



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	9 <sup>th</sup> March 2017
Licensing Ref No:	17/00601/LIPV - Premises Licence Variation
Title of Report:	London Cocktail Club Basement Portland House 4 Great Portland Street London W1W 8QJ
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:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	18 January 2017		
<b>Applicant:</b>	The London Cocktail Club Limited		
<b>Premises:</b>	London Cocktail Club		
<b>Premises address:</b>	Basement Portland House 4 Great Portland Street London W1W 8QJ	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	The premises is currently operating as a Cocktail Lounge.		
<b>Variation description:</b>	<p>The applicant has applied to vary the terminal hour from 23:30 until 01:00 on a Thursday for film, live music, recorded music, late night refreshment and retail sale of alcohol.</p> <p>To vary the terminal hour from 00:00 until 02:00 on a Friday and Saturday for film, live music, recorded music, late night refreshment and retail sale of alcohol.</p> <p>To add a number of conditions to the premises licence.</p>		
<b>Premises licence history:</b>	The premises has been licensed February 2014		
<b>Applicant submissions:</b>	None provided.		

**1-B Current and proposed licensable activities, areas and hours**

**Regulated Entertainment**

**Exhibition of films**

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	10:00	23:30	No Change		Please see Plan attached at Annex 1	No Change.
<b>Tuesday</b>	10:00	23:30				
<b>Wednesday</b>	10:00	23:30				
<b>Thursday</b>	10:00	23:30	10:00	01:00		
<b>Friday</b>	10:00	00:00	10:00	02:00		
<b>Saturday</b>	10:00	00:00	10:00	02:00		
<b>Sunday</b>	12:00	22:30	No Change			
<b>Seasonal variations:</b>	<b>Current:</b>				<b>Proposed:</b>	
<b>Non-standard timings:</b>	<p>The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.</p> <p>The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.</p>				<p>The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.</p> <p>The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.</p> <p>On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00.</p>	

Performance of live music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	23:00	23:30	No Change		Please see Plan attached at Annex 1	No Change.
<b>Tuesday</b>	23:00	23:30				
<b>Wednesday</b>	23:00	23:30				
<b>Thursday</b>	23:00	23:30	23:00	01:00		
<b>Friday</b>	23:00	00:00	23:00	02:00		
<b>Saturday</b>	23:00	00:00	23:00	02:00		
<b>Sunday</b>			No Change			
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	<p>The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.</p> <p>The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.</p>				<p>The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.</p> <p>The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.</p> <p>On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00.</p>	

Performance of live music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	10:00	23:30	No Change		Please see Plan attached at Annex 1	No Change.
<b>Tuesday</b>	10:00	23:30				
<b>Wednesday</b>	10:00	23:30				
<b>Thursday</b>	10:00	23:30	23:00	01:00		
<b>Friday</b>	10:00	00:00	23:00	02:00		
<b>Saturday</b>	10:00	00:00	23:00	02:00		
<b>Sunday</b>	12:00	10:00	23:30			

<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>	<b>Proposed:</b>
	<p>The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.</p> <p>The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.</p>	<p>The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.</p> <p>The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.</p> <p>On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00.</p>

**Late night refreshment**

	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	23:00	23:30	No Change		Please see Plan attached at Annex 1	No Change.
<b>Tuesday</b>	23:00	23:30				
<b>Wednesday</b>	23:00	23:30				
<b>Thursday</b>	23:00	23:30	23:00	01:00		
<b>Friday</b>	23:00	00:00	23:00	02:00		
<b>Saturday</b>	23:00	00:00	23:00	02:00		
<b>Sunday</b>	23:00	00:00	No Change			

<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>	<b>Proposed:</b>
	<p>The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.</p> <p>The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.</p>	<p>The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.</p> <p>The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.</p> <p>On the morning that Greenwich Mean Time changes to British</p>

		Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00.
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**Sale by Retail of Alcohol**

<b>On or off sales</b>	<b>Current :</b>	<b>Proposed:</b>
		On Sales

	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	10:00	23:30	No Change		Please see Plan attached at Annex 1	No Change.
<b>Tuesday</b>	10:00	23:30				
<b>Wednesday</b>	10:00	23:30				
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<b>Saturday</b>	10:00	00:00	10:00	02:00		
<b>Sunday</b>	10:00	22:30	No Change			

<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>	<b>Proposed:</b>
	<p>The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.</p> <p>The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.</p>	
	<p>The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.</p> <p>The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.</p> <p>On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00.</p>	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	10:00	23:30	10:00	23:30		
<b>Tuesday</b>	10:00	23:30	10:00	23:30		
<b>Wednesday</b>	10:00	23:30	10:00	23:30		
<b>Thursday</b>	10:00	23:30	10:00	01:00		
<b>Friday</b>	10:00	00:00	10:00	02:00		
<b>Saturday</b>	10:00	00:00	10:00	02:00		
<b>Sunday</b>	12:00	2:30	12:00	22:30		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>			<b>Proposed:</b>		
	<p>The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.</p> <p>The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.</p>			<p>The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.</p> <p>The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.</p> <p>On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00.</p>		

<b>1-C Layout alteration</b>
No variation to the layout proposed.

1-D Conditions being varied, added or removed		
Condition	Proposed variation	
<p><b><u>Condition 37:</u></b></p> <p>On Thursdays there shall be no admittance or re-admittance to the premises after 00:00 except for patrons permitted to temporarily leave the premises to smoke.</p>	To be added.	
<p><b><u>Condition 38:</u></b></p> <p>On Fridays and Saturdays there shall be no admittance or re-admittance to the premises after 01:00 except for patrons permitted to temporarily leave the premises to smoke.</p>		
<b>Adult entertainment:</b>	<b>Current position:</b>	<b>Proposed position:</b>
	Not applicable	Not applicable

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Consultation Team
<b>Representative:</b>	Ms Ayesha Bolton
<b>Received:</b>	15 <sup>th</sup> February 2017
<p><b>RE: London Cocktail Club, Basement, Portland House, 4 Great Portland Street, London, W1W 8QJ</b></p> <p>I refer to the application for the variation of Premises Licence for the above premises.</p> <p><b>The premises are located within the West End Cumulative Impact Area as stated in the City of Westminster's Statement of Licensing Policy.</b></p> <p>This representation is based on the application and operating schedule submitted.</p> <p>The applicant is seeking the following:</p> <ol style="list-style-type: none"> <li>1. To extend the permitted hours for Regulated Entertainment of Films, Live Music and Recorded Music Thursday from 23.30 to 01.00 hours and Friday to Saturday from</li> </ol>	



00.00 to 02.00 hours.

2. To extend the permitted hours for Supply of Alcohol On the premises only Thursday from 23.30 to 01.00 hours and Friday to Saturday from 00.00 to 02.00 hours.
3. To extend the permitted hours for Late Night Refreshment 'Indoors' only Thursday from 23.30 to 01.00 hours and Friday to Saturday from 00.00 to 02.00 hours.

I wish to make the following representation.

1. The hours requested for the Regulated Entertainment will have the likely effect of causing an increase in Public Nuisance within the area and impact on Public Safety within the area.
2. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area and impact on Public Safety within the area.
3. The hours requested for Late Night Refreshment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.

<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Bryan Lewis
<b>Received:</b>	4 <sup>th</sup> February 2017

I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.

The venue is situated in the West End Cumulative Impact Area, a locality where there is traditionally high levels of crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy CIA1 applies</b>	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
<b>Policy PB2 applies:</b>	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.
<b>Policy HRS1 applies:</b>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>

### 4. Appendices

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

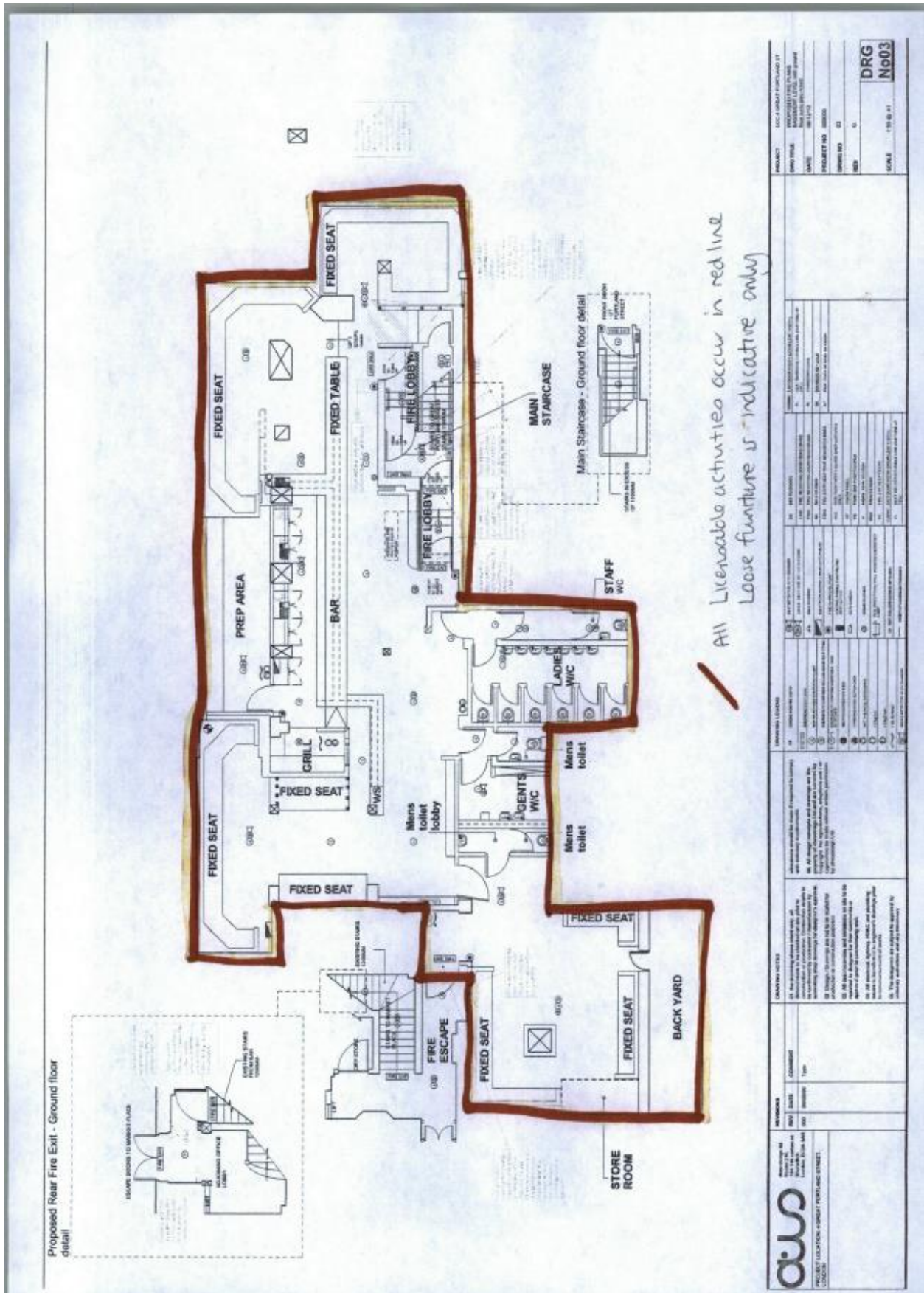
<b>Report author:</b>	Miss Heidi Lawrance Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

**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**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application Form	18 <sup>th</sup> January 2017
<b>5</b>	Representation – Environmental Health	15 <sup>th</sup> February 2017
<b>6</b>	Representation – MET Police Service	6 <sup>th</sup> February 2017

Premises Plans



PROJECT	CCC / MARKET BUILDING 17
DRAWING	PRELIMINARY FLOOR PLAN
DATE	06/11/17
PROJECT NO.	0000
SHEET NO.	03
NO.	0
SCALE	1:50 (B1)
<b>DRG No03</b>	

1. ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED ARE IN METERS. 2. ALL WALLS, PARTITIONS AND CEILING ARE TO BE CONCRETE UNLESS OTHERWISE SPECIFIED. 3. ALL FLOORS ARE TO BE CONCRETE UNLESS OTHERWISE SPECIFIED. 4. ALL ROOFS ARE TO BE CONCRETE UNLESS OTHERWISE SPECIFIED. 5. ALL DOORS ARE TO BE CONCRETE UNLESS OTHERWISE SPECIFIED. 6. ALL WINDOWS ARE TO BE CONCRETE UNLESS OTHERWISE SPECIFIED. 7. ALL STAIRS ARE TO BE CONCRETE UNLESS OTHERWISE SPECIFIED. 8. ALL LIFT SHAFTS ARE TO BE CONCRETE UNLESS OTHERWISE SPECIFIED. 9. ALL CORES ARE TO BE CONCRETE UNLESS OTHERWISE SPECIFIED. 10. ALL SERVICES ARE TO BE CONCEALED UNLESS OTHERWISE SPECIFIED.	
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11. ALL SERVICES ARE TO BE CONCEALED UNLESS OTHERWISE SPECIFIED. 12. ALL SERVICES ARE TO BE CONCEALED UNLESS OTHERWISE SPECIFIED. 13. ALL SERVICES ARE TO BE CONCEALED UNLESS OTHERWISE SPECIFIED. 14. ALL SERVICES ARE TO BE CONCEALED UNLESS OTHERWISE SPECIFIED. 15. ALL SERVICES ARE TO BE CONCEALED UNLESS OTHERWISE SPECIFIED.	
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16. ALL SERVICES ARE TO BE CONCEALED UNLESS OTHERWISE SPECIFIED. 17. ALL SERVICES ARE TO BE CONCEALED UNLESS OTHERWISE SPECIFIED. 18. ALL SERVICES ARE TO BE CONCEALED UNLESS OTHERWISE SPECIFIED. 19. ALL SERVICES ARE TO BE CONCEALED UNLESS OTHERWISE SPECIFIED. 20. ALL SERVICES ARE TO BE CONCEALED UNLESS OTHERWISE SPECIFIED.	
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21. ALL SERVICES ARE TO BE CONCEALED UNLESS OTHERWISE SPECIFIED. 22. ALL SERVICES ARE TO BE CONCEALED UNLESS OTHERWISE SPECIFIED. 23. ALL SERVICES ARE TO BE CONCEALED UNLESS OTHERWISE SPECIFIED. 24. ALL SERVICES ARE TO BE CONCEALED UNLESS OTHERWISE SPECIFIED. 25. ALL SERVICES ARE TO BE CONCEALED UNLESS OTHERWISE SPECIFIED.	
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**CLIENT**  
 Name: [Redacted]  
 Address: [Redacted]  
 Contact: [Redacted]

**DESIGNER**  
  
 Name: [Redacted]  
 Address: [Redacted]  
 Contact: [Redacted]

**PROJECT LOCATION:** MARKET PLACE, MARKET STREET, [Redacted]

**Applicant Supporting Documents**

None submitted.

### Licence & Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
13/10160/LIPN	Application for a new premises licence	13/02/2014	Granted by Licensing Sub-Committee
15/06997/LIPCH	Change of details	14/08/2015	Granted under Delegated Authority

### TEN History

15/03307/LITENP	Temporary Event Notice	08.07.2015	Notice Granted
15/06750/LITENP	Temporary Event Notice	09.09.2015	Notice Granted
15/07342/LITENP	Temporary Event Notice	09.09.2015	Notice Granted
15/10438/LITENP	Temporary Event Notice	20.11.2015	Notice Granted
15/10438/LITENP	Temporary Event Notice	20.11.2015	Notice Granted
15/10440/LITENP	Temporary Event Notice	20.11.2015	Notice Granted
15/10442/LITENP	Temporary Event Notice	20.11.2015	Notice Granted
16/00765/LITENP	Temporary Event Notice	28.01.2016	Notice Granted
16/05417/LITENP	Temporary Event Notice	07.06.2016	Notice Granted

16/07725/LITENP	Temporary Event Notice	29.07.2016	Notice Granted
16/08649/LITENP	Temporary Event Notice	19.08.2016	Notice Granted
16/09222/LITENP	Temporary Event Notice	26.09.2016	Notice Granted
16/09656/LITENP	Temporary Event Notice	02.12.2016	Notice Granted
16/12094/LITENP	Temporary Event Notice	20.12.2016	Notice Granted
16/12102/LITENP	Temporary Event Notice	20.12.2016	Notice Granted
16/13203/LITENP	Temporary Event Notice	20.12.2016	Notice Granted

**There is no appeal history**

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

When determining an application for a variation of a 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 appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate 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

**Conditions: On Current Licence -**

**Mandatory:**

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 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.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.
10. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

## **Annex 2 – Conditions consistent with the operating Schedule**

None

## **Annex 3 – Conditions attached after a hearing by the licensing authority**

11. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 200 persons.
12. There shall be waiter/waitress service throughout the premises at all times.
13. There shall be no sales of alcohol for consumption off the premises.
14. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
15. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises 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.
16. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises 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.

17. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
18. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
19. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
20. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) 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 to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.
21. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
22. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
23. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
24. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
25. There shall be no cinema style showing of films.
26. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue

- (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
27. The premises shall join the local Pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.
  28. The food bar shown on the plans shall be maintained functioning and available to patrons at all times the premises are trading.
  29. A taxi service shall be available to patrons.
  30. There shall be no draught beer sold at the premises.
  31. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.
  32. The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.
  33. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
  34. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
  35. The premises shall operate as a cocktail lounge, and a minimum percentage of cocktail drinks on any given day sold at the premises shall be 75% of total sales.
  36. There shall be a minimum of one SIA security person on duty Friday and Saturday from 9pm until 15 minutes after the premises closes.

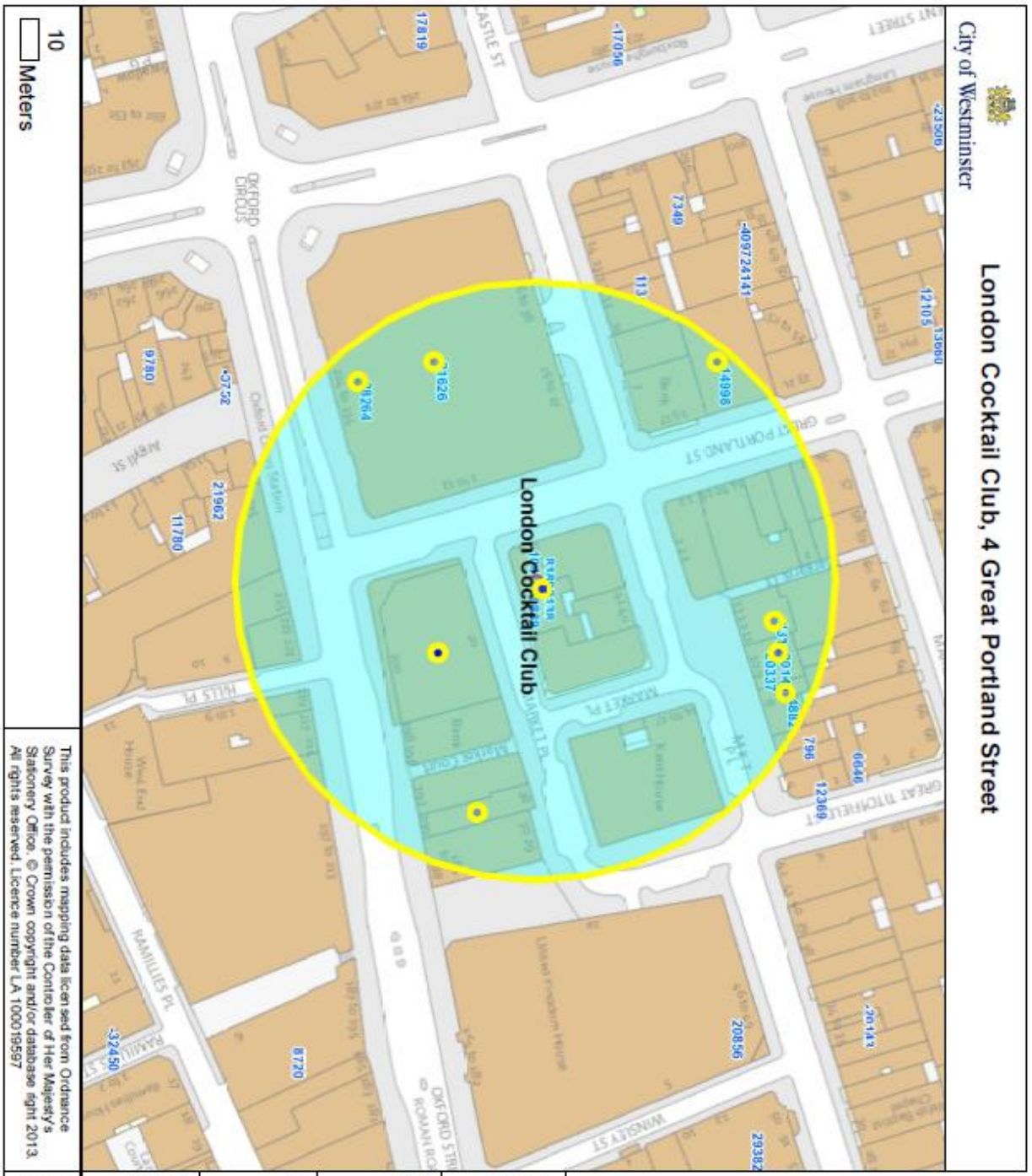
**Conditions proposed by applicant:**

37. On Thursdays there shall be no admittance or re-admittance to the premises after 00:00 except for patrons permitted to temporarily leave the premises to smoke.
38. On Fridays and Saturdays there shall be no admittance or re-admittance to the premises after 01:00 except for patrons permitted to temporarily leave the premises to smoke.

## **Conditions Proposed by Metropolitan Police Service**

39. There shall be a minimum of 2 SIA Security on Friday and Saturday night and 1 SIA Security on Thursday night between 9pm and 15 minutes after the premises closes. Their SIA licences shall be displayed at all times.
40. There shall be a 15 minute wind down period prior to the end of licensable activities on Thursday, Friday and Saturday trading nights. The style tempo and volume of any music shall be consistent with the wind down period.

**Residential Map and List of Premises in the Vicinity**



City of Westminster	<b>London Cocktail Club, 4 Great Portland Street</b>	
10 Meters	<p>This product includes mapping data licensed from Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office. © Crown copyright and/or database right 2013. All rights reserved. Licence number LA 100019597</p>	
Residential / Proposed Residential	13	
Under Construction	None	
Other Uses	None	
Proportion Residential of all Uses	None	
Data Source: Uniform Database	Date: 20/02/2017	

**Premises within 75 metres of: London Cocktail Club, Basement Portland House 4 Great Portland Street**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Licensed Hours</b>
-14998	Vapiano	19 - 21 Great Portland Street London W1W 8QB	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 01:00
20337	Strada	Ground Floor 9 - 10 Market Place London W1W 8AJ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-8313	Market Place	11 - 13 Market Place London W1W 8AH	Monday to Wednesday 08:00 - 00:30 Thursday to Saturday 08:00 - 01:30 Thursday to Saturday 08:00 - 02:30 Sunday 08:00 - 23:00
-4882	Carluccio's	7-8 Market Place London W1W 8AG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
2138	Dego	Basement Portland House 4 Great Portland Street London W1W 8QJ	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sundays before Bank Holidays 12:00 - 00:30 Sunday 12:00 - 23:00
20149	Coppa Club	Ground Floor 9 - 10 Market Place London W1W 8AJ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
21626	Eat Limited	36-38 Great Castle Street London W1W 8LW	Monday to Saturday 09:00 - 21:00 Sunday 11:00 - 18:00
28264	Top Shop	Whole Building 214 Oxford Street London W1C 1DA	Monday to Sunday 09:00 - 23:00
30839	Cote	Basement Portland House 4 Great Portland Street London W1W 8QJ	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sundays before Bank Holidays 12:00 - 00:30 Sunday 12:00 - 23:00