



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (2)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (2)** held on **Thursday 1st August, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Murad Gassanly (Chairman), Peter Freeman and Rita Begum

**Also Present:** Councillor Jacqui Wilkinson (Item 1)

#### 1 MEMBERSHIP

1.1 It was noted that Councillor Gassanly had replaced Councillor Smith.

#### 2 DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

#### 1 EUREKA, BASEMENT TO GROUND FLOOR, 46 WARWICK WAY, LONDON, SW1V 1RY

### LICENSING SUB-COMMITTEE No. 2

*Thursday 1<sup>st</sup> August 2019*

Membership: Councillor Murad Gassanly (Chairman), Councillor Peter Freeman and Councillor Rita Begum

Councillor Murad Gassanly was substituting as Chairman for this meeting in place of Councillor Tim Mitchell

Legal Adviser: Barry Panto  
Committee Officer: Tristan Fieldsend  
Presenting Officer: Michelle Steward

Relevant Representations: Environmental Health and Councillors Nickie Aiken and Jacqui Wilkinson (Warwick Ward Councillors)

Present: Mr Noel Samaroo (Agent, representing the Applicant), Mr Anil Drayan (Environmental Health) and Councillor Jacqui Wilkinson (Warwick Ward Councillor)

<b>Eureka, Basement to Ground Floor, 46 Warwick Way, London, SW1V 1RY (The Premises”) 19/04732/LIPN</b>	
<b>1.</b>	<b>Sale by Retail of Alcohol – Off Sales</b>  Monday to Sunday: 10:00 to 22:00
	Amendments to application advised at hearing:  None.
	Decision (including reasons if different from those set out in report):  The Sub-Committee considered an application by Dhavalkumar Trivedi (“The Applicant”) for a new premises licence in respect of Eureka, Basement to Ground Floor, 46 Warwick Way, London, SW1V 1RY. The application was for off-sales of alcohol from a convenience store / newsagent from 10 am to 10 pm every day of the week.  The Licensing Officer introduced the application to the Sub-Committee and confirmed that the Police had withdrawn their representation following the agreement of conditions with the applicant.  Mr Samaroo, representing the applicant, explained that when submitting the application, a mistake had been made regard to the opening hours of the Premises. The application stated the opening hours for Monday to Sunday as 10:00 whilst it should have specified its current opening hours of 07:00.  The Sub-Committee was advised by Mr Samaroo that the applicant had been operating the Premises for 13 years. The application before it was to permit the sale of alcohol between the hours of 10:00 and 22:00 Monday to Sunday. Mr Samaroo advised that the Police had commentated on the comprehensive nature of the application which had been made to ensure it would not detrimentally impact on local residents. No residential representations had been received and the Police had withdrawn their representation following the agreement of conditions which included prohibiting any sales of high strength beers or miniature bottles of spirits. It was recognised that street drinking was an issue in the area and this had been taken into consideration when making the application. Discussions with Environmental Health (EH) had taken place following which a condition would be added to the licence requiring all alcohol within the trading area to be secured behind locked grilles outside the hours permitting the sale of alcohol.  The Council’s Legal Adviser clarified to all parties that as the applicant had applied for 10:00 as the opening hours, if the Sub-Committee was minded to grant the application then it could not grant any hours in excess of this. The

applicant would not be committing an offence by opening at its current hours of 07:00, as long as they were not selling alcohol. However, if any problems were reported to be emanating from the Premises then the licence could potentially be reviewed. It was indicated that it might be possible to vary the opening hours by making a minor variation application.

Mr Samaroo addressed the two representations received from the Ward Councillors. They both made reference to the Premises being located close to a Cumulative Impact Area (CIA) but Mr Samaroo confirmed that it was not located within a CIA. Concerns had been raised that high strength beers would be for sale, however a condition would be added to the licence to prevent this. Street drinking was an issue in the area but the Sub-Committee was advised that there was not another licensed establishment within 100 yards of the Premises. The application promoted the licensing objectives and this was evidenced through the applicant's agreement of conditions with both the Police and EH.

Mr Drayan, representing Environmental Health, confirmed that model condition 81 had been agreed with the applicant which ensured that no licensable activities could take place at the Premises until it had been assessed as satisfactory by EH. Mr Drayan had recently visited the Premises and advised that there were a number of licensed establishments in close proximity to it. There was therefore a substantial number of other venues in the area where alcohol could be purchased. The application was within core hours and the conditions proposed were consistent with those expected to be on licences for similar premises. Mr Drayan confirmed that therefore he was satisfied with the application.

Councillor Wilkinson addressed the Sub-Committee and stated that she objected to the application in her capacity as Warwick Ward Councillor. It was explained that Warwick Ward already suffered from significant problems relating to anti-social behaviour which were exacerbated through the consumption of alcohol. There were multiple licensed establishments in the area where alcohol could be purchased resulting in a relatively small area being saturated with places offering on and off sales of alcohol. It was acknowledged that the Premises was not located within a CIA but permitting another establishment to sell alcohol would increase the cumulative impact of alcohol in the local area. The Premises already operated as a newsagent and it was queried whether the sale of alcohol could be considered an integral part of its operation. The proposed hours were within the core hours policy however it would be an additional establishment selling alcohol seven hours a day. The application would also impact on other local businesses and set a precedent which other newsagents could potentially follow. Overall, it was considered that there were numerous issues with the application and it was hard to identify any benefits in granting the licence.

After careful consideration the Sub-Committee agreed to grant the application subject to conditions. Particular consideration was given to the concerns raised by the Ward Councillors with regards to the severe issues of anti-social behaviour experienced in the area, most caused by street drinking. The applicant had demonstrated, however, that he was aware of the sensitive nature of the area and had agreed appropriate conditions with the responsible

	<p>authorities which would ensure the licensing objectives were promoted. These conditions included prohibiting any sales of super-strength beer and spirit miniatures, therefore minimising any impact on the local area. To provide further reassurance an additional condition would also be added to the licence requiring no alcohol to be sold to any persons known to engage in anti-social behaviour, in particular street drinking. This would ensure that if any problems did arise from the operation of the Premises there was the potential for the licence to be reviewed. A further condition to be imposed on the licence proposed by the applicant included the addition of one requiring a personal licence holder to be on duty at the Premises whenever alcohol was available for sale. The importance of this condition was highlighted by the Sub-Committee in order to make sure that there was always a member of staff in attendance at the Premises who understood that alcohol could not be sold to street drinkers.</p> <p>It was also noted that the Police had withdrawn their representation and EH was satisfied with the application following the agreement of conditions. The Sub-Committee considered these conditions appropriate and proportionate considering the issues experienced in the area and was of the view that they would promote the licensing objectives. Due to the opening hour specified on the application mirroring the hours permitting the sale of alcohol, the Sub-Committee considered EH's proposed condition regarding alcohol displays to be secured behind locked grilles outside the hours authorising sales not to be necessary. The applicant had stated that the permitted opening hours would be changed via a minor variation application. Therefore, the applicant and EH were requested to ensure that the lockable grille condition be specified on the licence when the variation application was submitted. In making its decision the Sub-Committee also had regard to the fact the Premises was not located within a Cumulative Impact Area and the hours sought for the sale of alcohol were within the core hours policy.</p> <p>Having taken into account all the evidence (with consideration being given to the representations received from Councillors Aiken and Wilkinson) the Sub-Committee was satisfied that the application was suitable for the local area and had addressed the concerns raised. The applicant had demonstrated that the application was appropriate and the conditions proposed would ensure it promoted the licensing objectives.</p>
<b>2.</b>	<p><b>Hours Premises are Open to the Public</b></p> <p>Monday to Sunday: 10:00 to 22:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application (see reasons for decision in Section 1).</p>

## Conditions attached to the Licence

### Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
- 5(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 5(ii) For the purposes of the condition set out in paragraph 5(i) above -
  - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) "permitted price" is the price found by applying the formula -
$$P = D + (D \times V)$$
Where -
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

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

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

(i) the holder of the premises licence,

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

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

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

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

5(iii). Where the permitted price given by Paragraph 5(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

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

### **Conditions Consistent with the Operating Schedule**

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 preceding 31-day period.

7. A staff member who is conversant with the operation of the CCTV system shall be available when the premise is open to the public. This staff member must be able to show a Police or authorised council officer recent data or

footage with the absolute minimum of delay when requested.

8. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
9. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
10. A direct telephone number for the manager at the premises shall be made available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
11. 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.
12. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
13. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.
14. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
15. All cashiers will receive refresher training on relevant alcohol laws and the licence holder's policy on challenging for ID. Such training to take place at least twice a year. Records will be maintained at the premises containing information about the training of any person who may make a sale of alcohol including the date of their training and the nature of the training undertaken. The relevant documentation shall be produced on request to a police officer or a relevant officer of a responsible authority.
16. The licence holder shall ensure that all cashiers are trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example, thumb print or pupil recognition) is introduced. All cashiers will be instructed, through training, that a sale shall not be made unless this evidence is produced.
17. 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.
18. 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 or passport.
19. 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.

20. The DPS and the Premises Licence holder are responsible for ensuring that the premises do not cause any nuisance to the local residents, other business operators or the general public.
21. The DPS will monitor the external areas of the premises in relation to public nuisance or antisocial behaviour.
22. Deliveries and rubbish collections will only take place during normal business hours and are at the rear of the premises.
23. Any antisocial behaviour CCTV recordings will be made available to the police and environmental health officers.
24. Notices will be prominently displayed at the exit requesting that residents respect the nature of the residential area and leave quietly.
25. Customers shall be discouraged from congregating outside the premises.
26. Signage will be prominently displayed advising customers that they are being recorded on CCTV. Additional signage will also be displayed indicating that:
  - a) NO ALCOHOL WILL BE SERVED TO KNOWN STREET DRINKERS
  - b) PLEASE NOTE THAT THIS STORE DOES NOT STOCK OR SELL ANY STRONG BEERS OR CIDERS WITH AN ABV OF MORE THAN 5.5%.
27. No miniature bottles of spirits of 20 cl or below shall be sold from the premises.
28. No alcohol shall be sold to any persons known to engage in anti-social street drinking.
29. 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.

**2 GROUND FLOOR AND BASEMENT, 19 SLINGSBY PLACE, LONDON, WC2E 9AB**

**LICENSING SUB-COMMITTEE No. 2**

*Thursday 1st August 2019*

Membership: Councillor Murad Gassanly (Chairman), Councillor Peter Freeman and Councillor Rita Begum

Councillor Murad Gassanly was substituting as Chairman for this meeting in place of Councillor Tim Mitchell

Legal Adviser: Barry Panto  
Committee Officer: Tristan Fieldsend  
Presenting Officer: Michelle Steward

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

Present: Mr Alun Thomas (Solicitor, representing the Applicant), Mrs Jane Moscrop  
(CBRE on behalf of Applicant Company), Mr Anil Drayan (Environmental  
Health) and Ms Angela Seaward (Licensing Authority)

<b>19 Slingsby Place, Ground Floor and Basement, London, WC2E 9AB</b> <b>("The Premises")</b> <b>19/06363/LIPN</b>	
<b>1.</b>	<b>Sale by Retail of Alcohol – On and Off Sales</b>  Monday to Thursday: 10:00 to 23:30 Friday to Saturday: 10:00 to 00:00 Sunday: 12:00 to 22:30  <b>Seasonal Variations / Non-Standard Timings:</b>  From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.  On Sundays prior to bank holidays 12:00 – 00:00.
	Amendments to application advised at hearing:  None.
	Decision (including reasons if different from those set out in report):  The Sub-Committee considered an application by Longmartin Properties Ltd ("The Applicant") for a new premises licence in respect of 19 Slingsby Place, Ground Floor and Basement, London, WC2E 9AB.  The Licensing officer introduced the application.  Mr Thomas, representing the applicant, provided the Sub-Committee with an overview of where the Premises was located. The development it was situated on had been open for 10 years and within it was contained several existing restaurants and licensed premises. The Sub-Committee had before it applications for 3 premises which had been created by combining 2 retail units with an existing A3 unit and then re-dividing them. The result would be 3 restaurants, 2 of which were at the ground and first floor levels (21 and 23 Slingsby Place) and one (19 Slingsby Place) at ground and basement levels. Planning permission had been granted to permit the changes 6 months previously and the applications before the Sub-Committee were aligned with that permission.

Mr Thomas recognised that the main concern raised over the applications related to the proposed ancillary bar use at the restaurants. To mitigate these concerns the applicant proposed to surrender the licence of the Sussex Public House. This pub was licensed to core hours, had limited conditions on the licence and permitted vertical drinking over 2 floors. If the Sub-Committee was minded to grant the application a condition would be imposed requiring this licence to be surrendered. The Council's Legal Adviser advised the Sub-Committee that the Sussex was no longer in operation and requested information from the applicant on what value surrendering the licence would have on the Cumulative Impact Area (CIA). In response Mr Thomas highlighted the 'Cheers Bar & Grill' case which dealt with issues surrounding moving a licence from one location to another. The Sub-Committee was advised that the same issues did not apply for this application as the Sussex building still existed, unlike the building in the 'Cheers Bar & Grill' case, with planning permission granted to redevelop the unit into a retail unit. Some of the works had already been undertaken at the Sussex with no provision for it to operate as a restaurant or bar. If the applicant wanted to, which they did not, they could revert the Sussex building back into a pub. The biggest difference between this application and the 'Cheers Bar & Grill' case was that this application was not seeking to introduce any licensable activities back into the Sussex.

Mr Thomas referred to paragraph 2.4.6 of the Council's Statement of Licensing Policy where it discussed examples of circumstances where exceptions to policy could be granted in a CIA. Mr Thomas advised that the applicant had made a conscious effort to change the use of the Sussex and if this had not been done it would likely to have continued to operate as a vertical drinking establishment. Paragraph 2.4.5 looked at the global and cumulative effects of licences on the area as a whole. In this case a licence for a large pub, which had no capacity and limited conditions, would be surrendered in exchange for 3 restaurants. The Sussex had an external tables and chairs licence which permitted 64 seats in addition to approximately 100 people standing outside drinking when the weather was fine. Overall the capacity would be in excess of 200 and therefore it was suggested that the removal of this licence and the granting of the three applications before the Sub-Committee would significantly reduce cumulative impact in the local area.

The Sub-Committee was provided with an overview of how the 3 units would be located within Slingsby Place. Subject to an Environmental Health assessment the maximum capacities of the units including the use of external areas were detailed as follows:

- 19 Slingsby Place – 150
- 21 Slingsby Place – 150
- 23 Slingsby Place – 200

The use of ancillary bar areas for the 3 units was proposed with the following capacities:

- 19 Slingsby Place – 20

- 21 Slingsby Place – 20
- 23 Slingsby Place – 25

Therefore, the maximum capacity for the ancillary bar areas across all 3 units was 65 which was 12% of total capacity. This was equivalent to the 64 external seats permitted for consuming alcohol at the Sussex.

In response to a question from Environmental Health (EH) Mr Thomas explained that there were two types of external areas at the units consisting of the terrace and the courtyard. Unit 19 had no external seating area currently proposed but planning permission for tables and chairs could potentially be applied for in the future and that was why an appropriate off sales condition had been applied for. With regard to Unit 21 the ancillary bar area was not directly accessible from the street. Part of the hatched blue area, which designated the ancillary bar area, was located on the first-floor terrace but this would be restricted through requiring this external area to be used by customers taking a table meal only after 21:00 hours. Finally, Unit 23 would be the largest unit with no direct access from the street to the ancillary bar area. The first-floor terrace area would also be restricted after 21:00 hours to those customers taking a table meal. Mr Thomas advised that the Council's Policy recognised that no direct access to bar areas was less likely to undermine the licensing objectives.

Mr Thomas explained that the hours sought for licensable activities were within core hours. It was recognised that the opening hours and hours permitting the sale of alcohol were concurrent on Fridays and Saturdays therefore not providing a 'winding down' period. The applicant had applied for these hours as they mirrored what was permitted under the planning permission. In addition, the Sub-Committee was advised this was also in accordance with policy HRS1.

The Sub-Committee was then advised by Mr Thomas on the conditions to be placed on the licences to ensure the licensing objectives were promoted. A last entry condition would be imposed preventing new customers from accessing the Premises 30 minutes prior to the cessation of licensable activities. The applicant did not wish the establishment to become a destination bar for a late drink and as such this condition would prevent this. No amplified music would be played on the terrace. In terms of deliveries these would be restricted to between 07:30 and 11:30 Monday to Saturday. This condition had been agreed with the Covent Garden Community Association in order to prevent any potential noise disturbance in the early or late evening. No deliveries would take place on Sundays. No waste, including bottles, would be moved, removed or placed on the highway between the hours of 23:00 and 08:00. Refuse would be stored in a service yard at the back of the development, off the street. It would be kept in this area until the specified collection times when it would be properly presented outside for collection. Specific procedures would also be implemented so the refuse procedures did not cause a nuisance. Proposals to install glass crushers at each unit were currently being assessed as another way of ensuring there were appropriate methods in place to dispose of waste. Additional conditions included the operation of a twenty-four-hour CCTV system and a requirement for all tables and chairs in St. Martin's Courtyard to be rendered unusable by 23:00 each day. In response to a question from the Council's Legal Adviser Mr Thomas confirmed that a proposed condition could

be reworded to read “In the area(s) hatched blue on the deposited plans, alcohol can only be sold to and consumed by seated customers” (inserting the word “only”). Mr Thomas also confirmed that a condition should be imposed on the 21 Slingsby Place application, as it was at 23 Slingsby Place, preventing the use of the first-floor terrace after 22:00.

Mr Thomas acknowledged the representation received from the CGCA and advised that the proposed conditions had been offered in order to address any concerns they had. It was also suggested by Mr Thomas that the CGCA were content in principle with the application but were requesting that the total capacity for the ancillary bar areas across all three units be limited to 44 persons instead of the proposed 65. Mr Thomas advised that there was not a large difference between the two proposed capacities but restricting it to 44 across the three units would not make it efficacious.

Mr Thomas advised that any customers consuming alcohol only within the blue hatched areas would have to be seated with no direct access to these areas from the street. The ancillary bar areas were very limited and in conjunction with the surrender of the Sussex licence and the model conditions proposed represented a cumulative improvement in the local area and one which would promote the licensing objectives.

Mr Drayan, representing Environmental Health, confirmed that maximum capacities for each unit had been agreed with the applicant. These capacities would be excluding staff as they would have their own facilities. In order to provide further reassurance, if the Sub-Committee was minded to grant the application, it was suggested that the model noise nuisance condition (MC12) be added to the licence. It was also suggested that the model odour and fumes condition, model condition 87, be imposed. Whilst the extract for the Premises extended to the top of the building the opposite building was taller and therefore the potential for nuisance from odours existed. Mr Thomas advised that during the planning permission process the extract system was deemed suitable and as such it would not be necessary to impose this condition on the licence.

Ms Seward, representing the Licensing Authority, explained that they had submitted a representation as the Premises was located within a CIA and therefore policies CIP1, HRS1, RNT2 and PB2 had to be considered. It was acknowledged that the hours sought for licensable activities were within core hours. The opening hours matched the terminal hour for licensable activities on Friday and Saturday nights therefore not providing a ‘winding down’ period. The Council’s Statement of Licensing Policy highlighted the benefits of ‘winding down’ periods and how they helped reduce crime and disorder and public nuisance. The applicant had offered model condition 66 to cover the restaurant area but due to the operation of an ancillary bar policy PB2 had to be considered. It was the Council’s policy to refuse applications in the CIA for pubs and bars. Paragraph 2.5.3 was particularly concerned with restaurants in the CIA operating even in part as a bar. With regards to the external areas it was considered these were appropriately conditioned after 21:00 hours. However, before this time it was suggested that model condition 70 be imposed restricting the supply of alcohol to waiter/waitress service and making it ancillary to customers taking a table meal. The Sub-Committee was advised that the

applicant had not agreed this proposed condition. Therefore, the Licensing Authority's representation was maintained and the Sub-Committee had to determine if the applicant had demonstrated exceptional circumstances to permit the granting of the application.

A further detailed discussion on the 'Cheers Bar & Grill' case was held during which Mr Thomas highlighted that the main difference between that and this application was that the Sussex had not been demolished and had exactly the same footprint. There was the potential for the applicant to utilise the Sussex as a public house but this was not intended by the applicant. Mr Drayan confirmed that EH had visited the Sussex and works undertaken to change the use of the venue into a retail venue were at an advanced stage. If the Sussex licence was surrendered a licence could be applied for in the future but not one which permitted vertical drinking unless exceptional circumstances were provided.

Mr Thomas noted the Licensing Authority's representation and in response suggested that the supply of alcohol in the external areas should only be ancillary to customers taking a table meal after 21:00 hours.

After very careful consideration the Sub-Committee agreed to grant the application. It was recognised that the Premises was located within a CIA however the Sub-Committee considered the application an exception to policy due to the proposal to surrender the licence for the Sussex public house. Particular consideration was given to the 'Cheers Bar & Grill' case but the Sub-Committee took the view that this application differed in that the Sussex building had not been demolished and was exactly the same footprint as when it operated as a pub. It was recognised that the Sussex was not currently in operation and was being developed for use as a retail unit. However, the potential existed for the establishment to be returned to a drink-led establishment, with no capacity restrictions and limited conditions. The applications for the three Premises at 19, 21 and 23 Slingsby Place would permit customers to drink alcohol only in designated areas but this would be limited across the three establishments to a maximum of 65 only. It was considered this was a significant reduction in comparison to the Sussex which had provision to allow for over 200 customers to drink alcohol only. The Sub-Committee took the view that this would constitute a reduction in cumulative impact in the local area. The hours sought for the application at Slingsby Place were also within core hours and the consumption of alcohol in external areas would be restricted after 21:00 hours to those customers taking a table meal. Further reassurance was provided that there was no direct access from the street to the hatched areas permitting the consumption of alcohol only. This in addition to the last entry condition prohibiting any new customers from entering the Premises 30 minutes prior to the cessation of licensable activities assured the Sub-Committee that the Premises would not become a drink-led, destination bar. The conditions suggested by EH to prevent potential noise and odour issues were also considered appropriate and therefore included on the licence.

It was also noted that the current licence for unit 23 [18/09284/LIPT] would be surrendered if the new applications were granted.

Having taken into account all the evidence the Sub-Committee was satisfied

	<p>that the application was suitable for the local area and had addressed the concerns raised. The applicant had demonstrated that the application was appropriate, with the conditions considered proportionate and restrictive enough to ensure that it promoted the licensing objectives and did not add to cumulative impact. The Sub-Committee therefore granted the application accordingly.</p>
<b>2.</b>	<p><b>Late Night Refreshment – Indoors</b></p> <p>Monday to Thursday: 23:00 to 23:30 Friday to Saturday: 23:00 to 00:00</p> <p><b>Seasonal Variations / Non-Standard Timings:</b></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 12:00 – 00:00.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application (see reasons for decision in Section 1).</p>
<b>3.</b>	<p><b>Hours Premises are Open to the Public</b></p> <p>Monday to Sunday: 09:00 to 00:00</p> <p><b>Seasonal Variations / Non-Standard Timings:</b></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 12:00 – 00:30.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application (see reasons for decision in Section 1).</p>

## Conditions attached to the Licence

### **Mandatory Conditions**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
7. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

of 14 days beginning on the second day.

**Conditions consistent with the operating schedule**

9. The premises shall operate primarily as a restaurant where, save for the area(s) hatched blue on the deposited plans:
- 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) 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 customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

10. There will be no provision of any take away service of food or drink for immediate consumption.
11. There will be no provision of any take away service of food or drink after 23:00.
12. In the area(s) hatched blue on the deposited plans, alcohol can only be sold to and consumed by seated customers.
13. In the area hatched blue, the maximum number of persons shall not exceed 20 at any time.
14. Last entry to the premises to new customers shall be 30 minutes prior to the cessation of licensable activities on the premises.
15. All windows and external doors shall be kept closed after 22:00 hours, except for the immediate access and egress of persons.
16. After 21:00 all external tables and chairs shall only be used by customers taking a table meal.
17. No amplified music shall be played on the external terrace.
18. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

19. 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.
20. 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:
  - i. all crimes reported to the venue
  - ii. all ejections of patrons
  - iii. any complaints received concerning crime and disorder
  - iv. any incidents of disorder
  - v. all seizures of drugs or offensive weapons
  - vi. any faults in the CCTV system,
  - vii. any refusal of the sale of alcohol
  - viii. any visit by a relevant authority or emergency service.
21. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
22. Deliveries to the premises shall only take place between 07:30 and 11.30 Monday to Saturday.
23. No waste or recyclable materials, including bottles, shall be moved, removed from or placed on the highway between 23.00 hours and 08.00 hours on the following day unless collections are arranged during the times for the Council's own commercial waste collection service for the street.
24. If the licence holder officers a delivery service (either directly or indirectly), specific procedures shall be in place so the activity does not cause nuisance either at or near the premises,
25. No licensable activities shall take place at the premises until premises licences 17/04590/LIPT (original reference number 05/05134/LIPCV) and 18/09284/LIPT (or such other number subsequently issued for the premises) has been surrendered [and is incapable of resurrection].
26. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined. The maximum capacity is not to exceed 150 persons excluding staff.
27. 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. If there are minor changes during the course of construction new plans shall be submitted with the application to remove this condition.
28. The sale and supply of alcohol for consumption off the premises shall be

restricted to a) alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs and where the supply of alcohol is by waiter or waitress service only; or b) in sealed containers only, and shall not be consumed on the premises or otherwise in Saint Martin's Courtyard.

29. There shall be no off sales after 23.00.

30. All tables and chairs in Saint Martin's Courtyard shall be rendered unusable by 23.00 each day.

31. 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.

32. 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.

**3 GROUND AND FIRST FLOOR, 21 SLINGSBY PLACE, LONDON, WC2E 9AB**

**LICENSING SUB-COMMITTEE No. 2**

*Thursday 1st August 2019*

Membership: Councillor Murad Gassanly (Chairman), Councillor Peter Freeman and Councillor Rita Begum

Councillor Murad Gassanly was substituting as Chairman for this meeting in place of Councillor Tim Mitchell

Legal Adviser: Barry Panto  
Committee Officer: Tristan Fieldsend  
Presenting Officer: Michelle Steward

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

Present: Mr Alun Thomas (Solicitor, representing the Applicant), Mrs Jane Moscrop (CBRE on behalf of Applicant Company), Mr Anil Drayan (Environmental Health) and Ms Angela Seaward (Licensing Authority)

**21 Slingsby Place, Ground and First Floor, London, WC2E 9AB**  
**("The Premises")**  
**19/06362/LIPN**

**1. Sale by Retail of Alcohol – On and Off Sales**

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

	<p><b>Seasonal Variations / Non-Standard Timings:</b></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 12:00 – 00:00.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by Longmartin Properties Ltd ("The Applicant") for a new premises licence in respect of 21 Slingsby Place, Ground Floor and Basement, London, WC2E 9AB.</p> <p>The Licensing officer introduced the application.</p> <p>Mr Thomas, representing the applicant, provided the Sub-Committee with an overview of where the Premises was located. The development it was situated on had been open for 10 years and within it was contained several existing restaurants and licensed premises. The Sub-Committee had before it applications for 3 premises which had been created by combining 2 retail units with an existing A3 unit and then re-dividing them. The result would be 3 restaurants, 2 of which were at the ground and first floor levels (21 and 23 Slingsby Place) and one (19 Slingsby Place) at ground and basement levels. Planning permission had been granted to permit the changes 6 months previously and the applications before the Sub-Committee were aligned with that permission. Mr Thomas recognised that the main concern raised over the applications related to the proposed ancillary bar use at the restaurants. To mitigate these concerns the applicant proposed to surrender the licence of the Sussex Public House. This pub was licensed to core hours, had limited conditions on the licence and permitted vertical drinking over 2 floors. If the Sub-Committee was minded to grant the application a condition would be imposed requiring this licence to be surrendered. The Council's Legal Adviser advised the Sub-Committee that the Sussex was no longer in operation and requested information from the applicant on what value surrendering the licence would have on the Cumulative Impact Area (CIA). In response Mr Thomas highlighted the 'Cheers Bar &amp; Grill' case which dealt with issues surrounding moving a licence from one location to another. The Sub-Committee was advised that the same issues did not apply for this application as the Sussex building still existed, unlike the building in the 'Cheers Bar &amp; Grill' case, with planning permission granted to redevelop the unit into a retail unit. Some of the works had already been undertaken at the Sussex with no provision for it to operate as a restaurant or bar. If the applicant wanted to, which they did not, they could revert the Sussex building back into a pub. The biggest difference between this application and the 'Cheers Bar &amp; Grill' case was that this application was not seeking to introduce any licensable activities back into the Sussex.</p>

Mr Thomas referred to paragraph 2.4.6 of the Council's Statement of Licensing Policy where it discussed examples of circumstances where exceptions to policy could be granted in a CIA. Mr Thomas advised that the applicant had made a conscious effort to change the use of the Sussex and if this had not been done it would likely to have continued to operate as a vertical drinking establishment. Paragraph 2.4.5 looked at the global and cumulative effects of licences on the area as a whole. In this case a licence for a large pub, which had no capacity and limited conditions, would be surrendered in exchange for 3 restaurants. The Sussex had an external tables and chairs licence which permitted 64 seats in addition to approximately 100 people standing outside drinking when the weather was fine. Overall the capacity would be in excess of 200 and therefore it was suggested that the removal of this licence and the granting of the three applications before the Sub-Committee would significantly reduce cumulative impact in the local area.

The Sub-Committee was provided with an overview of how the 3 units would be located within Slingsby Place. Subject to an Environmental Health assessment the maximum capacities of the units including the use of external areas were detailed as follows:

- 19 Slingsby Place – 150
- 21 Slingsby Place – 150
- 23 Slingsby Place – 200

The use of ancillary bar areas for the 3 units was proposed with the following capacities:

- 19 Slingsby Place – 20
- 21 Slingsby Place – 20
- 23 Slingsby Place – 25

Therefore, the maximum capacity for the ancillary bar areas across all 3 units was 65 which was 12% of total capacity. This was equivalent to the 64 external seats permitted for consuming alcohol at the Sussex.

In response to a question from Environmental Health (EH) Mr Thomas explained that there were two types of external areas at the units consisting of the terrace and the courtyard. Unit 19 had no external seating area currently proposed but planning permission for tables and chairs could potentially be applied for in the future and that was why an appropriate off sales condition had been applied for. With regard to Unit 21 the ancillary bar area was not directly accessible from the street. Part of the hatched blue area, which designated the ancillary bar area, was located on the first-floor terrace but this would be restricted through requiring this external area to be used by customers taking a table meal only after 21:00 hours. Finally, Unit 23 would be the largest unit with no direct access from the street to the ancillary bar area. The first-floor terrace area would also be restricted after 21:00 hours to those customers taking a table meal. Mr Thomas advised that the Council's Policy recognised that no direct access to bar areas was less likely to undermine the licensing objectives.

Mr Thomas explained that the hours sought for licensable activities were within core hours. It was recognised that the opening hours and hours permitting the sale of alcohol were concurrent on Fridays and Saturdays therefore not providing a 'winding down' period. The applicant had applied for these hours as they mirrored what was permitted under the planning permission. In addition, the Sub-Committee was advised this was also in accordance with policy HRS1.

The Sub-Committee was then advised by Mr Thomas on the conditions to be placed on the licences to ensure the licensing objectives were promoted. A last entry condition would be imposed preventing new customers from accessing the Premises 30 minutes prior to the cessation of licensable activities. The applicant did not wish the establishment to become a destination bar for a late drink and as such this condition would prevent this. No amplified music would be played on the terrace. In terms of deliveries these would be restricted to between 07:30 and 11:30 Monday to Saturday. This condition had been agreed with the Covent Garden Community Association in order to prevent any potential noise disturbance in the early or late evening. No deliveries would take place on Sundays. No waste, including bottles, would be moved, removed or placed on the highway between the hours of 23:00 and 08:00. Refuse would be stored in a service yard at the back of the development, off the street. It would be kept in this area until the specified collection times when it would be properly presented outside for collection. Specific procedures would also be implemented so the refuse procedures did not cause a nuisance. Proposals to install glass crushers at each unit were currently being assessed as another way of ensuring there were appropriate methods in place to dispose of waste. Additional conditions included the operation of a twenty-four-hour CCTV system and a requirement for all tables and chairs in St. Martin's Courtyard to be rendered unusable by 23:00 each day. In response to a question from the Council's Legal Adviser Mr Thomas confirmed that a proposed condition could be reworded to read "In the area(s) hatched blue on the deposited plans, alcohol can only be sold to and consumed by seated customers" (inserting the word "only"). Mr Thomas also confirmed that a condition should be imposed on the 21 Slingsby Place application, as it was at 23 Slingsby Place, preventing the use of the first-floor terrace after 22:00.

Mr Thomas acknowledged the representation received from the CGCA and advised that the proposed conditions had been offered in order to address any concerns they had. It was also suggested by Mr Thomas that the CGCA were content in principle with the application but were requesting that the total capacity for the ancillary bar areas across all three units be limited to 44 persons instead of the proposed 65. Mr Thomas advised that there was not a large difference between the two proposed capacities but restricting it to 44 across the three units would not make it efficacious.

Mr Thomas advised that any customers consuming alcohol only within the blue hatched areas would have to be seated with no direct access to these areas from the street. The ancillary bar areas were very limited and in conjunction with the surrender of the Sussex licence and the model conditions proposed represented a cumulative improvement in the local area and one which would promote the licensing objectives.

Mr Drayan, representing Environmental Health, confirmed that maximum capacities for each unit had been agreed with the applicant. These capacities would be excluding staff as they would have their own facilities. In order to provide further reassurance, if the Sub-Committee was minded to grant the application, it was suggested that the model noise nuisance condition (MC12) be added to the licence. It was also suggested that the model odour and fumes condition, model condition 87, be imposed. Whilst the extract for the Premises extended to the top of the building the opposite building was taller and therefore the potential for nuisance from odours existed. Mr Thomas advised that during the planning permission process the extract system was deemed suitable and as such it would not be necessary to impose this condition on the licence.

Ms Seward, representing the Licensing Authority, explained that they had submitted a representation as the Premises was located within a CIA and therefore policies CIP1, HRS1, RNT2 and PB2 had to be considered. It was acknowledged that the hours sought for licensable activities were within core hours. The opening hours matched the terminal hour for licensable activities on Friday and Saturday nights therefore not providing a 'winding down' period. The Council's Statement of Licensing Policy highlighted the benefits of 'winding down' periods and how they helped reduce crime and disorder and public nuisance. The applicant had offered model condition 66 to cover the restaurant area but due to the operation of an ancillary bar policy PB2 had to be considered. It was the Council's policy to refuse applications in the CIA for pubs and bars. Paragraph 2.5.3 was particularly concerned with restaurants in the CIA operating even in part as a bar. With regards to the external areas it was considered these were appropriately conditioned after 21:00 hours. However, before this time it was suggested that model condition 70 be imposed restricting the supply of alcohol to waiter/waitress service and making it ancillary to customers taking a table meal. The Sub-Committee was advised that the applicant had not agreed this proposed condition. Therefore, the Licensing Authority's representation was maintained and the Sub-Committee had to determine if the applicant had demonstrated exceptional circumstances to permit the granting of the application.

A further detailed discussion on the 'Cheers Bar & Grill' case was held during which Mr Thomas highlighted that the main difference between that and this application was that the Sussex had not been demolished and had exactly the same footprint. There was the potential for the applicant to utilise the Sussex as a public house but this was not intended by the applicant. Mr Drayan confirmed that EH had visited the Sussex and works undertaken to change the use of the venue into a retail venue were at an advanced stage. If the Sussex licence was surrendered a licence could be applied for in the future but not one which permitted vertical drinking unless exceptional circumstances were provided.

Mr Thomas noted the Licensing Authority's representation and in response suggested that the supply of alcohol in the external areas should only be ancillary to customers taking a table meal after 21:00 hours.

After very careful consideration the Sub-Committee agreed to grant the application. It was recognised that the Premises was located within a CIA

	<p>however the Sub-Committee considered the application an exception to policy due to the proposal to surrender the licence for the Sussex public house. Particular consideration was given to the ‘Cheers Bar &amp; Grill’ case but the Sub-Committee took the view that this application differed in that the Sussex building had not been demolished and was exactly the same footprint as when it operated as a pub. It was recognised that the Sussex was not currently in operation and was being developed for use as a retail unit. However, the potential existed for the establishment to be returned to a drink-led establishment, with no capacity restrictions and limited conditions. The applications for the three Premises at 19, 21 and 23 Slingsby Place would permit customers to drink alcohol only in designated areas but this would be limited across the three establishments to a maximum of 65 only. It was considered this was a significant reduction in comparison to the Sussex which had provision to allow for over 200 customers to drink alcohol only. The Sub-Committee took the view that this would constitute a reduction in cumulative impact in the local area. The hours sought for the application at Slingsby Place were also within core hours and the consumption of alcohol in external areas would be restricted after 21:00 hours to those customers taking a table meal. Further reassurance was provided that there was no direct access from the street to the hatched areas permitting the consumption of alcohol only. This in addition to the last entry condition prohibiting any new customers from entering the Premises 30 minutes prior to the cessation of licensable activities assured the Sub-Committee that the Premises would not become a drink-led, destination bar. The conditions suggested by EH to prevent potential noise and odour issues were also considered appropriate and therefore included on the licence.</p> <p>It was also noted that the current licence for unit 23 [18/09284/LIPT] would be surrendered if the new applications were granted. Having taken into account all the evidence the Sub-Committee was satisfied that the application was suitable for the local area and had addressed the concerns raised. The applicant had demonstrated that the application was appropriate, with the conditions considered proportionate and restrictive enough to ensure that it promoted the licensing objectives and did not add to cumulative impact. The Sub-Committee therefore granted the application accordingly.</p>
<p><b>2.</b></p>	<p><b>Late Night Refreshment – Indoors and Outdoors</b></p> <p>Monday to Thursday: 23:00 to 23:30 Friday to Saturday: 23:00 to 00:00</p> <p><b>Seasonal Variations / Non-Standard Timings:</b></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 12:00 – 00:00.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>

	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application (see reasons for decision in Section 1).</p>
<b>3.</b>	<p><b>Hours Premises are Open to the Public</b></p> <p>Monday to Sunday: 09:00 to 00:00</p> <p><b>Seasonal Variations / Non-Standard Timings:</b></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 12:00 – 00:30.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application (see reasons for decision in Section 1).</p>

<b>Conditions attached to the Licence</b>	
<b><u>Mandatory Conditions</u></b>	
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.	<p>(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.</p> <p>(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—</p>

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
  - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
  - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

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

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

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

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

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

7. The responsible person must ensure that—

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

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

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

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

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

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

Where -

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

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

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

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

#### **Conditions consistent with the operating schedule**

9. The premises shall operate primarily as a restaurant where, save for the area(s) hatched blue on the deposited plans:
- 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) 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 customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

10. There will be no provision of any take away service of food or drink for immediate consumption.

11. There will be no provision of any take away service of food or drink after 23:00.

12. In the area(s) hatched blue on the deposited plans, alcohol can only be sold to and consumed by seated customers.
13. In the area hatched blue, the maximum number of persons shall not exceed 20 at any time.
14. Last entry to the premises to new customers shall be 30 minutes prior to the cessation of licensable activities on the premises.
15. All windows and external doors shall be kept closed after 22:00 hours, except for the immediate access and egress of persons.
16. After 21:00 all external tables and chairs (including those situated on the first floor terrace area) shall only be used by customers taking a table meal.
17. No amplified music shall be played on the external terrace.
18. The first floor external terrace shall not be used later than 22:00.
19. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
20. 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.
21. 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:
  - i. all crimes reported to the venue
  - ii. all ejections of patrons
  - iii. any complaints received concerning crime and disorder
  - iv. any incidents of disorder
  - v. all seizures of drugs or offensive weapons
  - vi. any faults in the CCTV system,
  - vii. any refusal of the sale of alcohol
  - viii. any visit by a relevant authority or emergency service.
22. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

23. Deliveries to the premises shall only take place between 07:30 and 11.30 Monday to Saturday.
24. No waste or recyclable materials, including bottles, shall be moved, removed from or placed on the highway between 23.00 hours and 08.00 hours on the following day unless collections are arranged during the times for the Council's own commercial waste collection service for the street.
25. If the licence holder officers a delivery service (either directly or indirectly), specific procedures shall be in place so the activity does not cause nuisance either at or near the premises,
26. No licensable activities shall take place at the premises until premises licences 17/04590/LIPT (original reference number 05/05134/LIPCV) and 18/09284/LIPT (or such other number subsequently issued for the premises) has been surrendered [and is incapable of resurrection].
27. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined. The maximum capacity is not to exceed 150 persons excluding staff.
28. 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. If there are minor changes during the course of construction new plans shall be submitted with the application to remove this condition.
29. The sale and supply of alcohol for consumption off the premises shall be restricted to a) alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs and where the supply of alcohol is by waiter or waitress service only; or b) in sealed containers only, and shall not be consumed on the premises or otherwise in Saint Martin's Courtyard.
30. There shall be no off sales after 23.00.
31. All tables and chairs in Saint Martin's Courtyard shall be rendered unusable by 23.00 each day.
32. 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.
33. 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.

## LICENSING SUB-COMMITTEE No. 2

Thursday 1st August 2019

Membership: Councillor Murad Gassanly (Chairman), Councillor Peter Freeman and Councillor Rita Begum

Councillor Murad Gassanly was substituting as Chairman for this meeting in place of Councillor Tim Mitchell

Legal Adviser: Barry Panto  
Committee Officer: Tristan Fieldsend  
Presenting Officer: Michelle Steward

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

Present: Mr Alun Thomas (Solicitor, representing the Applicant), Mrs Jane Moscrop (CBRE on behalf of Applicant Company), Mr Anil Drayan (Environmental Health) and Ms Angela Seaward (Licensing Authority)

**23 Slingsby Place, Ground and First Floor, London, WC2E 9AB**  
**("The Premises")**  
**19/06367/LIPN**

**1. Sale by Retail of Alcohol – On and Off Sales**

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

**Seasonal Variations / Non-Standard Timings:**

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On Sundays prior to bank holidays 12:00 – 00:00.

Amendments to application advised at hearing:

None.

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

The Sub-Committee considered an application by Longmartin Properties Ltd ("The Applicant") for a new premises licence in respect of 23 Slingsby Place, Ground and First Floor, London, WC2E 9AB.

The Licensing officer introduced the application.

Mr Thomas, representing the applicant, provided the Sub-Committee with an

overview of where the Premises was located. The development it was situated on had been open for 10 years and within it was contained several existing restaurants and licensed premises. The Sub-Committee had before it applications for 3 premises which had been created by combining 2 retail units with an existing A3 unit and then re-dividing them. The result would be 3 restaurants, 2 of which were at the ground and first floor levels (21 and 23 Slingsby Place) and one (19 Slingsby Place) at ground and basement levels. Planning permission had been granted to permit the changes 6 months previously and the applications before the Sub-Committee were aligned with that permission. Mr Thomas recognised that the main concern raised over the applications related to the proposed ancillary bar use at the restaurants. To mitigate these concerns the applicant proposed to surrender the licence of the Sussex Public House. This pub was licensed to core hours, had limited conditions on the licence and permitted vertical drinking over 2 floors. If the Sub-Committee was minded to grant the application a condition would be imposed requiring this licence to be surrendered. The Council's Legal Adviser advised the Sub-Committee that the Sussex was no longer in operation and requested information from the applicant on what value surrendering the licence would have on the Cumulative Impact Area (CIA). In response Mr Thomas highlighted the 'Cheers Bar & Grill' case which dealt with issues surrounding moving a licence from one location to another. The Sub-Committee was advised that the same issues did not apply for this application as the Sussex building still existed, unlike the building in the 'Cheers Bar & Grill' case, with planning permission granted to redevelop the unit into a retail unit. Some of the works had already been undertaken at the Sussex with no provision for it to operate as a restaurant or bar. If the applicant wanted to, which they did not, they could revert the Sussex building back into a pub. The biggest difference between this application and the 'Cheers Bar & Grill' case was that this application was not seeking to introduce any licensable activities back into the Sussex.

Mr Thomas referred to paragraph 2.4.6 of the Council's Statement of Licensing Policy where it discussed examples of circumstances where exceptions to policy could be granted in a CIA. Mr Thomas advised that the applicant had made a conscious effort to change the use of the Sussex and if this had not been done it would likely to have continued to operate as a vertical drinking establishment. Paragraph 2.4.5 looked at the global and cumulative effects of licences on the area as a whole. In this case a licence for a large pub, which had no capacity and limited conditions, would be surrendered in exchange for 3 restaurants. The Sussex had an external tables and chairs licence which permitted 64 seats in addition to approximately 100 people standing outside drinking when the weather was fine. Overall the capacity would be in excess of 200 and therefore it was suggested that the removal of this licence and the granting of the three applications before the Sub-Committee would significantly reduce cumulative impact in the local area.

The Sub-Committee was provided with an overview of how the 3 units would be located within Slingsby Place. Subject to an Environmental Health assessment the maximum capacities of the units including the use of external areas were detailed as follows:

- 19 Slingsby Place – 150
- 21 Slingsby Place – 150
- 23 Slingsby Place – 200

The use of ancillary bar areas for the 3 units was proposed with the following capacities:

- 19 Slingsby Place – 20
- 21 Slingsby Place – 20
- 23 Slingsby Place – 25

Therefore, the maximum capacity for the ancillary bar areas across all 3 units was 65 which was 12% of total capacity. This was equivalent to the 64 external seats permitted for consuming alcohol at the Sussex.

In response to a question from Environmental Health (EH) Mr Thomas explained that there were two types of external areas at the units consisting of the terrace and the courtyard. Unit 19 had no external seating area currently proposed but planning permission for tables and chairs could potentially be applied for in the future and that was why an appropriate off sales condition had been applied for. With regard to Unit 21 the ancillary bar area was not directly accessible from the street. Part of the hatched blue area, which designated the ancillary bar area, was located on the first-floor terrace but this would be restricted through requiring this external area to be used by customers taking a table meal only after 21:00 hours. Finally, Unit 23 would be the largest unit with no direct access from the street to the ancillary bar area. The first-floor terrace area would also be restricted after 21:00 hours to those customers taking a table meal. Mr Thomas advised that the Council's Policy recognised that no direct access to bar areas was less likely to undermine the licensing objectives.

Mr Thomas explained that the hours sought for licensable activities were within core hours. It was recognised that the opening hours and hours permitting the sale of alcohol were concurrent on Fridays and Saturdays therefore not providing a 'winding down' period. The applicant had applied for these hours as they mirrored what was permitted under the planning permission. In addition, the Sub-Committee was advised this was also in accordance with policy HRS1.

The Sub-Committee was then advised by Mr Thomas on the conditions to be placed on the licences to ensure the licensing objectives were promoted. A last entry condition would be imposed preventing new customers from accessing the Premises 30 minutes prior to the cessation of licensable activities. The applicant did not wish the establishment to become a destination bar for a late drink and as such this condition would prevent this. No amplified music would be played on the terrace. In terms of deliveries these would be restricted to between 07:30 and 11:30 Monday to Saturday. This condition had been agreed with the Covent Garden Community Association in order to prevent any potential noise disturbance in the early or late evening. No deliveries would take place on Sundays. No waste, including bottles, would be moved, removed or placed on the highway between the hours of 23:00 and 08:00. Refuse would be stored in a service yard at the back of the development, off the street. It would

be kept in this area until the specified collection times when it would be properly presented outside for collection. Specific procedures would also be implemented so the refuse procedures did not cause a nuisance. Proposals to install glass crushers at each unit were currently being assessed as another way of ensuring there were appropriate methods in place to dispose of waste. Additional conditions included the operation of a twenty-four-hour CCTV system and a requirement for all tables and chairs in St. Martin's Courtyard to be rendered unusable by 23:00 each day. In response to a question from the Council's Legal Adviser Mr Thomas confirmed that a proposed condition could be reworded to read "In the area(s) hatched blue on the deposited plans, alcohol can only be sold to and consumed by seated customers" (inserting the word "only"). Mr Thomas also confirmed that a condition should be imposed on the 21 Slingsby Place application, as it was at 23 Slingsby Place, preventing the use of the first-floor terrace after 22:00.

Mr Thomas acknowledged the representation received from the CGCA and advised that the proposed conditions had been offered in order to address any concerns they had. It was also suggested by Mr Thomas that the CGCA were content in principle with the application but were requesting that the total capacity for the ancillary bar areas across all three units be limited to 44 persons instead of the proposed 65. Mr Thomas advised that there was not a large difference between the two proposed capacities but restricting it to 44 across the three units would not make it efficacious.

Mr Thomas advised that any customers consuming alcohol only within the blue hatched areas would have to be seated with no direct access to these areas from the street. The ancillary bar areas were very limited and in conjunction with the surrender of the Sussex licence and the model conditions proposed represented a cumulative improvement in the local area and one which would promote the licensing objectives.

Mr Drayan, representing Environmental Health, confirmed that maximum capacities for each unit had been agreed with the applicant. These capacities would be excluding staff as they would have their own facilities. In order to provide further reassurance, if the Sub-Committee was minded to grant the application, it was suggested that the model noise nuisance condition (MC12) be added to the licence. It was also suggested that the model odour and fumes condition, model condition 87, be imposed. Whilst the extract for the Premises extended to the top of the building the opposite building was taller and therefore the potential for nuisance from odours existed. Mr Thomas advised that during the planning permission process the extract system was deemed suitable and as such it would not be necessary to impose this condition on the licence.

Ms Seward, representing the Licensing Authority, explained that they had submitted a representation as the Premises was located within a CIA and therefore policies CIP1, HRS1, RNT2 and PB2 had to be considered. It was acknowledged that the hours sought for licensable activities were within core hours. The opening hours matched the terminal hour for licensable activities on Friday and Saturday nights therefore not providing a 'winding down' period. The Council's Statement of Licensing Policy highlighted the benefits of 'winding down' periods and how they helped reduce crime and disorder and public

nuisance. The applicant had offered model condition 66 to cover the restaurant area but due to the operation of an ancillary bar policy PB2 had to be considered. It was the Council's policy to refuse applications in the CIA for pubs and bars. Paragraph 2.5.3 was particularly concerned with restaurants in the CIA operating even in part as a bar. With regards to the external areas it was considered these were appropriately conditioned after 21:00 hours. However, before this time it was suggested that model condition 70 be imposed restricting the supply of alcohol to waiter/waitress service and making it ancillary to customers taking a table meal. The Sub-Committee was advised that the applicant had not agreed this proposed condition. Therefore, the Licensing Authority's representation was maintained and the Sub-Committee had to determine if the applicant had demonstrated exceptional circumstances to permit the granting of the application.

A further detailed discussion on the 'Cheers Bar & Grill' case was held during which Mr Thomas highlighted that the main difference between that and this application was that the Sussex had not been demolished and had exactly the same footprint. There was the potential for the applicant to utilise the Sussex as a public house but this was not intended by the applicant. Mr Drayan confirmed that EH had visited the Sussex and works undertaken to change the use of the venue into a retail venue were at an advanced stage. If the Sussex licence was surrendered a licence could be applied for in the future but not one which permitted vertical drinking unless exceptional circumstances were provided.

Mr Thomas noted the Licensing Authority's representation and in response suggested that the supply of alcohol in the external areas should only be ancillary to customers taking a table meal after 21:00 hours.

After very careful consideration the Sub-Committee agreed to grant the application. It was recognised that the Premises was located within a CIA however the Sub-Committee considered the application an exception to policy due to the proposal to surrender the licence for the Sussex public house. Particular consideration was given to the 'Cheers Bar & Grill' case but the Sub-Committee took the view that this application differed in that the Sussex building had not been demolished and was exactly the same footprint as when it operated as a pub. It was recognised that the Sussex was not currently in operation and was being developed for use as a retail unit. However, the potential existed for the establishment to be returned to a drink-led establishment, with no capacity restrictions and limited conditions. The applications for the three Premises at 19, 21 and 23 Slingsby Place would permit customers to drink alcohol only in designated areas but this would be limited across the three establishments to a maximum of 65 only. It was considered this was a significant reduction in comparison to the Sussex which had provision to allow for over 200 customers to drink alcohol only. The Sub-Committee took the view that this would constitute a reduction in cumulative impact in the local area. The hours sought for the application at Slingsby Place were also within core hours and the consumption of alcohol in external areas would be restricted after 21:00 hours to those customers taking a table meal. Further reassurance was provided that there was no direct access from the street to the hatched areas permitting the consumption of alcohol only. This in addition to the last entry condition prohibiting any new customers from entering

	<p>the Premises 30 minutes prior to the cessation of licensable activities assured the Sub-Committee that the Premises would not become a drink-led, destination bar. The conditions suggested by EH to prevent potential noise and odour issues were also considered appropriate and therefore included on the licence.</p> <p>It was also noted that the current licence for unit 23 [18/09284/LIPT] would be surrendered if the new applications were granted.</p> <p>Having taken into account all the evidence the Sub-Committee was satisfied that the application was suitable for the local area and had addressed the concerns raised. The applicant had demonstrated that the application was appropriate, with the conditions considered proportionate and restrictive enough to ensure that it promoted the licensing objectives and did not add to cumulative impact. The Sub-Committee therefore granted the application accordingly.</p>
<p><b>2.</b></p>	<p><b>Late Night Refreshment – Indoors and Outdoors</b></p> <p>Monday to Thursday: 23:00 to 23:30 Friday to Saturday: 23:00 to 00:00</p> <p><b>Seasonal Variations / Non-Standard Timings:</b></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 12:00 – 00:00.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application (see reasons for decision in Section 1).</p>
<p><b>3.</b></p>	<p><b>Hours Premises are Open to the Public</b></p> <p>Monday to Sunday: 09:00 to 00:00</p> <p><b>Seasonal Variations / Non-Standard Timings:</b></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 12:00 – 00:30.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>

	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application (see reasons for decision in Section 1).</p>
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<b>Conditions attached to the Licence</b>	
<b><u>Mandatory Conditions</u></b>	
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.	<p>(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.</p> <p>(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;</p> <p style="padding-left: 40px;">(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or</p> <p style="padding-left: 40px;">(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</p> <p>(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;</p> <p>(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;</p>

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

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

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

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

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

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

7. The responsible person must ensure that—

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

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

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

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

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

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

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

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

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

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

Where -

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

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

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

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

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

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

paragraph rounded up to the nearest penny.

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

**Conditions consistent with the operating schedule**

9. The premises shall operate primarily as a restaurant where, save for the area(s) hatched blue on the deposited plans:
- 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) 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 customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

10. There will be no take away service of food or drink for immediate consumption.
11. There will be no provision of any take away service of food or drink after 23:00.
12. In the area(s) hatched blue on the deposited plans, alcohol can only be sold to and consumed by seated customers.
13. In the area hatched blue, the maximum number of persons shall not exceed 25 at any time.
14. Last entry to the premises to new customers shall be 30 minutes prior to the cessation of licensable activities on the premises.
15. All windows and external doors shall be kept closed after 22:00 hours, except for the immediate access and egress of persons.
16. After 21:00 all external tables and chairs (including those situated on the first floor terrace area) shall only be used by customers taking a table meal.
17. No amplified music shall be played on the external terrace.
18. The first floor external terrace shall not be used later than 22:00.
19. The premises shall install and maintain a comprehensive CCTV system as per

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

20. 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.
21. 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:
  - i. all crimes reported to the venue
  - ii. all ejections of patrons
  - iii. any complaints received concerning crime and disorder
  - iv. any incidents of disorder
  - v. all seizures of drugs or offensive weapons
  - vi. any faults in the CCTV system,
  - vii. any refusal of the sale of alcohol
  - viii. any visit by a relevant authority or emergency service.
22. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
23. Deliveries to the premises shall only take place between 07:30 and 11.30 Monday to Saturday.
24. No waste or recyclable materials, including bottles, shall be moved, removed from or placed on the highway between 23.00 hours and 08.00 hours on the following day unless collections are arranged during the times for the Council's own commercial waste collection service for the street.
25. If the licence holder officers a delivery service (either directly or indirectly), specific procedures shall be in place so the activity does not cause nuisance either at or near the premises,
26. No licensable activities shall take place at the premises until premises licences 17/04590/LIPT (original reference number 05/05134/LIPCV) and 18/09284/LIPT (or such other number subsequently issued for the premises) has been surrendered [and is incapable of resurrection].
27. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined. The maximum capacity is not to

exceed 200 persons excluding staff

28. 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. If there are minor changes during the course of construction new plans shall be submitted with the application to remove this condition.
29. The sale and supply of alcohol for consumption off the premises shall be restricted to a) alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs and where the supply of alcohol is by waiter or waitress service only; or b) in sealed containers only, and shall not be consumed on the premises or otherwise in Saint Martin's Courtyard.
30. There shall be no off sales after 23.00.
31. All tables and chairs in Saint Martin's Courtyard shall be rendered unusable by 23.00 each day.
32. 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.
33. 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.

The Meeting ended at 12.10 pm

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

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