



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (6)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (6)** held on **Thursday 19th September, 2019**, Rooms 18.01 and 18.02, 64 Victoria Street, London, SW1E 6QP.

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

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

1 CONSIDERATION OF STREET TRADING LICENCE APPLICATIONS FOR STRUTTON GROUND MARKET

LICENSING SUB-COMMITTEE No. 6

Thursday 19th September 2019

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

Legal Adviser: Horatio Chance
Policy Adviser: Aaron Hardy
Committee Officer: Tristan Fieldsend
Environmental Health: Sally Fabbricatore
Presenting Officers: Michelle Steward and Jonathan Russell-Lloyd

1.1 The Sub-Committee considered applications for permanent street trading licences in respect of 13 pitches on Strutton Ground Market. On 20 March 2019 the Licensing Committee approved the strategy and process for determining applications. As part of the Strategy, the Licensing Service advertised the vacancies for Strutton Ground Market pitches between 1 June 2019 and 31 July 2019. All of the applications were reviewed against the criteria by officers from the Licensing Service, Environmental Health, and City Economic and Development teams who provided an initial score. Following

their initial score the Applicants were invited to attend an interview to assist their applications.

- 1.2 Licensing received in total 13 applications from 11 applicants. Under the market strategy scoring criteria a trader was required to have a minimum score of 50% (out of a total of 185 points) or above to be recommended for the grant of a Street trading licence. An outline of each applicant is set out below along with the officers recommendation:

APPLICANT	PITCH	DESCRIPTION	SCORE	RECOMMENDATION
Corinne Plocki	1509	Sells a variety of hot French food	100	Grant
Kristina Wilshire	1503	Sells variety of hot and cold salads	145	Grant
Cristiano Meneghin	1502	Sells hot food e.g. burgers, steak, chicken and fries	161	Grant
Kim Smith	1506 & 1507	Sells salads and different ciabatta roll options	145	Grant
Dipen Patel	1513 & 1514	Sells hot food including curry, samosas and biryani	145	Grant
Nellie Katerina Tsilidis	1518	Sells hot food including Greek souvlaki, pitta bread, salads stews and soups	110	Grant
Zoya Bako	1511	Sells hot food including kebabs, pitta bread wraps and rice boxes	110	Grant
Jospeh Albitchino	1501	Sells Mediterranean hot food and cold beverages	145	Grant
Marcos Diaz Solis	1516	Sells hot food including tapas, omelettes and paella	155	Grant
Rury Fischelt	1504	Sells hot food including	125	Grant

		wraps/burritos, tacos and quesadillas		
Daniele Sergio	131	Sells hot food including tuna and swordfish burgers, fried seafood and fish wraps	131	Grant

- 1.3 The Applicants present were asked to provide feedback on the new process and the Sub-Committee noted the comments received. The Chairman confirmed that these would be fed back to the Licensing Service to help inform the process for future applications and deliver best practice.
- 1.4 The Sub-Committee discussed the proposed additional conditions to be placed on each granted licence. The Applicants present confirmed that they were content with the additional conditions being imposed on each licence.
- 1.5 In reaching a decision, the Licensing Sub-Committee took account of all the details in the report, including the summary of each application and the officers' scoring based on the criteria set out in the report; any supplementary information provided by each applicant within the report; and additional oral submissions made by each Applicant during the course of the hearing.

RESOLVED:

- 1) That the Sub-Committee approve the recommendations of the applications as set out in paragraph 1.2 above; and
 - 2) That the following additional conditions be attached to each granted licence:
 - i) The use of the following items will be prohibited for any licence holder selling fresh produce and/or take away food and beverages of any kind:
 - Plastic* take away food containers
 - Foil and aluminium take away food containers (this does not include aluminium foil)
 - Plastic* cutlery
 - Plastic* bags
 - Non-recyclable (e.g. plastic lined) hot drink cups
 - Plastic* lids of any kind (e.g. hot drink cup, soup, container)
- * This includes all types of oil-based plastics, including polystyrene but does not include bio-plastics such as Polyactic acid (PLA).

- ii) The licence holder must have a protective mat beneath their pitch to protect the highway from any damage.
- iii) All licence holders are required to clean their gazebo/s and associated pitch equipment at least once a year.

2 THE CHEESE BAR BARGE, PADDINGTON BASIN, SHELDON SQUARE, LONDON, W2 6DS

LICENSING SUB-COMMITTEE No. 6

Thursday 19th September 2019

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

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

Relevant Representations: Licensing Authority, South East Bayswater Residents' Association, Paddington Waterways and Maida Vale Society and one local resident

Present: Mr Andrew Woods (Solicitor, representing the Applicant), Mr Matt Carver (Applicant) and Mr John Zamit (South East Bayswater Residents Association)

The Cheese Bar Barge, Paddington Basin, Sheldon Square, London, W2 6DS ("The Premises") 19/06103/LIPN	
1.	<p>Sale by Retail of Alcohol (Roof Area) – On and Off Sales</p> <p>Monday to Wednesday: 10:00 to 21:30 Thursday to Saturday: 10:00 to 22:00 Sunday: 12:00 to 21:30</p> <p>Sale by Retail of Alcohol (Inside the Premises) – On and Off Sales</p> <p>Monday to Saturday: 10:00 to 23:00 Sunday: 12:00 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 considered an application by The Cheese Truck Ltd ("The Applicant") for a new premises licence in respect of The Cheese Bar Barge,</p>

Paddington Basin, Sheldon Square, London, W2 6DS.

The Licensing officer introduced the application and confirmed that the Police and Environmental Health had withdrawn their representations following the agreements of conditions with the Applicant.

Mr Woods, representing the Applicant, confirmed that extensive discussions had taken place between the Applicant and interested parties. Following these discussions, the Police and Environmental Health (EH) had both withdrawn their representations, and the Sub-Committee was advised that the South East Bayswater Residents Association (SEBRA) and the Paddington Waterways and Maida Vale Society (PWMVS) were both content with the proposed conditions. Therefore, only one residential representation remained from a local resident who was not in attendance. The proposed hours permitting the sale by retail of alcohol were within the Council's core hours policy. It had been agreed to limit the capacity of the roof area to a maximum of 20 customers with the internal area limited to a maximum of 35. This internal area would function solely as a restaurant whilst the roof area, which had shorter hours for licensable activities, would permit customers to consume alcohol only. The roof area however would have a food provision and all customers would have to be seated and served by waiter/waitress service only. Further conditions had also been agreed to prevent any noise nuisance and ensure all outside furniture was rendered unusable after 21:30 hours Sunday to Wednesday and 22:00 hours Thursday to Saturday. The Sub-Committee noted that the Applicant was an experienced operator with two other successful restaurants located in London. It was considered that the application promoted the licensing objectives and it was intended for the operation to open in December 2019.

Mr Zamit, representing SEBRA, explained that he was attending the Sub-Committee as a residential objection to the application remained. Initial concerns had been raised over the location of the barge opposite residential properties and the potential for noise disturbance. However, after productive discussions with the Applicant these concerns had been addressed through the agreement of appropriate conditions. Mr Zamit was particularly pleased that activity on the roof area would now cease after 21:30 hours.

In response to questions from the Sub-Committee the Applicant advised that after 21:30 hours the possibility of allowing smokers to use a covered, external area located at the front of the barge were being explored. Bins would also be installed on the roof area to prevent any refuse from being thrown by customers into the canal and this area would also be appropriately supervised by staff. Finally, Mr Woods advised that attempts to contact the one resident who had made a representation had been made but no response had been received.

After careful consideration the Sub-Committee agreed to grant the application accordingly. The Sub-Committee was pleased to note the extensive level of constructive engagement undertaken by the Applicant with the Responsible Authorities and local residents. As a result of this the Police and EH had withdrawn their representations and appropriate conditions had been agreed with SEBRA and PWMVS which addressed their initial concerns. This included rendering all outside furniture unusable after 21:30 hours and requiring the

	<p>supply of alcohol on the roof area to be by waiter/waitress service only to customers seated. In addition no music would be permitted on the roof area which would also be restricted to a maximum capacity of 20 customers to prevent nuisance. The Sub-Committee was also pleased that the Applicant had scaled back the use of the roof area which would now not be permitted for use after 21:30 hours. The proposed conditions were considered appropriate for the style of operation and restrictive enough to ensure local residents were unlikely to experience any potential noise nuisance.</p> <p>Having taken into account all of the evidence the Sub-Committee was satisfied that the application was suitable for the local area and had addressed any concerns raised. The Applicant had demonstrated that the application was appropriate, with the conditions considered proportionate and restrictive enough to ensure that it had the overall effect of promoting the licensing objectives. The Sub-Committee therefore granted the application accordingly.</p>
<p>2.</p>	<p>Recorded Music (Roof Area)</p> <p>Monday to Wednesday: 10:00 to 21:30 Thursday to Saturday: 10:00 to 22:00 Sunday: 12:00 to 21:30</p> <p>Recorded Music (Inside the Premises)</p> <p>Monday to Saturday: 10:00 to 23:00 Sunday: 12:00 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>
<p>3.</p>	<p>Hours Premises are Open to the Public</p> <p>Monday to Friday: 08:00 to 23:00 Saturday: 09:00 to 23:00 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>

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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 imposed by the Licensing Authority after a hearing

9. Means of escape shall be maintained, unobstructed, immediately available and clearly identifiable.

10. Exit doors shall be checked before opening each day to ensure they function satisfactorily.

11. Furniture at the premises for customer use shall remain in position and not be removed save for the roof area after licensable activities cease.

12. The premises licence holder shall undertake regular rubbish collections within the premises and in the immediate vicinity of the premises.

13. Notices shall be prominently displayed at each exit from the premises asking patrons to be considerate to neighbours when leaving.

14. Regular glass and litter collections shall be carried out in all areas where customers are congregating.

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

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

17. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

18. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24

hours of the incident and will record the following:

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

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

20. All tables and chairs on the roof shall be rendered unusable when licensable activities cease.

21. The number of customers permitted to use the roof area will be limited to 20 people and all customers on the roof area must be seated at all times.

22. There will be no music or entertainment permitted on the roof area.

23. Substantial meals will be available on the roof area at all times that the roof area is available to customers.

24. Save for the roof area limited to a maximum of 20 people at any one time, the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

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

26. Any servicing of the premises will be undertaken using rubber wheeled trollies and will only take place between 08:00 and 18:00.

27. There will be no deliveries to the premises after 18:00 or before 08:00 the following morning.

28. There will be no collections of waste or recycling materials, including bottles, from the premises between 18:00 and 08:00 on the following days.

29. No noise generated on the premises or by its associated plants or equipment shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

30. Sale of alcohol shall only be by waiter/waitress service to persons seated.

31. There shall be no consumption of alcohol on the roof, or use of the roof, after 21:30 Sun-Weds, 22:00 Thurs-Sat.

32. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed: The roof area: 20; inside: 35.

3 BASEMENT, 21 RUPERT STREET, LONDON, W1D 7PJ

LICENSING SUB-COMMITTEE No. 6

Thursday 19th September 2019

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

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

Relevant Representations: Metropolitan Police and the Licensing Authority

Present: Mr Richard Wormold QC (Counsel, representing the Applicant), Mr Alun Thomas (Solicitor, representing the Applicant), Ms Cosmina Stan (Asset Manager of the Applicant Company), PC Brian Lewis (Metropolitan Police) and Ms Daisy Gadd (Licensing Authority)

Basement, 21 Rupert Street, London, W1D 7PJ (“The Premises”) 19/09071/LIPN	
1.	<p>Sale by Retail of Alcohol – On Sales</p> <p>Monday to Sunday: 10:00 to 03:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>An additional hour on the morning that British Summer Time commences.</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>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 London Trocadero (2015) LLP (“The Applicant”) for a new premises licence in respect of Basement, 21 Rupert Street, London, W1D 7PJ.</p> <p>The Licensing officer introduced the application which was for a shadow licence on the exact same terms as the Premises licence. The Metropolitan Police were requesting that the application be adjourned and therefore the Sub-Committee</p>

would have to consider this preliminary issue before making a decision on the application.

PC Lewis, representing the Metropolitan Police, confirmed that they were requesting for the application to be adjourned. Following an extremely serious incident at the Premises on 25 August 2019 an expedited review had been held. The circumstances of the incident were clearly linked to failings at the Premises and were so serious it had led to the endangerment of members of the public. At the expedited review hearing held on 30 August 2019 the Sub-Committee decided to take the interim steps of suspending the Premises Licence. On 23 September 2019 a full review hearing was scheduled where the Police would be seeking a revocation of the licence in order to act as deterrent. If the licence was revoked on 23 September 2019 then there would be no licence to shadow, which was what was being applied for in the application before the Sub-Committee today. If this application was granted, then that would undermine the interim steps taken previously.

PC Lewis explained that there were concerns over whether in regard to the incident the Applicant had acted responsibly. This required further detailed discussion at the hearing on 23 September 2019 before a shadow licence should be granted. In terms of the City Council's Statement of Licensing Policy (SLP) the granting of shadow licences were regarded as having the potential to undermine any sanctions imposed by a Sub-Committee. Therefore, the Police was of the opinion that it was vitally important to adjourn the application to a future date on the basis it was in the public interest to do so.

Mr Wormold, representing the Applicant, acknowledged that review proceedings were scheduled to take place on 23 September 2019 where the Police were seeking revocation of the licence held by the tenant. If the licence was revoked then that would result in the landlord having to make an application for a new licence in the Cumulative Impact Area (CIA), therefore making it unlikely for it to be granted on the same terms as currently permitted. To preserve the landlord's position in the event the tenant's licence was revoked a shadow licence application had been made to the Licensing Authority.

The Sub-Committee was advised by Mr Wormold that the Applicant was a responsible landlord who held a significant commercial interest in the Leicester Square area. They had invested substantial funds in redeveloping the Trocadero providing an upmarket offer including a 700-bedroom hotel. It was in their interest for the Premises in question to be operated responsibly to late hours, attracting an international clientele to a high-class nightclub. It was recognised that revocation of the licence was a potential sanction and this would have serious ramifications for the Applicant. It was stressed that it was the current tenant who had breached the conditions on the licence and if the licence was therefore revoked then it would be impossible in future to operate the Premises as a nightclub. It was stated that when the Premises Licence Holder was originally granted the licence, it was agreed for the Premises to run as a nightclub and Leicester Square was considered the ideal location for it. The shadow licence application had been submitted on 24 July 2019, a month prior to the serious incident in question. The Sub-Committee was advised that the application had been submitted as part of the Applicant's decision at board

	<p>level to have shadow licences on all their Premises so that they were able to exert a greater degree of control over their properties. Currently, if the tenant held a licence but the landlord did not then the tenant had the position of power, a situation the landlord was hoping to address. This application was a deliberate move by the Applicant, who was a responsible landlord, to become more involved in the licensing aspect of its Licensed Premises. If the application was to be adjourned by the Sub-Committee, then this application would fall away as there would be no licence to shadow.</p> <p>Miss Gadd, representing the Licensing Authority, supported the Police’s request to adjourn the application. It was confirmed that on 30 August 2019 the Sub-Committee had agreed to suspend the licence to prevent any licensable activities from taking place at the Premises until the review hearing scheduled for 23 September 2019. If the application for a shadow licence was granted licensable activities would be permitted at the Premises irrespective of any potential sanctions that may be imposed on 23 September 2019. Given that there was outstanding review proceedings for the Premises it was believed that it was in the public interest to adjourn the application until after the review hearing on 23 September 2019. This was so as not to undermine the review proceedings and interim steps taken by the Sub-Committee on 30 August 2019 to suspend the existing Premises licence.</p> <p>The Legal Adviser to the Sub-Committee clarified for all parties that at the review hearing scheduled for 23 September 2019 the Sub-Committee had a range of options available to it under the provisions of the Licensing Act 2003 of which revocation was only one. Therefore, it did not automatically follow that the Sub-Committee would revoke the Premises Licence because each case had to be considered on its individual merits in light of the evidence before it.</p> <p>The Sub-Committee very carefully considered the request from the Police to adjourn the application and considered that they, and the Licensing Authority, had both presented strong evidence as to why it should happen. It was acknowledged that the Applicant had expressed concerns about the outcome of the review hearing scheduled for 23 September 2019. However, the Sub-Committee was not in a position, and did not wish to, pre-judge what decision may be taken at this hearing. The Sub-Committee sitting on 23 September 2019 had wide-ranging powers and the suggestion by the Applicant that it might result in revocation of the licence was by no means certain. Having taken into account the evidence provided by all parties, it was considered that it was in the public interest to adjourn the application to a future date. This would ensure that the review proceedings and interim steps taken by the Sub-Committee on 30 August 2019 to suspend the existing premises licence would not be undermined.</p>
<p>2.</p>	<p>Late Night Refreshment - Indoors</p> <p>Monday to Sunday: 23:00 to 03:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>An additional hour on the morning that British Summer Time commences.</p>

	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee adjourned the application (see reasons for decision in Section 1).
3.	<p>Plays, Films, Live Music, Recorded Music, Performances of Dance and anything of a Similar Description - Indoors</p> <p>Monday to Sunday: 09:00 to 03:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>An additional hour on the morning that British Summer Time commences.</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>
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee adjourned the application (see reasons for decision in Section 1).
4.	<p>Hours Premises are Open to the Public</p> <p>Monday to Sunday: 09:00 to 03:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>An additional hour on the morning that British Summer Time commences.</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>
	Amendments to application advised at hearing: None.

	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee adjourned the application (see reasons for decision in Section 1).</p>
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4 THE GEORGE & DRAGON PUBLIC HOUSE, 151 CLEVELAND STREET, LONDON, W1T 6QN

LICENSING SUB-COMMITTEE No. 6

Thursday 19 September 2019

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

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

Relevant Representations: Nine local residents (objecting)

Present: Mr Craig Bayliss (Solicitor, representing the Applicant), Mr Toby Pullen and Ms Suzanne Steer (local resident)

<p>The George & Dragon Public House, 151 Cleveland Street, London, W1T 6QN ("The Premises") 19/09049/LIPV</p>	
1.	<p>Layout Alteration</p> <p>The changes sought under this variation application are as follows:</p> <ol style="list-style-type: none"> 1. To relocate the toilet provision to the basement. 2. To create a new entrance door. 3. To increase the licensed area on the ground floor. <p>There are no changes sought to the operating schedule or licensable activities.</p>
	<p>Amendments to application advised at hearing:</p> <p>The Applicant confirmed to the Sub-Committee that the proposals would not increase the size of the licensable area on the ground floor.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by H Company 2 Ltd for a variation of a premises licence in respect of The George & Dragon Public House, 151 Cleveland Street, London, W1T 6QN.</p>

The Licensing Officer introduced the application and confirmed that the Police had withdrawn their representation following the agreement of conditions with the Applicant.

Mr Bayliss, representing the Applicant, explained that the variation application before the Sub-Committee had been submitted by the freeholder and related to a small number of minor layout alterations. The previous licence had been operated by the former tenant but this had subsequently been taken back by the Applicant. There had been significant investment in the property to upgrade its facilities and this included providing new staff accommodation, installing a kitchen on the upper floor and a toilet in the basement. Mr Bayliss clarified that these layout alterations would not result in any increase in the licensable area on the ground floor. It was also acknowledged that the licence was old and therefore contained very few conditions on it. The Sub-Committee was advised that the Applicant had only recently been made aware of the issues around the operation of the Premises under the previous tenant. The new tenant due to take over the operation of the Premises had a good licensing history, had invested funds to renovate the property and would live on-site at the establishment. It was therefore in the tenant's best interests to foster good working relationships with residents in the local area. A further reassurance was provided that if the tenant breached any of the conditions on the licence they would in turn be in breach of their lease obligations/covenants and therefore be removed as the operator of the Premises.

Mr Pullen, representing the Applicant provided details on the new tenant. It was explained the tenant had previously taken over, and significantly improved, an establishment in Clapham which had been causing concern to local residents. The tenant would be living on the Premises and was aware that relationships with local residents required improving. The Applicant wanted to ensure the venue became an important feature of the community. As such it was intended to create a forum consisting of the tenant, the freeholder and residents in an attempt to improve levels of engagement and resolve any potential operational issues.

Ms Steer, a local resident, highlighted the narrow nature of Greenwell Street and how customers drinking outside the Premises led to noise disturbance to local residents. The issue of noise management was the key issue and Ms Steer suggested preventing any external consumption of alcohol after 21:30 or 22:00 hours. The Sub-Committee was informed that customers often spilled out of the Premises onto the nearby street which was not only a noise nuisance but often prevented residents from walking on the pavements. The Sub-Committee was advised that the Premises had previously been community focused but in recent years had developed more into a wine bar catering for nearby office workers.

Mr Pullen confirmed that the Applicant operated 8 public houses across London and was very experienced in dealing with tenants and working in conjunction with local residents. The new tenant intended to refocus the venue to be more community focused and enter into dialogue with residents to find solutions to any potential issues. The issues around customers drinking on the street were noted and Mr Pullen suggested external CCTV could potentially be installed at the Premises.

Mr Bayliss highlighted that the layout alterations had been approved by the City Council's Planning Department and English Heritage. In terms of the new doorway its primary purpose was to create a new entrance and lobby for the staff accommodation upstairs. He suggested that the new tenant be provided with an opportunity to operate the Premises and if residents experienced issues they could initiate review proceedings.

The Sub-Committee carefully considered the application on its individual merits and had regard to the representations made by local residents. It was recognised that residents had experienced nuisance from the Premises previously especially in relation to customers drinking outside. The Sub-Committee noted however that the licence had subsequently been taken back by the Applicant and it was proposed to install a new live-in tenant at the Premises. This provided reassurance that improved levels of engagement with the local community and good management would be prioritised when the establishment reopened following its refurbishment. The Sub-Committee was also pleased with the Applicant's confirmation that there would be improved lines of communication with residents. The importance of this was stressed to all parties to ensure that any operational issues, such as crowds congregating outside the establishment, could be addressed at early stage and properly managed so as not to cause a nuisance. The Applicant's suggestion that external CCTV be installed was welcomed but the Sub-Committee felt it was inappropriate to add this as a condition on the licence at this stage. Confirmation that there would be no increase in the licensable area on the ground floor was welcomed along with the clarification that the new door would primarily be used to service the staff accommodation. The variation sought to the Premises layout was considered minor by the Sub-Committee and appropriate in the circumstances.

Having taken into account all the evidence (with consideration being given to the representations received from local residents) 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 that the conditions imposed on the Premises Licence by the Sub-Committee would have the overall effect of promoting the licensing objectives. The Sub-Committee therefore granted the application accordingly.

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.

9. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (a) He is the child of the holder of the premises licence.
- (b) He resides in the premises, but is not employed there.
- (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding

of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

10. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Conditions attached by the Licensing Authority after a hearing

11. No children shall be allowed on the premises, proof of age shall be requested.
12. Live Music shall be permitted on Sunday from 12:00 to 18:00.
13. Live music is restricted to being unamplified with a maximum of two performers.
14. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
15. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested
16. There shall be no sales of alcohol for consumption off the premises before 10:00 Monday to Saturday and 12:00 on Sunday's.
17. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram

An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder

- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system, searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

18. Alcohol may be sold or supplied:

- (a) On Monday to Thursday 10.00 to 23.30.
- (b) On Sundays 12.00 to 22.30.
- (c) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (e) the taking of alcohol from the premises by a person residing there;
- (f) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (g) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

The Meeting ended at 1.29 pm

CHAIRMAN: _____

DATE _____