



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (4)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** held on **Thursday 31st August, 2023**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

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

**Also Present:** Councillors

**Apologies for Absence:** Councillor Caroline Sargent

#### 1. MEMBERSHIP

1.1 It was noted that Councillor Mitchell had replaced Councillor Sargent.

#### 2. DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

#### 1. RED LION PUBLIC HOUSE, 14 KINGLY STREET, W1B 5PR

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

Thursday 31 August 2023

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

Officer Support: Legal Adviser: Horatio Chance  
Policy Officer: Daisy Gadd  
Committee Officer: Sarah Craddock  
Presenting Officer: Emanuela Meloyan

Other Parties: Mr Niall McCann (Solicitor, Keystone Law) on behalf of Mr Samuel Smith (PLH), Mr Adrean Georgiou (Area Manager), Ms Jessica Donovan (Licensing Authority), Mr Richard Brown (Solicitor, Westminster's Citizens Advice representing The Soho Society) and Ms Marina Tempia (Soho Society).

**Application for a Variation of Premises Licence in respect of Red Lion Public House 14 Kingly Street London W1B 5PR 23/03518/LIPV**

**Full Decision**

**Premises**

Red Lion Public House  
14 Kingly Street  
London  
W1B 5PR

**Premises Licence Holder ("PLH")**

Samuel Smith (Southern)

**Ward**

West End

**Cumulative Impact Area**

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

**Special Consideration Zone**

N/A

**Summary of Application**

The Sub-Committee has determined an application for a Variation of a Premises Licence under the Licensing Act 2003 ("The Act"). The Premises currently operates as a Pub and has had the benefit of a premises licence since August 2005.

The current premises licence (22/10166/LIPDPS) can be viewed at **Appendix 1** of the agenda report. A full licence history and Temporary Event Notice history for the Premises appears at **Appendix 3**.

The PLH has proposed thirteen new conditions to replace the historic conditions found on the licence. These can be found at **1D and Appendix 4**. The PLH has provided additional submissions in relation to the background of the Premises, menus, photographs, and a dispersal policy. These can be found at **Appendix 2**.

The Premises are located both within the West End Ward and West End Cumulative Impact Zone. There is no policy presumption to refuse applications inside the West End CIZ where hours are to vary the existing licensed hours for public houses within core hours. There is a resident court of 11.

The variation seeks the following:-

- *To extend all licensable activities (including opening hours) on Friday and Saturday by an additional 30 minutes, whilst remaining within the Council's core hours.*
- *To remove all non-mandatory conditions currently attached to the Premises Licence and replace with updated conditions. These can be found in 1D and Appendix 4.*
- *To add non-standard timings for all licensable activities (including opening hours) to extend for New Year's Eve. 'From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.'*

### **Representations Received**

- The Licensing Authority (Kevin Jackaman).
- The Soho Society.

### **Summary of Objections**

- *The Licensing Authority note that the proposed variation does fall within Westminster's core hours for Pubs and Bars. The Core hours for Pubs and Bars are: 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.*
- *The Licensing Authority encourages the applicant to provide further submissions as to how the increase the terminal hour of Friday and Saturday evenings will not add to cumulative impact in the West End cumulative impact area, in accordance with policy CIP1. The Licensing Authority would like submissions from applicant in regard to the above questions so the application can be assessed further against any further relevant policy considerations. The Licensing Authority looks forward to receiving further submissions from the applicant in due course.*
- *We write to make a relevant representation to the above application on behalf of The Soho Society. We object to this application to extend the operating hours of this public house to 12am on Friday and Saturday. 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 482 licensed premises which include a large proportion of late night 119 (25%) licensed premises with a terminal hour between 1am - 6am and a capacity of 22,560. There are over 200 restaurants, 39 bars, 46 pubs, 31 clubs (including members clubs) and entertainment premises. 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.*

- *The applicant acknowledges the pub is situated within the West End Cumulative Impact Zone and highlights the Pubs and Bars Policy PB1 which states the policy is to refuse a variation of hours but it does not apply when they are within core hours. However, the applicant still has to demonstrate that there will be no increase in cumulative impact and will promote the licensing objectives. We find it difficult to believe how a pub selling alcohol to 11.30pm and closing at midnight on Friday and Saturday, the busiest nights of the week in Soho, will not increase cumulative impact. Considering the high and increasing crime rates in the area and the noise disturbance already experienced by residents who live on Soho's streets, it is clear this application should be refused.*

## **Policy Considerations**

Policies CIP1, HRS1 and PB1 apply under the City Council's Statement of Licensing Policy ("SLP").

### **Policy CIP1**

A. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:

1. Vary the hours within Core Hours under Policy HRS1, and/or
2. Vary the licence to reduce the overall capacity of the premises.

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

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

### **Policy HRS1**

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

B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:

1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
5. The proposed hours when any music, including incidental music, will be played.

6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
  7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
  8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
  9. The capacity of the premises.
  10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
  11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
  12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
  13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
  14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.
- C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:
6. Pubs and bars, Fast Food and Music and Dance venues
- Monday to Thursday: 10am to 11.30pm.  
 Friday and Saturday: 10am to Midnight.  
 Sunday: Midday to 10.30pm.  
 Sundays immediately prior to a bank holiday:  
 Midday to Midnight.
- 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 PB1 (B)**

B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:

1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1.
2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.

C. The applications referred to in Clause B1 and B2 will generally be granted subject to:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1, and/or,
2. The operation of any delivery services for alcohol and/or late-night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.
3. The application and operation of the venue continuing to meet the definition of a Public House or Bar in Clause D.

D. For the purposes of this policy a Public House or Bar is defined as a premises, or part of a premises that's primary use is the sale or supply of alcohol for consumption on those premises and/or for consumption off the premises for consumption outside the venue.

### **SUBMISSIONS AND REASONS**

Ms Emanuela Meloyan, the Presenting Officer, outlined the application to the Sub-Committee. She advised that the Licensing Authority and Soho Society had maintained their representations and that the Premises were situated within the West End Ward and falls within the West End CIZ.

Mr Niall McCann of Keystone Law and Solicitor for the PLH outlined the application along with Mr Adrean Georgiou (Area Manager). He referred to his submissions at page 29-47 of the agenda papers which had been considered by the Sub-Committee. He advised that there had been no complaints or allegations from local residents and/or the Metropolitan Police Service or Environmental Health Service in respect of the Premises.

Mr McCann advised that the representations set out their main points: the noise nuisance caused by pedicabs and anti-social behaviour and the criminal activity/gangs currently operating in the area. Mr McCann emphasised that the PLH was not disputing these issues exists but did not accept that this Premises was the source or contributed to these issues.

Mr McCann advised that the PLH had 17 Premises which were all traditional freehold pubs or long lease, and none had been Reviewed. He explained that Sam Smith pubs were unique in that they did not sell the usual mass market beers, spirits and snacks and that there were no TVs or music within the Premises. He added that customers tended to attend after the theatre and this extra 30 minutes would allow them to relax over their drink instead of having to rush to finish it before the pub had to close. He stated that the PLH was extending and promoting the food offer in all their premises but especially pushing it within its London Premises and that this particular pub had a dedicated floor offer on its first floor. He added that this was not a venue for pre drinks before going to a late-night bar or nightclub. Mr McCann stated strongly that the representations set out the problems occurring within Soho generally and therefore not attributable to these Premises.

Mr McCann advised that the PLH had considered it prudent when making this application to update the conditions on the Premises Licence in line with the relevant Council's model conditions which he hoped would alleviate the Licensing Authority,

and the Soho Society's concerns. He further advised that the PLH had agreed to decrease the terminal time for the use of the outside area from 23:30 back to 23:00. He then reminded the Sub-Committee that the application complies with Westminster's Pubs Policy in that applications within Core Hours will generally be granted subject to other policies relating to crime and disorder and public nuisance.

Mr McCann concluded by informing the Committee that this was a modest application with appropriate agreed, additional conditions and that the Premises did not add to the West End CIZ.

In response to questions from the Sub-Committee, Mr McCann confirmed that in terms of the CIZ the Premises was reducing the number of people drinking outside of the Premises late at night which was actually reducing the potential noise nuisance caused by patrons just chatting and talking on the streets. He advised that the 30 minutes would mainly benefit the post-theatre crowd and allow them to have a quiet and relaxed drink before they made their way home.

Ms Jessica Donovan appearing on behalf of the Licensing Authority addressed the Sub-Committee. She stated that representation had been maintained as the Premises was located within the West End CIZ but emphasised that the hours however, were within the Council's Core Hours Policy and there was no presumption to refuse the application so it was for the Sub Committee to consider whether the request for the additional 30 minutes for the sale of alcohol would add to the West End CIZ.

Mr Richard Brown appearing on behalf of the Soho Society addressed the Sub-Committee. He advised that this was the third application from the Samuel Smith group for an increase in the supply of alcohol in their pubs located in the CIZ. He added that although there was no presumption to refuse the application, the Applicant must nevertheless show that the application would not add to crime and disorder or public nuisance and must be assessed on its own merits.

Mr Brown referred the Sub-Committee to the Soho Society's representation and in particular to the statement that crime levels are now higher than the pre-pandemic levels. He emphasised that it was for Mr McCann to demonstrate that this application would not have an impact on the West End CIZ especially as the Police's crime figures/stats have indicated in previous applications that from 21:00 hours crime and disorder significantly increases within the area.

Ms Marina Tempia representing the Soho Society addressed the Sub-Committee. She advised that the photograph shown of the pub/area at the hearing was one that had been taken during the morning as by lunch time the area was packed with tables and chairs so it was 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 and that many residents were seriously considering moving away from Soho because the situation was becoming intolerable. 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 considered that the Sub-Committee refuse this application on the grounds of cumulative impact.

In response to questions from the Committee, Mr Brown advised that attaching the updated conditions to the Premises Licence was both helpful and appreciated but it did not address the wider cumulative impact concerns of the Soho Society. He emphasised that this was especially so because this application was for an extension for vertical drinking in the West End CIZ. He confirmed that he did not consider that the addition of these conditions would mitigate even a small extension to the sale of alcohol. Mr Brown suggested that a no new entry condition beyond a certain time be attached to the Premises Licence.

Mr Horatio Chance, Legal Advisor to the Committee, advised that the application was within the Council's Core Hours Policy and these types of applications would generally be granted subject to other policies relating to crime and disorder, public nuisance and consideration of the four licensing objectives.

Mr Chance suggested that if the application is granted the Council's Model Condition MC24 (providing a direct telephone number to local residents) be attached to the Premises Licence and all parties agreed to this.

During his summing up, Mr McCann advised that the PLH did not wish to have a condition restricting entry beyond a certain time because the Premises was a pub operating within the Council's Core Hours Policy and not a nightclub. He emphasised that there had been no representations made from the Police and Environmental Health Service nor had there been any complaints made by them or local residents. He added that the Licensing Authority were also satisfied with the application. He concluded by informing the Sub-Committee that this was a modest application with appropriate agreed, additional conditions and on that basis the application should be granted accordingly.

## **Conclusion**

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

The Sub-Committee noted that the Premises is located within the West End CIZ and so there is no policy presumption to refuse an application for a variation within core hours.

The Sub-Committee noted the comments made by the Soho Society in relation to potential "*creep effect*" but the role of the Sub-Committee is not to pre-suppose what the PLH might or might not do in the future in respect of any further increase in hours. Accordingly, this Decision is in no way intended to sway, influence or considered binding on any future decision making by another Sub-Committee as any future application/s submitted by the PLH must be considered on their own merits.

The Sub-Committee acknowledged and accepted that the nature of trade at the Premises would not necessarily attract patrons wanting late pre club/bar drinks as it was stated by the PLH that the rationale for the variation application was to cater for the post theatre goers/tourists and furthermore the general environment of the Premises lent itself to being a relaxed one where it promoted stimulus conversation amongst its patrons. As a result, the Premises provides its own brand of beers and seeks to retain their existing clientele. It does not provide TV, live or recorded music



and this concept was considered a unique quality and selling point offered by the Premises in the sense of a traditional pub.

The Sub-Committee noted that the PLH does not seek to increase the capacity of the Premises or increase the hours to beyond core hours but noted the extended hours was for opening and apply for late night refreshment and the sale by retail of alcohol to 30 minutes before on Friday and Saturday nights. Indeed, the new conditions and restriction on the use of the outside area reduces the risk of the Premises adversely affecting the licensing objectives and directs control not only on customers inside the Premises who will subsequently leave but also on customers using the outside area.

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 now conditioned on the premises licence.

It was noted by the Sub-Committee what the global effects granting such an application would have on the promotion of the licensing objectives but given where the Premises is located the mitigation advanced, and conditions offered by the PLH in order to update and future proof the licence are all pertinent matters that will help mitigate the concerns by those who had objected to the application.

The Sub-Committee had regard to the Cumulative Impact Policy CIP1 on page 25 at Paragraphs A-D of the SLP which states:-

*“it is the Licensing Authority’s policy to refuse applications within the West End Cumulative Impact Zone for pubs and bars other than applications to vary the hours within Core Hours”* under Policy HRS1 which is the case in this application. This must be balanced with the policy that *“Applications within the core hours will generally be granted subject to not being contrary to other policies in the Statement of Licensing Policy.”*

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 policy that *“applications within the core hours will generally be granted subject to not being contrary to other policies in the Statement of Licensing Policy”*, the nature of the operation, the history of issues emanating from the operation of the Premises, the appropriateness of the agreed conditions and the evidence given during this hearing.

The Sub-Committee noted that both the Metropolitan Police Service and Environmental Health Service had not made a representation who are considered the Experts on crime and disorder and public nuisance and that the Licensing Authority was satisfied with the application.

It is also noted that, conditions have also been offered which promotes the licensing objectives, including a reduction in the terminal time for the use of the outside area. Old, conditions converted from the Licensing Act 1964, have been deleted and

updated with conditions which are appropriate and proportionate to ensure that the licence promoted the licensing objectives and future proof the licence going forward.

Despite the representations that any minor increase in hours, albeit hours within Core Hours "must" add to Cumulative Impact in an area, the Sub-Committee has confidence that on balance, in this case, based on the evidence and lack of representations from the two of the Responsible Authorities referred to above the correct decision was for the application to be granted.

The Sub-Committee was persuaded that the application met the policy requirements under policies CIP1, HRS1 and PB1 (B). The Sub-Committee has imposed as an additional condition, Model Condition (MC24) requiring the Premises to provide a telephone number and considered all of the conditions to be proportionate and appropriate to promote the licensing objectives. It was not considered appropriate for a last entry condition to be imposed on the licence for this particular type of Premises.

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

1. **To grant permission** to extend within Westminster's core hours all licensable activities and opening hours on Friday and Saturday by an additional 30 minutes.
2. **To grant permission** to remove all non-mandatory conditions from the premises licence and replaced with updated conditions as specified below.
3. **To grant permission** to add non-standard timings for all licensable activities including opening hours to extend for New Year's Eve to read: "From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
4. That the Licence is subject to any relevant mandatory conditions.
5. That the existing conditions on the licence shall remain in full force and effect save as otherwise varied as specified below and numbered 6-20.
6.
  - (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
  - (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
  - (c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
  - (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.

- (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
- 7. 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.
- 8. 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.
- 9. No drinks to be taken outside after 23.00 hours.
- 10. All outside tables and chairs shall be rendered unusable by 23.00 hours each day.
- 11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- 12. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
- 13. 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.
- 14. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
- 15. 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 a driving licence, passport or proof of age card with the PASS Hologram.
- 16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol

- (h) any visit by a relevant authority or emergency service.
17. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day.
  18. 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.
  19. 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.
  20. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.

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

**The Licensing Sub-Committee  
31 August 2023**

**2. THE COACH MAKERS ARMS, 88 MARYLEBONE LANE, W1U 2PY**

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

Thursday 31 August 2023

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

Officer Support: Legal Adviser: Horatio Chance  
Policy Officer: Daisy Gadd  
Committee Officer: Sarah Craddock  
Presenting Officer: Emanuela Meloyan

Other Parties: Mr Niall McCann (Solicitor, Keystone Law) on behalf of Cubbitt House Ltd (Applicant), Mr Luke Ashwood (General Manager), Ms Kudzaishe Mondhlani (Environmental Health Service), Mr Richard Brown (Solicitor, Westminster's Citizens Advice representing Mr Cyril Martinez) and Ms Gillian Pickering, Ms Penrose and Mr Bill Halson as witnesses for Mr Cyril Martinez.

**Application for a Variation in respect of The Coach Makers Arms 88 Marylebone Lane London W1U 2PY 23/02661/LIPV**

**Full Decision**

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**Premises**

- The Coach Makers Arms  
88 Marylebone Lane  
London  
W1U 2PY

**Premises Licence Holder (“PLH”)**

- Cubitt House Limited

**Ward**

- Marylebone

**Cumulative Impact Area**

- None

**Special Consideration Zone**

N/A

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**Summary of Application**

- The Sub-Committee has determined an application for a Variation of a Premises Licence in respect of the above premises under the Licensing Act 2003 (“The Act”). The Premises currently operates as a Pub and has had the benefit of a premises licence since 2005.

The current premises licence (23/02032/LIPDPS) can be viewed at **Appendix 4** of the agenda report along with the Premises history at **Appendix 5**.

The PLH has provided additional submissions in relation to the background of the Premises, menus and photographs. These can be found at **Appendix 3**.

The PLH sought pre-application advice from the Council’s EHS and letters were posted to the residents of Bentick Mansions.

The Premises are situated within the Marylebone Ward but not located in the West End Cumulative Impact Zone nor Special Consideration Zone. There is no policy presumption to refuse the application.

There is a resident count of 153.

The variation seeks the following:-

- To vary the layout on the ground floor plan to delineate an outside drinking area.
- To add the provision of films on all floors.
- To vary conditions 20, 22 and 27 as specified below.

<b><i>Current Condition</i></b>	<b><i>Proposed Condition</i></b>
<p><b>20.</b> From 1st May to 30th September on Thursdays and Fridays, from 5pm to 10pm, there shall be 1 SIA registered door supervisor employed at the premises whose sole responsibility shall be to monitor the use of the outside areas. Outside of those dates and times the premises licence holder shall employ an SIA registered door supervisor where it thinks it is appropriate to do so.</p>	<p><b>20.</b> Door supervisors shall be employed at the premises based upon a risk assessment carried out taking into account expected audience, time of year and whether there are any special occasions/holidays. All door supervisors will correctly display their SIA licence so as to be visible when on duty at the premises.</p>
<p><b>22.</b> No customers shall be permitted to take drinks from the premises in an open container after 20.30 hours and any existing customer drinking in that area shall be cleared by 21.00, this includes those patrons smoking.</p>	<p><b>22.</b> No customers shall be permitted to take drinks from the premises in an open container after 21.30 hours and any existing customer drinking in that area shall be cleared by 22.00.</p>
<p><b>27.</b> Throughout licensable hours no more than 30 patrons shall be permitted to take drinks from the premises in open containers and/or smoke outside at any one time.</p>	<p><b>27.</b> Alcohol consumed outside the premises building shall only be consumed by patrons within the area hatched green on the approved plan.</p>

### **Representations Received**

- The Environmental Health Service (Kudzaishe Mondhlani) (EHS)
- Daniel Martinez Bentick Mansions London W1U

### **Summary of Representations**

- *The addition of the new area will have the likely impact on Public Safety in the area. The addition of licensable activities will have the likely will have the likely impact of causing an increase in Public Nuisance.*
- *The amendment of condition 22 will have the likely impact of causing an increase in Public Nuisance. The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.*
- *The applicant has provided additional information with the application which is being addressed.*
- *I object to the application mainly on the grounds that the opening hours will be extended to 1.30am from the current 11.30pm. The fact that this time change is not mentioned at all in the resident notice and is hidden in the appendix of the application is very concerning; one could wonder if not done on purpose. Remaining open until 1.30am is extremely late for a premise that is located in the middle of a residential area and will create significant noise disturbance in addition to the existing ones. Disturbance today is linked to people having drink outdoors but also at closing time when people leave the premise and stand on pavement across the pub talking loudly (while intoxicated) for often more than 15-30minutes. What can be acceptable to some extend at 11pm cannot happen at 1.30am on any day. Please put yourselves in our shoes if you/your children are woken up at 1.30am several times a week.*
- *The council should be focused on the well being and mental health of its residents in priority over increasing pub revenues. Separately, how does the premise intend to control the noise pollution from inside the premise until 1.30am given that the windows are not double-glazed? On nights when the pub had a live band, the whole street could hear the sound as if we were in the room. Why would be different if they are screening movies until 1.30am?*
- *Further submissions were received from the interested party on 14 June 2023 containing a photograph and 7 videos. As a follow-up to my email, I wanted to attach a few videos / pictures that highlight the breach of the current licence by the Coach Makers Arms with regards to noise disturbance. This is to illustrate what the residents have to put up with on a weekly basis and the complete lack of respect of rules and residents by the Coach Makers Arms. You can find attached a couple of recent examples to be added as evidence. Please note that this is the noise disturbance from the other side of the street and behind a window.  
Example 2 is even more interesting because the security guard is on site and not doing anything.*
- *Example 1 - from midnight and lasting 30min  
Example 2 - from 10.48pm and lasting 60min  
Example 3 - 10.13pm  
Large group outside (video IMG\_0444 attached below).  
Example 4 - 10.28pm  
Door of the pub wide open, people chatting outside of the pub past the authorised time (picture IMG\_0449 attached below).*

### **Policy Considerations**

– Policies HRS1 and PB1 apply under the City Council’s Statement of Licensing Policy (“SLP”).

## Policy HRS1

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

B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:

1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
5. The proposed hours when any music, including incidental music, will be played.
6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
9. The capacity of the premises.
10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.

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



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

Monday to Thursday: 10am to 11.30pm.

Friday and Saturday: 10am to Midnight.

Sunday: Midday to 10.30pm.

Sundays immediately prior to a bank holiday:

Midday to Midnight.

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 PB1**

A. Applications outside the West End Cumulative 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 being within the council's Core Hours Policy HRS1.

3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.

4. The applicant has taken account of the Special Consideration Zones policy SCZ1 if the premises are located within a designated zone.

5. The application and operation of the venue meet the definition of a Public House or Bar in Clause D.

B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:

1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1.

2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.

C. The applications referred to in Clause B1 and B2 will generally be granted subject to:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1, and/or,

2. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.

3. The application and operation of the venue continuing to meet the definition of a Public House or Bar in Clause D.

D. For the purposes of this policy a Public House or Bar is defined as a premises, or part of a premises that's primary use is the sale or supply of alcohol for consumption on those premises and/or for consumption off the premises for consumption outside the venue

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## SUBMISSIONS AND REASONS

Ms Emanuela Meloyan, the Presenting Officer, outlined the application to the Sub-Committee. She advised that the EHS and Mr Cyril Martinez, local resident, had made representations against the application and that the Premises were situated within the Marylebone Ward but did not fall within the West End CIZ or a Special Consideration Zone.

Mr Niall McCann of Keystone Law and Solicitor for the PLH addressed the Sub-Committee along with Mr Luke Ashwood (General Manager). He referred to his submissions at pages 91-132 of the agenda report which had been considered by the Sub-Committee. He advised that there had been no representations from the Metropolitan Police Service or Licensing Authority in respect of the Premises. He stated that the PLH had decided to amend the application by removing the Exhibition of Films as a licensable on all floors so this was no longer to be considered.

Mr McCann advised that he was going to focus on the main aspects of the application individually before commenting on the concerns set out in the representations. He stated that it was unnecessary and disproportionate to always have a door supervisor (SIA) during the summer evenings and that the current condition on the Premises Licence needed to be updated as the Premises was not a nightclub or a late-night licence bar located in the busy West End. He added that any public nuisance issues could be dealt with by well trained staff as was achieved in lots of Premises throughout Westminster and this would save the business £3000 per month (approximately £36,000 a year) which was a considerable sum given the current economic climate. He advised that none of the other nine Premises within the Group located around London were required to employ SIAs and that either the Police or the EHS had made representations against this request. He suggested that the condition be replaced with one allowing the Premises to adopt a "risk assessment approach" depending on whether they would need additional staff/a SIA on say a hot busy day or during the Christmas period.

Mr McCann advised how the PLH would like to vary condition 27 because of the difficulty in enforcing a specific figure like no more than 30 patrons permitted to take drinks outside of the Premises. He said that instead the Premises would like to have a specific designated roped off area where patrons could drink and smoke outside of the Premises until 22:00 hours instead of the current 21:00 hours. He added that throughout Westminster patrons were usually permitted to drink outside until 23:00 hours.

Mr McCann referred to the Interested Parties evidence of videos and photographs and advised that he considered that they had mainly been taken during the Covid-19 pandemic when many people were purchasing takeaway food and buying drinks to consume outside. He emphasised that none of the videos showed prolonged disturbance and that the Premises did not have a history of anti-social behaviour. He set out how the two recent complaints had been resolved by the Premises by now only permitting acoustic music on the first floor and glass bottles were now only moved during the morning so as to reduce problems caused by nuisance.

Mr McCann compared the Premises to similar ones in the area who did not need SIAs and/or were permitted to have patrons take drink outside until 23:00 hours. He

outlined how it was reasonable to request modest amendments to a Premises Licence that had been in operation for years. He emphasised that the Premises was not located within the busy West End Stress Area or in a Special Consideration Zone and there were no representations from the Police or the Licensing Authority. He therefore requested that this Premises be given the same business opportunity as others operating in the area.

In response to questions from the Sub Committee, Mr McCann confirmed that the PLH had withdrawn their request for the Exhibition of Films on all floors. He stated that currently patrons could spread themselves out all over the street and even sat on the steps of the mansion blocks, so introducing a specific drinking area would prevent this.

He added that competent staff and good senior management patrolling the area would also prevent noise and public nuisance and ensure that the area was kept clean and tidy. He advised that the pub was not a cheap pub and patrons expected a certain level of service for the price of drinks/food served at the Premises. He outlined how the pub had operated an outside mobile bar during COVID and how that was an exceptional time when the whole street was very busy because it was one of the streets that had been closed off. He further outlined that the roped area was approximately 34 square metres and how difficult it was to monitor a specific number in a roped area especially because there were doors on either side with patrons going in and out all day.

Ms Kudzaishe Mondhlani appearing on behalf of the EHS addressed the Sub-Committee. She advised that representation has been maintained because of the potential for public nuisance with patrons drinking outside of the Premises. She confirmed that there had been no complaints relating to the outside area since 2021 in relation to public nuisance and that the PLH had addressed the complaints in relation to music and recycling that were outlined in the report. She advised that currently patrons could spill out onto the highway so the EHS welcomed the delineation of the area, however, including a capacity on the area could make it difficult to enforce. She confirmed that the Premises had a Pavement Licence up until 23:00 hours and that most Premises within Westminster were permitted to have patrons drinking outside until 23:00 hours. It was therefore for the Sub Committee to decide if they wished to place a capacity on the outside roped area and allow the Premises to have patrons drinking outside until 23:00 hours. She concluded by saying that the EHS were content with the removal of the condition stating that there needed to be an SIA outside between May and September and instead move to a risk based approach.

In response to questions from the Sub Committee, Ms Mondhlani advised that the delineated area could be managed by the Premises and it would be easier for the City Inspectors to enforce as they would easily see whether people were standing within or outside the designated area. She added that it would also benefit the residents because they would also be able to clearly see if the Premises were breaching their conditions and raise complaints accordingly.

Mr Richard Brown representing Mr Cyril Martinez addressed the Sub-Committee. He advised that the current conditions were imposed following a Review Hearing in 2010 which had enabled the pub to operate successfully since then. He advised that

all Premises had conditions/restrictions imposed on them to promote the licensing objectives and some even operated voluntary restrictions such as bringing customers inside after 21:00 hours in recognition of residents that lived nearby. He advised that currently the residents living near this Premises knew that all patrons would be brought in after 21:30 hours so that any noise nuisance or disturbance would stop at this time.

Mr Brown advised that the video and photographs were a snapshot of regular situations that regularly occurred outside of the Premises. He stated that by changing one if not all three conditions risked setting what was a delicate equilibrium which exists throughout Westminster because of it being highly residential with lots of licensed Premises.

Mr Brown advised the context of the off sales deregulation brought about during COVID under the provisions of the Business and Planning Act 2020 which allowed Premises to sell alcohol for consumption outside later than the current conditions on Premises' Licences. This deregulation had already been extended three times and had now been extended again until mid-2025 so whatever decision was made today the Premises would still benefit from this deregulation and its Pavement Licence until 2025: however, the situation would still not be permanent.

Mr Cyril Martinez, local resident addressed the Sub-Committee. He advised that he had been living in Westminster with his wife and children for two years and that this was the first time he had made a representation regarding the operation of the pub. He advised of the regular disturbances caused by patrons drinking outside of the pub which lasted around 20-30 minutes and that even last night at 23:00 hours a large group were standing around on the street causing a noise nuisance. He stated that the SIAs or staff did not visibly do anything to prevent/stop the noise so he did not have much faith in the proposed risk assessment approach offered by the Applicant.

He advised that he wished for the pub to be successful; the food there was great, however there seemed to be little consideration for the residents especially when small changes could be made which would benefit residents such as patrons calling for a cab inside the Premises. He stated that he had called the Council's Noise Team on one occasion but the disturbance had stopped by the time they had turned up. He pointed out that there had been an administrative error on the paperwork and that many more residents had wished to make representations but had been unable to because of this error. He hoped that the Sub Committee would take this into consideration during their deliberations.

Ms Pemrose, local resident and witness for Mr Cyril Martinez addressed the Sub-Committee. She advised that she was speaking on behalf of several residents in her mansion block and in the area because they had not been able to get their representation in on time due to the administrative error. She further advised that the pub was surrounded by residential buildings and that the noise emanating from patrons was terrible in 2010 but was even worse now. She stated how she lived on the fourth floor which had double glazing and even with her hearing aid on she could still hear the noise coming from the pub which went on and on because the vast majority of people stood drinking outside the pub and/or the windows and doors were always open. She advised that the vast majority of their customers were young exuberant males and a few women but all were very loud.

Ms Pemrose stated that there was scarcely room for 30 people currently in front of the pub, how a roped area with bollards could be easily moved to be made bigger and that patrons could congregate outside the segregated area and talk to people within it. She advised of the need for fixed railings of a certain height to be used to segregate the area. She set out how the tables and chairs blocked the pavement and how many times she had to walk onto the highway to pass as there was no room to pass on the pavement.

Ms Pemrose advised that since COVID she had not made any complaints because she had great sympathy for people trying to run a business during these times, nevertheless the possibility of having yet more people drinking outside was unacceptable in a residential area. She advised of the unsightly rubbish/recycling bins in the street which also take up pavement space.

Ms Gillian Pickering, local resident and witness for Mr Cyril Martinez addressed the Sub-Committee. She stated that she was representing the residents living in her mansion block, some of which had lived in the area for decades. She advised that the Council's Noise Team was a brilliant system but not an immediate one because by the time the officers turned up the noise nuisance had usually stopped. She also pointed out the administrative error that had prevented residents from making their representation against the echoing, slamming of doors, shouting from cabs and mobile phones and how impactful this noise was when empowered by alcohol. She indicated the lack of input from the SIAs and staff to stop noise nuisance. She advised that residents were willing to work with the pub to overcome these issues and that if clear conditions were attached to the Premises Licence it made it easier for everyone (managers and residents) to know what was expected of the Pub.

Mr Bill Halson, local resident and witness for Mr Cyril Martinez addressed the Sub-Committee. He advised that he considered that the SIAs had done a good job in confining people to their legitimate spaces but had no confidence in removing that condition and replacing it with a risk assessed approach. He advised that dispersal of patrons did not actually happen; there was just a light touch approach. He echoed what the other residents had stated that simple solutions such as installing secondary glazing and not leaving the doors and windows open would work and he was willing to work with the new General Manager to find solutions that worked for both the pub and the residents.

In response to questions from the Sub Committee, the residents confirmed that they had spoken with Luke Ashwood, the new General Manager, who had suggested organising a coffee morning to discuss the resident's issues. They advised that they preferred not to use the threat of Review proceedings with Premises and preferred to work with them to produce solutions and change their behaviour. She advised that the noise nuisance from the pub was the talk of the community. She confirmed that before today the PLH had not reached out to the residents, however, they felt confident that things might move forward in the right direction with the appointment of the new General Manager.

Mr McCann advised that the PLH had quickly addressed resident's concerns regarding the music and crashing glass and that Mr Ashwood was willing to give out his direct personal mobile phone number to residents to raise any future concerns.

He advised that the air conditioning units had now been serviced and therefore the windows had not been opened for a while and the additional waste bins had been driven by a request from residents. He confirmed that the Premises had been subject to a Review in 2010, however this did not mean that the Premises could not in the future request variations to their Premises Licence. He added that what was considered a nuisance for one person was not necessarily a nuisance for another.

Ms Mondhlani advised that it was difficult to put a figure on the outside area and advised that the decision was for the determination of the Sub Committee. She confirmed that EHS welcomed a delineated area from an enforcement point of view as well as reducing the spread of patrons in the street and being clear to residents if the Premises were breaching their Premises Licence. She added that it would be up to the Premises to manage the area correctly in order to promote the licensing objectives. She requested that in the future residents contact the Council's Noise Report Team when there were any issues so that the Council could maintain a record if there ever was a Review Hearing in the future.

Mr Brown emphasised that the limited number of complaints did not take away the public noise nuisance that the pub had been causing patrons. He advised that all the residents wanted was something reasonably acceptable and it was clearly important to them that the terminal hour and numbers of patrons outside of the pub remain the same. He considered that requesting patrons to be quiet could be achieved by well trained staff. He requested that a visible line be placed on the pavement clearly setting out the outside drinking area.

Mr McCann stated that currently the SIAs asked patrons to keep the noise down however this could be done by a member of staff as the Premises was a pub, not a night club, where people were on drugs or carrying weapons. He advised that it was envisaged that around 40 patrons could fit into the designated area, however, the PLH would prefer not to have a capacity figure because it was difficult to manage because of the two doors either side of it with people coming and going constantly. He confirmed that the pub may well employ SIAs on particular days such as hot sunny days and during the Christmas period, however, removing condition 20 would potentially save the business money.

## **Conclusion**

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

The Sub-Committee noted that the Premises is not located within the West End CIZ nor Special Consideration Zone and so there is no policy presumption to refuse a variation application of this type provided that the licensing objectives are not undermined.

The 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 the main policies PB1 and HRS1.

The Sub-Committee welcomed that the PLH during the hearing amended the application by the removal of the Exhibition of Films on all floors and this part of the application was no longer to be considered.

The Sub-Committee having carefully considered the matter and the evidence on its individual merits decided to grant the Variation as follows:-

- To grant permission for the layout on the ground floor plan to delineate a physical demarcation of the outside drinking area by reference to lining. This area is to be properly managed at all times by staff so that problems do not arise and adversely affect residents by way of nuisance.
- In terms of the proposed amendments to conditions 20, 22 and 27. The Sub-Committee decided that Condition 20 is to be varied as per the new wording, however, wanted to emphasize that SIA staff carry out their duties do so in a diligent and professional manner so that trust and confidence is instilled regarding the daily management of the Premises.
- In terms of Condition 22 the Sub-Committee has **refused** the amendment of this condition. It considered any watering down of the condition would cause potential problems regarding nuisance and the undermining of the public nuisance licensing objective.
- In terms of Condition 27 the Sub-Committee decided that this should be varied as per the new wording. It will be the responsibility of the PLH to ensure that this area is properly managed so that residents are not adversely affected by patrons using this area.

The Sub-Committee was disappointed that the Premises had not contacted residents much earlier concerning the problems they were experiencing in respect of the daily management of the Premises as this would have resolved some of the issues complained off. However, it was pleased to note that with the new recruitment of a General Manager now in post at the Premises things should hopefully improve going forward.

However, that being said, the Sub-Committee would still urge residents to report instances of nuisance directly to the Council's Noise Team as they happen so that complaints are properly recorded in the event that a Review of the Premises were to ever happen at some stage in the future. The Sub-Committee sincerely hopes that this is not the case.

The Sub-Committee would strongly recommend that the PLH works productively with residents to ensure a fruitful dialogue is maintained and noted the ongoing commitment given by the PLH during the hearing in this respect.

In relation to the front hatched green outside area to the Premises the Sub-Committee did not consider it appropriate to restrict the number of patrons in this area as the PLH gave an assurance that the area will affect be "self-policing" and easier for staff to control and moreover would help City Inspectors on visits to the Premises when it came to enforcement.

The Sub-Committee concluded based on the evidence that the PLH would promote the licensing objectives with the offered conditions. In terms of the conditions these are all the conditions as stated at pages 150-155 of the agenda report as varied.

Having carefully considered the committee papers and the submissions made by all the parties, both orally and in writing, **the Committee has decided**, after taking into

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

1. **To grant permission** for the layout on the ground floor plan to delineate a physical demarcation of the outside drinking area by reference to “lining” and shown as green hatching. This area is to be properly managed at all times by staff so that problems do not arise and adversely affect residents by way of nuisance.
2. **To grant permission** to vary conditions 20 and 27 as renumbered and specified below. However, in relation to condition 20 (now 15) it should be emphasised that SIA staff carrying out their duties do so in a diligent and professional manner so that trust and confidence is instilled regarding the daily management of the Premises. In relation to Condition 27 (now 22) the PLH is responsible for ensuring that this area is properly managed so that residents are not adversely affected by patrons using the same which can lead to complaints of nuisance.
3. **That permission be refused to vary Condition 22 (renumbered 17 below)** on the basis that any watering down of the condition would cause potential problems regarding nuisance and the undermining of the public nuisance licensing objective.
4. That the Licence is subject to any relevant mandatory conditions.
5. That the existing conditions on the licence shall remain in full force and effect save as otherwise varied as specified below and numbered 6-27.

**Conditions imposed by the Committee after a hearing with agreement of the Premises Licence Holder:-**

6. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
7. 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.
8. 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 a driving licence, passport or proof of age card with the PASS Hologram.

9. 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.
10. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
11. (i) Alcohol may be sold or supplied:
  - (a) Monday to Thursday 10:00 - 23:30
  - (b) Friday to Saturday 10:00 - 00:00
  - (c) Sundays 12:00 - 22:30
  - (d) Bank Holiday Sundays 10:00 - 00:00
  - (e) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).(ii). Notwithstanding the usual hours for the sale of alcohol and the provision of late night refreshment, in respect of the basement and first floors only, at any time when the basement and/or first floor are set aside for the provision of table meals to which the sale or supply of alcohol and the consumption of alcohol is an ancillary a table meal, then the terminal hour for the sale of supply of alcohol in such areas shall be 11.30pm on Sundays and midnight on Mondays to Saturdays with an additional 30 minutes drinking up time in each case and the terminal hour for late night refreshment shall be midnight on Sundays and 00.30am on the day following on Mondays to Saturdays.

NOTE - The above restrictions do not prohibit:

- (a) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (e) the taking of alcohol from the premises by a person residing there;
- (f) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him

at his own expense, or the consumption of alcohol by persons so supplied;

- (g) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

12. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
13. All windows and external doors shall be kept closed after 20.00 hours, or at any time when regulated entertainment takes place on either the ground or first floor, except for the immediate access and egress of persons.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
15. Door supervisors shall be employed at the premises based upon a risk assessment carried out taking into account expected audience, time of year and whether there are any special occasions/holidays. All door supervisors will correctly display their SIA licence so as to be visible when on duty at the premises.
16. The staff at all times shall monitor the activity of persons leaving the premises and when necessary remind them to respect the needs of local residents.
17. No customers shall be permitted to take drinks from the premises in an open container after 20.30 hours and any existing customer drinking in that area shall be cleared by 21.00, this includes those patrons smoking.
18. A sufficient number of clearly marked receptacles shall be provided outside the premises for the disposal of cigarette butts.
19. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
20. The highway and other land in the vicinity must be monitored regularly throughout licensable hours to ensure that drinking containers/vessels are removed and best endeavours will be used to prevent public nuisance or obstruction to the public highway.

21. 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 in the vicinity.
22. Alcohol consumed outside the premises building shall only be consumed by patrons within the area hatched green on the approved plan.

If problems are experienced then a Review of the Premises Licence can be made under the provisions of the Act instigated either by residents or the Responsible Authorities.

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

**The Licensing Sub-Committee  
31 August 2023**

The Meeting ended at 1.45 pm

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

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