



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (4)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** held on **Thursday 9th March, 2023**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Angela Piddock (Chair), Judith Southern and Tim Mitchell

1. MEMBERSHIP

1.1 There were no changes to the membership.

2. DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

1. MCDONALDS, 178-180 EDGWARE ROAD, W2 2DS

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

Thursday 9th March 2023

Membership: Councillor Angela Piddock (Chair),
Councillor Judith Southern and Councillor Tim Mitchell

Officer Support:	Legal Advisor:	Steve Burnett
	Policy Officer:	Aaron Hardy
	Committee Officer:	Sarah Craddock
	Presenting Officer:	Kevin Jackaman

Other Parties: Ms Sarah Glover (Counsel for the Applicant),
Ms Hannah Burton and Zoe Betts (Pinsent Masons LLP),
Claude Abi Gerges (Capital Arches Group),
Tim Molden (Capital Arches Group),
Mr Bolton (Head of Security) and
Mr Abhilash (Franchisee Owner),

Mr Anil Drayan (Environmental Health Service),

Gerald Gouriet KC on behalf of the Metropolitan Police Service
PC Tom Stewart (Metropolitan Police Service),

Councillor Arzymanow (representing the three Marylebone Ward
Councillors),

Mr Richard Brown (Westminster's Licensing Project (CAB)
representing the Harrowby and District Resident's Association
and the Marylebone Association,

Mr Steven Thomas, representing the Harrowby and District
Resident's Association

Mr David Strang (local resident).

FULL DECISION

Application for a variation of a Premises Licence for McDonalds, 178-180 Edgware Road, London W2 2DS – 22/11557/LIPV – Item 1

Premises:

McDonalds,
178-180 Edgware Road,
London
W2 2DS

Applicant

Capital Arches Group Limited

Ward

Marylebone

Cumulative Impact Area

N/A

Special Consideration Zone

Edgware Special Consideration Zone

Activities and Hours applied for

To vary the hours for Late Night Refreshment from 23:00 to 00:00 Mon to Sun
to 23:00 to 05:00 Monday to Sunday.

Summary of Application

This is an application for a variation of a premises licence under the Licensing Act
2003 ("The Act"). The premises has had the benefit of a premises licence since

2005. The Premises is located within the Marylebone Ward and within Edgware Special Consideration Zone. There is a resident count of 158.

This application seeks the following:

- To vary the terminal hours for Late Night Refreshment from 00:00 to 05:00 Monday to Sunday and
- To vary the opening hours from 05:00 to 00:00 to 00:00 to 00:00 Monday to Sunday.

The extension of the hours is sought to allow the premises to operate 24hours/7days a week.

Representations Received

- Environmental Health Service (EHS)
- Metropolitan Police (MPS)
- 9 Residents.
- Guy Austin – The Marylebone Association
- Zoe Dundas Harrowby District Association
- Cllr Karen Scarborough – Marylebone Ward

Issues raised by Objectors

EHO states: The extension of hours for Late Night Refreshment may cause an increase in Public Nuisance in the special consideration zone.

MPS states: if granted, the premises would undermine the licensing objectives, and in particular, the prevention of crime and disorder and the prevention of public nuisance

Residents states:

Delivery providers are a complete menace, driving and parking on the pavement. Delivery drivers are noisy and congregate outside and in nearby streets causing a noise and amenity nuisance. By permitting all night opening or any longer hours than at present will exacerbate this situation to the very real distress of local residents and the community. Delivery drivers hang around, fight, block the street and loiter in Crawford Place. This was particularly dangerous for the nursery operating there, causing a health and safety issue for the children.

They hang around, shouting and generally cause anti-social behaviour issues. They keep residents awake at night. Criminals came into the area and parks outside a residents' bedroom window on a double yellow line constantly. One exposed himself. Both these incidents were reported to the MPS.

McDonalds customers hang around with their engines running while they eat their food, they make phones calls, play music and video games.

There are regular groups of drivers clustering around Crawford St, blocking streets and pavements, and making the area unwelcoming for residents. They also use the forecourt of the Landward on Brendon St and the disused pub opposite adding to noise, litter and anti-social behaviour.

The Applicants need to demonstrate that they have addressed issues that might be exacerbated by their activities in the wider area. In this case it is believed that the applicant has failed to do this as they appear to have focussed on site-specific issues but fail to adequately address the effect of their business on the locality. Several streets are adversely impacted by debris, resulting from individuals who have consumed takeout food.

Just last week two young teenagers, were mugged outside McDonalds on Edgware Rd.

Policy Considerations

SCZ1

A. 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.

B. For the purpose of Clause A, the designated Special Consideration Zones are:

- West End Buffer
- Queensway/Bayswater
- Edgware Road
- East Covent Garden
- Mayfair
- Victoria.

D51 and 52. Edgware Road Special Consideration Zone

D51. Edgware Road area is 0.10km² in size, accounting for 0.4% of the borough's footprint. The local issues that need to be considered by applicants are:

- Serious violent crimes at night.
- Incidents relating to ambulance call outs at night to the locations of licensed premises for intoxication, injury related to intoxication and/or assault.
- Drug dealing at night.
- Robberies at night.
- Theft incidents at night.
- Noise nuisance at night.

D52. The incidents recorded between 2017 and 2019 were nearly four times the borough's average rate of incidents per square kilometre.

HRS1

B. 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.
2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
9. The capacity of the premises.
10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.

C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:

6. Pubs and bars, Fast Food and Music and Dance venues:

Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to 12am.
Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 12pm to 12am.

FFP1 Policy

A. Applications outside the West End Cumulative Zones will generally be granted subject to:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
2. The hours for licensable activities are within the council's Core Hours Policy HRS1.
3. 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.
4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.
5. The application and operation of the venue meet the definition of a fast-food premises in Clause D.

D. For the purposes of this policy a fast-food Premises is defined as:

1. A premises that provides late night refreshment, either by way of fast food over a counter, via a self-seating basis or take away for immediate consumption.
2. Food and drink are:
 - a. Available on the premises for self-selection.
 - b. Prepared on the premises.
 - c. Cooked or produced off the premises but brought to that premises in advance of its sale to customers.
3. The food and drink are provided in pre-sealed or open disposable packaging which is intended for immediate consumption.
4. A fast-food premises can provide a delivery service as part of its operation, however that service must be ancillary to the main function of the premises as defined within sub-clauses D,1 to D,3 above.

SUBMISSIONS

1. Mr Kevin Jackaman, Presenting Officer, outlined the application to the Committee. He advised that this was an application for a variation to a Premises Licence in respect of McDonalds, 178-180 Edgware Road, W2 2DS. He advised that representations had been received from the Environmental Health Service, MPS, nine local residents, three Marylebone Ward Councillors, the Marylebone Association and Harrowby and District Residents' Association. He further confirmed to the Committee that the Premises is located within the Marylebone Ward and in the Edgware Special Consideration Zone.
2. Ms Sarah Clover (Counsel for the Applicant) outlined the application to the Committee. She advised that there are thirty McDonald franchisee within Westminster and many of the premises operated late if not 24 hours/7 days a week. She outlined that the Applicant was very aware of the challenges of late-night opening which was why they had strategies in place to prevent issues arising in and outside their Premises.
3. Ms Clover advised that this was a positive application which had been meticulously put together to address specifically policy, residents' concerns and issues raised by the Responsible Authorities. She advised that one of McDonald's hallmarks was to be a good neighbour and a positive influence in

the community. She outlined that the Applicant had consulted with the EHS who had contributed to the proposed conditions and that the MPS had indicated that they would accept an extension of hours up to 2am. She advised that the Applicant was however unable to accept this and wished to test what difference it would make to the efficacy of the conditions if the hours were extended to 05:00 hours.

4. Ms Clover referred to page 24 of the Agenda Pack which outlined how the Applicant had risk assessed their operation and developed their policies and strategies and addressed the types of challenges that they might be presented with whilst operating 24 hours a day/7days a week. She outlined to the Members how delivery services had grown as a result of COVID and now is an ingrained feature of everyday life. She informed the Committee that delivery services were also a valuable resource for vulnerable people who struggled to get out and about and who relied heavily on the delivery of food to their home.
5. Ms Clover outlined how the Applicant's bespoke Delivery Partner Solution (page 32 of the Agenda Pack) had the ability to control third party delivery drivers to ensure that the three delivery partners (especially Uber Eats who delivered throughout the night) would not congregate outside of the Premises or in the neighbouring roads. She added that technological features could dictate where a driver could receive an order, how they were expected to behave, the consequences and the penalty if they did not comply with that behaviour. She further informed the Committee that the delivery drivers visited a number of other premises up and down the Edgware Road and this type of discipline had a knock-on effect and could be a positive benefit to local residents. She emphasised that it was important for the Committee to recognise the important entrenched relationship between McDonald's and their delivery partners.
6. Ms Clover informed the Committee that London was a 24-hour city and delivery drivers were now seen everywhere so a high degree of control and bespoke solutions had been introduced into Premises to control delivery services and to protect and minimise the impact of surrounding neighbourhoods. She advised that the Applicant did not accept the representations made that there would be an increase of rubbish and litter with an extension of hours. McDonald's prided itself on regularly sending out litter pickers to collect rubbish in the local area.
7. Ms Clover referred the Committee the Temporary Event Notices (TENS) that McDonalds had used to operate for 24 hours up to their full complement and considered that this was a good acid test as to indicate the impact and consequences of operating throughout the night; not least because of the MPS's concerns of the venue becoming a destination venue for late night drinkers leaving the West End. She emphasised that no complaints had been received during the operation of the TENS and that therefore she considered that the resident's representations were based on their generalised concerns about the area. She further added that the EHS had not received any noise complaints regarding this Premises since it had been operating and during the operation of the various TENS. Ms Clover asserted that there was no

dissatisfaction expressed to the Authorities in relation to noise, litter or anti-social behaviour. She also identified to the Committee that there is a layby outside the Premises where delivery drivers could park.

8. Ms Clover referred the Committee to the allegations within the MPS's statement contained at page 44 of the Agenda Pack regarding violent crime at the Premises and advised that the Applicant were not and had not been made aware of any reports of assaults occurring on the Premises. She commented that she would have expected the MPS to draw these matters to the attention of the Premises.
9. Ms Clover then referred to the additional agreed conditions that had been proposed by the Environmental Health Officer that covered training for staff, conflict management, use of door staff, frontage lighting and CCTV surveillance which would help prevent criminal and anti-social behaviour in the area.
10. In response to questions from the Committee, Ms Clover explained that she considered that people would not drive to this particular McDonalds because there were so many McDonalds located within Westminster. She outlined that this venue would not become a destination venue as the majority of its customers would be local and there were many 24-hour Premises located along the Edgware Road.
11. Ms Clover emphasised that delivery drivers would be controlled by the bespoke delivery solution that McDonalds would install at the Premises and that they had been in contact with TfL to provide bike storage because bike owners preferred to park their bikes in view of the Premises. She advised the Committee could prevent bikers parking in neighbouring streets by placing conditions on the Premises Licence which McDonald would then use to regulate creating blackout zones. She stated that McDonalds was also working in partnership with their delivery partners to roll out electric bike to reduce noise and pollution.
12. The Committee questioned the Applicant to establish why they feel that the issues raised in the representations when the Premises trades up to 00.00, will cease after 00.00. Ms Clover and Mr Molden explained they were not aware of the crimes referred to by the MPS. Ms Clover stated that the MPS had suggested reducing the requested terminal time to 02.00. However, the MPS statistics show that the peak hours for crime is up to 02.00 hours.
13. The Committee was told that the parking of bikes is a difficulty but parking generally in London is an issue but is a highways issue. The Applicant refute that customers drive to the Premises. They explained that they have created an area inside the Premises for delivery personnel to wait and technology has created an exclusion zone around the premises preventing orders from being allocated to personnel located in that area. They also stated that BID wardens were trained in 'conflict management'.

14. Ms Clover confirmed to the Committee that the issues with the fire alarm had now been resolved through the engineering company. She advised that the behaviour of delivery drivers and customers would be controlled by the security guard(s) and that there would be a maximum of 30 highly trained staff working in the Premises during the evening. She confirmed that the Applicant was happy to engage with the local residents, Ward Councillors and Resident Associations and would accept Model Condition MC24 regarding a telephone number for the manager to be available to residents to allow them to notify the Premises of concerns.
15. Ms Clover confirmed that the Applicant did not accept the allegations of violent crimes and robberies contained at page 35 of the Agenda Pack. She considered that PC Stewart's generalised crime statistics were very broad and difficult to decipher. However, they did appear to indicate that the peak hours for crime and disorder were up to 02:00 hours and that between 02:00 hours and 05:00 hours (which was part of what was tested by the TENS) were not highlighted as troublesome. She emphasised that the TENS did give a realistic impression of how the Premises would operate smoothly and effectively 24/7 whilst promoting the licensing objectives.
16. Mr Gouriet (Counsel for the MPS) advised the Committee that there was only one central point to this case, albeit it could be expressed in a number of different ways. Namely, whatever problems were being experienced before the current cut-off point of midnight, would continue and gradually get worse the later the Premises stayed open.
17. The Committee was advised that the residents did not have advanced notice of the TENs and therefore could not be expected to take note that issues was caused by McDonalds if woken up by noise nuisance coming from the street. He emphasised the significant impact of delivery drivers on the surrounding area and that with the best will in the world, McDonalds would not be able to control the behaviour electronically or otherwise, of the drivers as they were all employed by a third party. If they could be controlled, there would not be any existing problems.
18. Mr Gouriet advised that even a small disturbance at 4pm in the morning would have a greater impact on residents resting in their bed, and that it was clearly stated in the Council's Licensing Policy that it was unsuitable for night delivery to take place opposite and/or adjacent to a residential block.
19. Mr Gouriet referred to page 42 of the Agenda Pack which contained the details of the crime associated with the Premises over the past 12 months. He advised that it was difficult to understand how McDonalds were not aware of these incidents as their own security guards and/or staff had called the MPS regarding fighting inside the Premises. He added that their door had also been smashed in April 2022. The MPS had also identified offences of theft of bags and mobile phones taking place at the Premises. Mr Gouriet then referred to page 37 of the Agenda Pack entitled 'Local Crime and Anti-social Behaviour' and advised of the crime/ASB figures for the month of December 2022 for the Marylebone Ward and Hyde Park Ward. He reiterated that these figures were some of the highest crime figures in Westminster and that the

McDonald's Premises was located within the hotspot along the Edgware Road.

20. Mr Anil Drayan appearing on behalf of the EHS addressed the Committee and advised that they had maintained their representation because of the application for a significant extension in hours.
21. The EHS informed the Committee that he agreed conditions with the Applicant. However, this had been done to save time in the event the Committee granted the application. He further confirmed that they had not received any noise nuisance complaints. He explained that it would have been beneficial if the Applicant had submitted a noise report detailing the traffic noise/general noise in the area which would have given them a better understanding of what the noise levels in the area was like in the early hours of the morning.
22. Mr Drayan advised that the proposed increase in the opening hours for customers to sit in and/or collect food in the early hours of the morning would create a destination venue for people coming out of nightclubs in the West End looking for somewhere to purchase hot food. He outlined to the Members that people who had been out drinking all evening did not walk around in a quiet manner and referred the Committee to the residential properties immediately opposite McDonalds. He also emphasised the wider impact the application would have on the whole neighbourhood. He advised that without a noise survey the EHS have to assume that the area becomes quiet at night and therefore this application, if granted, has the potential to cause considerable nuisance as humans were psychologically designed to pick up other human voices especially if their surrounding area was very quiet.
23. Mr Richard Brown of Westminster's Licensing Project (CAB) representing the Harrowby and District Resident's Association, the Marylebone Association and Mr Steven Thomas referred to his written submission contained in the Additional Information Agenda Pack, (pages 4-6) which set out the main issues for local residents and also the four main policy considerations contained in the Statement of Licensing Policy 2020. He confirmed that he agreed with the submissions from the MPS and EHS.
24. Mr Brown emphasised to the Committee that the residents' experience and local knowledge should be listened to carefully and that their concerns already exist and would inevitably become worse. He outlined that the nuisance caused by third party delivery drivers were a common theme in all the representations and the nuisance becomes worse late at night. He further outlined how the Premises was likely to become a destination venue as people were very attracted to hot food after a night out. He strongly emphasised that TENs were simply not a reflection of a permanent extension as they were not usually advertised, and residents were not made aware of them so its operation could not be scrutinised by residents.
25. Mr Brown advised that the Council's policy encouraged Premises to employ their own drivers so that they could exert control over their behaviour. He

emphasised that without an actual contractual relationship with the drivers as your employee there was nothing the Premises could do in terms of discipline/keeping them in line. He outlined that residential complaints were usually made during the monthly Ward Councillor meetings.

26. Mr Steven Thomas, Chair of the Harrowby and District Resident's Association, advised that Brendon Street was situated immediately behind the Premises and that the residents simply had a lived experience of living in the area. He advised that, London was a 24-hour city but within it was pockets of little villages and centres which were quiet residential areas. He added that residents were entitled to some peace and a decent night sleep. He outlined that the Association had only heard about this application at the time it was submitted to the Licensing Service and that stakeholder meetings and consultation had not occurred prior to this meeting. He stated to the Committee that residents supported a night-time economy however it needed to be in the right place and operated within the right times. He considered that placing the responsibility of sorting out the type of anti-social behaviour that goes on along Edgware Road late at night on young men and women employees was irresponsibility and not acceptable. He echoed that the problems already existed in the area and would only get worse with the Premises opening 24/7. He did not feel that deploying litter pickers at 3am or 4am would solve any problems and that a couple talking on a street was enough to wake residents in the early mornings. He considered that the technology that could create black out zones for drivers would not work because as soon as one area was off limits the drivers would move the problems into other residential streets.
27. Mr David Strang, local resident, advised the Committee that he had not received any correspondences about this application. He outlined that he was very concerned about customers parking in his street as it was derestricted at night and/or leaving their engines running as there was no parking allowed outside of McDonalds. He was further concerned about an increase of discarded food packaging and stated that he had never seen McDonald's staff picking up litter in the past 12 years. He advised that there would be an increase in delivery drivers which would congregate and block the pavement outside of the shop and on Crawford Place. He outlined the anti-social behaviour such as urination and noise nuisance and wondered how McDonald's would control this on a day-to-day basis. He added that he often saw drivers break laws by driving on pavements and going through red lights, and it was difficult to see how the Applicant would actually enforce rules against third party individuals who were already breaking the law. The Committee was informed that Mr Strang had seen park up, leave their engines running whilst they went to McDonalds for food. He has seen no evidence of how the Applicant will control illegal vehicle movement, control litter in the street (he has never seen litter pickers from the Premises cleaning the streets) and as delivery drivers have a "lax attitude" to breaking the law, they would not be susceptible to being controlled.

28. Mr Strang acknowledged to the Member that vulnerable people benefited from the delivery service however people did not need to access food 24/7. He advised that there was no way to avoid an increase in detrimental effects if the Premises started operating 24/7 and it would no doubt become a destination venue.
29. Mr Strang told the Committee that the negative affect on residents taking place now up to 00.00 will continue after 00.00 if the application is granted. He considered that the proposed conditions would not promote the licensing objectives and the application should be refused.
30. Councillor Arzymanow (representing the three Marylebone Ward Councillors) advised that all three Councillors were against the extension of hours to operate 24 hours/7days a week on the grounds of public nuisance. She advised that the pandemic had created a new unregulated lucrative business of delivery of takeaway food which has had a knock-on effect for both the MPS and the Council who had to manage the disorder created by delivery businesses. She confirmed that residents had raised concerns regarding noise nuisance and anti-social behaviour in Edgware Road during her Ward meetings and that it was totally unacceptable for these problems to increase. She mentioned the serious violent crimes occurring in the area and the rising of stabbings in London. She emphasised again that the MPS did not have the resources to manage the delivery bikes as they were not registered and therefore could not be traced. She concluded by advising that if this application was granted it would open the floodgates across the city for 24/7 Premises.
31. During his summing up, Mr Strang advised that he hoped the Committee would take into consideration that theory and reality were rather different, and that the resident's lived experience of the area would be taken into taking into account.
32. During her summing up, Councillor Arzymanow reiterated that the MPS did not have the powers to regulate the delivery drivers.
33. During his summing up, Mr Drayan advised that the area started to become quieter after midnight and especially after 1am and therefore they were maintaining their representation against the application.
34. Mr Gouriet on behalf of the MPS referred the Committee to the proposed conditions on page 58 of the Agenda papers in his summing up. Conditions 12 and 13 were conditions giving delivery drivers instructions. If they disobey, nothing can be done. The SIA door staff can deal with issues on the Premises but once off the Premises there would be limited control over drivers.
35. During her summing up, Ms Clover confirmed that the new technology would control the behaviour of the delivery drivers and that the drivers would not be able to pick up orders in certain locations. She advised that the Applicant would have expected the MPS to have informed them of the reports of violent crimes and that the Committee should reject theory and instead consider the

reality as statistics were as only as good as the material upon which they were founded.

36. It was confirmed to the Committee that the Premises door had been smashed, however it had occurred whilst the Premises was closed and therefore had nothing to do with the Premises being open and trading. She advised that the MPS would have been happy with an extension of hours until 02:00 hours.
37. Ms Clover referred to the Ward Councillors representation on the grounds of public nuisance and advised that the EHS had proposed conditions to alleviate these concerns. She added it was unfortunate that the EHS had not requested a noise report as one could have been produced.
38. Ms Clover emphasised that TENs were a way of testing the water and that McDonalds were attractive to a multiplicity of people such as night shift workers and tourist. She advised there was no reason that this Premises would become a destination venue or a 'honeypot' for drunken people leaving the West End and identified premises in the area which opened until both 03.00 and 04.00.
39. Ms Clover advised that 150 letters had been delivered to local letterboxes and the Applicant had a proven record of working with residents/charities within their communities. She outlined how the Premises would provide jobs for young people and how this Premises would contribute to the local economy. She concluded by advising that there was not a presumption of refusal as the Premises was not located in a cumulative impact area and that residents and/or the Responsible Authorities had the right to Review the Premises Licence if problems were identified.
40. Mr Gouriet, for clarification, confirmed that the MPS have never been content for the Premises to extend their hours until 02:00 hours and wished for the application to be refused.

DECISION

41. The Committee considered the application on its individual merits. In reaching their decision, the Committee took into account the Act, the Revised Guidance issued under section 182 of the Act (the Guidance), Westminster's Statement of Licensing Policy (SoLP), all the committee papers, supplementary submissions made by the parties, and the oral evidence given by all parties during the hearing in its determination of the matter.
42. The Committee does not doubt that the Applicant is a competent operator. However, one of the overriding factors to be considered here is whether granting this variation to permit the Premises to open 24 hours and to permit late night refreshment until the terminal hour of 05:00 Monday to Sunday, subject to appropriate and proportionate conditions would promote the Licensing Objectives.

43. Section 4(1) of the LA states *A licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives.*
44. The Committee notes that the Premises is currently trading until 00.00 and already uses SIA registered door staff. The Premises Licence Holder already has a duty to ensure that their operation does not adversely affect the Licensing objectives.
45. The relevant written evidence from residents state that currently, third party delivery companies used by the Premises, illegally drive and park on the pavement, cause a noise nuisance and are involved in anti-social behaviour outside the Premises. Residents also complained of litter from the Premises. Residential complaints were made during the monthly Ward Councillor meetings to Ward Councillors who have also made representations and to the MPS.
46. The oral evidence from the residents and their representatives of existing issues supported their concerns that these would continue if this application was granted was compelling.
47. The Committee also noted that criminal offences had been committed at the Premises. Ms Clover has asked that little weight is given to this evidence but notwithstanding this, the Committee also noted the offences of theft at the Premises and the MPS’s local crime and anti-social behaviour statistics. The Committee noted the concerns of the MPS and the fact that a later terminal hour would cause policing problems in the area and the possibility of the Premises becoming a destination venue for customers already in the area after other licensed premises had closed, which Ms Clover has disputed.
48. The Applicant emphasised that no complaints had been received during the operation of TENS. However, the Committee accepts there is some mileage in the argument that the TENS provide only a snapshot of trade at the Premises. The granting of this application would result in permanent advertising of 24 hr opening, thereby attracting more customers whereas a TEN is a temporary authorisation.
49. The Applicant gave evidence of technology to regulate delivery driver’s behaviour by creating blackout zones. The residents contend that this would cause drivers to relocate and move the problems to another residential streets. The Applicant does not have a contractual relationship with the drivers as their employee, consequently, the Applicant is restricted in terms of controlling delivery drivers once they arrive outside or have left the Premises. The residents complain of existing nuisance caused by delivery drivers and customers outside the Premises.
50. The Applicant had stated that they had strategies in place to prevent issues arising in and outside their Premises and that a high degree of control and bespoke solutions had been introduced into Premises to control delivery services and to protect and minimise the impact of surrounding neighbourhoods. However, the Environmental Health Service, the MPS and in

particular local residents provided compelling oral evidence that serious issues currently exist despite those strategies.

51. The Committee agreed with the objectors' assertions that whatever problems are currently being experienced before midnight as a result of the trade of the Premises, is highly likely continue for 24 hours if the application is granted.

52. The Committee also notes that the application engages the following policies in the SoLP:

- i. The 'hours' policy HRS1;
- ii. The 'spatial' policy SCZ1;
- iii. The 'premises use' policy FFP1;
- iv. The 'ancillary' policy DEL1;
- v. The 'licensing objective' policies PN1, CD1 and PS1.

53. Policy SCZ1 identifies a number of issues which arose in the most recent Impact Assessment undertaken for Edgware Road namely:

- *Serious violent crimes at night.*
- *Incidents relating to ambulance call outs at night to the locations of licensed premises for intoxication, injury related to intoxication and/or assault;*
- *Drug dealing at night.*
- *Robberies at night.*
- *Theft incidents at night.*
- *Noise nuisance at night.*

54. The above matters have been raised in the representations made against the grant of this application.

55. Para F56 of the 'premises use' policy FFP1 reminds the Committee that:

Fast food premises which are open after 11pm can attract large groups of customers, many of whom have been consuming alcohol in pubs, bars, or night clubs sometimes some distance away. The congregation of people around these premises leads to additional noise and disturbance and further congestion in the area. Although premises which serve cold food and drink are not subject to licensing and may stay open all night, they are not so attractive to people who have been drinking as those providing hot food and drink. The council considers that the addition of hot fast food and hot drink adds to the attractiveness of premises to people who have been drinking and who are more likely to be involved in anti-social behaviour.

56. The 'ancillary deliveries' policy DEL1 states that '*The Licensing Authority is concerned with the growing levels of residential complaints and issues associated with public nuisance that is either generated at or in the general vicinity of the licensed premises where deliveries are collected or at the end destination where the delivery is made. Complaints often relate to noise from delivery personnel waiting around the licensed premises or from their delivery vehicles.*' (para G4).

57. The Committee had regard to para G5 of the SoLP which states:

'The applicant will be expected to consider where delivery vehicles or cycles will be parked or stored when the delivery service is being operated or when the premises is closed. Applicants should ensure that the public highway is not obstructed and that delivery vehicles are not in contravention of the Road Traffic Act. If the applicant intends to use a specific area for the delivery vehicles to wait, then this should not be located in a place that is likely to cause nuisance to residents. Premises that are located in an area of residential accommodation or are in close proximity to residential accommodation, e.g. have residential properties immediately above them must consider the impact that this can have on residents, especially if the operation of the delivery service will be late at night when roads are quieter'

58. The Committee also noted the comments in para G15 which emphasises some of the issues raised during the submissions:

'Applicants who employ their own delivery staff are likely to have far greater control to ensure that the licensing objectives are not negatively impacted upon. Therefore, the Licensing Authority will consider whether the delivery service is being delivered by the applicant or provided by a third party and their ability to manage any risk associated with the licensing objectives when determining that application. Applicants that do provide their own delivery service, with sufficient measures in place to promote the licensing objectives are likely to be considered more favourably than those using third party delivery companies.'

59. The Committee has regard to the SoLP which clearly identifies, considers and expands on matters which have been raised by the parties in their written and oral submissions.

60. The evidence in the representations is that the activities of delivery drivers in the vicinity currently cause problems and that there has been crime at the Premises. These issues remain ongoing even with the Applicants' current duty to have systems in place to promote the Licensing Objectives.

61. The Committee was not convinced by evidence relating to the current operation the Premises, that the issues faced by the residents would not continue after 00.00.

62. The Committee was not persuaded by the Applicant that the hours applied for with a terminal hour of 05:00 would promote the licensing objectives. This is a significant extension of hours into the early hours of the morning with the offer of eating in and deliveries.

63. The Committee heard evidence from MPS, the EHS and local residents regarding problems currently experienced in the area when it came to issues of public nuisance and crime and disorder. It was apparent to the Committee that residents knew the area extremely well and the type of problems associated with public nuisance and crime and disorder and what negative

impact the grant of this application would have on the promotion of the licensing objectives and Edgware Special Consideration Zone.

64. The Committee therefore concluded that granting the variation to the Premises Licence is likely to extend the current problems in the area, into the later hours of the morning. This would not have the desired effect of promoting the licensing objectives.
65. In reaching their decision, the Committee concluded that the hours already imposed on the Premises Licence for licensable activities struck the right balance when considering the needs of local residents and the Applicants commercial needs to be able to operate and run their business. It is for the Applicant to ensure that their current operation does not adversely affect the Licensing Objectives.
66. The Committee concluded that the Applicant had not provided adequate reasons as to why the granting of this variation of the Premises would promote the licensing objectives.
67. Having carefully considered the committee papers, additional papers and the submissions made by all the parties orally, **the Committee has decided**, after taking into account all the individual circumstances of this case and the promotion of the four licensing objectives to **REFUSE** the application:

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

**The Licensing Sub-Committee
9 March 2023**

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

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

Thursday 9th March 2023

Membership: Councillor Angela Piddock (Chair),
Councillor Judith Southern and Councillor Tim Mitchell

Officer Support: Legal Adviser: Steve Burnett
 Policy Officer: Kerry Simpkin
 Committee Officer: Sarah Craddock
 Presenting Officer: Jessica Donovan

Other Parties: Lana Tricker LT Law **on behalf** of The London Cocktail Club Ltd

Dawn Donohoe – Managing Director

Licensing Authority – Jessica Donovan
Metropolitan Police – Tom Stewart

Application for a variation of a Premises Licence for The London Cocktail Club, 4 Great Portland Street, W1W 8QJ – 22/11999/LIPV

Premises:

The London Cocktail Club,
4 Great Portland Street,
London
W1W 8QJ

Applicant

The London Cocktail Club Limited

Ward

West End

Cumulative Impact Zone

West End

Special Consideration Zone

None

Summary of Application

This is an application for a variation of a premises licence under the Licensing Act 2003 (“The Act”).

On 25 November 2021 the Licensing Sub Committee granted a time limited extension of hours under reference 21/07628/LIPV. The extension of hours was granted until 30 March 2023.

This variation is to permit the extended hours to remain on a permanent basis with the same conditions imposed on the time limited licence.

The hours granted to the premises pre the time limited extension and which the premises would revert to on 1st April 2023 in the event that the application were to not be granted.

The application seeks the following:

a) Vary the terminal hour from 23.30 Thursdays to 00.30 for film, live music, recorded music, late night refreshment and retail sale of alcohol (from 30/3/23)

b) Vary the terminal hour from 00.00 Fridays and Saturdays to 01:30 for film, live music, recorded music, late night refreshment and retail sale of alcohol (from 30/3/23 (no changes are sought Sunday to Wednesday)

(c) Add conditions as set out in the operating schedule

(d) Remove condition 36 and 37 -44 (replaced by condition in operating schedule)

The Premises is located within West End and within the West End Cumulative Impact Zone.

There is a resident count of 158.

Proposed Licensable Activities and Hours

a) Terminal hour Thursdays to **00.30** for film, live music, recorded music, late night refreshment and retail sale of alcohol (from 30/3/23)

b) The terminal hour Fridays and Saturdays to **01:30** for film, live music, recorded music, late night refreshment and retail sale of alcohol (from 30/3/23 (no changes are sought Sunday to Wednesday)

c) Opening Times Thurs 10.00 to 00.30 **and** Fri – Sat from 10.00 to 01.30

Representations Received

- Licensing Authority (Jessica Donovan)
- Metropolitan Police (Dave Morgan)

Issues raised by Objectors

Licensing Authority states: The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of children from harm

Metropolitan Police States: If granted, the premises would undermine the licensing objectives: the prevention of crime and disorder.

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

A. 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.

B. 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.
2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
5. The proposed hours when any music, including incidental music, will be played.
6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.

9. The capacity of the premises.
10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.

C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:

6. Pubs and bars, Fast Food and Music and Dance venues

Monday to Thursday: 10am to 11.30pm.

Friday and Saturday: 10am to Midnight.

Sunday: Midday to 10.30pm.

Sundays immediately prior to a bank holiday: Midday to Midnight.

PB1B Policy

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 latenight 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

1. Mr Jackaman summarised the application and informed the Committee that the Applicant, Licensing Authority and Metropolitan Police were in attendance.
2. Ms Tricker explained to the Committee that the time limited part of the Premises Licence is due to expire at the end of March. The Premises has traded under the extended hours on Thursday, Friday and Saturday for 16 months without issue.
3. The Committee was advised that the time limited conditions will continue without restriction if the application is granted. These are in summary, a reduction in capacity, trading at core hours and use of extra door supervisors. The aim of the application is to retain existing clientele.
4. The Premises is located on the edge of the Cumulative Impact area and licensable activities take place in the basement. There have been no noise complaints or residential objections in relation to the application and indeed at the application previously for the time limited authority.
5. Ms Tricker continued to explain to the Committee that there has been no crime reported as a result of trade at this Premises and the lack of adverse reports is partly to do with the type of operation. The Premises trades as a cocktail bar, which is conditioned on the existing Premises Licence. The clientele is made of approximately 70% female, 95% pre bookings, an age profile of 25 – 35, a food bar and waiter/waitress service.
6. The location is a small neighbourhood without a residential presence but with adequate areas for parking and taxis.
7. In response to questions from the Committee, Ms Tricker confirmed that the Premises operates a dispersal policy and have a 'last entry condition. In fact whilst trading the later hours, once customers leave, they go home rather than relocate to other licensed venues.
8. The Licensing Authority informed the Committee that they maintain their objections as the Premises is located in the CIZ. When the temporary variation was granted, the time limited nature of the application, the conditions was seen to be exceptional circumstance by the Sub-Committee. Exceptional circumstance why the Committee should depart from the presumption to refuse the application in a CIZ must also be demonstrated on this occasion.

9. PC Stewart on behalf of the Metropolitan Police advised the Committee that his representations were based on Policy. There is a presumption to refuse the application unless exceptional circumstances exist. The application, if granted will still add the cumulative impact in the area.
10. The CIZ is dense with crime, but he is not saying that the Premises is badly operated and there are no reported crimes which relates to the operation of the venue during the extended temporary trading period.
11. However, the Committee were informed by PC Stewart that a permanent extension will increase crime and disorder and public nuisance and that is the reason why Westminster City Council has a CIZ Policy.
12. The Police highlighted that the Premises is drinks led and a longer time on the Premises means customers are more likely to be intoxicated. He also raised the fact that gangs are moving closer to the area in which this Premises is located and although they are targeting nightclubs with 03.00 closing, this does cause concerns. The Officer felt that customers from the venue may not add to crime and disorder but could become victims of crime.
13. In summary, the Police asked the members to consider the Policy and the adverse impact a grant would have on the area. Although the Premises is not one of concern, the Police would like the Committee to look at the 'bigger picture' in the CIZ and refuse the application.
14. Ms Tricker confirmed the Premises is in a unique position where it has traded to the required extended hours, subject of stringent conditions for 16 months without adding to CI.

DECISION

15. The Committee has determined an application for a grant of a variation of a Premises Licence under the Licensing Act 2003.
16. The Committee realises that it has a duty to consider each application on its individual merits and did so when determining this application. Accordingly, the Premises falls within the West End CIZ and so there is an automatic policy presumption to refuse the application. However, for this presumption to be rebutted, the Applicant must prove exceptional reasons as to why the application should be granted.
17. The Committee noted the Responsible Authorities who had objected to the Application the Metropolitan Police Service and Licensing Authority were still however, maintaining their objections based on the presumption to refuse such applications in the West End CIZ.
18. The Sub-Committee when considering the matter had regard to Policies CIP1, HRS1 and PB1(b) under the City Council's SLP. The Committee initially is to establish, based on the evidence before it whether the Applicant had provided exceptional reasons as required by the terms of the SLP. The Sub-Committee

concluded that the Applicant had provided exceptional reasons through a combination of factors:

- a. The Premises is located on the edge of the CIZ which is not a residential area.
- b. The trading area is in a basement.
- c. The premises operates a pseudo members operation where a majority of customers pre book.
- d. Conditions have been offered which results in the reduction of the capacity, additional door staff and no admittance after 23.30 and importantly
- e. The Premises has traded for 16 months under the temporary Premises Licence without issues of public nuisance or crime and disorder.

19. The Committee noted the style, nature and character of the Premises and how the Premises would operate
20. The Committee noted the Premises Dispersal Policy a comprehensive document that will promote the licensing objectives and is to be used robustly in running the Premises to the highest standards.
21. The Sub-Committee was persuaded that a departure from the SLP policy was appropriate and welcomed the conditions offered by the Applicant.
22. Having therefore carefully considered the committee papers, the additional papers and the submissions made by all of the parties orally, **the Committee has decided**, after taking into account all of the individual circumstances of this particular case and the promotion of the four licensing objectives: -

1. To grant permission for:

- Films (Indoors), Live Music (Indoors), Recorded Music (Indoors), Sale of alcohol (on sales only)

- Thursdays 10.00 to 00.30
Fridays and Saturdays 10.00 to 01.30

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

2. To grant permission for

The provision of Late-Night Refreshment (Indoors)

Thursdays 23.00 to 00.30
Fridays and Saturdays 23.00 to 01.30

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

Hours Premises are open to the Public

Thursdays 10.00 to 00.30

Fridays and Saturdays 10.00 to 01.30

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

3. Relevant Mandatory Conditions 1-10 to apply

4. Existing conditions and conditions consistent with the operating schedule and as amended by this application:

11. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 200 persons.

12. There shall be waiter/waitress service throughout the premises at all times.

13. There shall be no sales of alcohol for consumption off the premises.

14. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

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

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

17. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the

Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

18. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

19. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

20. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) are inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or is distributed to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.

21. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

22. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

23. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

24. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue Licence.

25. There shall be no cinema style showing of films.

26. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:

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

27. The premises shall join the local Pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.
28. The food bar shown on the plans shall be maintained functioning and available to patrons at all times the premises are trading.
29. A taxi service shall be available to patrons.
30. There shall be no draught beer sold at the premises.
31. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.
32. The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.
33. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
34. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
35. The premises shall operate as a cocktail lounge, and a minimum percentage of cocktail drinks on any given day sold at the premises shall be 75% of total sales.
36. There shall be a minimum of 2 SIA on Friday and Saturday nights and a minimum of 1 SIA on Thursday night, from 21.00 until all patrons have left the immediate vicinity after the premises closes. Their SIA licences shall be displayed at all times.
37. There shall be a 15-minute wind down period prior to the end of licensable activities on Thursday, Friday and Saturday trading nights. The style tempo and volume of music shall be consistent with the wind down period.
38. On Thursdays there shall be no admittance or readmittance to the premises after 23.30 except for patrons permitted to temporarily leave the premises to smoke.
39. On Fridays and Saturdays there shall be no admittance or readmittance to the premises after midnight except for patrons permitted to temporarily leave the premises to smoke.
40. On Thursdays the capacity of patrons within the premises shall be reduced to 150 after midnight.
41. On Fridays and Saturdays, the capacity of patrons within the premises shall be reduced to 150 after 00.30.

42. A copy of the premises' dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council.

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

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

**The Licensing Sub-Committee
9th March 2023**

The Meeting ended at 1.39 pm

CHAIRMAN: _____

DATE _____