



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (4)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** held on **Thursday 11th November, 2021**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Karen Scarborough (Chairman), Heather Acton and Aicha Less

1. MEMBERSHIP

THERE WERE NO CHANGES TO THE MEMEBERSHIP.

2. DECLARATIONS OF INTEREST

THERE WERE NO DECLARATIONS OF INTEREST.

1 Licensing Applications

2. PLAYHOUSE THEATRE, NORTHUMBERLAND AVENUE, WC2N 5DE

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 4 ("The Committee")

Thursday 11 November 2021

Membership: Councillor Karen Scarborough (Chairman) Councillor Heather Acton and Councillor Aicha Less

Officer Support: Legal Advisor: Viviene Walker
Policy Officer: Aaron Hardy
Committee Officer: Sarah Craddock
Presenting Officer: Emanuela Meloyan

Application for a Variation of Premises Licence in respect of Playhouse Theatre Northumberland Avenue London WC2N 5DE 21/10146/LIPV

Premises

Playhouse Theatre
Northumberland Avenue
London WC2N 5DE

Applicant

Playhouse Theatre Limited
Represented by James Rankin (Counsel, Francis Taylor Buildings), Ewen Macgregor (Agent of TLT Solicitors), Michael Bond (Theatre Manager, Playhouse Theatre) and Andrew Rawlinson (Director, London and West End Theatre)

Cumulative Impact Area?

The Premises are not in a Cumulative Impact Area

Ward

St James's

Special Consideration Zone?

West End

Proposed Licensable Activities and Hours

This application seeks the following:

- To vary the layout and design of the premises in accordance with the plans found at **Appendix 1**, to now reconfigure the internal layout of the premises to reflect but not limited to: change in auditorium layout at each level, including the repositioning of stage on ground floor, resulting in an overall decrease in capacity of the venue; at basement level repositioning of bar and redefined hospitality space; at ground floor level utilisation of the established stage door entrance for customers on Craven Street and repositioning of bar; and, at second floor level, repositioning of bar and new mobile concession points. Locations of fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.
- To remove conditions 18 and 26
- To add an additional condition

Representations Received

- Metropolitan Police Service (withdrawn 28 October 2021)
- Environmental Health Service (Anil Drayan)
- Sterling Estates Management Limited, Agents for the Freeholder
- Six Local Residents (Helen Brown, James Lapushner, Mark Adams,

- Dr. Shareen Chua, Martin Deutz and Daniel Loo) Richard Brown, Licensing Lawyer, Westminster Citizens Advice Bureau represented Martin Deutz and Shareen Chua)

Summary of issues raised by objectors

- Environmental Health were concerned that the application may undermine the Licensing Objectives of Public Nuisance and Public Safety.
- The residents were concerned about noise levels, the congestion in Craven Street as well as the potential for drunken disorderly behaviour and its wider ramifications to the street and the residents.

Policy Position

Under Policy HSR1 applications for hours outside the core hours set out in Clause 3 will be considered on their merits, subject to other relevant policies in the Statement of Licensing Policy.

Under Policy CCSOS1(A) applications outside the West End Cumulative Zones will generally be granted subject to not being contrary to other policies in the SLP.

SUBMISSIONS AND REASONS

Ms Emanuela Meloyan, Senior Licensing Officer, summarised the application set out in the report before the Sub-Committee. She advised that the application was for a Variation to the Premises Licence which intended to operate as a theatre. She further advised that representations had been received from the Environmental Health Service and interested parties; and that the Metropolitan Police Service who had subsequently withdrawn their representation. The Sub-Committee noted that the Premises are situated within the St James's Ward but not in the West End Cumulative Impact Zone. The Sub-Committee further noted that the Premises are situated in the West End Special Consideration Zone.

Mr Rankin, representing the applicant, addressed the Sub-Committee and explained that the Playhouse Theatre was bringing cabaret back to the West End by transforming the theatre into the famous Kit Kat Club. He apologised to the residents for the noise that the building work had created and confirmed to the Sub-Committee that Environmental Health Service had now agreed to remove the works condition on the Premises Licence.

Mr Rankin advised that the application was in two parts: the amendment to the layout of the Premises and the removal of conditions 18 and 26 on the Premises Licence. He further advised that the theatre wished to reduce its capacity by 25% from 819 patrons to 635 patrons. He referred to the Premises plans and outlined how customers would receive an immersive experience by entering the theatre through the stage door and by following a secret path, where actors would be performing in small alcoves, until finally arriving in the newly recreated Kit Kat Club. Mr Rankin then advised the Sub-Committee of the new configuration of the theatre.

Mr Rankin emphasised how important it was that stage door 1 was used as an entrance to the theatre. He advised that there would be a post and rope system in place to ensure that there was no obstruction of the pavement in Craven Street, which was a grave concern of the residents. He outlined that there would be three people servicing the door: one checking tickets, one checking covid passports and a SIA doorman. He highlighted that the stage door would be used up to 7.30pm and that any late comers would need to use stage door 2 which was for disabled access. He stated that the main entrance would now be used by customers to exit the theatre.

Mr Rankin stated that the Premises had been a theatre since 1882, however, this was the first time that an application had been made to restrict the way customers accessed the theatre. He requested that the Sub-Committee noted the reduction in capacity and that the theatre would encourage taxis cars to drop off and collect customers in the underpass off Craven Street. He referred the Sub-Committee to the theatre's strict dispersal policy at page 9 of the additional information pack and advised that man security would be available in Craven Street and at the front of the theatre from 12.15pm until at least 22.40 at night.

Mr Rankin advised that after 7.30pm the sale of alcohol would cease until the interval and there would be no sale of alcohol after the performance to prevent customers lingering in the theatre. He then referred to the Environmental Health Services' proposed conditions which set out how the theatre needed to operate in order to promote the licensing objectives and advised that the two directors and all the staff at the Playhouse theatre were very experienced and hands on so would ensure the promotion of the four licensing objectives.

Mr Rankin addressed the Sub-Committee on the second part of the application regarding the removal of conditions 18 and 26. He requested that condition 18 be removed from the Premises Licence for clarification regarding the sale of alcohol on the Premises. He then requested that condition 26 be removed and a new condition added to the licence allowing waiters/waitress to serve drinks in glass containers.

In response to questions from the Sub-Committee, Mr Rankin and Mr Bond (Theatre Manager) advised:

- that the variation in the Premises Licence would allow the theatre and residents to regulate the operation of the theatre.
- the dispersal of customers would be achieved via the main door and autograph hunters would be informed by security that actors would not be exiting the theatre via the stage door. Staff would also encourage customers to leave quietly as it is a residential area and it had been estimated to take approximately 15 minutes for all customers to be dispersed out of the area.
- the pre-communication/ticket information sent to customers would set out how to enter the theatre by 7.30pm and exit it after the performance.
- glass containers were preferable for the customer and for the environment.
- security would be available on Craven Street from 12.15pm each day to direct customers to the correct door and to prevent congestion of the pavement.
- the PWC building was not connected with the theatre.

Anil Drayan, representing the Environmental Health Service (EHS), advised that EHS had made a representation because of the new proposed use of the stage door and how it would affect residents in Craven Street and Aria House. He advised that he did not know how there was residential flats in the same building as a theatre and outlined that EHS had agreed condition 40 with the Applicant that any queuing for the stage door would be managed by security and the entrance to Ari House would not be blocked. Mr Drayan advised that he was satisfied that the queue would be managed by snaking it back into Embankment Place (avoiding the main part of Craven Street) and emphasised that the stage door entrance would be unavailable after 7.30pm. Customers would then need to use the main entrance to enter the theatre. He explained that these types of queues were not known to cause noise problems unless the people in the queues were entertained by street performers/actors. He further advised that he had proposed a condition to confirm that EHS was happy for the theatre to risk assess the use of glass containers. He confirmed that he was agreeable to the removal of the works condition. He advised the Sub-Committee that he was generally satisfied with the application.

In response to questions from the Sub-Committee, Mr Drayan advised that Environmental Health Service had determined that the lorry ramp did not cause an issue in the street. He emphasised that security was already in place as set out in proposed condition 9 (now condition 37) to prevent the entrance to Aria House being blocked. He highlighted that not all customers would be using the stage door; roughly half would be using the stage door and half would be using the main entrance. He added that the theatre would use a traffic light system to control customers entering the theatre via the stage door and that residents could complain to Westminster City Council if any street entertainers did not honour their licence.

Mr Brown, Licensing lawyer, representing Mr Martin Deutz and Shareen Chua, advised that he was going to hand over to Mr Adams to set out the resident's concerns. Mr Adam advised that he was delighted that the theatre had been refurbished and would soon be opening again. He referred to proposed condition one and discussed with the Environmental Health Service the possibility of adding details about the matinee performance to this condition. He further requested that the Applicant clarify the activity at each point in Craven Street. Mr Bond explained that everyone would be directed to join the queue for stage door 1 when they reached the main entrance and that there would be security patrolling the street to ensure all customers joined the correct queue in the correct place. He added that there would also be signage displayed on the theatre. He advised there would be no queuing up Craven Street or in front of the PWC lorry exit. Mr Adam then suggested that it would take longer than 15 minutes to disperse people and asked that condition 11 read 'That from 15 minutes before entrance on Craven Street opens until at least 30 minutes after the performance ends there shall be at least one member of door security stationed on Craven Street whose duties shall include monitoring and control of the queue. This provision must be risk assessed by management'. He also requested that residents be provided with up-to-date contact details of the management in case there were any further concerns regarding the operation of the theatre. The Chairman advised that regular meetings should be arranged with the residents to discuss any issues arising from the operation of the Playhouse Theatre. Mr Adam then requested that a condition be added 'Patrons shall not be allowed to queue north of Hungerford Lane junction'. Mr Rankin advised the Sub-Committee that the Applicant were satisfied with all the proposed conditions.

Mr Adams then referred to several photos that he had taken earlier in the week and explained that the damaged pavements were caused by lorries having difficulty turning into the narrow street. He advised that he was very concerned regarding the health and safety aspect of the lorry ramp being situated right next to stage door 1 and having 350+ people queuing safely on a 2.5 width pavement. Mr Drayan (EHS) responded by advising that lorries had to slow down very quickly once they reached the top of the rank to turn into the road and there was security present to manage the lorries. Mr Drayan added that the security staff from the theatre would also be managing the people arriving to see the show as well as their tickets clearly indicating what time they needed to arrive at the theatre to enter the immersive experience. Mr Rankin responded by setting out how each of the seven people (2 people checking tickets, 2 people checking covid passports and 3 security guards) would be working together to get people into the theatre and confirmed that extensive risk assessments had been carried out so that both staff and customer stayed safe. Mr Drayan advised that he was satisfied regarding the safety aspects of using the stage door. The Sub-Committee advised that residents could write to the Highways Agency and request double yellow lines to be placed on the opposite side of the lorry rank which would prevent cars parking there and aid lorries turning into the street. The Sub-Committee then suggested that residents contact PWC to discuss the possibility of restricting the use of the lorry ramp to typical working hours.

Mr Deutz requested that the theatre revert their pre-ticket information back to informing customers to turn up at the main entrance and that the plan that went to the Planning Committee setting out the queuing area be attached to the Premises Licence. Mr Rankin agreed to both requests from Mr Deutz.

Conclusion

The Sub Committee appreciated the fact that the Applicant had positively and proactively engaged with Responsible Authorities and residents.

In reaching its decision, the Sub-Committee took into consideration that the conditions had been agreed with all the Responsible Authorities, that the Premises was a theatre offering an amazing experience to customers visiting the West End and that the application was suitable for the local area; the theatre had been situated in Northumberland Avenue since 1882. The Sub-Committee noted that the Premises were not located within a Cumulative Impact Area and therefore the application had to be considered on its merits. The Sub-Committee were also of the opinion that the nature and operation of the Premises would not cause concern and in addition the conditions imposed on the Premises Licence would alleviate the residents' concerns. Accordingly, the Sub-Committee concluded that the licence would promote the licensing objectives.

Having carefully considered the committee papers and the submissions made by all of the parties, both orally and in writing, **the Committee has decided**, after taking into account all of the individual circumstances of this case and the promotion of the four licensing objectives:

1. To grant permission to vary the layout and design of the premises in accordance with the plans submitted to the Licensing Authority.

2. To grant permission to remove conditions 18 and 26 of the Licence.
3. To grant permission to add condition 39 specified below.
4. That the varied licence is subject to any relevant mandatory conditions.
5. That the existing conditions on the licence shall apply in all respects except in so far as they are varied by this Decision.
6. That the varied licence is subject to the following additional conditions and Informatives imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions reproducing the effect of conditions subject to which the relevant existing licences have effect

Conditions relating to regulated entertainment

9. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
10. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
11. Notwithstanding the provisions of Rule of Management No. 6, the premises may remain open for the purposes of this licence from 11pm on each of the days Sunday to Saturday to 2am on the day following,
12. No alterations shall be carried out to the escape staircase to Hungerford Lane or the exit ways therefore without the prior approval of the Council.
13. An attendant shall be on duty in the vicinity of the cloakroom area during the whole time the premises are in use.
14. The number of persons accommodated at any one time (excluding staff) in the theatre shall not exceed 819.
15. The number of persons permitted to stand shall not exceed the following:
stalls 12 Dress Circle 7 Upper Circle 14
16. Standing within the auditorium shall be restricted to the rear cross gangways only.

17. Permanent, adequately illuminated notices must be provided to the rear stalls, Dress Circle and Upper Circle so as to clearly indicate the maximum number of standing persons allowed at each level of the auditorium
18. Substantial food and non-intoxicating beverages shall be equally available throughout the permitted hours.
19. Persons entering the premises after 11pm shall not have intoxicating liquor sold or supplied to them except for:
 - a) persons who have paid or had paid on their behalf an entrance fee for any show at the premises or any bona fide guests of such a person;
 - b) artistes or persons employed at the premises;
 - c) persons attending a private function on the premises.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments

20. Alcohol shall not be sold or supplied except during permitted hours.
 - (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10.00 to 23.00.
 - (b) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30.
 - (c) On Good Friday, 12.00 to 22.30.
 - (d) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30.
 - (e) On New Year's Eve, except on a Sunday, 10.00 to 23.00.
 - (f) On New Year's Eve on a Sunday, 12.00 to 22.30.
 - (g) 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) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) 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;

- (h) the taking of alcohol from the premises by a person residing there;
- (i) 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;
- (j) 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.

21. 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.

22. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):
- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
 - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
 - (c) to take all other reasonable precautions for the safety of the children.
23. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Conditions consistent with the operating Schedule

24. The sale of alcohol by staff from trays to persons attending a ticketed event within the auditorium areas as hatched blue and coloured yellow on plans

lodged with the application is limited to the period of 30 minutes before the event commences and during interval(s) of the event.

25. Staff shall supervise any queues of persons wishing to purchase alcohol sold as described in condition 24.
26. If a person trying to purchase alcohol as described in condition 24 looks under 21 years of age, suitable photographic ID shall be requested, and if none available then the sale of alcohol shall not proceed.
27. Persons who appear to be drunk shall not be sold alcohol as described in condition 24.
28. Any refusal to sell alcohol as described in condition 24 shall be recorded in the refusals book.
29. All staff involved in the sale of alcohol as described in condition 24 shall be fully trained in and conversant with the relevant law relating to the sale of alcohol.

Conditions imposed by the Committee after a hearing with the agreement of the Applicant

30. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a theatre.
31. 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 are open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. 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.
32. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. 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.
33. Use of the stage door entrance 2 by customers shall cease by no later than 19:30 hours.
34. Except for in an emergency the stage door entrance 2 shall not be used by customers as an exit route at any time.

35. Use of the stage door entrance 2 by customers shall cease at the end of the Cabaret production run.
36. Queuing outside the premises shall be restricted to designated areas located along the Playhouse façade and along Embankment Place.
37. There shall be staff stationed externally to manage any queues along Craven Street; access to/from Aria House is not blocked; and at closing time to encourage customers not to congregate and not to use Craven Street as a route away from the premises.
38. There shall be a reduction in customer capacity from 819 to 635 for the duration of the Cabaret production run.
39. All supplies of alcohol and drinks for consumption within the theatre auditoria shall be in non-glass containers unless the use of glass in the auditoria has been risk assessed and signed off by management. A copy of the risk assessment is to be kept on the premises and made available for inspection by the responsible authorities on request. The risk assessment is to be reviewed at least annually.
40. Notices shall be prominently displayed at all entrances and exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
41. Patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke or make a phone call, shall not be permitted to take glass containers with them.
42. That from 15 minutes before entrance on Craven Street opens until at least 30 minutes after the performance ends there shall be at least one member of door security stationed on Craven Street whose duties shall include monitoring and control of the queue. This provision must be risk assessed by management.
43. Patrons shall not be allowed to queue north of Hungerford Lane junction.
44. That an email address and contact number for the theatre shall be made available to local residents.

INFORMATIVES:

45. The Premises Licence Holder has agreed to encourage patrons to arrive at the front entrance of the Theatre prior to being processed.
46. The Premises Licence Holder has agreed to submit to the Licensing Authority the plan approved by the Planning Team.
47. The Premises Licence Holder has agreed to hold regular meetings with local residents and businesses as needed.

48. The Premises Licence Holder has agreed to monitor the queues during matinees.

**This is the Full Decision reached by the Licensing Sub-Committee
This Decision takes immediate effect.**

**Licensing Sub-Committee
11 November 2021**

3. **22 GREAT WINDMILL STREET, W1D 7LD**

THIS APPLICATION WAS ADJOURNED.

4. **TROCADERO HOTEL, SKY BAR AND LOUNGE, 13 COVENTRY STREET,
W1D 7DH**

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 4
("The Committee")

Thursday 11 November 2021

Membership: Councillor Karen Scarborough (Chairman) Councillor Heather Acton
and Councillor Aicha Less

Officer Support: Legal Advisor: Vivienne Walker
 Policy Officer: Aaron Hardy
 Committee Officer: Sarah Craddock
 Presenting Officer: Emanuela Meloyan

**Application for a New Premises Licence in respect of Trocadero Hotel – Sky
Bar & Lounge 13 Coventry Street London W1D 7DH – 21/06624/LIPN**

Premises

Trocadero Hotel – Sky Bar and Lounge
Trocadero
13 Coventry Street
London W1D 7DH

Applicant

Trocadero (London) Hotel Ltd & Tao Group Operating LLC
Represented by Lisa Sharkey (Solicitor, Poppleston Allen), James Burfitt (Trocadero
(London) Hotel Ltd, Michael Neuner (VP of Operations UK for Tao Group Operating
LLC) and Sylvain Alleman (Senior Operations Director UK for Tao Group Operating
LLC)

Cumulative Impact Area?

West End

Ward

St James's

Proposed Licensable Activities and Hours

Sale of Alcohol (Indoors and Outdoors)

Monday to Sunday 10:00 to 03:00 hours.

Seasonal Variations: On the morning of British Summertime the terminal hour shall be extended by one hour. For Hotel residents and guests 24 hours.

Late Night Refreshment (Indoors and Outdoors)

Monday to Sunday 23:00 to 03:00 hours.

Seasonal Variations: On the morning of British Summertime the terminal hour shall be extended by one hour. For Hotel residents and guests 24 hours.

Live Music (Indoors and Outdoors)

Monday to Sunday 10:00 to 03:00 hours.

Recorded Music (Indoors and Outdoors)

Monday to Sunday 10:00 to 03:00 hours.

Performance of Dance (Indoors and Outdoors)

Monday to Sunday 10:00 to 03:00 hours.

Seasonal Variations: On the morning of British Summertime the terminal hour shall be extended by one hour. For Hotel residents and guests 24 hours.

Opening Hours of the Premises

Monday to Sunday 00:00 to 00:00 hours.

Representations Received

- Metropolitan Police Service (PC Lewis)
- Environmental Health Service (Ian Watson)
- Licensing Authority (Jessica Donovan)

Summary of issues raised by objectors

- The Environmental Health Service (EHS) were concerned that the proposals were likely to increase the risk of Public Nuisance and the Licensing Authority were concerned that the proposals would have the likely effect of adding to the cumulative impact in the West End Cumulative Impact Area.
- The Metropolitan Police Service were concerned that if the application was granted it would undermine the Licensing Objectives and would cause further policing problems in an already demanding area.

Policy Position

Policies CIP1, HRS1 and COMB1(B) apply under the City Council's Statement of Licensing Policy. The Premises are located within the West End Cumulative Impact Zone, and as such, the Applicant must demonstrate that the application would not add to Cumulative Impact in the West End Cumulative Impact Zone.

SUBMISSIONS AND REASONS

Ms Emanuela Meloyan, Senior Licensing Officer, summarised the application set out in the report before the Sub-Committee. She advised that the application was for a New Premises Licence which intended to operate as a hotel with bar, restaurant and entertainment facilities. She further advised that representations had been received from the Environmental Health Service, Metropolitan Police Service and the Licensing Authority. No representation had been made by residents or resident associations. The Sub-Committee noted that the Premises are situated within the St James's Ward and in the West End Cumulative Impact Zone.

Ms Sharkey, representing the applicant, addressed the Sub-Committee and advised that this application had been brought before the Sub-Committee in April 2021 and had been refused as the Applicant had not been able to demonstrate why the application was an exception to the Council's Policy. Ms Sharkey outlined that James Burfitt was in attendance, the landlord of the Trocadero and the landlord of the hotel that had been constructed within the Trocadero, the Rain Forest Café and the Piccadilly Institute. She outlined that if this application for the hotel was granted today, the Applicant would make an application for a new restaurant licence with a holding bar until midnight in relation to the Rain Forest café (the current night club licence allowed a 3am finish and a capacity for 620 persons) and in addition he would be making an application to vary the Premises Licence for Piccadilly Institute to reduce the capacity by 380 persons. She explained that she had submitted all three applications together however the Licensing Service had advised the Applicant to let this application be determined initially by the Sub-Committee.

Ms Sharkey advised that the Applicant was aware that he had to satisfy the Sub-Committee on the grounds that the application was an exception to policy. She referred to the council's policy at paragraphs F54 and F87 and explained that the application was demonstrating exceptional circumstance as the Applicant was surrendering back a 1000 capacity in the West End Cumulative Impact Area along with a 3am night club licence. She advised that she had written to the resident who had objected to the original application in April reassuring him that certain conditions would be attached to the licence. The resident was now satisfied with the application and had not submitted another objection.

Ms Sharkey advised that the Sub-Committee needed to be satisfied with the operation of the Premises and asked Michael Neuner (VP of Operations UK for Tao Group Operating LLC) to address the Sub-Committee. Mr Neuner gave the Sub-Committee a background to the Tao Group and confirmed that they owned Hakkason which have sites in Hanway Place and Mayfair. He advised that he represented a company that specialised in luxury restaurant and retail hotels at an

industrial level that served around 800 guests per day within a multi-purpose Premises. He advised that the main entrance was located on the ground floor where three of the six lifts holding 28 guests each would go directly to the 12th and 13th floor. He advised that situated on the 12th floor there were four different areas that patrons could use with wonderful views and on the 13th floor there was a flexible banqueting multi-functional room for weddings, birthdays and conferences. He further advised that the club room was situated on the 13th floor where there was bottle service sold by the table and entertainment. He emphasised that over £20 million had been spent on the two floors and the hotel needed the flexibility to operate multi-functionally to make it financially viable. He confirmed that there was no dance floor. He advised that he was aware that there had been about vertical drinking but confirmed that they were very experienced in running these types of operation.

Ms Sharkey advised the Sub-Committee of the following features of the hotel:

- the hotel was able to allow between 70 and 130 people to queue in the lobby area to remove people whilst waiting to enter the hotel via Rupert Street.
- three out of the six lifts in the lobby area would take people directly to the 12th and 13th floor and a person could only enter the hotel via one of the lobby lifts.
- customers would be exiting the hotel from Shaftesbury Avenue after midnight.
- customers would be allowed to smoke on the terrace area and would not be required to go down the lift onto the street.
- there was an internal staircase that went between the 12 and 13th floor.
- the club area was not set out as a traditional nightclub and had lots of seating.

Ms Sharkey advised that the Applicant had proposed additional conditions on the Premises Licence including having noise control and traffic marshals to monitor customers arriving and leaving the Premises. She further advised that all the proposed conditions from the Responsible Authorities had been agreed apart from two conditions proposed by the Police. She referred to page 154 of the report, condition 50, the glass condition, and advised that they were happy with this if the following wording be added to it 'with the exception of the function room....' as this is the area the Applicant would want the ability to use glassware. She then referred to page 157 of the report, condition 69, regarding ID scanning of all customers after 11pm. She confirmed that the Applicant did not wish to ID scan all customers but base the decision on risk as there was no evidence of significant risk of violence on the Premises and not all people carry ID with them. She also confirmed that the Applicant had agreed to the wave training proposed condition.

In response to the questions from the Sub-Committee, Ms Sharkey advised that the Rain Forest Café was currently operated as a restaurant but could revert to being a nightclub. She advised that this option would be taken away if the licence was surrendered and added that the new Premises Licence would have a reduced capacity and the Council's model conditions attached to it making it easier for the Police to control. Ms Sharkey advised that this was not a drink led establishment and that to maximum profits the Applicant needed as many opportunities as possible to sell food and drink to its customers. She stated that the operator did not want to scan everyone coming into the club area as it slowed down the queue. She explained that customers would enter the Premises via Rupert Street up to 2am and exit the Premises after midnight via Shaftesbury Avenue. She confirmed that there was no dedicated dance floor on the 12th floor.

Mr Watson, representing the Environmental Health Service (EHS), advised that although the Applicant was a world class operator the Sub-Committee needed to look at the location of the Premises, the impact and the promotion of the licensing objectives. He advised that EHS had proposed conditions regarding the capacity of the two floors which would not exceed 1000 capacity and would be determined after EHS visited the Premises. He explained that Rupert Street had both commercial and residential properties however most of the commercial properties operated within the Council's core hours policy which was why EHS had suggested having the internal holding area and that customers exited after midnight onto Shaftesbury Avenue. He welcomed that smokers could use the terrace on the 12th floor instead of causing an obstruction on the pavement. He added that all rubbish collections were organised internally in the building. He explained that customers could move between the two floors using the internal staircase and that the council's model noise conditions would be attached to the Premises Licence. He advised that he was happy for the two nightclub Premises Licences to be surrendered to the Council as they had very few conditions attached to them which made it difficult for the Responsible Authorities to control the two Premises.

PC Lewis, representing the Metropolitan Police Service, advised that the Police had maintained their representation on policy grounds, the hours sought by the Applicant and the prevention of crime and disorder. He advised that the venue was in the West End Cumulative Impact Area, a locality where there were traditionally high levels of crime and disorder and the Police have concerns that this application would cause further policing problems in an already demanding area because of the late hours requested. He outlined that the proposed conditions had been agreed with the Applicant except for two conditions which were the use of glass containers and the need for ID scanning after 11pm. He advised that he was happy with the additional wording to be added to condition 50 however he insisted that the condition regarding the IT scanning, condition 68, be attached to the Premises Licence as IT scanning acted as a deterrent for underage drinking, bad behaviour and flagged up people who had caused problems in other Premises.

Mr Neuner advised that he had added additional SIA door security at their other Premises in London because of the increase in anti-social behaviour and confirmed that he would work with the Police to prevent and tackle crime and disorder. He advised that it was crucial for the business to be open until 3am to maximise profits and that people tended to go out and stay out later these days. Ms Sharkey advised that the current Premises Licence allowed the Premises to remain open until 2am. She emphasised again the benefits of surrendering the two-night club Premises Licence. Mr Neuner advised it was unlikely that they would ever have a 1000 capacity except maybe when they held corporate events on the 13th Floor.

Ms Jessica Donovan, representing the Licensing Authority, confirmed that the Premises were located within a CIA and therefore policies CIP1 and RTN1(B) applied. She advised that it was therefore for the Sub-Committee to determine if this Premises would add to the cumulative impact in the West End area.

Mr Neuner emphasised that he would accept condition 68 if it began at midnight. PC Lewis emphasised that he would prefer condition 68 to start from 11pm and that IT scanning acted as a deterrent to anti-social behaviour and underage drinking. Ms

Sharkey confirmed that she would accept condition 50 with her suggested additional wording added in front of the condition.

Conclusion

The Sub-Committee has a duty to consider the application on its individual merits and took into account all the committee papers, supplementary submissions made by the Applicant and the oral evidence given by all parties during the hearing in its determination of the matter.

The Sub-Committee were mindful of the fact that the premises do not have a bar and on that basis vertical drinking would not be encouraged at the premises. Having regard to the submissions made during the course of the hearing, the Sub-Committee concluded that the Applicant had provided valid reasons as to why the granting of the application would be an exception to policy and not add to negative cumulative impact in the Cumulative Impact Zone.

In reaching its decision, the Sub-Committee took into consideration that the operator was very experienced and already successfully managed Premises in Mayfair and Hanway Place and that the landlord was offering to surrender two existing night club Premises Licences to reduce the overall capacity of two Premises in the West End Cumulative Impact Area. The Sub-Committee noted that conditions had been agreed with all the Responsible Authorities except for the need for customers to be IT scanned from 11pm onwards. The Sub-Committee after consideration decided that IT scanning should start from 11pm for the prevention of crime and disorder in the Premises. The Sub-Committee were also of the opinion that the nature and operation of the Premises would not cause concern and in addition the conditions imposed on the premises licence were appropriate and would ensure that the licensing objectives were promoted.

Having carefully considered the committee papers and the submissions made by all the parties, both orally and in writing, **the Sub-Committee has decided**, after taking into account all the circumstances of this application and the promotion of the licensing objectives to **grant** the application with the following permissions:

1. To grant permission for **Live Music (Indoors and Outdoors)** Monday to Sunday 10:00 to 03:00 hours.
2. To grant permission for **Recorded Music (Indoors and Outdoors)** Monday to Sunday 10:00 to 03:00 hours.
3. To grant permission for **Performance of Dance (Indoors and Outdoors)** Monday to Sunday 10:00 to 03:00 hours.
4. To grant permission for **Seasonal Variations**: On the morning of British Summertime the terminal hour shall be extended by one hour. For Hotel residents and guests 24 hours.
5. To grant permission for **Late Night Refreshment (Indoors and Outdoors)** Monday to Sunday 23:00 to 03:00 hours.

6. To grant permission for **Seasonal Variations**: On the morning of British Summertime the terminal hour shall be extended by one hour. For Hotel residents and guests 23:00 to 05:00 hours.
7. To grant permission for the **Sale of Alcohol (Indoors and Outdoors)** Monday to Sunday 10:00 to 03:00 hours.
8. To grant permission for **Seasonal Variations**: On the morning of British Summertime the terminal hour shall be extended by one hour. For Hotel residents and guests 24 hours.
9. To grant permission for the **Opening Hours of the Premises** Monday to Sunday 00:00 to 00:00 hours.
10. That the Licence is subject to any relevant mandatory conditions.
11. That the Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed by the Committee after a hearing with the agreement of the Applicant

10. There shall be no sales of hot food or hot drink for consumption off the premises after 23:00 hours except to hotel residents and their bona fide guests.
11. (a) On the 12th floor, seating shall be provided internally and on the terrace for a minimum of 70% of those that can be accommodated in that area. Waiter/waitress service shall be available to all customers seated throughout the 12th floor.

(b) On the 13th floor, the sale of alcohol shall be ancillary to music and dancing and substantial refreshment within the Clubroom and, within the Flex Event Space it shall be ancillary to pre-booked or ticketed events and/or functions and dining.
12. Where permitted to use the entrance on Rupert Street for admission to the premises beyond midnight and until the terminal hours for admissions then the area hatched green (on the right of Rupert Street entrance lobby) shall be secured as an overflow holding area that can be used by management and the door team to increase the available space for customers to queue internally whilst waiting for admission to the 12th and 13th floors.
13. There shall be no dance floor on the 12th floor, including the roof terrace.
14. For any pre-booked event or occasion involving a licensable activity when a guest list is in operation, only a director of the managing company, the Premises Licence Holder, the Designated Premises Supervisor or the Duty Manager will be authorised to add additional names to the guest list. Any additions less than 48 hours before the prebooked event or occasion must be

legibly entered on the list and signed for by the Director, the Premises Licence Holder, the Designated Premises Supervisor or the Duty Manager. This list will be kept for a period of 28 days following the event and will be made available immediately for inspection upon request by a Police Officer or authorised Council Officer.

15. All windows and external doors leading to the 12th floor roof terrace shall be kept closed after 23:00 hours, except for the immediate access and egress of persons.
16. Admission to the 12th and 13th floor licensed areas from the street by members of the public shall only be via the ground floor Sky Bar lift lobby.
17. No alcohol shall be consumed by customers more than 30 minutes after the permitted terminal hour for the supply of alcohol. (This shall not apply to hotel residents and their bona fide guests). Guests limited to 5.
18. (a) From 21:00 hours a minimum of 2 door staff shall be on duty in the ground floor lobby area and a minimum of 1 on duty on the 12th and 13th floors whilst open to the public (excludes hotel residents and bona fide guests) for licensable activities. This shall be increased to a ratio of 1:75 (or part thereof) from 22:00 hours on the 12th and 13th floors until those areas are closed to the public for licensable activities.
(b) Prior to 21:00 hours, the need for door staff shall be determined by risk assessment carried out by the DPS.
(c) On any occasion prior to 21:00 hours where the premises are open to the public and no door staff are on duty then a member of staff shall be on duty in the ground floor lobby area to meet and greet customers.
19. At least one member of door staff deployed to the ground floor and to each floor (12th and 13th) from 21:00 hours (as required by condition 18) shall wear a Body Worn Video Camera capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team. All recordings for BWV 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 officers throughout the preceding 31-day period.
20. When Body Worn Video systems are in use then they will be deployed immediately during any verbal altercation or use of force by any member of staff. All ejections shall be recorded on BWV.
21. All staff engaged in the use of Body Worn Video shall receive relevant training to ensure they are confident in its use. A record will be kept on the premises of which staff have been trained. This record will be available to the relevant authority for inspection upon request and shall be retained for a minimum of 12 months.
22. (a) The premises shall install and maintain a comprehensive CCTV and Body Worn Video system as per the minimum requirements of the Westminster

Police Licensing Team. All entry and exit points, lifts (internal area) and lift areas will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises are 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.

(b) The CCTV system shall provide coverage of the external area outside all public entrances. It shall provide coverage of queues to enter the premises and designated smoking areas, customer search areas and vehicle drop off areas by the entrances.

23. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open for licensable activities. 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 (including where applicable any Body Worn Video system) subject to Data Protection requirements.
24. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police subject to Data Protection requirements. It must be completed within 24 hours of the incident and will record the following:
 - a) all crimes reported to the venue,
 - b) all ejections of patrons,
 - c) any complaints received concerning crime and disorder,
 - d) any incidents of disorder,
 - e) any faults in the CCTV or Body Worn Video system, search wands
 - f) any refusal of the sale of alcohol,
 - g) any visit by a relevant authority or emergency service.
 - h) all seizures of drugs or offensive weapons.
25. 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, military ID, biometric resident permit or proof of age card with the PASS Hologram.
26. 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.
27. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence Holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration

or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

28. (a) Loudspeakers shall not be located in the ground floor entrance lobby unless there is a sound lobby, or outside the premises building.
(b) On the 12th floor external terrace, live music (which does not involve percussion) shall be permitted until 22:00 hours and recorded music permitted until 00:00 hours. Live music, (including percussion) and recorded music shall however be permitted beyond these times and until 03:00 hours if the external terrace is enclosed with a retractable roof to the satisfaction of Environmental Health Service.
29. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under a Sexual Entertainment Venue Licence.
30. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
31. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
32. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
33. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
34. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
35. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
36. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
37. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

38. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
39. With the exception of fresh produce, no deliveries to the premises shall take place between 23:00 hours and 08:00 hours the following day.
40. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
41. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by SIA trained personnel so as to ensure that there is no public nuisance or obstruction to the public highway.
42. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises directly off the street.
43. Any events which are not pre booked private or corporate events but are externally promoted events shall be risk assessed. A documented risk assessment will be completed 10 days prior to the event and retained for a minimum of 31 days afterwards and be made immediately available for viewing by the Responsible Authorities upon request. When carrying out the risk assessment for the event and holding the event, the premises will take into account any reasonable advice received from the Metropolitan Police.
44. A representative of the Premises Licence Holder shall attend the local Pub watch meetings.
45. There shall be No entry/Re-entry (excluding persons exiting to smoke) to the premises after 02:00 hours on each day.
46. An attendant shall be on duty in the cloakroom during the whole time that it is in use.
47. (a) An attendant shall be on duty in the male and female toilets areas (within the licensed area) from 21:00 hours daily until the premises are closed to the public (excluding hotel residents and bona fide guests).
(b) Attendants shall be equipped with a means of alerting security without delay, e.g., radio, BWV, or personal alarm which shall be kept on their person.
48. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign, or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.

49. With the exception of the function room, after midnight all drinking vessels used in the venue shall be made from a sustainable material other than glass. All drinks in glass bottles are to be decanted into non glass containers or non-glass carafes prior to being served, with the exception of champagne, wine, or bottles of spirits with a minimum size of 70 CL supplied by way of waiter/waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from the table. Customers shall not be permitted to leave their table carrying any such glass bottle or drink directly from the bottle.
50. From 23:00 hours, a full pat-down search of all entrants and bag search, shall be conducted by properly trained security staff of the appropriate gender. Searching will be supplemented using two functional metal detecting wands. All searches will be covered by the premises CCTV system. Prior to 23:00 hours, searching shall be based on a risk assessment by designated security staff.
51. After 21:00 hours, designated queuing and smoking area shall be enclosed within appropriate barriers to ensure that the footway is kept clear and constantly monitored by security personnel and/or staff. There shall be a limit of 12 smokers at any one time.
52. In the event that an assault involving an injury or of a sexual nature is committed on the premises (or appears to have been committed), the management will immediately ensure that:
 - a. the Police (and, where appropriate, the London Ambulance Service) are called without delay;
 - b. all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the Police;
 - c. the crime scene is preserved so as to ensure a full forensic investigation to be carried out by the Police;such other measures are taken (as appropriate) to fully protect the safety of all persons on the premises.
53. Where the premises are open for the sale of alcohol for consumption on the premises (other than hotel residents and bona fide guests) then from 22:00 hours a Personal Licence Holder shall be on duty.
54. When accessible to customer after 22:00 hours for smoking then the designated smoking areas on the 12th floor terrace shall be monitored by at least one door supervisor and shall be covered by the venue's CCTV system.
55. After 22:00 hours, all security engaged outside the entrance to the premises, or supervising or controlling queues outside the premises, shall wear high visibility yellow jackets or vests. Security staff shall display their SIA a licence at all times went on duty. At the commencement of duty, all security personnel must have their names and licence number logged with date and time. Names must be legible and appropriate for a legal document. The log shall be made available for inspection of the Responsible Authorities upon request and be retained for a minimum of 31 days.

56. After 22:00 hours, registered door supervisors shall ensure that the specified capacities are adhered to at all material times. Before 22:00 hours registered door supervisors and/or staff shall ensure that the specified capacities are adhered to at all material times. A daily log is to be maintained to ensure that any capacity limit set is recorded hourly and can be properly monitored. Information regarding the capacity will be given to an authorised officer or Police officer on request.
57. A traffic marshal shall be employed by management from 22:00 hours on Friday, Saturday and any other time deemed necessary by the Premises Licence Holder. They shall remain on duty until all customers have left the immediate vicinity of the premises to ensure, as far as reasonably practicable, there is no obstruction on Rupert Street in the immediate vicinity of the premises from customers or vehicles linked to the premises. The Traffic Marshal shall wear a high visibility jacket of a different colour to those worn by SIA door staff and marked 'traffic marshal' to be clearly identifiable in this role and equipped with a radio link to security.
58. (a) SIA door staff shall from midnight until the premises are closed to the public (plus 30 minutes), monitor Rupert Street and Shaftesbury Avenue to encourage the quiet dispersal of customers.
(b) Designated street marshals and noise control officers will be deployed as identified from time to time, from midnight.
59. Customer facing front of house staff shall receive at least basic training in Conflict Management provided by a qualified source. Training records for such staff shall be kept on the premises and provided to the Responsible Authorities for viewing upon request.
60. (a) After 21:00 hours, the lift lobby area on the ground floor shall be monitored by at least one SIA door supervisor who shall direct patrons into lifts which are designated for use by the 12th and 13th floors. Those lifts will have CCTV cameras fitted within the lifts.
(b) During high-risk times as identified by the Premises Licence Holder, door staff shall ride in the lifts with guests.
(c) Upon disembarking, there will be a reception area to greet patrons on the 12th and 13th floors before they are directed to the relevant area of the premises.
61. The Premises Licence Holder shall ensure that the management team register and successfully complete the nationally recognised counter terrorism training product referred to as ACT eLearning package or can demonstrate that the ACT eLearning product has been successfully completed within the preceding 12 months and that all front of house staff employed by or at the premises complete the ACT eLearning within a reasonable period not exceeding 3 months from the day they start their employment.
62. No licensable activities shall take place at the premises until the premises 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.

63. Before the premises open to the public the plans as deposited will be checked by the Police and Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority. This condition shall be removed by the Licensing Team once satisfied.
64. The maximum number of persons permitted on the premises at any one time (excluding staff) shall not exceed:
- 12th Floor xxx persons;
 - 13th Floor xxx persons
- With no more than 1000 persons at any one time.

No licensable activities shall take place at the premises until the capacity of the 12th and 13th floors have 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.

65. The applicants contend that this application can be treated as an exception to policy upon the basis of the following:
- Premises Licence 15/02410/LIPT relating to 1-4 Leicester Square (which the first applicant previously offered to surrender when Licence 18/00656/LIPN was granted), together with Licence 18/00656/LIPN, will be surrendered subject to the grant of this application;
 - Premises Licence 20/03425/LIPDPS relating to the Rainforest Cafe at 20-24 Shaftesbury Avenue will be surrendered by the first applicant, subject to the grant of the linked application described below (66a) and the satisfaction of works conditions relating to this application and the application described at 66(b);
 - The capacity for the Piccadilly Institute stated within Premises Licences 19/09064/LIPN and 21/04481/LIPDPS shall be reduced by 380 as a result of the linked application described below (66b).
66. To support the exception to policy argument, the below linked applications will be submitted following the grant of this licence application:
- New Premises Licence application for the Rainforest Café at 20-24 Shaftesbury Avenue authorising the use of the premises as a restaurant (with a holding bar) until midnight;
 - Two minor variation applications to reduce the capacity for the Piccadilly Institute by 380 persons.
- Conditions 65 and 66 above to be removed upon satisfaction of the works conditions at 62 to 63 above, and to a works condition which will be incorporated in the application referred to at Condition 65 (b).
67. A copy of the dispersal policy shall be available on the premises for inspection.
68. (a) After 23:00 hours, all customers entering the premises shall have their ID scanned on entry, save for when a biometric scanning system is in place. The details recorded shall include a live facial image capture of the customer and

capture the photographic identification produced. The details recorded by the ID scanner system shall be made available to the Police and the Local Authority upon request.

(b) The requirement in (a) above is subject to the following exceptions, namely that a maximum number of (25) guests per night may be admitted at the Managers discretion without necessarily photo ID being scanned and recorded. The admission of such guests however shall be in accordance with the following procedure:

(i) The DPS shall approve in writing the names of a maximum of three managers other than him/herself who are authorised to sign in such guests.

(ii) A legible record (the signing in sheet) of those guest's name shall be retained on the premises for inspection by the Licensing Authority and Police for a minimum period of 31 days. The name of the DPS approved manager authorising the admission will also be recorded by that manager,

(iii) Guests shall be required to produce some form of ID such as a bank card (or emailed electronic photo ID) and ID scan entry with a live photo shall be created.

(iv) Where there are appropriate reasons for a guest not to be able to produce ID and be subject to ID scan, the Approved Manager may still permit entry. In such circumstance he shall also record the reasons for this in the signing in sheet.

(c) Notwithstanding (a) above, patrons who are attending a pre-booked private event at the premises do not need to have their ID Scanned on entry and instead a written guest list shall be held at reception for the event and will be retained for 31 days after the event for inspection by the Police and responsible authorities upon request.

69. All front of house staff at the premises shall receive Welfare and Vulnerability Engagement (WAVE) training by a qualified trainer, and once every 12 months thereafter. The date the training was provided and signed confirmation from the member of staff shall be recorded and made available for inspection by the Responsible Authorities upon request.

**This is the Full Decision reached by the Licensing Sub-Committee
This Decision takes immediate effect.**

**Licensing Sub-Committee
11 November 2021**

5. **RAPHA, 85 BREWER STREET, W1F 9ZN**

WCC LICENSING SUB-COMMITTEE NO. 4

Thursday 11 November 2021

Membership: Councillor Karen Scarborough (Chair), Councillor Heather Acton and Councillor Aicha Less

Officer Support: Legal Advisor: Vivienne Walker
Policy Officer: Aaron Hardy
Committee Officer: Sarah Craddock
Presenting Officer: Emanuela Meloyan

Application for a New of Premises Licence in respect of Rapha 85 Brewer Street London W1F 9ZN – 21/04119/LIPN
Full Decision

Premises

Rapha
85 Brewer Street
London W1F 9ZN

Applicant

Rapha Racing Limited
Represented by Luke Elford (Agent, for Woods Whur 2014 Limited) and Rus Ashford (Operation Director, Rapha Racing Limited)

Cumulative Impact Area?

West End

Ward

West End

Proposed Licensable Activities and Hours

Retail Sale of Alcohol (On and Off Sales)

Monday to Sunday 12:00 to 22:00

Seasonal Variation: None

Hours Premises are Open to the Public

Monday to Sunday 08:00 to 22:00

Seasonal Variation: None

Representations Received

- Environmental Health Service (Dave Nevitt)
- Metropolitan Police Force (PC Lewis)
- Licensing Authority (Jessica Donovan)
- The Soho Society (Jane Doyle, represented by Richard Brown, Licensing Lawyer, Westminster Citizens Advice Bureau)

Summary of issues raised by objectors

- The Environmental Health Service (EH) were concerned that the proposals were likely to increase the risk of Public Nuisance and EH and the Licensing Authority were concerned that the proposals would have the likely effect of adding to the cumulative impact in the West End Cumulative Impact Area.
- The Metropolitan Police Service were concerned that if the application was granted it would undermine the Licensing Objectives and would cause further policing problems in an already demanding area.
- The Soho Society had objected to the application on the grounds of prevention of crime and disorder, prevention of public nuisance and cumulative impact in the West End Cumulative Impact area.

Policy Position

The following policy points had to be considered, namely CIPI, RNTI and HSR.

Summary of Application

This is an application for a New Premises Licence under the Licensing Act 2003. ("The Act"). The Premises propose to operate as a cycling, clothing store with a busy cafe. The main emphasis will be on coffee, cake, breakfast/lunches during the day with the option of beers, natural wines and a small list of spirits early evenings, weekends and events. It is also proposed that the on sales licence be supplemented by off-sales with regard to bottles of natural wine for consumption at home. The Premises are within the West End Ward and in the West End Cumulative Impact Zone. The Premises is not in a Special Consideration Zone.

SUBMISSIONS AND REASONS

Having considered all the submissions made by all parties, the Licensing Sub-Committee decided to grant the application.

Ms Emanuela Meloyan, Senior Licensing Officer, summarised the application set out in the report before the Sub-Committee. She advised that the application was for a New Premises Licence which intended to operate as a cycling clothing store with a busy cafe. The Sub-Committee noted that representations had been received from all the Responsible Authorities and the Soho Society. The Sub-Committee further noted that the Premises are situated within the West End Ward and in the West End Cumulative Impact Zone.

Mr Luke Elford, on behalf of Rapha Racing Limited, advised that the Premises would like the ability to sell alcohol without food to up to 80 people who came to watch cycling events such as the Tour de France during the day and at pre-booked events closed to the public from 7pm until closing time at 10pm. He explained that the predominant activity would be the watching of daytime cycling events which would end by 6pm as these events would be live cycling events. Mr Elford outlined that Rapha would also like the ability to make off-sales and explained that Rapha wished to stock a small selection of lesser-known French wines and sell those wines to shoppers. He highlighted that if the Sub-Committee were unhappy with the off-sales element of the application then the Applicant was happy to withdraw it. He advised that other than those three requests, Rapha would continue to operate as they do currently.

In response to questions from the Sub-Committee, Mr Elford advised that there was no history of complaints, that people watching live cycling events would have left the Premises by 5pm and that the operation would be managed under tighter conditions than what was currently attached to the Premises Licence. He explained that the events would not be advertised externally so people would not just 'pop in' off the streets and that the people attending events would be keen cyclists. He explained that the 'Off Sales' would consist of food and drink that were linked with current live cycling events and Rapha intended to collaborate with specialist brewers/wineries to offer their customers specialist items to try, and then purchase to take home. Mr Elford advised that some food would be provided such as olives, cheese, ham or sausage depending on the live event. The Sub-Committee noted that people could leave the Premises at 5pm and then go elsewhere in Soho.

In response to questions from the Sub-Committee, Ms Rus Ashford, Applicant, advised that each Rapha shop had its own Instagram account and followers. He then outlined the events that the Brewer Street shop had held in the last couple of months which included: a diversity cycling event, female long distance events, the opening party postponed from April and a book launch.

Mr Dave Nevitt, representing the Environmental Health Service (EHS), referred to the Premises' plans and highlighted where the café and retail areas were situated within the Premises. He advised that he considered that this was a mixed use facility and that the café was ancillary to the retail shop. He advised that the Premises had applied for several Temporary Event Notices (TENs) to hold events which had been so successful that they had decided to apply for this permanent Premises Licence. Mr Nevitt explained that EHS wished for the Premises to remain as a retail shop and referred to the Environmental Health Services list of Conditions in the Additional Information Pack.

In response to questions from the Sub-Committee, Mr Elford explained that at present the Applicant had a Premises Licence to hold pre-booked events from 7pm until 11am (all events were related to cycling) and that the Applicant was offering to reduce the closing hour to 10pm. He advised that there was no set number of events on the Premises Licence and as the events were well organised and there had been no complaints, he was not minded to agree to a set number of events per year being attached to the Premises Licence. Mr Nevitt emphasised to the Sub-Committee that the request for alcohol to be served without food during Live Events did not concern the Environmental Health Service.

PC Bryan Lewis, representing the Metropolitan Police Service, advised that the Police Service were maintaining their representation on Policy grounds as the Premises were in the West End Cumulative Zone. He confirmed that the operation of the premises had never come to their attention and he was content that the Premises would remain a cycling retail shop.

Ms Jessica Donovan, representing the Licensing Authority, advised that the Licensing Authority had maintained their representation as the Premises were situated in the West End Cumulative Zone. She explained that initially the application had been considered under the Council's policies: CIP1, RNT1 and PB1 but following the revised Council's policies and the agreement of the proposed conditions the application could now be considered under the Council's policies: CIP1 and the Council's new shop policy SHP1. The Licensing Authority had proposed model conditions 38 and 39 however it has been noted that the Applicant had proposed alternative wording for the Sub-Committee to consider in the Additional Information Pack. The Licensing Authority had noted that the current Licence would be surrendered on satisfactory grant of the new application. The Licensing Authority welcomed that the Applicant has agreed to model conditions 17 and 61 being attached to the Premises Licence and that the Premises would be operating within the Council's core hours policy. It was, therefore, for the Sub-Committee to be satisfied that this application was as stated because the Premises are within the West End Cumulative Impact Zone.

Mr Richard Brown, Licensing Lawyer, Westminster Citizens Advice Bureau, on behalf of the Soho Society, advised that Rapha was a very high-end retail shop which caused minimal impact in the West End area. He confirmed that the Soho Society were content with the reduction in closing hours from 11pm to 10pm. He referred to the conditions at page 153 in the Additional Information Pack and advised that he wished to add the word 'cycling' in front of 'retail shop' at condition 1 in the event the shop was taken over by another business. He queried whether the capacity needed to be 80 persons and wondered if the frequency of events should be added to the Premises Licence. He advised that the Soho Society were not keen on the 'off' sales of wine and beer. He reiterated again whether the capacity figure should be 80 persons.

Ms Jayne Doyle, representing the Soho Society, concurred with Mr Brown regarding the capacity of 80 person per event and the off sales of alcohol. She added that if off sales of alcohol were allowed that draught beer be excluded from the offer. She emphasised that there needed to be a condition that stopped the Premises Licence being transferred to a different operator if Rapha stopped trading at 85 Brewer Street.

In response to questions from the Sub-Committee regarding the capacity of 80 persons for events, Mr Elford advised that the capacity on the existing licence of 40 persons was for the café area only. He explained, however, that once the furniture was moved around, and with the increase in the café area, the Premises could now easily hold 80 persons. Mr Nevitt confirmed that the café area had increased in size and an additional toilet had been installed to cope with the increase in people on the Premises. Mr Brown advised that the capacity of 80 persons was not an issue for events but was for the café area during the day. Mr Nevitt advised that an additional

condition could be added to the Premises Licence to state that the capacity for everyday use remains at 40 persons, which the Applicant agreed could be added to the new Premises Licence.

Conclusion

The Committee has determined an application for a grant of Premises Licence under the Licensing Act 2003 ("The Act").

The Sub-Committee has a duty to consider the application on its individual merits and took into account all of the committee papers and the oral evidence given by all parties during the hearing in its determination of the matter.

In reaching its decision the Sub-Committee took into consideration that this was a cycling retail Premises which would operate as a café/restaurant within the Council's Core Hours Policy. The Sub-Committee noted that there had been no complaints raised when the Premises had operated under Temporary Event Notices (TENs) and that all events would have a cycling theme. In addition, under this new Premises Licence the Premises would now close at 10pm instead of 11pm. The Sub-Committee further noted that the proposed conditions had been agreed with all the Responsible Authorities and concluded that these conditions attached to the licence would alleviate the Soho Society's concerns and were appropriate and would promote the licencing objectives.

Having carefully considered the committee papers and the submissions made by all of the parties, both orally and in writing, **the Committee has decided**, after taking into account all of the individual circumstances of this case and the promotion of the four licensing objectives to grant the application with the following permissions: -

1. To grant permission for **Sale of Alcohol (On and Off Sales)** Monday to Sunday 12:00 to 22:00 hours.
2. To grant permission for the **Opening Hours of the Premises** Monday to Saturday 08:00 to 22:00 hours Sunday 10:00 to 22:00 hours.
3. That the Licence is subject to any relevant mandatory conditions.
4. That the Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed by the Committee after a hearing with the agreement of the Applicant

9. The tables on premises will be regularly cleared of empty bottles and glasses.
10. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

11. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 08:00 hours on the following day.
12. Notices will be displayed asking patrons to leave the premises quietly and to have respect for local residents.
13. Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.
14. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
15. A record shall be kept detailing all refused sale of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale.
16. Staff will be trained in the understanding of the Challenge 25 policy and training records maintained for inspection if requested by the Police or any other responsible authority. The record shall be available for inspection at the premises, by the Police or an authorised officer of the Council at all times whilst the premises are open.
17. The supply of alcohol at the premises shall be ancillary to the use of the premises as a Cycling Retail Shop.
18. 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.
19. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
20. Notwithstanding condition 18 above the premises shall be permitted to sell alcohol without food to up to 80 customers bona fide attending the premises for the showing of a live broadcast of one of the following cycling events:
 - a. Cyclocross World Championships;
 - b. Omloop Het Nieuwsblad;
 - c. Milan San Remo;
 - d. Tour of Flanders;
 - e. Paris Roubaix;
 - f. Giro D'Italia
 - g. Tour de France;
 - h. Vuelta d'España;
 - i. Tour of Britain
 - j. UCI World Championships; and
 - k. Giro di Lombardia

21. Notwithstanding condition 18 above the premises shall be permitted to sell alcohol without food to up to 80 customers attending a pre-booked function at the premises where the premises are closed to the general public.
22. Sales of alcohol in relation to condition 18 shall be to customers who have pre-booked at least four (4) hours in advance only. The customers' names shall be recorded along with the date and time of their booking and if the booking is taken by a member of staff, the staff member's name shall be recorded also. Any customers booking within four (4) hours of the event shall be by signed permission of the DPS only.
23. No events booked by external promoters shall be permitted to take place at the premises.
24. Sales of alcohol in relation to conditions 20 and 21 above shall be by waiter/waitress service to seated customers.
25. Off Sales of alcohol shall only be permitted between 12:00 to 19:00 hours.
26. The capacity in the café shall be limited to 40 customers with the exception to condition 20 above and pre-booked functions.
27. There shall be no off sales of draught beers.
28. There shall be a Personal Licence Holder on duty at the premises at all times when alcohol is not being sold ancillary to food.
29. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents and businesses in the vicinity.
30. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
31. 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 are 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.
32. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. 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.

33. 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 customers,
 - c) any complaints received concerning crime and disorder,
 - d) any incidents of disorder,
 - e) any faults in the CCTV system,
 - f) any refusal of the sale of alcohol,
 - g) any visit by a relevant authority or emergency service.
 - h) all seizures of drugs or offensive weapons.
34. Patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke, shall not be permitted to take drinks or glass containers with them.
35. There shall be a maximum of six (6) smokers outside the premises at any one time.
36. No licensable activities shall take place at the premises until premises licence 18/08331/LIPDPS (or such other number subsequently issued for the premises) has been surrendered and is incapable of resurrection.

**This is the Full Decision reached by the Licensing Sub-Committee
This Decision takes immediate effect.**

**Licensing Sub-Committee
11 November 2021**

6. GROUND FLOOR, 11 BERKELEY STREET, W1J 8DS

WCC LICENSING SUB-COMMITTEE NO. 4

Thursday 11 November 2021

Membership: Councillor Karen Scarborough (Chair), Councillor Heather Acton and Councillor Aicha Less

Officer Support: Legal Advisor: Vivienne Walker
Policy Officer: Aaron Hardy
Committee Officer: Sarah Craddock
Presenting Officer: Emanuela Meloyan

Application for a Shadow Licence 21/06202/LIPN

Full Decision

Premises

Ground Floor
11 Berkeley Street
London W1J 8DS

Applicant

11 Berkeley Street NO 2 Ltd
Represented by Craig Baylis (Solicitor – Kingsley Napley LLP)

Cumulative Impact Area?

The Premises are not in a Cumulative Impact Area

Ward

West End

Special Consideration Zone?

Mayfair

Summary of Application

The applicant sought a Shadow Licence to be held in its name. The Premises has had the benefit of a Premises Licence since 2016. The Shadow Licence has been applied for in exactly the same terms as the existing licence. The two licences would not operate at the same time.

Representations Received

- Environmental Health Service - **Withdrawn**
- Two local residents objecting to the application (Ms De Irena T and Mr Akash M)

Summary of issues raised by objectors

- The Premises are in a residential area which already suffers from noise disturbance late at night.
- The Premises are currently carrying out a lot of building works and causing noise nuisance to the residents during unsociable hours such as on Saturday afternoons, in the early hours of the morning from 7am and on Sundays.
- There are numerous bars and restaurants located in Berkeley Street. The street was becoming overcrowded, unsafe and out of control.
- The application was likely to encourage noise and drunken behaviour in the local area.

Policy Position

The following policy points had to be considered, namely HSR1 and RNTI (A).

SUBMISSIONS AND REASONS

Having considered all the submissions made by all parties, the Licensing Sub-Committee decided to grant the application.

The Licensing Officer introduced the application and confirmed that two residential representations against the application had been received and that the Environmental Health Service's representation had now been withdrawn following the applicant providing additional information regarding the application. The Sub-Committee noted that the Premises are in the West End Ward but are not in a Cumulative Impact Area. The Sub-Committee further noted that the Premises are, however, in the Mayfair Special Consideration Zone.

Mr Baylis, representing the applicant, addressed the Sub-Committee and advised that this was a shadow licence application which had been submitted by the landlord in order to protect their interest. He confirmed that the shadow licence was applied for on exactly the same terms as the existing licence. He advised that currently the Premises was being redeveloped under the existing licence by a proposed restaurant operator and the Premises was due to open at the beginning of December. He explained that the application was one which fits within the Council's Statement of Licensing Policy (SLP) and that the Premises had benefited from a Premises Licence since 2016.

Mr Baylis advised that during the day he had talked with Ms De Irena T (local resident against the application) regarding her concerns. Ms De Irena had advised

that the Premises had been carrying out a lot of very noisy 'out of hours' building works which had caused a great deal of noise nuisance. Mr Baylis advised that he had given the operator's contact details to Ms Irena T so she could speak to them directly about her concerns as the operator wanted to be a good neighbour in the community. Mr Baylis confirmed that he had telephoned his Applicant regarding the building works and the Applicant had confirmed that he had obtained Planning Permission and Building Control Regulations for all the building work that had been carried out on the Premises. Mr Baylis advised that the building work was now completed, and the operator was in the process of training staff so the Premises would be ready to open in early December.

The Sub-Committee noted that Berkeley Street had numerous restaurants and bars and that the residents had a right to be concerned about the operation of the restaurant if the operator had been breaching the rules and regulations when carrying out the building work at the Premises.

Mr Baylis informed the Sub-Committee that the applicant as a responsible landlord took a keen interest in the operation of the Premises to ensure it promoted the licensing objectives. Mr Baylis advised that it would be a full MC66 restaurant style operation serving middle eastern cuisine with a small bakery at the front of the shop. Mr Baylis confirmed that the Freeholder and the operator were not connected, and each held a separate company. The Sub-Committee noted that the Freeholder had transferred the existing licence to the operator in 2016.

Ms De Irena T, local resident, advised that she would like more detail regarding the transfer of the Premises Licence in 2016 from the Freeholder to the current operator, as the residents had not been notified of the transfer of the Premises Licence. Mr Baylis advised that there was no legal obligation to notify residents when a Premises Licence was transferred to a new operator.

Ms De Irena T advised that the residents did have concerns regarding the previous operator at the Premises however these concerns were small in comparison with the current operator. She advised that buildings work, as usual, had started at 7am this morning and the building contractors worked every Saturday afternoon and Sunday. She confirmed that she had reported this to the Council who had stopped them working two weeks ago. She advised that a balance needed to be found between the residents and businesses in the area to co-exist together, however, 11 Berkeley did not appear to wish to communicate with the operators or the residents. She advised that she considered that the Freeholders were disrespectful towards the residents and showed no concern regarding the construction noise, smoking areas or general planning rules/regulations. She considered that they did not care about the community. The Sub-Committee advised Ms De Irena T to contact her ward councillors and the Planning Enforcement Team who could help the residents with their concerns. Ms De Irena T advised that Mr Akash M (local resident also objecting against the application) who had attended the hearing had needed to leave before the Sub-Committee could hear the application.

The Sub-Committee advised Mr Baylis that they did not feel very re-assured about granting the Shadow Premises Licence to the Freeholder. Mr Baylis emphasised that there was already an existing Premises licence in place, the Licensing Authority had not made a representation against the application even through the Premises

was located was in a special consideration zone and the Shadow Licence had been applied for in exactly the same terms as the existing licence. Mr Baylis advised that he had informed the Applicant of the residential concerns.

The Sub-Committee advised Mr Baylis that the Premises Licence Holder should have regular meetings with residents in order to discuss issues directly affecting them regarding the running and management of the Premises. The Sub-Committee further advised that if the Freeholder did not promote the Licensing Objectors the residents could ask the Licensing Service to review the Premises Licence.

Conclusion

The Committee has determined an application for a grant of Premises Licence under the Licensing Act 2003 ("The Act").

The Sub-Committee carefully considered the application and noted that the Premises were not located within a Cumulative Impact Area and therefore the application had to be considered on its merits. The extensive proposed conditions, , were considered appropriate and would promote the licensing objectives.

Therefore, 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, with the conditions proposed considered proportionate enough to ensure that it promoted the licensing objectives. The Sub-Committee therefore granted the application accordingly.

1. To grant permission for **Late Night Refreshment** Monday to Thursday 23:00 to 23:30 hours Friday to Saturday 23:00 to 00:00 hours.
2. To grant permission for **Seasonal Variations:** Sundays before Bank Holidays 23:00 to 00:00 hours.
3. To grant permission for **Playing of Recorded Music** Monday to Thursday 09:00 to 23:30 hours Friday to Saturday 09:00 to 00:00 hours Sunday 09:00 to 23:30 hours.
4. To grant permission for **Seasonal Variations:** Sundays before Bank Holidays 09:00 to 00:00 hours.
5. To grant permission for the **Sale of Alcohol (On and Off Sales)** Monday to Thursday 10:00 to 23:30 hours Friday to Saturday 10:00 to 00:00 hours Sunday 12:00 to 22:30 hours.
6. To grant permission for **Seasonal Variations:** Sundays before Bank Holidays 10:00 to 00:00 hours.
7. To grant permission for the **Opening Hours of the Premises** Monday to Thursday 09:00 to 23:30 hours Friday to Saturday 09:00 to 00:00 hours Sunday 09:00 to 22:30 hours.

8. To grant permission for **Seasonal Variations**: Sundays before Bank Holidays 09:00 to 00:00 hours.
9. That the Licence is subject to any relevant mandatory conditions.
10. That the Licence is subject to the following additional condition imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions consistent with the operating schedule

10. The premises shall operate as a restaurant:
 - i) In which customers are shown to their table
 - ii) Where the supply of alcohol is by waiter or waitress service only,
 - iii) Which provide food 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) Which do not provide any takeaway service of food or drink for immediate consumption,
 - v) Which do not provide any takeaway service of food or drink after 23:00, and
 - vi) 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.

11. Notwithstanding condition 10 above, alcohol may be sold to and consumed by up to a maximum of 25 persons in the holding bar area hatched red on the plan, prior to and after their meal.
12. At least 1 SIA licensed door supervisor shall be on duty at the entrance of the premises at all times whilst it is open for business.
13. 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.
14. 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 to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.

15. 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.
16. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol any visit by a relevant authority or emergency service.
 - (h) any visit by a relevant authority or emergency service.
17. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
18. 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.
19. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
20. Patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke, shall be limited to 4 persons at any one time.
21. 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.
22. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

23. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
24. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 08:00 hours on the following day.
25. Deliveries to the premises shall only take place between the hours of 07:30 and 12:00 (midday) Monday to Saturday and between 09:00 and 12:00 Sundays and Bank Holidays.
26. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises and that this area shall be swept and or washed and litter and sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
27. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
28. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises. The distribution of leaflets or similar promotional material is also prohibited within the specified area.
For the purpose of this section, 'Directly' means: - employ, have control of or instruct. 'Indirectly' means allowing / permitting the service of or through a third party. 'Specified' Area' means the area encompassed within (insert name of boundary roads.)
29. The number of persons permitted within the premises at any one time (excluding staff) shall not exceed:
 - o Basement [x - to be determined by the Environmental Health Consultation Team]
 - o Ground floor [x - to be determined by the Environmental Health Consultation Team] Subject to an overall maximum of 175 persons at any one time.
30. The Licence will have no effect until the works shown on the plans appended to the application (or as subsequently amended) have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
31. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to the designated smoking area as defined on the licensed plan.

32. The front window of the premises shall be opaque.
33. Support shall be given to the Berkeley Street monitoring scheme that may exist including a material financial contribution to any paid for enforcement scheme.
34. The licence holder shall enter into an agreement with a hackney carriage and or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
35. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents and businesses in the vicinity. If the manager changes then the name and contact number shall be distributed as soon as possible.
36. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
37. 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.

Condition imposed by the Committee after a hearing with the agreement of the Applicant

38. The shadow licence will not take effect when the current licence is in operation.

INFORMATIVE:

39. The Premises Licence Holder must have regular meetings with residents in order to discuss issues directly affecting them regarding the running and management of the Premises.

This is the Full Decision of the Licensing Sub-Committee which takes effect forthwith.

**The Licensing Sub-Committee
11 November 2021**