Dave Nevitt (Environmental Health) confirmed that he was maintaining his representation on the basis of residents' objections. He stated that the plans were helpful in setting out the layout of the premises which was very small. In policy terms, the application was acceptable as long as licensable activities remained within core hours and there were a number of conditions proposed. Dave Nevitt felt that proposed condition 9 stating that licensable activities were to be ancillary to the premises main function as a coffee shop would ensure that the premises could not become a bar. He added that proposed conditions 44 and 45 also further strengthened protection against the premises becoming a bar by preventing the sale of beers and ciders above 5.5% ABV unless they were of premium quality and preventing the sale of draft beer. Condition 46 would prevent vertical drinking as consumption of alcohol was only permitted where customers were seated. Dave Nevitt also advised that he had no concerns with regards to the operator.

In reaching its decision, the Licensing Sub-Committee also had regard to the comments made by the three local residents, none of whom had attended the hearing. One of the representations against the application was very generic in nature and another was in support of the application. There was one more significant representation against the application which made reference to problems in the neighbourhood, but which also suggested that that these premises were a source of noise nuisance and anti-social behaviour. In the absence of any other residents making similar representations and the absence of the resident who made the representations, the Licensing Sub-Committee decided that only limited weight could be given to the concerns expressed, especially as there was no policy to refuse the application and the hours were now fully within core hours.

The Sub-Committee granted the application, subject to the hours for on sales of alcohol on Sunday to be 12:00 to 21:30 and off sales of alcohol on Sunday to be 10:00 to 21:30, as agreed by Iolanda Meola during the course of the hearing and to ensure that this activity remained within core hours on Sundays. The Sub-Committee also amended condition 18 to read:

All sales of alcohol for consumption off the premises shall be limited to:

	<p>a. <i>Sales in sealed containers that are not for consumption on the premises.</i></p> <p>b. <i>Sales for consumption by persons who are seated in the external private forecourt of the premises.</i></p> <p>The Sub-Committee amended condition 18 in order to ensure that consumption of alcohol would be permissible in the external private forecourt of the premises.</p> <p>In determining the application, the Sub-Committee noted that the premises was not located in a cumulative impact area, the proposed hours for licensable activities were within core hours and would be ancillary to the premises' main function as a coffee shop. In addition, the Sub-Committee also considered that the conditions to be added to the premises licence would assist the Applicant Company in upholding the licensing objectives (prevention of crime and disorder, prevention of public nuisance, public safety, and protection of children from harm) and accordingly granted the application.</p>
2.	Hours premises are open to the public
	Monday to Sunday: 07:00 to 22:00
	<p>Amendments to application advised at hearing:</p> <p>None.</p> <p>.</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> <ol style="list-style-type: none"> <li data-bbox="113 1668 1370 1747">1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence. <li data-bbox="113 1780 1370 1892">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. <li data-bbox="113 1926 1370 1998">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 licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a coffee shop.
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. Locations of fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a

risk assessment.

12. Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time.
13. A thirty minute drinking up time following the last permitted sale of alcohol shall be in place, to ensure a smooth and orderly cooling off period leading up to the closing of the premises
14. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
15. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - a. all crimes reported to the venue
 - b. all ejections of patrons
 - c. any complaints received concerning crime and disorder
 - d. any incidents of disorder
 - e. all seizures of drugs or offensive weapons
 - f. any faults in the CCTV system, searching equipment or scanning equipment
 - g. any refusal of the sale of alcohol
 - h. any visit by a relevant authority or emergency service.
17. The Premises Licence Holder shall display crime prevention posters/material aimed at preventing the theft or loss of personal possessions. These posters/materials will be affixed/displayed in prominent positions to be agreed between the Premises Licence Holder and the Westminster Police Licensing Team within the premises.
18. All sales of alcohol for consumption off the premises shall be limited to:
 - a. Sales in sealed containers that are not for consumption on the premises.
 - b. Sales for consumption by persons who are seated in the external private forecourt of the premises.
19. Appropriate fire safety measures will be installed and maintained as shown on

the plans attached to this licence.

20. 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.
21. 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.
22. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
23. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
24. No collections of waste or recycling materials (including bottles) from the premises shall take place between 20:00 and 08:00 on the following day.
25. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 21:30 and 08:00 hours on the following day.
26. No deliveries to the premises shall take place between 20:00 and 08:00 on the following day.
27. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
28. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
29. 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.
30. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
31. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by staff so as to ensure that there is no public nuisance or obstruction to the public highway.
32. The Premises Licence Holder shall not permit a queue to form outside the premises after 20:00 hours daily.
33. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within

the specified area outlined below for the purpose of bringing customers to the premises. The distribution of leaflets or similar promotional material is also prohibited within the immediate vicinity outside the premises.

For the purpose of this section:

'Directly' means:- employ, have control of or instruct. 'Indirectly' means allowing / permitting the service of or through a third party.

34. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises
35. The number of seated persons inside the premises (excluding staff) shall not exceed 20 persons.
36. 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
37. 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.
38. The Premises Licence Holder shall arrange staff training in relation to underage sales and refusal of service. This training shall include how to seek ID in accordance with the Challenge 25 proof of age scheme. All staff training shall be documented and made available to the Responsible Authorities on request.
39. 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.
40. There shall be no self-service of alcohol at the premises.
41. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them, with the exception of those patrons who are seated within the dedicated outside seating area.
42. 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.
43. No super strength beer, lagers, ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
44. No draft beer shall be sold at the premises
45. The consumption of alcohol in the premises, including the external forecourt area, shall only be by persons seated

3 PART GROUND AND FIRST FLOOR, 1 GERRARD PLACE, LONDON, W1V 7LL

LICENSING SUB-COMMITTEE No. 3

Thursday 13th June 2019

Membership: Councillor Jacqui Wilkinson (Chairman), Councillor Jim Glen and Councillor Aicha Less.

Legal Adviser: Barry Panto
Committee Officer: Toby Howes
Presenting Officer: Kevin Jackaman

Part Ground and First Floor, 1 Gerrard Place, London, W1V 7LL ("The Premises") 19/04131/LIPN

Application adjourned prior to the hearing.

4 CO-OP, 104-105 BERWICK STREET, LONDON, W1F 0QS

LICENSING SUB-COMMITTEE No. 3

Thursday 13th June 2019

Membership: Councillor Jacqui Wilkinson (Chairman), Councillor Jim Glen and Councillor Aicha Less.

Legal Adviser: Barry Panto
Committee Officer: Toby Howes
Presenting Officer: Kevin Jackaman

Relevant Representations: Metropolitan Police, Licensing Authority and 1 local resident.

Present: Richard Arnot (Solicitor, representing the Applicant Company), Rob Tindall (Applicant Company), PC Adam Deweltz (Metropolitan Police), Karyn Abbott (Licensing Authority) and Richard Brown (Solicitor, Citizens Advice Bureau, representing Charity Charity).

Co-op, 104-105 Berwick Street, London, W1F 0QS ("The Premises") 19/04131/LIPN
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1. Sale by retail of alcohol

Off sales:

	<p>Monday to Saturday: 08:00 to 23:00 Sunday: 10:00 to 22:30</p>
	<p>Amendments to application advised at hearing: None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Richard Arnot (Solicitor, representing the Applicant Company) began by stating that the premises had previously had a licence that had been erroneously surrendered in 2017. The premises had operated as a convenience store since the 1960s and as a Co-op between 2006 and 2016. The premises was undergoing a refurbishment and would be slightly smaller in size as a result and it was anticipated that it would re-open in November 2019. The premises would operate as a typical convenience store with alcohol anticipated to contribute to around 15% of total sales. The Applicant Company operated a ‘buddy system’ where new staff were allocated a mentor to ensure that they performed to the standards expected. New staff would also be subject to a lockdown period before they had suitably demonstrated that they were fit to sell age restricted products, such as alcohol. CCTV was also to be installed on the premises both internally and externally. Richard Arnot advised that it would not be possible for alcohol to be sold beyond permitted hours as the premises’ tills would not allow this. A guard would also be present on the premises at all times the premises was open to the public. He advised that the application mirrored the hours the premises had under its previous licence, with the proposed hours for off sales of alcohol within core hours. There were also a number of proposed model conditions contained in the application. Richard Arnot added that the Applicant Company undertook a number of community activities and these were highlighted in the report.</p> <p>Richard Arnot advised that discussions had taken place with the Police on proposed conditions and there had been agreement on a number of them. However, in relation to proposed condition 10 in report, he requested that the Applicant Company’s version of it be agreed as an increasing number of premium beers, lagers and ciders above 5.5% ABV were now sold in cans. He similarly requested that the Applicant Company’s version in respect of proposed condition 15 be agreed, as it was desirable for staff to be able to tidy and restock the alcohol display outside the hours of sale of alcohol. The same was also requested concerning proposed condition 28 as premium beers and ciders were more likely to be bought in quantities of one. Turning to proposed condition 31 regarding sales of alcohol on London Pride Parade Day, Richard Arnot stated that there had been agreement with the Police, save the first bullet point stating that sales of beer or cider will be limited to no more than four cans per person. Richard Arnot suggested that it be re-worded so that it be limited to no more four cans of beer or cider per transaction, as the same person may make a further purchase a few hours after their first visit and there may have been a change of staff by then, meaning the staff members would be unaware that this person had</p>

made a previous purchase and so would unwittingly be breaking this condition.

Richard Arnot stated that the developer was responsible for setting delivery times, however these were unlikely to take place before 07:00. It was proposed that deliveries from small vehicles take place via Hopkins Street, whilst deliveries from larger vehicles would take place once a day between 19:00 and 22:00 also via Hopkins Street unless there were no loading bays available, in which case the vehicles would reverse down Berwick Street. Richard Arnot acknowledged that although the premises was located in a cumulative impact area, the Applicant Company had already operated at the premises and the application was well in within core hours. In addition, a Security Industry Approved guard would also be present at the premises to assist in the licensing objectives being upheld.

The Sub-Committee enquired whether there was a dedicated loading bay for the Applicant Company and what defined a beer or cider as a premium product.

In reply, Rob Tindall (Applicant Company) informed Members that the developer would determine loading bay allocation, although it was likely that any premises within the development could use the loading bays. Richard Arnot stated that there was no definition of what determined a beer or cider as a premium product as such.

PC Adam Deweltz (Metropolitan Police) confirmed that he was upholding his representation on the application on the grounds that the premises was located within a cumulative impact area. He confirmed agreement on conditions, and on those suggested by Richard Arnot in respect of conditions 10, 15 and 28, with the Applicant Company, apart from condition 31 relating to the London Pride Parade Day. PC Adam Deweltz maintained that this condition should be worded as proposed by the Police as it would provide more control over alcohol consumption on a very busy day for the area.

Karyn Abbott (Licensing Authority) confirmed that she was maintaining her representation on the grounds that the premises was located within a cumulative impact area and there had been representations made by a resident.

Richard Brown (Solicitor, Citizens Advice Bureau, representing Charity Charity) confirmed on her behalf that she was now satisfied with the conditions proposed, including proposed condition 21 regarding restrictions on delivery times.

The Sub-Committee asked whether the Applicant Company and the Police could reach agreement on the wording of condition 31 regarding London Pride Parade Day.

In reply, Richard Arnot reiterated the Applicant Company's preference for the first bullet point of condition 31 to specify limiting sales of cans of beer or cider to 4 cans per transaction, and in any case customers could then go to another licensed premises to purchase more alcohol.

PC Adam Deweltz acknowledged the Applicant Company's view on this matter, however he emphasised that the condition as proposed by the Police would

	<p>assist them in maintaining control of the area.</p> <p>The Sub-Committee granted the application, subject to condition 31 as proposed by the Police in relation to London Pride Parade Day, stating in the first bullet point that '<i>Alcohol sales in respect of cans of beer or cider are limited to no more than 4 cans per person</i>', be added to the licence. In deciding the wording of condition 31, the Sub-Committee accepted the Police's view that it would assist them in maintaining control of the area on London Pride Parade Day, as the area would be even busier than usual. The Sub-Committee also noted and understood the concerns raised by the Applicant Company in respect of condition 31 but did not think that their alternative suggestion actually stated what was appropriate in the circumstances as that would seem to be allowing the same person to make multiple purchases and that was clearly not what was intended. The Sub-Committee suggested by way of an informative that the Applicant Company could place signage on the premises stating that cans of beers and ciders would be restricted to four cans per person on London Pride Parade Day in order to assist the Applicant Company to uphold this condition.</p> <p>In determining the application, the Sub-Committee acknowledged that although the premises was in a cumulative impact area, it had previously had a premises licence which had erroneously been surrendered. The Sub-Committee further noted that the application mirrored the same hours for licensable activities as its previous premises licence and that the hours applied for were within core hours for a premises operating an off-licence. The Sub-Committee also considered that the conditions to be added to the premises licence would assist the Applicant Company in upholding the licensing objectives (prevention of crime and disorder, prevention of public nuisance, public safety, and protection of children from harm) and accordingly granted the application.</p>
.	<p>Hours premises are open to the public</p>
	<p>Monday to Saturday: 08:00 to 23:00 Sunday: 10:00 to 22:30</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p> <p>.</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 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.

Additional Conditions

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.

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.

7. 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.

8. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log 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.
9. 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
10. No beer, lager or cider with an ABV of 5.5% or more shall be sold at the premises, save that this prohibition shall not apply to premium beer, lager or cider.
11. All relevant staff shall be trained in relation to their responsibilities under the Licensing Act 2003
12. Training Records shall be correct and made available for inspection upon receipt of request from the Police or an authorised Officer of the Licensing Authority.
13. 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.
14. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
15. 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 customers.
16. A notices must be displayed in the premises explaining that it is an offence for persons under the age of 18 to purchase alcohol.
17. A panic alarm and system shall be installed and maintained at the premises.

18. A burglar alarm system shall be installed and maintained at the premises.
19. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
20. No miniature bottles of spirits of 20cl or below shall be sold from the premises.
21. No deliveries to the premises shall take place between 23:00 and 07:00 on the following day.
22. 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.
23. 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.
24. 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.
25. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
26. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 07:00 hours.
27. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises and that this area shall be swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
28. No single cans or bottles of beer or cider shall be sold at the premises except premium products.
29. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
30. A minimum of one SIA licensed guard shall be on duty at the premises at all times during which it is open to the public.
31. For the day of the 'London Pride Parade' Alcohol sales in respect of cans of beer or cider are limited to no more than 4 cans per person.

The Meeting ended at 4.50 pm

CHAIRMAN: _____

DATE _____