



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (1)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (1)** held on **Thursday 20th June, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Heather Acton (Chairman), Margot Bright and Aziz Toki

#### 1 MEMBERSHIP

#### 2 DECLARATIONS OF INTEREST

#### 1 6 CLARGES STREET LONDON W1J 8AE

### LICENSING SUB-COMMITTEE No. 1

*Thursday 20th June 2019*

Membership: Councillor Heather Acton (Chairman) Councillor Margot Bright and Councillor Aziz Toki

Legal Adviser: Horatio Chance  
Committee Officer: Kisi Smith-Charlemagne  
Presenting Officer: Kevin Jackaman

Relevant Representations: Environmental Health and Four Local Residents.

Present: Mr Stephen Walsh QC (Applicant's Representative), Adrian Braimer Jones (Director of Applicant Company), Peter Jenkins (Project Manager of Applicant Company) Lisa Inzani (Solicitor representing the Applicant), Ian Watson (Environmental Health) and Richard Brown representing Andrew Jones.

<b>6 Clarges Street, London, W1J 8AE ("The Premises") 19/04749/LIPN</b>
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<b>1. Sale by retail of Alcohol: Both On sales and Off sales</b>
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	<p>Monday to Saturday: 10:00 to 00:00  Sunday: 10:00 to 23:30</p> <p>Seasonal Variations/Non-standard timings: From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Mr Kevin Jackaman (Presenting Officer) confirmed the application, advising the Sub-Committee that this was a new premises licence application submitted by L'atelier De Joel Robuchon (Mayfair) Limited ("The Applicant"). He advised that the Environmental Health (EH) Services made a representation. Four local resident representations had also been received, Richard Brown (CAB) was representing Andrew Jones, however local residents were unable to attend today's hearing. Mr Jackaman advised that the Premises were within West End Ward and not located in the Cumulative Impact Area (CIA).</p> <p>Mr Stephen Walsh QC appearing on behalf of the Applicant introduced Mr Adrian Braimer Jones – Director) and Mr Peter Jenkins – Property Manager of the Applicant. He stated that this was an application for a new premises licence for a premise intending to operate as a restaurant, from the legendary Chef Joël Robuchon, who held 32 Michelin stars in his lifetime, more than any chef in history and operated fine dining destinations across the globe.</p> <p>Mr Walsh advised that the Applicant had previously operated a premise in Covent Garden for some 12 years with no concerns or complaints from local residents. He advised that the Premises was closed as the Clarges development in which the new Premises will be situated was a natural home in Mayfair for the L'atelier concept and to open a restaurant known as Le Comptoir. Mr Walsh advised that the operators who run such premises, realise their responsibility to ensure that they are well run so as to promote the licensing objective and take every opportunity to liaise with local residents. With regard to the building of the premises (Clarges Development), Mr Walsh advised that all residents had been consulted well in advance, and that none of the residents in the immediate building raised any objections.</p> <p>Mr Walsh advised that the hours the Applicant had applied for were in line with the planning application, he then proceeded to take the Sub-Committee through the street map, highlighting the Clarges Development and the front exterior of the Premises. Mr Walsh then showed the Sub-Committee the premise plans, where licensable activities were to take place, highlighting the main entrance, bar area, restaurant area, stairs, preparation kitchen on the lower ground floor and finishing kitchen on level 1 as indicated on the plans. He advised that the primary nature of the premises was food led with alcohol to compliment meals as ancillary.</p>

Mr Walsh advised that the City Council's model restaurant condition MC66 had been agreed but that the Applicant sought some flexibility in this area, specifically the holding bar area to accommodate a very small number of waiting guests. Mr Walsh advised that further to waiting guest, the Applicant also wanted to have the ability to sell alcohol to a small proportion (5%) of customers who were not having a meal. He advised that this particular concept would not attract unwanted behaviour and that the Applicant's reputation and standards had seen his style and concept operated successfully across the world.

The Sub-Committee made further enquiries regarding the Premise plans and capacity. Responding to the queries raised, Mr Walsh showed further photographs of the Premises, highlighting the black hatched bar area (Pages 30 and 31 of the committee report). Mr Walsh advised that the capacity for the entire restaurant was 65 covers, including approx. 20 seated covers in the bar areas Mr Adrian Braimer Jones addressed the Sub-Committee advising that Joel Robuchon lived for his food, living by the phrase "Excellence, Simplicity and Consistency", he died last year having achieved 32 Michelin stars in his lifetime. Mr Braimer Jones advised that it was very difficult to ensure that customers always arrived on time and finished their meals on time, so in some cases customers needed to wait. He advised that it was vital to have a holding area to allow some flexibility for such situations and this was noted by the Sub-Committee.

Mr Walsh then went on to discuss the proposed conditions in the application, he advised that there had been broad agreement on most of the conditions. With reference to page 58 of the committee report, Mr Walsh advised that conditions 31-33 were agreed, 34 and 35 should be deleted, as per alternative wording in condition 39. He also advised that condition 38 should be amended to the City Council's model condition 87 and condition 39 submitted by Richard Brown "*The licence holder shall use their best endeavours to make sure that vehicles dropping off or collecting patrons do not cause nuisance or disturbance to local residence*" was also agreed. Mr Walsh advised that conditions 28, 29 and 30 were to be deleted with a new condition amalgamating all three proposed conditions was agreed to the effect that "*No collection of waste or other recycle material, including bottles, shall take place and no deliveries shall be made, other than by mean of vehicle using the loading bay inside the building in which the premises are situated and between 23:00 and 08:00 hours*".

Mr Ian Watson from Environmental Health Services addressed the Sub-Committee advising that he was involved from the beginning of the application where the Applicant had sought pre-application advice. He advised that the Premises created a small impact, with internal access to waste through Bolton Street. Mr Watson advised that with regard to the conditions for operation, the Applicant had reduced its hours and most of the issues raised by local residents have been addressed. Mr Watson further advised that the proposed holding bar has a small capacity and its success would depend on how it was operated, but on the whole had no concerns.

The Sub-Committee then heard from the CAB officer Richard Brown, representing Mr Andrew Jones. Mr Brown advised that the primary issue was the bar, he advised that a local resident's residence is opposite the Premises

	<p>above HIDE restaurant (towards Piccadilly), the Sub-Committee asked Mr Brown to highlight the Premises on the street map. Mr Brown stated that the issues regarding HIDE related to noise coming from traffic and a standalone bar, he advised he was keen to pin down some of the issues that can occur with licensed premises in the Mayfair area.</p> <p>Mr Brown advised the condition not yet agreed, related to the holding bar and “no new entry to the Premises after 23:00”, which Mr Brown advised was an unusual condition for a restaurant. He advised that if the Sub-Committee was minded to grant this application that specifically related to the holding bar area, this area should only be available to customers dining before, during or after a meal, he felt that the bar should not be stand alone or for customers not dining. Mr Brown advised that there should also be a reference made to customers being shown to their seats and to waiter/waitress service. He suggested that there were alternative options and that the Applicant could consider limiting the capacity numbers or the hours for the holding bar. Mr Brown mentioned the arrangements for internal servicing, which were dealt with by conditions, takeaway and off sales elements of the application.</p> <p>The Licensing Sub-Committee queried the operating times, asking why an 08:00 opening time was needed.</p> <p>Mr Walsh advised the Sub-Committee that the hatched area (holding area) would not disturb residents and the Licensing Authority did not raise any concerns. He explained that the early opening hours was to provide a breakfast service and other restaurants such as the IVY, the Whistler and HIDE were already offer this service. Based on the evidence, the Sub-Committee considered the Applicant to be a responsible operator that would run his business to a high standard. It had no doubt that it would employ good working practices in all areas and conduct its business in an efficient and effective manner that would lead to compliance with the conditions the Sub-Committee had imposed on the Premises licence. The Sub-Committee noted the undertakings given by the Applicant to work fully with local residents.</p> <p>The Sub-Committee listened very carefully to the residents’ concerns having regard to the local resident representation and after carefully considering all the evidence on its individual merits it decided to grant the application accordingly with conditions that were proportionate, balanced and supported the promotion of the licensing objectives.</p>
<b>2.</b>	<b>Late Night Refreshment: Indoors</b>
	<p>Monday to Saturday: 23:00 to 00:00  Sunday: 23:00 to 23:30</p> <p>Seasonal Variations/Non-standard timings: From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.</p>
	Amendments to application advised at hearing:

	None.
<b>3.</b>	<b>Hours Premises Open to the Public</b>
	Monday to Saturday: 08:00 to 00:00 Sunday: 08:00 to 23:30  Seasonal Variations/Non-standard timings: From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.
	Amendments to application advised at hearing:  None.

### **Mandatory Conditions**

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

encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

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

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

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

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

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

(a) a holographic mark, or

(b) an ultraviolet feature.

7. The responsible person must ensure that—

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

(i) beer or cider: ½ pint;

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

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

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

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

#### **Conditions imposed by the Licensing Authority after a hearing**

9. 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.

10. A waiter/waitress service shall be provided.

11. The maximum number of persons permitted on the premises at any one time (excluding staff) shall not exceed

Ground Floor 100 persons

12. 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.

13. There shall be no sales of alcohol for consumption 'Off' the premises after 23.00 hours.

14. 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.

15. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

16. The entrance door shall be kept closed at all times when regulated entertainment is provided.

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

18. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premise is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

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

20. 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.

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. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

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. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

25. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

26. 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.

27. Save for the holding bar area hatched black on the premises plan the premises shall only operate as a fine dining restaurant:

- (i) Customers are shown to their table,
- (ii) The supply of alcohol is by waiter or waitress service only,
- (iii) Food is provided in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
- (iv) There is no provision of any take away service of food or drink, and
- (v) Where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking a substantial table meal there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customer are permitted to take from the premises part consumed and resealed bottle wine supplied ancillary to their meal.

28. No collection of waste or other recycle material, including bottles, shall take place and no deliveries shall be made, other than by mean of vehicle using the loading bay inside the building in which the premises are situated and between

23:00 and 08:00 hours.

29. Patrons permitted temporarily to leave and then re-enter the premises, (e.g. to smoke) shall not be permitted to take drinks or glass containers with them.

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 premises licence holder shall ensure that no queue forms outside the premises.

32. A direct telephone number for the manager at the premises shall be publicly available at all times. This telephone number is to be made available to residents and businesses in the vicinity.

33. Staff and patrons shall not be permitted to smoke or otherwise loiter in the vicinity of residential buildings (including their entrances).

34. 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.

35. The premises licence holder shall use their best endeavours to make sure that vehicles dropping off or collecting customers do not cause nuisance or disturbance to local residents.

Informative:

Should the premises licence holder be required to use a taxi service to provide transport or deliveries for customers that they be encouraged to use environmentally friendly vehicles including bicycles.

All deliveries and collections in any event are handled out of Bolton Street.

**2 RUNWAY EAST, 66 OLD COMPTON STREET, LONDON, W1D 4UH**

**LICENSING SUB-COMMITTEE No. 1**

*Thursday 20th June 2019*

Membership: Councillor Heather Acton (Chairman) Councillor Margot Bright and Councillor Aziz Toki

Legal Adviser: Horatio Chance  
Committee Officer: Kisi Smith-Charlemagne  
Presenting Officer: Kevin Jackaman

Relevant Representations: Environmental Health and Licensing Authority.

Present: Ms Natasha Guerra – Rwe (Applicant), Hannah Hawthorne (Applicant Company) Dave Nevitt (Environmental Health) and Angela Seaward (Licensing Authority).

<b>Runway East, 66 Old Compton Street, London, W1D 4UH (“The Premises”) 19/04930LIPN</b>	
<b>1.</b>	<b>Sale by retail of Alcohol: On sales</b>
	<p>Monday to Saturday: 12:00 to 23:00          Sunday: 12:00 to 22:00</p> <p>Seasonal Variations/Non-standard timings: None</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Mr Kevin Jackaman (Presenting Officer) confirmed the application, advising the Sub-Committee that this was a new premises licence application submitted by Rwe 66 Compton Street Ltd (“The Applicant”). He advised the City Councils Environmental Health (EH) and the Licensing Authority Departments (LA) had both made representations. Mr Jackaman advised that the Metropolitan Police had made a representation which was, subsequently withdrawn. He also stated that the Premises were within West End Ward and is located in the Cumulative Impact Area (CIA).</p> <p>Ms Natasha Guerra – Rwe for the Applicant introduced herself and informed the Sub-Committee that this was an application for a new premises licence for the provision of office services including co-working facilities, shared workspace, private offices on flexible agreements, meeting rooms, conference rooms, exhibitions, meeting facilities, receptions, conferences, seminars and networking. She advised the Sub-Committee that this was their fourth location, with premises in Moorgate, London Bridge and Bristol. The Applicant informed the Sub-Committee that the main purpose of the business is to help grow technology companies across the London and the UK.</p> <p>The Sub-Committee advised the Applicant that the Premises were in the CIA and that she needed to persuade the Sub-Committee that the operations of her business would not have a negative impact. The Sub-Committee then made further enquiries regarding the Premises and the numbers expected to use the terrace area. Responding to the queries raised, the Applicant advised that they currently have over 200 members and can have approx. 40-50 people in the building with a max of 40 people on the terraced area. The Sub-Committee sought further clarification on the nature of events, proposed number of events to be held and who would be attending those such events.</p>

The Applicant stated that she envisaged holding 1-3 events per week that would be restricted to members or those with a paid subscription. She advised that all events will be organised by her team personally and that, there would be no third party appointed in respect of the running of their events. The Applicant advised that they were already running 1-2 events per week, but without alcohol. She advised the Sub-Committee that the Premises had not received any complaints.

Mr Dave Nevitt from Environmental Health Services addressed the Sub-Committee advising that this was indeed a shared office space and gave the example of "We Work". He advised that the Premises had a number of offices, a number of shared spaces and an outside area. Mr Nevitt advised that he was not concerned and had suggested proposed conditions 13, 23 and 24 be imposed on the premises licence should the Sub-Committee be minded to grant the application. He also suggested that the Sub-Committee limit the size and number of events to be held.

The Sub-Committee then heard from Angela Seaward from the Licensing Authority. She advised that the LA had made a representation as the Premises are located in the CIA therefore policy PB2 applies. She advised that a provision of a bar and private events would be contrary to policy and an exception to policy must be demonstrated by the Applicant. Ms Seaward advised that under Policy CIP1 paragraph 2.4.12 of the City Councils Statement of Licensing Policy states that "*The Council therefore considers that in the cumulative impact areas premises which restrict access to general members of the public, such as proprietary clubs and premises used for private functions, will not be considered to be exceptions to cumulative impact area policies for that reason alone*" and that it would be for the Sub-Committee to decide based on the evidence.

The Legal Advisor to the Sub-Committee requested the Applicant to set out her reasons why the Premises should be considered an exception to the policy and how she intended to deal with dispersal of events. The Applicant stated to the Sub-Committee the following:

- Her company would be supporting and creating other businesses, bringing jobs to the area and would be creating great opportunities to build a better business economy
- She was a responsible business owner with two sites in London one in Bristol and had received no complaints.
- Purely business to business lead events
- No fixed bar and it is incidental to the operation (beer and wine to be sold only)
- The licensable area would be restricted to 60 people.
- No smoking is to be permitted inside or outside of the building
- Dispersal will be on a gradual basis, and people would be encouraged to not leave all at once, with signs up to remind members to please leave the Premises quietly so that local residents are not adversely affected by nuisance.

The Sub-Committee sought clarification on whether there would be any outside promotion for any of the events being held at the Premises. The Applicant

	<p>confirmed that events are coordinated through Eventbrite, so they will know exactly who will be attending each event.</p> <p>The Sub-Committee listened very carefully to the Applicant and representations received and after careful consideration of all the evidence it decided to grant the application accordingly with conditions that were proportionate, balanced and supported the promotion of the licensing objectives. The Sub-Committee in its determination of the matter felt that the Applicant in its submissions persuaded it that an exception to policy had been proven given the nature and style of the Premises. The Sub-Committee was satisfied that by granting the application it would have the overall effect of promoting the licensing objectives, particularly condition 22 imposed on the premises licence in that the primary use is that of an office and alcohol is ancillary. The Sub-Committee in its conclusion of the matter stated that it welcomed in the City new businesses and businesses that help other start-up's, the Sub-Committee also welcomed comments from EH during the course of the hearing confirming, that no complaints had been received.</p>
<b>2.</b>	<b>Hours Premises Open to the Public</b>
	<p>Monday to Sunday: 09:00 to 23:30</p> <p>Seasonal Variations/Non-standard timings: None</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>

<p><b>Mandatory Conditions</b></p> <ol style="list-style-type: none"> <li>1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.</li> <li>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> <li>3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.</li> <li>4. <ol style="list-style-type: none"> <li>(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.</li> <li>(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—</li> </ol> </li> </ol>
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- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
  - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
  - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

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

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

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

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

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
  - (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

### **Conditions imposed by the Licensing Authority after a hearing**

10. 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.

11. 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.

12. 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.
13. The number of persons permitted in the licensable area at any one time shall not exceed 60 persons.
14. 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.
15. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
16. 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.
17. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
18. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device
19. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
20. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
21. 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.
22. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as offices.

23. Alcohol shall only be sold for consumption by:
- (i) members of the 'Runway East' (Rwe 66 Compton Street Ltd) group of companies or employees of member companies, or their bona fide guests.
  - (ii) persons attending a pre-booked and bona fide private function or event to which members of the public are not admitted. A register of persons attending an event at a maximum of 100 events in any given year shall be kept at the premises and made available for immediate inspection by police or an authorised officer of the Council.
24. On Friday and Saturday when the terrace is used for hosting a pre-booked event, which lasts 5 hours or more, there will be a minimum of 1 SIA licensed door supervisor on duty at the premises. The SIA door supervisor will facilitate the safe dispersal of its patrons after the event.
25. The premises license holder shall ensure that there is no external promoter for events occurring at these premises.
26. There shall be no more than 100 events in any given year.

The Meeting ended at Time Not Specified

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

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