

# Licensing Sub-Committee Report

Item No:	
Date:	27 February 2020
Licensing Ref No:	19/13558/LIPN - New Premises Licence
Title of Report:	Thirty Eight Grosvenor Square Basement, Ground and First Floors, 38 Grosvenor Square London W1K 2HW
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:	Michelle Steward Senior Licensing Officer
Contact details	Telephone: 0207 641 1872 Email: msteward1@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	17 October 2019		
<b>Applicant:</b>	Grosvenor West End Properties		
<b>Premises:</b>	Thirty Eight Grosvenor Square		
<b>Premises address:</b>	Basement, Ground and First Floors, 38 Grosvenor Square London W1K 2HW	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	None
<b>Premises description:</b>	<p>This is an application for a new premises licence with a limited time period, expiring on the 28 February 2022 and the applicant proposes to operate the premises as a cultural events space.</p> <p>At the time of writing this report no further information has been provided by the applicant.</p>		
<b>Premises licence history:</b>	As this is a new premises licence application, no premises licence history exists.		
<b>Applicant submissions:</b>	There for no submissions from the applicant.		

1-B Proposed licensable activities and hours							
<b>Performance of Dance, Exhibition of Films, Indoor Sporting Events, Live Music, Recorded Music and Performance of Plays</b>				<b>Indoors, outdoors or both</b>			Indoors Only
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	08:00	08:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>Seasonal variations/ Non-standard timings:</b>		The hours on New Year's Eve will be from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					

Sale by retail of alcohol				On or off sales or both:			Indoors Only
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	08:00	08:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>Seasonal variations/ Non-standard timings:</b>		The hours on New Year's Eve will be from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	08:00	08:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>Seasonal variations/ Non-standard timings:</b>		The hours on New Year's Eve will be from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Sally Fabbriatore
<b>Received:</b>	31 October 2019
<p>I refer to the application for a new Premises Licence for the above premises.</p> <p>This representation is based on the Operating Schedule and the submitted plans, for the basement (drawing number 2), ground floor (drawing number 1), and first floor (drawing number 2), all dated 27/08/19.</p> <p>The applicant is seeking the following on the <b>basement, ground floor and first floor</b>:</p> <ol style="list-style-type: none"> <li>1. To allow the Supply of Alcohol 'on' and 'off' the premises Monday to Sunday 08:00-23:00 hours.</li> <li>2. To allow the provision of the following regulated entertainment indoors: plays, films, indoor sporting, live music, recorded music, performance of dance and anything similar indoors on Monday to Sunday 08:00-23:00 hours.</li> <li>3. To allow the above provisions from the end of New Year's Eve to the start of New Year's Day.</li> </ol> <p>I wish to make the following representation in relation to the above application:</p> <ol style="list-style-type: none"> <li>1. The provision of the Supply of Alcohol may cause an increase in Public Nuisance in the area, it may also impact on Public Safety.</li> <li>2. The provision of regulated entertainment may cause an increase in Public Nuisance in the area, it may also impact on Public Safety.</li> <li>3. The longer hours on New Year's Eve may cause an increase in Public Nuisance in the area.</li> </ol> <p>The applicant has proposed conditions within the Operating Schedule which are being</p>	

considered.

An assessment of the layout will need to take place to protect Public Safety. Further conditions may be proposed by Environmental Health in order to help prevent Public Nuisance and protect Public Safety.

<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Bryan Lewis
<b>Received:</b>	7 November 2019
Police object to this application, as it may not promote the licensing objectives, namely the prevention of crime and disorder for the following reasons:	
<ul style="list-style-type: none"><li>• Some WCC model conditions have been amended</li><li>• More information required to properly assess this application</li></ul>	

<b>2-B Other Persons</b>	
<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	██████████ ██████████ ██████████
<b>Received:</b>	12 November 2019
<p>This would impact the area gravely, causing conditions unbearable and unacceptable for the neighbouring residential area. Aggravated noise, disturbance and sleeplessness would mean children going to school unable to concentrate after lack of sleep; those living in the mews wearing earplugs in a vain attempt to get sleep before work. 38 is an 18th century Grade 2* listed building which does not and cannot have modern sound insulation. Residents would be entirely unprotected from live music and disco, in flats adjoining in Grosvenor Square, and in the vulnerable mews of ██████████, which has no pavement between the residents' windows and the highway to protect them from disturbance of crowds in the street. This would contravene WCC guidelines already established for this area, which has been assessed as vulnerable. Add environmental damage from Grosvenor's application next door to no 38 - to turn the underground car park into a live performance events space for up to 1300 people - also potentially streaming out into the street after 11pm. With hundreds leaving from 38 Grosvenor Square, there would be unsupervised rowdy disturbance and possible conflict. The HGVs and heavy trucks needed to dismantle staging equipment after each event at night would cause public and residential nuisance. Previous trial use saw urination, smoking groups and trash on residents' doorsteps whenever 38 was used; this would become continuous. Of concern: allowing drinking from 8am to 11pm in a building where no food can be prepared(condition 7); and that contrary to the applicant's submission, 60% of the building is still un-refurbished and rotting. Grosvenor obtained planning permission specifically for use as an 'Academy': i.e. an educational, cultural use fitting the dignity of the building and area; which live music, disco, 'indoor sports' and commercial parties, emphatically is not. Locals fear the risk to the building will be extended to the health of the community itself.</p>	
<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	██████████ ██████████ ██████████
<b>Received:</b>	23 October 2019

██████████ Grosvenor Square, in the area that is affected by noise from late evening and night-time deliveries, waste & recycling collections and other servicing vehicles. Much effort has been made to reduce the numbers of waste & recycling vehicles, which are particularly noisy, that careen throughout this part of north Mayfair in the evenings and during the night. This has been very successful, but now numbers of private waste collections are again rising, and these usually 'rat-run' through residential streets. Therefore, to prevent noise nuisance to residents close to the property and in the nearby streets, if the premises is going to use private waste and recycling services, these should be restricted to between the times of 8am and 8pm. Movement of goods or waste/recycling items should also be restricted to between 8am and 8pm. (Items 26 and 27 on the proposed conditions list).

It is of concern also that there is an intention to play recorded music outside the premises, that might impact on adjacent residential or hotel accommodation.

Also, there should be no off-sales permitted. There are enough problems as it is with people drinking in the locals streets.

<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	██████████, ██████████ ██████████ ██████████
<b>Received:</b>	13 November 2019

I would like to express my grave concern about the recent strategic strategy Grosvenor is deploying for their properties in Mayfair. For any business to thrive, they need a thriving community, however recently developments have indicated that Grosvenor are putting profit over people, commerce over community and aren't safeguarding residents and those with young families.

In relation to 19/13558/LIPN | Premises Licence, this would impact the area gravely, causing conditions unbearable and unacceptable for the neighbouring residential area. Aggravated noise, disturbance and sleeplessness would mean children going to school unable to concentrate after lack of sleep; those living in the mews wearing earplugs in a vain attempt to get sleep before work. 38 is an 18th century Grade 2\* listed building which does not and cannot have modern sound insulation. Residents would be entirely unprotected from live music and disco, in flats adjoining in Grosvenor Square, and in the vulnerable mews of Adams Row, which has no pavement between the residents' windows and the highway to protect them from disturbance of crowds in the street. This would contravene WCC guidelines already established for this area, which has been assessed as vulnerable. Add environmental damage from Grosvenor's application next door to no 38 - to turn the underground car park into a live performance events space for up to 1300 people - also potentially streaming out into the street after 11pm. With hundreds leaving from 38 Grosvenor Square, there would be unsupervised rowdy disturbance and possible conflict. The HGVs and heavy trucks needed to dismantle staging equipment after each event at night would cause public and residential nuisance. Previous trial use saw urination, smoking groups and trash on residents' doorsteps whenever 38 was used; this would become continuous. Of concern: allowing drinking from 8am to 11pm in a building where no food can be prepared(condition 7); and that contrary to the applicant's submission, 60% of the building is still un-refurbished and rotting. Grosvenor obtained planning permission specifically for use as an 'Academy': i.e. an educational, cultural use fitting the dignity of the building and area; which live music, disco, 'indoor sports' and commercial parties, emphatically is not. Locals fear the risk to the building will be extended to the health of the community itself.

Thank you for listening to the residents and understanding the fragile ecosystem in which we live and work and how important it is to ensure alignments of interest and balance.

**Further correspondence from a representative on behalf of the objector received on 14 November 2019:**

I am writing on behalf [REDACTED] to vehemently object to the above licensing application.

Firstly, I note that the applicant has incorrectly described No 38 as being previously the Indian Embassy; it was not, it was the Indonesian Embassy. The Applicant further describes the building as 'refurbished ... for cultural use'. Only the principal rooms have been 'refurbished' - the rest, some 60% of the building, has been left un-refurbished and rotting. The application has temporary planning consent for use as an "Academy" - a use that infers an educational use. Its current use by the venue partner Venue Lab cannot be described as cultural - it is being used as an empty shell for commercial hire. We note that Venue Lab does not run educational or cultural academies or institutions: their work is composed entirely of blank canvas events spaces for hire. The Applicant has provided no evidence whatsoever of an Academy or similar institution use in prospect.

The applicant has ignored the use consent and is proposing what can only be described as a mini O2 Centre. They are proposing an intensive array of sports, music, theatre, dance events. These are not educational uses and to claim so is disingenuous, if one is being generous to the applicant. The applicant proposes: Films, plays, indoor sporting events, live music (indoors & outdoors), recorded music, performance of dance and all in the vicinity of a predominantly residential area. It seems the landlord Grosvenor Estate has abdicated its historic custodian role in Mayfair recently and submitted a flurry of inappropriate and intensive commercial use applications, with no consultation and no consideration for the local residents and businesses.

I note that the planning conditions for 38 state that food cannot be prepared on the premises, so this will be drinking without the accompanying food; and those drinking patrons will all leave immediately adjacent to the NCP car park proposal, with further late-night simultaneous mass egress into Adams Row.

So, one might ask that in the light of the combined impact on residential amenity, that the two adjoining applications should be considered together? This application has massive implications for [REDACTED] immediately facing the [REDACTED], and for Grosvenor Square neighbours. Not one neighbour within immediate environs seems to have received information.

I note that a licence is proposed for seven days a week, from 8am to 11 pm, with closing time being 11.30pm. How is this considered educational and how is this deemed an appropriate use? We are likely to have frequent drunken people coming out of rock concerts and white-collar boxing/MMA matches. I see no management plan that explains in detail how residents will be protected from the obvious effects of these proposed events; leading to anti-social behaviour, urination in Adams Row and additional parking congestion in the surrounding area. We are not told how many staff members will be employed but are told that up to 300 people will be the maximum number of the public at the individual events. We are given no acoustic reports to show how this noise will not cause disruption in the immediate vicinity, particularly Adams Row. The applicant says no noise or use of plant or equipment shall emanate from the premises - How is this so? Surely music and sports and dance events require air conditioning units, chillers, and noisy electronic production equipment?

As a Grade 2\* listed 18th century building, 38 has no modern sound insulation, and heritage regulations should govern its structure and interior features.

It seems the freeholder has abdicated its historic custodian role in balancing residential and commercial uses, in favour of short-term profit at the expense of the local residents and businesses.

This licensing application should be refused. It is an inappropriate use, in the wrong location and ignores Westminster's long held policies to protect residential amenities in Mayfair.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<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 and with particular regard to the following:</p> <p>(a) The demonstration of compliance with relevant criteria in policies CD1, PS1, PN1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety and public nuisance.</p> <p>(b) Whether there is residential accommodation in the proximity of the premises that would be likely to be adversely affected by premises being open or carrying out operations at the hours proposed.</p>
<b>Policy COMB1 applies</b>	<p>(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.</p> <p>(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).</p> <p>(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 &amp; PB2, FFP1 &amp; FFP2, MD1 &amp; MD2.</p>
<b>Policy PB1 applies</b>	<p>Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.</p>

#### 4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

#### 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

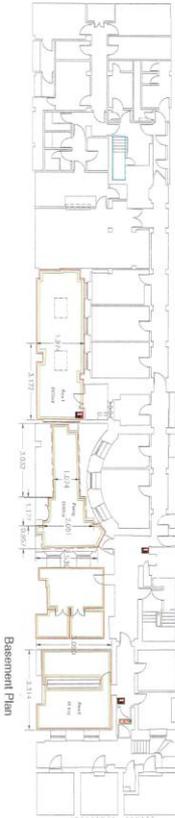
<b>Report author:</b>	Michelle Steward Senior Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 1872 Email: msteward1@westminster.gov.uk

**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**

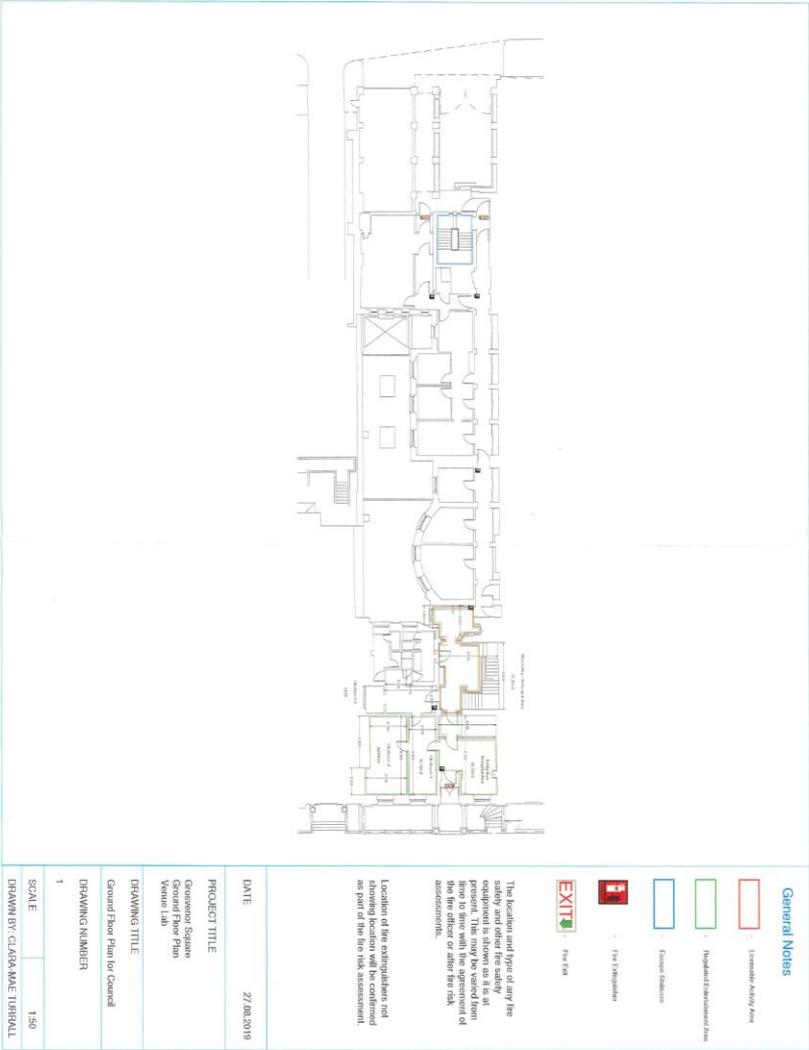
<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Environmental Health Service representation	31 October 2019
<b>5</b>	Representation 1	12 November 2019
<b>6</b>	Representation 2	23 October 2019
<b>7</b>	Representation 3	13 November 2019

Basement Level Plan



<b>General Notes</b>	
	Landmark Activity Area
	Regulated Environmental Area
	Change Schedule
	Fire Compartment
	Fire Exit
<p>The location and type of any fire safety equipment is shown as it is at the time of the assessment. It is the responsibility of the fire officer or other fire risk assessors to ensure that the equipment is in good working order at the time to site with the agreement of the fire officer or other fire risk assessors.</p> <p>Location of fire extinguishers not shown. Location will be confirmed as part of the fire risk assessment.</p>	
DATE	27.08.2019
PROJECT TITLE	Governor Square Basement Plan Venue Lab
DRAWING TITLE	Basement Plan for Council
DRAWING NUMBER	2
SCALE	1:50
DRAWN BY: CLARA MAE TIBBALL	

# Ground Floor Plan



**General Notes**

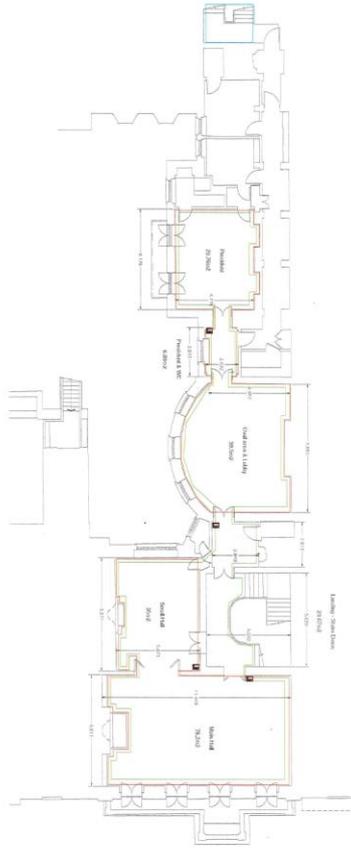
-  Unusable Activity Area
-  Required Fire Extinguisher Area
-  Escape Routes
-  Fire Extinguisher
-  EXIT Fire Exit

The location and type of any fire safety and other fire safety equipment is shown on this plan. It is the responsibility of the person in charge of the premises to ensure that the fire officer or other fire risk assessors.

Location of the extinguishers not showing location will be confirmed as part of the fire risk assessment.

DATE	27.08.2018
PROJECT TITLE	Genovese Square Ground Floor Plan Yvonne Lab
DRAWING TITLE	Ground Floor Plan for Council
DRAWING NUMBER	1
SCALE	1:50
DRAWN BY: CLARA McTIBBALL	

# First Floor Plan



General Notes	
	Extinguisher
	Registered Firework Area
	Escape Routes
	Fire Extinguisher
	Fire Exit
<p>The location and type of any fire safety and other fire safety equipment is shown on all drawings. The location and type of equipment is shown on all drawings. The location and type of equipment is shown on all drawings. The location and type of equipment is shown on all drawings.</p>	
<p>Location of the extinguishers not shown. Location will be confirmed on part of the fire risk assessment.</p>	
DATE	27.08.2019
PROJECT TITLE	Grovesend Square First Floor Plan Venue Lab
DRAWING TITLE	First Floor Plan for Council
DRAWING NUMBER	2
SCALE	1:50
DRAWN BY: CABA.MC.TIBBALL	

## **Applicant Supporting Documents**

## **Appendix 2**

There are no supporting documents from the applicant

## **Premises History**

## **Appendix 3**

There is no licence or appeal history for the premises.

## 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 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

9. Licensable activities will be permitted until 23:00 hours each day of the week with the premises closing at 23:30.
10. The supply of alcohol shall be ancillary to the space being used for events, exhibitions, product launches, corporate events and private parties.
11. There shall be no fixed bars at the premises, pop up bars will be used suitable for each event.
12. The number of persons accommodated in the event space (excluding staff and performers) shall not exceed 300.
13. Licensable activities in the premises shall only be provided to persons who are ticket holders for that event or invited guests on a guest list for that event.
14. No alcohol shall be taken outside of the boundary of the licensable area except for alcohol in sealed containers or for consumption in the enclosed courtyard area.
15. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. 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.
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. At least one SIA licensed door supervisor shall be on duty at each entrance of the premises at all times when it is open for business. The requirement of SIA door licensed supervisors will be risk assessed for each event.
18. A venue and event specific risk assessment and method statement is to be completed and made available to police and the licensing authority when requested.
19. There shall be no takeaway of hot food or hot drink.
20. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased. NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.
21. Temporary seating should be in line with the guidance contained in the Technical Standards for Places of Entertainment.
22. 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.

23. 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.
24. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
25. Emergency exits and entrances to the event area must be kept clear at all times and must be provided with clearly visible signage.
26. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
27. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
28. 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, entertainment areas, shall be non-combustible.
29. Any moving flown equipment must contain a device or method whereby failure in the lifting system would not allow the load to fall. All hung scenery and equipment must be provided with a minimum of two securely fixed independent suspensions such that in the event of failure of one suspension the load shall be safely sustained.
30. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
31. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance to the public highway.
32. 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.
33. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
34. 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.

**Proposed condition 34 by the objector:**

- 34. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20:00 hours and 08.00 hours on the following day.**

35. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.

**Proposed condition 35 by the objector:**

- 35. No deliveries to the premises shall take place between 20:00 and 08.00 on the following day.**
36. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
37. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.

**Conditions proposed by the Environmental Health yet to be agreed by applicant so as to form part of the operating schedule:**

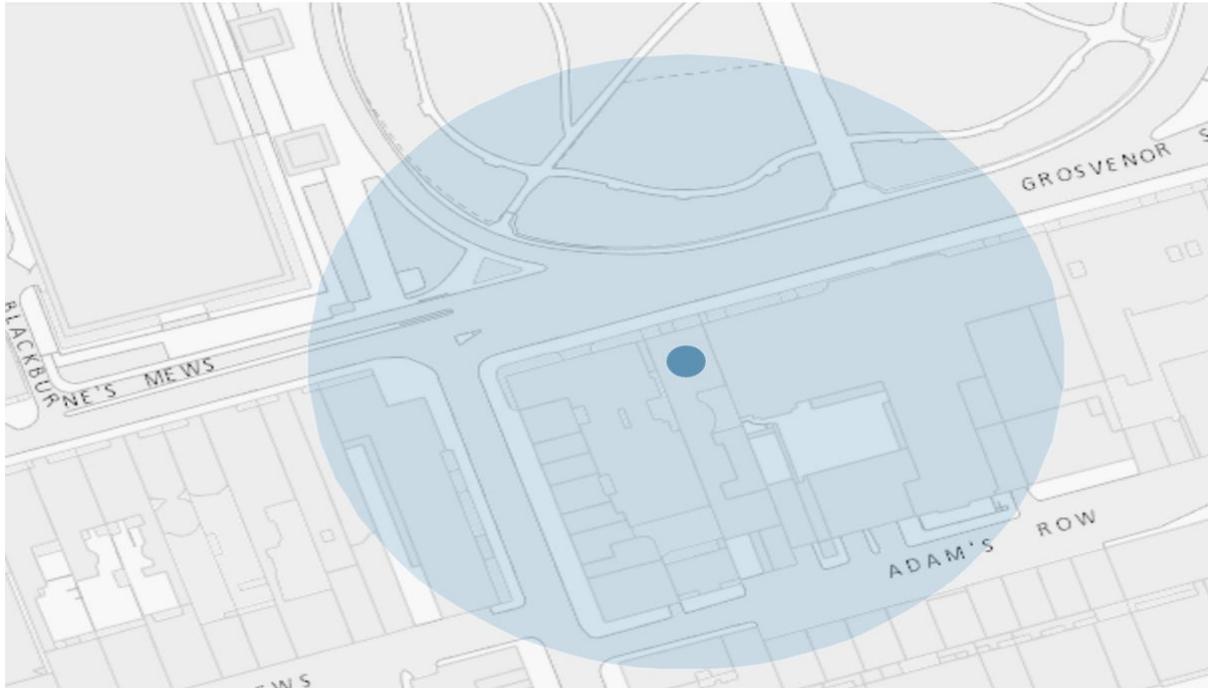
38. Licensable activities shall be restricted to the basement, ground and first floor only.
39. There shall be no access by guests to the balconies.
40. There shall be no noise audible at the nearest noise sensitive premises from any construction or similar works in association with the set up and dismantling of the site, outside the hours of:  
08:00 - 18:00 Monday -Saturday  
08:00 - 13:00 Sunday
41. All external doors and windows (save for the Grosvenor Square façade) shall be kept closed whenever amplified music is played, except for immediate access and egress of persons.
42. Access by guests to the venue shall be limited to the Grosvenor Square entrance only.
43. 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.
44. There shall be at least one personal licence holder on site during operational hours. Details of the personal licence holder (including name and contact number) shall be displayed in a prominent position on site.
45. After 21:00 hours no drinks shall be taken into the external areas of the premises.

**Duplicate of condition 31:**

- 46. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance to the public highway.**
47. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.

**Conditions proposed by the Police yet to be agreed by the applicant so as to form part of the operating schedule:**

48. The premises shall install and maintain an 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. Includes the ground floor external courtyard area. 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. Viewings of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
49. 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
50. There shall be no sale of alcohol by self service.
51. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport, proof of age card with the PASS Hologram.
52. An incident log shall be kept at the premises, and made available on request to an authorised officer of the 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
  - g) any refusal of the sale of alcohol



Resident Count: 73

Licensed Premises within 75 metres of 38 Grosvenor Square, London, W1K 2HW				
Licence Number	Trading Name	Address	Premises Type	Time Period
19/09964/LIPDPS	The Biltmore Mayfair	39-44 Grosvenor Square London W1K 2HP	Hotel, 4+ star or major chain	Monday; 00:00 - 23:59   Tuesday; 00:00 - 23:59   Wednesday; 00:00 - 23:59   Thursday; 00:00 - 23:59   Friday; 00:00 - 23:59   Saturday; 00:00 - 23:59   Sunday; 00:00 - 23:59
06/06228/WCCMAP	Shogun Restaurant	38 Adams Row London W1K 2PU	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
16/12376/LIPDPS		34 Grosvenor Square London W1K 2HD	Restaurant	Monday to Saturday; 08:00 - 01:00   Sunday; 08:00 - 23:30   Sundays before Bank Holidays; 08:00 - 01:00
16/10746/LIPDPS	Richoux	Ground Floor West 41 South Audley Street London W1K 2PS	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00