

Licensing Sub-Committee Report

Item No:	
Date:	12.05.2016
Licensing Ref No:	16/02285/LIPN - New Premises Licence
Title of Report:	Jaks 43 South Molton Street London W1K 5RW
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	David Sycamore Senior Licensing Officer
Contact details	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	29 February 2016		
Applicant:	JAKS Holding Limited		
Premises:	Jaks		
Premises address:	43 South Molton Street London W1K 5RW	Ward:	West End
		Cumulative Impact Area:	No
Premises description:	A large restaurant/bar arranged of 4 floors. Consumption of alcohol for a maximum of 16 persons to the front of the premises.		
Premises licence history:	The building previously had a premises licence, but this application has no connections to the previous holders and operators, this previous licence was revoked.		
Applicant submissions:	Proposed conditions. Letter drop and public meeting held after consultation.		

Times premises is open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	01:30	01:30	01:30	01:30	01:30	01:30	01:30
Seasonal variations:	Until 03:30hrs on new years day.						
Non-standard timings:	n/a						

Proposed licensable activities and hours							
Late Night Refreshment				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	01:00
Seasonal variations:	Until 03:00hrs on new years day						
Non-standard timings:	n/a						

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	01:00
Seasonal variations:		Until 03:00hrs on new years day.					
Non-standard timings:		n/a					

Provision of Film				Indoors or out doors or both:			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	01:00
Seasonal variations:		Until 03:00hrs on new years day.					
Non-standard timings:		n/a					

Live Music				Indoors or out doors or both:			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	01:00
Seasonal variations:		Until 03:00hrs on new years day.					
Non-standard timings:		n/a					

Recorded Music				Indoors or out doors or both:			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	01:00
Seasonal variations:		Until 03:00hrs on new years day.					
Non-standard timings:		n/a					

Provision of anything of a similar description to live music, recorded music or performance of dance.							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	01:00
Seasonal variations:		Until 03:00hrs on new years day.					
Non-standard timings:		n/a					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police
Representative:	Pc Toby Janes
Received:	15.03.2016
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority make a representation against application.</p> <p>It is our belief that if granted the application would undermine the Licensing Objectives in relation to the prevention of crime and disorder as there are insufficient conditions contained within the operating schedule. Please can I arrange a site visit to meet with you and discuss this application in more detail.</p>	
Responsible Authority:	Environmental Health
Representative:	Anil Drayan
Received:	29.03.2016
<p>JAKS, 43 SOUTH MOLTON STREET, LONDON, W1K 5RW</p> <p>I refer to the application for a new premises licence for the above premises.</p> <p>The applicant has submitted plans of the premises showing the following:</p> <ul style="list-style-type: none">• Basement to first floor, ref 1513-LP1 rev D, dated 7.12.15.• 2nd to 4th floor, ref 1513-LP2 rev C, dated 7.12.15 <p>The applicant is seeking the following licensable activities:</p> <p>1. Supply of Alcohol for 'On' and 'Off' the premises, Monday to Saturday from 10:00 to 01:00 hours and Sunday 12:00 to 01:00 hours. Also New Year's Eve extension to 3am on New Year's Day.</p> <p>2. Provision of Late Night Refreshment 'Indoors', Monday to Sunday from 23:00 to 01:00 hours. Also New Year's Eve extension to 3am on New Year's Day.</p> <p>3. Provision of the following regulated entertainments 'indoors' 10:00 to 01:00 hours Monday to Saturday and 12:00 to 01:00 hours Sunday. Also New Year's Eve extension to 3am on New Year's Day:</p> <ul style="list-style-type: none">• Films• Live Music• Recorded Music• Anything of a similar description to Live music, Recorded Music or Performances of Dance <p>I wish to make the following representations:</p> <p>1. The Supply of Alcohol 'On' and 'Off' the premises and for the hours requested</p>	

may have the effect of increasing Public Nuisance in the area.

2. Provision of Late Night Refreshment may have the effect of increasing Public Nuisance in the area.
3. The provision of the Regulated entertainments and for the hours requested may have the effect of increasing Public Nuisance in the area.

An extensive list of conditions and undertakings has been offered in the operating schedule and these are under consideration.

It's not clear if the premises have undergone refurbishment for the proposed use and will in any case need to be inspected for Public Safety prior to commencement of licensing activities.

The applicant is advised that Environmental Health will also need to be satisfied that any plant and machinery employed should have appropriate mitigation measures to prevent Public Nuisance from odour and/or noise from its use.

Proposed capacities have been offered but these will need to be assessed in line with the District Surveyor's Technical Standards for Public Entertainments. Also Environmental Health recommends the provision of sanitary accommodation for any proposed capacity to be in line with British Standard 6465, as amended.

The applicant is therefore requested to contact the undersigned to discuss all these issues and to arrange a site visit after which Environmental Health may propose additional conditions to allay its concerns.

2-B Other Persons	
Name:	Mr Gary Dubell
Address and/or Residents Association:	22 South Molton Street London W1K 5RB
Received:	11.03.2016
<p>9:09 AM on 11 Mar 2016 We have been working from offices opposite this venue for 10 years and when the venue is open and trading - our entrance to the building is used as a public toilet. You will see from your own records (Streets and Sanitation) that we daily had to call the council to get street cleansing out to wash and sluice South Molton Passage and every day we were welcomed by the stench of urine, vomit and sometimes faeces. We work in a business where we welcome visitors and clients to our offices daily so this most unwelcome. You will be able to assess from your records the daily costs of a street cleaner to arrive with a van to spray and sanitise this passageway between South Molton Street and South Molton Lane. Since the last venue closed we have had just a few occasions where we have had to request a street clean. When the last venue was open this was a daily occurrence. It must be costing the Council many £1000's each month to clean up after people have visited this venue</p>	
Name:	Mr Derek Stratton
Address and/or Residents Association:	19 Moore Flats Gilbert Street London W1K 5HN
Received:	23.03.2016
<p>Dear Sir/Madam</p> <p>Re: New Premises Licence Jaks 43 South Molton Street London W1 Reference 16/02285/LIPN</p> <p>I act as licensing officer for and on behalf of the Residents Society of Mayfair & St. James's.</p> <p>As you are no doubt aware Mayfair and St. James's are residential areas and it is to that end the society wish to object to the proposed new premises licence of the above.</p> <p>The Society firmly believes that to grant another licence for the late night terminal hour the applicant has applied for will lead to additional anti social behaviour and noise pollution. It will absolutely have a negative impact on the residents living in this predominately residential neighbourhood.</p> <p>Any addition of further late night venues will only exacerbate an already intolerable situation. Crime and disorder along with a sever public nuisance will surely ensue.</p> <p>The Residents Society of Mayfair & St. James's therefore wishes to register a very strong objection for and on behalf of the residents on that basis.</p> <p>Please confirm in your usual manner that you have received our objection in good time and it will be lodged for the LSC for consideration.</p>	

Name:	Mr Ron Whelan
Address and/or Residents Association:	29A Brook Street London w1k4he
Received:	13.03.2016
<p>1:25 PM on 13 Mar 2016 The Mayfair Residents Group is not opposed to this application in principle, but we do believe that as it stands, it would cause serious environmental problems for the immediate neighbourhood.</p> <p>These problems are</p> <p>(a) the 1.00 closing time is too late. Past experience in South Molton Street suggests that drinkers will noisily persist in and around the premises until at least 2.00. A 12.00 final time for ordering drinks, with a 20 minute drinking up time might be acceptable;</p> <p>(b) All customers at outside tables should be having food, and not just drinking;</p> <p>(c) The number of smokers outside the premises should be restricted to 8;</p> <p>(d) Bar peronnel should be always available outside the premises to direct exiting customers NORTH into Oxford street and away from local residences.</p>	
Name:	Ms Judy Kuttner
Address and/or Residents Association:	Flat 3 29A Brook Street London W1K 4HE
Received:	In Time.
<p>I would like to object to the application for a new premises licence for JAKS.</p> <p>South Molton Street has nearly 60 shops, at least as many offices and 28 flats. It is a pedestrian precinct which is primarily a shopping street that closes down by 8pm with rare exception. It is not heavily travelled during the evening and the noise level drops. Of the 28 flats in the street, 15 are clustered around JAKS front door. The single license in the street at present, which is new and not up and running as yet, finishes at 11pm, is allowed only 40 covers and is required to serve table meals with alcohol both inside and outside the premises.</p> <p>While the proposals for JAKS look to be an improvement on what went before, a 1:30am close is entirely too late for this location, especially as the largest element of the site is basically a bar. It is commendable that they plan to try to send their customers out via Oxford Street, but not entirely practical given the difficult logistics of the location. In addition, whichever way the customers exit, they are still exiting under bedroom windows. This is not a small premises when full or even near full.</p> <p>We have had 8 years of problems with this site - along South Molton Street itself, down South Molton Lane and in Brook Street - so we would ask that there are quite strict conditions put upon the licence. At the end of the day it is not the enterprise which is being licensed, but the premises. What is currently proposed is not necessarily what will endure as the history of the site has shown us.</p>	

3. Policy & Guidance

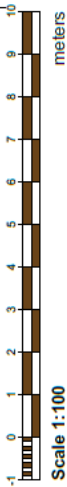
The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy PB1 applies	Public houses and bars outside the Cumulative impact Areas Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.
Policy MD1 applies	It is the Licensing Authority's policy that applications will only be granted if the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.
Policy COMB 1 applies	Combined use premises - Policy COMB1 (i) Where a premises proposes to operate as a 'combined use premises' applications will be considered on their merits with regard to each of the relevant policies e.g. Policies CD1, PS1, PN1, CH1, CIP1 and HRS1. (ii) The Licensing Authority will take into account the current and proposed use of the premises when considering what weight is to be given to the relevant uses and policies. It will take into account what is the primary use of the premises, if any, and which licensable activities are proposed outside the core hours (see policy HRS1). (iii) It will consider any premises which include any pub or bar use or provide facilities for fast food and drink or for music and dancing primarily under the policies specific to those uses e.g. PB1 & PB2, FFP1 & FFP2, MD1 & MD2 Combined use premises (COMB1)

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

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NB
Tables and chairs shown for
illustrative purposes only



Job no: 1513 - LP 1 D
drawing no: 1513 - LP 1 D
drawing: basement - 1st floor plans
project: 43 South Moulton Street, London W1
scale: 1:100 @ A3
date: 7 Dec 2015
checked by: MIK
drawn by: IDP

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Revised: Comment
A door & partitions omitted at first floor, travel distance and widths added
B fire curtains added at first floor, smoke detection added basement ref & vaults
C Disabled WC facility added to Bmt - habitats omitted - 1st floor service areas allowed
D

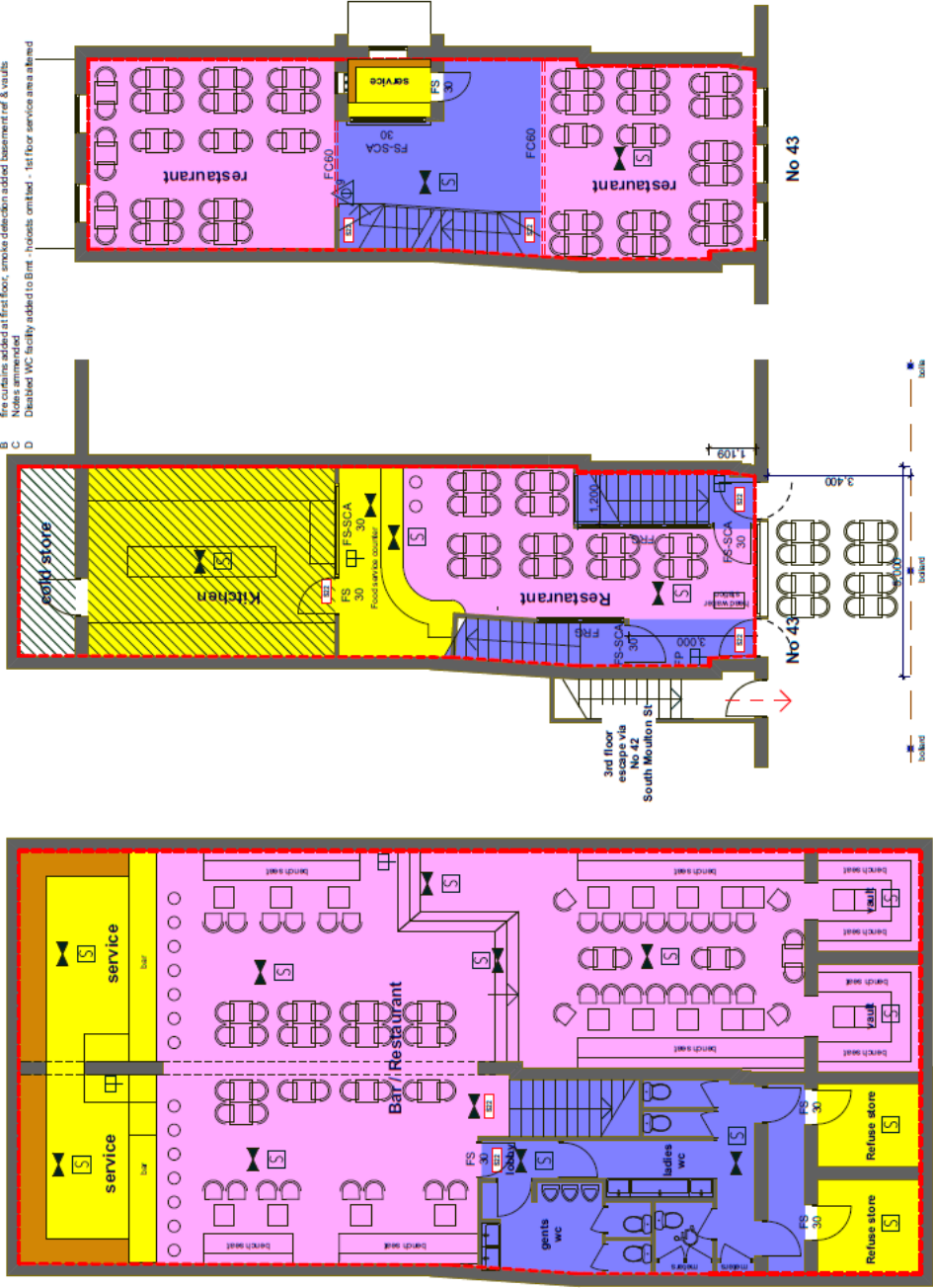
Issued By: Issue Date
IDP 30-12-2015
IDP 21-01-2016
IDP 18-02-2016
IDP 26-02-2016

Licence plans



DESIGNATION KEY

- DESIGNATED DRINKING AREA
- DESIGNATED PUBLIC TOILET AREA, PASSAGES & STAIRS
- DESIGNATED KITCHEN / STAFF AREA
- DESIGNATED LIQUOR STORAGE
- DESIGNATED ENVIRONMENTAL HEALTH AREA
- DESIGNATED LICENCE OUTLINE
- EMERGENCY LIGHT
- SMOKE DETECTOR
- ESCAPE SIGNAGE
- CALL POINT
- FIRE EXTINGUISHER
- FIRE DOOR - SMOKE RESISTANT
- SELF CLOSING - AUTOMATIC RELEASE
- FIRE RESISTANT GLAZING
- AUTOMATIC FIRE CURTAIN 60 MIN FR



basement plan
scale 1:100

ground floor plan
scale 1:100

first floor plan
scale 1:100

Job no: **1513 - LP 2 C** drawing no: **1513 - LP 2 C** invitant: **1513 - LP 2 C** scale: **1:100 @ A3** date: **7 Dec 2015** drawn by: **IDP** checked by: **MIK**

project: **43 South Moulton Street, London W1**

drawing: **2nd - 4th floor plans**

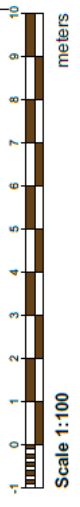
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Revision

A	Notes added and stores altered	30.12.2015
B	Notes amended and boundary/line altered	30.12.2015
C	Hosts omitted and site area redrawn for clarity	28.02.2016

Issue By
 IDP 30.12.2015
 IDP 30.12.2015
 IDP 28.02.2016

Licence plans



NB
 Tables and chairs shown for illustrative purposes only



APPLICATION FOR PREMISES LICENCE

43 SOUTH MOLTON STREET, LONDON W1K 5RS

HEARING 12TH MAY 2016

APPLICANT'S BUNDLE

INDEX

- 1. Submissions**
- 2. Photographs**
- 3. Menu**
- 4. Conditions agreed with Police**
- 5. Correspondence with Police**
- 6. Consultation material**
- 7. Correspondence with residents**
- 8. Plant and machinery planning permission**
- 9. Decisions re. Amika**

TAB 1

APPLICATION FOR PREMISES LICENCE

43 SOUTH MOLTON STREET, LONDON W1K 5RS

HEARING 12TH MAY 2016

SUBMISSIONS OF APPLICANT

Introduction

1. This is an application for a premises licence for a bar/restaurant at 43 South Molton Street, made by JAKS Holding Limited.
2. The Sub-Committee may recall that the premises was previously operated as Amika, a nightclub with a 3 a.m. licence, which was closed by the Sub-Committee in April 2014 after serial mismanagement resulted in an outbreak of serious violent disorder between rival gangs inside and outside the club.
3. The building has lain dormant for two years since. The applicant, which has nothing to do with the previous operator, has taken a lease of the premises and proposes a comfortable, low key, food-led licensed environment following its established model elsewhere.
4. With the benefit of legal advice it has proposed a comprehensive suite of conditions to give the licensing authority genuine assurance that it has no desire to gravitate away from its proposed format. The applicant has consulted very widely, and has generated little objection. Further conditions have been agreed with the Police to reinforce the applicant's commitment to trade the premises in a manner which will provide a first class local venue without harm to the licensing objectives.

The applicant

5. The applicant is an experienced operator of six bar/restaurants trading as Jak's and Zefi's. It has four such premises in Walton Street, South Kensington which, like

South Molton Street, is a high class retail street with some residential above. It also has two premises in King's Road. The proprietor, Valentin Seferi, actually lives on Walton Street.

6. The premises set out to create an individually-styled, comfortable and homey environment. They are principally laid to table and there is plenty of soft furnishing.
7. Sample photographs are contained at **Tab 2**.
8. The current Jak's and Zefi's menus are at **Tab 3**. All food is fresh and prepared daily on the premises. The premises also provide organic juices pressed to order.
9. The premises serve food throughout the day, from breakfast through to dinner and beyond.
10. While it is possible to order at the bar, most food and drink is served to table by uniformed waiting staff.
11. Background music is played throughout day-time and evening hours. It remains at modest levels throughout. It is very important to the concept that customers can actually talk to each other.
12. Prices are not cheap, and cannot be because of the prime location of premises occupied and the service levels provided.
13. As may be imagined in the case of a single brand which occupies four premises on one single street, Jaks/Zefi attracts a loyal and local following. Customers who want to come in for a coffee while working on their laptop, to chat with a friend over lunch, to have a business meeting over tea, to enjoy a family dinner, to celebrate a birthday with cocktails or to have a glass of wine and a cheesecake after the theatre are all extremely welcome.
14. The clientele tends to be relatively local to the premises. The general age range is 25-50, although children come in with their parents and enjoy a very friendly, relaxed and congenial environment.

This application

15. The applicant believes that South Molton Street is a perfect first step into Westminster. The street is a first class shopping location but lacks a commensurate food and drink offer. After the shoppers have departed there is a residential community in the West End, very similar to the South Kensington community, which the applicant hopes to serve.
16. The applicant has taken 18 year lease of the premises at £312,000 per year, excluding rates. It is carrying out significant building works to convert the premises from what was a surprisingly neglected nightclub environment to a first class restaurant/bar.
17. This is a sign of its commitment to the premises and its desire to bring something fitting and of real worth to the locality.

Pre-application consultation

18. The applicant applied for pre-application advice from both the licensing and planning authorities and structured its proposed conditions carefully in response to the advice received.
19. The applicant also conducted an extensive pre-application consultation of local residents and businesses in the area. Working with the Royal Mail, which provided data and delivery, notification of the proposal was sent to 495 addresses.
20. From that exercise, only one local resident attended the applicant's consultation event.
21. Letters were also sent to the three Westminster Councillors who represent the West End Ward, to inform them about the proposals and advise them of the consultation. The Councillors were asked if they would like to add to the list of consultees. As a result, a briefing meeting took place with Councillor Jonathan Glanz in January.
22. A copy of the consultation material is at **Tab 6**. It sets out a brief, helpful comparison between the former nightclub use and the current proposed use.

The proposal

23. The proposal is for licensable activities to run from 10 a.m. to 1 a.m. on Monday to Saturday and 12 noon to 1 a.m. on Sunday, with closure 30 minutes later. This is two hours earlier than the Amika nightclub operation.
24. The applicant has given very careful consideration to a suite of conditions to ensure that the licensing objectives are being promoted. The fact that the premises are arranged over several floors increases the costs of operation, but also gives the opportunity to provide a differential offer on the different floors to help promote the objectives.
25. In very brief, the concept is:
- a. Fourth floor: back of house only.
 - b. Third floor: back of house save for customer WC facilities.
 - c. Second floor: restaurant. Alcohol only ancillary to full table meals. Capacity 40.
 - d. First floor: restaurant. Alcohol only ancillary to full table meals. Capacity 65.
 - e. Ground floor: kitchen and bar/restaurant. Alcohol only when served to and consumed by customers seated at tables. No live or recorded music here. Capacity 32.
 - f. Basement: bar/restaurant, laid to tables and chairs at all times. Capacity 130.
 - g. Exterior: off-sales only permitted when served by waiter/waitress to one of four tables / 16 covers. Tables to be removed by 9 p.m. A separate table and chairs licence and planning permission will also be needed. The hours suggested accord with a previous table and chairs licence for the premises.

Conditions

26. At **Tab 4** is a set of conditions as amended following agreement with the Police.
27. The Sub-Committee is asked to note several salient features:

(1) This is not a nightclub. E.g. there is no dance floor (condition 2). The premises are purely a restaurant at first and second floors (condition 3b). At ground floor there is no regulated entertainment at all (condition 5a). All floors are set out with tables and chairs (conditions 3a, 3b, 3A).

(2) This is a genuine food operation, not a token offer (condition 1).

(3) There will be no noise leakage (condition 14, 15, 16, 17).

(4) There is a high degree of control of the exterior environment (condition 18, 19, 20, 21, 27, 28). The dispersal policy will include encouraging customers to walk towards Oxford Street rather than back along South Molton Street. A member of management or security will be patrolling South Molton Street from 11 p.m. until 30 minutes after the premises close to ensure that residents are not being disturbed.

Representations

(i) “Other persons”

28. The application received a total of 4 representations from persons other than responsible authorities.
29. In each case, letters were sent to those making relevant representations explaining that the operation was very different from the Amika nightclub, inviting the representor to view the applicant’s premises to see how they operate, and in any case inviting dialogue about the application. However, there was only one reply and no dialogue. Copies of the letters and the reply are at **Tab 7**.
30. It is fair to point out that residents’ previous experience with these premises was a negative one. Copies of the Sub-Committee’s decisions of April and May 2014 giving just a flavour of the history are set out at **Tab 9**.
31. However, Jaks is not Amika, and if the applicant believed it would not be able to co-exist peaceably with residents, it would not have made this investment or applied for this licence. The extensive suite of conditions proposed is designed precisely to prevent harm to the licensing objectives and give peace of mind to residents and assurance to the sub-committee.

(ii) Police

32. The Police made a relevant representation. They were invited to view the Jaks operation, and to discuss the proposal, which they kindly did. In consequence agreement was reached on the basis of the amended list of conditions set out at **Tab 4**. The relevant correspondence is at **Tab 5**.

(iii) Environmental health

33. Finally, there were representations by the environmental health consultation team. These are taken as follows:

Plant and machinery

34. The mitigation measures for the plant and machinery are controlled by a planning permission granted on 6th December 2011 and the conditions attached thereto, produced at **Tab 8**.

Works

35. The applicant is carrying out substantial works to the property, including fire protection work in liaison with the Council's building control and technical officers, and the installation of new toilet facilities.
36. Those works are also designed to attain the capacity set out in proposed condition 11.
37. Although toilet provision is not a licensing matter, the applicant also intends to make the toilet provision suggested by the EHO.
38. The applicant suggests a condition to this effect:

“No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team following completion of works at the premises at which time this condition shall be removed from the Licence by the licensing authority.

“The capacity of the premises shall be the lower of that set out in condition 11 and that agreed in writing by the Environmental Health Consultation Team on safety grounds following the completion of the said works.”

Hours

39. The EHO representation also refers to the proposed hours of the operation. These are of course:

- a. two hours fewer than the previously permitted nightclub at the premises,
- b. for an operation which obviously presents a far lower risk to the licensing objectives
- c. attached to a licence which is strongly conditioned to prevent harm arising.

40. The applicant does need the hours for which it has applied to make the project viable. It would make the following points:

- a. The venue is seated.
- b. Most service is by waiter/waitress.
- c. It is a food-led venue.
- d. The age range is a mature one.
- e. It is not a dance venue.
- f. The conditions prevent noise leakage from the premises.
- g. Consumption outside requires two other permissions and will cease anyway at 9 p.m.
- h. There are proper dispersal arrangements, operated by experienced management.
- i. The anti-social behaviour previously experienced will simply not occur.
- j. The venue is not in a stress area.

Conclusion

41. The Sub-Committee is invited to the view that this proposal is a laudable replacement to its predecessor and a worthy addition to this area. The applicant will work hard to

ensure that its neighbours become its friends, and even its customers. It understands the history of the premises and is entirely confident that history will not repeat itself under its management.

42. The Sub-committee is therefore invited to grant the application on the basis of the conditions set out in **Tab 4**, together with the further works condition set out at paragraph 38 above.

PHILIP KOLVIN QC

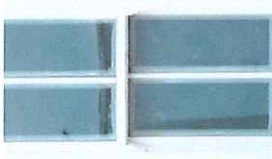
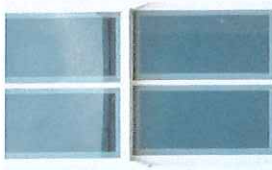
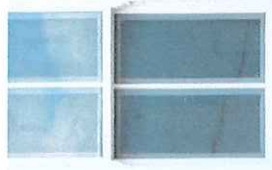
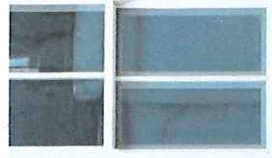
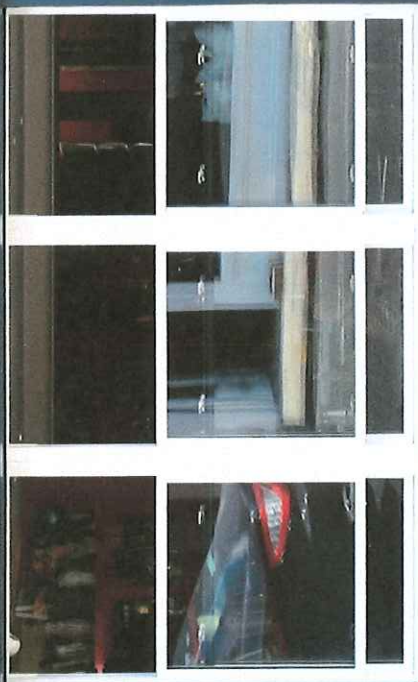
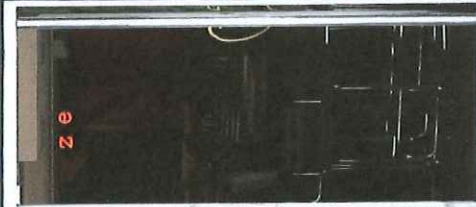
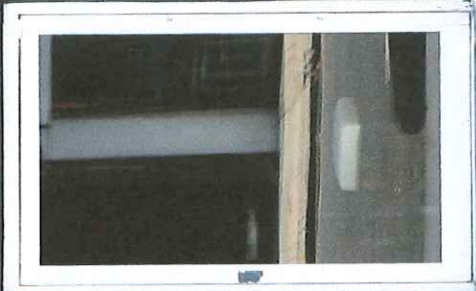
4TH May 2016

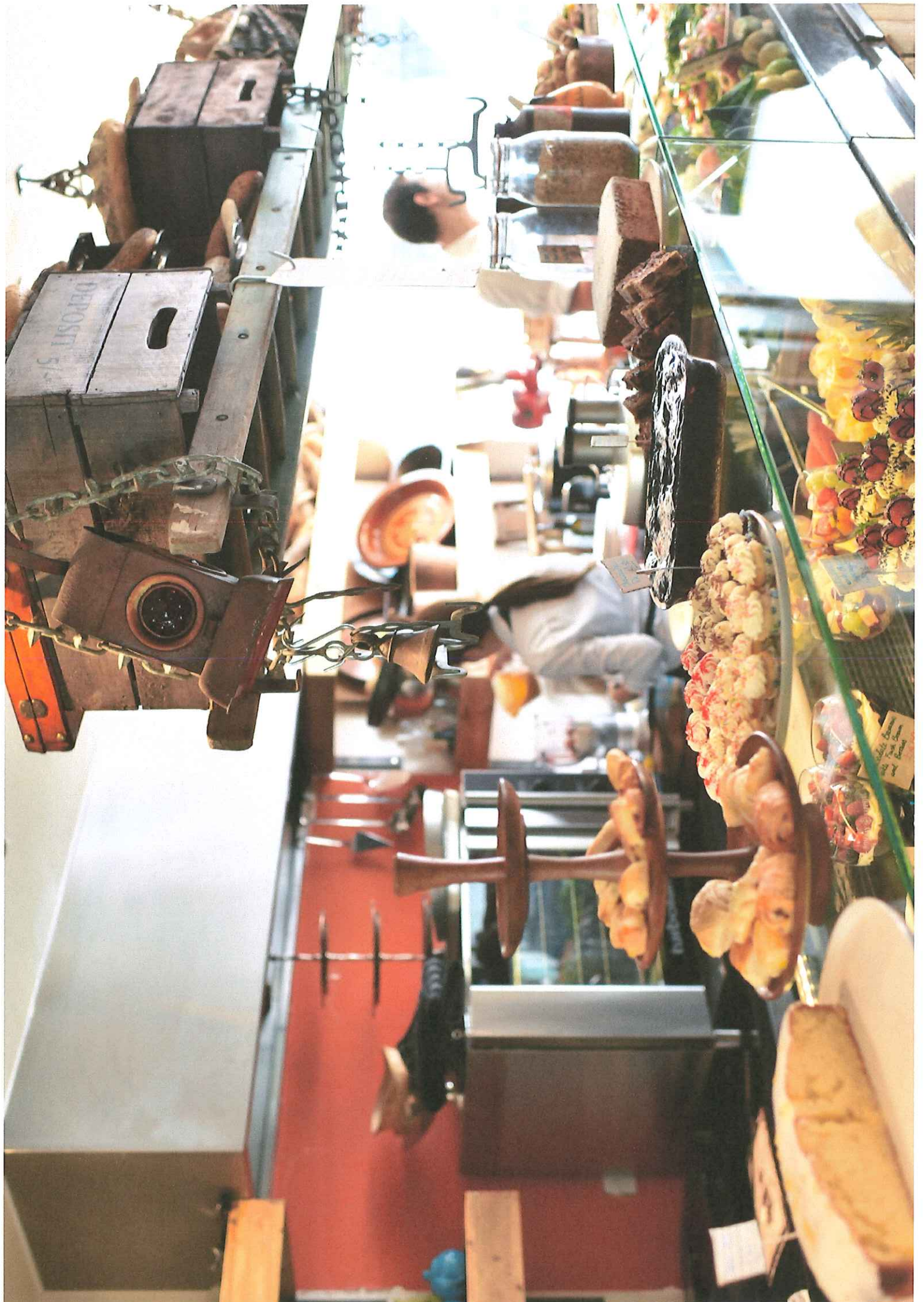
Cornerstone Barristers

London WC1

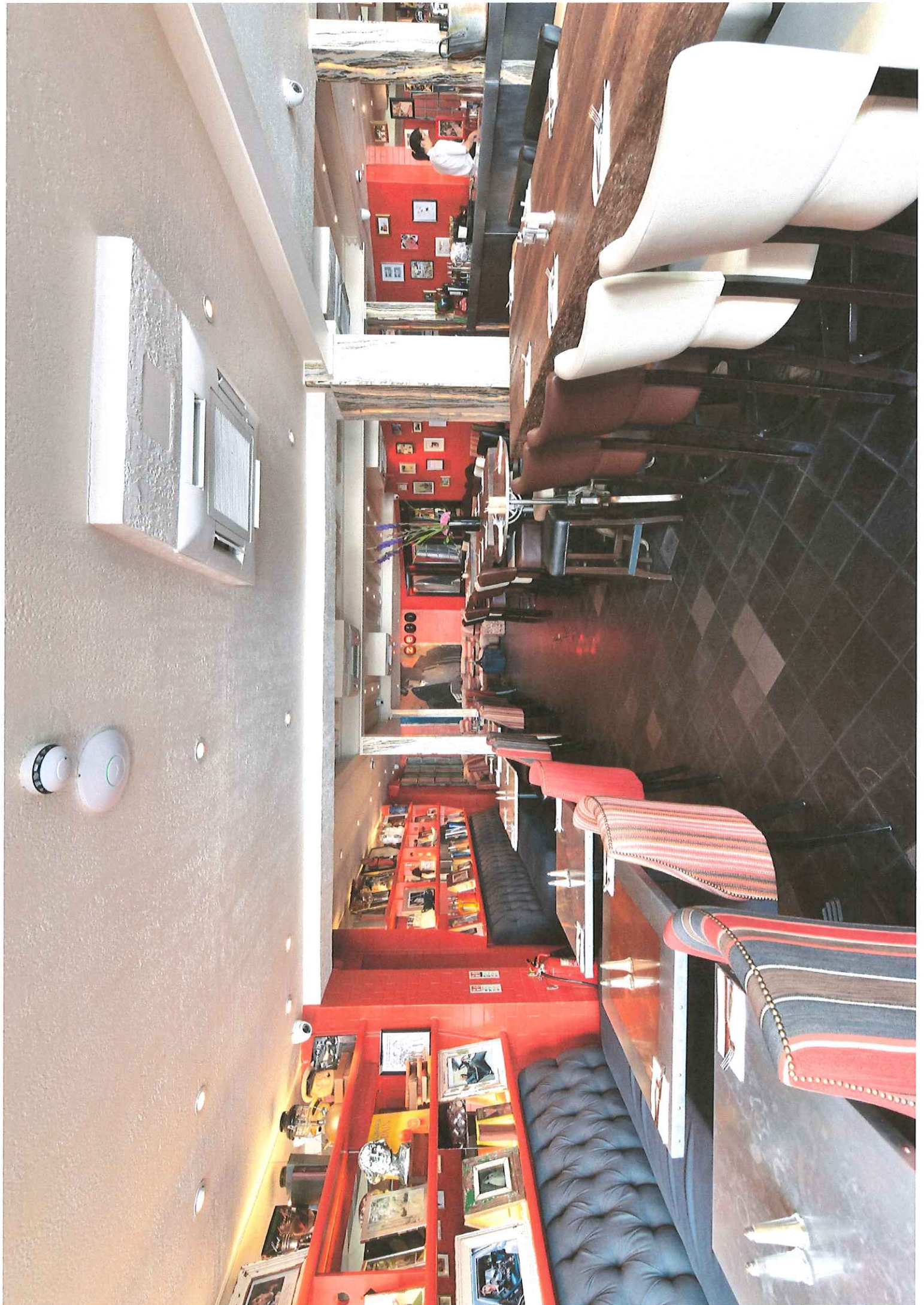
TAB 2

Zefi











TAB 3

Jak's

Zefi

Food & Bar
Menu

FOOD MENU

SALADS & VEGETABLES

Tricolore - Tabouleh
Lentils - Houmous
Beetroot - Artichoke
Green Peas - Tuna salad
Vine Leaves - Greek Salad
Mixed Greens - Roast Mushrooms
Grilled Vegetables - Broccoli Cheese Soufflé
Quinoa - Brown Rice
Saffron Rice - Spelt Pasta Salad
Roast New Potatoes
Spinach Mushrooms - Penne Pasta
[A choice of four] £11.00

SHARING PLATTER

For two	from £12.00
For four	from £20.00
A choice of vegetables, meats or cheeses (ask the server for selection)	

VEGETARIAN

(All served with two sides)

Stuffed Aubergine	£13.50
Spinach & Ricotta Cannelloni	£14.50
Stuffed Portobello Mushroom	£13.50
Veg & Gouda Cheese Quiche	£14.50
Melanzane Parmigiana	£13.50

FISH

(All served with two sides)

Fish Pie	£14.50
Sea-bass	£15.00
Poached Salmon	£16.00
Seafood Paella	£15.00
Tuna Steak	£18.00
Halibut	£18.50

MEATS

(All served with two sides)

Grilled Chicken	£13.50
Jak's Daily Special	£13.50
Chicken Meatballs	£14.00
Chicken Brochette	£14.00
Chicken Parmigiana	£14.50
Lamb Cabbage Rolls	£16.50
Roast Turkey or Beef (Ask for availability)	£16.00
Chicken Milanese	£14.50
Beef Lasagne	£16.00
Chicken Pie	£16.00
Zefi Burger	£15.00
Fillet Beef Steak	£26.50
Lamb Shank	£19.00
Veal Escalope	£19.50

PASTA

Zefi Penne	£14.00
With a pink creamy sauce	
Seafood Pasta	£15.00
Spaghetti Bolognese	£13.00
Penne Arrabbiata	£13.00

PIZZA

Pizza Jak's Chicken & peppers	£12.00
Pizza Zefi Ham, artichoke, mushroom & olives	£12.00
Pizza Margarita	£10.00
Pizza Vegetariana	£11.50
Pizza Regina Parma ham, parmesan & cherry tomatoes	£12.00
Pizza Brompton Cross Sausage & mushroom	£12.00
Pizza Calabres Salami & tomato	£11.00
Pizza Walton Red onions, tuna & olives	£12.00
Pizza Chelsea Spinach, egg & parmesan	£12.00

DESSERT

Tiramisu	£5.00
Cup Cake	£4.00
Jak's Strawberry Cheesecake	£5.50
Chocolate Pie	£5.00

WHITE WINE

1. **Pinot Grigio, Italy 2014** £6.50 Glass
Delicate floral notes lead on to a fresh light palate £25.00 Bottle
2. **Riva Leone Gavi, Italy 2014** £7.50 Glass
Clean and fresh with an intense citrusy finish £29.00 Bottle
3. **Gable View Sauvignon Blanc, South Africa 2014** ... £7.00 Glass
Crisp and mouth-watering with gooseberry £27.00 Bottle
and citrus flavours
4. **Macon Villages, Burgundy 2013/14** £9.00 Glass
Made from 100% chardonnay, this is a classic Macon £35.00 Bottle
with aromas of honeysuckle and a fresh and crisp
palate with apple, pears and a touch of minerality
5. **Garzon Viognier, Uruguay 2013** £38.00
Fresh floral aromas combine perfectly with notes of apricot
and pear and lead on to a natural crisp clean finish
6. **Spy Valley Sauvignon, New Zealand 2014** £32.00
Classic kiwi sauvignon characters of gooseberry,
cut grass and ripe melon, deliciously quaffable!
7. **Castro Marlin Albarino, Spain 2013** £36.00
Refreshing and aromatic with an abundance of
peachy lime zest fruit - summer in a glass!
8. **Tim Adams Foxlee Riesling, Australia 2012** £39.00
Vibrant and crisp with bright citrus aromas
that give way to a clean refreshing palate
9. **Jean Bacher Gewurztraminer, Alsace 2013/14** £35.00
Pure aromas and flavours of green apples, lemons and limes,
with just a whisper of stoney minerality
10. **Chablis Maison Jean Defaix, Burgundy 2013** £55.00
Domaine leflaive, arguably burgundy's greatest white wine domaine
11. **Sancerre Les Pierrieres, Domaine Thomas 2013** £45.00
Fresh astle and flint aromatics with generous fruit flavours

ROSE WINE

12. **Petit Papillon Grenache Rose, France 2014** £6.50 Glass
Cool, refreshing and full of summer fruits £26.00 Bottle
13. **Chateau D'astros, Cotes De Provence 2014** £28.00
A classic provençal rose, nobody does it better!
14. **Sancerre Rose Eric Louis, France 2013** £48.00
Dry and elegant with gentle aromas and mouth-watering red fruit

organic and available on request

RED WINE

15. **Stone Barn Merlot, U.S.A. 2012** £6.50 Glass
Fruit forward style with hints of ripe cherry, £26.00 Bottle
blueberry, blackberry with a dash of vanilla
16. **Gable View Cabernet Sauvignon, South Africa 2014** ... £7.00 Glass
Blackberry and plums on the nose £27.00 Bottle
follow through to an easy going palate
17. **Chateau La Gasparde, Bordeaux 2010** £8.50 Glass
A blend of merlot cabernet franc and cabernet £32.00 Bottle
sauvignon, a pure elegant structure, a classic Bordeaux
18. **Dinastia Vivanco Rioja Crianza, Spain 2010** £9.00 Glass
Rich aromas of mature fruit, vanilla and £36.00 Bottle
spice with beautifully integrated oak
19. **Catena Malbec, Argentina 2013** £10.00 Glass
Concentrated black cherry and red currant £40.00 Bottle
fruit flavours layered with sweet spices and tobacco
20. **Little Eden Pinot Noir, Australia 2014** £29.00 Bottle
Elegant and versatile with fresh summer fruits
21. **Journey's End Shiraz, South Africa 2009** £46.00
Big and powerful with lots of dark berry fruit,
spicy flavours and a hint of vanilla
22. **Barolo Angelo Veglio, Piedmont 2010** £60.00
Big structure, conjuring up raspberries, wild strawberries and
cherries, with hints of cinnamon, pepper, nutmeg and vanilla
23. **Chianti Riserva Castellani, Tuscany 2010** £30.00
Classic bright red cherry fruits and dark chocolate flavours
24. **St Emilion Grand Cru JJ, Bordeaux 2007/08** £95.00
A chateau surrounded by grands crus classes,
in the heart of the land of the emotion
25. **Chateaux du Pape, Basile St. Dominique, Rhone 2012** ... £80.00
Intense aromas of blackberries with warm spicy notes of pepper
and cardamom, opulent, full-bodied and elegant
26. **Cotes du Rhone, Haut de Brun, Alain Jaume 2013** £38.00
Big and full with aromas and flavours of wild raspberry,
blackcurrant, blackberry and spice
27. **Chateau La Croix, Pomerol 2007/08** £180.00
A blend of merlot cabernet franc and
cabernet sauvignon, a pure elegant structure

all wines are covered in 175ml - 1.25l available

COCKTAILS

JAK'S FAVOURITES

Rose Martini £12.00

Rose flavoured vodka shaken with fresh apple, lime juice, pink grapefruit and rose liqueur

Jak's Revolution £12.00

Havana club 3 y/o rum, muddled fresh raspberries and pineapple, shaken with pomegranate, lime juice, and crème de framboise

Royal Res £13.00

Absolut vodka shaken with fresh raspberries, fresh lime juice crème de framboise, amaretto and topped with champagne

Bitter Elder £12.00

Beefeater gin shaken with lemon juice, fresh apple juice elderflower cordial topped with bitter lemon

Watermelon Punch £12.00

Fresh watermelon shaken with absolut citron, melon liqueur and fresh lemon juice

Raspberry Diablo £12.00

Tequila shaken with fresh lime juice, topped with ginger ale or ginger beer

Strawberry Citrus £12.00

Fresh strawberries muddled and shaken with citrus vodka limoncello, crème de fraise and fresh lemon juice

Passion Fruit Whisky Smash £12.00

Buffalo trace bourbon shaken with fresh lemon juice, mint and passion fruit, served over crushed ice

Pomegranate Margarita £12.00

Tequila shaken with cointreau liqueur, fresh pomegranate juice and lime juice served straight up or on the rocks

NEW CLASSIC COCKTAILS

Raspberry & Pomegranate Bellini £11.00

Freshly squeezed pomegranate juice, mixed with raspberry puree, framboise, topped with prosecco

Fresh Fruit Martini £12.00

Vodka or gin shaken with fresh seasonal fruits. A choice of apple, raspberry, strawberry, passion fruit, watermelon pomegranate etc.

Bramble £12.00

Beefeater gin shaken with fresh lemon juice, and sugar cane syrup, and laced with crème de mure

Russian Spring Punch £13.00

Absolut vodka shaken with mixed fresh berries, lemon juice, corresponding liqueurs. Served long over ice, and topped with champagne

Peach Debonair £13.00

Absolut vodka shaken with white peach puree, lemon juice, crème de peche, and fresh mint. Served long, and topped with champagne

Blood Orange £12.00

Absolut mandarin vodka shaken with cranberry juice, fresh raspberries, orange juice, fresh lime, and crème de framboise

Black Bison £12.00

Zubrowka bison grass vodka shaken with lemon juice fresh blackberries, Chambord and crème de cassis

Goodfellas £13.00

Bourbon and evan williams honey reserve bourbon served on the rocks, garnished with orange zest

Blueberry Caipiroska £12.00

Absolut vodka muddled with fresh blueberries, half a lime, and sugar served on crushed ice

CHAMPAGNE & SPARKLING

Prosecco Brut N.V.	£10.00 Glass	£40.00 Bottle
Perrier Jouet Grand Brut N.V.	£12.00 Glass	£60.00 Bottle
Laurent Perrier Brut N.V.		£75.00
Moët Et Chandon N.V.		£75.00
Dam Perignon Vintage 2004		£300.00
Louis Roederer Cristal Vintage 2005		£360.00

ROSE CHAMPAGNES

Prosecco Rose N.V.		£45.00
Perrier Jouet Blason Rose N.V.		£80.00
Laurent Perrier Rose N.V.		£120.00
Veuve Clicquot Rose N.V.		£110.00
Krug Grande Cuvée Rose N.V.		£400.00

MAGNUMS

Prosecco Brut N.V. Magnum		£90.00 Bottle
Perrier Jouet Grand Brut N.V. Magnum		£130.00 Bottle
Laurent Perrier Brut N.V. Magnum		£180.00
Moët Et Chandon N.V. Magnum		£180.00
Dam Perignon Vintage 2004 Magnum		£650.00

a discretionary 12.5% service charge will be added to your final bill

spices are also available by bottle service

SOFT DRINKS

Coke	£3.00
Diet Coke	£3.00
Lemonade	£3.00
Ginger Ale	£3.00
Soda	£3.00
Ginger Beer	£4.00
Tonic Water	£3.00
Daily Shot	£3.00
Pomegranate Juice	£5.00
Orange Juice	£4.50
Apple Juice	£4.50
Cranberry Juice	£4.50
Pineapple Juice	£4.50
ZEFI Juice	£4.50
JAKS Juice	£4.50

TEA & COFFEE

Espresso	£2.50
Double Espresso	£3.00
Macchiatto	£2.50
Double Macchiatto	£3.00
Americano	£3.00
Cappuccino	£4.00
Latte	£3.00
Mocha	£3.50
Hot Chocolate	£3.50
Breakfast Tea	£3.00
Earl Grey Tea	£3.00
Green Tea	£3.00
Camomile Tea	£3.00
Mint Tea	£3.00
Peppermint Tea	£3.00
Herbal Tea	£3.00
Liqueur Coffee	£11.00

JAK'S

77 Walton Street London SW3 2HT
020 7584 3441

JAK'S BAR

87 Walton Street London SW3 2HP
020 7589 8558

ZEFI

103 Walton Street London SW3 2HP
020 7052 9333

JAK'S

533 Kings Road London SW10 0TZ
(entrance on Lots Road)
020 7751 4400

ZEFI BAR

533 Kings Road London SW10 0TZ
020 7351 3513

CAFE ZEFI

172 Walton Street London SW3 2JL
020 7584 8877

mail@jakzefi.com
www.jakzefi.com

TAB 4

Activities

1. Food: Full table meals, including freshly prepared hot and cold food, shall be available from 10 a.m. to midnight throughout the premises
2. There shall be no dance floor at the premises.
3. Alcohol:
 - a. On the ground floor, alcohol shall only be served by waiter/waitress to customers sitting at tables. Alcohol may only be consumed by customers when seated.
 - b. On the first and second floors, alcohol may be served only ancillary to full table meals, including to customers awaiting service.
 - 3A. The basement shall be laid out with tables and chairs, which shall remain in position for the whole course of the trading day.
 - 3B. Spirit bottles shall be served to seated customers only and shall not be carried from the table by customers.
 - ~~b.~~ 3C The consumption of alcohol on the premises shall cease at 0130 hours.
4. Film exhibition may take place only in the basement.
5. Regulated entertainment:
 - a. There shall be no regulated entertainment on the ground floor.
 - b. Performance of live music may take place in the basement and on the first and second floor only. Such music may only be amplified in the basement.
 - c. Recorded music shall only be provided in the basement and on the first and second floors.
6. Exterior:
 - a. Alcohol shall only be served by waiter / waitress to customers sitting at tables.
 - b. No more than 4 tables and 16 covers shall be provided.
 - c. Such tables shall be removed from the highway outside the hours of 08:00 – 21:00.
 - d. Other than that, alcohol may not be served or consumed outside the premises.

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General operation

7. Suitable non-alcoholic beverages, including hot beverages, shall be available at all times the premises are open to the public.

8. There shall be no external promoters used at the premises.
9. No payment may be made by or on behalf of the licensee to any person for bringing customers to the premises.
10. There shall be no striptease or nudity at the premises. All persons at the premises shall be decently attired.

Capacity

11. The number of persons accommodated at the premises for licensable activities (excluding staff) shall not exceed:-
 - a. Basement 130
 - b. Ground floor 32
 - c. First floor 65
 - d. Second floor 40

Prevention of nuisance

12. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree or any other property, or is distributed on street to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.
13. No music shall be played outside the premises
14. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
15. A sound limiting device in the basement bar area shall be located in a separate and lockable cabinet from the volume control and must be fitted to the musical amplification system set at a level determined by and to the satisfaction of the Environmental Health Service's Community Protection Department so as to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officers from the Environmental Health Service. The keys securing the noise limiter shall be held by the applicant only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service. All sound generating equipment in the basement shall be routed through the device.
16. No alteration or modification to any existing sound system(s) should be affected without prior knowledge of an authorised officer of the Environmental Health Service.
17. All windows and external doors shall be kept closed after 22:00 hours, or at any time when regulated entertainment takes place, except for the access and egress of persons.

18. After 8 p.m., patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall be limited to 15 persons at any one time with an SIA person to monitor them.
19. A member of management or security shall patrol South Molton Street from 11 p.m. until until 30 minutes after the premises close.
20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and business and leave the area quietly.
21. The premises shall operate a dispersal policy for a period of 30 minutes following the terminal hour for provision of licensable activities ("the dispersal period"), as follows:
 - a. Hot and cold soft drinks must be available.
 - b. Music must be lowered.
 - c. Lights must be turned up.
 - d. Customers must be reminded that there are residents on the street and be asked to leave quietly.
 - e. Customers must be encouraged to walk towards Oxford Street.
 - f. Security staff shall supervise the exit door and the street outside, to disperse customers rapidly and quietly.
22. At the close of business, the frontage shall be swept and litter and sweepings disposed of in accordance with the approved refuse collection arrangements.
23. All refuse should be paid, properly presented, and can only be placed on the street 30 minutes before the scheduled collection time.
24. 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.

Crime and disorder prevention

~~25. A comprehensive CCTV system shall be installed that ensures all areas of the licensed premises are monitored including all entry and exit points and which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping. Tape recordings shall be made available to an unauthorised officer or a police officer together with facilities for viewing. Recordings shall be made available as soon as practicable on request.~~

25. 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.

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.

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

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

27. After 8 p.m. there shall be one SIA- registered security officer for every 100 customers (or part thereof) on the premises. On Thursdays, Fridays and Saturdays, there shall be no fewer than three SIA-registered security officers at all times after 8 p.m. The officers shall remain on duty until 20 minutes after the premises close.

28. All staff engaged outside the entrance to the premises shall wear high visibility arm bands.

Public safety

29. Whilst the premises are in use the door at the head of the stairs and the door leading to the street from the basement alternative means of escape route should be locked back fully in the open position in such a manner as to require a key to release them.

29: 29A Staff shall arrange safe transport from the premises for any customer needing it.

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Protection of children from harm

30. No person under 18 years to be permitted on the premises after 21:00 hours unless dining with a person over the age of 21.

31. Challenge 21 shall be operated at the premises.

TAB 5

Philip Kolvin QC

From: Philip Kolvin QC <philipk@cornerstonebarristers.com>
Sent: 18 April 2016 11:10
To: Sycamore, David
Subject: FW: Application 16/02285/LIPN - Jaks, 43 South Molton Street,W1
Attachments: South Molton Street amended conditions.doc

Dear David

My apologies, I had meant to copy you into this message.

Regards

Philip

From: Philip Kolvin QC [<mailto:philipk@cornerstonebarristers.com>]
Sent: 12 April 2016 19:45
To: Janes, Toby
Subject: RE: Application 16/02285/LIPN - Jaks, 43 South Molton Street,W1

Dear Toby

Thanks very much for this.

I can confirm that my client is agreeable to the further condition you mention below, so that we are now in full agreement. I am attaching the revised list of conditions, including your new condition, and am copying David Sycamore in so that he can see the state of play.

With many thanks once again.

Kind regards

Philip

From: Janes, Toby [<mailto:tjanes@westminster.gov.uk>]
Sent: 01 April 2016 14:57
To: Philip Kolvin QC
Subject: RE: Application 16/02285/LIPN - Jaks, 43 South Molton Street,W1

Dear Philip

Thank you very much for the list of amended conditions. I am sorry it has taken me so long to reply. I am happy with all the conditions listed, but would ask that the following condition is also added to the operating schedule.

The consumption of alcohol on the premises shall cease at 0130 hours.

Please let me know your thoughts

Kind regards

Toby

PC Toby JANES 1275CW
Westminster Police Licensing Team
4th Floor, 64 Victoria Street,
LONDON, SW1E 6QP
Tel: 0207 641 3347

With many thanks once again.

Kind regards
Philip Kolvin QC

Recognise the work of someone who changes lives through volunteering and nominate them for a Community Award at www.westminster.gov.uk/community-awards

Run the most famous mile in the world on Sunday 29th May. Register for the Vitality Westminster Mile at westminstermile.co.uk

Did you know, your two-year-old could qualify for up to 15 hours of free childcare a week. Apply now at westminster.gov.uk/childcare.

Westminster City Council: www.westminster.gov.uk

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If you are not the intended recipient of this E-mail or any part of it, please telephone Westminster City Council immediately on receipt.

You should not disclose the contents to any other person or take copies.

TAB 6



43 SOUTH MOLTON STREET
LONDON W1K 5RS

Proposed change of use which will transform a disused private members' club into a café, bar and restaurant.

Until recently, 43 South Molton Street operated as a private members club with a basement nightclub, first floor cocktail bars and dining on the second and third floors.

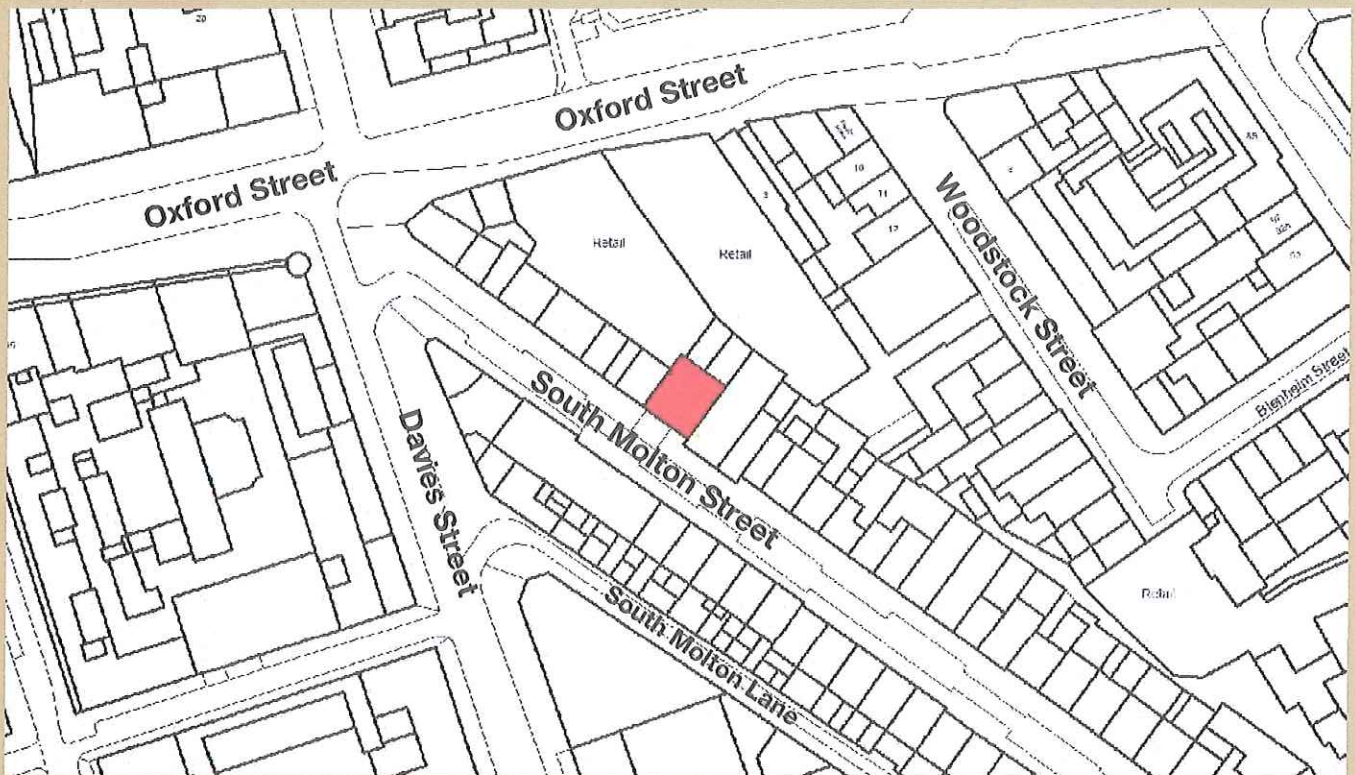
The club has now closed and a change of use is proposed. Permission will be sought for a new ground floor café, basement restaurant and bar, and restaurant spaces on the first and second floors.

The proposal includes the creation of a new shopfront and a pavement café.

The change of use is proposed by Jak's – a successful and well-established café, bar and restaurant operator.



LOCATION PLAN



About Jak's

Jak's offer a Mediterranean dining experience. The menu is inspired by local produce and designed for those who enjoy healthy lifestyles. Jak's food is fresh, organic and delicious.

Jak's are experienced and responsible operators who are keen to minimise nuisance and maximise public safety.

Proposed use

Jak's are proposing to transform a disused private members club into a café, bar and restaurant. Freshly prepared hot and cold food will be available from 10am until midnight throughout the premises.

Ground floor café/restaurant

At ground floor level, Jak's propose to create a new shopfront and pavement café, opening up the dark entrance which was formerly used by the club.

Four outside tables are proposed, seating a maximum of 16 people. Pavement use will start at 8am and all tables and chairs will be removed from the highway by 9pm.

Restaurant and bar

Restaurant and bar space will be created in the basement and there will be private dining areas on the first and second floors.

Operating hours

Jak's propose to open the premises at 7am and close at 1.30am. They will cease serving at 1am, allowing 30 minutes for guests to depart.

Alcohol will generally be served as part of the dining experience. Only customers of the basement restaurant/bar will be able to purchase drinks separately.

Entertainment

There will be no dance floor on the premises, but performance of live and recorded music will be permitted at basement level. Acoustic performances and recorded music will be permitted on the first and second floors.

Proposed capacity

The maximum number of customers accommodated at the premises can be summarised as follows:

Basement 130

Ground floor 32

First floor 65

Second floor 40

Services

Existing air-conditioning units and ducting will be retained. No changes are required to the existing extraction and ventilation services.

PERMITTED USE



PROPOSED USE



43 SOUTH MOLTON STREET, LONDON W1K 5RS

PERMITTED USE

4th Floor

Office use

3rd Floor

Offices and conference rooms

2nd Floor

"Gluttony" and "Greed" lounge

1st Floor

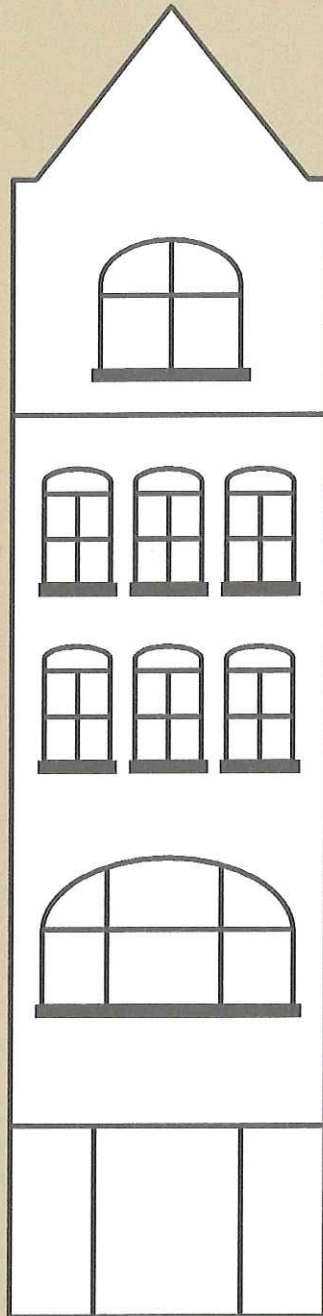
"Envy" cocktail lounge & "Pride" cocktail bar

Ground Floor

Entrance lobby and cloakroom

Basement

Nightclub



PROPOSED USE

4th Floor

Back of house area/ office use

3rd Floor

Toilets/back of house area

2nd Floor

Restaurant and customer toilet

1st Floor

Restaurant and service area

Ground Floor

New shopfront café/ restaurant

BASEMENT
(43 and 44 South Molton Street)

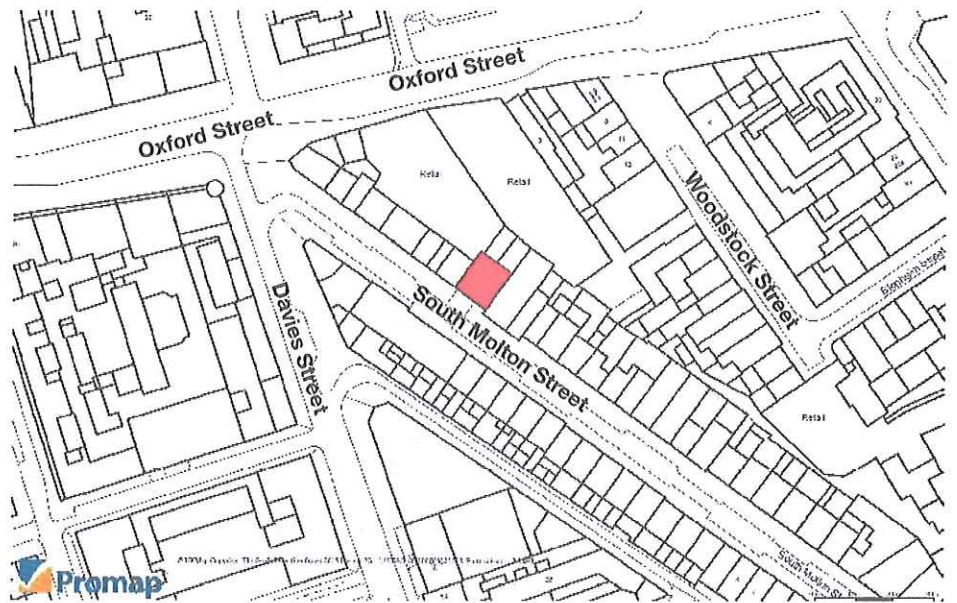
Basement

Restaurant/bar/ toilets



For further information relating to this application, please contact Lorna Byrne at Planning Potential.
T: 020 7357 8000 E: lorna@planningpotential.co.uk

WELCOME



Thank you for taking the time to attend our exhibition. We are proposing to transform a disused private members' club on South Molton Street into a café, bar and restaurant. We intend to submit a change of use application to Westminster Council, but we would like to share our proposals with you before we do so.

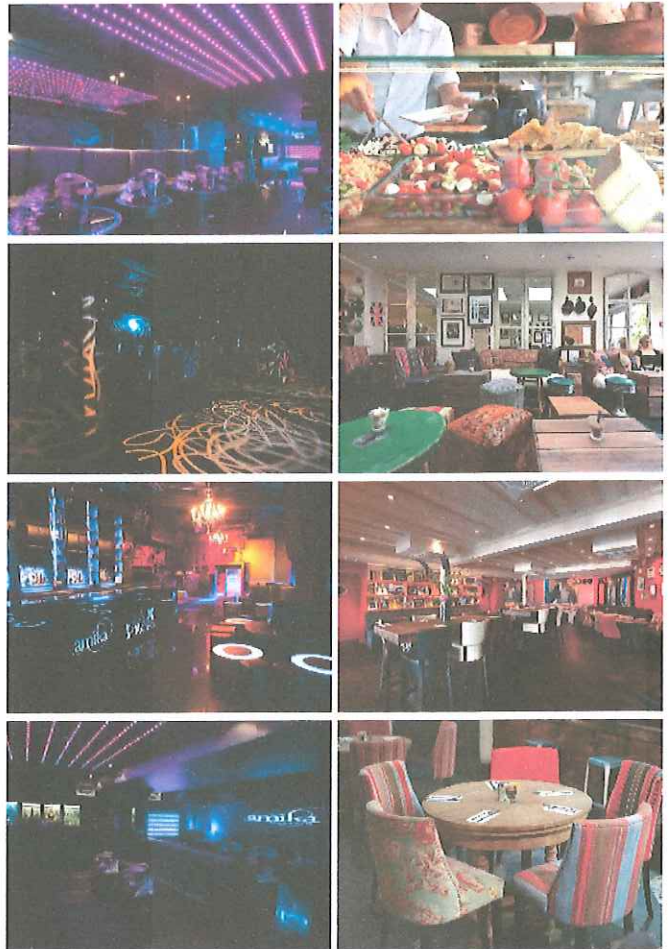
Please complete a feedback form to let us know what you think of our plans.

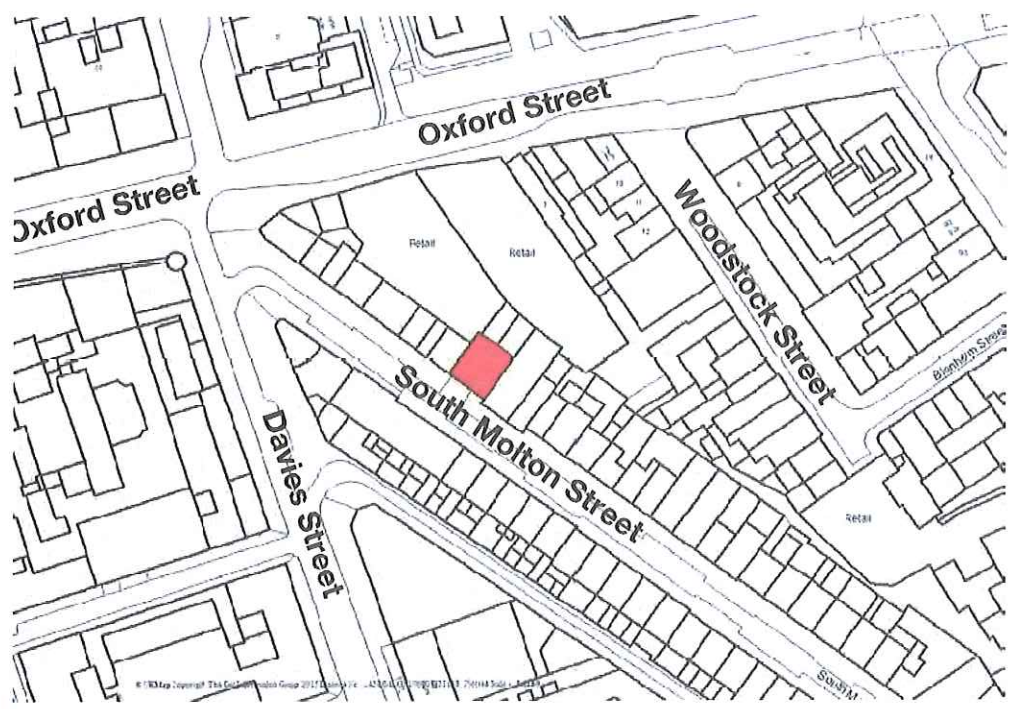
PERMITTED AND PROPOSED USE

Until recently, 43 South Molton Street operated as a private members club with a basement nightclub, first floor cocktail bars and dining on the second and third floors.

The club has now closed and a change of use is proposed. Permission will be sought for a new ground floor café, basement restaurant and bar, and restaurant spaces on the first and second floors.

- We propose to open the premises at 7am and close at 1.30am. We will cease serving at 1am, allowing 30 minutes for guests to depart.
- Alcohol will generally be served as part of the dining experience. Only customers of the basement restaurant/bar will be able to purchase drinks separately.
- Freshly prepared hot and cold food will be available from 10am until midnight throughout the premises.
- A new shopfront and pavement café are proposed at ground floor level, opening up the dark entrance which was formerly used by the club.
- Four outside tables are proposed, seating a maximum of 16 people. Pavement use will start at 8am and all tables and chairs will be removed from the highway by 9pm.
- There will be no dance floor on the premises, but performance of live and recorded music will be permitted at basement level. Acoustic performances and recorded music will be permitted on the first and second floors.





43 SOUTH MOLTON STREET
LONDON W1K 5RS
PROPOSED CHANGE OF USE TO
TRANSFORM A DISUSED PRIVATE
MEMBERS' CLUB INTO A CAFÉ,
BAR AND RESTAURANT





Delivered by



Our proposals

Jak's, the successful and well established operator, is seeking permission to transform 43 South Molton Street into a new café, bar and restaurant.

Until recently, the property was occupied by a private members' club with a basement nightclub, cocktail bars and dining rooms.

Come and see Jak's plans

Jak's would like to invite you to drop into one of their existing businesses on Walton Street to see the plans.

Come along to Zefi, 103 Walton Street, London SW3 2HT between 4pm and 6.30pm on Wednesday 13 January.

If you are unable to come along on 13 January, or have any questions in the meantime, please email:

jaks@planningpotential.co.uk

Or call: 020 7357 8000

TAB 7

Mr. Gary Dubell
Talent Staffing Limited
22 South Molton Street
London
W1K 5RB

15th April 2016

Dear Mr. Dubell

JAKS, 43 South Molton Street

I am representing JAKS in relation to their licence application at 43 South Molton Street. I have been sent a copy of your representation made to the licensing authority.

I am attaching a short brochure to explain the nature of the proposed venue. JAKS is an established operator with premises in Kensington and Chelsea. It is an entirely different kind of venue from that previously operating in South Molton Street. It is not a nightclub. There is no dance floor. It is a restaurant and bar with an emphasis on freshly prepared food. The "proposed use" photographs in the brochure are taken from JAKS' existing venues, and provide an indication of the kind of venue proposed here

From your representation, my client entirely understands that you must have been disgusted by your entrance being used as a public toilet. My client assures you that its customers are simply not of that ilk. It is expected that the venue will quickly attain a following locally and will provide a friendly, low key, high service environment for those who are not looking for a high octane night out.

My client indicates that it would be excellent if you could visit its restaurant/bar in Walton Street, to gain an impression of the kind of operation proposed. Please do let me know if that would be an attractive option, and I will ensure that it is arranged. Alternatively, if you would like to discuss this further, please do let me know by emailing me at pk@2-3gis.co.uk, or let me know when I can ring you.

Finally, if this letter provides sufficient assurance, please may I ask that you consider withdrawing your representation, which will help to foreshorten or even avoid the need for an eventual hearing in the matter.

Yours sincerely

PHILIP KOLVIN QC

Philip Kolvin QC

From: Philip Kolvin QC <philipk@cornerstonebarristers.com>
Sent: 12 April 2016 20:03
To: 'kuttnerj2@gmail.com'
Subject: JAKS
Attachments: Jaks brochure.pdf

Dear Ms Kuttner

[JAKS, 43 South Molton Street](#)

I am representing JAKS in relation to their licence application at 43 South Molton Street. I have been sent a copy of your representation made to the licensing authority.

I am attaching a short brochure to explain the nature of the proposed venue. JAKS is an established operator with premises in Kensington and Chelsea. It is an entirely different kind of venue from that previously operating in South Molton Street. It is not a nightclub. There is no dance floor. It is a restaurant and bar with emphasis on freshly prepared food. The "proposed use" photographs in the brochure are taken from JAKS' existing venues, and provide an indication of the kind of venue proposed here

I do understand the problems that local residents have previously experienced from these premises. However, please may I assure you that my client is a long-standing operator who has invested in premises, here and elsewhere, to operate them long term; not, as was previously the case, an operator seeking to maximise profit from the venue without investment either in the premises or in relations with the local community. My client hopes and expects that the local residential community will come to see the venue as a beneficial addition to the locality rather than a drain on amenity.

My client indicates that it would be excellent if you could visit its restaurant/bar in Walton Street, to gain an impression of the kind of operation proposed. Please do let me know if that would be an attractive option, and I will ensure that it is arranged. Alternatively, if you would like to discuss this further, please do let me know by emailing me at pk@2-3gis.co.uk, or let me know when I can ring you.

Finally, if this letter provides sufficient assurance, please may I ask that you consider withdrawing your representation, which will help to foreshorten or even avoid the need for an eventual hearing in the matter.

Yours sincerely

PHILIP KOLVIN QC

Philip Kolvin QC
Cornerstone Barristers

D: 020 7421 1832

M: 07977 555348

S: 020 7242 4986

www.cornerstonebarristers.com

2-3 Gray's Inn Square, London, WC1R 5JH
DX: LDE 316 Chancery Lane

Philip Kolvin QC

From: Philip Kolvin QC <philipk@cornerstonebarristers.com>
Sent: 12 April 2016 20:00
To: 'delboyofw1@btinternet.com'
Subject: JAKS
Attachments: Jaks brochure.pdf

Dear Mr. Stratton

JAKS, 43 South Molton Street

I am representing JAKS in relation to their licence application at 43 South Molton Street. I have been sent a copy of your representation made to the licensing authority.

I am attaching a short brochure to explain the nature of the proposed venue. JAKS is an established operator with premises in Kensington and Chelsea. It is an entirely different kind of venue from that previously operating in South Molton Street. It is not a nightclub. There is no dance floor. It is a restaurant and bar with emphasis on freshly prepared food. The "proposed use" photographs in the brochure are taken from JAKS' existing venues, and provide an indication of the kind of venue proposed here

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We hope that the proposed venue will become a pleasant and non-intrusive addition to life in the vicinity, as JAKS' operation has elsewhere. But it is always better to show than tell, so I do hope that we can put your mind to rest by showing you the kind of venue JAKS operates, and the type of customer it attracts.

Yours sincerely

PHILIP KOLVIN QC

[Philip Kolvin QC](#)

Cornerstone Barristers

● ● ● D: 020 7421 1832

● ● ● M: 07977 555348

● ● ● S: 020 7242 4986

● ● ● www.cornerstonebarristers.com

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Philip Kolvin QC

From: Philip Kolvin QC <philipk@cornerstonebarristers.com>
Sent: 12 April 2016 19:58
To: 'ron@ronwhelan.net'
Subject: JAKS
Attachments: Jaks brochure.pdf

Dear Mr. Whelan

JAKS, 43 South Molton Street

I am representing JAKS in relation to their licence application at 43 South Molton Street. I have been sent a copy of your representation made to the licensing authority.

I am attaching a short brochure to explain the nature of the proposed venue. JAKS is an established operator with premises in Kensington and Chelsea. It is an entirely different kind of venue from that previously operating in South Molton Street. It is not a nightclub. There is no dance floor. It is a restaurant and bar with emphasis on freshly prepared food. The "proposed use" photographs in the brochure are taken from JAKS' existing venues, and provide an indication of the kind of venue proposed here

Please may I address your representations briefly. As to the first, while you would not oppose a midnight terminal hour, you are opposed to a 1 a.m. terminal hour. I hope that we are able to give you assurance that by 1 a.m. it is likely that those attending the ground, first and second floors will have long since dissipated, since they are effectively café / restaurant operations. The basement has a capacity of 130, which is of course much smaller than the former nightclub, and attracting a completely different class of clientele. Again, unlike in a nightclub, we do not believe that it will trade to the hilt with all leaving en masse at closing time: there will be a more gradual wind-down. Moreover, proffered licence conditions require strict controls of activity in South Molton Street, including a member of management or security to patrol the street from 11 p.m. until 30 minutes after the premises close, and security staff to disperse customers rapidly and quietly.

As to the second, I hope that it will assist to let you know that the four outside tables (16 covers) will be cleared by 9 p.m. and that alcohol may only be consumed where it has been served by waiters/waitresses. It is a very low key activity, which we do not anticipate will cause significant concern.

As to the third, the proposed limit on smokers is 15 after 8 p.m., but there must be an SIA registered person to monitor them. It would be difficult to limit the number to 8, but given that alcohol cannot be taken outside, save for that served to table, we do not believe that this will create an issue.

As to the fourth, it is a proposed condition that the venue's dispersal policy include security staff to supervise the exit door and the street outside, and that customers are encouraged to walk towards Oxford Street.

My client indicates that it would be excellent if you could visit its restaurant/bar in Walton Street, to gain an impression of the kind of operation proposed. Please do let me know if that would be an attractive option, and I will ensure that it is arranged. Alternatively, if you would like to discuss this further, please do let me know by emailing me at pk@2-3gis.co.uk, or let me know when I can ring you.

Finally, if this letter provides sufficient assurance, please may I ask that you consider withdrawing your representation, which will help to foreshorten or even avoid the need for an eventual hearing in the matter.

Yours sincerely

Philip Kolvin QC

From: Judy Kuttner <kuttnerj2@gmail.com>
Sent: 13 April 2016 10:46
To: Philip Kolvin QC
Subject: Re: JAKS

Dear Mr. Kolvin,

Thank you for your email yesterday.

I have already read the brochure and I did go down to the premises in Walton Street in January to see the premises and the plans for South Molton Street. I will not be withdrawing my objection.

Kind regards,

Judy Kuttner

On Tuesday, 12 April 2016, Philip Kolvin QC <philipk@cornerstonebarristers.com> wrote:

Dear Ms Kuttner

[JAKS, 43 South Molton Street](#)

I am representing JAKS in relation to their licence application at 43 South Molton Street. I have been sent a copy of your representation made to the licensing authority.

I am attaching a short brochure to explain the nature of the proposed venue. JAKS is an established operator with premises in Kensington and Chelsea. It is an entirely different kind of venue from that previously operating in South Molton Street. It is not a nightclub. There is no dance floor. It is a restaurant and bar with emphasis on freshly prepared food. The "proposed use" photographs in the brochure are taken from JAKS' existing venues, and provide an indication of the kind of venue proposed here

I do understand the problems that local residents have previously experienced from these premises. However, please may I assure you that my client is a long-standing operator who has invested in premises, here and elsewhere, to operate them long term; not, as was previously the case, an operator seeking to maximise profit from the venue without investment either in the premises or in relations with the local community. My client hopes and expects that the local residential community will come to see the venue as a beneficial addition to the locality rather than a drain on amenity.

My client indicates that it would be excellent if you could visit its restaurant/bar in Walton Street, to gain an impression of the kind of operation proposed. Please do let me know if that would be an attractive option,

and I will ensure that it is arranged. Alternatively, if you would like to discuss this further, please do let me know by emailing me at pk@2-3gis.co.uk, or let me know when I can ring you.

Finally, if this letter provides sufficient assurance, please may I ask that you consider withdrawing your representation, which will help to foreshorten or even avoid the need for an eventual hearing in the matter.

Yours sincerely

PHILIP KOLVIN QC

Philip Kolvin QC

Cornerstone Barristers

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We make every effort to keep our network free from viruses. However, you do need to verify that this e-mail and any attachments are free of viruses as we can take no responsibility for any computer virus which might be transferred by way of this e-mail.

TAB 8



City of Westminster

Your ref: MR TREVOR STANDEN
My ref: 08/07781/FULL

Please reply to: Helen MacKenzie
Tel No: 020 7641 2921
Email: centralplanningteam@westminster.gov.uk

Mr Trevor Standen
RadcliffesLeBrasseur
5 Great College Street
Westminster
London
SW1P 3SJ

Development Planning
Westminster City Hall
64 Victoria Street
London SW1E 6QP

6 December 2011

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990
PERMISSION FOR DEVELOPMENT (CONDITIONAL)



The City Council has considered your application and permits the development referred to below subject to the conditions set out and in accordance with the plans submitted.

Unless any other period is stated in the Schedule below or by conditions attached; this consent, by virtue of Section 91(1) of the Town and Country Planning Act 1990 (as amended), is granted subject to the condition that the development shall be commenced within 3 years of the date of this decision.

Your attention is drawn to the enclosed Statement of Applicant's Rights and General Information.

SCHEDULE

Application No:	08/07781/FULL	Application Date:	05.09.2008
Date Received:	05.09.2008	Date Amended:	09.02.2009

Plan Nos: Acoustic report dated 28 September 2009, email from acoustic engineer dated 31 March 2009, design and access statement dated 4 August 2008, existing basement and ground floor plans - AC, proposed basement and ground floor plans - AC, existing 1st, 2nd, 3rd, 4th floor plans - AC, proposed 1st, 2nd, 3rd 4th floor plans - AC, proposed rear elevation - AC, proposed lightwell section - AC, existing rear elevation - AC, existing lightwell section - AC, technical information, letter from Big Sky Acoustics dated 12 May 2011

Address: 43 South Molton Street, London, W1K 5RW,

Proposal: Retention of new air conditioning units and associated ducting at first floor and roof level, and installation of new intake flue.

See next page for conditions/reasons.

Yours faithfully


Rosemarie MacQueen
Strategic Director Built Environment

Condition(s):

- 1 The existing and repositioned plant together with new plant at roof level and the new four air condensers on the rear of the building façade should be operated to a total value not exceeding 47 dB LAeq 15 minute at the location of the nearest residential balcony some 7 metre south east of rear basement plant area during permitted hours of operation.

Reason:

To protect the environment of people in neighbouring properties, as set out in CS31 of our Core Strategy that we adopted in January 2011 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 2 All plant located within the inner light well together with the extract equipment at roof level should not exceed a combined value of 55 dB LAeq 15 minutes at any of the commercial office windows featured within this light well in accordance with BS 8233 limits.

Reason:

To protect the environment of people in neighbouring properties, as set out in CS31 of our Core Strategy that we adopted in January 2011 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 3 Any plant belonging to the premises that operates beyond permitted opening hours should be designed and operated at a value of 5 dB below an assessed background value of 47 dB LA90 15 minute.

Reason:

To protect the environment of people in neighbouring properties, as set out in CS31 of our Core Strategy that we adopted in January 2011 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 4 The plant/machinery hereby permitted shall not be operated except between 12.00 hours and 03.30 hours the following morning on Monday to Saturday and between 12.00 and 01.00 hours the following morning on Sunday.

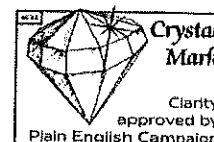
Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in CS31 of our Core Strategy that we adopted in January 2011 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 5 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Note:

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in CS24 and CS27 of our Core Strategy that we adopted in January 2011 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in CS24 and CS27 of our Core Strategy that we adopted in January 2011 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 Within two months of permission being granted you must install the louvred enclosure around the roof level air conditioning unit as shown on the proposed rear elevation dated 19 September 2008.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in CS28 and CS31 of our Core Strategy that we adopted in January 2011 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 8 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION - In reaching the decision to grant planning permission the City Council has had regard to the relevant policies in the Draft National Planning Policy Framework July 2011, the London Plan July 2011, the City of Westminster Core Strategy adopted January 2011, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that in amenity, design and conservation area terms the proposed plant/air conditioning equipment is acceptable.

In reaching this decision the following policies of the City of Westminster Core Strategy and Unitary Development Plan were of particular relevance:
CS31, CS24, CS27, ENV 7 and DES 9.

Note:

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- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
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- 2 Conditions 1 and 2 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

Note - As the requirements of the Building Regulations may impact on the design of the proposed development, our Building Control team can offer advice and guidance at an early stage. If you would like to take advantage of this free service please contact **020 7641 7230** to arrange a preliminary discussion.

Note:

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TAB 9

LICENSING SUB-COMMITTEE No. 1

Tuesday 29 April 2014

Membership: Councillor Audrey Lewis (Chairman), Councillor Susie Burbridge and Councillor Nick Evans.

Legal Adviser: Harjinder Bhela
Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon

Relevant Representations: Metropolitan Police (Applicant)

Present: Mr James Rankin (Counsel, representing the Applicant), Sergeant Frank Partridge and PC Reaz Guerra (Metropolitan Police), Mr David Dadds (Solicitor, representing the Licensee), Mr Ali Modaresi (Premises Licence Holder), Mr Fredrik Ishak (Manager), Mr Richard Rees (General Manager) and Mr Darrell Butterworth (Licensing and Security Compliance Consultant).

Amika, South Molton Street, W1

14/03298/LIREVX

An application was made by the Metropolitan Police Service to review the premises licence for Amika, 43 South Molton Street under the Section 53A (1)(b) of the Licensing Act 2003 (premises associated with serious crime or disorder). It is stated in the application that on Monday 21st April 2014 at approximately 02:10, a serious disorder took place inside Amika nightclub.

The Metropolitan Police Service are seeking suspension of the Premises Licence pending a full hearing where they will be seeking full revocation of the Licence.

Under the provisions of section 53A(2)(a) of the Act the Licensing Authority must within 48 hours of receiving the review application consider whether it is necessary to take interim steps pending the determination of a full review of the premises licence.

The Authority must, having regard to the application, take such interim steps as it considers necessary for the promotion of the licensing objectives. The steps are:

- (a) to modify the conditions of the premises licence (modify, delete or add conditions);
- (b) to exclude sale of alcohol from the scope of the licence;
- (c) to remove the designated premises supervisor; and
- (d) to suspend the licence.

The Sub-Committee initially heard from Mr Rankin, representing the Police. He referred to the fact that the terminal hour for licensable activities on the premises licence is 03:00 Monday to Saturday with the closing hour being 03:30 on these

days. The closing hour on Sundays was 01:00. The conditions on the licence included those attached by the Sub-Committee at a review hearing. Mr Rankin drew Members' attention to condition 42 on the licence which he stated required drinking vessels in the venue to be polycarbonate. This had been breached during the morning of Easter Monday. There was a waiver in place in condition 43 that glass drinking vessels could be used more widely with the written agreement of the Police but this had not been sought by the Licensee and had not been offered by the Applicant. Condition 47 set out that on no more than 15 occasions per calendar year the hour could be extended for the provision of all licensable activities to such time as agreed by the Police. Mr Rankin confirmed that the Police had agreed the extension. Condition 31 required that when the premises was being used for outside promoters and events a Police Risk Assessment Form 696 needed to be completed and submitted to Clubs and Vice and the Westminster Police Licensing Office with at least 14 days notice. Mr Rankin informed the Sub-Committee that the Licensee had not complied with this condition as no 696 form had been submitted. Mr Rankin referred to the flyer for the 'Bad Bunny Ball' event which involved an external promoter.

Mr Rankin described in some detail the Police's account of the sequence of incidents during the morning of 21 April. There had appeared to be a dispute between two groups of males sitting at different tables in the basement area of the venue. The disorder which then took place lasted approximately 12 minutes. At one stage at least four people had armed themselves with bottles and on at least one occasion an individual was hit over the head with a bottle. It escalated to the point where glasses were thrown. There was an attempt by employees of the premises to separate the two groups but then in the Police's view control was lost of the situation. One group was inside the premises and one outside and the taunting continued. The group outside armed themselves with metal poles and ropes and using those as weapons attempted to storm the club. By this stage there were approximately 20 people involved in the disorder. Those inside the premises picked up bottles and glasses held behind the reception and hurled these at the people outside. After a sustained attack, the doors of the premises were fully breached and both groups spilled into the street. Some of the perpetrators of the incidents escaped in cars, others were seen to attack vehicles with metal poles. Mr Rankin stated that it was only very late in the day that the Police were called. This was at 02:22. It was not the case that there was any delay in the Police response as they arrived at 02:40. He advised Members that there had been an ABH and a GBH with intent. The two victims questioned by the Police had not been willing to volunteer evidence. Two suspects who had been detained in the vicinity of the premises had links to gangs and had convictions for drugs and violence. Mr Rankin stated that there was a paucity of evidence in terms of being able to apprehend individuals involved in the incidents.

Mr Rankin made the point that what was clear was that the premises had been run badly on the morning of 21 April. It had been set out in the Police review application that 'the management and security at the premises were totally overwhelmed and had no control of the venue and were unable to prevent the escalating serious disorder and violence'. Mr Rankin referred to paragraph 8 of Mr Butterworth's witness statement on behalf of the Licensee to back this point up as he had written 'it is clear from the manner in which this incident was allowed to develop that the management of Amika and its security staff could have prevented the incident

becoming as volatile as it did'. Mr Rankin stated that Mr Butterworth's suggestion that the door and guest list was to blame was simplistic. However, it was the case that the two victims and the two suspects detained had not appeared on the guest list which was supposed to be comprehensive. He added that the venue had failed to submit a 696 risk assessment, no suspects were detained, adequate first aid was not given to the victim of the glass related assault and it had to be provided by the Police, the scene of the disorder both inside and outside was cleared immediately, Police were not called until after all parties involved had left the premises and the venue subsequently failed to provide a list of those persons who attended the event. Mr Rankin provided additional information on two of those points. Sergeant Partridge had talked to the operators, specifically Mr Rees, in March 2014 about isolating the crime scene and either getting a security man to protect this or close the venue. Also, the venue had finally provided the Police with a guest list but this was still not comprehensive.

Mr Rankin made the case that the licence should be suspended pending the full review. The Police would be seeking revocation of the licence at the full review hearing. He explained that it was not the first time there had been incidents at the premises. There had been two incidents on 2 February, with one being a fight in the basement where a glass bottle was thrown. The bottle smashed in a customer's face causing a half inch cut to his nose and two inch cut to his neck. The second incident concerned a male who had been stabbed in the back, leg and hand. Mr Rankin added that the Police did not accept that the incident happened elsewhere as suggested by the premises although in fairness to the operator the Police were not able to say that the victim was stabbed immediately outside the premises. It was the victim's account that this had been where it had taken place. The investigation was ongoing.

Mr Rankin informed Members that following the disorder on the morning of 21 April, the Police had visited the premises on 25 April and had asked the management of Amika to voluntarily close the premises on 26 April. They had found Mr Rees in particular to be defensive and uncooperative and it was the management's decision that having received legal advice they would not close. Had the premises continued to operate on the Saturday night the Police would have issued a closure notice.

Mr Rankin stated that the Licensee was now making the case that the operation of the premises was different during the week to that of the weekend and was offering not to trade on Saturdays but have Arab nights during the week. The Police's position was that they did not accept that there were no issues during the week. There were believed to have been a number of incidents including violence and assaults during the week although Police reports needed to be investigated in more detail prior to the full review hearing taking place. Sergeant Partridge referred to CAD/crime reports which had been submitted prior to the hearing. These were brief summaries of telephone calls from the public and included violence with a bladed weapon and the theft of a mobile telephone. The call had been made by a woman on 18 April 2014 who had alleged that the theft had taken place at the premises on 17 April.

In response to brief questioning from Mr Rankin, Sergeant Partridge provided the information that had the Police been sent the risk assessment and flyer they could

have assessed the level of risk and accessed their intelligence system across the country including any known details about DJs or promoters. The club could be warned if the Police were aware of problems. Club scan suggested by Mr Butterworth would be a useful acquisition by the premises but would not have addressed the specific issues raised on the morning of 21 April. Sergeant Partridge confirmed that the premises had not been willing to close on the 25 April as it was a private Arab night event. He added that protecting the crime scene was vital as DNA or fingerprints could have been obtained and there would have been the opportunity to question suspects and potentially bring the perpetrators to justice.

PC Guerra then showed detailed footage of the disorder on the morning of 21 April from a number of cameras in and around the premises. The Police had provided a transcript of the evidence shown on the CCTV in the report. The Police had also had access to a film from Mr Lapushner, a local resident which showed events from immediately outside the premises, including the group of males attempting to enter, starting at approximately 02:20. There was also footage from a street camera in Davey Street showing an injured man on the floor who Police gave first aid to.

The Sub-Committee then heard from Mr Dadds on behalf of the Licensee. He stated that his client accepted that the disorder which had taken place on 21 April was serious. The Premises Licence Holder, Mr Modaresi had requested that Mr Butterworth examine the CCTV and offer recommendations. Mr Dadds advised the Sub-Committee that his client was willing to voluntarily close the premises when scheduled Club Nights were due to take place on Saturdays until the full review hearing was held. There was a distinct difference between the Club Nights and the Arabic Embassy Nights. On Mondays, Wednesdays and Fridays the clientele included embassy staff and guests and an award had been won for Best Exclusive Club for Arabs UK 2013. The Embassy Nights were the primary business and were not open to the public unlike the Club Nights.

The Sub-Committee requested clarification on the specific roles of the staff. Mr Dadds responded that Mr Modaresi was the premises licence holder. Mr Ishak was only responsible for managing Arabic Embassy Nights. Mr Rastgoo was the Designated Premises Supervisor for both Club Nights and Arabic Embassy Nights. He, Mr Rees and Mr Modaresi had been present on the morning of 21 April. Mr Rees, the manager for Club Nights, was being relieved of his duties and the Licensee would discuss with the Police how Club Nights should be managed in the future.

Mr Dadds made the case that during the week the Arabic Embassy Nights had not caused concern, including no serious incidents of crime and disorder. The event on Easter Sunday 20 April until the following morning had been a special occasion and his client had sent to the Police what was proposed for the event and how it was intended this would be achieved. Amika management had not had prior knowledge of the flier from the external promoter, the Button Club. There had not been cause to have concern about the promoter previously. Mr Dadds accepted that the Police's Risk Assessment 696 form had not been completed but made the point that there had been discourse between his client and the Police. Mr Rees added that the e-mail he had sent the Police had included a management plan. It was the sixth special occasion event in 2014 and eight had taken place in 2013. He believed that the Police could have objected to the application. Mr Dadds commented that when

the application was made it was up to the Police to make their own assessment. Mr Dadds stated that it was accepted that it was the Licensee's responsibility to run the operation effectively. One of the reasons why Mr Rees was being removed as General Manager was that there had been no formal Risk Assessment form submitted. The DPS reported to the general manager and the premises licence holder.

Sergeant Partridge wished to respond to the point made by the Licensee regarding the submission of a management plan. He explained that whilst the details given in the management plan had appeared to be sufficient for the Police to permit the event to proceed, a full risk assessment had not been provided. The condition on the premises licence had required the Risk Assessment Form when external promoters were in attendance to be completed and submitted with at least 14 days notice. The e-mail had been received on Maundy Thursday, 3 days prior to the event.

The Sub-Committee asked Mr Dadds about the role of the external promoter and who was taking responsibility on the evening of 20 April / morning of 21 April. Mr Dadds replied that the promoter guest list had been submitted to the Police. His client was taking responsibility for the Easter Sunday / Easter Monday event. The promoter had sold tickets. Amika had its own DJ at the premises as well. Mr Rees added that the guest list was predominantly the external promoter's, there was also a house guest list and then the public booked tables.

Mr Dadds stated that the reported theft on 18 April referred to by the Police had been during a non embassy night. The violence against a person on 14 March had been on a non embassy night and the incident had nothing to do with Amika. In respect of 2 February, the glass related GBH and the thrown bottle had led to a minor variation application with polycarbonate conditions attached to the licence.

The Chairman raised the point that there appeared to be major differences between the accounts of the Police and the Licensee. The event details in the management plan had suggested that it was a private event and not open to the public and yet it appeared that tables had been sold to the public. Mr Rees stated that there had been some confusion. On a normal night it was possible for a member of the public to pay at the door and enter. The Chairman reminded Mr Rees that there was only one set of conditions covering all events. Mr Rees stated some events were open to the public and others were not. Arabic Embassy Nights were not. On the night in question it had been necessary to be on the house's guest list, the external promoter's guest list or book a table. Tables were booked in advance and not on the night. Whilst the guest list was larger than the number of guests invited by the Licensee and the external promoter, not everyone would attend and there were clickers to ensure the capacity was not exceeded.

Mr Dadds stated that the Embassy Night had continued on Friday 25 April and a special one was scheduled for Saturday 26 April because there was no public Club Night. There had also been an Embassy Night held on 28 April. These had taken place without incident. He had made the case to Sergeant Partridge that these nights did not attract the undesirable individuals. Alcohol played a very small part on Embassy Nights. Mr Dadds and Mr Modaresi expressed the view that there had been numerous informal conversations between Amika management and the Police,

including in respect of the minor variation and there had been no impression given that there were issues at the premises.

Mr Rankin in his brief summing up commented that the Police had only had the opportunity to investigate their records in the last day or so following the Licensee's proposal to operate on Arabic Embassy Nights. Investigations were still ongoing but the Police were confident that the CAD/crime reports would reflect that there had been incidents during the week. He recommended that the premises licence be suspended pending the full review.

Decision (including reasons):

The Sub-Committee after considering the report and the evidence presented at the hearing was required to take such interim steps as it considered necessary for the promotion of the licensing objectives. Members considered that based on the evidence presented to them it was necessary to suspend the licence until the full review hearing. The Sub-Committee had no confidence in the way in which Amika was being managed. The arrangements for organising events at the premises were loose with a full risk assessment not having been provided which was a condition on the licence that had not been complied with. The event of 20/21 April had been billed as a private event in an e-mail sent to Police but this was nothing like the Committee's expectation of what a private event was and it appeared to be nothing like the Police's expectation of what a private event was either. It had also been sent at very short notice which again did not comply with a condition on the premises licence. The greatest concern was that it had been clear that the Police had advised after the incidents on 2 February when the glass related GBH and the thrown bottle had occurred that Amika was required to use polycarbonate vessels. This had led to a minor variation with conditions 42 and 43 being attached to the licence, which included customers not being permitted to leave their table carrying such glass bottles. Glass bottles had been a weapon of choice for the perpetrators of the incidents on the evening of 20/21 April.

The Sub-Committee considered that the Police could not be expected to monitor the guest list and take on the risk of assessing the premises prior to events held in the immediate future pending the full review, particularly in the light of the fact that the management were loose in terms of the arrangements for organising events. Members did not consider that it was correct for the Licensee to state that the Police had had ample time to look at the data as to whether there could be complete confidence in the arrangements for Arabic Embassy Nights as opposed to Club Nights. There were key figures involved at the premises with both types of events. The licence would be suspended until the Police was able to take a proper look, in consultation with the Licensee, as to whether the premises could be effectively managed in the future prior to the full review hearing.

It was agreed by all parties that the full review hearing would take place on Monday 19 May.

LICENSING SUB-COMMITTEE No. 1

Monday 19 May 2014

Membership: Councillor Audrey Lewis (Chairman), Councillor Nick Evans and Councillor Ahmed Abdel-Hamid.

Legal Adviser: Harjinder Bhela
Committee Officer: Jonathan Deacon

Relevant Representations: In support of application - Metropolitan Police (Applicant), Environmental Health, Licensing Inspectorate, Mayfair Residents Group, 6 local residents and 2 local businesses
Against the application – a patron and local business.

Present: Mr James Rankin (Counsel, representing the Applicant), Sergeant Frank Partridge, PC Chris Marriott and PC Jim Sollars (Metropolitan Police), Mr Dave Nevitt (Environmental Health), Mr Francis Keegan (Licensing Inspectorate), Mr Richard Brown (Citizens Advice Bureau Licensing Advice Project, representing local residents Ms Mandkhai Jargalsaikhan, Mr James Lapushner and Mr Gabriel Ayers), Mr James Lapushner, Mr Gabriel Ayers, Ms Judy Kuttner and Mr Ron Whelan (local residents), Mr Ewen McGregor (Solicitor, representing the Licensee), Mr Ali Modaresi (Premises Licence Holder), Mr Richard Austin-Rees (General Manager) and Mr Mehdi Rastgoo (Designated Premises Supervisor).

Amika, South Molton Street, W1

13/03298/LIREVX

An application has been made by the Metropolitan Police Service to review the premises licence for Amika, 43 South Molton Street, W1 under the Section 53A(1)(b) of the Licensing Act 2003 (premises associated with serious crime or disorder) following serious violent disorder taking place on Monday 21st April 2014 at Amika nightclub.

Interim steps were taken on 29 April 2014 to suspend the premises licence. The purpose of this hearing is to carry out a full review of the premises licence pursuant to Section 53C of the Licensing Act 2003.

The premises is licensed for the sale of alcohol, provision of regulated entertainment and provision of late night refreshment for the following hours:

Performance of Dance, Live Music, Anything of a similar description to Live Music, Recorded Music or Dance and Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit:
Monday to Saturday 09:00 to 03:00

	Sunday 12:00 to 23:00
Exhibition of a Film:	Monday to Saturday 10:00 to 03:00 Sunday 12:00 to 23:30
Recorded music & Private entertainment:	Unrestricted
Late Night Refreshment:	Monday to Saturday 23:00 to 03:30 Sunday 23:00 to 01:00

Options

The Committee after considering this report and the evidence presented at the hearing may take such steps as it considers appropriate for the promotion of the licensing objectives. These steps are:

- a) the modification of the conditions of the premises licence;
- b) the exclusion of a licensable activity from the scope of the licence;
- c) the removal of the designated premises supervisor from the licence;
- d) the suspension of the licence for a period not exceeding 3 months; and
- e) the revocation of the licence.

The Sub-Committee initially heard from Mr Rankin, representing the Police. He stated that his client sought revocation of Amika's premises licence. He made the point that the Licensee's premises had previously been located in Kensington High Street. There had been a review of the premises licence and the hours on the licence had been cut back. This had been unsuccessfully appealed. The Licensee had then re-located to South Molton Street and had opened there in April 2012. The current full review was the second at South Molton Street and the third the Licensee had been involved in. Conditions had been attached to the licence by the Sub-Committee at the review in August 2013 and then further conditions had been attached in April 2014 as a result of a minor variation following incidents including a glassing and a stabbing in February 2014. Mr Rankin commented that the minor variation had resulted from an informal review by the Police where the Police would have considered taking matters further had the Licensee not consented to agreeing the conditions. The Police had then brought an expedited review following violent disorder inside the nightclub on the morning of Monday 21 April.

Mr Rankin referred to the conditions on the licence. The first condition he advised was particularly relevant was the requirement to have polycarbonate vessels attached as part of the minor variation. The second was the requirement to have comprehensive CCTV. Mr Rankin explained that the quality appeared to be up to the

Police's requirements but the location of the cameras had not been fully approved and did not appear to be comprehensive. Thirdly, for any pre-booked private functions a list of those persons attending was supposed to be held at the reception and available to a Licensing Officer or Police Officer upon request. Mr Rankin commented that the event on 20th to 21st April had been described by the Licensee as a private event and no comprehensive attendance list exists or if it did it was unintelligible. Two people who were injured at the premises during the incidents were not included on the attendance list and neither were the two people who were arrested as suspects. Fourthly, when the premises was being used for outside promoters and events the Licensee was required to submit a Police risk assessment form. Form 696 had not been submitted and the General Manager at Amika, Mr Austin-Rees had sent an e-mail to the Police on 17 April not with 14 days' notice as required. It had been suggested in the e-mail that the Button Club, a respectable promoter would oversee the event and it would be private. Mr Rankin asserted that following the Interim Steps hearing on 19 April, Sergeant Partridge had spoken to Kaja Wunder at the Button Club and found out that the 'Bad Bunny Ball' was not an event planned or run by them. He added that Mr Austin-Rees had spoken to Ms Wunder on 10 April, asking that the Button Club market the event to attract customers. She had informed Sergeant Partridge that she had only sent 8 customers to the event and as far as she was aware the event had not been moved from another venue as stated in the Licensee's application. The reason given to the Police why there was late notice was that the event was being moved from another venue. Mr Rankin also drew Members' attention to the public flyer for the event on 20th to 21st April which had no mention of the event being private. He was of the view that it would be hard to believe that the Licensee would not be aware of the flyer, given that it was advertised on a website. The Police had given consent to the event on 20th to 21st April having been informed it was a private event when it was not.

Mr Rankin gave an account of the Police's view of events on 21st April. There were 138 people in the premises when it had been asserted in the e-mail that only 100 had been invited. The maximum capacity was 130 in the basement. The fight had started between patrons on tables 8 and 11. The attendees had been on a house list and not a Button Club list. It had been a prolonged violent disorder involving 20 people. The premises had lost control and there was a helpless rear guard action where some of the protagonists were pushed outside the premises. Those inside the premises picked up bottles and glasses held behind the reception and hurled these at the people outside. Those outside used weapons such as metal poles and their own belts. After a sustained attack, the doors of the premises were fully breached and both groups spilled into the street. Mr Rankin stated that the incident lasted 13 minutes and at no stage during that time was there a telephone call to the Police. Two people were detained as a result of the Council's CCTV and they were gang members who had convictions for drug related offences, assault and criminal damage.

Mr Rankin advised Members that the Police had sought voluntary closure on the Friday after the event. They would have expected co-operation but this had not been forthcoming and the premises had opened on the following Friday and Saturday. Mr Austin-Rees had attempted to downplay the premises' role and the case was made that one of the injured had been hit by an ice cube. The Police had interviewed the victim and he had confirmed that he had been hit by glass.

Mr Rankin stated that he did not want to get bogged down in information in the Police's CAD and CRIS reports in relation to the Licensee's case that embassy nights were different to club nights. There was plenty of evidence from residents that embassy nights were causing great distress to residents. The CAD reports did reveal that on 20 August 2013 there had been fighting between 20 and 30 males of Arab ethnicity and the origin of the fight had been Amika. He did not believe that the Licensee's proposed management plan which had been introduced at Whisky Mist was relevant to Amika. He welcomed the proposal that Mr Austin-Rees would not be involved at the premises but this was not sufficient to persuade Police not to seek revocation of the licence.

Sergeant Partridge answered a number of questions from Mr Rankin and conveyed his unhappiness at what the reality was of the organisation of the event on 20-21 April having spoken to Ms Wunder at The Button Club. Sergeant Partridge stated in relation to a stabbing on 2 February 2014 that he had viewed CCTV at the premises and the Council's and spoken to the victim. The victim had said that he had been stabbed on leaving the premises. The premises CCTV did not show the outside area. He asserted that Mr Austin-Rees had stated that the incident had taken place in East London. This was where the man had gone to in a taxi following the incident. He accepted that he could not see the incident from the CCTV supplied. Sergeant Partridge described the glassing incident on 2 February where a male had been hit by an airborne bottle. The CAD report had set out that the Police had been contacted by a local resident and not the Licensee. A polycarbonate condition had been attached to the licence excluding certain bottles such as champagne and spirits. Mr Rankin asked Sergeant Partridge for his view on Darryl Butterworth's security assessment which had been submitted prior to the Interim Steps hearing regarding the 21 April incidents. He had commented that the management could have acted sooner and would need to amend their door and guest list policy. Responsibility had therefore been laid at the door of the management. Sergeant Partridge replied that the evidence, including from the CCTV, was that the incident could have been stopped at any stage. There was SIA and in house security. The Police could have been called at an early stage and parties detained. It had been one of the most prolonged incidents Sergeant Partridge had witnessed since he had joined the Westminster Licensing Team in February 2012. He had been involved in over 130 informal reviews such as the one following the 2 February incidents and over that period he had been responsible for 2 expedited reviews. This step was not taken lightly. He took no comfort from the Licensee's proposed steps set out in the management plan. He had met Mr Modaresi and the management plan did not go nearly far enough. It was not clear how the management would stop a similar incident happening again.

PC Marriott then showed detailed footage of the disorder on the morning of 21 April from a number of cameras in and around the premises. The Police had provided a transcript of the evidence shown on the CCTV in the report. The Police had also had access to a film from Mr Lapushner, a local resident which showed events from immediately outside the premises, including the group of males attempting to enter, starting at approximately 02:20. PC Marriott also provided some CCTV footage of 2 February, including showing the victim with a cut to the nose and neck having been hit by a bottle. He described the footage of the male who had thrown the bottle being

evicted and then the victim leaving the premises being in the vicinity of the protagonist. The protagonist had knocked over a glass heater and the door staff had then detained him. It was believed he had then been allowed to leave the area. The scene had then been cleaned. Mr McGregor asked if there was footage of the stabbing incident of the 2 February 2014. Sergeant Partridge responded that he had checked the CCTV and could not see anyone being stabbed.

Mr Nevitt addressed the Sub-Committee. He had set out in the report the list of noise complaints from the previous 6 months since the first review hearing. The report also included the Licensing Inspectorate's observations and concerns. He stated one of his concerns was that the operators appeared to have difficulty in controlling the situation as the incidents on 21 April moved inside and outside the premises. The majority of patrons were not involved in the disorder but their safety was at risk all the time the incidents continued. A second concern was that staff had brought in outside rope and pole/barrier equipment. This was likely to have been because they were being used as weapons. However, the equipment was left on the floor and this made it a hazardous environment for patrons. CCTV had shown the use of indoor pyrotechnics or 'ice fountains' and these did not appear to be used in accordance with the suppliers' recommendations for safe use. There had also been a significant disturbance during the morning of 21 April up and down South Molton Street and along Oxford Street which lasted quite a long time and would have constituted a public nuisance. Overall Environmental Health's view was that there was a lack of confidence regarding the ability of the operators to maintain the licensing objectives of promoting public safety and prevention of public nuisance in a consistent and effective manner. Mr Nevitt also commented that having seen the 2 February CCTV footage for the first time, when the outside heater was pushed over the hose that connects the appliance to the LPG bottle could be seen. There was the potential for the hose to be damaged. This was an area where people were smoking or standing and it was a public safety risk. The Fire Brigade always requested a 200 metre exclusion zone from a LPG bottle.

Mr Keegan addressed the Sub-Committee on behalf of the Licensing Inspectorate. He stated that the staff working at the premises did not instill confidence. The current DPS was ineffectual and did not have effective control of the venue. It had been communicated to Mr Keegan that Mr Austin-Rees would have become DPS once he had obtained a personal licence. Mr Austin-Rees had not co-operated with requests in the past and like the DPS had failed to deliver a well run venue. Mr Keegan informed the Sub-Committee that he had asked for all CCTV images for two dates and there had been no explanation why some had not been provided. It had taken several weeks for these to be supplied. Some of the quality of the images was so poor as to be of very little use. Mr Keegan stated that the premises management had alleged that they had been given verbal consent to trade beyond hours. However he understood that the Police never gave such verbal consents. He was not certain that the VIP Lounge was covered by CCTV. There was evidence of smoking and indoor fireworks being used inside Amika. No evidence had been provided of consent having been given for the indoor fireworks being used. Council officers had not been given immediate access to the premises on arrival. He was also aware of the numerous public nuisance complaints made by residents and shared the Police's concerns which had led to the current application.

Mr Brown spoke on behalf of 3 local residents. Mr Lapushner who lived at 40 South Molton Street had included 57 incidents in his diary since he had started this in June. He had lived there for just over a year. He had a clear view of the premises and 21 April was by no means the first violent incident that he had witnessed. Violence had also taken place on 27 August and 30 August 2013. There was a narrative of what Mr Lapushner saw on 21 April and this included glass being thrown outside. Mr Ayers had also provided video evidence that could be viewed by the Sub-Committee and had submitted a list of calls to the Noise Team going back to 2012.

Mr Lapushner added to Mr Brown's representation on his behalf that it was not the case that there were issues at the premises on Club Nights and not Embassy Nights. Incidents took place every day of the week. He lived two doors away and two floors up from Amika and had double glazed windows which he kept closed due to the noise emanating from the nightclub. Overall he had witnessed violence, fights, noise nuisance, vomiting and urinating on the street. He had witnessed at least 15 fights with 21 April being one of the worst he had witnessed. Of the 15, he had put 9 in his diary and on 3 he had called the Police because of their seriousness. On Tuesday 27 August 2013 around 3.30am there had been violence and screaming. 3 men had left and been denied entry. An A-board from next door had been picked up and had been used to hit the door. The second call had been on Thursday 30 August at 4am when there had also been violent screaming and fighting. Fighting had carried on up Oxford Street but had dissipated by the time the Police had arrived. Mr Lapushner stated that after nearly every fight he witnessed the manager and staff clearing up the scene so no evidence could be uncovered from there.

Mr Lapushner made the point that he experienced noise nuisance for a number of reasons. There was music, particularly bass, as people left the premises which could be heard through the double glazing. Patrons made noise during the evening as they were led into the nightclub, with queues until midnight. Patrons also smoked and congregated outside up to 4am and there was a lot of screaming, urination and vomiting. Admission and re-admission after 3am was normal. He added that he had not witnessed any fights or violence since the licence had been suspended at the Interim Steps hearing.

Mr Ayers said that he had lived at the premises for three and a half years, prior to Amika moving to South Molton Street. He had seen a progressive worsening of the situation. There had not been any initial problems for approximately 3 months but after a year the situation had become so bad that he had decided to take notes of incidents. He had met Mr Lapushner because of a fight outside the venue on 27 August 2013. He had found the management team to be very aggressive on that evening. When he had attempted to speak to the Police he had been verbally abused. There had been progressive worsening of fighting which did not abate for more than a few weeks. It was not limited to any specific days of the week. Mr Ayers commented there was a huge difference following the suspension and his sleep had not been interrupted.

The Sub-Committee then observed some footage recorded by Mr Ayers of when he had been disturbed by noise on 27 August 2013 and 2 January 2014. Mr Ayers stated in relation to the recording on 2 January 2014 that a woman had been screaming for approximately 30 minutes and he believed that she had accused a

security guard of sexually assaulting her and insulting her.

Ms Kuttner made the point that she lived in Brook Street and had a clear view of the bottom of South Molton Street. She had double glazed windows and kept them closed. She had only witnessed a few fights. She had however experienced significant noise nuisance and anti-social behaviour. Each occupant of the premises had been worse than the last. She had seen people leaving the nightclub and being a source of noise. Nuisance was experienced on all days of the week. Amika was the only premises in the vicinity which operated until late into the night. She had seen people leaving as late as 7am. Since the suspension of the licence, there had been no disorder in the area. In the past when Amika was closed for a refurbishment or Ramadan the neighbourhood had been quiet.

Mr Brown commented that there was a striking degree of similarity in dates that Mr Lapushner and Ms Kuttner complained about public nuisance. Nine dates of note were 2 June 2013, 9 June 2013, 11 June 2013, 27 August 2013, , 12 January 2014, 17 January 2014, 9 March 2014, 23 March 2014 and 13 April 2014. Typical of the public nuisance experienced by Ms Kuttner was the entry in her diary on Monday 22 January 2013 which referred to 'voice and horns at junction Brook Street'. Amika had been permitted a TEN until 06:00 on the morning of 22 January.

Mr McGregor, representing the Licensee, had requested that papers responding to the Police's CAD and CRIS reports be submitted after the hearing had begun. This was on the basis that the Police's reports had been provided on Thursday 15 May and it had taken the best part of the weekend to respond. Ms Bhela, the Legal Adviser, stated that under the Hearing Regulations it could be included as evidence if all parties present consented. Mr Rankin made the point that he had not had the opportunity to analyse the Licensee's reports and he would be disadvantaged if they were served at this stage. Accordingly given the Police objection, the documents were not admitted.

Mr McGregor stated that his client acknowledged the seriousness of the incidents on 21 April and 2 February. There was evidence to show that there was a difference in the operation of the premises between Club Nights and Embassy Nights. He referred to a revised management plan. It was almost identical to a management plan for Whisky Mist which had re-opened in January/February 2014 and had operated without problems since. Mr McGregor explained the points on the management plan. These included that the premises would remain closed until 2 June 2013 if the Sub-Committee lifted the suspension of the premises licence to enable all the steps on the management plan to be adopted. Mr Austin-Rees would have no involvement in the running of the premises. When the premises re-opened they would be limited to Embassy Nights which is the primary business. These catered to top end Arabic businessmen, embassy staff and royalty. There were limited numbers present, small amounts of alcohol was consumed, Arabic music was played and 23-24 staff were present. It was not open to the public and they could not gain entry. Mr McGregor made the case that his clients had completed an analysis of the Police's CRIS and CAD reports and of 35 CRIS reports, 34 had taken place on non-embassy nights. 1 had taken place away from the premises. Of the 24 CAD reports, 19 had taken place on non-embassy nights, 3 had occurred when the nightclub was not trading and 2 had taken place on embassy nights. Those on

embassy nights were 4 May 2013 and 29 June 2013 and no action was taken. Mr McGregor asserted that when it was said there was no difference between embassy and non-embassy nights it was simply not true. Environmental Health's list of noise complaints in the report from the last 6 months occurred on a non-embassy night save for 26/27 December 2013 when Amika was closed. Of the dates referred to by Mr Brown in residents' diaries the only embassy nights were 11 June and 27 August and no action had been taken.

Mr McGregor took Members through the remaining aspects of the management plan, including the role of the Community Liaison Officer who would be the primary point of contact for local residents, businesses and residents. The CLO would chair monthly meetings at the premises with residents, businesses and Responsible Authorities invited and the minutes would be circulated to these parties. A further point on the management plan was that the premises would not look to open for non embassy nights prior to 1 September 2014 and an agreed date would be worked out in conjunction with the Police. PC Lewis would be invited to view the CCTV and if he deemed it necessary to upgrade the CCTV and increase the number of camera's, management would do that. Management had never been informed there was a problem with CCTV. A contractor had been brought in at the end of 2013 to improve the CCTV quality. Sergeant Partridge wished to clarify at this stage that PC Lewis had not previously given the CCTV a clear bill of health. It was also questionable whether there was comprehensive CCTV coverage at the premises. Mr McGregor responded that what was clear was that there was no further action taken following the closure notice of the Police dated 30 October 2013 which was required to carry out remedial works to the CCTV system.

Mr McGregor stated that there had been only one incident where a person had a cigarette in his mouth in the premises on 5 June 2013. Management had ensured that this was removed. Mr Austin-Rees disputed that Mr Keegan had been left waiting outside the premises purposely. He commented that at closing time 3.30am the DPS and SIA security had lifted the heater. The SIA security opened the door and it was then closed. Mr Keegan then requested to be let in and as soon as staff were able the door had been opened. Mr Keegan responded that there was no doubt that he had been prevented from entering immediately. A customer had been found smoking in the premises and there were open bottles on the tables. It had left the impression of a venue that was badly run.

Mr McGregor responded to an earlier Environmental Health point regarding ice candles. He stated they did not have naked flames. They were used across the industry and were not pyrotechnics. All staff were trained in using them. They had not obtained authority as it was Mr Austin-Rees' view that they were not pyrotechnics and a risk assessment had been carried out. It was clarified that they were only used on non-embassy nights.

With regard to capacity Mr McGregor commented that half hourly checks were carried out at the premises, in accordance with instructions given by Licensing Inspectors, and initially recorded on SIA sheets, but subsequently recorded on both SIA and capacity sheet.

Mr Austin-Rees commented on the representations of residents. He made the point

that a friend of Mr Ayers had been relieved of his duties at Amika and that Mr Ayers' complaints had increased after this time. He believed his complaints were malicious. Whilst he took Ms Kuttner's concerns seriously she did live some distance from the club.

The Sub-Committee asked the Licensee a number of questions. These included why the issues had not been dealt with in a more robust way after the first review hearing. Mr Modaresi replied that he believed the relationship with the Police was fine. It had been suggested that the venue was poorly run and the Licensing Authority wanted private entertainment limited to 3.30am which had been dealt with. The Sub-Committee asked the Licensee how he could be of the view that a private event had taken place on 20-21 April. Mr Austin-Rees responded that the tables on the house list had to be pre-booked by 4pm the previous day. Mr Modaresi added that it had not been expected that those willing to pay £1500 for a table would be troublemakers. Mr Austin-Rees clarified that the minimum spend for the 2 tables where the fighting had broken out was £2500 and £1500 and that if they were not known as was the case in this situation, the minimum spend was increased. The Chairman asked if this was their definition of a private, pre-booked event how could the Police be expected to know exactly what had been proposed when agreeing the event. Mr Modaresi stated that the e-mailed application could have been clearer but this was left to the person he employed.

Mr McGregor wished to make the point that 2 February and 20-21 April had not occurred on embassy nights. It was wrong to say that the incident on 21 April had continued for 12 minutes and that the management had done nothing to try and prevent it. The Police had not told management to close the premises straight after or maintain the crime scene.

The Sub-Committee asked Mr McGregor and his clients why it was intended to revert to running club nights again in September 2014. Mr Modaresi replied that it was an international brand and they wanted to operate it similarly to club nights in Dubai. Mr McGregor consulted his clients and he advised Members that they were willing to remove the request on the management plan to have non embassy nights in the future.

The Sub-Committee also asked how the points of the management plan could work if appointed people such as the Community Liaison Officer had no legal responsibility. Mr McGregor answered that licensing was about partnerships. The management plan could also form the basis of conditions attached to the premises licence. The Sub-Committee also asked about the hours the Licensee was seeking on non embassy nights. Mr McGregor answered that his clients hoped to retain their existing hours on these nights. In respect of the VIP area, Mr Modaresi stated that there was indeed CCTV coverage there. Mr McGregor added that all of the CCTV images available had been forwarded to Mr Keegan.

The Sub-Committee asked for a definition of embassy nights. Mr Modaresi stated that there would be no more than 100 people. Mr McGregor advised that attendees would be Arabic royalty, embassy officials and Arabic businessmen. Mr Modaresi added that it was not open to the general public. The staff doing the bookings knew the attendees, no bookings were made through the website and there was a private

telephone number used. Alcohol would be very limited. The Sub-Committee enquired whether management would be willing to accept a no alcohol licence. Mr McGregor advised that this was not acceptable and asked that alcohol was retained on the licence.

Mr Rankin stated it was his understanding that the VIP area was not included in the CCTV coverage. If it was included he would like to see the CCTV footage. Mr McGregor stated that his clients were willing to provide the necessary footage. CCTV footage had been provided previously but they would be willing to do so again. If the interim steps were removed, management would undertake a review of the CCTV.

The Sub-Committee then heard the parties' closing statements. Mr Rankin stated that there should not be any distinction between embassy and non-embassy nights. This was to say that the venue could be run badly on certain nights but that it was safe on embassy nights as if this was an excuse for the incidents which happened on club nights. This was a second review of the premises and had followed an informal review where conditions had been voluntarily agreed with the Police by way of minor variation. There were examples of incidents taking place on embassy nights including Tuesday 13 June 2013 when 4 had been arrested and there had been an affray and ABH/wounding. On 20 August 2013 there had been fighting between 20 and 30 males of arab ethnicity fighting outside Amika. The Police had no confidence in the staff at Amika. Residents were now experiencing a trouble free period. They had informed at the hearing they were disturbed during the week as well as the weekend. He questioned the worth of a management committee to resolve matters. He referred to Mr Austin-Rees' statement which he commented were full of inaccuracies in relation to the incident of 21 April, particularly paragraph 55. The SIA staff were not able to remove all parties from the club in under a minute. The Form 696 should have been submitted to Police. First aid had been required and had been administered by Police. Glass had been used in the incidents. The scene had been cleared and the incident had started at 2.10am not shortly before 2.22am. The copy of the guest list provided to the Police had not identified the victims and suspects and was worthless. The management plan and other proposals were sticking plasters and a revocation of the premises licence was sought by Police.

Mr Brown in his summing up made the point that it was not just club nights which caused noise complaints. 11 June 2013 had been an embassy night as had the morning of 15 June. For residents if they were woken up it was a nuisance and it did not matter who they were woken up by. It was also the case that residents did not complain on every night that nuisance was caused.

Mr McGregor stated that there had been no criticism of Mr Modaresi. The criticism had been levelled at Mr Austin-Rees and Mr Rastgoo. Mr Austin-Rees would have no involvement in the running of the premises. It was for the Sub-Committee to decide on the position of the DPS. The Police had been wrong to say that Amika had been forced out of Kensington High Street. The lease had come to an end and there had been an opportunity to acquire a lease in Westminster. It had not been argued that there had never been any problems on embassy nights. However these had been minimal due to the type of clientele. The CRIS and CAD reports needed to be considered in this regard. The management plan had been revised to address

concerns. His client was content to remove the requirement for non embassy nights and remove condition 47 on the premises licence which permitted occasions when the hour could be extended for the provision of licensable activities as agreed by the Police as had been implemented on 20-21 April. Mr McGregor made the case that residents and businesses were in support of Amika remaining open. He continued that if residents had issues they should contact the noise team but it was useful in setting up the management committee to have the forum and for the premises to seek to engage with the community and local authority.

Decision (including reasons):

The Sub-Committee after considering the report and the evidence presented at the hearing was required to take such steps as it considered appropriate for the promotion of the licensing objectives. Members considered carefully the measures proposed by the Licensee including the revised management plan. Based on all the evidence heard however, they unanimously agreed in keeping with the view of the Sub-Committee at the interim stage that they had no confidence in the Licensee and/or the management of the premises. The Licensee had not taken responsibility in ensuring that the premises promoted the licensing objectives following the first review in August 2013 or following the 2 February 2014 incident which had led to the minor variation. The Licensee had had ample time to reflect that there was something wrong with how the venue was operated and had not taken the concerns of Police, the Licensing Inspectorate or residents into consideration. There had also been a lack of co-operation with the Police in the aftermath of the serious incident of 21 April. The Licensee was not taking an adequate level of responsibility now, arguing that he simply employed someone else to run the premises and offering to remove the General Manager or potentially directing the Sub-Committee to remove the DPS. The management plan provided no binding way forward to demonstrate that the conduct of the premises would improve.

Members of the Sub-Committee considered that it was not appropriate for Amika management to state that certain nights of the week when the licensing objectives had been undermined should be ignored and excused in favour of focusing on certain other nights of the week when it was stated that embassy nights had taken place. The Licensee had had an equal level of responsibility for promoting the licensing objectives at all times the licence was in operation, including preventing local residents experiencing public nuisance. Public nuisance had been so significant that it had been a key reason for the Licensing Authority bringing the first review in August 2013 and local residents had continued to document the many occasions when they had been disturbed in their diaries since that time. Local residents had advised that they experienced public nuisance on all days of the week. Whilst embassy nights may have been quieter overall, the Sub-Committee did not accept that the licensing objectives had not been undermined on occasions when they had been in operation. There may have been less nuisance than on club nights and it had been suggested by the Licensee that this was potentially because alcohol was not involved. Despite this suggestion the Licensee was not prepared to take this to its natural conclusion and decide not to have an alcohol licence.

It was clear that the Licensee, like Mr Austin-Rees, did not appreciate the meaning or

definition of a private, pre-booked event. Amika Nightclub had not improved its operation despite advice from the Police and the Licensing Inspectors. There had been an inability to comply with conditions on the premises licence. The organisation of the Bad Bunny Ball only added to the impression of a venue that consistently undermined the licensing objectives, whether this related to delays in providing CCTV to the Responsible Authorities or smoking taking place inside the premises. The Sub-Committee therefore considered it was appropriate to revoke the premises licence.

Previously licenced as 'Amika', hours listed below.

Performance of Dance	
Monday to Saturday:	09:00 to 03:00
Sunday:	12:00 to 23:00
Non-standard Timings: See condition 47	
Exhibition of a Film	
Monday to Saturday:	10:00 to 03:00
Sunday:	12:00 to 23:30
Non-standard Timings: See condition 47	
Performance of Live Music	
Monday to Saturday:	09:00 to 03:00
Sunday:	12:00 to 23:00
Non-standard Timings: See condition 47	
Playing of Recorded Music	
Non-standard Timings: Unrestricted	
Anything of a similar description to Live Music, Recorded Music or Performance of Dance	
Monday to Saturday:	09:00 to 03:00
Sunday:	12:00 to 23:00
Non-standard Timings: See condition 47	
Late Night Refreshment	
Monday to Saturday:	23:00 to 03:30
Sunday:	23:00 to 01:00
Non-standard Timings: See condition 47	
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit	
Monday to Saturday:	09:00 to 03:00
Sunday:	12:00 to 23:00
Non-standard Timings: See condition 47	
Sale by Retail of Alcohol	
Monday to Saturday:	10:00 to 03:00
Sunday:	08:00 to 00:30
Non-standard Timings: See condition 47	

47. *On no more than 15 occasions per calendar year and following 10 working days notice (or less by agreement by the police), the hour may be extended for the provision of all licensable activities to such time as agreed by the police, subject to the police retaining the power to veto any such occasion.*

Licence revoked 19.05.2014 – Copy of decision is located in Appendix 2, section 9.

Mayfair Reality Limited held the previous licence since a transfer on 11TH June 2012 until revocation.

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic

Appendix 4

- in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 6.
- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

EH Conditions agreed with applicant.

1. The number of persons permitted in each area of the premises at any one time (excluding staff) shall not exceed :-

- a. Basement: 130
- b. Ground floor: 32
- c. First floor: 65
- d. Second floor: 40

(The final numbers in each of the areas to be determined on completion of the refurbishment but the overall number shall not exceed 267 patrons)

- 2. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction, new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
- 3. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
- 4. 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.
- 5. The supply of alcohol on the first and second floors of the premises shall only be to a person seated taking a table meal there, including customers awaiting service, for consumption by such a person as ancillary to their meal.
- 6. The supply of alcohol on the ground floor shall only be by waiter or waitress service to customers who are seated and after 21:00 hours shall only be to a

person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

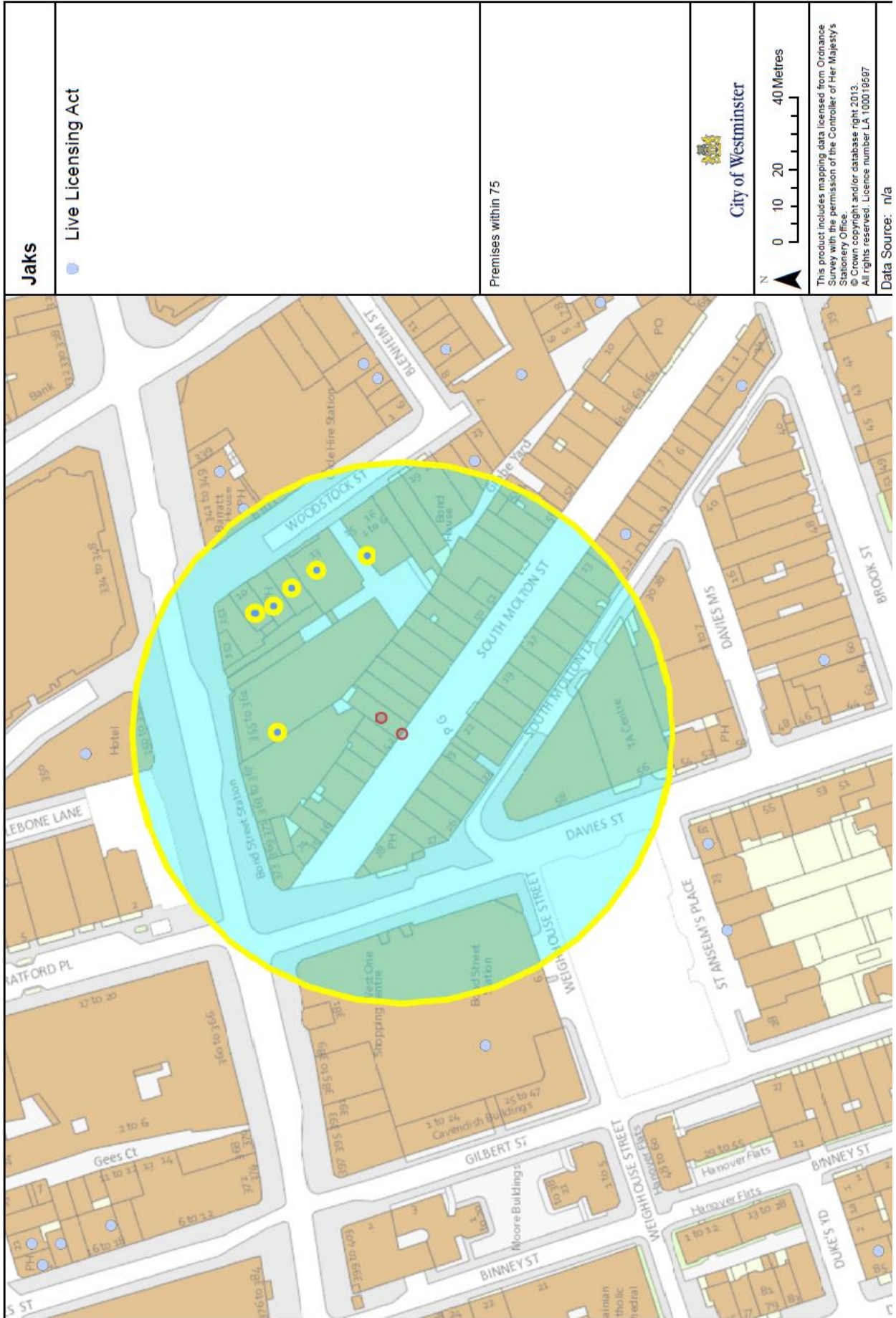
7. The basement shall be laid out with tables and chairs (providing at least 120 seating places for customer use) at all times when there is supply of alcohol in this area (final numbers to be determined on removal of 'works' conditions 2 and 3)
8. The supply of alcohol for consumption off the premises shall be in sealed containers only save for in an area appropriately authorised for the use of tables and chairs on the highway where such supply of alcohol will be:
 - by waiter or waitress service only
 - to customers who are seated
 - and where there will be no more than 4 tables and 16 chairs.
9. All tables and chairs shall be removed from the outside area by 21.00 hours each day.
10. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
11. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them unless seated in the authorised external area. After 21:00 hours such patrons shall be restricted to a maximum of 15 at any one time and shall be supervised by a person licensed by Security Industry Authority.
12. A member of management or security shall patrol South Molton Street from 23:00 hours until 30 minutes after the premises close.
13. There shall be no regulated entertainments on the ground floor
14. After 23:00 hours amplified live music shall be restricted to the basement.
15. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
16. The exhibition of films shall be restricted to the basement and there shall be no cinema style showing of films

17. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
18. 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.
19. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
20. 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.
21. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
22. 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.
23. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

24. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
25. 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.
26. 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.
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 07:00 hours on the following day.
29. No deliveries to the premises shall take place between 23:00 hours and 08:00 hours on the following day.
30. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
31. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service.

32. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
33. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services
34. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
35. 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.
36. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
37. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
38. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
39. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
40. 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.
41. The certificates listed below shall be submitted to the licensing authority upon written request:
 - Any permanent or temporary emergency lighting battery or system
 - Any permanent or temporary electrical installation
 - Any permanent or temporary emergency warning system

42. The premises shall operate a dispersal policy at least half an hour before the terminal hour for provision of licensable activities and until the last customer has left the immediate area, as follows:
 - a. Hot and cold soft drinks must be available.
 - b. Music must be lowered.
 - c. Lights must be turned up.
 - d. Customers must be reminded that there are residents on the street and be asked to leave quietly.
 - e. Customers must be encouraged to walk towards Oxford Street.
 - f. Security staff shall supervise the exit door and the street outside, to disperse customers rapidly and quietly.
43. After 20:00 hours there shall be at least one SIA- registered security officer on all days there are provision of licensable activities. On Thursdays, Fridays and Saturdays, there shall be no fewer than three SIA-registered security officers at all times after 20:00 hours. The officers shall remain on duty until the last customer has left the immediate area.
44. All staff engaged in supervising of the outside of the premises shall wear high visibility arm bands.



If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Emails from applicant	Feb/March/April 2016
5	Emails/objections from applicants	Feb/March/April 2016
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