



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (3)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (3)** held on **Friday 24th June, 2022**, This meeting will be an MS Teams Virtual Meeting.

**Members Present:** Councillors Robert Eagleton (Chair) and Jim Glen

#### 1. MEMBERSHIP

1.1 There were no changes to the membership.

#### 2. DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

#### 1. MR FOGGS SOCIETY OF EXPLORATION, 1A BEDFORD STREET, LONDON, WC2E 9HD

#### WCC LICENSING SUB-COMMITTEE NO. 3 ("The Committee")

Friday 24 June 2022

Membership: Robert Eagleton (Chairman) and Councillor Jim Glen

Officer Support: Legal Advisor: Horatio Chance  
Policy Officer: Kerry Simpkin  
Committee Officer: Georgina Wills  
Presenting Officer: Kevin Jackaman

#### Application for a Variation of a Premises Licence in respect of Mr Fogg's Society of Exploration 1A Bedford Street London WC2E 9HD 22/02202/LIPV

Others Present also; Mr Gary Grant (Counsel) for the PLH and instructed by Marcus Lavell and Andrew Wong of Keystone Law, Charlie Gilkes Director and founder, Duncan Stirling Director and founder, Ellie Kwong Operations all appearing on behalf of the PLH, Richard Vivian Noise Consultant, Adrian Studd Crime and Disorder

Expert appearing on behalf of the PLH, Mr Maxwell Koduah (Environmental Health)  
PC Tom Stewart (Metropolitan Police Service)

## **Full Decision**

### **Premises**

Mr Fogg's Society of Exploration  
1A Bedford Street  
LONDON  
WC2E 9HD

### **Premises Licence Holder**

Bedford Street Bar Limited

### **Activities and Hours**

#### **Recorded Music**

Monday to Saturday 10:00 to 02:00 hours  
Sunday 12:00 to 00:00 hours

#### **Late Night Refreshment (Indoors and Outdoors)**

Monday to Saturday 23:00 to 02:00 hours  
Sunday 23:00 to 00:00 hours

#### **Supply of Alcohol (On and Off the Premises)**

Monday to Saturday 10:00 to 02:00 hours  
Sunday 12:00 to 00:00 hours

#### **Hours Open to the Public**

Monday to Saturday 08:00 to 02:30 hours  
Sunday 10:00 to 00:30

**Seasonal variations:** All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

The Applicant seeks the removal of Condition 37 which will mean a terminal hour of 02:00 on a permanent basis.

Condition 37 reads:

*"The terminal hour for Licensable Activities authorised by this licence shall be 02:00 Monday to Saturday and 00:00 on Sundays until the 24 September 2022 upon which the terminal hours will reduce to 00:00 Monday to Saturday and 23:30 on Sundays unless this condition is otherwise removed or varied by a subsequent variation application."*

## Representations Received

- Metropolitan Police (Tom Stewart) (MPS)
- Environmental Health Service (Maxwell Koduah) (EHS)
- Licensing Authority (Jessica Donovan)

## Summary of Objections

Representations were received from the Metropolitan Police Service (“MPS”) the Environmental Health Service (“EHS”) and the Licensing Authority.

The MPS object to the application on the grounds of the prevention of crime and disorder. The Premises is located within the West End Cumulative Impact Zone and it is likely that if a permanent extension is granted, then this would add to the cumulative impact in the area.

The EHS object on the grounds removing condition 37 may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area. As presented, the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area.

The Licensing Authority note that the application falls within the PB1 policy and the Applicant will have to demonstrate exceptional circumstances to allow to depart from Policy and that the hours fall outside of core hours for pubs and bars.

## Summary of Application

The Sub-Committee has determined an application for a Variation of Premises Licence under the Licensing Act 2003 (“The Act”) which operates as a Lounge and Wine Bar. The Premises have had the benefit of a licence since 2005 and hold an existing licence under reference 21/05025/LIPDPS. The Premises Licence Holder (PLH) seeks to remove Condition 37 only which reads: ***“The terminal hour for Licensable Activities authorised by this licence shall be 02:00 Monday to Saturday and 00:00 on Sundays until the 24 September 2022 upon which the terminal hours will reduce to 00:00 Monday to Saturday and 23:30 on Sundays unless this condition is otherwise removed or varied by a subsequent variation application.”***

The Premises are located within the St James’s Ward and West End Cumulative Impact Zone. A series of documents have been provided from pages 24-100 of the agenda papers by the Applicant in support of the application consisting of a submission, various letters of support, an observation report by Adrian Studd and letter from Richard Vivian (Big Sky Acoustics) regarding sound annotation from the Premises and these were duly considered by the Sub-Committee.

There is a resident count of 130.

## **Policy Considerations**

### **CIP1**

A. 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.
- C. 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.
- D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.

### **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 following:

1. 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.

### **PB1 (B)**

- 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 Policy HRS1.
  2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.
- C. The applications referred to in Clause B1 and B2 will generally be granted subject to:
1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1, and/or,
  2. The operation of any delivery services for alcohol and/or late night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.
  3. The application and operation of the venue continuing to meet the definition of a Public House or Bar in Clause D.
- D. For the purposes of this policy a Public House or Bar is defined as a premises, or part of a premises that's primary use is the sale or supply of

alcohol for consumption on those premises and/or for consumption off the premises for consumption outside the venue.

## SUBMISSIONS AND REASONS

Mr Kevin Jackaman Presenting Officer outlined the nature of the application to the Sub-Committee, he advised that this is an application for a Variation of the Premises Licence for Mr Fogg's Society of Exploration 1A Bedford Street London WC2E 9HD. The application has been brought by Bedfordshire Bar Limited and is represented by Mr Gary Grant Counsel. The PLH has applied to remove condition 37 which effectively permits the longer hours granted by the LSC in September 2020 on a permanent basis. Full details can be seen at pages 6-8 of the agenda report. Representations have been received by the Metropolitan Police Service (PC Stewart), EHS (Mr Maxwell Koduah) and the Licensing authority (Ms Jessica Donovan). The Premises are situated within the West End Ward and fall within the West End Cumulative Impact Zone.

Councillor Glen brought to the attention of the Sub-Committee a slight typographical error on Page 8 of the report in that the hours on Sunday hours should have read 00:30 as opposed to 02:30. Mr Grant confirmed the error.

Mr Grant appearing on behalf of the PLH addressed the Sub-Committee, he advised that today's application is made out of a necessity rather than a luxury. He referred to Condition 37 and said that when the extended hours were granted, the condition was worded as follows; '*unless this condition is removed or varied*' – there was an explicit invitation to come back to the Licensing Sub-Committee to prove that this condition does not add to the CIA.

Mr Grant said that this does not set a precedent for other premises in the area for the following reasons

- Mr Fogg's has now operated to the extended hours for almost 2 years without a single incident having occurred.
- Not a single resident or resident groups has objected. Pre-consulted to resident bodies before putting in this variation application. There were some residential objections to the previous extension application.
- Continuing the status quo does not add to the CIA.
- 70% of tables are pre-booked which allows the operators to stagger both entrance and exit throughout the evening. We can control how many people are in the premises at one time. In order to stagger those times and to avoid rushing we need the longer hours.
- We also need the Post theatre crowd which have made these Premises viable.

Mr Grant said that the Applicant was a good employer that looked after its staff and employed some 400 employees. These employees would have retained secured jobs should the Sub-Committee be minded granting the application. He also said that employees were paid above the London Living Wage and staff were treated well with benefits including staff training and that the Applicant prided itself on being an independent company offering local jobs.

Mr Grant said that additional conditions and limitations to reduce the impact are on this licence are as follows

- There is a reduction in capacity from 373-250 people = 33% decrease in capacity because of these extended hours.
- Condition 47 requires that alcohol is ancillary to food after 23:00
- The Premises Licence Holder gave up off-sales of alcohol after 23:00
- The Premises Licence Holder will only operate the Premises as a Phileas Fogg wine bar
- 2 SIA will be employed after 22:00 on busy nights
- There is a last entry condition.
- A Dispersal policy is in place and has been working well.
- Recorded music was surrendered.
- Various model conditions have been added to the Premises Licence.

In terms of any potential impact in the West End CIZ he advised that Mr Adrian Studd's report highlighted a 'Gradual peaceful dispersal that does not add to the cumulative impact'. Acoustic expert, Mr Richard Vivian reported there were no noise issues and there has been a series of support letters.

Councillor Glen commented that the PLH had operated for 2 years without a single incident but they had not been able to open for some of that time due to the pandemic and emphasised that none of this period has not been normal years for the West End and the CIA. The temporary extension that was granted was due to the reduced footfall and the Council recognised the need to help hospitality businesses survive but the key test is whether there will be negative impact once the usual footfall and tourism returns in the area.

In answer to the Sub-Committee questions Mr Grant advised that there have been no significant issues prior to the lockdown either. He stated that Cumulative impact is not merely footfall it is primarily what those people do. It is about how certain people behave. The reality is that the customer who attend Mr Fogg's do not cause trouble. For the foreseeable future, numbers are not likely to return to what they were before. Having a venue that is well run and unproblematic opening later, to take some people in is unlikely to add to the issues.

Mr Grant confirmed that insofar as Condition 37 was concerned and of those 70% eating, almost all tables have a couple of small sharing plates. At least half would have a range of plates and everyone after 23:00 patrons are required to eat.

Mr Grant confirmed that just like with the previous application the Covent Garden Residents Association was consulted regarding this application and that Mr Kainer the Chair had no issues since the granting of the extended hours.

Mr Grant stated that the Applicant has demonstrated that these extended hours do not cause problems or add to cumulative impact. The rationale is simply that the PLH wants to keep the staff that work the later shifts to continue working.

The Sub-Committee noted the offer by the PLH to remove the off sale of alcohol from the Premises Licence but requested that a condition be worded should Covid-19 return.

Mr Maxwell Koduah appearing on behalf of Environmental Health Service addressed the Sub-Committee, he advised that no complaints had been received since the Applicant was granted the extension.

Mr Koduah confirmed that the conditions are sufficient and proportionate in terms of mitigating public nuisance risks.

Mr Koduah advised that the Premises is located on a one way street that flows on to Strand which is a very busy dual carriage road. The representation was maintained because the extended hours were well beyond core hours and against policy.

PC Stewart appearing on behalf of the MPS addressed the Sub-Committee, he advised that the MPS had maintained their representation for this application. The Premises does not currently cause the Police issues however it is located within the West End CIA. He then went onto state that the Police strongly support the need for the West End CIA due to high levels of crime and disorder which subsequently cause a significant drain on Police resources. Any permanent increase of licensable activities in the area has the risk of increasing crime and disorder. The Premises were previously granted an extension on the basis that it was temporary and for 2 years. The PLH is now seeking to extend the hours on a permanent basis, given the location I believe it would be appropriate for the Sub-Committee to determine whether the application is still an exception to policy.

In answer to questions from the Sub-Committee PC Stewart advised that footfall is still down pre-pandemic levels and tourism is still lacking. However, crime is rising again now that people are venturing more into the West End post Covid-19. In terms of the population coming into the West End for hospitality purposes crime and disorder is usually directly associated to licenced premises. The majority of robberies and violence tends to happen between 23:00-04:00 when some of the premises are dispersing customers. PC Stewart confirmed that the MPS do not have any concerns with this Premises, and have a good working relationship with them.

Ms Donovan appearing on behalf of the Licensing Authority addressed the Sub-Committee, she advised that the Licensing Authority had maintained their representation as the Premises fall within the West End CIA and therefore the application needs to be considered under the pubs and bars policy (PB1b) and the Council's cumulative impact assessment (CIP1). The Licensing Authority note the original application was granted at the LSC in September 2020 due to an exception to the PB1 policy as the application was time-limited, well-conditioned and the additional hours were of a temporary nature. Policy PB1(B) states, it is the Licensing Authorities policy to refuse applications within the West End Cumulative impact zone other than applications to vary the existing licence hours within the Council's Core hours policy (HRS1) and applications that seek to vary the existing licence as to reduce the overall capacity of the premises. The application is beyond core hours, CIP1 states that applications that fall within PB1 will be refused. It is intended to be strict and will only be overridden in exceptional circumstances.

The Sub-Committee commented that many venues were granted temporary extensions due to the pandemic over the 2 years but exceptional circumstances still needed to be proven as each case was considered on its merits.

The Sub-Committee sought confirmation regarding the surrender condition imposed on the Premises Licence. Mr Grant stated that the PLH was investigating whether this had happened but in any event condition 37 stipulates that after the 2-year period the licence would revert back to the original hours should the variation not be granted. This was confirmed by the Legal Advisor to the Sub-Committee. Mr Chance

confirmed that Model Condition 24 (direct telephone) be proposed as a condition and this was accepted by Mr Grant.

In terms of giving 5 exceptional reasons to the Sub-Committee Mr Grant confirmed the following:-

- Extended hours were granted but only with the reduction of capacity by 33%
- All sales of alcohol after 23:00 have to be ancillary to food.
- The Premises has operated for 2 years without a single incident/complaint.
- There has been no single resident objection to the application.
- Both EHS and MPS have confirmed that the Premises is not one they associate with public nuisance or crime and disorder.

### **Conclusion**

The Sub-Committee realises that it has a duty to consider each application on its individual merits and did so when determining this application.

The Sub-Committee was persuaded by the arguments advanced by the PLH that exceptional circumstances had been proven having regard to the Premises being located within the West End Cumulative Impact Zone.

During the last two years it was clear that the PLH had been a responsible operator that has run the Premises well free from complaint that has led to the promotion of the licensing objectives. Both the EHS and MPS confirmed that they did not have any specific issues with the Premises when it came to public nuisance and crime and disorder and only maintained objection because the Premises is located with the West End CIZ.

The Sub-Committee welcomed the offer by the Applicant to remove off sales of alcohol from the premises licence which it has agreed to do. However, the Sub-Committee took the view that it was not appropriate for a condition to be imposed on whereby "*off-sales of alcohol are not permitted unless there are specific legal issues that prevent on-sales*". Obviously, the Sub-Committee cannot predict what legislation the Government will introduce at some stage in the future so the PLH will have to apply for any minor variation at the relevant time should this ever become an issue.

The Sub-Committee was satisfied that the Premises offer was unique and exceptional and this accords with Condition 36 on the Premises Licence meaning licensable activities can only occur after midnight if the Premises operates as a Mr Fogg's bar effectively restricting the Premises to operating to these same hours thus preserving the status quo.

The Sub-Committee did decide that condition 36 should be slightly amended to read "*The Premises shall only be permitted to carry out licensable activities after midnight if it operates as a Phileas Fogg themed lounge restaurant and wine bar*" as this best reflects the Premises business model and offer.

The Sub-Committee noted that the capacity was reduced to 250 and that after 23:00 hours the Premises would become a restaurant and food led so that patrons would have to purchase alcohol ancillary to a table meal and this would be subject to waiter and waitress service. In turn this prevents the Premises from becoming a vertical drinking venue and again preserves the style nature and character of the Premises.



The Sub-Committee imposed on the Premises Licence Model Condition 24 which requires that a telephone number be made available for the Premises so that local residents and businesses in the vicinity can make contact should any problems arise.

The Sub-Committee considered that the conditions imposed on the premises licence were appropriate and would ensure that the four licensing objectives were promoted.

The Sub-Committee decided that the Applicant had provided valid reasons as to why the granting of the variation application for the extended hours 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 to Grant the Application**, after taking into account all the individual circumstances of this case and the promotion of the four licensing objectives:

1. **To grant permission for Regulated Entertainment (Recorded Music)**  
Monday to Saturday 10:00 to 02:00 Sunday 12:00 to 00:00.
2. **To grant permission for Late Night Refreshment (Indoors and Outdoors)**  
Monday to Saturday 23:00 to 02:00 Sunday 23:00 to 00:00.
3. **To grant permission for the Sale by Retail of Alcohol (On Sales)** Monday to Saturday 10:00 to 02:00 Sunday 12:00 to 00:00.
4. **To grant permission for the Opening Hours of the Premises** Monday to Saturday 08:00 to 02:30 Sunday 10:00 to 00:30.
5. To grant permission for **Seasonal variations** so that all licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
6. That Condition 36 is hereby modified so that it now reads "*The Premises shall only be permitted to carry out licensable activities after midnight if it operates as a Phileas Fogg themed lounge restaurant and wine bar*" and renumbered below as revised Condition 39.
7. That Condition 37 on the Premises Licence is hereby removed and shall cease to have effect.
8. That Condition 46 is hereby modified so that it now reads "*There shall be no off sales of alcohol*" and renumbered below as revised Condition 48.
9. That Condition 47 is hereby removed and shall cease to have effect as this relates to off sales of alcohol being in sealed containers.
10. That the varied licence is subject to any relevant mandatory conditions.
11. That the existing conditions on the licence shall apply in all respects except in so far as they are varied by this Decision.

12. That the varied licence is subject to the following additional conditions and imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

**Conditions imposed by the Committee after a licensing hearing:-**

13. Substantial food and non-intoxicating beverages shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
14. Notices shall be prominently displayed at exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
15. 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.
16. No entertainment, performance, service, or exhibition involving nudity or sexual entertainment shall be provided except under the authority of a Sexual Entertainment Venue licence pursuant to the Local Government Miscellaneous Provisions Act 1982 as amended.
17. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests or distinctive uniform that is easily identifiable (e.g. butler's uniform/top hat/tails). SIA must wear the approved SIA registered identification.
18. During busy times door staff shall ensure that the footway outside is not obstructed by the venue's customers.
19. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises directly off the street.
20. All door staff employed at the venue shall be accredited to the Security Industry Authority.
21. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
22. No waste or recyclable materials, including bottles shall be moved, removed or placed in outside areas between 23:00 hours and 07:00 hours.
23. No deliveries to the premises shall be arranged between 23:00 and 07:00 hours.
24. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

25. All windows and external doors shall be kept closed after 23:00 hours, except for the immediate access and egress of persons.
26. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given:-
  - a) dry ice and cryogenic fog (except for food presentations)
  - b) smoke machines and fog generators
  - c) pyrotechnics including fire works
  - d) firearms
  - e) lasers
  - f) explosives and highly flammable substances.
  - g) real flame (except for candles)
  - h) strobe lighting.
27. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.  
NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.
28. 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.
29. 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.
30. All exit doors on designated escape routes shall be available at all material times without the use of a key, code, card or similar means.
31. All self-closing doors shall be effectively maintained and not held open other than by an approved device.
32. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
33. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
34. The certificates listed below shall be submitted to the Licensing Authority upon written request.
  - a) Any emergency lighting battery or system
  - b) Any electrical installation
  - c) Any emergency warning system.

35. The air conditioning units operating within the premises must be switched off when licensable activities have ceased for the day.
36. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
37. The premises will operate a Dispersal Policy and all relevant staff will be trained in its Implementation. At a minimum it will include the requirement that customers will be encouraged to disperse via the Strand and not North along Bedford Street.
38. The premises will operate a Policy regarding the management of the outside area and all relevant staff will be trained in its implementation. At a minimum it will include the requirement that customers outside the premises, whether queuing or smoking, will be managed in such a way that they do not cause a nuisance, including by way of noise or by restricting movement along the footway.
39. The premises shall only be permitted to carry out licensable activities after midnight if it operates as a Phileas Fogg themed lounge restaurant and wine bar.
40. 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.
41. 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.

42. 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.
43. 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.
44. There shall be a minimum of (2) SIA licensed door supervisors after 10:00 pm until 30 mins past close on Thursday, Friday and Saturday. At all other times the management must complete a written risk assessment to be kept at the venue and made available on request of Police or authorised officials from Westminster City Council.
45. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
46. For the period in which the terminal hour for licensable activities is provided until 02:00 Monday to Saturday there shall be no admittance or re-admittance to the premises after 01:00 hours except for patrons permitted to temporarily leave the premises to smoke.
47. 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.
48. There shall be no off sales of alcohol.
49. The supply of alcohol shall be ancillary to food after 23:00 hours.
50. The number of persons accommodated at the premises (excluding staff) shall not exceed 250.
51. No licensable activities shall take place at the premises until premises licence 20/00229/LIPDPS (or such other number subsequently issued for the premises) has been surrendered and is incapable of resurrection.
52. 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.

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

**The Licensing Sub-Committee  
24 June 2022**

**2. MR FOGGS, 58 ST MARTIN'S LANE, LONDON, WC2N 4EA**

**WCC LICENSING SUB-COMMITTEE NO. 3**  
**("The Committee")**

Friday 24 June 2022

Membership: Robert Eagleton (Chairman) and Councillor Jim Glen

Officer Support: Legal Advisor: Horatio Chance  
Policy Officer: Kerry Simpkin  
Committee Officer: Georgina Wills  
Presenting Officer: Kevin Jackaman

**Application for a Variation of a Premises Licence in respect of Mr Fogg's  
Tavern 58 St Martin's Lane London WC2N 4EA 22/02195/LIPV**

Others Present also; Mr Gary Grant (Counsel) for the PLH and instructed by Marcus Lavell and Andrew Wong of Keystone Law, Charlie Gilkes Director and founder, Duncan Stirling Director and founder, Ellie Kwong Operations all appearing on behalf of the PLH, Richard Vivian Noise Consultant, Adrian Studd Crime and Disorder Expert appearing on behalf of the PLH, Mr Maxwell Koduah (Environmental Health) PC Tom Stewart (Metropolitan Police Service)

**Full Decision**

**Premises**

Mr Fogg's Tavern  
58 St Martin's Lane  
London  
WC2N 4EA

**Premises Licence Holder**

St Martin's Lane Bar Limited

**Activities and Hours**

**Exhibition of Films and Recorded Music**

Monday to Saturday 10:00 to 01:00 hours  
Sunday 12:00 to 00:00 hours

## **Late Night Refreshment (Indoors and Outdoors)**

Monday to Saturday 23:00 to 01:00 hours

Sunday 23:00 to 00:00 hours

## **Supply of Alcohol (On and Off the Premises)**

Monday to Saturday 10:00 to 01:00 hours

Sunday 12:00 to 00:00 hours

## **Hours Open to the Public**

Monday to Saturday 10:00 to 01:30 hours

Sunday 12:00 to 00:30 hours

**Seasonal variations:** All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

The Applicant seeks the removal of Condition 50 which will mean a terminal hour of 01:00 on a permanent basis.

## **Condition 50 reads:**

No licensable activities shall take place at the premises after 2 years from the date of grant unless this condition is otherwise removed or varied by a subsequent variation application.

## **Representations Received**

- Metropolitan Police (Tom Stewart)
- Licensing Authority (Jessica Donovan)
- Lester Waters (Flat 24, 63 St. Martins Lane WC2N 4JS)

## **Summary of Objections**

Representations were received from the Metropolitan Police Service ("MPS") the Licensing Authority and one local resident.

The MPS object to the application on the grounds of the prevention of crime and disorder. The Premises is located within the West End Cumulative Impact Zone and it is likely that if a permanent extension is granted, then this would add to the cumulative impact in the area.

The Licensing Authority note that the application falls within the PB1 policy and the applicant will have to demonstrate exceptional circumstances to allow to depart from Policy and that the hours fall outside of core hours for pubs and bars.

The resident objector in support of the application states "This change to remove the two year restriction (Condition 50) is acceptable provided the character of the

Premises does not change (Condition 49 is retained). The venue has done a good job keeping the noise abated”.

### **Summary of Application**

The Sub-Committee has determined an application for a Variation of Premises Licence under the Licensing Act 2003 (“The Act”) which operates as a Lounge and Wine Bar. The Premises have had the benefit of a licence since 2005 and hold an existing licence under reference 21/06312/LIPDPS. The Premises Licence Holder seeks to remove Condition 50 only which reads: **“No licensable activities shall take place at the premises after 2 years from the date of grant unless this condition is otherwise removed or varied by a subsequent variation application”**

The Premises are located within the St James’s Ward and West End Cumulative Impact Zone. There is a presumption to refuse the application unless an exception to policy is made. A series of documents have been provided from pages 140-219 of the agenda papers by the Applicant in support of the application consisting of a submission, various letters of support, an observation report by Adrian Studd and letter from Richard Vivian (Big Sky Acoustics) regarding sound annotation from the Premises and these were duly considered by the Sub-Committee.

There is a resident count of 137.

### **Policy Considerations**

#### **CIP1**

A. 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.
- C. 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.
- D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.

#### **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 following:

1. 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.

## **PB1 (B)**

- 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 Policy HRS1.
  - 2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.
- C. The applications referred to in Clause B1 and B2 will generally be granted subject to:
  - 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1, and/or,
  - 2. The operation of any delivery services for alcohol and/or late night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.
  - 3. The application and operation of the venue continuing to meet the definition of a Public House or Bar in Clause D.
- D. For the purposes of this policy a Public House or Bar is defined as a premises, or part of a premises that's primary use is the sale or supply of alcohol for consumption on those premises and/or for consumption off the premises for consumption outside the venue.

## **SUBMISSIONS AND REASONS**

Mr Kevin Jackaman Presenting Officer outlined the nature of the application to the Sub-Committee, he advised that this is an application for a Variation of the Premises Licence for Mr Fogg's 58 St Martins Lane London WC2N 4EA. The application has been brought by St Martin's Bar Limited and is represented by Mr Gary Grant Counsel. The PLH has applied to remove condition 50 which effectively permits the longer hours granted by the LSC in September 2022 on a permanent basis. Full details can be seen at pages 117-118 of the agenda report. Representations have been received by the Metropolitan Police Service (PC Stewart) The Licensing authority (Ms Jessica Donovan) and 1 local resident who supports the application. The Premises are situated within the West End Ward and fall within the West End Cumulative Impact Zone.

The Sub-Committee exercised its discretion and accepted an email from a local resident that should have been included as part of the PLH's supporting papers. The Responsible Authorities confirmed that they had no objection to the inclusion of the evidence. Mr Grant confirmed for the record that this should have been part of our presentation however there was a corrupted PDF file and we have since realised the published version did not include the letter and merely an unintentional error.

Councillor Glen brought to the attention of the Sub-Committee a slight typographical error on Page 117 of the report in that the hours on Sunday hours for late night refreshment should have read 00:00 as opposed to 01:00. Mr Grant confirmed the error.

Mr Grant appearing on behalf of the PLH addressed the Sub-Committee, he advised that today's application is to seek an extension of the current hours made out of a necessity rather than a luxury. He referred to Condition 50 which the PLH was seeking to have removed from the Premises Licence. There was an explicit invitation to come back to the Licensing Sub-Committee to prove that this condition does not add to the CIA.

Mr Grant said that this does not set a precedent for other premises in the area and will not have an impact on the West End CIA for the following reasons:-

- Not a single resident or resident body has objected to these hours being made permanent.
- 2 residents who live next door to the premises are in support. Resident originally objected to the later weekend hours is now positively supporting this application.
- Mr Fogg's has now operated to the extended hours for almost 2 years without a single incident having occurred.
- Continuing the status quo does not add to the CIA.
- 70% of tables are pre-booked which allows the operators to stagger both entrance and exit throughout the evening. We can control how many people are in the premises at one time. In order to stagger those times and to avoid rushing we need the longer hours.
- We also need the Post theatre crowd which have made these Premises viable.

Mr Grant said that the Applicant was a good employer that looked after its staff and employed over some 400 employees. These employees would have retained secured jobs should the Sub-Committee be minded granting the application. He also said that employees were paid above the London living wage and staff were treated well with benefits including staff training and that the Applicant prided itself on being an independent company offering local jobs.

Mr Grant said that additional conditions and limitations to reduce the impact are on this licence are as follows

- Condition 14 – Capacity is restricted to 50 after the extended hours.
- After 23:30 there is a restaurant condition (condition 39)
- There are no off-sales after 23:00.
- Condition 49 – restricts the style of operation.
- The PLH operates a Smokers' policy
- There is to be a Minimum 1 SIA after 22:00.
- The PLH operates an effective Dispersal policy and no problems have arisen with regard to dispersal at the terminal hour.

Mr Grant advised that a few weeks ago on 4 June, a woman collapsed outside the Premises and our door supervisor went to her aid. This demonstrates that our SIA on duty on busy nights are responsible - this is a good example where the PLH was considerate and gave help with such an incident.

Mr Adrian Studd crime and disorder expert for the PLH confirmed to the Sub-Committee that the Premises does operate in a very unique style and the fact there have been no incidents regarding crime and disorder should be noted. This is very rare and so the extension of hours would not impact the West End CIA.

Mr Charlie Gilkes Director on behalf of the PLH addressed the Sub-Committee and advised that the Covid-19 pandemic has caused a huge amount of suffering. It has meant we have been unable to trade in the usual way for 16 months. It has been a very challenging time. Even when we could reopen the Premises, it has taken a lot of time for tourists and office workers to return. Westminster gave us a lifeline by allowing us to extend our hours. After this 2-year period we have not had any concerns or complaints.

In answer to questions from the Sub-Committee Mr Grant confirmed that the Premises does not have a capacity limit prior to 23:00 but that the PLH follows a risk assessment which is 120 patrons. On the whole the Premises is mostly seated and we tell those that are standing that we can only have those seated after 23:00. Mr Grant advised that what makes the Premises exceptional is the later hours are not bar hours, they are with a restaurant condition. The extension was granted with a reduction in capacity. Mr Grant contended that it was far better for customers to be in the Premises having a table meal rather than frequenting other licensed premises in the West End CIA because patrons were contained. Mr Grant advised that off sales of alcohol on the pedestrianised pavement until 23:00.

The Sub-Committee commented that many venues were granted temporary extensions due to the pandemic over the 2 years but exceptional circumstances still needed to be proven as each case was considered on its merits.

PC Stewart on behalf of the MPS addressed the Sub-Committee and said representation was maintained because the Premises is located in the West End CIA. The Premises does not currently cause the Police any issues. PC Stewart said that the Police strongly support the need for the West End CIA due to high levels of crime and disorder which subsequently cause a significant drain on Police resources. Any permanent increase of licensable activities in the area has the risk of increasing crime and disorder. The Premises were previously granted an extension on the basis that it was temporary and for 2 years. However, the PLH is now seeking to extend the hours on a permanent basis, given the location I believe it would be appropriate for the Sub-Committee to determine whether the application is still an exception to policy.

In answer to questions from the Sub-Committee PC Stewart gave a brief account of Police activity in the area pre-pandemic and post pandemic. He advised that Police have no specific concerns with the premises directly. St Martins Lane is busier and more populated with licence premises. In May of this year, there were 3,454 offences reports which is an 84% increase compared to last year. This is also the same as previous months where there has been a 127% increase in crimes and these include thefts, violence against a person. Crime is now on the increase.

Ms Donovan appearing on behalf of the Licensing Authority addressed the Sub-Committee. Ms Donovan said that the Licensing Authority had maintained their representation as the Premises falls within the West End CIA and therefore the application needs to be considered under the pubs and bars policy (PB1b) and the councils cumulative impact policy (CIP1). The Licensing Authority note the original application was granted at the Licensing Sub-Committee in July 2020 due to an exception to the PB1 policy as the application was time-limited, well-conditioned and the additional hours were of a temporary nature. However, Policy PB1(B) states, it is the Licensing Authorities policy to refuse applications within the West End Cumulative impact zone other than applications to vary the existing licence hours within the Council's Core hours policy (HRS1) and applications that seek to vary the existing licence as to reduce the overall capacity of the Premises. The application is beyond core hours, CIP1 states that applications that fall within PB1 will be refused. It is intended to be strict and will only be overridden in exceptional circumstances.

The Sub-Committee queried Condition 47 on the Premises Licence and whether this should be amended to reflect better wording. Mr Chance the Legal Advisor to the Sub-Committee confirmed that the same wording could be used as the PLH's other application that was heard in the morning in respect of their Premises in Bedford Street for the sake of consistency.

Mr Simpkin the Policy Advisor to the Sub-Committee clarified to the Sub-Committee whether there has been any reduction in the number of licenced premises within the CIA and whether that has affected the issue of licences. Mr Simpkin advised that there has been an increase in licenced premises but that the Council has not lost any. Mr Simpkin said that he accepted the point that there have been venues closing and holding the licence for future use.

In terms of giving 5 exceptional reasons to the Sub-Committee Mr Grant confirmed the following:-

- Extended hours were granted on the basis of the Premises capacity.
- All sales of alcohol after 23:00 have to be ancillary to food.
- The Premises has operated for 2 years without a single incident/complaint.
- There have been two resident objections in support of the application.
- The MPS have confirmed that the Premises is not one they associate with crime and disorder.

Mr Grant stated in conclusion the PLH is not asking for an extension to bar hours but instead is looking for an extension to restaurant hours. Condition 49 is strong and restricts the Premises. Mr Grant said that we are not looking at vertical drinking and on that basis the application should be granted accordingly.

## **Conclusion**

The Sub-Committee realises that it has a duty to consider each application on its individual merits and did so when determining this application.

The Sub-Committee was persuaded by the arguments advanced by the PLH that exceptional circumstances had been proven having regard to the Premises being located within the West End cumulative Impact Zone.

During the last two years it was clear that the PLH had been a responsible operator that has run the Premises well free from complaint that has led to the promotion of the licensing objectives. It was noted by the Sub-Committee that the Environmental Health Service did not object to the application and that the MPS confirmed that they did not have any specific issues with the Premises when it came to public nuisance and crime and disorder and only maintained objection because the Premises is located with the West End CIZ.

The Sub-Committee was satisfied that the Premises offer was unique and exceptional and this accords with Condition 49 on the Premises Licence meaning licensable activities can only occur if the Premises operates as a Mr Foggs bar effectively restricting the Premises to operating to these same hours thus preserving the status quo.

The Sub-Committee did decide that condition 49 should be amended to read “*The Premises shall only be permitted to carry out licensable if it operates as a Phileas Fogg themed lounge restaurant and bar*” as this best reflects the Premises business model and offer and fitted in with a similar application at another branch of the PLH in Bedford Street, London WC2E.

The Sub-Committee noted that the capacity was reduced to 50 and that after 23:00 hours the Premises would become a restaurant and food led so that patrons would have to purchase alcohol ancillary to a table meal and this would be subject to waiter and waitress service. In turn this prevents the Premises from becoming a vertical drinking venue and again preserves the style nature and character of the Premises.

The Sub-Committee considered that the conditions imposed on the premises licence were appropriate and would ensure that the four licensing objectives were promoted.

The Sub-Committee decided that the Applicant had provided valid reasons as to why the granting of the variation application to the extended hours 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 to Grant the Application**, 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 Exhibition of Films and Recorded Music**  
Monday to Saturday 10:00 to 01:00 hours Sunday 12:00 to 00:00 hours.
2. **To grant permission for Late Night Refreshment (Indoors and Outdoors)**  
Monday to Saturday 23:00 to 01:00 hours Sunday 23:00 to 00:00 hours.
3. **To grant permission for the Sale by Retail of Alcohol (On and Off the Premises)** Monday to Saturday 10:00 to 01:00 hours Sunday 12:00 to 00:00 hours.
4. **To grant permission for the Opening Hours of the Premises** Monday to Saturday 10:00 to 01:30 hours Sunday 12:00 to 00:30 hours.

5. To grant permission for **Seasonal variations so that all licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.**
6. That Condition 49 is hereby modified so that it now reads "*The Premises shall only be permitted to carry out licensable activities if it operates after midnight as a Phileas Fogg themed lounge restaurant and bar*"
7. That Condition 50 is hereby removed from the Premises Licence and shall cease to have effect.
8. That the varied licence is subject to any relevant mandatory conditions.
9. That the existing conditions on the licence shall apply in all respects except in so far as they are varied by this Decision.
10. That the varied licence is subject to the following additional conditions and imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

**Conditions imposed by the Committee after a licensing hearing:-**

11. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
12. 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.
13. 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.

14. After 23:30 Monday to Thursday, 00:00 on Friday and Saturday and 22:30 on Sundays (00:00 Sundays before bank holidays), the maximum number of persons permitted on the premises at any one time shall not exceed 50 persons (excluding staff).
15. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
16. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
17. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
18. 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 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.
19. Unless the premises are operating under the benefit of a Sexual Entertainment Venue licence there shall be no striptease, no nudity and all persons to be decently attired at all times.
20. 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.
21. 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.
22. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
23. The provision of films shall be incidental to other licensable activities and there shall be no cinema style showing of films.
24. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing should be either non-combustible or be of durably or inherently flameretarded fabric.
25. The hours for licensable activities and opening times may be extended from the end of permitted hours on New Year's Eve to the beginning of the permitted hours on New Year's Day.
26. The premises licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised so as to

ensure that there is no public nuisance or obstruction to the public highway. A written queuing policy shall be in place and kept for inspection at the premises. This policy will control people entering the premises so as to cause minimal impact on the area.

27. On the first floor, the Service of alcohol shall only be by waiter/waitress service.
28. A dispersal policy shall be implemented which directs customers away from nearby residential premises as quickly and swiftly as possible. The Policy shall include the requirement that when the premises are open after Midnight an additional member of staff shall be available on the ground floor to ensure that this happens. The Licence Holder will consult with local residents and the Licensing Authority on this Policy and is required to meet their reasonable requirements.
29. A Smoking policy shall be implemented which will ensure they cause minimal impact on the local area. Such policy shall be available for inspection.
30. 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.
31. All windows shall be kept closed after 23.00 hours, or at any time when regulated entertainment takes place.
32. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
33. 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.
34. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
35. No deliveries to the premises shall take place between 20:00 and 08:00 hours on the following day.
36. 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

37. There shall be a minimum of (1) SIA licensed door supervisors after 22:00 hours until 30 mins past close on Thursday, Friday and Saturday. At all other times the management must complete a written risk assessment to be kept at the venue and made available on request of Police or authorised officials from Westminster City Council.
38. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests or distinctive uniform that is easily identifiable (e.g. butlers uniform/top hat/tails). SIA must wear the approved SIA registered identification.
39. After 23:30 hours on Monday to Thursday; 00:00 hours (midnight) on Friday & Saturday and 22:30 hours on Sunday, the supply of alcohol on the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
40. Last entry to the Premises shall be 00:00.
41. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
42. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
43. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
44. 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.
45. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
46. The premises licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
47. The premises licence holder shall ensure that any patrons drinking and/or 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.
48. After 23:00 hours, 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.

49. The Premises shall only be permitted to carry out licensable activities after Midnight if it operates as a Phileas Fogg themed lounge restaurant and bar.

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

**The Licensing Sub-Committee  
24 June 2022**

The Meeting ended at 2.00 pm