



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (4)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** held on **Thursday 18th July, 2024**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

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

1. MEMBERSHIP

1.1 There were no changes to the membership.

2. DECLARATIONS OF INTEREST

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

1. 14-22 GANTON STREET, W1F 7BS (SHADOW LICENCE)

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

Thursday 18 July 2024

Application for a New Premises in respect of 14-22 Ganton Street, London, W1F 7BS. (Application Reference: 21/02690/LIPDPS)

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

Officer Support:	Legal Adviser:	Michael Feeney
	Policy Officer:	Kerry Simpkin
	Committee Officer:	Jessica Barnett
	Presenting Officer:	Jessica Donovan

Other Parties: Alun Thomas (Applicant)
Richard Brown on behalf of the Soho Society
Marina Tempia (Soho Society)

Full Decision

Summary of the Application

This is an application for a new Premises Licence under the Licensing Act 2003 ("The Act") in respect of 14-22 Ganton Street, London, W1F 7BS. The application is for a shadow licence on the same terms as currently permitted by premises licence 21/02690/LIPDPS.

Premises

14-22 Ganton Street
London
W1F 7BS

Applicant

Shaftesbury Av Limited

Ward

West End

Cumulative Impact Area

West End

Special Consideration Zone

None

Representations Received

- Licensing Authority (withdrawn 19 April)
- Soho Society

Policy Considerations

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

Submissions

The Chair introduced the Members of the Sub-Committee and outlined the procedure to the Parties in attendance. The Sub-Committee Members confirmed that they had no declarations of interest to make.

The Presenting Officer, Jessica Donovan, Senior Licensing Officer, introduced the application for a new shadow licence. She advised representations had been received from the Soho Society. A representation was also received from the Licensing Authority, however following agreement of conditions this was withdrawn on 19 April 2024. The premises was situated within the West End ward and fell within the West End Cumulative Impact Zone.

Mr Alun Thomas (Solicitor), representing the Applicant, addressed the Sub-Committee explaining that the application was for the exact same terms as the existing licence. Both licences were currently held by Shaftesbury Av Limited. He

explained that as it is a shadow licence there is no additional impact in the Cumulative Impact Zone.

Mr Thomas brought to the Sub-Committee's attention the condition he had proposed and agreed with the Licensing Authority within the supplemental papers, namely "This licence may only be used to authorise licensable activities if the primary premises licence 21/02690/LIPDPS (or successor reference) lapses, is surrendered, revoked suspended, cannot be transferred or is otherwise unusable". Mr Thomas stated that this was beneficial from an enforcement point of view as it provided certainty as to which licence was in operation at any given time. Mr Thomas added that it was a condition that had been agreed on many occasions with the Licensing Authority.

Mr Thomas went on to explain that the Soho Society had requested that MC97 be added. He stated that while the first part of the condition was correct, the second part was not, as the shadow licence *should* take effect when/if the current licence lapses, is surrendered or revoked. He stated that this condition would therefore require them to submit a variation to remove the condition before they could use the shadow licence and on the variation application cumulative impact would then be considered. According to Mr Thomas, this undermined the entire purpose of shadow licences.

Mr Simpkin, Policy Officer, explained to the Sub-Committee that that was the exact intention of MC97 because the Policy required the Applicant to apply to vary the licence to remove MC97 so that the Sub-Committee can assess the application and what may be proposed as it may differ from the previous application.

Mr Thomas referred to a previous similar licensing application for a shadow licence (22/05147/LPIN, 'the Court Decision') where the Legal Advisor to the Sub-Committee had advised that if there were valid reasons to depart from Policy, the Sub-Committee had the power and discretion to take that particular approach. On that occasion the Sub-Committee did not impose MC97 as a condition and imposed the short form of the condition he was requesting for this application. Mr Thomas stated that while Mr Brown stated there was a precedent to impose MC97, he argued there was therefore a counter-precedent not to impose MC97 in individual circumstances such as this application and the example just discussed. In the application for a shadow licence dated 16 May 2024 ('the Sunset Strip Decision') MC97 had been imposed because the primary premises licence had just been revoked and not imposing MC97 would have undermined the decision to revoke. In contrast, the facts of this application were identical with the facts of the Court Decision, where MC97 had not been imposed.

Mr Thomas referred to page 10 of the Additional Information Pack citing paragraph L24 of the SLP and concluded that it was their position that conditions imposed should be the same as those in the Court Decision.

Mr Richard Brown, representing the Soho Society addressed the Sub-Committee. He explained that he agreed with Mr Simpkin's statement of what the Policy states and the rationale behind MC97 as this allows the Sub-Committee to assess a new application and its potential impact. Mr Brown submitted that the Court Decision should be given less weight because the issue was not fully argued. Mr Brown added that although shadow licences were a recognised feature of licensing law

there was no separate set of considerations for applications for shadow licences; they had to be considered in the same way as applications for any other new premises licence. Mr Brown stated that MC97 provided greater protection and accepted that it was less convenient for landlords.

In discussion, Mr Brown accepted that it would be appropriate to remove the words 'or it lapses' from MC97. In circumstances where the main licence has lapsed, Mr Brown accepted that the shadow licence should be able to take effect without a variation application being submitted. He did not agree that the words 'or it is surrendered' should be removed, as otherwise potentially a Premises facing a review application could surrender the licence pre-emptively, thereby allowing the shadow licence to come into effect. He agreed with the suggestion made by Mr Simpkin that the condition should include circumstances where the main licence is surrendered.

In summing up, Mr Thomas maintained his position; that MC97 in these circumstances was neither proportionate or appropriate, there was a lack of clarity in Policy and the application needed to be determined on its merits as it was in the Cour Decision. The condition proposed and agreed with the Licensing Authority had been imposed before. The fundamental concern remained that MC97 undermined the purpose of obtaining a shadow licence, as on any application to vary there would be objections that granting the application would increase cumulative impact.

Reasons and Conclusion

1. The Sub-Committee has determined an application for a New Premises Licence under the Licensing Act 2003. The Sub-Committee realises that it has a duty to consider each application on its individual merits and did so when determining this application.
2. There was no disagreement between the parties on any issue other than the wording of the final condition, and the Sub-Committee agreed that granting the shadow licence would not add to cumulative impact. The Sub-Committee therefore decided to grant the application, subject to a slightly modified version of MC97 as follows: 'This shadow licence will not take effect when the current licence (21/02690/LIPDPS or successor reference) is in operation, or is surrendered, suspended or revoked.' The Sub-Committee considered that adding the reference number for the current licence increased certainty and also agreed that the words 'or it lapses' should be removed. The Sub-Committee also added suspension as an occasion when the shadow licence should not come into operation so that the main licence being suspended on a review application would not allow the shadow licence to come into effect.
3. The Sub-Committee considered that this condition was to be preferred to the condition proposed by the Applicant because it ensured that should the current licence be surrendered, suspended or revoked, then the landlord would have to apply to vary the licence and at that point the Sub-Committee could then consider whether the application to vary would or would not add to cumulative impact. In essence, MC97 (and the slightly modified version imposed on this application) ensured that there was another level of scrutiny, and it was considered that this was appropriate and proportionate in the cumulative impact zone.

4. In reaching this conclusion the Sub-Committee had regard to paragraph D20 of the SLP and also the fact that paragraph D20 is replicated in paragraphs F66, F84 and F100 of the SLP. Paragraphs F66, F84 and F100 are contained in the Fast Food, Music and Dance and Public Houses and Bars policies, which are all premises types where the policy is to refuse applications for new premises licences within the Cumulative Impact Zone. This factor strengthened the Sub-Committee's conclusion that MC97 is designed primarily to provide greater protection within the Cumulative Impact Zone and to ensure that there is additional scrutiny on any variation application. The Sub-Committee recognised that there was arguably inconsistency between paragraph D20 and paragraph L24, but as paragraph D20 explicitly addresses shadow licences and their interaction with the CIZ, the Sub-Committee gave greater weight to paragraph D20 in this case.
5. The Sub-Committee did not agree with the Applicant that MC97 undermined the purpose of obtaining shadow licences. The shadow licence would still allow the landlord to market the licence to potential tenants and the fact that the premises in question benefitted a very short time ago from a premises licence in the exact same terms would be a relevant factor in any variation application. The Sub-Committee recognised that this situation would not be as convenient for the landlord as the condition proposed by the Applicant but considered that the need to scrutinise applications within the CIZ justified this. Although the Sub-Committee recognised that each case must be determined on its own merits, the Sub-Committee agreed with the reasons given in the Sunset Strip Decision, where the Applicant had argued that MC97 was likely to be unlawful, as follows:

'The Sub-Committee in this case considered it appropriate and proportionate to impose MC97 in line with the recommendation of the SLP. The Premises is situated in the CIZ. There was no detail available as to the nature of the business that might be run from the Premises in the future, and in those circumstances it was not possible for the Sub-Committee to conclude that the shadow licence without MC97 would not add to cumulative impact. The imposition of MC97 would ensure that the licence holder would have to apply for a variation of the licence to remove MC97. At that stage, there would be more detail available and the Sub-Committee would be in a position to assess whether the application would or would not add to cumulative impact. The Sub-Committee did not agree with the Applicant that MC97 undermines the purpose of shadow licences, as the Applicant would still be able to market the Premises with a shadow licence to potential new tenants. However, MC97 was an important safeguard to ensure scrutiny of applications, particularly within the CIZ.'

6. As this was an application for a shadow licence within the CIZ, the same considerations applied. Although the Applicant emphasised that the Sunset Strip Decision was taken after the main premises licence had been revoked, the revocation of the main premises licence was not relied on in the reasoning of the Sub-Committee in the Sunset Strip Decision. The Sub-Committee considered that the reasoning in the Sunset Strip Decision was of wider applicability for premises within the CIZ.

7. In reaching this conclusion, the Sub-Committee recognised that the Sub-Committee on the Court Decision had reached a different conclusion. However, each application and case must be determined on its own merits and the Sub-Committee was not bound by a previous decision reached on a different application. The Sub-Committee considered that the advantages and disadvantages of imposing MC97 had not been as fully argued as it had been at the hearing for this application, as for the Court Decision the Soho Society had not been in attendance. The Sub-Committee on this occasion had had the benefit of hearing Mr Brown's submissions.
8. Finally, the Sub-Committee accepted that on previous occasions shadow licences may have been granted in the CIZ without MC97. Consistency in decision-making is an important principle, but it does not undermine the need for the Sub-Committee to determine each application on its own merits. The Sub-Committee in each case must reach its decision as to what is appropriate and proportionate for the promotion of the licensing objectives based on the evidence before it. For the reasons given above, the Sub-Committee concluded that it was appropriate and proportionate to impose a slightly modified version of MC97 for this application in accordance with paragraph D20 of the SLP.
9. Having carefully considered the committee papers, the additional papers and the submissions made by all parties, both orally and in writing, the Committee therefore 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 **Live Music (Basement)** Monday to Wednesday 09:00 to 00:00 and Thursday to Saturday 09:00 to 01:00. The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00:00 on New Year's Eve.
 2. To grant permission for **Performance of Dance (Basement)** Monday to Wednesday 09:00 to 00:00 and Thursday to Saturday 09:00 to 01:00. The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00:00 on New Year's Eve.
 3. To grant permission for **Playing of Recorded Music (Basement and Ground Floor)**: Unrestricted
 4. To grant permission for **Anything of a similar description to live music, recorded music and performance of dance (Basement)** Monday to Wednesday 09:00 to 00:00 and Thursday to Saturday 09:00 to 01:00. The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00:00 on New Year's Eve.

5. To grant permission for **Late Night Refreshment (Basement)** Monday to Wednesday 23:00 to 00:30, Thursday to Saturday 23:00 to 01:00 and Sunday 23:00 to 00:00. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.
6. To grant permission for **Late Night Refreshment (Ground Floor)** Monday to Wednesday 23:00 to 23:30 and Thursday to Saturday 23:00 to 00:00. Sundays before a Bank Holiday: 23:00 to 00:00.
7. To grant permission for **Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit (Basement and Ground Floor): Unrestricted**
8. To grant permission for **Sale by Retail of Alcohol (On and Off Sales, Basement)** Monday to Wednesday 10:00 to 00:00, Thursday to Saturday 10:00 to 01:00 and Sunday 12:00 to 23:30. The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00:00 on New Year's Eve.
9. To grant permission for **Sale by Retail of Alcohol (On and Off Sales, Ground Floor)** Monday to Thursday 10:00 to 23:30, Friday to Saturday 10:00 to 00:00 and Sunday 12:00 to 22:30. Sundays before a Bank Holiday: 12:00 to 00:00.
10. To grant permission for **the Opening Hours of the Premises (Basement)** Monday to Wednesday 09:00 to 00:00, Thursday to Saturday 09:00 to 01:00 and Sunday 12:00 to 23:30. The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00:00 on New Year's Eve.
11. To grant permission for **the Opening Hours of the Premises (Ground Floor)** Monday to Thursday 10:00 to 23:30, Friday to Saturday 10:00 to 00:00 and Sunday 12:00 to 22:30. Sundays before a Bank Holiday Monday: 12:00 to 00:00.
12. That the Licence is subject to any relevant mandatory conditions.
13. That the Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.
14. The licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
15. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until New Year's Eve where no regulated entertainment takes on New Year's Day).

16. Notwithstanding the provisions of Rules of Management No. 6 the premises may remain open for the purposes of this licence from 23:00 on each of the days Monday to Wednesday to 00:00 (midnight).
17. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
18. Notices shall be provided at the premises requesting patrons to leave quietly.
19. All glassware used within the premises after 22:00 shall be polycarbonate, save for:
 - a) Wine glasses
 - b) Champagne bottles and glasses
 - c) Spirit bottles
20. Staff shall promptly clear empty champagne, wine and spirit bottles.
21. All management and security staff employed at the premises shall receive regular crime scene preservation training.
22. 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 preceding 31-day period.
23. 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.
24. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue

- (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system or searching equipment or scanning equipment
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service
25. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
26. All door supervisors working outside the premises, or supervising or controlling queues and the smoking area, shall wear yellow high visibility jackets, vests or tabards.
27. The last entry time for customers will be at 23:00 hours on any day.

Ground Floor

28. Service of alcohol on the ground floor will be at tables by waiter/waitress service.
29. Any alcohol served on the ground floor between the hours of 23:00 and 23:30 Monday to Thursday, 23:00 to 00:00 Friday to Saturday and 23:30 to 00:00 on Sunday before Bank Holidays must be ancillary to the partaking of a table meal.

Basement

30. The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
31. The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00:00 on New Year's Eve.
32. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.
33. On Sunday only, alcohol may be supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve), and on Christmas Day, between 15:00 and 19:00, to persons taking table meal in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as ancillary to his meal.
34. The maximum number of persons (inclusive of staff) to be 200 (basement floor).

35. This shadow licence will not take effect when the current licence (21/02690/LIPDPS or successor reference) is in operation, or is surrendered, suspended or revoked.

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

**The Licensing Sub-Committee
18 July 2024**

2. CO LONDON, 5-6 PARK CLOSE, SW1X 7PQ

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

Thursday 18 July 2024

Application for a New Premises in respect of Co London, 5-6 Park Close, London, SW16 7PQ (Application Ref: 24/02627/LIPN)

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

Officer Support:	Legal Adviser:	Michael Feeney
	Policy Officer:	Kerry Simpkin
	Committee Officer:	Jessica Barnett
	Presenting Officer:	Jessica Donovan

Other Parties: Ms Tricker- LT Law (Agent for the Applicant)
Ms Brebanova (Applicant)

Full Decision

Summary of the Application

This is an application for a new Premises Licence under the Licensing Act 2003 ("The Act") in respect of Co London, 5-6 Park Close, London, SW16 7PQ. The Premises operates as a coffee shop. The Premises are located within the Knightsbridge & Belgravia Ward. There is a resident count of 65.

Premises

Co London
5-6 Park Close
London
SW16 7PQ

Applicant

Pontstreet9 Limited

Ward

Knightsbridge & Belgravia Ward

Cumulative Impact Area

None

Special Consideration Zone

None

Representations Received

- Environmental Health Service (withdrawn on 2nd June)
- Knightsbridge Neighbourhood Forum (withdrawn on 2nd June)
- One Interested Party

Policy Considerations

Policies HRS1 and RNT1 applies under the City Council's Statement of Licensing Policy ("SLP").

Submissions

The Chair introduced the Members of the Sub-Committee and outlined the procedure to the Parties in attendance. The Sub-Committee Members confirmed that they had no declarations of interest to make.

The Presenting Officer, Jessica Donovan, Senior Licensing Officer, introduced the application for a new premises licence. She advised that there was a typo in the report and the correct opening hours for the premises on Sunday were 08.30 – 22.30. She advised that representations had been received from two interested parties however following agreement of conditions one of those interested parties had withdrawn their representation on 2 June 2024. The remaining interested party was not in attendance. A representation had also been received from the Environmental Health Service however following agreement of conditions this was withdrawn on 2 June 2024. The premises was situated within the Knightsbridge & Belgravia ward and did not fall within the West End Cumulative Impact Zone or any Special Consideration Zone.

Ms Lana Tricker (Solicitor), representing the Applicant, addressed the Sub-Committee explaining that the business had been trading as a coffee shop/café for two and a half years and was frequented by local residents. The Applicant was applying for the sale of alcohol to complement the existing operation. She explained that they were not focused on late night activity which was reflected in the hours applied for. She also explained that conditions had been agreed with EHS. She addressed the remaining representation from an interested party explaining that they did not have outside seating, that the representation complained about a different premises and their application was to complement their existing activity. In response to a question from the Sub-Committee, Ms Brebanova responded that guests would not be having excessive alcohol and the consumption of alcohol would be in addition to a sit down meal.

There was no summing up.

Reasons and Conclusion

1. The Sub-Committee has determined an application for a New Premises Licence under the Licensing Act 2003. The Sub-Committee realises that it has a duty to consider each application on its individual merits and did so when determining this application.

2. The Sub-Committee decided to grant the application, subject to the agreed conditions. The Sub-Committee considered that the robust conditions agreed with EHS would ensure that the Application would promote the licensing objectives. In reaching this conclusion, the Sub-Committee had particular regard to the fact that the Applicant had agreed the model restaurant condition, that all responsible authorities were satisfied with the application and that the hours applied for were within the terminal core hours for restaurants. The Premises were not located in the CIZ or any SCZ, and the application was considered to accord with polices HRS1 and RNT1.
3. The Sub-Committee also agreed with the Applicant that the one outstanding representation was most concerned with a different premises. The fact that the Premises did not have outdoor seating would help address the local resident's concerns and would mitigate against any potential nuisance.
4. Having carefully considered the committee papers, the additional papers and the submissions made by all parties, both orally and in writing, the Committee therefore 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 **Sale by Retail of Alcohol (On and Off Sales)** Monday to Saturday 11:00 to 23:00 and Sunday 11:00 to 22:30.
 2. To grant permission for **the Opening Hours of the Premises** Monday to Saturday 08:00 to 23:00 and Sunday 08:00 to 22:30.
 3. That the Licence is subject to any relevant mandatory conditions.
 4. That the Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.
 5. 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.
 6. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
 7. 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.

8. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
9. 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.
10. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
11. The number of persons accommodated at the premises shall not exceed 25 persons (exclusive of staff).
12. All sales of alcohol for consumption on the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
13. All sales of alcohol for consumption off the premises shall be in sealed containers and shall not be consumed on the premises and shall only be supplied with, and capillary to a take-way meal or for delivery (either by phone or online) to a bona fide address and the customer shall be reminded that the premises operate a challenge 25 policy. Customers will be asked to provide ID on delivery if they look younger than 25.
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. 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.
16. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
17. 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
18. 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.
19. No deliveries to the premises shall take place between 23:00 and 06:00 on the following day.
20. 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.
21. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
22. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
23. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
24. 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.
25. Curtains and hanging shall be arranged so as not to obstruct emergency safety signs or emergency equipment.

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

**The Licensing Sub-Committee
18 July 2024**

3. BASEMENT AND GROUND FLOOR, 13 MEARD STREET, W1F 0ES

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

Thursday 18 July 2024

Application for a New Premises in respect of Basement and Ground Floor, 13 Meard Street, London, W1F 0ES (Application Reference: 24/02387/LIPN)

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

Officer Support:	Legal Adviser:	Michael Feeney
	Policy Officer:	Kerry Simpkin
	Committee Officer:	Jessica Barnett
	Presenting Officer:	Jessica Donovan

Other Parties: Duncan McLean (Applicant)
Fred Quartermain (Solicitor for the Applicant)
Anil Drayan (EHS)
David Doyle (London Fire Brigade), witness on behalf of EHS
Richard Brown (Soho Society and Interested Parties)
5 Interested Parties
Mr Wallace (Soho Housing)
Mr Vincent on behalf of the owners of 17 Meard Street

Full Decision

Summary of the Application

This is an application for a new Premises Licence under the Licensing Act 2003 ("The Act") in respect of Basement and Ground Floor, 13 Meard Street, London, W1F 0ES.

The Premises intends to operate as a gin distillery and shop on the ground floor, with a tasting room in the basement.

There is a resident count of 156.

Premises

Basement and Ground Floor
13 Meard Street
London
W1F 0ES

Applicant

Pontstreet9 Limited

Ward

West End

Cumulative Impact Area

West End

Special Consideration Zone

None

Representations Received

- Environmental Health Service
- Licensing Authority (withdrawn 15 July)
- Twenty four interested parties (two withdrawn ahead of the hearing)

Policy Considerations

Policies CIP1, HRS1 and SHP1 apply under the City Council's Statement of Licensing Policy ("SLP").

Submissions

The Chair introduced the Members of the Sub-Committee and outlined the procedure to the Parties in attendance. The Sub-Committee Members confirmed that they had no declarations of interest to make.

The Presenting Officer, Jessica Donovan, Senior Licensing Officer, introduced the application for a new premises licence. She advised that a representation had been received from the Environmental Health Service who would be calling David Doyle from the London Fire Brigade as a witness, twenty-four representations were received from interested parties, two of which had subsequently been withdrawn following mediation and a representation from the Licensing Authority had also been withdrawn following mediation and an amendment to the application, on 15 July 2024. Ms Donovan confirmed that additional representations had been received and circulated to all parties.

Mr Duncan McLean, the Applicant, addressed the Sub-Committee explaining that they were a small business and giving a brief outline of their history to date. He stated that he wanted to be part of the community and had tried to communicate with residents.

Mr Fred Quartermain (Solicitor), representing the Applicant, addressed the Sub-Committee explaining that a previous incident which had occurred at the old premises involving a fire would not be a concern at the new premises as they had proposed new and different equipment to be used at the new site. He also advised that the distilling of alcohol was not a licensable activity and that the focus should not therefore be on distilling. The use of the property had been designed to minimise conflict opportunities with limited hours of business. He advised that a fire risk assessment had been expedited following concerns that had been raised.

In response to a question from the Sub-Committee, Mr McLean explained how each tasting session would work, confirming that visitors would not be unattended at any time and that tasting sessions would only be pre-bookable. This would ensure that no more than 8 people attended any one session.

The Applicant was asked to provide further information regarding their engagement with the local community. Mr McLean replied that he had met with the freeholder, Peter Cave, and had also put fliers through neighbours' doors providing his email address and phone number and a date he would be on site should anyone wish to discuss the application. He explained that following a meeting with the police he revised the application, reducing hours and removing on-trade sales. He also noted that he had spoken with David Bieda over the phone. Mr McLean stated that many of the residents' concerns related to his original application which included a bar in the basement, and he had replied to every objection.

In response to a question from the Sub-Committee, Mr McLean confirmed that the distillery would be operational in the daytime and they would have two to three staff on site.

Mr Anil Drayan appearing on behalf of the Environmental Health Service addressed the Sub-Committee. He brought to the Committee's attention his memo dated the 15th July 2024 stating that the Applicant had agreed to all the conditions proposed by him and the MPS. He clarified that the maximum capacity would be 16 given the potential for there to be two tasting groups at the same time and that his view was that the tastings would constitute 'on sales' if they were part of the booking.

Mr David Doyle of the London Fire Brigade addressed the Sub-Committee. He noted that the London Fire Brigade as a responsible authority had had the opportunity to make relevant representations on the application but had not. He was attending as a witness on behalf of EHS. He stated that the London Fire Brigade have no statistical data of a large number of fires in gin distilling premises and his position on the fire at the Applicant's old premises was that it was an isolated incident. He brought condition 27 to the Sub-Committee's attention, highlighting the many steps the Applicant would have to take should the Sub-Committee grant the application. The Applicant would have to satisfy multiple pieces of legislation, including Building Regulations, to make sure that the Premises was safe for use, particularly bearing in mind the residential use above.

In response to a question from the Sub-Committee, Mr Doyle confirmed that he was experienced in addressing fire risk in old buildings.

Mr Richard Brown addressed the Sub-Committee on behalf of a number of Interested Parties including the Soho Society and the Freeholder. He stated that the key issue was the appropriateness of the proposal for the precise locality, looked at in the round. The age of the property and the timber frame construction made it sensitive to public safety issues and public nuisance issues and it was a challenging location internally and externally, sharing an entrance with neighbours upstairs. He stated that although distilling was not a licensable activity there was clearly a nexus between the distillery and the sale of alcohol such that fire safety was a relevant consideration for the Sub-Committee. With respect to mediation, Mr Brown stated that local residents had not gone to see Mr McLean because they work and it was during a work day when Mr McLean had offered to see them. Mr Brown also stated that he agreed with EHS that paying for a tasting session meant that it was 'on sales'.

Mr Smedley, a neighbour, addressed the Sub-Committee expressing his concern regarding the distilling aspect of the business and the potential public safety issues surrounding this and the use of the basement for tastings and tours, the lack of means of escape from the basement and the use of the common parts of the building. He also raised concerns over the use of the garden and the potential disturbance to neighbours this would cause. Mr Smedley stated that there would be greater footfall in the street and that this would undermine public safety and cause public nuisance.

Mr Bieda addressed the Sub-Committee explaining he had supervised restoration work previously undertaken on the building. He expressed his concern over the condition of the building and its suitability and safety, drawing particular attention to the condition of the joists, beam and floor. He believed that the building was a considerable fire risk. He stated that the previous uses of the premises did not involve the public use of the garden and communal areas and that many people would come visit the Premises as that was the entire idea behind the application.

Mr Cave, the Freeholder, addressed the Sub-Committee expressing his concern regarding the lack of a physical barrier between the shop and distillery. He noted the potential nuisance from the use of the communal entrances for tasting tours and felt the use of CCTV in communal areas was an unnecessary invasion of privacy. He stated that the use of the communal areas would also impact the feeling of safety for neighbours upstairs and was a potential crime risk. Mr Cave stated that it was not enforceable to limit the number of people attending tours to eight and that gin drinkers could be as rowdy as anyone else.

Ms Joy Harvey, resident of the upstairs property, addressed the Sub-Committee expressing her deep concern of the risk of fire and lack of escape from her property. She also raised concerns around potential loitering of guests in the communal areas.

Mr Schultz, owner of a neighbouring property, addressed the Sub-Committee stating he felt the fire risk assessment was misleading including information around the number of guests on tasting tours and the storage of dangerous substances involved in distilling. He believed the whole house was a tinderbox. He also raised concerns regarding people congregating outside smoking and the direct effect this would have on neighbours on the street. He requested conditions that the Premises not be allowed to use the garden, that the licence be made personal and that there not be a shadow licence.

Mr Steve Vincent, representing the owners of number 17, addressed the Sub-Committee. He explained that the owners were very supportive of business growth and the benefits it could bring to an area but due to the historical age of the building and the residential nature of the street they felt there was no benefit to the area or street from a distillery. From a social point of view, they believed it would be detrimental to their right to enjoy their home. They felt the large increase in footfall along this narrow street would inevitably mean more noise and nuisance. In conclusion they strongly objected and felt if the licence was to be granted it would mean a fundamental change to the way all residents on the street live.

Mr Wallace, Commercial Director of Soho Housing, addressed the Sub-Committee. Mr Wallace explained that they own the building opposite and had concerns regarding cumulative impact, servicing and deliveries, crime and disorder and the impact on health and safety. He stated that this was an industrial use in a residential area and was inappropriate and unacceptable. He also noted that they had not been consulted on the application.

Michael Feeney, the Legal Advisor to the Sub-Committee proposed a small amendment to the proposed conditions on page 46 of the Additional Information Pack that could be made, should the application be granted, this was agreed by EHS and the Applicant. This was:

- Amending proposed condition 27 to state, “As a minimum Environmental Health shall require for the following satisfactory certification / information under this condition”.

In response to a question from the Legal Advisor, the Applicant also stated that they would not object to a condition limiting the number of tasting sessions to 24 a week. The Applicant explained that it would be difficult to have a daily limit because there might be more tasting sessions on the days with longer hours.

In summing up, Mr Brown asked the Sub-Committee, after listening to all the residents’ concerns, to really consider what was reasonably acceptable for the area. The local residents were experts in their field, namely living on Meard Street and knowing its characteristics.

In summing up, Mr Bieda asked that if the Sub-Committee were minded to grant the application, the use of the garden be restricted and that a noise assessment be added to the conditions.

In summing up, Mr Drayan agreed to add a noise assessment to condition 27. In response to concerns raised by residents regarding the condition and safety risk of the building, he explained that if Building Control and London Fire Brigade required certain works to be done that required Listed Building Consent or Planning Permission, the applicant would have to go through that process. He went on to explain that if the structural survey showed a certain level of fire separation could not be implemented and they could not do the works then they would be unable to comply with condition 27, therefore the licence could not be used in the form that had been applied for. Mr Drayan stated that this was safeguard should the Sub-Committee be minded to grant the licence.

In summing up, Mr Doyle stated that it was not possible for anyone to guarantee that any premises is 100% safe from any risk, in particular fire. He also re-iterated Mr Drayan’s point regarding the lengthy process the Applicant would need to go through regardless of whether a licence was granted.

In summing up, Mr Quartermain stated that although it is a residential area, the shop had always been a shop. The Applicant accepted all proposed conditions including those that had been amended during the hearing. He stated that the previous fire was not relevant to the discussions as the still proposed for this application was an electric still. He also stated that it wasn’t a bar or restaurant, it was a small shop with

an experiential element. Mr Quartermain confirmed that the Applicant would agree to a condition restricting the use of the garden.

In summing up, Mr McLean acknowledged that this was new to the area and had not been done before however there were local residents who were excited about the business.

Reasons and Conclusion

1. The Sub-Committee has determined an application for a New Premises Licence under the Licensing Act 2003. The Sub-Committee realises that it has a duty to consider each application on its individual merits and did so when determining this application.
2. The Sub-Committee decided to grant the application, subject to conditions. The Sub-Committee considered that the robust conditions agreed with EHS and the Metropolitan Police would ensure that the Application would promote the licensing objectives. In reaching this conclusion, the Sub-Committee had particular regard to the fact all objections from responsible authorities had been answered (with EHS remaining neutral at the hearing). The Sub-Committee also placed considerable weight on the reasons given by the Licensing Authority for withdrawing their representation, namely that the proposal fell within policy SHP1 and it is widely recognised that premises that have a terminal hour before 21:00 hours have a lesser impact on cumulative impact. As the terminal hour is 20:00 it is considered that the Premises will not add to cumulative impact. The Sub-Committee agreed with the Applicant that the Premises would not have the adverse effect of a pub or bar; the proposal was for a small shop with an experiential element.
3. The Sub-Committee had regard to the issues raised by the interested parties. Insofar as these related to the potential need for the Applicant to obtain planning permission or listed building consent, these would be dealt with under other regimes and not the licensing regime. The Sub-Committee agreed with the submissions made by Mr Brown that due to the nexus between distilling and the sale of alcohol that fire safety was relevant. However, the Sub-Committee placed considerable weight on the evidence presented by Mr Doyle in reaching the conclusion that public safety would not be undermined by granting the application. Condition 27 ensured that Environmental Health would have to approve a Fire Risk Assessment before any licensable activities could take place, and Mr Doyle had stated that there was no evidence that gin distilleries were particularly problematic or causing a disproportionate number of fires.
4. The Sub-Committee noted the concerns raised that the Premises would cause public nuisance and would undermine public safety by attracting people into the area. However, the Sub-Committee considered that the agreed conditions would mitigate against this, in particular limiting the number of people able to attend tasting sessions, restricting the use of the garden and requiring approval of a noise assessment. The Sub-Committee did not agree that these conditions were unenforceable. The Applicant had explained that

the online booking system would restrict the number of people attending tasting sessions to 8.

5. The Sub-Committee did not consider it appropriate or proportionate to impose a condition making the licence a personal licence. The conditions of the licence already included conditions requiring that any alcohol sold be associated with the Applicant and that on-sales of alcohol be limited to gin sample tasting sessions. These conditions were considered sufficient to ensure that the licence could not be transferred and then used for some other purpose, such as a bar. For the same reasons, it was not considered appropriate or proportionate to impose a condition preventing a subsequent application for a shadow licence. Any shadow licence would be of limited utility given the specificity of the conditions, and it was not considered reasonable to impose a condition attempting to restrict applications for shadow licences when shadow licences are a widespread and accepted feature of licensing.
6. Finally, the Sub-Committee considered whether to impose a condition limiting the number of tasting sessions per week, as the Applicant had indicated that they would accept a condition limiting the number of tasting sessions to 24 a week. However, it was felt that the conditions agreed with the MPS and the EHS were sufficiently robust without such a condition and that it would not be proportionate to impose further restrictions, especially in light of the early closing time for the Premises and the limited capacity.
7. For the reasons given above, the Sub-Committee concluded overall that Premises would not add to cumulative impact and that the proposal accorded with policies CIP1, HRS1 and SHP1.
8. Having carefully considered the committee papers, the additional papers and the submissions made by all parties, both orally and in writing, the Committee therefore 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 **Recorded Music (Basement)** Tuesday to Wednesday 12:00 to 18:00, Thursday to Saturday 12:00 to 20:00 and Sunday to Monday N/A.
 2. To grant permission for **Sale by Retail of Alcohol (On and Off Sales)** Monday to Wednesday 12:00 to 18:00, Thursday to Saturday 12:00 to 20:00 and Sunday N/A.
 3. To grant permission for **the Opening Hours of the Premises** Monday to Wednesday 12:00 to 18:00, Thursday to Saturday 12:00 to 20:00 and Sunday N/A.
 4. That the Licence is subject to any relevant mandatory conditions.
 5. That the Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

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. Customers shall not enter or leave the premises by the main door shown as private entrance, except in the event of an emergency.
9. There shall be no sales of alcohol for consumption off the premises after 20:00 hours.
10. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
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. 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.
13. 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.
14. 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
15. Licensable activities at events in the Tasting Room Zone 2 Middle shall only be provided by pre-booked events.
 16. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - a) The Police (and where appropriate, the London Ambulance Service) are called without delay
 - b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police
 - c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
 17. All alcohol for on/off sales is to be restricted to alcohol associated with The Green Room Distillery Limited.
 18. Alcohol shall only be sold for consumption on the premises by persons attending a pre-booked gin sample tasting session. A register of persons attending shall be kept for a minimum of 31 days and made available for immediate inspection by Police or an authorised officer of the Westminster City Council throughout the entire 31 day period.
 19. Each tasting group shall consist of a maximum of 8 customers and each person in the group shall be provided a maximum of 6 shotes each consisting of a maximum of 5ml by volume.
 20. The garden shall not be used at any time whilst the Premises is open for business.
 21. Each tasting group shall be accompanied by a member of staff whilst traversing the communal corridor on the way down to the basement and garden areas.
 22. There shall be no storage of alcohol at the premises for the purposes of maturing.
 23. Only one still shall be present at the premises and this still shall only operate whilst a member of staff is present at the premises.
 24. 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.
 25. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

26. No deliveries to the premises shall take place between 23:00 hours and 08:00 hours the following day.
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 unless collections are arranged during the times for the Council's own commercial waste collection service for the street.
29. No collection of waste or recycling materials (including bottles) from the premises shall take place between 23:00 hours and 08:00 hours on the following day unless collections are arranged during the times for the Council's own commercial waste collection service for the street.
30. 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.
31. The number of persons accommodated in the basement at any one-time (excluding staff) shall not exceed 16 persons.
32. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority. If there are minor changes during the course of construction new plans shall be submitted with the application to remove this condition. As a minimum Environmental Health shall require the following satisfactory certification/information under this condition:
 - Building Control
 - Electrical
 - Emergency Lighting
 - Fire Risk Assessment
 - Ventilation
 - Sanitary Accommodation
 - Noise Assessment

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

**The Licensing Sub-Committee
18 July 2024**

4. CONCEPT CLUB, 37 DUKE STREET W1U 1LN

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

INTERIM STEPS DECISION

Thursday 18 July 2024

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

Expedited Review of a Premises Licence in respect of Concept Club, 37 Duke Street, London W1U 1LN (“The Premises”)

The Metropolitan Police Service (“Police”) submitted an application for a Summary Review of the above Premises pursuant to Section 53A of the Licensing Act 2003 (“the Act”) on 16 July 2024 as the Police considered the Premises were associated with serious crime. The Premises Licence Holder (“PLH”) for the Licence is Electshow Ltd and the registered Designated Premises Supervisor is Kukaj Handrit.

The Full Review of the Premises will take place within 28 days of the date the application was made, being 16 July 2024. However, the purpose of today’s hearing is for the Sub-Committee to determine whether it is necessary to take any interim steps in respect of the licence pending the determination of the full review.

Persons attending the hearing

For the Police:

Ms Stephanie Bruce-Smith (Counsel)
PC Steve Muldoon
PC Dan Evans

For the Premises Licence Holder

Mr Gary Grant (Counsel)
Mr Julian Skeens

Officers present:

Presenting Officer – Sandra Robbie
Legal Adviser – Michael Feeney
Committee Officer - Jessica Barnett

Preliminary Matters:

1. The Chair introduced the Members of the Sub-Committee and outlined the procedure to the Parties in attendance. The Sub-Committee Members confirmed that they had no declarations of interest to make.
2. The Presenting Officer outlined the application explaining an expedited review of the licence had been brought by the Metropolitan Police.

Submissions

3. Ms Bruce-Smith explained that the incident triggering the expedited review occurred at what was advertised as an afterparty after a well-known music festival. During the afterparty a fight broke out at around 2:20am, with police being called. One person suffered a stab wound to the abdomen, another was unconscious with a head injury and a security guard suffered laceration injuries to their head. During the visit by police, the DPS informed police that he had had a bad feeling about the event and had decided to call the consultant. He had been advised to close the doors with no further entries, but at this point the Premises was already 16 people short of maximum capacity. The DPS did not call police when he knew or suspected that things had gone wrong; he only called police once he had lost control and three people had been injured.
4. Ms Bruce-Smith submitted that it came to light during the Police's visit to the Premises that the Premises was operating as a night club and that there were a number of breaches of conditions on the licence. Ms Bruce-Smith referred in particular to conditions 42-44 and stated that the Premises was in breach of these conditions as the Premises operated as a nightclub. Ms Bruce-Smith also stated that when police had asked to take away CCTV showing breaches of licensing conditions from the Saturday before the incident the police were told they could not take this with them.
5. The Police therefore had grave concerns about the operation of the Premises and had no confidence that the Premises could operate safely due to the way in which the event had been managed. This was particularly concerning because the event had been advertised as an afterparty so the guests were already potentially intoxicated when they arrived and the DPS had taken no steps to end the event when he became concerned.
6. Ms Bruce-Smith stated that there were also concerns that the Premises had not provided police with information demonstrating compliance with conditions and that some CCTV footage had still not been provided. The Police believed that the Premises was operating in a different way to that envisaged and required by the licence. Ms Bruce-Smith therefore submitted that the most appropriate response was to suspend the licence.
7. Mr Grant, on behalf of the PLH, stated that there was no objection to suspension of the licence pending the full review hearing. The PLH did not accept everything said by the Police but did not object because the PLH took a similar view to the Police that this was a serious matter that needed to be addressed seriously, which could not be done in a few days. Mr Grant explained that the DPS who had been at the Premises for about a month had been suspended. The PLH intended to look into everything that had gone wrong, to address the Police where they may have got the wrong end of the stick and to bring in new management to make sure this would not happen again. Mr Grant noted that the PLH was also a victim, as a security guard had their face slashed. Mr Grant believed this had been done with a bottle and not a bladed instrument. Mr Grant added that the PLH had provided ID scanned information to the Police to cooperate with the investigation.

8. Mr Grant stated that it was incorrect for the Police to say that the Premises could only operate as a restaurant. The Premises could only operate as a restaurant between 3am-6am, but the incident occurred at 2:20am. With regards to the membership condition, Mr Grant stated that there were membership terms on the website, namely that if ID was verified then you were classed as a member. Mr Grant submitted that the same promoter had run two events previously at the Premises and there was no deficiency in the risk assessment. Mr Grant stated that the only documents required to be provided via condition were the staff training records, which had been provided the morning of the hearing. Mr Grant concluded by stating that the PLH was going to do a lot of work before the full review hearing to minimise the risk of this occurring again and reiterated that the PLH did not oppose suspension.
9. In response to questions from the Sub-Committee, Mr Grant stated that the Premises had provided CCTV from the night of the incident. In relation to CCTV from other, previous nights then the Premises would supply CCTV in line with its obligations under GPDR.
10. Mr Grant had nothing to add in closing.
11. In closing, Ms Bruce-Smith stated that the Premises had not operated on previous occasions as a restaurant between 3am-6am as required. Ms Bruce-Smith questioned whether the act of scanning an ID such that every patron became a member was complying with the spirit of condition 42. Ms Bruce-Smith submitted that when the Police had asked for CCTV they had justified the request. They had explained that given what had been said by the DPS they wanted to see how the Premises operated on other nights to see whether this was a one-off incident. The Premises had refused to provide the CCTV footage even after this justification was given. There are provisions within the GPDR which permit the giving of information where this is necessary and proportionate for the purposes of ensuring public safety and preventing crime and disorder.
12. The Police had brought CCTV to be played to the Sub-Committee, but the Sub-Committee indicated that this would not be necessary. Both parties agreed to this.

Conclusions and reasons of the Sub-Committee

13. The Licensing Authority received a valid application for an expedited review under Section 53A of the Licensing Act 2003, submitted by the Police on 16 July 2024.
14. The Sub-Committee recognised that the proceedings set out in the Act for reviewing premises licences represent a key protection for the community when problems associated with crime and disorder were occurring. The outcome of the review would be determined at the full hearing. However, at the initial hearing the Sub-Committee was required to determine what steps, if any, were

necessary to take pending the full review in order to promote the licensing objectives.

15. The Sub-Committee agreed with the parties that it was necessary to suspend the licence with immediate effect in order to promote the licensing objectives. The incident in question was serious, and it was appropriate and proportionate for the promotion of the licensing objectives to suspend the licence pending the full review to ensure this did not happen again.
16. The Sub-Committee noted that there were disagreements between the parties as to whether conditions on the licence had or had not been breached and whether the Premises had been justified in not providing CCTV footage from before the night of the incident. In light of the evidence presented by the MPS in relation to the incident itself and the agreement between the parties that suspension was appropriate, it was not necessary for the purposes of this initial hearing to make a determination on the disputed issues. These will be considered in more detail at the final hearing in due course.
17. Having carefully considered the application for an expedited review and the evidence presented by the Police both verbally and in writing, the Sub-Committee therefore concluded that it was necessary and proportionate to take the following step:
 1. To suspend the Licence with immediate effect.

The PLH is entitled to submit a representation against the interim steps taken by the Sub-Committee. If a representation is received the Licensing Authority will convene a further interim hearing within 48 hours of receipt of the representation. The premises licence holder and chief officer of Police will receive advance notice of this hearing.

The full review hearing will take place within 28 days of receipt of the Police application to review the licence. Details of this hearing will be provided in due course by the Licensing Authority.

The Licensing Sub-Committee
18 July 2024

The Meeting ended at 3.45 pm