



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (1)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (1)** held on **Thursday 14th September, 2023**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Aziz Toki (Chair), Md Shamsed Chowdhury and Jim Glen

#### 1. MEMBERSHIP

1.1 It was noted that there were no membership changes.

#### 2. DECLARATIONS OF INTEREST

2.1 It was noted that there were no declarations of interest.

#### 1. HAILILAO, UNITS 4 & 5, TROCADERO, 13 COVENTRY STREET, W1D 7AB

### WCC LICENSING SUB-COMMITTEE NO. 1 ("The Committee")

Thursday 14 September 2023

Membership: Councillor Aziz Toki (Chair), Councillor Md Shamsed Chowdhury and Councillor Jim Glen.

Officer Support:	Legal Adviser:	Michael Feeney
	Policy Officer:	Kerry Simpkin
	Committee Officer:	Sarah Craddock
	Presenting Officer:	Emanuela Meloyan

Other Parties: Mr Craig Baylis (Solicitor, Keystone, on behalf of the Applicant), Ms Quinman Dai "Betty", (General Manager of the Premises), Sally Fabbriatore (Environmental Health Service), Kevin Jackaman (Licensing Authority) and PC Tom Stewart (Metropolitan Police Service).

**Application for Variation of a Premises Licence in respect of HaiDiLao Units 4 & 5 Trocadero, 13 Coventry Street, W1D 7AB 23/02707/LIPV**

**Full Decision**

**Premises**

HaiDiLao  
Units 4 & 5  
Trocadero  
13 Coventry Street  
W1D 7AB

**Applicant**

UK Haidilao Pte. Ltd

**Ward**

St James's

**Cumulative Impact Area**

West End Cumulative Impact Zone ("West End CIZ")

**Special Consideration Zone**

None

**Proposed Licensable Activities and Hours**

**Exhibition of Films on Basement and Ground Floor**

Monday to Saturday:10:00 to 04:00

Sunday:12:00 to 04:00

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.

Sundays before Bank Holidays: Noon-4am

Hotel residents and their bona fide guests: 00:00-00:00

**Performance of Dance on Basement and Ground Floor**

Monday to Saturday:10:00 to 04:00

Sunday:12:00 to 04:00

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.

Sundays before Bank Holidays: Noon-4am

Hotel residents and their bona fide guests: 00:00-00:00

**Playing of Recorded Music on Basement and Ground Floor**

Monday to Saturday:10:00 to 04:00

Sunday:12:00 to 04:00

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.

Sundays before Bank Holidays: 12:00 to 04:00  
Hotel residents and their bona fide guests: 00:00-00:00

Anything of a Similar Description to Live Music, Recorded Music or Performance of Dance on Basement and Ground Floor

Monday to Saturday:10:00 to 04:00

Sunday:12:00 to 04:00

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.

Sundays before Bank Holidays: 12:00 to 04:00

Hotel residents and their bona fide guests: 00:00-00:00

Performance of a Play on Basement and Ground Floor

Monday to Saturday:10:00 to 04:00

Sunday: 12:00 to 04:00

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.

Sundays before Bank Holidays: 12:00 to 04:00

Hotel residents and their bona fide guests: 00:00-00:00

Late Night Refreshment on Basement and Ground Floor

Monday to Sunday:23:00 to 04:00

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.

Sundays before Bank Holidays: Noon-4am

Hotel residents and their bona fide guests: 00:00-00:00

Sale by Retail of Alcohol On and Off Sales on Basement and Ground Floor

Monday to Saturday:10:00 to 04:00

Sunday:12:00 to 04:00

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.

Sundays before Bank Holidays: 12:00 to 04:00

Hotel residents and their bona fide guests: 00:00-00:00

Hours Premises Are Open to the Public on Basement and Ground Floor

Monday to Sunday: 08:00 to 04:30

Opening hours 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.

Sundays before Bank Holidays: 12:00 to 04:30

Hotel residents and their bona fide guests: 00:00-00:00

**Summary of the Application**

This is an application for a variation of a Premises Licence under the Licensing Act 2003 ("The Act"). The Premises currently operates as a restaurant. The Premises have had the benefit of a Premises Licence at least since 2018. The current licence reference is 20/01462/LIPDPS and can be viewed at Appendix 2 of the agenda report along with the history at Appendix 3. The Applicant provided a supporting bundle which can be found at Appendix 1. The Applicant also submitted a witness

statement from Qinman Dai in support of the application in the Additional Information Pack, which made amendments to the application.

There is a resident count of 33.

### **Representations Received**

- Metropolitan Police Service
- Environmental Health Service
- Licensing Authority

### **Issues raised by Objectors**

- It is our belief that if granted the application would undermine the four licensing objectives.
- The Licensing Authority proposed that model condition 66 apply to all areas of the Premises.
- The hours sought exceed Westminster's Core Hours Policy, and it is for the Applicant to demonstrate that the operation of the Premises will not add to cumulative impact in the West End Cumulative Impact Zone.
- The extension of hours for Late Night Refreshment, alcohol and Regulated Entertainment may cause an increase in Public Nuisance in the Cumulative Impact Zone. The variation might also have an impact on public safety.
- The granting of the variation would have the likely effect of adversely affecting cumulative impact within the West End Cumulative Impact Zone and would likely undermine the licensing objective of the prevention of crime and disorder. The additional hours of alcohol consumption will likely lead to an increase in intoxication levels amongst the customers, who will be leaving the Premises at a time when crime levels and anti-social behaviour in the West End are at its highest.

### **Policy Considerations**

The following policies within the City of Westminster Statement of Licensing Policy ("SLP") apply: CIP1, HRS1 and RNT1:

Policy CIP1 states:

C Applications for other premises types within the West End Cumulative Impact Zone will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.

Policy HRS1 states:

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:

#### Restaurants

Monday-Thursday: 9am to 11:30pm

Friday-Saturday: 9am to Midnight

Sunday: 9am to 10:30pm

Sundays immediately before a Bank Holiday: 9am to Midnight

D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.

E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.

Note: The core hours are for all licensable activities but if an application includes late night refreshment, then the starting time for that licensable activity will be 11pm.

Policy RNT1 states:

B. Applications inside the West End Cumulative Impact Zone 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 demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone
- 5.The application and operation of the venue meeting the definition of a restaurant as per clause C.

C. For the purposes of this policy a restaurant is defined as:

- 1.A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.
- 2.Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.
3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.
- 4.Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
- 5.The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.

## **SUBMISSIONS AND REASONS**

Ms Emanuela Meloyan, Senior Licensing Officer, outlined the application to the Sub-Committee. She advised that representations had been received from the Environmental Health Service, Metropolitan Police Service and Licensing Authority. She further advised that the Premises are located within the St James's Ward and the West End CIZ.

Mr Craig Baylis (Solicitor on behalf of the Applicant) outlined the application along with Ms Quinman Dai "Betty", (General Manager of the Premises). He referred to his submissions in both the main Agenda Pack and Additional Agenda Pack which had been considered by the Sub-Committee and set out that the restaurant's ethos was grounded in offering authentic culinary experiences where food takes centre stage. He outlined how numerous requests particularly from workers in Chinatown seeking an extension to the operating hours had been made as many restaurants closed after they finished work and they had no-where to go to eat except nightclubs or casinos in the Leicester Square area. He advised that the operational model naturally curtails excessive alcohol consumption.

Mr Baylis advised that to test the demand for the extension of hours twenty four Temporary Event Notices (TENs) had been applied for, granted and operated without any incident. He further advised that there had never been any complaints or allegations from local residents and/or the Metropolitan Police Service or Environmental Health Service in respect of the Premises.

Mr Baylis outlined that after discussions with the Responsible Authorities the Applicant had reduced the hours that they were seeking as follows:

- Sale of Alcohol: 02:00 daily terminal hour
- Sale of Late Night Refreshment: 03:00 daily terminal hour
- Provision of Regulated Entertainment: 03:00 daily terminal hour
- Closing: 03.30 daily

Mr Baylis added that the Applicant was also willing to have a condition placed on the Premises Licence stating that all activities had to be ancillary to the Premises being operated as a 'hot-pot restaurant' and that the last entry time to the Premises be at 01.30. He also offered the condition that only two alcoholic drinks be allowed to be sold after midnight however the Sub-Committee considered that this would be unenforceable by the City Inspectors. Mr Baylis advised that the Applicant was content to give up their 'off sales' of alcohol and that the Sub Committee, if they wished, could limit the capacity to 150 patrons after the time for last entry.

In response to questions from the Sub- Committee, Mr Baylis and Ms Quinman Dai described the style of operation of a 'hot pot' restaurant which included all table service. He confirmed that the Premises had an internal connection with the hotel next door but there was no commercial link. Mr Baylis referred to the Premises Plans and outlined how the main activities took place in the basement, how the Premises had a holding area for patrons, the capacity was approximately 280 patrons and that it offered a specific cultural authenticity and diversity for Soho and the Chinese Community. He emphasised that the Applicant was not disputing that there was noise nuisance, anti-social behaviour and criminal activity/gangs currently operating in the area, however they did not accept that this Premises was the source or contributed to these issues. Mr Baylis also confirmed that the Applicant would be willing to accept a condition restricting regulated entertainment to the type of entertainment associated with the operation of the Premises as a Chinese hot pot style restaurant.

Mr Kevin Jackaman, representing the Licensing Authority (LA) advised that the Licensing Authority had maintained their representation as the Premises were located within the West End cumulative impact area (CIA) and therefore falls under the Council's Policies CIP1, HRS1 and RTN1. He outlined that the LA welcomed the Applicant's proposed condition stating that all activities had to be ancillary to the Premises being operated as a 'hot-pot restaurant' and how the Council's model restaurant condition MC66 on the Premises Licence would now cover the whole Premises. He advised that the LA noted that the Applicant had reduced their operational hours however they were still significantly beyond the Council's Core Hours Policy and the Premises was located in the very busy West End CIA. He outlined that the any additional person in the CIA would add to the cumulative impact

by definition and it was therefore for the Sub Committee to be satisfied that the Premises would not add to the cumulative impact within the West End.

Ms Sally Fabbriatore, representing the Environmental Health Service (EHS) advised that EHS had maintained their representation as the Premises were located in the West End CIZ and because of the request for an extension of hours for Late Night Refreshment and Regulated Entertainment. She echoed the submission from the Licensing Authority especially regarding the reduction in hours and the additional conditions: MC66 throughout the Premises and all activities needing to be ancillary to a hot pot restaurant. She confirmed that the Applicant had withdrawn the condition regarding the 24/7 use by the adjacent hotel and that restricting the sale of alcoholic drinks to two per person after midnight would be unenforceable. She outlined that the Premises already operated beyond Core Hours and there had never been any Public Nuisance complaints linked to the Premises. She confirmed that the Premises benefited from having a lobby area where patrons could wait to be seated in the restaurant.

In response to questions from the Sub-Committee, Mr Baylis noted that MC66 was already present on the current licence for the basement and was not proposed to be removed. Mr Baylis further drew the Sub-Committee's attention to condition 46, which did not allow for the sale of alcohol or the provision of late-night refreshment from the ground floor; this ensure the ground floor would be used as a waiting area.

PC Tom Stewart, representing the Metropolitan Police Service (MPS), advised that the MPS had made their representation as the variation to the Premises Licence would likely undermine the the prevention of crime and disorder licensing objective as well as adversely effecting cumulative impact within the West End CIZ. He further advised, however, that a lot had changed since then and the Applicant had reduced the hours and agreed to additional conditions being added to the Premises Licence. This had mitigated the concerns of the MPS. He set out that the MPS welcomed the last entry of 01.30 and the reduction in capacity after last entry. He outlined how crime begins to rise from 22:00 hours onwards with the CIZ and that the Premise was located very near to one of the top crime spots within Soho. He welcomed how the Applicant had voluntarily offered to be part of the Compliance Regime operating within the CIZ where blind inspections took place every month to ensure the promotion of the licensing objectives . He confirmed that the Premises was not a crime generator, and the MPS had not had to engage with the Premises.

In response to questions from the Sub-Committee , PC Stewart said that there was not much of a difference in terms of cumulative impact if 280 people left at 02:30 or 150 people left at 03:30 Later hours meant that customers might be more intoxicated, but the crime rate was slightly less high at later hours. He said that he believed that compared to alcohol-led venues there was probably not a huge amount of intoxication at the Premises.

Mr Feeney, Legal Advisor to the Committee, discussed the wording of the agreed proposed conditions (if the application is granted), with all parties. During his summing up, Mr Baylis stated that each application should be determined on in its own merits. He advised that the Premises was a food led establishment and that the rationale behind the application was to address the lack of provision for local employees working within Soho. He emphasised that the Premises already

operated beyond Core Hours without complaint, that the twenty four TENs demonstrated that there was a demand for the extension of hours, that the Applicant had made concessions in terms of hours and conditions and most importantly this Premises could operate the extension of hours applied for without adversely affecting the West End CIZ.

## **Conclusion**

The Sub-Committee has determined an application for Variation of a Premises Licence under the Act . The Sub-Committee is aware that it has a duty to consider each application on its individual merits and did so when determining this application.

The Sub-Committee had regard not only to the written and oral evidence but also to the Act, the Guidance issued under section 182 of the Act and the City Councils SLP, in particular policies CIP1, HRS1 and RNT1.

The Sub-Committee welcomed that the Applicant during the hearing offered that all activities would be ancillary to a hot pot restaurant, that the last entry would be at 01:30 and the suggestion that capacity could be reduced to 150 patrons after midnight.

The Sub-Committee also welcomed the Premises' use of a Dispersal Policy as this would help ensure the smooth running of the Premises particularly during the later hours of operation thereby minimising the risk of nuisance. The requirement of a dispersal policy is now conditioned on the Premises Licence.

The potential global effects of granting such an application were noted by the Sub-Committee. However, the Sub-Committee felt that there were mitigating circumstances as the Premises would be operating as a full restaurant with the Council's Model Condition MC66 on the basement, the sale of alcohol and the provision of late-night refreshment would be restricted on the ground floor and the operation of the Premises would be restricted to that of a Chinese hot pot style restaurant. The evidence of the MPS was that the Premises as a hot pot style restaurant currently was not alcohol-led and was not a generator of crime.

It is accepted that any increase, no matter how small, in trading hours is likely to add to the Cumulative Impact by retaining patrons in the area for longer. However, this must be balanced with the nature of the operation, the lack of issues emanating from the operation of the Premises already beyond Core Hours, the appropriateness of the agreed conditions and the evidence given during the hearing. The Sub-Committee noted that TENs for hours later than those applied for had not generated any complaints or caused any issues. The Sub-Committee also noted that there were no representations from local residents.

The Sub-Committee also considered that removing the potential use of the Premises 24 hours a day by hotel residents and their guests would promote the licensing objectives in the West End CIZ. The Sub-Committee also placed weight on the fact that the variation would remove off-sales and that the capacity condition would reduce the Premises' current capacity between 01:30 to 02:30 from 280 to 150 (excluding staff). The evidence of the MPS was that there was not a significant difference between 280 people leaving at 02:30 and 150 people leaving at 03:30.

The Sub-Committee noted that all the Responsible Authorities were generally satisfied with the application, with the Responsible Authorities concluding that it was for the Sub-Committee to decide if the application would add to cumulative impact. For the reasons given above (and in accordance with policies CIP1, HRS1 and RNT1), the Sub-Committee concluded that the application would not add to cumulative impact. The extensive conditions offered by the applicant and imposed at the hearing were appropriate and proportionate to ensure that the licence promoted the licensing objectives.

Having 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:

Exhibition of Films on Basement and Ground Floor

Monday to Saturday: 10:00 to 03:00

Sunday: 12:00 to 03:00

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.

Sundays before Bank Holidays: 12:00 to 03:00

Performance of Dance on Basement and Ground Floor

Monday to Saturday: 10:00 to 03:00

Sunday: 12:00 to 03:00

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.

Sundays before Bank Holidays: 12:00 to 03:00

Playing of Recorded Music on Basement and Ground Floor

Monday to Saturday: 10:00 to 03:00

Sunday: 12:00 to 03:00

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.

Sundays before Bank Holidays: 12:00 to 03:00

Anything of a Similar Description to Recorded Music or Performance of Dance on Basement and Ground Floor

Monday to Saturday: 10:00 to 03:00

Sunday: 12:00 to 03:00

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.

Sundays before Bank Holidays: 12:00 to 03:00

Performance of a Play on Basement and Ground Floor

Monday to Saturday: 10:00 to 03:00

Sunday: 12:00 to 03:00

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.

Sundays before Bank Holidays: 12:00 to 03:00

### Late Night Refreshment on Basement

Monday to Sunday: 23:00 to 03:00

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.

Sundays before Bank Holidays: 23:00 to 03:00

Late Night Refreshment restricted to basement- see condition 39

### Sale by Retail of Alcohol On Sales Only on Basement

Monday to Saturday: 10:00 to 02:00

Sunday: 12:00 to 02:00

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.

Sundays before Bank Holidays: 12:00 to 02:00

Sale by Retail of Alcohol restricted to basement- see condition 39

### Hours Premises Are Open to the Public on Basement and Ground Floor

Monday to Sunday: 08:00 to 03:30

Opening hours 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.

Sundays before Bank Holidays: 12:00 to 03:30

2. That the Licence is subject to any relevant mandatory conditions.

3. That the Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

### **Conditions imposed by the Committee after a hearing**

11. The basement of the premises shall only operate as a restaurant:
  - i) In which customers are shown to their table
  - ii) Where the supply of alcohol is by waiter or waitress service only
  - iii) Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery
  - iv) Which do not provide any takeaway service of food or drink for immediate consumption
  - v) Which do not provide any takeaway service of food or drink after 23:00, and
  - vi) Where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.Notwithstanding this condition, customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

12. 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.
13. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
14. All entrance doors and windows to be kept closed after 23:00 hours or when regulated entertainment is taking place except for immediate access and egress of persons.
15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
16. 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.
17. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
18. 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.
19. No deliveries to the premises shall take place between 23:00 hours and 08:00 hours on the following day.
20. No collection of waste or recycling materials (including bottles) from the premises shall take place between 23:00 hours and 07:00 hours on the following day.
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. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS hologram.

23. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.
24. 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.
25. 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.
26. There shall be no cinema style showing of films.
27. 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.
28. 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.
29. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
30. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
31. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
32. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.

33. 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.
34. No fumes, steam or odours shall be emitted from the licenced premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
35. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
36. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
37. 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.
38. 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.
39. There shall be no sale of alcohol or provision of late-night refreshment from the ground floor.
40. SIA Staff will be deployed at the Premises as follows:
  - (a) 1 SIA Door Supervisor from 7pm to 11pm
  - (b) 2 SIA Door Supervisors from 11pm to 4am
41. There shall be no queuing on the highway after 21:00 hours daily.
42. Licensable activities for the whole premises shall be ancillary to the use as a restaurant.
43. Patrons permitted to temporarily leave and then re-enter the premises after midnight, e.g. to smoke or make a phone call, shall be limited to 10 persons at any one time and shall be supervised by SIA Security.

44. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them.
45. The operation of the Premises shall be limited to that of a Chinese hot-pot style restaurant. All regulated entertainment shall be ancillary to the operation of the Premises as a Chinese hot-pot style restaurant.
46. There shall be no new entries to the Premises after 1:30am until close.
47. There shall be no more than 280 customers (excluding staff) in the basement of the Premises until 1:30am. From 1:30am until close there shall be no more than 150 customers (excluding staff) in the Premises (basement and ground floor).
48. A copy of the Premises' dispersal policy shall be made readily available at the Premises for inspection by a police officer and/or an authorised officer of Westminster City Council.

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

**The Licensing Sub-Committee**

**14 September 2023**

**2. 3 SOHO STREET, 3-5 SOHO STREET, W1D 3DG**

**WCC LICENSING SUB-COMMITTEE NO. 1**  
**("The Committee")**

Thursday 14 September 2023

Membership: Councillor Aziz Toki (Chair), Councillor Md Shamsed Chowdhury and Councillor Jim Glen.

Officer Support:      Legal Adviser:                      Michael Feeney  
                                 Committee Officer:                  Sarah Craddock  
                                 Presenting Officer:                  Emanuela Meloyan

Other Parties: Mr Nick Mills (Founder and CEO), Geoff Todd (Group General Manager), Anil Drayan (Environmental Health Service), Kevin Jackaman (Licensing Authority), Ms Marina Tempia (Soho Society) and Ms Wendy Hardcastle (Soho Society).

**Application for a New Premises Licence in respect of 3-5 Soho Street London W1D 3DG 23/03793/LIPN**

**FULL DECISION**

**Premises**

3-5 Soho Street  
London  
3DG

**Applicant**

3 Soho Street Limited

**Ward**

West End

**Cumulative Impact Area**

West End

**Special Consideration Zone**

None

**Proposed Licensable Activities and Hours**

Late Night Refreshment Indoors  
Monday to Thursday: 23:00 to 23:30  
Friday to Saturday: 23:00 to 00:00  
Sunday: N/A

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.  
Sundays before Bank Holidays: 23:00 to 00:00

Sale by Retail of Alcohol On and Off Sales

Monday to Thursday: 10:00 to 23:30

Friday to Saturday: 10:00 to 00:00 \_

Sunday: 12:00 to 22:30

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.  
Sundays before Bank Holidays: 12:00 to 00:00

Performance of a Play Indoors

Monday to Thursday: 10:00 to 23:30

Friday to Saturday: 10:00 to 00:00 \_

Sunday: 10:00 to 23:00

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.  
Sundays before Bank Holidays: 10:00 to 00:00

Exhibition of a Film Indoors

Monday to Thursday: 10:00 to 23:30

Friday to Saturday: 10:00 to 00:00 \_

Sunday: 10:00 to 23:00

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.  
Sundays before Bank Holidays: 10:00 to 00:00

Live Music Indoors

Monday to Thursday: 10:00 to 23:30

Friday to Saturday: 10:00 to 00:00 \_

Sunday: 10:00 to 23:00

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.  
Sundays before Bank Holidays: 10:00 to 00:00

Recorded Music Indoors

Monday to Thursday: 10:00 to 23:30

Friday to Saturday: 10:00 to 00:00 \_

Sunday: 10:00 to 23:00

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.  
Sundays before Bank Holidays: 10:00 to 00:00

Performance of Dance Indoors

Monday to Thursday: 10:00 to 23:30

Friday to Saturday: 10:00 to 00:00 \_

Sunday: 10:00 to 23:00

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.  
Sundays before Bank Holidays: 10:00 to 00:00

Anything of a Similar Description to Live Music, Recorded Music or Performance of Dance Indoors

Monday to Thursday: 10:00 to 23:30

Friday to Saturday: 10:00 to 00:00 \_

Sunday: 10:00 to 23:00

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.

Sundays before Bank Holidays: 10:00 to 00:00

Hours Premises Are Open to the Public

Monday to Thursday: 08:00 to 23:30

Friday to Saturday: 08:00 to 00:00 \_

Sunday: 09:00 to 22:30

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.

Sundays before Bank Holidays: 09:00 to 00:00

**Summary of the Application**

The Sub-Committee has determined an application for a new Premises Licence under the Licensing Act 2003 ("The Act"). The Premises intends to operate as a coffee shop, bar and live entertainment venue, with the coffee shop and bar being situated on the ground floor and the venue auditorium being situated in the basement.

The Premises Plans are at Appendix 1 of the Agenda Report (during the hearing the Applicant confirmed that the plans on page 205 are the ones to be relied upon), and supporting information can be found at Appendix 2. Ahead of the hearing, the Applicant agreed conditions with the MPS which led to the MPS representation being withdrawn; the conditions are at Appendix 4 of the Agenda Report.

The Applicant submitted a dispersal policy, further premises plans and correspondence with the Licensing Authority in the Additional Information Pack. During the hearing the Sub-Committee also considered conditions that had been proposed by EHS and were circulated ahead of the hearing.

This is an application for a new Premises Licence and therefore no Licence history exists. There is a resident count of 19.

As the Premises falls under policy CCSOS1, there is no policy presumption to refuse the application.

**Representations Received**

- Environmental Health Service
- Licensing Authority
- Metropolitan Police Service- **Withdrawn**
- One local resident
- The Soho Society

## **Issues raised by Objectors**

- It is our belief that if granted the application would undermine the four licensing objectives.
- If granted it may cause an increase in Public Nuisance and adversely impact Public Safety in the Cumulative Impact Zone.
- The granting of this application may lead to an increase in Public Nuisance in the West End Cumulative Impact Zone.
- Concerns about the high number of potential vertical drinkers at the venue and how they will adversely impact the already high levels of cumulative impact. Further details concerning capacity, tables and chairs, dispersal policy and MC86 were requested.
- The Application is likely to undermine the prevention of crime and disorder in the West End Cumulative Impact Zone. Following agreed conditions, this representation from the MPS was withdrawn.
- Negatively affect the amenities of Soho Square, and encourage smoking and drinking on pavements causing pedestrian obstruction, noise, litter and potential increase in crime.
- This extension will fail to promote the licensing objectives and will increase cumulative impact in the West End Cumulative Impact Zone. The premises are within Soho, an area at the heart of the West End's entertainment district, with its 487 licensed premises which include a large proportion of late night 121 (25%) licensed premises with a terminal hour between 1am - 6am and a capacity of 22,827. The position of this performance venue is very important. It is situated in an area of Soho with the highest concentration of licensed Premises in Soho, 118 with terminal hours between 12am to 3.30am and a capacity of 11,200. The area is densely populated at night with people on a night out creating loud levels of noise, thus causing disturbance, alongside increasing crime rates, disorder and anti-social behaviour. Object to the provision of off sales in this area.

## **Policy Considerations**

The following policies within the City of Westminster Statement of Licensing Policy apply: CIP1, HRS1 and CCSOS1:

Policy CIP1 states:

C Applications for other premises types within the West End Cumulative Impact Zone will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.

Policy HRS1 states:

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 SLP.

Cultural Venues

Monday to Sunday: 9am to Midnight

Policy CCSOS1 states:

B. Applications inside the West End Cumulative Impact Zone 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 demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.
5. The applicant has clearly demonstrated that the sale by retail of alcohol and late-night refreshment will be ancillary to the venue's primary function as a cinema, cultural venue, live sporting premises or outdoor space.
6. The sale by retail of alcohol and/or late night refreshment after 11pm is limited to customers, patrons or members of the audience who will or have made use of the primary function of the venue as a cinema, cultural venue, live sporting premises or outdoor space.

C. For the purposes of this policy a cultural venue is defined as:

- b. Performance venues: for a live performance in front of an audience which may include concert halls, comedy clubs or similar performance venues.

### **SUBMISSIONS AND REASONS**

Ms Emanuela Meloyan, Senior Licensing Officer, outlined the application to the Sub-Committee. She advised that representations had been received from the Environmental Health Service, Licensing Authority, the Soho Society and one local resident. She further advised that the Premises are located within the West End Ward and the West End Cumulative Impact Area.

Mr Nick Mills (Founder and CEO) outlined the application along with Mr Geoff Todd (General Manager). He referred to his submissions in both the main Agenda Pack and Additional Agenda Pack which had been considered by the Sub-Committee and set out how this Premises would be operated as a Performance Arts Venue, specialising in the comedy sector and championing the next generation of comedians. He further set out how the Premises would also hold charity events, lectures, poetry and/or script reading and worked with organisations such as the BBC and Channel 4. He advised that the coffee shop would be used as a Hub for up and coming artists who wanted somewhere to work and/or collaborate together. He outlined how he had been advised that he had adequate planning permission to operate the Premises as set out in the application.

In response to questions from the Sub Committee, Mr Mills advised that their customer base consisted of between 25-45 year olds. He further advised that the District Surveyors would give them their final capacity figure, which would not be more than 180 patrons, when the works at the Premises had been completed.

He outlined that off sales of alcohol had been applied for to allow patrons to take say a half bottle of wine home with them, however they were content to have off sales removed from the application. He advised that the Premises was located near easily accessible transport links and guests would be encouraged to disperse quickly and quietly to minimise any noise disruption. He set out that sufficient staff and SIA security would be employed to promote the four licensing objectives, that all events would be individually risk assessed and tickets would be sold on-line and in advance of all shows. He emphasised that he had agreed to have the Council's Model Condition MC86 attached to the Premises Licence: 'The licensable activities authorised by this licence and provided at the Premises shall be ancillary to the main function of the Premises as live entertainment venue' which prevented the Premises turning into a vertical drinking establishment. He emphasised that the venue would operate 90% as a performance arts venue and then hold a minority number of other events with licensable activities. He added that there would be noise limiters and CCTV at the venue. He stated that in due course he would be applying for a Table and Chairs Pavement Licence.

Mr Feeney, Legal Advisor to the Committee, discussed with the Applicant the possibility of them conditioning the number of non-ticketed events that they held annually, as suggested by the Sub Committee. He further outlined that the Police had withdrawn their representation on the basis that the following condition (proposed condition 50 in the operating schedule) 'The licensable activities authorised by this licence and provided at the Premises shall be ancillary to the main function of the Premises building as a live entertainment venue for live comedy performance'.

Ms Kevin Jackaman, representing the Licensing Authority (LA) advised that the Licensing Authority had maintained their representation as the Premises were located within the West End CIZ. He advised, however that the venue did fall under the CCSOS1(B) policy that states that 'Applications inside the West End Cumulative Impact Zone 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 etc., He outlined that any additional person in the CIA would add to the cumulative impact by definition and this in essence would be a destination venue: a coffee shop during the day and a comedy club by night. It was therefore for the Sub Committee to be satisfied that the Premises would not add to the cumulative impact within the CIZ. In response to questions from the Sub-Committee Mr Jackaman said that the proposed conditions were tight and would not allow the Premises to become a vertical drinking bar.

Mr Anil Drayan, representing the Environmental Health Service (EHS) advised that EHS had maintained their representation as the Premises was located in the West End Cumulative Impact Zone. He confirmed that the EHS had now withdrawn their proposed condition 1 circulated to all parties because the Applicant had agreed to condition 50 (MC86) on the proposed operating schedule. He suggested that MC41 regarding substantial food being available at all times be also attached to the Premises Licence. He advised that the capacity of the Premises would depend on the 'fit out of the Premises' and that the basement would accommodate a maximum of 120 patrons and the ground floor would accommodate a maximum of 60 patrons.

Mr Drayan advised that he was satisfied that the Premises would not cause noise nuisance as there was no means of escape in the basement of the Premises. He outlined that he had not requested an acoustic report from the Applicant as there were no residents living in the building. He considered that there was not enough space for table and chairs outside of the Premises but that would be determined by Highways. He confirmed that he was happy with the Premises' dispersal policy and SIA arrangements and there had been no complaints made regarding the Applicant's venue situated at 21 Soho Street.

Ms Marina Tempia, representing the Soho Society, advised that the Soho Society did not agree that planning permission allowed the Applicant to use the Premises as a cultural performance arts venue. She outlined that there were currently very few Premises Licence situated in Soho Square and granting this application would have a negative effect on the amenities and encourage smoking and drinking on pavements causing pedestrian obstruction, noise, litter and potential increase in crime. She said that more and more licensed premises were being allowed every year. She advised that she did not see the need for the venue to have Live Music and Dance because it was not in keeping with the primary use of comedy. She suggested that with the current application the Premises could hold private events with vertical drinking and then apply for TENS until 03:00 hours which would adversely affect the CIZ.

Ms Tempia advised that condition 41 meant that the Premises would only need to provide sandwiches and not a meal and requested that the condition that the EHS had withdrawn be reinstated and used instead of the Metropolitan Police Services agreed condition. She considered that there was not enough room for tables and chairs to be located outside of the Premises so it would be extremely hard to walk down the street on the pavement. She advised that every single extension added to the CIZ and the problems in Soho. She advised that she had been extremely disappointed that the Metropolitan Police Service had not made a representation because of the high crime and disorder that was currently occurring in Soho. She indicated the lack of authority that SIAs and staff have on directing and preventing/stopping noise nuisance on the streets of Soho.

Ms Wendy Hardcastle, representing the Soho Society, echoed that every single extension added to the CIZ and the problems in Soho. She advised that she too had been very disappointed that the Metropolitan Police Service had withdrawn their representation because their data clearly set out the very high crime figures in Soho. She strongly suggested that the number of events to be held annually be limited and conditioned as the residents did not want non-ticketed events to be held in the Premises every evening.

Mr Feeney, Legal Advisor to the Sub-Committee, discussed the wording of the agreed proposed conditions (if the application is granted), with all parties. Mr Mills confirmed that Live Music and Dance were necessary because a performer may wish to bring their own piano and/or a performer might want to perform a dance as part of their act. Mr Mills further advised that he would be content for the number of events to be limited to 52 annually.

During his summing up, Mr Mills advised that they would not be operating a bar but a performance arts venue. He outlined that they were experienced and responsible operators and all staff were given extensive training. He advised that there would no

queuing outside because there was space inside of the Premises for patrons to wait and purchase a drink before any show. He emphasised that they very much wished to interact and be part of the community and would promote the licensing objectives.

### **Reasons and Conclusion**

The Sub-Committee has determined an application for a grant of a New Premises Licence under the Act. The Sub-Committee is aware that it has a duty to consider each application on its individual merits and did so when determining this application. The Sub-Committee had regard not only to the written and oral evidence but also to the Act, the Guidance issued under section 182 of the Act and the City Council's SLP, in particular policies CIP1, HRS1 and CCSOS1.

It is accepted that any new Premises Licence, no matter how small in capacity, is likely to add to the Cumulative Impact by retaining patrons in the area for longer. However, this must be balanced with the nature of the operation and the appropriateness of the agreed conditions and the evidence given during the hearing.

The Sub-Committee welcomed the Premises' use of a Dispersal Policy as this would help ensure the smooth running of the Premises particularly at the terminal hour when the Premises closes and patrons leave the Premises thereby minimising the risk of nuisance. The requirement of a dispersal policy is conditioned on the premises licence.

The Sub-Committee noted that the Metropolitan Police Service (who were considered the experts on crime and disorder) had withdrawn their representation. The Environmental Health Service and Licensing Authority (who were considered the experts on public nuisance and the SLP) were generally satisfied with the Application, and both responsible authorities felt that it was for the Sub-Committee to reach a determination as to whether the Application would increase cumulative impact in the West End CIZ.

The Sub-Committee concluded that the Application (in accordance with policies CIP1, HRS1 and CCSOS1) would not add to cumulative impact. The Sub-Committee considered that the conditions imposed would ensure that the Premises would operate as a live comedy venue and not as a vertical drinking bar, and cultural venues were considered less likely to add to cumulative impact.

The Sub-Committee considered that the restrictions on sales of alcohol, including restricting off-sales and limiting sales of alcohol after 21:00 would also promote the licensing objectives and ensure that the Premises did not operate as a bar. Restrictions on the number of private events held were considered necessary to promote the licensing objectives and to ensure that the Premises was not used habitually for private events but was used as a cultural venue, namely a comedy club. The Sub-Committee also placed weight on the fact that the Application was within core hours; coupled with the Premises' dispersal policy the Application would therefore be unlikely to increase cumulative impact in the early hours of the morning. The Sub-Committee also placed weight on the conditions proposed by MPS and EHS and agreed by the Applicant, as these would help promote the licensing objectives. Finally, the Sub-Committee considered it appropriate to impose a condition preventing queuing on the highway so as to prevent public nuisance.

Having carefully considered the committee papers, the additional papers and the submissions made by all of the parties orally, the Sub-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:

Late Night Refreshment Indoors

Monday to Thursday: 23:00-23:30

Friday to Saturday: 23:00-Midnight

Sunday: N/A

Non-standard timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Sundays before Bank Holidays: 23:00-Midnight

Sale by Retail of Alcohol On Sales Only

Monday to Thursday: 10:00-23:30

Friday to Saturday: 10:00-Midnight \_

Sunday: Noon-22:30

Non-standard timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Sundays before Bank Holidays: Noon-Midnight

Performance of a Play Indoors

Monday to Thursday: 10:00-23:30

Friday to Saturday: 10:00-Midnight \_

Sunday: 10:00-23:00

Non-standard timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Sundays before Bank Holidays: 10:00-Midnight

Exhibition of a Film Indoors

Monday to Thursday: 10:00-23:30

Friday to Saturday: 10:00-Midnight \_

Sunday: 10:00-23:00

Non-standard timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Sundays before Bank Holidays: 10:00-Midnight

Live Music Indoors

Monday to Thursday: 10:00-23:30

Friday to Saturday: 10:00-Midnight \_

Sunday: 10:00-23:00

Non-standard timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Sundays before Bank Holidays: 10:00-Midnight

Recorded Music Indoors

Monday to Thursday: 10:00-23:30

Friday to Saturday: 10:00-Midnight \_

Sunday:10:00-23:00

Non-standard timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Sundays before Bank Holidays: 10:00-Midnight

#### Performance of Dance Indoors

Monday to Thursday: 10:00-23:30

Friday to Saturday: 10:00-Midnight \_

Sunday:10:00-23:00

Non-standard timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Sundays before Bank Holidays: 10:00-Midnight

#### Anything of a Similar Description Indoors

Monday to Thursday: 10:00-23:30

Friday to Saturday: 10:00-Midnight \_

Sunday:10:00-23:00

Non-standard timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Sundays before Bank Holidays: 10:00-Midnight

#### Hours Premises Are Open to the Public

Monday to Thursday: 8:00-23:30

Friday to Saturday: 8:00-Midnight \_

Sunday:9:00-22:30

Non-standard timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Sundays before Bank Holidays: 9:00-Midnight

2. That the Licence is subject to any relevant mandatory conditions.
3. That the Licence is subject to the following conditions and Informative imposed by the Sub-Committee which are considered appropriate and proportionate to promote the licensing objectives.

#### **Conditions imposed by the Committee after a hearing**

4. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.
5. All door supervisors will correctly display their SIA licence so as to be visible when on duty at the premises.

6. There shall be no sales of alcohol for consumption off the premises.
7. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
8. 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.
9. As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local Pubwatch, Safer Business Network or other local crime reduction scheme approved by the police, and local radio scheme if available.
10. Any special effects or mechanical installations shall be arranged, operated 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:
  - Dry ice and cryogenic fog
  - Smoke machines and fog generators
  - Pyrotechnics including fireworks
  - Firearms
  - Lasers
  - Explosives and highly flammable substances
  - Real flame
  - Strobe lighting
11. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them.
12. 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.
13. 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.

14. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
15. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
16. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
17. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
18. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
19. The certificates listed below shall be submitted to the licensing authority upon written request:
  - a) Any permanent or temporary emergency lighting battery or system
  - b) Any permanent or temporary electrical installation
  - c) Any permanent or temporary emergency warning system
20. 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.
21. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
22. Loudspeaker shall not be located in the entrance and exit of the premises or outside the building.
23. All windows and external doors to be kept closed after 21:00 hours or at any time when regulated entertainment takes place, except for immediate access and egress of persons.
24. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
25. 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.

26. 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.
27. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
28. 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.
29. 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.
30. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway for the purpose of bringing customers to the premises. The distribution of leaflets or similar promotional material is also prohibited on any public highway. For the purpose of this condition: 'Directly' means – employ, have control of or instruct. 'Indirectly' means – allowing/permitting the service of or through a third party.
31. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are properly supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
32. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.
33. 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 driving licence, passport or proof of age card with the PASS hologram.
34. 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.

35. There shall be no sales of hot food or hot drink for consumption off the premises after 23:00 hours.
36. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises building as a live entertainment venue for live comedy performances.
37. The name and address of any person hosting a bona fide private event shall be kept at the premises at all times and shall be made available on demand for inspection by Responsible Authority officers.
38. The requirement for SIA Door Supervisors at the premises shall be based on a risk assessment carried out by the DPS taking cognisance of any police advice. The risk assessment shall be made available on request to an authorised officer of the City Council or the Police with the absolute minimum of delay when requested. All door supervisors to be trained to SIA level and to be instructed by the Premises Licence holder.
39. For any electronic sound system at the Premises a noise limiter must be fitted and 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.
40. No licensable activities shall take place at the Premises until the works have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the licence by the licensing authority.
41. Before the Premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the Premises constructed. If there are minor changes during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
42. No licensable activities shall take place at the Premises until the capacity of the Premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined in each of the areas. In any case the maximum overall capacity (excluding staff) shall not be permitted to be more than 180 persons.

43. There shall be no more than 52 bona fide private events held in the Premises per annum. There shall be no more than 5 bona fide private events held in the Premises in any given month.
44. After 9pm alcohol shall only be sold to persons attending a ticketed theatre show, other stage performance or bona fide private event.
45. There shall be no queuing on the highway.
46. 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.

### **Informative**

The granting of this licence is without prejudice to any requirement to obtain planning permission or a licence for the use of tables and chairs on a street.

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

**The Licensing Sub-Committee  
14 September 2023**

### 3. UNIT 2, 5 MARBLE ARCH, W1H 7EJ

#### **WCC LICENSING SUB-COMMITTEE NO. 1** **("The Committee")**

Thursday 14 September 2023

Membership: Councillor Aziz Toki (Chair), Councillor Md Shamsed Chowdhury and Councillor Jim Glen.

Officer Support:      Legal Adviser:                      Michael Feeney  
                                 Committee Officer:                      Sarah Craddock  
                                 Presenting Officer:                      Emanuela Meloyan

Other Parties: Ms Holly McColgan (Solicitor, Thomas and Thomas), Ms Puja Dowlani (Senior Commercial Asset Manager), Gus Austin (Marylebone Association) and Mike Dunn (Residents' Society of Mayfair and St James's).

#### **Application for a New Provisional Statement in respect of Unit 2, 5 Marble Arch London W1H 7EJ 23/04163/LIPN**

#### **FULL DECISION**

##### **Premises**

Unit 2  
5 Marble Arch  
London  
W1H 7EJ

##### **Applicant**

Seymour St Nominees & Berkeley St Nominees Ltd

##### **Ward**

West End

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

None

##### **Special Consideration Zone**

Edgware Road

##### **Proposed Licensable Activities and Hours**

###### **Late Night Refreshment Outdoors**

Monday to Sunday: 23:00 to 00:30

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.

### Sale by Retail of Alcohol On and Off Sales

Monday to Sunday: 10:00 to 00:30

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.

### Hours Premises Are Open to the Public

Monday to Sunday: 10:00 to 00:30

Opening hours 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.

### Summary of the Application

This Sub-Committee has determined an application for a New Provisional Statement under the Licensing Act 2003 ("The Act"). The Premises intends to operate as a restaurant with ancillary bar on the ground and first floor retail unit within the Marble Arch development site. This is a new application and therefore no Premises Licence history exists. Information in support of the Application can be found at Appendix 2 of the Agenda Report. Correspondence from the Residents' Groups, correspondence with the Metropolitan Police Service, a copy of the Premises' planning permission and a summary of proposals can be found in the Additional Information Pack.

There is no policy presumption to refuse the application. There is a resident count of 93.

### Representations Received

- Metropolitan Police Service- **Withdrawn**
- Marylebone Association
- Residents' Society of Mayfair and St James's

### Issues raised by Objectors

- Proposes to operate outside of the Council's Core Hours Policy and there is insufficient detail contained within the operating schedule to promote the licensing objectives. This representation from the MPS was withdrawn following agreed conditions.
- Objection on grounds of nuisance, should be restricted to core hours. Supporting objection from Marylebone Association.
- Insufficient detail as to how it would not compromise the Licensing Objectives and is outside Core Hours.
- Located at the bottom of the busy Edgware Road and is within the SCZ.
- There are no details of the operator of the restaurant.

### Policy Considerations

The following policies within the City of Westminster Statement of Licensing Policy ("SLP") apply: SCZ1, HRS1 and RNT1.

Policy SCZ1 states:

- 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.

Policy HRS1 states:

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:

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

Restaurants

Monday to Thursday: 9am to 11:30pm

Friday and Saturday: 9am to Midnight

Sunday: 9am to 10:30pm

Sundays immediately prior to a bank holiday: 9am to Midnight

D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.

E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.

Note: The core hours are for all licensable activities but if an application includes late night refreshment, then the starting time for that licensable activity will be 11pm.

Policy RNT1 states:

A. Applications outside the West End Cumulative Impact Zone 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 policy SCZ1 if the premises are located within a designated zone.
- 5.The application and operation of the venue meeting the definition of a restaurant as per clause C.

C. For the purposes of this policy a restaurant is defined as:

- 1.A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.
- 2.Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.
3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.

4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.

### **SUBMISSIONS AND REASONS**

Ms Emanuela Meloyan, Senior Licensing Officer, outlined the application to the Sub-Committee. She advised that representations had been received from the Marylebone Association and one local resident (Mike Dunn) on behalf of the Residents' Society of Mayfair and St James's. She further advised that the Premises are located within the West End Ward and the Edgware Road Special Consideration Zone.

Ms Holly McColgan (Solicitor, on behalf of the Applicant) outlined the application along with Ms Puja Dowlani (Senior Commercial Asset Manager). She referred to her submission in the Additional Agenda Pack which had been considered by the Sub-Committee and set out that the space was situated within the new landmark development Marble Arch Place featuring luxury residential apartments, premium commercial offices plus exemplary public realm and stunning artwork by Lee Simmons. She outlined how the Portman Estate had not as yet secured a tenant for this unit because operators wished to have the security that they would be able to operate the unit as a restaurant before parting with funds and fitting out the Premises. This was why an application for a Provisional Statement was being made.

Ms McColgan referred to the Premises' plans and advised that the unit comprised of a ground and first floor with allocated external seating (circa 20 covers). She advised that the first floor would comprise of a restaurant with the ground floor hosting an ancillary bar, allowing seated customers to order and consume alcohol without a table meal at this level during Core Hours, restricted to 25% of the permitted capacity, as agreed with the MPS.

Ms McColgan advised that there had been no representations made from the Environmental Health Service and the Licensing Authority and the Metropolitan Police Service have now withdrawn their representation. She added that the Marylebone Association and local resident had made representations to ensure that they could make further representations when the application was made for a New Premises Licence. She outlined that the Premises was located in the Edgware Road Special Consideration Zone however there was no presumption to refuse the application in this area and local issues had been addressed by the Applicant by way of conditions attached to the Provisional Statement. Ms McColgan also referred to the summary of proposals in the Additional Information Pack, which explained how the Applicant was addressing each of the issues specific to the SCZ.

In response to questions from the Sub-Committee, Ms Dowlani outlined that the additional 30 minutes beyond the Council's Core Hours Policy had been requested as it allowed a potential operator to have an extra sitting within the restaurant. She emphasised that the additional 30 minutes was actually key to attracting a high end

operator to the Premises who would want to make the unit one of their flag ship restaurants. She advised that the outside demise was part of the Premises freehold and discussions were being held with TFL on the future use of the space.

Mr Gus Austin, representing the Marylebone Association, advised that he had made a representation as the application for the Provisional Statement was outside of Core Hours for both Light Night Refreshment and Alcohol and so it did not exclude him from making representations for the forthcoming application for the New Premises Licence for this Premises. He added that he would prefer the Provisional Statement to be granted only for Core Hours.

Mr Mike Dunn, local resident representing the Residents' Society of Mayfair and St James's, advised that he wished the provisional statement to be granted to the Council's Core Hours Policy because currently no-one knew the capacity and who would be operating the Premises.

Mr Feeney, Legal Advisor to the Committee, discussed the wording of the agreed proposed conditions (if the application is granted), with all parties. During the summing up, Ms McColgan advised that the request for the 30 minutes beyond the Council's Core Hours Policy was to give a degree of confidence to interested parties considering renting the Premises, that the Premises was not located in the CIA and the conditions on the Provisional Statement would promote the Licensing Objectives.

## **Conclusion**

The Sub-Committee has determined an application for a new Provisional Statement under the Act . The Sub-Committee is aware that it has a duty to consider each application on its individual merits and did so when determining this application.

The Sub-Committee had regard not only to the written and oral evidence but also to the Act, the Guidance issued under section 182 of the Act and the City Councils SLP, in particular policies SCZ1, HRS1 and RNT1.

In reaching its decision, the Sub-Committee noted that there was no presumption to refuse the application as the Premises' primary use was to operate as a restaurant and was situated outside the CIA. The Sub-Committee noted that the Licensing Authority and Environmental Health Service had not made a representation and that the Metropolitan Police Service had withdrawn their representation and were satisfied with the application. The Sub- Committee considered that the Applicant had demonstrated that the measures it proposed would promote the four licensing objectives. The Sub- Committee placed weight in particular on the condition agreed with the MPS, which ensured that the primary use would remain as a restaurant use and the ground floor bar would be restricted to core hours and 25% of the capacity. The Sub Committee considered that the Applicant in its written and oral submissions had sufficiently addressed the particular issues associated with the SCZ. The Sub-Committee also considered that the location of the Premises at the Marble Arch development site was suitable for a restaurant.

In reaching its decision, the Sub-Committee concluded that although the Provisional Statement was slightly beyond Core Hours the conditions attached to the Provisional Statement would alleviate the residents' concerns and were appropriate and would promote the licencing objectives. The Sub-Committee therefore considered that the application was in accordance with policies SCZ1, HRS1 and RNT1.

Having carefully considered the committee papers, the additional papers and the submissions made by all of the parties orally, the Sub-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 a Provisional Statement for:

Late Night Refreshment Indoors

Monday to Sunday: 23:00-00:30

Non-standard timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Sale by Retail of Alcohol On and Off Sales

Monday to Sunday: 10:00-00:30

Non-standard timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Hours Premises Are Open to the Public

Monday to Sunday: 10:00-00:30

Non-standard timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

2. That the Provisional Statement is subject to any relevant mandatory conditions.
3. That the Provisional Statement is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

**Conditions imposed by the Committee after a hearing**

9. All windows and doors to be kept closed after 23:00 hours except for immediate access and egress of persons.
10. There shall be no take-away of hot food or hot drink after 23:00 hours.
11. All sales of alcohol for consumption off the premises shall be in sealed containers only save when consumed at the outside tables and chairs shown on the licence plan and in accordance with condition 22.
12. No off-sales after 23:00 Monday to Saturday or 22:30 Sunday.
13. All tables and chairs shall be removed from the outside area by 23:00 hours each day.

14. No deliveries to the premises shall be made between the hours of 23:00 hours and 07:00 hours.
15. Loudspeakers shall not be located in the entrance areas or outside the premises building.
16. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
17. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.
18. 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.
19. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
20. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, passport or proof of age card with the PASS hologram.
21. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

22. a) Subject to (b) below, the premises shall only operate as a restaurant:
- i) In which customers are shown to their table
  - ii) Where the supply of alcohol is by waiter or waitress service only
  - iii) Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery
  - iv) Which do not provide any takeaway service of food or drink for immediate consumption
  - v) Which do not provide any takeaway service of food or drink after 23:00, and
  - vi) Where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
- Notwithstanding this condition, customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
- b) Notwithstanding (a) above, before 23:00 Monday to Thursday, midnight Friday and Saturday and 22:30 Sunday on the ground floor (including the external area), alcohol may be served without a table meal to persons seated and served by waiter/waitress service and restricted to no more than [25% of final permitted capacity determined by Environmental Health] at any one time.
23. On the ground floor, the supply of alcohol on the premises shall only be to persons seated.
24. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to (X) persons at any one time.
25. 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.
26. 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.
27. 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.
28. No licensable activities shall take place at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition with a condition detailing the capacity so determined.

29. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

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

**The Licensing Sub-Committee  
14 September 2023**

The Meeting ended at 3.10 pm