



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (5)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (5)** held on **Thursday 25th November, 2021**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Murad Gassanly (Chairman), Richard Elcho and Rita Begum

#### 1. MEMBERSHIP

1.1 There were no changes to the membership.

#### 2. DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

#### 1. LONDON COCKTAIL CLUB, BASEMENT, PORTLAND HOUSE, 4 GREAT PORTLAND STREET, W1W 8QJ

### **WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 5** **("The Committee")**

Thursday 25<sup>th</sup> November 2021

Membership: Councillor Murad Gassanly (Chair), Councillor Richard Elcho and Councillor Rita Begum

Officer Support: Legal Advisor: Vivienne Walker  
Policy Officer: Aaron Hardy  
Committee Officer: Tristan Fieldsend  
Presenting Officer: Kevin Jackaman

## **Application for a New Premises Licence 21/07628/LIPV**

### **Full Decision**

#### **Premises**

London Cocktail Club  
Basement  
Portland House  
4 Great Portland Street  
London  
W1W 8QJ

#### **Applicant**

The London Cocktail Club Limited  
Represented by Lana Tricker (Solicitor – LT Law)

#### **Cumulative Impact Area?**

West End Cumulative Impact Area

#### **Ward**

West End

#### **Summary of Application**

The Premises currently operated as a Cocktail Lounge and were seeking to extend the terminal hour for all licensable activities and opening hours on Thursdays, Fridays and Saturdays for a time limited period until 30 March 2023. The Premises are located within the West End Cumulative Impact Zone.

#### **Proposed Variations to the Activities and Hours**

##### **[Exhibition of Films](#)**

Monday to Wednesday 10.00 to 23.30  
Thursday 10:00 to 00:30  
Friday to Saturday 10:00 to 01:30  
Sunday 12:00 to 22:30

##### **Seasonal Variations/Non-standard timings:**

The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.

On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.

### [Performance of Live Music](#)

Monday to Wednesday 23.00 to 23.30

Thursday 10:00 to 00:30

Friday to Saturday 10:00 to 01:30

### Seasonal Variations/Non-standard timings:

The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.

On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.

### [Playing of Recorded Music](#)

Monday to Wednesday 10.00 to 23.30

Thursday 10:00 to 00:30

Friday to Saturday 10:00 to 01:30

Sunday 12:00 to 22:30

### Seasonal Variations/Non-standard timings:

The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.

On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.

### [Late Night Refreshment \(Indoors\)](#)

Monday to Wednesday 23.00 to 23.30

Thursday 23:00 to 00:30

Friday to Saturday 23:00 to 01:30

Seasonal Variations/Non-standard timings:

The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.

On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.

[Retail Sale of Alcohol \[On Sales\]](#)

Monday to Wednesday 10.00 to 23.30

Thursday 10:00 to 00:30

Friday to Saturday 10:00 to 01:30

Sunday 12:00 to 22:30

Seasonal Variations/Non-standard timings:

The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.

On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.

[Hours Premises are Open to the Public](#)

Monday to Wednesday 10.00 to 23.30

Thursday 10:00 to 00:30

Friday to Saturday 10:00 to 01:30

Sunday 12:00 to 22:30

Seasonal Variations/Non-standard timings:

The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.

On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the

premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.

### Conditions Proposed to be Added

1. There shall be a minimum of 2 SIA on Friday and Saturday nights and a minimum of 1 SIA on Thursday night, between 9pm and 15 mins after the premises closes. Their SIA licences shall be displayed at all times. This condition shall be in force for a limited period until 30 March 2023.
2. There shall be a 15-minute wind down period prior to the end of licensable activities on Thursday, Friday and Saturday trading nights. The style tempo and volume of music shall be consistent with the wind down period. This condition shall be in force for a limited period until 30 March 2023.
3. On Thursdays there shall be no admittance or readmittance to the premises after 23.30 except for patrons permitted to temporarily leave the premises to smoke. This condition shall be in force for a limited period until 30 March 2023.
4. On Fridays and Saturdays there shall be no admittance or readmittance to the premises after midnight except for patrons permitted to temporarily leave the premises to smoke. This condition shall be in force for a limited period until 30 March 2023.
5. On Thursdays the capacity of patrons within the premises shall be reduced to 150 after midnight. This condition shall be in force for a limited period until 30 March 2023.
6. On Fridays and Saturdays, the capacity of patrons within the premises shall be reduced to 150 after 00.30. This condition shall be in force for a limited period until 30 March 2023.
7. The variation of hours under ref: xxxx shall be permitted for a limited period until 30 March 2023 only.
8. Condition 36 (There shall be a minimum of one SIA security person on duty Friday and Saturday from 9pm until 15 minutes after the premises closes) shall be suspended until 30 March 2023.
9. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.

### Representations Received

- The Licensing Authority (Roxsana Haq)

### **Summary of issues raised by objector**

- It was noted that this was a time limited application seeking extended hours to help the business recover from the Covid-19 pandemic however it was noted that the extension was for a period beyond the current lifting of Covid-19 restrictions. The Licensing Authority would therefore require further submissions from the applicant justifying the period sought.
- The applicant was required to provide submissions as to how the operation of the Premises would not add to cumulative impact in the West End cumulative impact area.
- Notwithstanding that this was a time limited application, the applicant was seeking hours in excess of core hours in the West end cumulative impact zone, the applicant would have to demonstrate exceptional circumstances to allow a departure from the Policy.

### **Policy Position**

Under Policy CIP1 it is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to 1. Vary the hours within Core Hours under Policy HRS1 and/or 2. Vary the licence to reduce the overall capacity of the premises. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.

Under Policy HRS1, applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies and with particular regard to the matters set out in Policy HRS1.

Under Policy PB1(B) it is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than 1. Applications to vary the existing licence hours within the Council's Core Hours HRS1. 2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.

### **DECISION AND REASONS**

Mr. Kevin Jackaman, Senior Licensing Officer introduced the application.

Ms Tricker, representing the applicant, explained that the application before the Sub-Committee was for a time limited period seeking an extension in hours for licensable

activities for only three days a week. For clarity Ms Tricker highlighted that the date when the proposed variation would end would be 18 months from when the application was first lodged. The application had been made in response to the Covid-19 pandemic and although it was recognised that the lockdown period was over it had a detrimental impact on the business. Ms Tricker then provided an overview of the style of operation at the Premises and detailed how it was an established business in the area.

Ms Tricker brought to the Sub-Committee's attention the additional conditions which would be placed on the licence, in particular capacity would be reduced during the extended hours and a last entry time would be imposed. This would help keep customers inside the Premises and reduce the potential for them to move on into the Cumulative Impact Area (CIA). The Police and Environmental Health had not submitted any representations and no objections had been received from local residents. It was recognised that the Licensing Authority had maintained their representation, but the Sub-Committee was advised this was based on policy grounds as the Premises were located within a CIA. The operation at the Premises would not change during the extended hours and a number of TENs had been successfully operated without any issues arising. The security conditions had been strengthened following consultation with the Police, a waiter/waitress service was in place for the supply of alcohol and the operation was not visible from street level. The Sub-Committee was advised the Premises would not function as a club and as it were located in the basement area there would be no noise disturbance to neighbours and no noise complaints had ever been submitted. There were no off sales of alcohol and patrons would not be able to take drinks outside with them if leaving to smoke. The smoking area was controlled by staff and these staff would also assist with the dispersal of customers when leaving the Premises. Ms Tricker advised that the extension in hours would not impact on the crime and disorder licensing objective, and this was confirmed by the lack of representation by the Police.

Ms Haq, representing the Licensing Authority, confirmed that their representation had been maintained as the application would result in the operation departing from policy. The Premises are located within a CIA and therefore the applicant had to demonstrate to the Sub-Committee exceptional circumstances as to why it would not add to cumulative impact in the local area.

The Sub-Committee carefully considered the application and noted that the Premises are located within a Cumulative Impact Area and therefore the applicant had to demonstrate that the application would not add to cumulative impact in the CIA. It was noted that the proposed extension to the hours for licensable activities were for a time limited period only. Conditions had been agreed with the Police which would ensure the Premises were controlled appropriately and these provided reassurance that the crime and disorder licensing objective would be promoted. The Sub-Committee also recognised that the supply of alcohol would be by waiter/waitress service and as the operation was located in the basement area the consumption of alcohol would not be visible from street level. The Sub-Committee was also pleased to note that the capacity of the Premises would be reduced during the extended hours and a last entry condition was to be imposed providing further reassurance it could not become a club type operation. It was recognised that the

Premises were established in the area with a responsible operator, and this was reflected by there being no recorded issues emanating from the establishment.

Therefore, having taken into account all the evidence the Sub-Committee was satisfied that the application was suitable for the local area and that exceptional circumstances had been demonstrated to allow the Sub-Committee to depart from policy. Members welcomed the additional conditions to be imposed on the licence, in particular the reduction in capacity during the extended hours. The applicant had demonstrated that the application was appropriate, with the conditions proposed proportionate enough to ensure that the licensing objectives were promoted, ensure there would be no increase in cumulative impact in the CIA and mitigate the concerns raised by the Licensing Authority.

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

- 1. To grant permission to vary the terminal hour for Regulated Entertainment on Thursdays from 23:30 to 00:30 hours.**
- 2. To grant permission to vary the terminal hour for the Performance of Live Music on Thursdays from 23:30 to 00:30 hours.**
- 3. To grant permission to vary the terminal hour for the Playing of Recorded Music on Thursdays from 23:30 to 00:30 hours.**
- 4. To grant permission to vary the terminal hour for Late Night Refreshment on Thursdays from 23:30 to 00:30 hours.**
- 5. To grant permission to vary the terminal hour for the Sale of Alcohol (On and Off Sales) on Thursdays from 23:30 to 00:30 hours.**
- 6. To grant permission to vary the terminal hour for the Opening Hours of the Premises on Thursdays from 23:30 to 00:30 hours.**
- 7. To grant permission to vary the terminal hour for Regulated Entertainment on Fridays and Saturdays from 00:00 to 01:30 hours.**
- 8. To grant permission to vary the terminal hour for the Performance of Live Music on Fridays and Saturdays from 00:00 to 01:30 hours.**
- 9. To grant permission to vary the terminal hour for the Playing of Recorded Music on Fridays and Saturdays from 00:00 to 01:30 hours.**
- 10. To grant permission to vary the terminal hour for Late Night Refreshment on Fridays and Saturdays from 00:00 to 01:30 hours.**
- 11. To grant permission to vary the terminal hour for the Sale of Alcohol (On and Off Sales) on Fridays and Saturdays from 00:00 to 01:30 hours.**



12. **To grant permission to vary the terminal hour for the Opening Hours of the Premises on Fridays and Saturdays from 00:00 to 01:30 hours.**
13. **That the variation of the terminal hours is time limited until 30 March 2023.**
14. **That the varied licence is subject to any relevant mandatory conditions.**
15. **That the existing conditions on the licence shall apply in all respects except in so far as they are varied by this Decision.**
16. **That Condition 36 below shall be suspended until 30 March 2023.**
17. **That the varied licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.**

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

11. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 200 persons.
12. There shall be waiter/waitress service throughout the premises at all times.
13. There shall be no sales of alcohol for consumption off the premises.
14. 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.
15. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises 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 preceding 31-day period.
16. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises 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.
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, Premises Management 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 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. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) are inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or is distributed to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.
21. 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.
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. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
24. 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.
25. There shall be no cinema style showing of films.
26. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder

- (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
27. The premises shall join the local Pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.
  28. The food bar shown on the plans shall be maintained functioning and available to patrons at all times the premises are trading.
  29. A taxi service shall be available to patrons.
  30. There shall be no draught beer sold at the premises.
  31. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.
  32. The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.
  33. 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.
  34. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
  35. The premises shall operate as a cocktail lounge, and a minimum percentage of cocktail drinks on any given day sold at the premises shall be 75% of total sales.
  36. There shall be a minimum of one SIA security person on duty Friday and Saturday from 9pm until 15 minutes after the premises close.

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

37. There shall be a minimum of 2 SIA on Friday and Saturday nights and a minimum of 1 SIA on Thursday night, between 9pm and 15 minutes after the premises close. Their SIA licences shall be displayed at all times. This condition shall be in force for a limited period until 30 March 2023.
38. There shall be a 15-minute wind down period prior to the end of licensable activities on Thursday, Friday and Saturday trading nights. The style tempo and volume of music shall be consistent with the wind down period. This condition shall be in force for a limited period until 30 March 2023.

39. On Thursdays there shall be no admittance or readmittance to the premises after 23.30 except for patrons permitted to temporarily leave the premises to smoke. This condition shall be in force for a limited period until 30 March 2023.
40. On Fridays and Saturdays there shall be no admittance or readmittance to the premises after midnight except for patrons permitted to temporarily leave the premises to smoke. This condition shall be in force for a limited period until 30 March 2023.
41. On Thursdays the capacity of patrons within the premises shall be reduced to 150 after midnight. This condition shall be in force for a limited period until 30 March 2023.
42. On Fridays and Saturdays, the capacity of patrons within the premises shall be reduced to 150 after 00.30. This condition shall be in force for a limited period until 30 March 2023.
43. The variation of hours shall be permitted for a limited period until 30 March 2023 only.
44. Condition 36 above shall be suspended until 30 March 2023.
45. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.
46. A copy of the premises' dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council.

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

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

**2. B TOGETHER, 47-51 ST JOHN'S WOOD HIGH STREET, NW8 7NJ**

**WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 5  
("The Committee")**

Thursday 25<sup>th</sup> November 2021

Membership: Councillor Murad Gassanly (Chair), Councillor Richard Elcho and Councillor Rita Begum

Officer Support:      Legal Advisor:      Vivienne Walker  
                                 Policy Officer:      Aaron Hardy  
                                 Committee Officer:      Tristan Fieldsend  
                                 Presenting Officer:      Kevin Jackaman

## **Application for a New Premises Licence 21/07502/LIPV**

### **Full Decision**

#### **Premises**

B Together  
47-51 St John's Wood High Street  
London  
NW8 7NJ

#### **Applicant**

Intergenic Limited  
Represented by Luke Elford (Solicitor – Woods Whur)

#### **Cumulative Impact Area?**

Not in a Cumulative Impact Area

#### **Ward**

Regent's Park

#### **Summary of Application**

The Premises currently operated as a multi-purpose Premises with a café, working space, nursery and club lounge and was seeking to extend the hours for the Supply of Alcohol, Late Night Refreshment and Recorded Music.

#### **Proposed Variations to the Activities and Hours**

##### **[Recorded Music in the Ground Floor Restaurant](#)**

Monday to Saturday 10.00 to 23.30 hours  
Sunday 12:00 to 22:30 hours

##### **[Recorded Music in the First and Second Floors](#)**

Monday to Saturday 10:00 to 23:00 hours

### Late Night Refreshment in Ground Floor, First Floor, and Second Floor

Monday to Saturday 23.00 to 23.30 hours

### Retail Sale of Alcohol [On and Off Sales] in the Ground Floor Restaurant

Monday to Saturday 10.00 to 23.30 hours

Sunday 12:00 to 22:30 hours

### Retail Sale of Alcohol [On and Off Sales] in the First and Second Floors

Monday to Saturday 10.00 to 23.00 hours

### Hours Premises are Open to the Public for the Restaurant

Monday to Saturday 08.00 to 23:30 hours

Sunday 08:00 to 22:30 hours

### Hours Premises are Open to the Public for the remainder of the Premises

Monday to Saturday 08.00 to 23:30 hours

Sunday 08:00 to 22:30 hours

### Layout Alteration

To approve the final layout of the premises as shown on the plan.

### **Representations Received**

- Environmental Health Service (Ian Watson)
- Metropolitan Police (PC Reaz Guerra) – **Withdrawn**
- Planning Department (Harry Berks)
- Three local residents objecting to the application

### **Summary of issues raised by objector**

- The proposed extension in hours for licensable activities would have the likely effect of causing an increase in Public Nuisance within the area.
- The opening hours proposed are until 00:30 and are therefore not in accordance with the opening hours that had been granted planning permission. The North Planning Team therefore objected on grounds of noise nuisance. If the premises were open beyond 22:00 they would be liable to planning enforcement investigation.

- The extension of opening hours was not in keeping with the quiet nature of the street and would further disrupt the ability of residents to enjoy any quiet time in their homes.

### **Policy Position**

Under Policy HRS1, applications within the core hours will generally be granted subject to not being contrary to other policies in the Statement of Licensing Policy.

Under Policy COMB1(A), applications outside the West End Cumulative Impact Zone for premises that propose to operate as a 'combined use premises' will be considered on their merits and subject to the matters identified in Policy COMB1.

### **DECISION AND REASONS**

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

Mr Elford, representing the applicant, introduced the application and confirmed that following consultation the applicant had agreed to considerably reduce the hours originally sought for the retail sale of alcohol for consumption off the Premises to 23:00 Monday to Saturday and 22:30 on Sundays. It was explained that B Together was a family members club where family memberships for six people, two adults and four children, could be bought to access a co-working family hub and attend hosted events and classes. The Premises had a public facing restaurant area on the ground floor which was completely separate from the club situated above it with no access between the two.

Mr Elford advised that the applicant had engaged with the responsible authorities and those parties objecting to ensure there would be no impact on the local area. With regard to the objections received it was recognised one had been submitted by the Council's Planning Department regarding the opening hours, however licensing and planning were different regimes. The Sub-Committee noted that there would be no change in the concept of the Premises and later hours were being sought simply to assist the business and provide a greater degree of flexibility. The hours applied for were now within the Council's core hours policy and the proposed conditions promoted the licensing objectives.

In response to questions from the Sub-Committee Mr Elford provided information on dispersal from the Premises and the family events held on-site. Capacity limits were also provided for each floor, and it was explained that most members left the club by 18:00 hours but the later hours were sought to allow flexibility when holding events which usually catered for 30-40 people. In terms of the restaurant there was no vertical drinking permitted and there were usually approximately 80 customers on the Premises at any one time. Bookings were managed appropriately in order to ensure there was a staggered dispersal and a drinking-up time had also been suggested for member events to assist with people leaving the Premises gradually.

Mr Watson, representing Environmental Health Service, confirmed that he had inspected the Premises and acknowledged that the restaurant on the ground floor was subject to the Council's model restaurant condition, with the front area providing more of a café area experience. The first floor was children based consisting of various play areas and the second floor was a family area. The Premises had not been operating long so there was no real history to the operation and Mr Watson was pleased to note that the hours originally applied for had been scaled back.

The Sub-Committee carefully considered the application and noted that the Premises were not located within a Cumulative Impact Area or a Special Consideration Zone and therefore it had to be considered on its own individual merits with no presumption to refuse the application. The Sub-Committee welcomed the discussions that had been undertaken with the responsible authorities and as such there were no representations from the Licensing Authority and the Police had subsequently withdrawn their representations. The representation from the Planning Department was noted but it was acknowledged that planning and licensing were different regimes and had to be considered separately. In particular Members were pleased to note that the hours originally sought had been considerably reduced and were now within the Council's core hours policy. In terms of the restaurant operation this would be controlled by the Council's model restaurant condition providing reassurance that it would not become a drink-led establishment. The representations received were carefully considered, however the Sub-Committee was of the opinion that most had arisen through a misunderstanding of the operation, which would be one of a family hub.

The conditions proposed by the applicant and agreed with the responsible authorities were considered appropriate and sufficient in order to provide reassurance to local residents. 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 proportionate enough to ensure that the licensing objectives were promoted and mitigated the concerns raised. The Sub-Committee therefore granted the application accordingly.

The application was granted as follows:

1. To grant permission for the provision of **Recorded Music in the Ground Floor Restaurant** Monday to Saturday 10.00 to 23.30 hours  
Sunday 12:00 to 22:30 hours
2. To grant permission for the provision of **Recorded Music in the First and Second Floors** Monday to Saturday 10:00 to 23:00 hours
3. To grant permission for the provision of **Late Night Refreshment in Ground Floor, First Floor, and Second Floor** Monday to Saturday 23.00 to 23.30 hours



4. To grant permission for the **Retail Sale of Alcohol [On and Off Sales] in the Ground Floor Restaurant** Monday to Saturday 10.00 to 23.30 hours  
Sunday 12:00 to 22:30 hours
5. To grant permission for the **Retail Sale of Alcohol [On and Off Sales] in the First and Second Floors** Monday to Saturday 10.00 to 23.00 hours
6. To grant permission for the **Opening Hours of the Restaurant** Monday to Saturday 10.00 to 23:30 hours Sunday 12:00 to 22:30 hours
7. To grant permission for the **Opening Hours for the remainder of the Premises** Monday to Saturday 08.00 to 23:30 hours Sunday 08:00 to 22:30 hours.
8. To grant permission to approve the final layout of the Premises as shown on the plan supplied to the Licensing Authority.
9. That the Licence is subject to any relevant mandatory conditions.
10. That the existing conditions on the licence shall apply in all respects except in so far as they are varied by this Decision.
11. That the varied licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

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

9. Non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
10. A 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.
11. 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.
12. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
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 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.

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 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.
15. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - a. all crimes reported to the venue
  - b. all ejections of patrons
  - c. any complaints received concerning crime and disorder
  - d. any incidents of disorder
  - e. all seizures of drugs or offensive weapons
  - f. any faults in the CCTV system, searching equipment or scanning equipment
  - g. any refusal of the sale of alcohol
  - h. any visit by a relevant authority or emergency service.
16. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
17. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
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. 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.
20. All windows and external doors shall be kept closed after 22:00 hours except for the immediate access and egress of persons.
21. No deliveries to the premises shall take place between 23:00 and 06:00 on the following day.
22. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 and 06:00 on the following day.

23. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 06:00 hours on the following day.
24. 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.
25. 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.
26. 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.
27. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
28. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
29. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed,  
Ground Floor - 100 persons  
First Floor - 120  
Second Floor - 66

## GROUND FLOOR

30. The area hatched black on the ground floor plan shall only operate as a restaurant and dining area.
  - a. in which customers are shown to their table,
  - b. where the supply of alcohol is by waiter or waitress service only,
  - c. which provides 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,
  - d. which does not provide any takeaway service of food or drink for immediate consumption,
  - e. which does not provide any takeaway service of food or drink after 23.00, and
  - f. where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

## FIRST FLOOR

31. The sale of alcohol is limited to those who have paid the appropriate fee and their guests to use the co-working space or to have use of a particular area.

## SECOND FLOOR

32. The sale of alcohol is limited to members of the club lounge who have paid the appropriate monthly fee and their guests.

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

33. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.

**This is the Full Decision reached by the Licensing Sub-Committee**

**This Decision takes immediate effect**

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

3. **MCDONALDS, 161 PRAED STREET, W2 1RL**

### **WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 5 ("The Committee")**

Thursday 25<sup>th</sup> November 2021

Membership: Councillor Murad Gassanly (Chair), Councillor Richard Elcho and Councillor Rita Begum

Officer Support: Legal Advisor: Vivienne Walker  
Policy Officer: Aaron Hardy  
Committee Officer: Tristan Fieldsend  
Presenting Officer: Kevin Jackaman

### **Application for a New Premises Licence 21/07202/LIPN**

### **Full Decision**

#### **Premises**

McDonald's  
161 Praed Street  
London

W2 1RL

**Applicant**

McDonalds Restaurants Limited  
Represented by Elaine Rayner (Licensing Team Leader – Shoosmiths)

**Cumulative Impact Area?**

Not in a Cumulative Impact Area

**Ward**

Hyde Park

**Summary of Application**

The Premises proposed to operate as a fast-food restaurant.

**Proposed Activities and Hours**

[Late Night Refreshment \(Outdoors\)](#)

Monday to Sunday 23.00 to 00.00

[Hours Premises are Open to the Public](#)

Monday to Sunday 06.00 to 00.00

**Representations Received**

- Metropolitan Police Service (PC Bryan Lewis)
- Environmental Health Service (Dave Nevitt)
- Councillor Heather Acton (Hyde Park Ward Councillor)
- South East Bayswater Residents Association
- Hyde Park Estate Association

**Summary of issues raised by objector**

- The proposals were likely to increase the risk of public nuisance and impact on the prevention of crime and disorder licensing objective which may impact upon Public Safety.
- The application would have on detrimental impact on local residents who would be faced with increased noise from customers arriving or leaving the Premises, disturbance from 'Take Away' collection and delivery, litter etc and potential crime and disorder with anti-social behaviour to residents in Praed Street.
- The hours sought for Licensable activities were in excess of the Core Hours as defined in the City Council's Statement of Licensing Policy.

### **Policy Position**

The Premises are located within the West End Cumulative Impact Area and as such various policy points had to be considered, namely HRS1 and FFP1.

Under Policy HRS1, applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies and with particular regard to the matters set out in Policy HRS1.

Under Policy FFP1 applications outside the West End Cumulative Zones will generally be granted subject to other relevant policies and with regard to the matters set out in Policy FFP1.

### **DECISION 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 following discussions the applicant had agreed to reduce the opening hours and terminal hours for licensable activities to 00:00. It was also confirmed that the Police had withdrawn their representation following the agreement of conditions with the applicant.

Mr Leo Charalambides of Counsel, representing the applicant, introduced the application. He explained that the application had been significantly reduced in scope and was now only seeking to extend the provision of late-night refreshment to 00:00 hours Monday to Sunday. This was a like-for-like application with the McDonald's located opposite which had now closed. There would be no seating at the Premises, which was a new concept, providing a takeaway and delivery service only. It was highlighted that the nearby McDonald's located in Paddington Station had also recently closed resulting in a reduction in McDonald's footfall in the area. In terms of the concept envisaged for the Premises it had been tested successfully at other stores with the same processes proposed to be applied at the application site. The store would have a specific waiting area which delivery drivers would use whilst collecting their deliveries. The Sub-Committee was advised that there would be

ongoing conversations with delivery partners to ensure there was no detrimental impact on the local area and McDonald's would have the ability to block specific delivery drivers if any issues were reported.

Mr Charalambides recognised that takeaway operations did generate litter and therefore the Premises would provide a bin provision and ensure materials were as far as possible recyclable. In addition, a minimum of three litter patrols would be undertaken each day in the local area and these would collect all litter, not just that of McDonald's. The applicant worked extensively with local communities to address litter concerns and was content for the litter patrols to be conditioned on the licence.

With regards to the conditions Mr Charalambides explained that these had been agreed with the Police and these included an appropriate CCTV condition. No loud music would be played at the Premises with any music used for background purposes only, there would also be no flashing signs located on the Premises. Any collections of waste would take place in accordance with the Council's waste collection scheme, and this would also apply for deliveries to the store. In response to a question, it was confirmed that there would be no toilet provision for customers in the store. Therefore, the Sub-Committee was advised that due to the minimal impact of the application and the reduction in McDonald's premises in the local area, the slight increase in core hours being requested would have no impact as the application was only seeking to replicate what was a long-standing permission.

Mr Nevitt, representing Environmental Health Service, was pleased to note that the application had been scaled back. He still had concerns however over the hours requested as they were beyond core hours and as this was a fast-food premises the Sub-Committee had to be satisfied that sufficient conditions had been offered to mitigate any potential noise and disturbance. The Sub-Committee also had to decide if the concerns of local residents had been addressed although it was recognised that the McDonald's opposite which had now closed also had a terminal hour of 00:00 hours which provided some mitigation. There was also a concern over the toilet provision and how staff would be able to explain to customers they could not use the staff toilets.

Mr Brown, Citizens Advice Bureau *Licensing Advice Project*, representing the South East Bayswater Residents Association (SEBRA), addressed the Sub-Committee. He expressed surprise that the original application sought a 24-hour operation and therefore welcomed the subsequent reduction in hours, although they were still beyond core hours. Concern was expressed that there would be no public toilet provision and if the Sub-Committee was minded to grant the application it was requested prominent signage be put in place informing customers of this. It was also noted that no timings had been offered regarding when deliveries of stock and the collection of waste from the Premises had been offered and further reassurances on this would be required. It was requested that any deliveries or collections to the Premises took place from London Street in order to minimise the impact on local residents. Finally, Mr Brown advised that SEBRA had submitted several proposed conditions to be added to the licence but had not received any notification whether the applicant was content to accept them or not. It was acknowledged that now he had been fully informed of the style of operation proposed that not all of them may be appropriate.

Mr Zamit, representing the South East Bayswater Residents Association, advised the Sub-Committee that the applicant had originally applied for a tables and chairs licence for the Premises. This had been refused but it raised questions about whether one would be applied for again in the future and therefore whether it was envisaged for the Premises to be just takeaway only. Litter was a concern, and it was requested that a condition be added to the licence requiring bins to be placed on the footpath and emptied regularly. The Sub-Committee was also advised that delivery drivers picking up their orders was a particular problem in the area as they often parked their vehicles on the pavement causing an obstruction. Finally, concern was raised over the lack of toilet provision and what would happen if a member of the public requested to use the staff toilets.

In response to questions from the Sub-Committee Mr Charalambides explained that a takeaway style of operation was intended for the Premises, and this was why there was no seating or toilet provision as they did not want to encourage people congregating in the area. It would not be expected for takeaway operations to provide toilet facilities and the staff facilities would be located on the second floor with customers only permitted on the ground floor. Mr Charalambides was also unaware of a tables and chairs licence being applied for, but this would be a planning issue. In terms of delivery drivers', agreements and code of conduct protocols would be agreed with delivery providers to ensure there would be minimal impact on local residents. It would not be possible to specify where delivery drivers could park their bikes but if any driver was identified as having broken any of these agreements, they would be reported and not used again by the Premises.

Following detailed discussions between all parties the applicant was content for an informative to be placed on the licence providing reassurance that London Street would be used for deliveries to and from the Premises. An additional informative was also agreed for signage to be installed encouraging patrons to use the public convenience at Paddington Station due to the lack of toilet provision at the Premises. To provide reassurance to local residents the applicant was also content for conditions to be included preventing deliveries or collection of waste and recycling from the Premises between 23:00 and 07:00 hours. It was also agreed between all parties that if the application was granted conditions requiring litter patrols to be undertaken could be added to the licence as well as ensuring that a direct telephone number for the manager at the Premises be made available to local businesses and residents.

The Sub-Committee carefully considered the application and noted that it was not located within a Cumulative Impact Area or a Special Consideration Zone and therefore would have to be considered on its own individual merits with no presumption to refuse the application. The Sub-Committee welcomed the reduction in hours from those originally sought and was pleased to note several of the proposed conditions agreed with the Police. These conditions included the installation of a comprehensive CCTV system and the requirement to conduct a weekly assessment taking into consideration any incidents of crime and disorder linked to the Premises in order to determine whether SIA door staff were required. Concerns raised by local residents were taken very seriously and therefore to provide reassurance several other conditions would be imposed on the licence. This included restricting the times of deliveries to the Premises and when waste collections could take place, prohibiting any between 23:00 and 07:00 therefore



minimising any impact on residents. Conditions requiring litter patrols to take place would also be implemented along with providing a direct telephone line to the manager to local residents. These additional conditions all provided reassurance that the operation would not be detrimental to residents in the surrounding area. These conditions would be further supported through the addition of two informatives on the licence. One would require the Premises Licence Holder to encourage patrons to use the public conveniences at Paddington Station and the second regarding how London Street should be used for deliveries to and from the Premises. It was considered that these conditions and informatives would have the desired effect of allaying the concerns expressed by residents and ensure the licensing objectives were promoted.

The Sub-Committee also took into account that the amended application was a replication of what had been historically permitted in the now closed McDonald's located opposite. Allied with the fact that of the three McDonald's previously located in the local area, two had now closed and this did represent a significant reduction in McDonald's customer footfall locally. The style of operation was also taken into account, and it was considered that this would not encourage large groups of people to loiter in the area.

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 granting the application would make it suitable for the local area and address the concerns raised. The application as now presented was appropriate, with the conditions proposed proportionate enough to ensure that the licensing objectives were promoted and mitigate the concerns raised by local residents. The Sub-Committee therefore granted the application accordingly.

The application was granted as follows:

- 1. To grant permission for Late Night Refreshment Monday to Sunday 23:00 to 00:00 hours.**
- 2. To grant permission for the Opening Hours of the Premises Monday to Sunday 06:00 to 00:00 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)**

10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises 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.

11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises 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.
12. 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 visit by a relevant authority or emergency service.
13. There shall be prominent signage viewable outside the premises, stating that there are no toilets in the premises available for public use.
14. The premises manager shall conduct a weekly assessment taking into consideration any incidents of crime and disorder linked to the premises, to determine whether SIA door staff are required. The documented risk assessment shall be retained for a minimum of 31 days and be made available for the Responsible Authorities to view upon request.
15. No alcohol shall be consumed on the premises.
16. Food and drink purchased from the premises shall not be consumed on the premises.
17. 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 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.
18. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
19. All entrance doors shall be kept closed after 23.00 hours except for immediate access and egress of persons.

20. Notices shall be prominently displayed at exits requesting the public to request the needs of local residents and to leave the premises and the area quietly.
21. There shall be no collection of refuse or recycling materials from the premises between 23:00 hours and 07:00 hours on the following day.
22. No deliveries to the premises shall take place between 23:00 hours and 07:00 hours on the following day.
23. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
24. The highway and public spaces in the vicinity of the premises shall be kept free of litter from the premises at all material times to the satisfaction of the Council.
25. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
26. There shall be regular litter patrol. The route and frequency will be kept under review.
27. Delivery drivers shall be given clear, written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the licence premises; not to leave engines running when the vehicles are parked; and not to obstruct the highway.
28. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number and/or is to be made available to residents and businesses in the vicinity.

**INFORMATIVES:**

29. The Premises Licence Holder will encourage patrons to use the public convenience at Paddington Station.
30. London Street should be used for deliveries to and from the Premises.

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

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

**4. BLACKS, BASEMENT TO FIRST FLOOR, 67 DEAN STREET, W1D 4QH**

**WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 5**

**("The Committee")**

Thursday 25<sup>th</sup> November 2021

Membership: Councillor Murad Gassanly (Chair), Councillor Richard Elcho and Councillor Rita Begum

Officer Support: Legal Advisor: Vivienne Walker  
Policy Officer: Aaron Hardy  
Committee Officer: Tristan Fieldsend  
Presenting Officer: Kevin Jackaman

**Application for a New Premises Licence 21/07370/LIPV**

**Full Decision**

**Premises**

Blacks  
Basement to First Floor  
67 Dean Street  
London  
W1D 4QH

**Applicant**

Blacks Limited  
Represented by Ewan McGregor (Solicitor – TLT Solicitors)

**Cumulative Impact Area?**

West End Cumulative Impact Area

**Ward**

West End

**Summary of Application**

The Premises currently operated as a Private Members Club and the application was seeking to open up the first and second floors to members of the public to dine, replicating the current permissions on the ground and basement floors.

## **Proposed Variations to the Conditions**

### Conditions Proposed to be Varied

<b>Condition</b>	<b>Proposed Variation</b>
<p>17. The hours of operation for the Basement and Ground Floor when open to the public will be; Monday to Thursday 12:00 to 23:00 Friday to Saturday 12:00 to 00:00 Sunday 12:00 to 22:30 After these times the premises will only trade as a private members club.</p>	<p>17. The hours of operation for the premises when open to the public will be; Monday to Thursday 12:00 to 23:00 Friday to Saturday 12:00 to 00:00 Sunday 12:00 to 22:30 After these times the premises will only trade as a private members club.</p>
<p>18. When the Basement and Ground Floor are open to the public. These areas shall only 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 substantial table meals 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.</p>	<p>18. When the premises are open to the public. These areas shall only 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 substantial table meals 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.</p>

**In the event that the application is granted, the following conditions will require the words “with the exception of the ground floor and basement” removed:**

<b>Condition</b>	<b>Proposed Variation</b>
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<p>19. With the exception of the ground floor and basement between 12:00 to 23:00 hours Monday to Thursday, 12:00 to 00:00 Friday and Saturday and 12:00 to 22:30 Sunday, alcohol may only be sold for consumption by members of a private club and their bona fide guests. No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.</p>	<p>19. Between 12:00 to 23:00 hours Monday to Thursday, 12:00 to 00:00 Friday and Saturday and 12:00 to 22:30 Sunday, alcohol may only be sold for consumption by members of a private club and their bona fide guests. No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.</p>
<p>21. With the exception of the ground floor and basement between 12:00 to 23:00 hours Monday to Thursday, 12:00 to 00:00 Friday and Saturday and 12:00 to 22:30 Sunday, there shall be no more than 4 guests per member on the premises at any time, save for guests of members: a) Taking a table meal; or b) Attending a pre-booked and bona fide private function or event booked by a member no less than 24 hours in advance. A register of persons attending the event shall be kept at the premises and made available for immediate inspection by police or an authorised officer of the council; '</p>	<p>21. Between 12:00 to 23:00 hours Monday to Thursday, 12:00 to 00:00 Friday and Saturday and 12:00 to 22:30 Sunday, there shall be no more than 4 guests per member on the premises at any time, save for guests of members: a) Taking a table meal; or b) Attending a pre-booked and bona fide private function or event booked by a member no less than 24 hours in advance. A register of persons attending the event shall be kept at the premises and made available for immediate inspection by police or an authorised officer of the council; '</p>
<p>22. With the exception of the ground floor and basement between 12:00 to 23:00 hours Monday to Thursday, 12:00 to 00:00 Friday and Saturday and 12:00 to 22:30 Sunday, guests of members can only purchase alcohol whilst that member is present on the premises.</p>	<p>22. Between 12:00 to 23:00 hours Monday to Thursday, 12:00 to 00:00 Friday and Saturday and 12:00 to 22:30 Sunday, guests of members can only purchase alcohol whilst that member is present on the premises.</p>

Conditions Proposed to be Added

- The DPS or manager will be responsible for ensuring that members of the public who are not bona fide guests of club members are notified 20 minutes prior to the premises closing to members of the public that they will be asked to leave at that time. Members of the public not bona fide guests of club members must be off the premises by the time stipulated on the licence for members of the public.
- No more than five bona fide guests of a member or the manager will be permitted at any one time.

## **Representations Received**

- The Licensing Authority (Roxsana Haq)

## **Summary of issues raised by objector**

- The Licensing Authority had concerns in relation to how the Premises would promote the Licensing Objectives.
- The Licensing Authority encouraged the applicant to provide further submissions in relation to the capacity of the Premises and how the proposed operation of increasing access to members of the public and the number of bona fide guests of members from 4 to 5 per member would not add to cumulative impact given the increase in numbers of people within the West End CIA as per policy CIP1 and QUC1.

## **Policy Position**

Under Policy HRS1, applications within the core hours will generally be granted subject to not being contrary to other policies in the Statement of Licensing Policy (SLP).

Under Policy RTN1(B), applications inside the West End Cumulative Impact Zone will generally be granted subject to not being contrary to other policies in the SLP.

## **DECISION AND REASONS**

The Licensing Officer introduced the application and confirmed that the Police had withdrawn their representation following consultation with the applicant.

Mr McGregor, representing the applicant, introduced the application. He advised that it was compliant with the Council's Core Hours Policy, there would be no increase in capacity and a restaurant condition would be imposed. The Premises had been in operation a significant period of time and was only seeking to allow members of the public to use the basement and ground floors, replicating what they were currently permitted to do on the first and second floors. The Sub-Committee was advised that the Soho Society were supportive of the application as it opened up an historically important building to the public. There was no history of issues arising from the operation of the Premises and the proposed variation was very unlikely to affect this.

Ms Haq, representing the Licensing Authority, confirmed that their representation was maintained as the Premises was located within a Cumulative Impact Area (CIA) and was seeking to change its operation. It was recognised that the proposed variation would replicate the existing operation on the first and second floors, but the application changed the nature of the entire operation and therefore it was for the Sub-Committee to decide whether to grant the application or not.

In response to questions from the Sub-Committee Mr McGregor confirmed that the proposals would not increase the capacity of the Premises and it was hoped this would allay any concerns over cumulative impact. In addition, whilst the Premises own restaurant condition had been proposed to be placed on the licence the applicant was content for this to be amended to the Council's model restaurant condition.

The Sub-Committee carefully considered the application and noted that the Premises were located within a Cumulative Impact Area and therefore the applicant had to demonstrate that the application would not add to cumulative impact in the CIA. The Sub-Committee noted that the hours requested were within the Council's Core Hours Policy and there would be no increase in capacity. The applicant was seeking to allow non-members access to the first and second floors and replicate what was already currently permitted on the basement and ground floors. No residents had objected to the application, and it was recognised that the applicant had operated the Premises for a significant period of time during which no reported issues had arisen. It was also recognised that a restaurant condition had been offered for the licensed areas and after discussions the applicant had confirmed that this could be amended to be the Council's model restaurant condition. This provided reassurance that the Premises would not operate as drink-led establishment.

Therefore, having taken into account all the evidence the Sub-Committee was satisfied that granting the application was suitable for the local area and addressed any concerns raised. The application was considered appropriate, with the conditions proposed proportionate enough to ensure that the licensing objectives were promoted and ensure there would be no increase in cumulative impact in the CIA. The Sub-Committee therefore granted the application accordingly.

The application was granted as follows:

- 1. To grant permission to vary condition 17 as specified below.**
- 2. To grant permission to vary condition 18 as specified below.**
- 3. To grant permission to vary condition 19 as specified below.**
- 4. To grant permission to vary condition 21 as specified below.**
- 5. To grant permission to vary condition 22 as specified below.**
- 6. That condition 18 had been amended to replace the existing restaurant condition incorporating the Council's Model Condition 66.**
- 7. That the varied licence was subject to any relevant mandatory conditions.**



8. That the existing conditions on the licence should apply in all respects except in so far as they are varied by this Decision.
9. That the varied licence is subject to the additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

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

Whole Premises or those parts of the premises operating at the time as a private member's club:

9. (i) Alcohol may be sold or supplied:
  - (a) Monday to Saturday other than Christmas Day, Good Friday or New Year's Eve 10:00 to 01 :00 Basement & Ground Floors  
Sunday other than Christmas Day, Good Friday or New Year's Eve 12:00 to 00:30  
Basement & Ground Floors  
Monday to Saturday other than Christmas Day, Good Friday or New Year's Eve 10:00 to 23:00 First Floor  
Sunday other than Christmas Day, Good Friday or New Year's Eve 12:00 to 22:30 First Floor  
Monday to Saturday other than Christmas Day, Good Friday or New Year's Eve 10:00 to 23:00 Second Floor  
Sunday other than Christmas Day, Good Friday or New Year's Eve 12:00 to 22:30 Second Floor

Basement and Ground Floor of the premises operating at the time as a restaurant open to the general public

- (b) Monday to Thursday other than Christmas Day, Good Friday or New Year's Eve 12:00 to 23:00 Basement & Ground Floors  
Friday and Saturday other than Christmas Day, Good Friday or New Year's Eve 12:00 to 00:00 Basement & Ground Floors  
Sunday other than Christmas Day, Good Friday or New Year's Eve 12:00 to 22:30  
Basement & Ground Floors

Christmas Day, Good Friday or New Year's Eve

- (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 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, midnight on 31st December).

- (ii) Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve) and on Christmas day, between 15:00 and 19:00 to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to

his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

(iii) (a). Alcohol may be sold or supplied until 01.00 in the morning following weekdays (other than Good Friday and Christmas Day), 00.30 a.m. in the morning following Sundays (other than Christmas Day) and 00.30 in the morning following Good Friday to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by that person in that part of the premises as an ancillary to his meal.

(b). That part of the premises must also be used for the provision of entertainment by persons present and performing to which the sale or supply of alcohol is also ancillary.

(c) The alcohol must be sold or supplied at a time before (i) the provision of entertainment by persons present and performing or (ii) the provision of substantial refreshment, has ended. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

(d) This condition does not authorise any sale or supply to any person admitted to the premises either after midnight (23.00 on Sunday) or less than half an hour before the entertainment is due to end, except in accordance with condition number 9(ii) above.

NOTE - The above restrictions do not prohibit:

(a) during the first thirty minutes in the basement and ground floor and twenty minutes on the first floor 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.

10. 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.

11. 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**

12. Music volumes at the premises will be kept to a level whereby it is inaudible within any residential dwelling in the immediate vicinity. If notified by a neighbour that music from the premises can be heard inside their premises, the music levels will be immediately reduced accordingly to a level at which they are no longer audible.
13. The premises shall install and maintain a comprehensive CCTV system in areas open to non-members, 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. 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 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.

15. 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.
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:
  - i. all crimes reported to the venue
  - ii. all ejections of patrons
  - iii. any complaints received concerning crime and disorder
  - iv. any incidents of disorder
  - v. any faults in the CCTV system.
  - vi. any refusal of the sale of alcohol
  - vii. any visit by a relevant authority or emergency service.
17. The hours of operation for the premises when open to the public will be; Monday to Thursday 12:00 to 23:00 Friday to Saturday 12:00 to 00:00 Sunday 12:00 to 22:30

After these times the premises will only trade as a private members club.

18. When the premises are open to the public.  
These areas shall only operate as a restaurant
  - (i) in which customers are shown to their table or the customer will select a table themselves,
  - (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,
  - (iv) which do not provide any takeaway service of food or drink for immediate consumption off the premises.
  - (v) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals 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.

19. Between 12:00 to 23:00 hours Monday to Thursday, 12:00 to 00:00 Friday and Saturday and 12:00 to 22:30 Sunday, alcohol may only be sold for consumption by members of a private club and their bona fide guests. No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.
20. A legible list of the names and addresses of members of the Club shall be kept on the premises at all times together with a book legibly recording the names and dates of attendance of any guests introduced by members which shall be retained for a period of 28 days. Both the list and the book shall be

produced on demand for inspection by the Police or an authorised officer of the Council.

21. Between 12:00 to 23:00 hours Monday to Thursday, 12:00 to 00:00 Friday and Saturday and 12:00 to 22:30 Sunday, there shall be no more than 4 guests per member on the premises at any time, save for guests of members:
  - a) Taking a table meal; or
  - b) Attending a pre-booked and bona fide private function or event booked by a member no less than 24 hours in advance. A register of persons attending the event shall be kept at the premises and made available for immediate inspection by Police or an authorised officer of the Council.
22. Between 12:00 to 23:00 hours Monday to Thursday, 12:00 to 00:00 Friday and Saturday and 12:00 to 22:30 Sunday, guests of members can only purchase alcohol whilst that member is present on the premises.
23. The number of persons accommodated at any one time (including staff) shall not exceed the following:
  - Second Floor - 30 persons (excluding staff)
  - First Floor - 60 persons (excluding staff)
  - Ground Floor - 40 persons (excluding staff)
  - Basement - 30 persons (excluding staff)With no more than 90 persons (including staff) on the premises at any one time.
24. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
25. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall not be permitted to take drinks or glass containers with them.
26. The courtyard area shall cease to be used after 21:00 hours and there shall be no more than 5 persons present there at any one time.
27. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic Identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
28. 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.
29. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

30. The 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.

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

31. The DPS or manager will be responsible for ensuring that members of the public who are not bona fide guests of club members are notified 20 minutes prior to the premises closing to members of the public that they will be asked to leave at that time.
32. Members of the public not bona fide guests of club members must be off the premises by the time stipulated on the licence for members of the public.
33. No more than five bona fide guests of a member or the manager will be permitted at any one time.

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

**This Decision takes immediate effect.**

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

The Meeting ended at 12.36 pm

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

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