



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (4)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** held on **Thursday 10th March, 2022**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Karen Scarborough (Chairman), Melvyn Caplan and Aicha Less

1. MEMBERSHIP

1.1 There were no changes to the membership.

2. DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

1. WE ARE CUTS, BASEMENT AND GROUND FLOOR, 41 FRITH STREET, W1D 5LW

The application was Granted under Delegated Authority.

2. 21 MOSCOW ROAD, W2 4AH

WCC LICENSING SUB-COMMITTEE NO. 4
("The Committee")

Thursday 10 March 2022

Membership: Councillor Karen Scarborough (Chairman) Councillor Melvyn
Caplan and Councillor Aisha Less

Officer Support Legal Advisor: Horatio Chance
Policy Officer: Aaron Hardy
Committee Officer: Sarah Craddock
Presenting Officer: Emanuela Meloyan

Application for a New Premises Licence in respect of 21 Moscow Road London
W2 4AH 21/11439/LIPN

Full Decision

Premises

21 Moscow Road
LONDON
W2 4AH

Applicant

Russian Food London Limited

Represented by Malith Madushanka Perera Ramanayakage and Mrs Audrone
Baltulyte (Applicant Company)

Ward

Lancaster Gate

Cumulative Impact

N/A

Special Consideration Zone

Queensway/Bayswater

Activities and Hours applied for

Retail Sale of Alcohol (Off Sales)

Monday to Sunday 10:00 to 21:00

Seasonal Variation: Last 2 weeks of December (Christmas and New Year Celebration) and 2 Weeks before Easter from 08.00 to 22.00

Hours Premises are Open to the Public

Monday to Sunday 10:00 to 21:00

Seasonal Variation: Last 2 weeks of December (Christmas and New Year Celebration) and 2 Weeks before Easter from 08.00 to 22.00

Summary of Application

The Licensing Sub-Committee has determined an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The Premises intends to operate as a Russian and Eastern European grocery store. The Premises is located within the Lancaster Gate Ward and the Queensway/Bayswater Special Consideration Zone.

The premises had the benefit of a premises licence (**13/03218/LIDPSR**) which was granted in September 2005 and revoked in February 2021 following a Review hearing. This can be found at **Appendix 4** of the Report. Submissions have been received by the Metropolitan Police Service in relation to the Review which can be found at **Appendix 3** of the Report. The Applicant has provided submissions addressing the relevant spatial policies and a letter to interested parties which can be found at **Appendix 2**.

Representations Received

- Metropolitan Police Force (withdrew on the 2 February as the Applicant had agreed to all their proposed conditions)
- Environmental Health Service – Maxwell Koduah
- 5 Local Residents (Objectors) (after mediation one objector withdraw their representation).
- 1 Local Resident (Supporter)
- South East Bayswater Residents Association (SEBRA) (Represented by Richard Brown, from Westminster Citizens Advice Bureau) and John Zamit, Chairman of SEBRA.

Summary of Representations

- The Environmental Health Service have made a representation in relation to the application as the proposals are likely to increase the risk of Public Nuisance and may impact upon Public Safety.
- Concerns from local residents were raised regarding the number of licensed Premises in the area. There were already three pubs across the road and within adjacent blocks, which fuel neighbourhood disturbances and anti-social behaviour.

- These premises have a history of problems resulting in a Review and subsequent closure.

Policy Considerations

SCZ1

- In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should demonstrate that they have taken account of the issues particular to the Zone, in question as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their operating schedule.

HRS1

- Applications within the core hours set out below in this policy will generally, be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy. 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 following:

The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.

SHP1

- Applications for a shop outside the West End Cumulative Impact Zone will generally be granted subject to the application meeting the requirements of policies CD1, PS1, PN1 and CH1.
- The hours for licensable activities are within the Council's Core Hours Policy HRS1.
- The operation of any delivery services for alcohol meeting the Council's Ancillary Alcohol and/or Late-night Refreshment Delivery Service Policy DEL1.

SUBMISSIONS AND REASONS

The Sub-Committee considered an application for a New Premises Licence under the Licensing Act 2003 ("The Act") by the Applicant Russian Food London Limited in respect of 21 Moscow Road LONDON W2 4AH.

The Presenting Officer Ms Emanuela Meloyan introduced the application. She advised that the Premises intended to operate as a Russian and Eastern European grocery store. She confirmed that representations had been received from the Environmental Health Service, five local residents (although one had now withdrawn their representation) and South East Bayswater Residents Association (SEBRA).

She further confirmed that the Metropolitan Police Service had since withdrawn their representation and that one local resident was in support of the application.

Ms Meloyan outlined that the Premises is located within the Lancaster Gate Ward and the Queensway/Bayswater Special Consideration Zone. She advised that the Premises previously had the benefit of a premises licence (**13/03218/LIDPSR**) which had been granted in September 2005 and which had been revoked in February 2021 following a Review Hearing.

Mr Ramanayakage, Applicant, outlined the application before the Sub-Committee. He advised that the Premises intended to operate as a Russian Food Deli serving Russian and other Eastern European customers who were missing food from their home countries. He explained that many of their customers travelled to the shop to do their weekly shopping as they sold everyday items along with luxurious items such as black caviar and selected wines. The cheapest bottle of wine sold was £16 and a bottle of beer was £3.99. He advised that he had two other stores located in Fulham and East Finchley which had been trading for 10.5 years and that integrity and accountability were two of his company's core values. He outlined that he would not risk his reputation and the neighbourhood's peace and safety for cheap alcoholic drinks. He confirmed that he did not sell cigarettes, would implement Challenge 25 and would hang a window sign stating, 'respect the neighbourhood'. He considered that his business would improve the street as the Premises would become a destination store and potentially attract new people to the area.

Mr Ramanayakage advised that he had never sold alcohol without a Premises Licence. He explained how he had thought that the previous Premises Licence could just be transferred, however, after contacting Westminster City Council he found out that the licence had been suspended. He emphasised that he would operate the Premises properly, had nothing to do with the previous lease holders and would fully promote the licensing objectives. He advised that he would not be selling any food or drink in open containers and that the Premises rubbish bins were situated at the back of the Premises out of sight and away from the public pavement. He confirmed that there was no public access to the back of the Premises.

In response to questions from the Sub-Committee, Mr Ramanayakage advised that he employed 20 staff at the Premises, that he had 16 CCTV cameras which covered all angles, inside and outside, of the Premises and that all footage was kept for two months. He confirmed that deliveries to the Premises would take place during its opening hours, weekdays only, up to 8pm and any deliveries to customers would be achieved using e-bikes as they were an eco-friendly business.

Mr Maxwell Koduah, representing the Environmental Health Service, addressed the Sub-Committee and advised that the proposed operation would be a marked improvement on the previous business operating at the Premises. He confirmed that condition 26, on page 88 of the report could be deleted as the Premises had already been assessed as satisfactory by the Environmental Health Service.

Mr Richard Brown, from Westminster's Citizens Advice Bureau, representing SEBRA, advised that SEBRA was content with the application however it had maintained their representation because of how the previous lease holders had

operated the Premises and the other objections to the application. He advised that the Applicant had agreed to all the conditions proposed by SEBRA which included:

- No sales of beer or cider over 5.5% APV, unless premium brand in bottles or cans
- No display of alcohol or advertising of alcohol in windows of Premises
- No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
- Refuse and Recycling collections not to take place between 18:00 and 08:00 in order to protect residential amenity of flats above and opposite.

Mr John Zamit, Chairman of SEBRA, advised that he was content with the application, however, had maintained their representation due to the Premises having a history of problems resulting in a Review and subsequent closure. He explained that SEBRA not only protected the interests of residents living in Queensway but was also pro-business and welcomed new innovative business to the area. He outlined that Queensway was now a special consideration zone and that there was a lot of anti-social behaviour in the area. He confirmed that he was content that the Applicant was not connected in any way with the previous holders of the Premises Licence.

In response to the question from Mr Brown regarding how the Premises would operate Challenge 25 on deliveries of alcohol, Mr Ramanayakage advised that the Premises would not be delivering alcohol via Deliveroo. He emphasised that the business was a food led establishment and only 1% of sales were related to alcohol. He further emphasised that he would be a good neighbour and would regularly liaise with SEBRA regarding the Queensway area and the operation of his business.

Conclusion

The Sub-Committee realises that it has a duty to consider each application on its individual merits and did so for the purposes of this application.

The Sub-Committee welcomed the fact that the Applicant took on board fully the views of local residents and SEBRA and had agreed to all of their proposed conditions which demonstrated to the Sub-Committee that the Applicant was willing to engage and listen to the parties by reaching a fair compromise on matters.

The Sub-Committee noted that the Metropolitan Police had withdrawn their objection and that the Environmental Health Service was content with the application and had agreed conditions with the Applicant. The Sub-Committee was pleased that conditions relating to CCTV and the strength of alcohol were all conditions imposed on the licence that would help promote the crime and disorder licensing objective.

The Sub-Committee noted that the Applicant had multiple Premises and was an established Premises operator who had established practices and would implement Challenge 25. The Sub-Committee concluded that these measures would help mitigate the concerns raised by the residents and SEBRA and ultimately have the effect of promoting the licensing objectives. The Sub-Committee was satisfied that the Applicant had taken into account the requirements of the Queensway/Bayswater Special Consideration Zone when considering the application.

The Sub-Committee decided that the Applicant had provided valid reasons as to why the granting of the application would promote the licensing objectives.

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 individual circumstances of this case and the promotion of the four licensing objectives: -

1. **To grant permission for the Off Sale of Alcohol** Monday to Sunday 10:00 to 21:00 hours. **Seasonal Variation:** Last 2 weeks of December (Christmas and New Year Celebration) and 2 Weeks before Easter from 08.00 to 22.00.
2. **To grant permission for the Opening Hours of the Premises:** Monday to Sunday 10:00 to 21:00. **Seasonal Variation:** Last 2 weeks of December (Christmas and New Year Celebration) and 2 Weeks before Easter from 08.00 to 22.00.
3. That the Licence is subject to any relevant mandatory conditions.
4. That the Licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed by the Committee after a licensing hearing

5. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.
6. The Premise Licence Holder shall ensure that all staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. Records will be kept of training and refresher training.
7. a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. (c) The CCTV system shall continually record whilst the premises is 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. (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping. (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
8. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised

council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

9. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
10. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
11. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
12. No single cans of beer, cider or spirit mixtures shall be sold at the premises.
13. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
14. There shall be no self-selection of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
15. 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 (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
17. No miniature bottles of spirits of 20 cl or below shall be sold from the premises.
18. 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 license premises; not to leave engines running when the vehicles are parked; and not to obstruct the highway.
19. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

20. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20.00 hours and 08.00 hours on the following day.
21. No deliveries to the premises shall take place between 18.00 and 08.00 hours on the following day.
22. Prominent, clear and legible notices must be displayed at all exits requesting staff and couriers to respect the needs of local residents and to leave the premises and the area quietly.
23. 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.
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. No collections of waste or recycling materials (including bottles) from the premises shall take place between 20:00 and 08:00 hours on the following day.
26. There shall be no display of alcohol or advertising of alcohol in the windows of premises.

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

**The Licensing Sub-Committee
10 March 2022**

3. TESCO, 41-45 STRUTTON GROUND, SW1P 2HY

WCC LICENSING SUB-COMMITTEE NO. 4
("The Committee")

Thursday 10 March 2022

Membership: Councillor Karen Scarborough (Chairman) Councillor Melvyn
Caplan and Councillor Aisha Less

Officer Support Legal Advisor: Horatio Chance
Policy Officer: Aaron Hardy
Committee Officer: Sarah Craddock
Presenting Officer: Emanuela Meloyan

**Application for a New Premises Licence in respect of Tesco, 41 – 45 Strutton
Ground, London SW1P 2HY 2SR 21/13958/LIPN**

Full Decision

Premises

TESCO
41- 45 Strutton Ground
LONDON
SW1P 2HY

Applicant

Tesco Stores Limited

Represented by Jeremy Bark (Solicitor, Bryan Cave Leighton Paisner) and Hardish
Purewal (Tesco Licensing Manager).

Ward

St James's

Cumulative Impact

N/A

Special Consideration Zone

N/A

Activities and Hours applied for

Retail Sale of Alcohol (Off Sales)

Monday to Saturday 08:00 to 23:00
Sunday 09:00 to 22:30

Seasonal Variation: None

Late Night Refreshment

Monday to Sunday 23:00 to 00:00

Hours Premises are Open to the Public

Monday to Sunday 06:00 to 00:00

Seasonal Variation: None

Summary of Application

The Licensing Sub-Committee has determined an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The Premises intends to operate as a supermarket selling a range of goods and services including the sale of alcohol for consumption off the Premises. The Premises is located within the St James's Ward.

The Premises has had the benefit of a Premises Licence since 2013. The current Premises Licence (16/07810/LIPT) can be seen at Appendix 3 of the Committee Report along with the Premises history. There are no supporting documents from the Applicant.

Representations Received

- Environmental Health Service – Dave Nevitt
- 10 Interested Parties (Objectors) – Nancy Stockmeyer and Christine Goldsmith. Christine will be calling John Ougan as a witness.
Richard Brown, Licensing Lawyer, Citizens Advice Bureau

Summary of Representations

The Environmental Health Service have made a representation in relation to the application as the proposals are likely to increase the risk of Public Nuisance and may impact upon Public Safety.

Concerns from local residents and local business were raised regarding the prevention of crime and disorder, public safety and the prevention of public nuisance.

Local Businesses were concerned that a Tesco Store would kill of their trade and ruin the market especially with the lack of customers due to the pandemic.

Local residents maintained their representations, raising concerns regarding the number of Tesco stores already in the area where it was easy to purchase cheap alcohol, additional noise, extra traffic including the noise of deliveries and litter. Local residents advised that Strutton Ground was largely residential with flats above the

commercial Premises at street level and that whilst there is a street market during the day, the street was usually quiet by 5pm and Sundays were peaceful. The proposed Tesco store could attract drinkers who might congregate in Strutton Ground and its immediate area, thereby creating a nuisance for residents. The hours for the sale of alcohol seems unreasonably long and the provision for indoor refreshment late at night risks a noisy exit at midnight.

Policy Considerations

HRS1

- Applications within the core hours set out below in this policy will generally, be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy. 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 following:

The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.

SHP1

- Applications for a shop outside the West End Cumulative Impact Zone will generally be granted subject to the application meeting the requirements of policies CD1, PS1, PN1 and CH1.
- The hours for licensable activities are within the Council's Core Hours Policy HRS1.
- The operation of any delivery services for alcohol meeting the Council's Ancillary Alcohol and/or Late-night Refreshment Delivery Service Policy DEL1

SUBMISSIONS AND REASONS

The Sub-Committee considered an application for a New Premises Licence under the Licensing Act 2003 ("The Act") by the Applicant Tesco Stores Limited in respect of 41-45 Strutton Ground, London SW1P 2HY.

The Presenting Officer Ms Emanuela Meloyan introduced the application. She advised that the Premises intended to operate as a retail Premises (supermarket) selling a range of goods and services, including the sale of alcohol for consumption off the Premises. She confirmed that representations had been received by the Environmental Health Service and 10 Interested Parties. She outlined that the Premises is located within the St James's Ward but is not within a Cumulative Area Zone nor Special Consideration Zone and has had the benefit of a Premises Licence since June 2013.

Mr Jeremy Bark, Solicitor appearing on behalf of the Applicant, outlined the application before the Sub-Committee. He gave a brief history of the Tesco brand and their operation, rules and practices. He emphasised that licensable activities were a very small part of Tesco sales and made up only 6-11% of total sales. He advised that the Premises would not sell cheap alcohol, single cans of beer or miniature bottles of spirits. Mr Bark explained that the Applicant operated several similar Premises in Westminster with established practices and procedures in place which included extensive staff training, security, mystery shoppers and Challenge 25. The Premises would have a team of 16-22 members of staff, including a management team and there would usually be a team of 6-7 staff on duty during a shift. Mr Bark advised that regarding anti-social behaviour staff would expect customers to use the Premises responsibly and bad behaviour would not be tolerated. He then described the various steps staff take when dealing with potential incidents including calling the Police and banning customers where necessary.

Mr Bark explained that there had been extensive consultation with both the Metropolitan Police Force and Environmental Health Service and all their proposed conditions had been agreed by the Applicant. He confirmed that the hours for the Sale by Retail of Alcohol were within the Council's Core Hours Policy and that the Late-Night Refreshment on offer at the Premises would be restricted to that of a coffee vending machine with no hot food available to customers. He explained that the Applicant was well-aware of the homelessness issues in the area and reassured the Sub-Committee that Tesco was experienced in migrating issues through their extensive rules, procedures and training of staff.

Mr Bark stated that Tesco understood the concerns of local residents, however, emphasised that Tesco stores operated differently than other operators as it followed best practice rules and procedures and all its staff had extensive training. He outlined that the management team would carry out a risk assessment every eight weeks which would cover the whole operation of the store, that there was a monitor just inside the entrance and CCTV covered every part of the store. He confirmed that the alcohol display was well away from the entrance and that the store was cleaned both inside and outside daily.

Mr Bark advised that there would be one delivery per day for fresh and frozen foods via Strutton Ground and these deliveries would take place during 06:00 and 07:00. All other products would be delivered via Great Peter Street between the hours of 08:00 to 20:00 and there would be no cages on street level that would give rise to nuisance. He outlined that any waste/rubbish would then be loaded onto the cages and taken away by the same delivery vans.

In response to questions from the Sub-Committee, Mr Bark advised that it was the Applicant's policy not to engage with residents because historically when Tesco had reached out to residents they had been accused of intimidation. He explained how the self-service tills operated and that CCTV monitored each purchase made. He advised that the cages used to deliver products and take rubbish away would have rubber wheels, be regularly serviced, and not wheeled on the Strutton Ground clobbered road/pavement. He outlined that delivery vehicles would not be larger than 10 metres long and emphasised the Applicant's 'Good Neighbourhood Policy' to the Sub-Committee.

Mr Bark advised that the Premises was not located with a cumulative impact area or a special consideration zone and that the Applicant had applied for Sale of Retail of Alcohol within the Council's Core Hours Policy. He further advised that other Premises in the area were operating within these hours. Mr Bark stated that staff had two breaks during each shift and a suitable cigarette area for the staff would be discussed with the residents. Mr Bark then explained that all deliveries were consolidated and there would be around 10 deliveries per week (one delivery each morning and three additional ones during the week).

The Sub-Committee noted that page 124 of the report stated that there was a resident court of 546 in the Vicinity and therefore this was a highly residential area. Mr Bark confirmed that the Applicant had been in touch with the homeless hostels and the Police regarding the anti-social behaviour and homeless people in the area to ensure that they did not add to the issues. He emphasised that Tesco had regularly reported anti-social behaviour to the Police and did not shy away from their responsibility of keeping their shops and the surrounding area a safe place for their customers.

Mr Dave Nevitt appearing on behalf of the Environmental Health Service addressed the Sub-Committee. He advised that the Premises had been empty for quite a while which had probably pleased the residents. He further advised that it was a highly residential area, (including the Peabody Housing Estate with 546 residents) and therefore the Environmental Health Service had maintained their representation to ensure the Premises would have the minimum amount of impact on the residents. He also added that the proposal for Late Night Refreshment was beyond core hours even if it was restricted to selling hot beverages from a coffee machine.

Mr Nevitt requested that no more than 15% of the sales area shall be used for alcohol and that Environmental Health's main concern was the deliveries to the Premises. Mr Bark advised that he was happy to have the condition 'No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol' attached to the Premises Licence. Mr Bark also suggested wording for a condition regarding Late Night Refreshment which was 'Late Night Refreshment shall be limited to the use of the Coffee Vending Machine by customers during only the permitted hours.

Mr Nevitt advised that no deliveries could take place in St Matthews Street as it was a very narrow street. He added that transit vans were used by the market traders to make deliveries to Strutton Ground. He stated that the marketplace was very busy between 10am and 3pm. He advised that the Premises was not situated in a CIA or Special Consideration Zone and therefore it was reasonable for the Applicant to apply to operate within the Council's Core Hour Policy. Mr Nevitt outlined that model condition 81 (works conditions) and model condition 33 (prominent signage) had been agreed with the Applicant and he considered there were sufficient other proposed conditions in the operating schedule to migrate the resident's concerns.

Mr Richard Brown, Westminster Citizens Advice Bureau, representing Arabella Atlee who lived next door and shared a party wall with the Premises gave a brief history of the Premises to the Sub-Committee. This included Morrisons being granted a Premises Licence in 2013 and then a variation to that Premises Licence in 2014. He

advised of Ms Atlee's concern regarding the anti-social behaviour in the area, the possible noise transmission through the party wall and the late-night opening hours until midnight along with the sale of alcohol being allowed until 23:00. He confirmed that Ms Atlee would prefer an earlier closing time and a later opening time such as was agreed by the Sub-Committee in 2013. He emphasised that customers would be confused regarding the late-night refreshment offer and might expect to be able to purchase hot food which could cause issues for staff.

Mr Brown stated that he had advised Ms Atlee that Tesco could open as a convenient store without a Premise Licence. He stated the City Council's SLP regarding applications for a shop outside of the West End Cumulative Impact Zone which would generally be granted subject to the application meeting the requirements of policies CD1, PS1, PN1 and CH1. Mr Brown then emphasised the huge anti-social behaviour and homelessness problem in the area to the Sub-Committee.

Ms Arabella Atlee, local resident, stated that no one was notified that Tesco was moving into this Premises. She advised that she had lived in Strutton Ground for over 10 years and emphasised that it was not a suitable area for a Tesco store. She outlined the noise nuisance that had occurred when the Premises was previously open as a Morrisons and how she could hear every single movement through the party wall. She explained that deliveries in the area were an issue as the surrounding roads were far too narrow for large delivery vehicles. She showed the Sub-Committee photographs of where a Tesco lorry had got stuck in Monk Street. She advised of the noise that the delivery cages made even with rubber wheels as well as the health and safety hazard of bumping into people. She referred to her tucked away porch area where people used as a place to smoke, drink, urine etc., She considered that the anti-social behaviour had increased throughout the 10 years with alcohol, drugs, and litter everywhere. She requested that no more than 10% of the sales area be used for alcohol instead of 15% of the sales area. She pointed out that the marketplace closed during the weekend whereas the proposed Tesco store would remain open bringing people unnecessarily to Strutton Ground. She emphasised that the residents needed respite from the hustle and bustle at the weekends.

Ms Nancy Stockmeyer, as local resident, stated that she lived above the Premises and based on her previous experience with Morrisons, the new Tesco store would create continuous noise nuisance which would be especially bad during the early hours and then again during the late evening hours. She advised of her concern about deliveries and requested that they be at respectable times during the day. She asked if the Premises would have shutters. Mr Bark advised that it was highly unlikely that a store of this size would have fitted shutters. Ms Stockmeyer also referred to the impact of Deliveroo on the area.

Mr John Ougan advised of the increase in anti-social behaviour in the area. He outlined how people stole from the already established Tesco and Sainsburys stores without being confronted due to the stores being able to claim from their insurance. He further advised that the anti-social behaviour would also deter tourists.

Mr Bark advised that the Premises has planning permission to operate as a store and suitable insulation would be fitted to ensure that noise did not escape and be heard by residents. He outlined that he would expect that any anti-social behaviour in or outside of the Premise would be reported to the Responsible Authorities. He advised that the Premises had no history of complaints. He emphasised that it was important for Tesco to 'get this right' or else the Responsible Authorities and local residents could call for a Review of the Premises.

Mr Nevitt advised that his concern was that residents were not disturbed by construction noise and the day-to-day operation of the store. He supported Tesco using acoustic treatment in the Premises. He suggested that Tesco liaise with residents during the construction of the shop and on a regularly basis afterwards to prevent noise and public nuisance. Mr Bark confirmed that this would be arranged Mr Brown welcomed Tesco regularly liaising with residents going forward.

Mr Bark advised that Tesco worked incredibly hard to avoid issues such as noise and public nuisance arising and set out how residents could call a Review of the Premises Licence if anti-social behaviours increased in Strutton Ground after the opening of the Tesco store. Mr Bark advised that general cleaning of the store occurred during quieter periods of the day and deep cleaning occurred every three months and not during anti-social hours. He explained that everything regarding the operation of the store was carefully programmed.

In response to questions from the Sub-Committee, Mr Bark confirmed that he was happy to accept the condition 'No more than 10% (instead of 15%) of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol' be attached to the Premises Licence. He further confirmed that he was not willing to accept shorter operational hours and he considered that the conditions on the Premises Licence would mitigate all the concerns of the residents. He advised that deliveries would be a challenging issue however Tesco had a team of professionals that would risk assess the situation and therefore he did not accept that deliveries would cause a health and safety problem in the area. He then emphasised that no objections had been received from the hostels, the statutory homelessness authorities and most importantly the Metropolitan Police Force.

Mr Bark advised that Tesco programmed their tills so alcohol could not be sold outside the agreed hours. He also emphasised the high tech CCTV in the store and that there would be a SIA on duty from 7pm onwards to prevent anti-social behaviour. He advised that risk assessments were carried out every 8 weeks and additional SIAs would be employed if it was shown that they were needed for the smooth operation of the store. The Sub-Committee discussed with Mr Bark the rationale for deliveries to take place early in the morning and heard that it was not unusual for deliveries to take place at 06:00 hours. The Sub-Committee welcomed the suggestion that the Applicant was prepared to withdraw their application for Late Night Refreshment and simply turn off the coffee machine at 23:00. The Sub-Committee further welcomed Tesco offering to provide a direct telephone number to residents to continue dialogue after the meeting.

At this point the Legal Advisor to the Sub-Committee referred to Paragraph 2.15 on page 9 of the Home Office Guidance issued under s.182 of the Act which outlined that the Licensing Authority had a duty to safeguard public safety and public

nuisance. Mr Bark responded by advising that the Licensing Sub-Committee should not be using licensing objectives for non-licensing activities. The Legal Advisor requested Mr Bark to confirm the position regarding model condition 81 and the wording regarding the proposed Late Night Refreshment condition.

In summary:

Mr Nevitt advised that he considered that the application had been adequately discussed by all parties.

Mr Brown emphasised that the Operating Schedule did include the opening hours of a Premises and that the residents considered 06:00 was extremely early to open the Premises and midnight was extremely late to close it. He advised that it was very disappointing that Tesco was unwilling to compromise with the residents especially as Mr Bark had mentioned and promoted their 'good neighbourhood policy' during the hearing. He advised it was difficult for the residents not to take this policy 'with a pinch of salt'. He emphasised that Reviewing a Premises Licence took a lot of work for already busy residents.

Mr Bark confirmed that the Premises already had suitable planning permission to be used as a shop. He emphasised that selling alcohol was only a small part of what Tesco sold and that residents always had the opportunity to Review the Premises. He further emphasised that he considered that the conditions to be attached to the Premises Licence would mitigate all of the resident's concerns.

Conclusion

The Sub-Committee realises that it has a duty to consider each application on its individual merits and did so for the purposes of this application. There is no policy presumption to refuse the application.

The Sub-Committee noted the very passionate and heartfelt representations made by local residents during the hearing and the knowledge displayed about the local area which was very useful to the Sub-Committee when determining the application. However, the reference to competition in the representations could not be considered as this is not a licensing consideration.

The Sub-Committee welcomed the fact that the Applicant took on board the views of local residents that had objected to the application by withdrawing the proposal for Late Night Refreshment during the hearing. This demonstrated to the Sub-Committee that the Applicant was now willing to engage and listen to the parties going forward to sort out issues and reach a fair compromise on matters.

The Sub-Committee noted that the Metropolitan Police had not objected to the application and that the Environmental Health Service had agreed conditions with the Applicant. The Sub-Committee was pleased that not more than 10% of the sales area shall be used at any one time for the sale of alcohol, that no deliveries shall take place between 20.00 and 06:00 hours on the following day and that the Council's model CCTV condition imposed on the licence would help promote the crime and disorder and public nuisance licensing objectives.

The Sub-Committee noted that the Applicant had multiple established practices and procedures in place which included extensive and regular staff training, security, and Challenge 25. The Sub-Committee further noted the Applicant's assurances and various undertakings that the Premises would be well run-in accordance with those established practices and procedures already in bedded over time in respect of other licensed premises that are to be applied and adopted for these Premises. The Sub-Committee concluded that these measures would help mitigate the concerns raised by the local residents and ultimately have the effect of promoting the licensing objectives.

The Sub-Committee decided that the Applicant had provided valid reasons as to why the granting of the application would promote the licensing objectives.

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 individual circumstances of this case and the promotion of the four licensing objectives: -

1. **To grant permission for the Sale by Retail of Alcohol (off sales)** Monday to Saturday 08:00 to 23:00 hours and Sunday 09:00 to 22:30. There are no seasonal variations.
2. **To grant permission for the Opening Hours of the Premises:** Monday to Sunday 06:00 to 00:00. There are no seasonal variations.
3. That the Licence is subject to any relevant mandatory conditions.
4. That the Licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed by the Committee after a licensing hearing

5. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. (a) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. (b) The CCTV system shall continually record whilst the premises is open for licensable activities (c) All recordings shall be stored for a minimum period of 31 days with date and time stamping. (d) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
6. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
7. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.

8. All checkouts in the shop area, shall automatically prompt staff to ask for age verification identification in line with the Tesco Challenge 25 policy when presented with an alcohol sale.
9. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium or craft beers and ciders supplied in glass bottles and cans.
10. No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises save for premium or craft products.
11. No miniature bottles of spirits of 20 cl or below shall be sold from the premises save for when sold as part of a gift pack.
12. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible on entering the premises, where alcohol is on public display, and at the point of sale.
13. 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 or any other approved by the Home Office.
14. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive training in age restricted sales which shall include induction training completed and documented prior to such staff member selling alcohol and then shall include refresher training so that they receive such training at least twice per year. All such training records shall be available for inspection by a police officer on reasonable request.
15. A digital record of incidents occurring at the premises shall be kept at the premises by the management team and made available on request to an authorised officer of the City Council or the Police. It should be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue; (b) any serious incidents of disorder occurring within the premises (c) any thefts or attempted thefts from the premises; (d) any serious issues in relation to the sale of alcohol within the premises; (e) any faults in the CCTV system; or (f) any visit by a relevant authority or emergency service.
16. The premises licence holder shall employ a SIA registered security guard in accordance with the business risk assessment.
17. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a retail supermarket.

18. The Store Manager will engage with local resident associations should the need arise.
19. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
20. Prominent, clear and legible notices must be displayed at all exits requesting staff and couriers to respect the needs of local residents and to leave the premises and the area quietly.
21. 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.
22. 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.
23. No more than 10% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
24. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
25. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
26. No deliveries to the premises shall take place between 20.00 and 06.00 hours on the following day.

If problems are experienced then a Review of the Premises Licence can be made.

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

**The Licensing Sub-Committee
10 March 2022**

4. FLIGHT CLUB - UNIT 8 NOVA, VICTORIA STREET, SW1E 5DJ

WCC LICENSING SUB-COMMITTEE NO. 4
("The Committee")

Thursday 10 March 2022

Membership: Councillor Karen Scarborough (Chairman) Councillor Melvyn
Caplan and Councillor Aisha Less

Officer Support Legal Advisor: Horatio Chance
Policy Officer: Aaron Hardy
Committee Officer: Jack Robinson
Presenting Officer: Emanuela Meloyan

**Application for a Variation of Premises Licence in respect of Flight Club, Unit 8
Nova, Victoria Street, London SW1E 5DJ - 21/11130/LIPV**

Full Decision

Premises

Flight Club
Unit 8 Nova
Victoria Street
London SW1E 5DJ

Applicant

Flight Club Darts Limited

Represented by Gary Grant (Counsel for the Applicant), Piers Warne (TLT Solicitors), Dustin Acton (CEO Flight Club Darts, Applicant), Emil Matijevic –(DPS and site manager, Applicant), Adrian Studd (Retired police officer) and Andrew Bamber (Retired police officer)

Ward

Vincent Square

Cumulative Impact

N/A

Special Consideration Zone

Victoria

The Applicant wishes to vary the licence as follows:

Sale by Retail of Alcohol (On and Off Sales)

Wednesday to Saturday: 07:00 to 01:00

Seasonal Variation: Sunday preceding Bank Holiday Monday to 01:00 the following morning.

Late Night Refreshment

Wednesday to Sunday: 23:00 to 01:00

Seasonal Variation: Sunday preceding Bank Holiday Monday to 01:00 the following morning.

Regulated Entertainment

Wednesday to Saturday: 07:00 to 01:00

Seasonal Variation: Sunday preceding Bank Holiday Monday to 01:00 the following morning.

Opening Hours of the Premises

Monday to Tuesday: 07:00 to 00:30
Wednesday to Saturday: 07:00 to 01:30
Sunday: 07:00 to 23:30

Seasonal Variation: Sunday preceding Bank Holiday Monday to 01:00 the following morning.

To add conditions to the operating schedule of the premises licence in order to further promote the licensing objectives.

Summary of Application

The Licensing Sub-Committee has determined an application for a Variation of Premises Licence under the Licensing Act 2003 (“The Act”). The Premises operate as a darts themed multi-purpose venue. The Premises is located within the Vincent Square Ward and the Victoria Special Consideration Zone. The Premises has had the benefit of a premises licence since July 2010. The current premises licence (licence number 20/00972/LIPT) is attached as appendix 1 of this report. The applicant has provided submissions addressing the variation to the Premises Licence which can be found at **Appendix 2**.

Representations Received

- Metropolitan Police Force (withdrew on 21st November 2021 following agreement of additional conditions to be added to the Premises Licence).
- Environmental Health Service – Ian Watson

- 1 Local Resident (Opposing the application)

Summary of Representations

- The Environmental Health Service have made a representation in relation to the application as the additional hours requested for licensable activities will have the likely effect of causing an increase in Public Nuisance within the Victoria Special Consideration Zone.
- The local resident advises that: Any extension at all of Flight Club's opening hours would be grossly unfair to the 300 residents of the Nova Building and will adversely impact their lives and will cause them considerable distress due to the increase in anti-social behaviour late at night with intoxicated customers congregating outside of these premises

Policy Considerations

SCZ1

- In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should demonstrate that they have taken account of the issues particular to the Zone, in question as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their operating schedule. Consideration Zone for this application is: Victoria

HRS1

- Applications within the core hours set out below in this policy will generally, be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy. 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 following:

The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.

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 Council's Licensing Policies. For the purpose of this policy a Combined Use Premises means premises which require a premises licence and where there is more than one premises use, and where the uses are not dependent on/ or part of the other uses i.e., are not ancillary to the other uses.

SUBMISSIONS AND REASONS

The Presenting Officer Ms Emanuela Meloyan introduced the application and advised that the Premises operated as a darts themed multi-purpose venue. She confirmed that representations had been received by the Metropolitan Police Service who had since withdrawn their representation and by the Environmental Health Service and one local resident. She outlined that the Premises is located within the Vincent Square Ward and the Victoria Special Zone. The Premises has had the benefit of a premises licence since July 2010.

Mr Gary Grant, Counsel appearing on behalf of the Applicant, outlined the application before the Sub-Committee. He stated there had been an agreed position on behalf of the Applicant and Mr Fiddler who was representing residents of the Nova building of which he was a resident. Mr Grant advised that the following had been agreed by all parties:

1. The premises shall provide a telephone number of the manager on duty for residents to convey any and all issues to
2. After 00:00 there shall be two doormen on duty to stop any further admissions and marshal current patrons away from the residential areas
3. There shall be quarterly resident meetings

Mr Ian Watson, appearing on behalf of the Environmental Health Service, addressed the Sub-Committee. Mr Watson advised that the Environmental Health Service had given pre application advice to Flight Club Darts Ltd and was aware of their location and the positioning of other surrounding licensed premises. Mr Watson confirmed that there had been no noise complaints made against the Premises. He further confirmed that the Premises' capacity was 780 and outlined how Land Securities, who owned all the Nova Units, had applied for individual Premises Licences for each Unit.

The Sub-Committee asked whether the Applicant was willing to reduce the Premises' capacity. Mr Grant reminded the Sub-Committee that this application was to vary the Premises Licence and the Applicant did not wish to make concessions that might make the Premises Licence less valuable in the future. Mr Grant then explained the Premises' booking system and that 90% of customers pre-booked to play darts. He confirmed that after midnight no-one new could enter the Premises so the Flight Club would not become a destination point for late night drinkers. He emphasised the Premises' dispersal policy and explained that a game of darts took around 90 minutes: therefore, there would not be a mass exodus of people at any one time or at 01:30.

Mr James Fiddler, representing residents living in the Nova Building, outlined his concern regarding late night noise from customers leaving licenced Premises situated near the residential block. He confirmed, however, that there had been no formal noise complaints made to Westminster City Council. Mr Fiddler asked Mr Grant if the current barriers at the entry to Flight Club could be increased further to help disperse patrons. He also asked if the Applicant could increase the number of

door staff on duty. The Sub-Committee requested that the door staff be increased proportionately to the number of customers attending the Premises.

Mr Grant addressing the points from Environmental Health, Mr Fiddler and the Sub-Committee agreed that to mitigate any issues arising from the potential granting of an extended licence that a more substantial barrier shall be erected. He further added that from Thursday to Saturday there would be SIA staff on duty to help disperse patrons away from the Nova Building and instead towards public transport and private hire vehicles.

Conclusion

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 conditions had been agreed with the Responsible Authorities and the Interested Parties and that due regard had been given to Policy SCZ1 as the Applicant had attempted to address issues particular to the Victoria special consideration zone. The Sub-Committee also noted that the Applicant had agreed to liaise with residents on a regular basis. In reaching its decision, the Sub-Committee concluded that the conditions attached to the licence would alleviate the residents' concerns and were appropriate and would promote the licencing objective.

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 terminal hour for the **Sale of Alcohol (On and Off Sales)** on Wednesday to Saturday: 07:00 to 01:00. **Seasonal Variation:** Sunday preceding Bank Holiday Monday to 01:00 the following morning.
2. **To grant** permission to vary the terminal hour for the **Regulated Entertainment** Wednesday to Saturday: 07:00 to 01:00. **Seasonal Variation:** Sunday preceding Bank Holiday Monday to 01:00 the following morning.
3. **To grant permission** to vary the terminal hour **for Late Night Refreshment (Indoors)** Wednesday to Sunday: 23:00 to 01:00. **Seasonal Variation:** Sunday preceding Bank Holiday Monday to 01:00 the following morning.
4. **To grant permission to vary the terminal hour for the Opening Hours of the Premises** on Monday to Tuesday: 07:00 to 00:30, Wednesday to Saturday: 07:00 to 01:30 and Sunday: 07:00 to 23:30. **Seasonal Variation:** Sunday preceding Bank Holiday Monday to 01:00 the following morning.
5. That the varied licence is subject to any relevant mandatory conditions.

6. That the existing conditions on the licence shall apply in all respects except in so far as they are varied by this Decision.
7. 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 imposed by the Committee after a hearing

8.
 - (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
 - (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
 - (c) The CCTV system shall continually record whilst the premises is 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.
 - (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
 - (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period
9. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
10. 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.
11. Waiter and Waitress service shall be available in all parts of the licensed premises.
12. In relation to the first floor terrace area no licensable activities shall be provided and no consumption of alcohol shall be allowed after 11pm.
13. All sales of alcohol for consumption off the premises shall be in sealed containers only, save for alcohol served by a waiter or waitress to customers who are seated at tables within the designated external seating area(s) shown on the attached plan edged and cross-hatched in green.
14. All outside tables and chairs within the dedicated ground floor outside seating area shall be rendered unusable by 23:00 hours each day.
15. Patrons permitted to temporarily leave and then re-enter the premises and any dedicated outside ground floor seating area, 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 requires 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; and
 - h) any visit by a relevant authority or emergency service
17. Notices shall be displayed at the exit of the premises requesting customers leaving the premises to respect the needs of local residents and business and leave the area quietly.
18. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable form of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS hologram.
19. Other than where deliveries take place in accordance with the NOVA development delivery arrangements allowing delivery to the dedicated basement delivery area, no deliveries to the premises shall take place between 23:00 and 08:00 on the following day.
20. Other than where refuse is disposed of and collected in accordance with the NOVA refuse collection arrangements allowing collections from the dedicated basement area, all waste shall be properly present and placed out for collection no earlier than 30 minutes before the scheduled collection times.
21. 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.
22. All windows and external doors shall be kept closed before 08:00 and after 23:00 hours, except for the immediate access and egress of persons.
23. Between 07:00 and 10:00 hours the sale of alcohol for consumption on the premises or in the designated external seating area(s) shall be limited to pre-booked private functions or to consumption of alcohol that is ancillary to food.
24. Between 07:00 and 08:00 the sale of alcohol for consumption off the premises shall be limited to alcohol served to customers who are seated at tables within the designated external seating area(s) shown on the attached plan.
25. There shall be a minimum of 8 oches available at any time when the premises is open to the public. Oche means the darts playing area , which consists of a designated area for the use of darts, which includes a dartboard, throw line and clearance area .

26. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 780 persons and after midnight 600 customers.
27. A dispersal policy will be drawn up and implemented at the premises to ensure that as far as practicable customers leaving the premises do so quickly and quietly. The dispersal policy will be made available to police and licensing officers on request.
28. No new entry will be permitted to the premises from midnight on any day.
29. Door supervisors will be provided at the premises on a risk assessed basis. The risk assessment will be in written form and made available to the Metropolitan Police and licensing officers on request.
30. No person in possession of a drink in a sealed or unsealed container shall be allowed to enter the premises.
31. After 21.00 hours there shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
32. "When the premises is trading after midnight a minimum of at least one SIA licensed door supervisor shall be on duty at the premises after 21:00hrs and additional security shall be provided on a risk-assessed basis."
33. Staff will receive training in terrorism awareness and procedures adopted by the premises licence holder in the event of a terrorist attack at or in the immediate vicinity of the premises. Such training will be recorded and updated in line with best practice and a copy of the training will be made available to the Metropolitan Police on request.
34. All staff at the premises shall receive Welfare And Vulnerability Engagement (WAVE) training, which shall be refreshed annually. You will be aware of the recent high number of reports in relation to drink spiking and suspects using needles to administer a substance to incapacitate the victim. Safety of customers is a top priority and this condition will assist the venue in ensuring customers are looked after properly should they become highly intoxicated through drink or drugs.
35. Staff will receive training in terrorism awareness and procedures adopted by the premises licence holder in the event of a terrorist attack at or in the immediate vicinity of the premises. Such training will be recorded and updated in line with best practice and a copy of the training will be made available to the Metropolitan Police on request. 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.

36. The premises shall provide to representatives of residents in the Nova Building a telephone number for the manager on duty at the premises so that any issues relating to customers of the premises can be resolved with all due expedition.
37. Where the premises provides licensable activities after midnight, from 22:00hrs there shall be at least two SIA door supervisors (or more on a risk assessed basis) erecting and standing by barriers deterring customers from walking towards the Nova building, marshalling the dispersal of customers and directing customers towards Victoria Street.
38. The premises shall organise quarterly residents' meetings at the venue at the request of residents in the Nova Building.

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

**The Licensing Sub-Committee
10 March 2022**

The Meeting ended at 3.15 pm