

**LICENSING SUB-COMMITTEE No. 5**

*Thursday 21<sup>st</sup> April 2016*

Membership: Councillor Angela Harvey (Chairman), Councillor Jan Prendergast and Councillor Rita Begum

Legal Adviser: Horatio Chance  
Policy Adviser: Chris Wroe  
Committee Officer: Jonathan Deacon  
Presenting Officer: Ola Owojori

Relevant Representations: Letter in support from Heart of London Business Alliance, Environmental Health, 10 x residents objecting to application.

Present: Mr Stephen Walsh QC (representing the Applicant), Mr Alun Thomas (Solicitor, on behalf of the Applicant), Mr Keiran Terry (Operations Director, Samba Brands), Mr Adrian Studd (Independent Licensing Consultant), Mr Anil Drayan (Environmental Health), Mr Ned Westaway (Counsel, representing residents of 10 Berkeley Street), Mr Gordon Yeoman and Miss Irena Timofeeva (local residents of flats at 10 Berkeley Street), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project – on behalf of Mrs Jaleh Z and) and Mrs Jaleh Z and (local resident and Chairman of 17 Berkeley Street Residents Association).

<b>Raw And BBQ, Basement And Part Ground Floor, 11 Berkeley Street, W1 16/01829/LIPN</b>	
<b>1.</b>	<b>Regulated Entertainment (Recorded Music)</b>
	Monday to Saturday: 08:00 to 01:00 Sunday: 09:00 to 23:30
	Amendments to application advised at hearing:  None.
	Decision (including reasons if different from those set out in report):  The Sub-Committee initially heard from Mr Walsh, representing the Applicant. He stated that the application was for a fine dining restaurant which was in keeping with the Council's model restaurant condition, MC66. Customers would be met and greeted in the holding bar prior to being taken to their table. The main restaurant on the ground floor would be a raw meat and fish food bar. There would be a small service bar with some seating around the ground floor void area. It would be possible to look down through the void area to the

basement area below where there was an open kitchen. The basement would consist of a seated servery with a more formal seating arrangement throughout the area. Mr Walsh explained that the Applicant was seeking to permit customers to have a drink in the holding bar prior to having a meal or after having the meal.

Mr Walsh referred to a document included in the report known as the 'Statement of Community Involvement' setting out the consultation process which had been undertaken at the instigation of the Applicant. Mr Walsh advised that there had been several meetings with stakeholders including residents' associations and a West End Ward councillor. A public exhibition with the proposals had been held over a two day period with twenty one attendees. Letters had been distributed to over 500 local residents and businesses. Mr Walsh commented that there had been broad support received for the proposals in the consultation process but that he appreciated that there were concerns set out in local residents' representations. He drew Members' attention to the acoustic report that had been commissioned and the Best Practice Management Plan which had informed the conditions which had been proposed and included the dispersal policy and the way the premises would be managed. The proposed conditions would include at least one SIA licensed door supervisor being on duty at the entrance of the premises at all times whilst it is open for business. Noise attenuation measures would include a double set of doors at the entrance. These would be self-closing and were designed to prevent internal noise escaping. Mr Walsh informed Members of the Sub-Committee that music would be played at a level suitable for a restaurant. There were conditions to restrict the hours for deliveries and collections and the overall maximum capacity for the basement and ground floor would not exceed 175 people.

Mr Walsh addressed the Sub-Committee on the Council's licensing policy. He referred to the fact that whilst 11 Berkeley Street was not in a designated cumulative impact area local residents did have concerns that the application would add to cumulative impact. He added that Ms Zand's representations had stated that "because Berkeley Street has all the characteristics of a CIPA, albeit one not officially designated, the stricter policy approach for areas of cumulative impact should be applied to this application". Mr Walsh accepted that a local resident could make the case that the cumulative impact was too great in an area and request that the application was refused. However, he wished to emphasise that it should not be the case that a 'stricter approach' should lead to a presumption to refuse the application as the Council had not included Berkeley Street in the designated cumulative impact areas in the current Statement of Licensing Policy published in January 2016. He commented that the application was for a restaurant outside Core Hours and should be considered accordingly on its own merits. The Statement of Licensing Policy sets out that restaurants are less likely to be associated with crime and nuisance.

The Sub-Committee next heard from Mr Drayan on behalf of Environmental Health. Mr Drayan stated that the double doors to the entrance addressed his concerns regarding the potential for public nuisance. He had maintained his representation in order to assist the Sub-Committee and other parties at the hearing.

Mr Westaway set out the concerns of residents of 10 Berkeley Street. He stated that the question to consider was whether the granting of the application would have a negative impact on the licensing objectives. He expressed the view that it would. It was a substantial new premises for a capacity of 175 people on a street where residents were already experiencing significant issues. 11 Berkeley Street was not in a designated cumulative impact area but it was a 50 yard street saturated with licensed premises and it was a hotspot for problems in relation to crime and disorder, public nuisance created by patrons and traffic. Mr Westaway made the point that the granting of a new application would not only aggravate the issues which were already occurring in the street but would bring them a lot closer to the residents of 10 Berkeley Street. 11 Berkeley Street had previously been for office use. It was accepted by Mr Westaway that the Applicant had given some thought to the issues raised. However, he believed that Adrian Studd's report commissioned by the Applicant referred to very real issues with the area being very busy right through to 02:30 hours and noise, nuisance and disorder being observed in the area. He also drew Members' attention to the references in the Applicant's Management Plan to Berkeley Street 'currently experiencing some serious crimes as well as antisocial behaviour' and the problem of traffic being 'the cause of a lot of late night disturbance' including double and triple parking and illegal parking. Mr Westaway stated that in his opinion the Applicant putting forward measures would not be able to be effective in addressing or controlling any of the traffic issues.

Residents of 10 Berkeley Street addressed the Sub-Committee. Mr Yeoman stated that this was a street with four lanes. Two were used for parking and a further one was occupied by taxis later on in the week when the licensed premises were at their busiest. There was a massive traffic congestion issue when the one remaining lane was used by taxis. Mr Yeoman informed the Sub-Committee that there was continuous noise nuisance from horns being used from 22:00 onwards. This he said would be exacerbated when taxis collected or dropped off customers at 11 Berkeley Street. He expressed the view that up to another 175 people at any one time was more than Berkeley Street could bear.

Ms Timofeeva raised the point that the location of the premises was very near to the residents of 10 Berkeley Street. Several flats, including her residence, faced the windows of number 11. She had already been inconvenienced by construction works including during the early hours of the morning. She had concerns as to how the noise from the people at the bar and in the restaurant would be dealt with. The double doors at the entrance would assist but there were also other potential sources of noise including from the staff after the premises had closed. Ms Timofeeva queried whether with the various licensed premises in the street it was possible to limit the noise from people directly outside including those smoking on the grounds of public nuisance.

Mr Westaway made the additional point that there would be noise from patrons leaving the premises again on the grounds of public nuisance. The restaurant would be located in a residential area and he added that he could not see any justification for the application to be granted beyond Core Hours.

In response to a question from Mr Westaway as to where smokers outside would be located, Mr Terry informed those present there was an area between two pillars outside the window bay. This was off the public highway. It was proposed that there would be a maximum of ten people in this area and this would be managed by the SIA doorman. Mr Terry also explained at this juncture that the proposed hours were sought for two sittings during the evening. One would be for diners between 19:00 and 20:00 which would conclude at 22:30 to 23:00. The second would be after 22:30 and 23:00. Mr Westaway commented that ten smokers was a lot. The combination of the smokers and the other people using the street would amplify the problems of noise and disorder. He also had concerns regarding people being able to see the bar from the street. Mr Terry advised that it was intended that the front window of the premises would be opaque. In response to a request for clarification by Mr Westaway as to whether the Applicant was still requesting the holding bar to be used both before and after a meal, Mr Walsh replied that the intention was to use it as a holding bar but that his client would like the flexibility of a customer having an aperitif before he or she leaves. He added that the concern could be addressed by the bar only being open within Core Hours.

Mr Walsh was asked to respond to the points made on behalf of the residents of 10 Berkeley Street in relation to parking. He commented that he believed that traffic lights did contribute to the congestion in the street. In terms of double parking, Mr Walsh stated that the Applicant was committed to having a member of staff outside to deal with this if it occurred. However, it was the Applicant's view that the nature of the establishment would not contribute to vehicular traffic in the same way as other premises in the street including the nightclub. Mr Terry added that a dedicated taxi company service was being offered to call a taxi for a customer should it be requested. The customer would be alerted straight away in order to limit the potential for congestion. Mr Westaway reiterated that it was the view of residents that the double parking and noise and nuisance of vehicles would not be practically addressed by the measures the Applicant proposed to take which would not be promote the public nuisance objective. Mr Drayan referred to the pre-application advice that he had given the Applicant including that they become part of the Berkeley Street monitoring scheme. It would take a combined effort to address issues outside the premises in the street. Mr Walsh confirmed that his client was content to play an active part in the monitoring scheme and contribute financially to it when deemed necessary by the participants.

Mr Brown addressed the Sub-Committee on behalf of Ms Zand, Chairman of 17 Berkeley Street Residents Association. He brought to Members' attention that Ms Zand had been instrumental in establishing the Berkeley Street Monitoring Group. The Group had been set up to respond to issues which residents and businesses had raised in respect of existing premises. Mr Brown stated that Ms Zand's primary concern was the saturation of licensed premises and the resulting cumulative impact. This had led in her view to serious problems of crime and disorder and public nuisance. Ms Zand had included within her representation a table setting out the late night licences in Berkeley Street and its immediate vicinity. She had concluded that by her calculations the grant of

licences or those coming back into use amounted to an increase of over 1000 people. Another licensed establishment, particularly one operating past 23:00 would undoubtedly exacerbate the existing problems.

Mr Brown stated that Ms Zand had made the point in her written representation that even though 11 Berkeley Street was not in the cumulative impact area, a stricter policy approach was required. He accepted that there should be no policy presumption against the application and this was particularly as even if the premises had been located in a designated cumulative impact area, it was a restaurant. Ms Zand was requesting that in keeping with 2.1.6 of the Statement of Licensing Policy, the effect of the grant of any licence or the variation of a licence would be considered in relation to evidence of cumulative impact on the licensing objectives. Mr Brown commented that whilst applications were considered on their merits, these included the local context. An application could not be judged purely in isolation. Cumulative impact was a negative impact on the licensing objectives by a large number of premises. Ms Zand was objecting to the grant of the application on the grounds that there would be an addition to cumulative impact regardless of the hours permitted. Mr Brown added that if Members were minded to grant the application the impact would be amplified after Core Hours. It would be easier for people to disperse via public transport within Core Hours. Mr Brown informed Members that Ms Zand also wanted to avoid customers migrating to other premises in Berkeley Street as part of a night out which would allow public nuisance to continue until later in the locality.

The Sub-Committee asked whether the Applicant would consider reducing the number of smokers from a maximum of ten outside the premises at any one time. Mr Walsh and Mr Thomas offered that after Core Hours this would be reduced to a maximum of five. Mr Terry added that the ropes and poles used to designate the smoking area would be easy to remove and put in as necessary.

Mr Wroe in his capacity as Policy Advisor clarified the position regarding the cumulative impact areas. The Council had revised its Statement of Licensing Policy, having consulted widely, and this had been published in January 2016 and was now in operation. It had been a two part process. The first part had been to bring it up to date in terms of its alignment with the changes which had taken place in terms of government guidance and physical changes within Westminster. These changes had concluded and been incorporated into the Statement. The second part of the review was to examine whether or not the existing cumulative impact area boundaries were appropriate and whether or not there were other areas of the borough where special policies should apply. That part of the revision is ongoing. No conclusion had been reached on whether this area in question was appropriate to be the subject of special policies.

The Sub-Committee noted the acceptance of all parties that there had been a rise in public nuisance and anti-social behaviour in the neighbourhood which was linked to the already large concentration of premises in Berkeley Street. Whilst the application did not fall in one of the Council's designated cumulative impact areas and it was the case that there should be no presumption against

the application, the Sub-Committee had carefully assessed the likely impact of granting the application on the licensing objectives. The application could not be considered purely in isolation and in the event that it was granted beyond Core Hours, there would be a greater impact from the premises at a location which was next door and in close proximity to a significant number of residents. There were clear problems in the street outside the premises as identified by the residents and their representatives in the written representations and at the hearing. Customers would be leaving at a similar time following the second sitting of the evening at the restaurant. The later they left or smoked outside the premises, the more likely it was that residents would be adversely affected and public nuisance would occur. The Sub-Committee felt that in the circumstances, it was therefore proportionate, appropriate and necessary to grant Core Hours for the application.

When informing those present of the conditions being attached to the premises licence, the Sub-Committee referred to the fact that the use of the bar area after a meal required an exception to the Council's policy. This had been permitted because of the application being granted to Core Hours. An amended condition was attached to the premises licence that a maximum of four customers at anyone time would be permitted to temporarily leave and then re-enter the premises, e.g. to smoke. Additional conditions attached to the licence included that patrons permitted to temporarily leave and then re-enter the premises to smoke would be restricted to the designated smoking area as defined on the licensed plan and that the front window to the premises would be opaque to prevent the potential for the bar to be seen from the street. The conditions proposed by the Berkeley Street Monitoring Group were attached to the licence, including as agreed to by the Applicant, support would be given to the Berkeley Street monitoring scheme that may exist including a material financial contribution to any paid for enforcement scheme. The Applicant was also content to have a dedicated taxi company service.

An amended plan would be submitted by the Applicant which would illustrate the double door at the front entrance, the 'meet and greet' area and the designated smoking area at the front of the premises. The Sub-Committee welcomed the fact that the Applicant had taken steps to consult the community as set out in the Statement of Community Involvement document and Members expressed the hope that the Applicant would continue to engage closely with residents in that dialogue.

**2. Late Night Refreshment (Indoors)**

Monday to Saturday:	23:00 to 01:15
Sunday:	23:00 to 23:30

Amendments to application advised at hearing:

None.

	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted Core Hours for the application, subject to conditions as set out below (see reasons for decision in Section 1).</p>
<b>3.</b>	<b>Sale by retail of alcohol (On and Off)</b>
	<p>Monday to Saturday:                      08:00 to 01:00  Sunday:    09:00 to 23:30</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted Core Hours for the application, subject to conditions as set out below (see reasons for decision in Section 1).</p>
<b>4.</b>	<b>Seasonal Variations and Non Standard Timings</b>
	<p><u>Regulated Entertainment (recorded music), Sale by retail of alcohol and Opening Hours</u></p> <ul style="list-style-type: none"> <li>• From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</li> <li>• 09:00 – 00:00 on Sunday before Bank Holiday Mondays.</li> </ul> <p><u>Late Night Refreshment (Indoors)</u></p> <ul style="list-style-type: none"> <li>• From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</li> <li>• 23:00 – 00:00 on Sunday before Bank Holiday Mondays.</li> </ul>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted Core Hours for the application, subject to conditions as set out below.</p>
<b>5.</b>	<b>Opening Hours</b>

	<p>Monday to Saturday: 08:00 to 01:15  Sunday: 09:00 to 23:30</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted Core Hours for the application, subject to conditions as set out below.</p>

<b>Conditions attached to the Licence</b>	
<b><u>Mandatory Conditions</u></b>	
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.	<p>(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.</p> <p>(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—</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;</p> <p style="padding-left: 40px;">(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</p>

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.

### **Additional Conditions**

10. The premises shall operate as a restaurant:

i) In which customers are shown to their table

ii) Where the supply of alcohol is by waiter or waitress service only,

iii) Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,

iv) Which do not provide any take away service of food or drink for immediate consumption,

v) Which do not provide any take away service of food or drink after 23:00, and

vi) Where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking a substantial table meal there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

11. Notwithstanding condition 10 above, alcohol may be sold to and consumed by up to a maximum of 25 persons in the holding bar area hatched red on the plan, prior to and after their meal.
12. At least 1 SIA licensed door supervisor shall be on duty at the entrance of the premises at all times whilst it is open for business.
13. 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.
14. 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 to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
15. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol any visit by a relevant authority or emergency service.
  - (h) any visit by a relevant authority or emergency service.
17. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered

without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

18. 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.
19. 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.
20. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
21. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 4 persons at any one time.
22. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke shall not be permitted to take drinks or glass containers with them.
23. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
24. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
25. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 08:00 hours on the following day.
26. Deliveries to the premises shall only take place between the hours of 07:30 and 12:00 (midday) Monday to Saturday and between 09:00 and 12:00 Sundays and Bank Holidays.
27. 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 sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
28. 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.
29. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow,

directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises. The distribution of leaflets or similar promotional material is also prohibited within the specified area.

For the purpose of this section,

'Directly' means:- employ, have control of or instruct.

'Indirectly' means allowing / permitting the service of or through a third party.

'Specified' Area' means the area encompassed within (insert name of boundary roads.)

30. The number of persons permitted within the premises at any one time (excluding staff) shall not exceed:
  - Basement [x – to be determined by the Environmental Health Consultation Team]
  - Ground floor [x – to be determined by the Environmental Health Consultation Team]Subject to an overall maximum of 175 persons at any one time.
31. The Licence will have no effect until the works shown on the plans appended to the application (or as subsequently amended) have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
32. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to the designated smoking area as defined on the licensed plan.
33. The front window of the premises shall be opaque.
34. Support shall be given to the Berkeley Street monitoring scheme that may exist including a material financial contribution to any paid for enforcement scheme.
35. 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.
36. 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. If the manager changes then the name and contact number shall be distributed as soon as possible.
37. 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 or obstruction to the public highway.

38. 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.