



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	06 December 2023
Licensing Ref No:	23/03686/LIPN - New Premises Licence
Title of Report:	Arc Le Salon 1 Curzon Street London W1J 5HD
Report of:	Director of Environment, Climate & Public Protection
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Roxsana Haq Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: rhaq@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	5 June 2023		
Applicant:	Hunter & Gold Limited		
Premises:	Arc Le Salon		
Premises address:	1 Curzon Street London W1J 5HD	Ward:	West End
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	According to the applicant the premises operate as cafe/lounge dispensing tea & pastries, plus cigars, shisha & cocktails.		
Premises licence history:	The premises has had the benefit of a premises licence since 2019. The current premises licence (19/14464/LIPN) can be viewed at Appendix 3 . This new application is to replace the existing licence which would be surrendered on the grant of a new premises licence.		
Applicant submissions:	Applicant submissions can be seen at Appendix 2 .		
Applicant amendments:	None		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both:			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	05:00	05:00	05:00	05:00	05:00	05:00	05:00
Seasonal variations/ Non-standard timings:							

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	05:00	05:00	05:00	05:00	05:00	05:00	05:00
Seasonal variations/ Non-standard timings:		None					

Live Music				Indoors, outdoors or both:			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	21:00	21:00	21:00	21:00	21:00	21:00	21:00
End:	05:00	05:00	05:00	05:00	05:00	05:00	05:00
Seasonal variations/ Non-standard timings:		None					

Recorded Music				Indoors, outdoors or both:			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	05:00	05:00	05:00	05:00	05:00	05:00	05:00
Seasonal variations/ Non-standard timings:		None					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	05:30	05:30	05:30	05:30	05:30	05:30	05:30
Seasonal variations/ Non-standard timings:		None					
Adult Entertainment:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Mrs Sally Fabbricatore
Received:	05 July 2023
<p>Dear Licensing</p> <p>Environmental health object to the new application on the grounds of prevention of public nuisance and public safety.</p> <p>In order to uphold the licensing objectives further conditions may be proposed.</p> <p>Kind regards Sally Fabbricatore</p>	

2-B Other Persons			
Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	20 June 2023		
<p>I wish to object to the proposed extension to the extension of the licensing hours.</p> <p>When looking through the application documentation and current licence information I came across a copy of an enforcement letter which suggests that in January of this year, WCC conducted an inspection of these premises in which a number of breaches of licensing conditions were identified.</p> <p>This included condition 10, "access to the premises should be for pre-booked customers only" and that rather than specialist tobacco products - as per the conditions - shisha with hot coal was being smoked by the customers.</p> <p>To the best of my knowledge, those breaches have not been addressed.</p> <p>This bodes ill for future operations of the venue in an area which is already suffering from a concentration of late-license premises, with the inevitable impact on nuisance and disorder. In these circumstances, I believe no extension of the hours should be granted.</p>			

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	25 June 2023		
<p>Any application for an extension to 5am obviously raises eye-brows and concerns about the risk of nuisance. In this particular case I have become aware, whilst looking for details of the existing licence, of the letter to the licence-holder following a visit to the premises earlier this year which brought attention to numerous breaches of licence conditions. No doubt the contents of the letter are well known but I have taken a copy if needed.</p> <p>It may well be that the addressee has dealt with all the points raised but in any event [REDACTED] is opposed to the granting of a 5am extension on the grounds of public nuisance and doubly so in this case because such an application follows shortly on the heels of an unsatisfactory inspection of the premises.</p> <p>Frankly I would sooner be looking at a review.</p>			

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	05 July 2023		
<p>I write on behalf of the owners of four nearby properties situated [REDACTED] (for residential properties and a commercial office) to register our objections to the application for an amendment to the existing premises licence by Hunter & Gold Limited, for the premises Arc Le Salon. An extension to the existing extensive opening hours of this establishment is both unnecessary and would have a significant negative impact on the quality of life for both local residents and users of nearby commercial buildings.</p> <p>We understand the City of Westminster seeks to balance the interests of businesses and residents to ensure the area continues to offer a wide choice of high quality and well managed entertainment and cultural venues within an environment that is safe and attractive to residents, business and visitors. With this in mind, we strongly believe an amendment to the current premises licence will not promote the licensing objectives set out by Westminster, namely the prevention of crime and disorder, public safety and the prevention of public nuisance.</p> <p>Mayfair features an eclectic mix of modern style and centuries-old tradition, with a fine balance having developed over the years between traditional residences and business. This balance and the objectives set out by Westminster makes Mayfair one of the safest and most desirable places to live. The applicant has noted the police have not recorded any crime or complaints in the area (I refer to page 5 / Part 3 – Operating Schedule of the application form), but we are aware of recent incidents of drunkenness and aggression around the premises. The sale of alcohol being extended from 03:00am to 05:00am, seven days per week is quite unacceptable and would greatly impact the area's fine balance and the lives of the residents and other property users.</p>			

These problems would be exacerbated by the fact that the proposal would allow new customers to enter the premises until 3:30am each night, which seems designed to use the availability of alcohol to attract and draw very late night / early morning customers leaving other establishments. Turning the premises into such a destination would significantly affect the late-night peace and quiet of the area every night of the week. Here are a few examples of other members' clubs within the area and their regular operating times:

1. Annabel's (46 Berkley Square): Mon-Fri: 7:30am to 3am; Sat: 11:30am to 3am; Sun: 11:30am to 1am
2. Mark's Club (46 Charles Street): Mon-Fri: 10am to 1am; Sat: 5pm to 1am; Sun: Closed
3. Lansdowne Club (9 Fitzmaurice Place): Mon-Fri: 7am to 11pm; Sat: 8am to 8pm; Sun: Closed
4. Little House Mayfair (2 Queens Street): Mon-Wed: 7:30am to 1am; Thurs-Fri: 7:30am to 2am; Sat: 9am to 2am; Sun: 10am to 6pm

We further note that the premises permits entry and exit to customers through both its main front entrance and through a rear entrance for customers considered "VIPs". Access to the latter involves passing down a residential street (Clarges Mews), which is already adversely affected by noise from the surrounding commercial buildings both during the day and late at night. The proposed licence extension would increase the traffic down this street from both customers and staff and further extend the times at which local residents would be affected.

Though we have not historically raised a complaint about the current premises licence (19/14464/LIPN), we do have concerns relating to the licence inspection report from Saturday 21st January 2023 at 00:17, in which a number of conditions of the licence were found to have been breached, including:

1. In accordance with condition 10 which reads:

"After 21:00 hours entry to the premises shall be limited to pre-booked customers only."

At the time of the, it would appear this condition was not being met, as customers were seen admitted into the premises without prior booking. Upon checking the entries of customers logged at 00:30 hours, patrons logged were registered as walk-ins contrary to the condition stated above.

2. Condition 11 which reads: "After 21:00 hours persons admitted entry to the premises shall be restricted to persons of the age of 18 or over".

During the inspection, customers were observed entering the premises without any check to verify the age specified within the condition.

3. Condition 18 which reads:

"A minimum of one (1) SIA licensed door supervisors shall be on duty at the premises from 2000 hours on Thursdays, Fridays and Saturdays until close of business. At all other times the use of SIA door staff will be risk assessed and a written record of this will be kept and maintained within the venue and made available to the Police and all relevant authorities."

At the time of the inspection, the door staff did not have a valid SIA license displayed.

With these points, the premises has clearly demonstrated that they are unable to abide by the conditions that have already been set out in their existing licence. Extending the licence and relaxing its conditions will only make the situation worse.

The decision made by Westminster with respect to this premises licence application, will have a significant adverse impact on local residents and businesses and we urge the Licensing Authority to reject the application.

Yours faithfully,

██████████

Name:	[REDACTED]		
Address and/or Residents Association	UK Planning and Real Estate ESG Lead on behalf of [REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	30 June 2023		

To whom it may concern

New premises licence application (Ref: 23/03686/LIPN) (the "Application") at Arc Le Salon, One Curzon Street, London, W1J 5HD (the "Premises")

1 Background

1.1 We write in respect of the Application.

1.2 We act for [REDACTED], who is the tenant of the [REDACTED]

1.3 [REDACTED] Limited has instructed us to object to the Application on its behalf.

2 Basis of objection

2.1 Licensing Act 2003

2.1.1 As the licensing officer will no doubt be aware, all licence applications must comply with the following four licensing objectives as set out in the Licensing Act 2003:

- (i) the prevention of crime and disorder;
- (ii) public safety;
- (iii) the prevention of public nuisance; and
- (iv) the protection of children from harm.

2.1.2 **The Application does not comply with the licensing objectives set out at points (i) and (iii) above, for the reasons set out in this letter.**

2.2 The Council's Statement of Licensing Policy, and Core Hours Policy HRS1

- 2.2.1 We note that the Application is for an extension of hours (from 03:00 to 05:00 each day, with the Premises closing at 05:30) in respect of the sale of alcohol and regulated entertainment at the Premises. **Not only does this represent a significant increase in the operational hours of the Premises, it also goes far beyond the stated "core hours" for this class of venue.**
- 2.2.2 In this regard, we draw the licensing officer's attention to the Council's Statement of Licensing Policy effective from 1 October 2021 (the "**Licensing Policy**"), specifically Core Hours Policy HRS1 (the "**Core Hours Policy**") which is particularly relevant to the Application.
- 2.2.3 It is our understanding that the Premises is classed as a "*Pubs and bars, Fast Food and Music and Dance venues*" for the purpose of the applicable legislation (i.e., the Licensing Act 2003 (as amended)). Therefore, as per the Licensing Policy, the core hours for the Premises should be as follows:
- Monday to Thursday: 10:00 to 23:30;
 - Friday and Saturday: 10:00 to Midnight;
 - Sunday: Midday to 22:30; and
 - Sundays immediately prior to a bank holiday: Midday to Midnight.
- 2.2.4 **Consequently, by operating until 03:00 under the existing premises licence, we note that the Premises is already operating significantly outside the core hours as stated in the Licensing Policy. A further extension of these hours (to 05:00 each day, with the Premises closing at 05:30) would only be justifiable in exceptional circumstances and applying each of the limbs set out in paragraphs 1 to 14 of the Core Hours Policy (see further below). We do not believe that any such exceptional circumstances apply.**
- 2.2.5 To explain, paragraphs 1 to 14 of the Core Hours Policy state as follows:
- "Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard [our emphasis] to the following:*
1. *The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.*
 2. *If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.*
 3. *Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.*
 4. *The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.*
 5. *The proposed hours when any music, including incidental music, will be played.*

6. *The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.*
7. *The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.*
8. *Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.*
9. *The capacity of the premises.*
10. *The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.*
11. *The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.*
12. *Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.*
13. *The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.*
14. *Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications."*

2.2.6 We draw the licensing officer's attention to the following specific paragraphs of the Core Hours Policy which are relevant to the consideration of the Application:

- (a) paragraph 3 requires consideration of "*Whether there is **residential accommodation in the proximity of the premises** [our emphasis] that would likely be adversely affected by the premises being open or carrying out operations at the hours proposed";*
- (b) paragraph 7 requires consideration of "***The existing hours or licensable activities** [our emphasis] and the past operation of the premises **and hours of licensable premises in the vicinity** [our emphasis]";*
- (c) paragraph 10 states that "...pubs and bars are **higher risk** [our emphasis] than theatres, cinemas and other cultural and sporting venues due to the nature of the operation"; and
- (d) paragraph 14 states that "***Specific days for non-standard hours should be identified and justified as part of the application** [our emphasis] to allow*

responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly."

2.2.7 We address each of these paragraphs of the Core Hours Policy and the licensing objectives as follows:

(i) Paragraph 3

We note that the Premises is located extremely close to several residential properties including The Lansdowne Club, The Mayfair Hotel and 60 Curzon (Residences by Thierry W. Despont), all of which are within 50 metres of the Premises. **A business whose principal hours of business are into the early hours of the following day (i.e., 05:30) is not compatible with this location and the impact of such anti-social hours of business creates a significant public nuisance (not only to local residents but also to those providing services to those local residents (e.g. security services, cleaning, deliveries etc.)).**

We also note that paragraph E6 of the Core Hours Policy states that *"The Licensing Authority is aware of the impact that late night licensed premises can have on the extent of crime and disorder and the opportunities for crime, issues of public nuisance, and the need for a "window of opportunity" for the city to be cleaned – in the particular circumstances of Westminster with its already extensive late opening."* **Permitting the Premises to operate until 05:30 each and every day would not only violate the objective of "the prevention of crime and disorder" under the Licensing Act 2003, but it will also have a significant detrimental impact on the public services provided by the Council to the local residents.**

(ii) Paragraph 7

As noted above, **by operating until 03:00 under the existing premises licence, we note that the Premises is already operating significantly outside the core hours as stated in the Licensing Policy.**

However, in addition, we understand that licensable premises in the vicinity of the Premises (including – without limitation - The Terrace Bar at The Chesterfield, Sexy Fish and Annabel's) are only permitted to operate, at the very latest, until 22:00, 02:00 and 03:00 respectively on specific days [our emphasis] (see paragraph 14 of the Core Hours Policy and our comments below). **To permit the Premises to operate until 05:30 each and every day (i.e., not on specific days as required by paragraph 14) would represent a significant departure from both licensable premises in the vicinity and the policy requirement; it would also thereby result in a serious public nuisance.**

We also note that E10 of the Core Hours Policy states that *"The hours at which noise may occur and disturbance of residents' rest, relaxation and sleep will be of particular concern. In general, ensure that closing hours on nights when residents have to get up for work the next morning are earlier than when it is less likely that they will have to do so."* **This policy objective extends to several MECM, Limited's employees who are required to work at MECM, Limited's offices during the early hours of the morning due to their client base being located in multiple time zones (e.g., New York and Hong Kong). Consequently, the**

Premises should only be permitted to operate until 03:00 (as per the terms of the existing licence).

(iii) Paragraph 14

We note that the Application is for a blanket increase in operating hours to 05:30 each day in direct contravention of paragraph 14 (which requires specific days for non-standard hours to be identified).

We also note that the Application includes no ability for the licensing officer to evaluate the impact that increase operating hours will have on the area and residents.

2.2.8 Finally, we note that paragraph E9 of Core Hours Policy HRS1 states that "The council wishes to see a less alcohol-led and a more diverse range and variety of uses available later at night." **The nature of the Application is contrary to this.**

3 Conclusion

- 3.1 The Licensing Act 2003 (as amended) requires the licensing authority to make its determination of the Application in accordance with the four licencing objectives and any policies of the licensing authority relevant to the Application.
- 3.2 Applying this legal test, it is abundantly clear that the Application does not accord with the licensing objectives or applicable policies; there are also no material considerations that are applicable to justify a departure by the licensing authority from this requirement.
- 3.3 Therefore, we respectfully request that the Application is refused for the reasons set out above.

Should you wish to discuss any aspect of this objection, [REDACTED]

Yours faithfully
[REDACTED]

Linklaters LLP

3. Policy & Guidance

The following policies within the City of Westminster Statement of Licensing Policy apply:

Hours Policy HRS1 applies

- A.** Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.
- B.** Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:
1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
 5. The proposed hours when any music, including incidental music, will be played.
 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
 9. The capacity of the premises.
 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
 12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
 13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
 14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.

	<p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <p>6. Pubs and bars, Fast Food and Music and Dance venues Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to Midnight. Sunday: Midday to 10.30pm. Sundays immediately prior to a bank holiday: Midday to Midnight.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p> <p>Note: The core hours are for all licensable activities but if an application includes late night refreshment, then the starting time for that licensable activity will be 11pm.</p>
<p>Public Houses and Bars Policy PB1 applies.</p>	<p>A. Applications outside the West End Cumulative Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or late-night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has taken account of the Special Consideration Zones policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meet the definition of a Public House or Bar in Clause D. <p>C. The applications referred to in Clause B1 and B2 will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1, and/or, 2. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 3. The application and operation of the venue continuing to meet the definition of a Public House or Bar in Clause D. <p>D. For the purposes of this policy a Public House or Bar is defined as a premises, or part of a premises that's primary use is the sale or supply of alcohol for consumption on those premises and/or for consumption off the premises for consumption outside the venue.</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, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

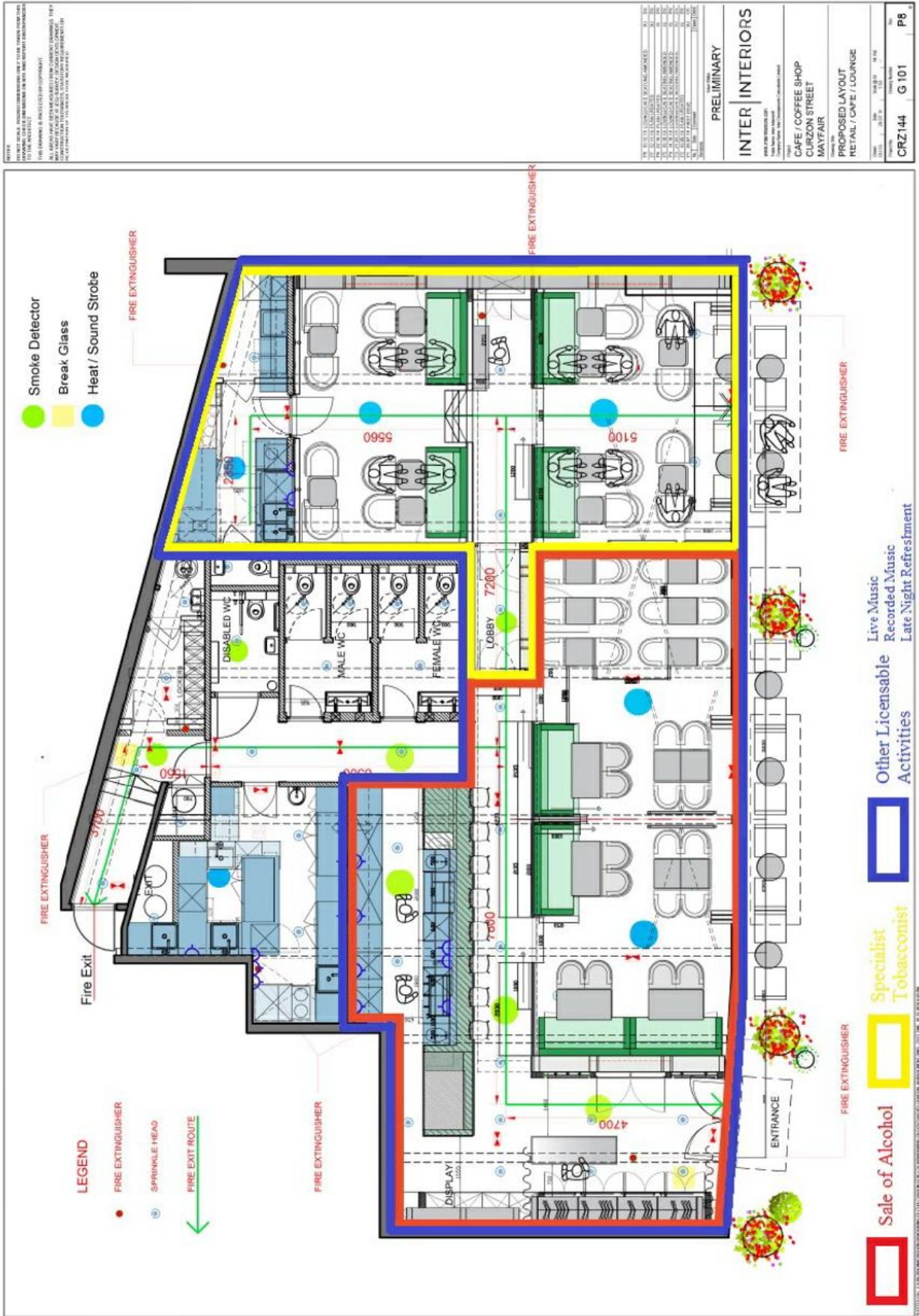
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history / Existing Licence
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Miss Roxsana Haq Senior Licensing Officer
Contact:	Telephone: 020 7641 6500 Email: rhaq@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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2022
4	Environmental Health representation	05 July 2023
5	Interested Party 1	20 June 2023
6	Interested Party 2	25 June 2023
7	Interested Party 3	05 July 2023
8	Interested Party 4	30 June 2023
9		



Hunter & Gold Limited
Arc Le Salon, 1 Curzon Street, London, W1J 5HD

Hearing of 6th December 2023
Westminster City Council

Case Outline

1. The following documents are attached to this case outline:
 - CV of DPS Gerry Campbell
 - Arc Le Salon training programme for staff
 - Dispersal management plan agreed with Metropolitan Police Service and EHO
 - Current premises licence--19/14464/LIPN
 - Pre-Application advice from Sally Fabbriatore Date: 09/09/19
 - Layout Plan
 - Noise Assessment Report
 - Schedule of TENs and additional measures
 - Photographs of inside the premises and food, drink, cigar offering
2. Sam Hunter owns a successful concierge business in London called Hunter and Gold.
<https://www.huntergold.com/about/>
3. This has been hugely successful and led him to believe there was demand within Mayfair/St James to open an attractive and exciting new venue where luxury and discretion are guaranteed for every guest. The vision was to combine Artisan retail to take away from the premises, artisan fair trade coffees and sought-after sustainable teas to consume in the café, a specialist tobacconist with the finest cigars , which are available to purchase or sample in the luxurious lounge and a licensed bar area where customers can try one of the hand-crafted cocktails or mocktails and a wide selection of wines, champagnes and spirits. There is table service only, and after 9 pm prospective guests must make an advance reservation.
4. For these reasons the current premises were chosen as an ideal site for an application to secure planning permission and a premises licence.
5. In 2019, meetings took place with the licensing section of the Metropolitan Police Service (MPS) and with Sally Fabbriatore (Westminster City Council's Licensing Department) making use of the formal pre-application procedure to seek advice from the relevant Responsible Authorities prior to applying for a premises licence.

6. Ms Fabbriatore's initial report is provided for reference.
7. An application was lodged and granted on 16th December 2019, which is also enclosed with this case outline.
8. Unfortunately for the premises licence holder, Covid-19 and the statutory Public Health lockdown periods interfered with the opening of the premises, which potentially frustrated the overall investment of over £2 million in the site. The venue fully opened when the final lockdown concluded and has been hugely successful.
9. Such is the venue's success that over 45 people are now employed there, and a new lease has been obtained until 2030 and is extendable. Any extension to a lease whilst not guaranteed is always likely to be granted.
10. There is a solid interaction with the concierge business and due to a significant social media presence they have become one of Mayfair's high end go to venues.
11. High net-worth and celebrity customers feel comfortable in the environment and there are a significant number of bookings of the whole venue. The venue has a customer split of 60:40 female to male and is an environment where females feel safe and comfortable.
12. From the outset, since the venue opened the premises licence holder has taken compliance particularly seriously. Initially the DPS was Mak Chishty, who was a Commander in the MPS and awarded the Queen's Police Medal in 2009 for Distinguished Service with 30 years of policing experience at the forefront of national and international policing. Although Mr Chishty still provides support for the premises licence holder the DPS role has been taken over by Mr Gerry Campbell MBE a former Detective Chief Superintendent of the MPS, his CV is enclosed.
13. Gerry Campbell has a long history of policing in London and brings his extensive experience of safeguarding, Public Protection and licensing to the business. He was awarded a MBE in 2019 for Services to End Violence Against Women and Girls and Crime Prevention. The training package delivered to all staff on all aspects of protecting vulnerable people is also enclosed. Many operators talk about what they do, this operator puts it into action.
14. After holding Temporary Event Notices at the premises as shown on the schedule of TENs, the premises licence holder decided to make an application to have a new licence granted. The subject of this application, is to extend the opening hours of the premise. This decision was made due to the unblemished track-record of trading, successfully operating longer hours under the TENs, customer demands for longer hours and no complaints from anyone within the vicinity of the premises during these trading periods.
15. The premises licence holder has always engaged with the responsible authorities at every stage. Should the new licence be granted the existing licence will be surrendered.
16. Continuing with their usual style of operation we linked in with the MPS licensing team and Ms Fabbriatore. The MPS requested that we added one further condition to the licence application "*The Premises Licence Holder will train all staff on their welfare, vulnerability and Ask for Angela training package. Details of the training will be recorded and a refresher training event will take place at least annually*".

17. The MPS also asked for a written dispersal policy to be agreed and this is provided with the case outline. We confirmed that this additional condition was acceptable and no representation was made.
18. Ms Fabbricatore has asked that we ensure all doors and windows be closed from 21:00 hours. This is an offered condition, has always been complied with and we are informed that there has not been any noise complaints. We have also circulated the noise assessment report and can confirm that a noise limiter has been fitted and set in conjunction with environmental health advice.
19. The conditions on the current premises licence are robust and help to create an environment, along with the style of operation, which means the applicant can exhibit an exceptional record of compliance and promotion of the licensing objectives.
20. The following conditions are critical to the offer from the premises licence holder to promote the licensing objectives:
 - There will be a last entry time of 03:30 for new customers on each night of the week.
 - The consumption of alcohol on the premises shall be to seated customers only.
 - After 21:00 hours entry to the premises shall be limited to pre-booked customers only
 - After 21:00 hours persons admitted entry to the premises shall be restricted to persons of the age of 18 or over.
 - The number of persons permitted in the premises (internal and external) at any one time (excluding staff) shall not exceed 102.
 - A minimum of one (1) SIA licensed door supervisors shall be on duty at the premises from 2000 hours on Thursdays, Fridays and Saturdays until close of business. At all other times the use of SIA door staff will be risk assessed and a written record of this will be kept and maintained within the venue and made available to the Police and all relevant authorities.
 - 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.
 - All doors and windows to be kept closed between 21:00 hours and 07:00 hours except for immediate access and egress of persons.
 - After 23:00 hours 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.

- Any external smoking area to be used after 23:00 will be delineated and supervised by a member of staff. A maximum of 10 people will be permitted to use this area at one time.
19. There have been no complaints received by MPS or EHO whilst the premises have traded. There have been no issues with the granting of TENs for the premises to trade to extended hours, and no issues when those TENs have been operational. We will make oral submissions at the hearing before the licensing sub-committee in relation to the public representations.
20. The submissions we will make can be summarised in that for the following reasons the application for the longer hours of operation under the new premises licence should be granted:
- Significant experience within the company who operate the premises
 - Track record of compliance and engagement with Responsible Authorities
 - Nature and style of operation of the premises
 - Modest capacity of the licensed area
 - Conditions already attached and now offered
 - No complaints to the EHO
 - No recorded crime associated with the premises
21. The sub-committee will be asked to conclude that the application should be granted as the conditions offered within the operating schedule are appropriate and proportionate to promote the licensing objectives as can be seen by the “real evidence” (*Daniel Thwaites plc v Wirral Borough Magistrates’ Court [2008] EWHC 838 (Admin)*) from the operation under premises licence number 19/14464/LIPN.

Paddy Whur
Woods Whur Solicitors

Key skills

- **Proven track record in leadership**; leading and delivering sustained performance improvement, investigation, decision making, teamwork, analysis, negotiation & influencing , extensive partnership working with internal & external stakeholders, leading change and critical incident / Crisis & risk management. Operates seamlessly and confidently across the different layers of stakeholders. Extensive Regulatory, Inspection, Audit & Review and training experience in the Rule of Law, Public Protection, Community Safety and GBV.
- **Underpinning qualities**: Professional, committed, excellent oral/written communication, excellent inter-personal skills, honest, discrete, diplomatic and operates with integrity.
- Leading and working as part of a team at local, regional, national and international levels to identify solutions and leading to sustainable implementation & change
- Adept at working with Local, National and International; Governments, and Agencies
- Have extensive experience of working across Local, Regional and National Government, Criminal Justice Systems, HMICFRS, College of Policing, National Police Chiefs' Council, Civil Society and International Partners
- **Certified police qualifications**: Senior Investigating Officer, Series & Major Crime Management, Public Order Cadre Leader, CT Security Coordinator (Accredited by MPS, ACPO/NPCC & Skills for Security), Surveillance Authorising Officer, Surveillance Operative/Trainer and UK National Major Incident trained (Gold)
- Also specialise in Capacity Building, Security Coordination, Police Accountability, Community Safety, Public Protection, VAWG/GBV, Crime Investigation & Enforcement, Problem Solving and Critical Incident / Crisis Management
- Experience of representing the Police Service, UK Government and Consultancy internationally: US (San Diego, New York [incl UN], Washington D.C.), Australia (Australian Institute of Criminology), Pakistan (Karachi, Islamabad, Lahore [Punjab Safe Cities Programme]), India (Hyderabad [IPS Mid-Career training]), Turkey, Sweden, Denmark, Geneva (UN), Brussels (EU Parliament), Kenya, Somaliland, Iraq, Trinidad & Tobago, Jamaica, Guyana, Ukraine, and Uganda.
- Published author

Current Positions

Alinea International Ltd, International Policing Advisor, Police Trust, Accountability and Resilience Project in Ukraine (November 2023 – Present)

Development and delivery of training products for Ukrainian National Police Investigators (from 6 Regions) specialising in Domestic Violence.

Penal Reform International (Uganda), August 2023 – Present

Design and deliver a Train of Trainers Programme with PRI for the Ugandan Police Force in 'Working with Female Offenders'

UN Women Ukraine (February 2022 – Present)

Advisor to UN Women providing strategic and operational tactical advice on Rule of Law in responding to War Crimes including Conflict Related Sexual Violence (CRSV).

Developed information communication for the Ukraine Ministry Interior published nationally to raise awareness of CRSV, its impacts and referral pathways to support.

Developing training materials in partnership with Ukrainian and Canadian SMEs for front line responders engaging with communities and providing initial investigation response. Led an in-country and online training workshops on Gender Responsive Policing with the Human Rights Department, Ukrainian National Police in conjunction with a local expert consultant and UN Women (June 2022).

UN Women Multi Country Office Caribbean – Spotlight Initiative Police Sector Programme Lead (June 2021 – Present)

Leading a small team of experts reviewing, developing and delivery the GBV, Intimate Partner Violence and Family Violence training curriculum of the Trinidad & Tobago Police Service, Jamaican Constabulary Force and Guyana Ministry of Interior, Attorney General Staff and Police Officers. To develop and deliver Train the Trainers Courses, Due Diligence Standards, Risk Assessment tools. Developed inception report, project delivery plan and project matrix considering the monitoring and evaluation process.

Working with UN Women and CARICOM IMPACS developed and delivered Cyber enabled GBV training to Law Enforcement, Prosecutors and IT Industry professionals

Designed and delivered 6 Gender Responsive Policing courses to TTPS officers.

UN Women Multi Country Office Caribbean – Spotlight Initiative Judicial Sector Programme Consultant (June 2021 – Present)

Designed a Companion Guide to the Trinidad and Tobago Gender Equality Protocol for Judicial Officers

Enhanced the delivery of Gender sensitive adjudication through the design and delivery of training to Judges in partnership with the Judicial Education Institute

Designed, delivered and led training of multi-agency partners in Georgetown, Guyana to improve gender responsiveness, the victim's perspective and risk assessment / management

Develop, delivered and supported a 6-country workshop with Caribbean senior police officers in conjunction with the Inter-America Development Bank in Kinston, Jamaica on operationalising Responses to Gender Based Violence.

UN Women

Advisor and provided significant technical assistance and support to the development & direction of the UN Women Handbook on Gender-Responsive Police Services for Women and Girls subject to Violence (2021). Launched on 27.1.21

Chair of Statutory Domestic Abuse Homicide Reviews (September 2019 – Present)

- Leading and managing the work of a panel of Violence Against Women & Girls and

- Domestic Violence/Abuse experts
- Engagement with victims' families, statutory sector & voluntary sector stakeholders. Excellent ability to have difficult conversations complemented by enhanced negotiation and influencing skills
- Following detailed analysis, identifying key lessons to be learned by police, criminal justice agencies, health, education and social care to produce a detailed overview report with recommendations for change at local, regional and national levels
- Presentation of findings to local statutory Community Safety Partnership and UK Government's Home Office.

Consultant Strategic Programme Lead for VAWG for Hillingdon Council, London (August 2017 – November 2022)

Key responsibilities include:

- Strategic Advisor for Public Protection and Community Safety including Domestic Abuse and VAWG
- Change Management. Re-defining strategic approach, governance and delivery team structures and service delivery to victims/survivors of violence and abuse.
- Led a structured review of the local authority and its statutory partners' strategic and tactical operational response to Violence Against Women & Girls
- Developed 3-year strategy and accompanying delivery plan – agreed by strategic leaders and elected officials.
- Improved effective partnership working with Hillingdon Council internal and external stakeholders
- Improved performance and services in terms of quality and reach, achieving cost savings.
- Trained Criminal Justice, Police, Probation, Health, Education, Children & Adult Social Care and Voluntary sector professionals on Gender Based Violence including Harmful Traditional Practices e.g., FGM, Breast Ironing, FM and Honour Based Violence
- Advisor to the Mayor's Office for Policing and Crime (London), UN IOM, UN Women, NHS England, Royal College of Midwives, Hillingdon Local Safeguarding Children's Partnership and Safeguarding Adults' Board.

Director Gerry Campbell Consultancy Ltd - Policing, Security and Public Protection /Community Safety Specialist (January 2017 – Present):

- Conducted a joint structured review of English law and CJ processes relating to Violence Against Women & Girls genre, which included key developments and areas for improvement, and co-authored the England & Wales chapter of the EU Lawyer's Foundation manual (relating to 6 EU Member States) on the law relating to VAWG
- Delivered training on Violence Against Women & Girls to EU lawyers on behalf of the England & Wales Bar 2017/18.
- Provide expert knowledge in relation to Policing, Security, Community Safety and Criminal Justice activity to support the sustainable delivery of projects including working with International Law Enforcement Agencies, Governments, Private and Public Sector Organisations
- In Lahore, Pakistan and reviewed the Safer Cities Punjab Police's Integrated Command, Control and Communications (PPIC3) Project including the effective use of Public Realm CCTV against international best practice. I conducted readiness tests and mentored senior police officers whilst reviewing the Law Enforcement plans for a major public order operation, which had previously experienced terrorist attacks. The first major successful operational test of the PPIC3 Centre. Provided a report to

the UK's High Commission, the Punjab Chief Minister and PPIC3 CEO. The Review led to detailed analytical report and resulted in the training and coaching for Senior Police Officers in Command and Control, Operator training and contributed to the delivery of a successful large scale public order operation. So, such that 5 other sites are being considered.

- Development and delivery national multi-layered training for NHS England on FGM (reach of 1.3m staff), MBL for forced marriage (FM), female genital mutilation (FGM) and Honour Based Violence (HBV), and podcasts for CPD Informa for FM, FGM, HBV and Domestic Abuse (DA).
- Development of Domestic Abuse training packages for Hillingdon Borough's statutory Safeguarding Children Panel and Safeguarding Adults Board
- Developed training packages for the Royal College of Midwives (RCM) on DA, FM & HBV and FGM Mandatory Reporting – to provide a practical understanding of the law, personal responsibility, signs, symptoms, and tactical approaches
- Development of capacity and capability in the UK and Internationally (Sweden, Kenya, Pakistan, Somaliland, US, Australia, Iraq, Guyana, Trinidad & Tobago and across the Caribbean region) with focus on law enforcement, Justice continuum partners addressing Gender-Based Violence (GBV)
- Contributed to the development of international practices to tackling VAWG (HBV, FM, FGM) and Extremism by speaking and participating at UN (New York), the EU Parliament and the US Institute of Peace (Inaugural FGM Summit)
- Provided training to US Federal Agents; FBI, Homeland Security, and Immigration & Customs in tackling Honour Based Violence and FGM – notably in strategic organisational and tactical approaches e.g., airside operations.

Associate Lecturer at Buckinghamshire New University. Lecturing in Criminology and Psychology with a focus on Public Protection, Community Safety and Policing (**February 2017 – Present**).

Under-Graduate and Post Graduate courses in Criminology and Psychology

Chair and Director of Strategy / Trustee, The Sharan Project (Charitable role supporting women & girls disowned by their families) (**January 2017 – Present**).

For further information visit <https://sharan.org.uk>

Projects

UN IOM and Optima in Iraq (Expert GBV, CRSV and TIP) July 2020 – November 2021
Gap analysis report in current service provision. Development and delivery of training for police investigators, community police officers/officials to support victims of conflict-related sexual violence (CRSV), gender-related violence (GBV) and trafficking in people (TIP) in Iraq. Worked in effective partnership with Optima, UNION, Baghdad Women's Association and the Iraqi Organization for Woman and Future (IOWAF).

- Development and delivery of 2 Train the Trainers courses for Law Enforcement Officers and Officials
- Development and delivery of Police Investigators and Community Police Officials training in GBV / CRSV / Trafficking in People
- Development of a referral protocol and mechanism

EU Project: Subject Matter Expert (STE) Improving Judicial Notification in Turkey (November 2018 – March 2020)

- SME on Component One involving production of new legislation and the development of the protocol of the roles and responsibilities for the main in the Judicial Notification process
- Has worked alongside Beneficiary Country senior stakeholders to achieve the above
- Full gap analysis involving desk review, site visits, interviews with actors (including Judges, Public Prosecutors, Police, Gendarmerie, Mukhtars and Prison Managers) which led to the production of an informed extensive report
- Site visits to Ankara, Izmir, Malatya, Gaziantep and Trabzon

EU Project: Subject Matter Expert - Strengthening the capacity of the Turkish forensic laboratories in combatting illicit drug trafficking (January 2020 – December 2020)

- Conducted audit and review work and identified key risk
- Developed new ways of remote working to the satisfaction of the EU Commission to deliver key aims during COVID-19 pandemic.

Background

Metropolitan Police Service (London) – 3 November 1986 – 2 November 2016

Concluded service with the Metropolitan Police Service, London on 2 November 2016 after 30 years exemplary and dedicated service.

Concluding Policing position

Detective Chief Superintendent, Strategic Engagement Team (New Scotland Yard) and Deputy National Policing Lead for Honour Based Abuse, Forced Marriage and FGM. (April 2016 – November 2016).

Responsibilities: Deputy lead for the Metropolitan Police Service's (London) response to engaging with London's diverse Communities and Strategic and local Partners, Safer Neighbourhood Policing, Licensing and tackling Anti-Social Behaviour, tackling Hate Crime, delivering the Youth Strategy. Advisor to the NPCC Policing Lead for HBA, FM and FGM and to the CPS and the National FGM Centre.

Worked with the British High Commission, Pakistan leading to two deployments in Lahore advising the Punjab Chief Minister and Senior Police Officers on the implementation of the Punjab Safe Cities Programme. Compilation and presentation of strategy, policy and strategic reports to internal and external stakeholders e.g., Scotland Yard Chief Officers, Home Affairs Select Committee, cross government meetings, public meetings and conferences.

Key achievements:

- Authored the National Police Chiefs' Council's (NPCC) Strategy for Tackling and Eradicating Honour Based Abuse, Forced Marriage and FGM (adults and children)
- Co-authored the College of Policing's Authorised Professional Practices for FGM and Honour Based Violence & Forced Marriage
- Produced the National Policing responses to HMIC and the Home Affairs Selection Committee on Honour Based Abuse, Forced Marriage and FGM
- Developed and led the MPS' Youth Strategy
- Led the MPS' responses to tackling Hate Crime

- Led significant engagement initiatives with strategic partners and the communities across London before, during and after notable critical events.
- Delivered successful policing operations e.g., Large Scale Public Order Events (policing protest – Million Mask March) and Nottinghill Carnival.

Previous Police positions

Detective Chief Superintendent – OCU Commander Metropolitan Police Service Taskforce (including Territorial Support Group, ANPR Interceptors, Mounted Branch, Dog Support Unit & Marine Policing Unit) (March 2014 – April 2016).

Responsibilities: Leading a command of 1350 officers and non-warranted staff preventing crime, tackling violent & dangerous offenders (overt & covert investigations), providing the Met's response to public disorder & policing protests, major incidents and countering terrorism. Financial management of £70 million total budget, performance accountability and staff conduct. Work with strategic and operational stakeholders. Compilation and presentation of strategy, policy and strategic reports to internal and external stakeholders e.g., Chief Officers, Home Affairs Select Committee, cross government meetings, public meetings and conferences.

Key achievements:

- Leading successful Change Management amalgamating units into one cohesive team to achieve a single core mission for London
- Making £millions financial savings through challenging change management whilst improving performance and performance accountability
- Delivered successful policing operation during Ceremonial events e.g., US & Chinese Presidents' State Visits to UK, Commemorative National events and large-scale Public Order Events e.g., Million Masked March, People's Assembly Against Austerity and Nottinghill Carnival.
- Led the training of Crown Prosecutors and Police Senior Investigators across England & Wales

Detective Chief Superintendent – Borough Commander Islington (August 2011 – March 2014)

Responsibilities: Leading a command of 650 officers and non-warranted officers responsible for preventing and detecting, public confidence and improving community safety through effective partnership working & innovative solutions. Financial management of £50 million total budget, performance accountability and staff conduct / professional standards. Working with Council CEO, Leader of the Council, Community Safety Partnership and other strategic internal and external stakeholders to achieve aims. Developing and maintaining strategic relations. Presentation of reports and performance accountability at CSP partnership meetings, council and community meetings e.g. Strategic Partnership Board, CSP Operations meeting and Safer Neighbourhood Board. Scotland Yard Lead for Problem Solving (Simple2Start methodology).

Responsible for Islington Police detention facility and development of protocols with HMP Pentonville. Including the development of search regimes (and legality) for visitors and the evidential / forensic handling of criminal / prohibited property seized e.g., mobile phones, drugs / cash etc.

Key achievements:

- Led the borough of 650 Police officer and staff, which saw two years of successful crime reduction in priority crimes
- Led a pan London operation to tackle mobile phone crime leading to a 37% reduction in theft, robbery & pick pocketing – through proactively tackling organised crime groups, offender management, education and designing out crime with Industry & Manufacturers. Worked with Criminal Justice agencies to develop an enhanced sentencing pilot for offenders
- Visiting fellow at Indian Police Service Mid-Term senior police officer training, Hyderabad with Charles Sturt University (Australia),
- Critical Incident / Crisis Management Leadership
- Development of Domestic Abuse proactive team
- Raising professional standards leading to a reduction in public police complaints
- Led innovative changes to performance management adopted by the MPS
- Led notable seasonal operations to prevent, deter and detect crime and ASB.

Detective Chief Superintendent - OCU Crime Commander Territorial Policing Crime (March 2012 – August 2012)

Responsibilities: Policy development and Performance Management Lead for London's 32 Borough Policing Areas. Planned and led security operations. Developed Metropolitan Police Service policy / Leadership responsibility for community safety and public protection matters including domestic violence/abuse, honour based violence, forced marriage, sexual offences, missing persons and the management of registered sex offenders, dangerous & violent offenders. Acted as a strategic and operational tactical advisor for the MPS / Senior Colleagues and Investigators e.g. management of high profile cases. Lead for National Mobile Phone Crime Unit, pan London Crime Squad (managing high risk overt & covert operations),

Detective Superintendent & Acting OCU Commander – Wandsworth Borough (March 2010 – March 2012).

Led notable seasonal operations to prevent, deter and detect crime and ASB. Deployed as Security Coordinator (SecCO) planning at London Royal Palaces, Westminster Abbey and Ceremonial events.

DCI and Detective Superintendent – Scotland Yard - Violent Crime Directorate (January 2006 – February 2010)

Training Experience:

Training Experience is available upon request

Published works:

List of Books and Articles published on GBV / VAWG is available upon request

Awards and Commendations

Awarded a UK National Honour by HM The Queen in June 2019 *For Services to Crime Prevention and to the Elimination of Violence Against Women and Girls*

Ten Police Commendations for Professionalism, Leadership, Investigation and Commitment awarded by Chief Superintendents, Commander and Assistant Commissioner (Chief Constable) levels.

Education:

Available upon request

Certified police qualifications:

Senior Investigating Officer, Series & Major Crime Management,
Public Order Cadre Leader (UK National Gold, Silver and Bronze Commander),
Counter Terrorism Security Coordinator (Accredited by Metropolitan Police Service,
Association of Chief Police Officers & Skills for Security),
Surveillance Operative / Trainer / Authorising Officer
College of Police – UK National Major Incident trained (Gold Commander)
Health and Safety Executive: Health & Safety Certification for Senior Leaders

Higher Education Academy: Associate Fellow of the Higher Education Academy.

Affiliations

- Through National Honour: Member of the Most Excellent Order of the British Empire (MBE)
- Fellow Chartered Management Institute (FCMI)
- Associate Fellow of the Higher Education Academy (AFHEA)
- Member of the Security institute (MSyl)

References

Available on request



ARC LE SALON

Training Programme

NOVEMBER 2023

Four (4) licensing objectives

the prevention of crime and disorder.

public safety.

the prevention of public nuisance.

the protection of children from harm.

Arc Le Salon - philosophy and values

- Licensed Premises
- Operating hours
- 7am - 9pm
- 9pm - 3am
- Arc Le Salon services, provisions and premises lay out
- Professional
- Calmness
- Customer relations

Licensing Act 2003

4 Licensing Objectives - know your responsibilities

- Premises License
- Licensing Conditions
- Roles and Responsibilities
- Delegated Authority
- Personal Accountability

Risk Assessment - know what to do in managing risk

- What is Risk
- How to assess and mitigate risk - risk management strategy
- Common risk issues and common occurrences
- keeping safe around common occurrences
- Inside and near vicinity outside
- Identifying and recording risk issues

Near Miss Policy - continuous improvement plans

- Why is this important
- How to record and respond to emerging risks

Safety and Security - offences and powers

- Drunkenness
- Disorderly Conduct
- Theft
- Internal theft
- Assault and violence
- Sexual Assault
- Drugs - including found on premises
- Drink spiking
- Refusal to pay
- Making off without payment
- Criminal damage
- Criminal deception - stolen cards, fraudulent notes

Crime Prevention

- Suspect packages
- Crime trends and m.o
- Offensive weapons and search policy
- Proof of identity and age

Public Protection

- At risk signs to watch out for - grooming, domestic abuse, substance misuse
- Intelligence sharing protocols
- Pub Watch Schemes
- Early closures
- Key dates and events

Incident Register

- Recording incidents
- Reporting incidents

CCTV

- Policy
- Recording and retention
- Reviewing

Crime Scene Management

- Securing the scene
- Preserving evidence
- Forensic material
- Bagging and tagging
- Exhibit handling guidelines

Authorised Persons

- “authorised persons” – are bodies empowered by the 2003 Act to carry out inspection and enforcement roles. The police are not included because they are separately empowered by the 2003 Act to carry out their duties.
- For all premises, the authorised persons include:
 - Officers of the licensing authority
 - Fire inspectors
 - Health and Safety

They will carry identification



Personal licences

Generally all sales of alcohol must be made by, or under the authority of, a personal licence holder. Not everyone who makes a sale has to hold a personal licence, so long as a personal licence holder has authorised the sale.

Designated Premises Supervisor (DPS)

With one exception, all premises operating under a premises licence to sell or supply alcohol must appoint a designated premises supervisor (DPS) for the premises.

There can only be one DPS per premises.

The DPS will be held as the person in overall charge of the premises.

This DPS doesn't have to be on the premises at all times, but they must take responsibility for what happens there and be in day to day control. This means the DPS should ensure any staff they appoint are appropriately trained in the requirements of the Licensing Act 2003 and of any specific conditions attached to the premises licence.

A person can't become a DPS unless he/she is also a personal licence holder.

What the DPS does

The person chosen to be designated premises supervisor (DPS) will act as primary contact for ALS and the police. They must understand the social issues and potential problems associated with the sale of alcohol, and also have a good understanding of the business itself.

While they need not be on site at all times, and can authorise other members of staff to sell alcohol, they are expected to be involved enough with the business to be able to act as its representative, and they must be contactable at all times.

If the LA or the police have any questions or concerns about the business, they will expect to be able to reach the designated supervisor.

Each business may have only one supervisor selected for this role, but the same person may act as the designated supervisor at more than one business.

Taking responsibility

The Licensing Act requires the supervisor - and all personal licence holders - to take responsibility for the sale and supply of alcohol.

This is because of the impact alcohol has on the wider community, on crime and disorder, and anti-social behaviour. Because of these issues, selling alcohol carries greater responsibility than licensing regulated entertainment and late night sales of food and non-alcoholic drinks.

DPS Letter of Authorisation

The DPS to fill in and sign authorising named members of staff to sell or supply alcohol. The named staff to sign to confirm that they are aware of this and accept their responsibilities.

The DPS and members of staff should be aware of the responsibilities of the DPS, details of the premises licence and the social and legal obligations and responsibilities relating to the sale of alcohol.

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 d

ALS Premises License

9. The consumption of alcohol on the premises shall be to seated customers only.

10. After 21:00 hours entry to the premises shall be limited to pre-booked customers only.

11. After 21:00 hours persons admitted entry to the premises shall be restricted to persons of the age of 18 or over.

12. There shall be no striptease or nudity, and all persons shall be decently attired at all times.

13. 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.

14. The number of persons permitted in the premises (internal and external) at any one time (excluding staff) shall not exceed 102.

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 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. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:

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

18. A minimum of one (1) SIA licensed door supervisors shall be on duty at the premises from 2000 hours on Thursdays, Fridays and Saturdays until close of business. At all other times the use of SIA door staff will be risk assessed and a written record of this will be kept and maintained within the venue and made available to the Police and all relevant authorities.

19. 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.

20. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.

21. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.

22. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.

23. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

24. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.

25. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.

26. The sale and supply of alcohol for consumption off the premises shall be rest

Mandatory Condition - Sale of Alcohol

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

What is Risk Management

Identify Potential Risks - what can possibly go wrong?

- Hazards - accidents, injuries, fires
- Operational - turnover or human failures (supplies, sickness etc)
- Financial - Covid-19
- Strategic - brand reputation

Ways of Identifying Risks

- White Boarding - writing it down
- Talking - engaging and listening to people doing the job
- Worst case scenarios - a pessimistic view
- Horizon scanning - pestelo and human rights
- History - review and reach
- Root cause analysis - what caused this
- Logic tree - defining the process and risk attrition points
- Pre-Mortem - 6th sense and hunches

Risk Management Process

- Identify potential risks
- Measure frequency and severity
- Examine alternative solutions - risk controls (accept, avoid, control or transfer)
- Identify solutions, interventions and implement to mitigate identified risks
- Monitor and Evaluate

Building a Risk Map

- Involve people from all parts of the organisation
- Understand each risk
- Seek guidance
- Revisit and modify

Formula

Threat v Risk = Harm

Threat	the possibility of some harm
Risk	the probability of that harm occurring
Harm	the likely level of death, injury, loss or distress caused

Risk Matrix Table

example 1

	Low	Medium	High
Threat			
Risk			
Harm			

Near miss policy and recording

Arc Le Salon is a learning organisation. All near misses must be recorded to enable assessment and action to be taken to enable risks to be mitigated.

Crime and Disorder

Common incidents and responses

Scenarios:

1. Assault; suspect left scene. Blood stained victim still present, still present and blood on the floor
2. Female victim alleges that her drink has been spiked.
3. Victim approaches the bar staff and asks for "Angela"
4. Heightened threat level in London suspect package outside on the footway. Actions
5. Wealthy VIP customer is getting drunk and loud disturbing other customers. Actions
6. VIP client, who is a music / TV personality states its ok for staff to have a selfie taken with them. Actions
7. When a customer is being seated they remove their hand from their pocket a small clear self sealing package falls on the floor. The staff member notices that it contains a white powder
8. Due to heightened threat levels in the UK, there is a bag search policy imposed. There is a visual inspection of a female member's handbag. A CS gas canister with the words "self defence" is emblazoned on the side of the canister. She states she been robbed a couple of times whilst socialising in London. What are your actions?
9. A customer alleges their bag has been "dipped" and their wallet and credit cards have been stolen. They cannot now pay their bill. What are you actions?
10. A member of staff see a female guest being slapped twice by her male companion. Both have been drinking alcohol. What are your actions?

Night Time Economy (NTE)

The Night Time Economy (NTE) describes the economic activity taking place in the late evening and night after many people finish daytime employment or formal education, such as eating and drinking, entertainment, and nightlife (which may be described by the related term evening and nighttime economy).

The evening and night time economy in the London Mayor's strategy is the period 6pm – 6am.

Safeguarding

Safeguarding is the action that is taken to promote the welfare of children and vulnerable adults and protect them from harm.

Safeguarding means:

- protecting children and vulnerable adults from abuse & maltreatment
- preventing harm to children and vulnerable adults health or development
- ensuring children grow up with the provision of safe and effective care
- taking action to enable all children & young people and vulnerable adults to have the best outcomes.

Context:

Globally and in the UK DA is considered Violence Against Women & Girls (VAWG). Inter-changeably it is also often described as a form of gender based violence too

The United Nations (UN) defines:

Violence Against Women (VAW) as: *“Violence against women means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”*

Gender-based violence (GBV) against women as: *“violence that is directed against a woman because she is a woman, or violence that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty”.*

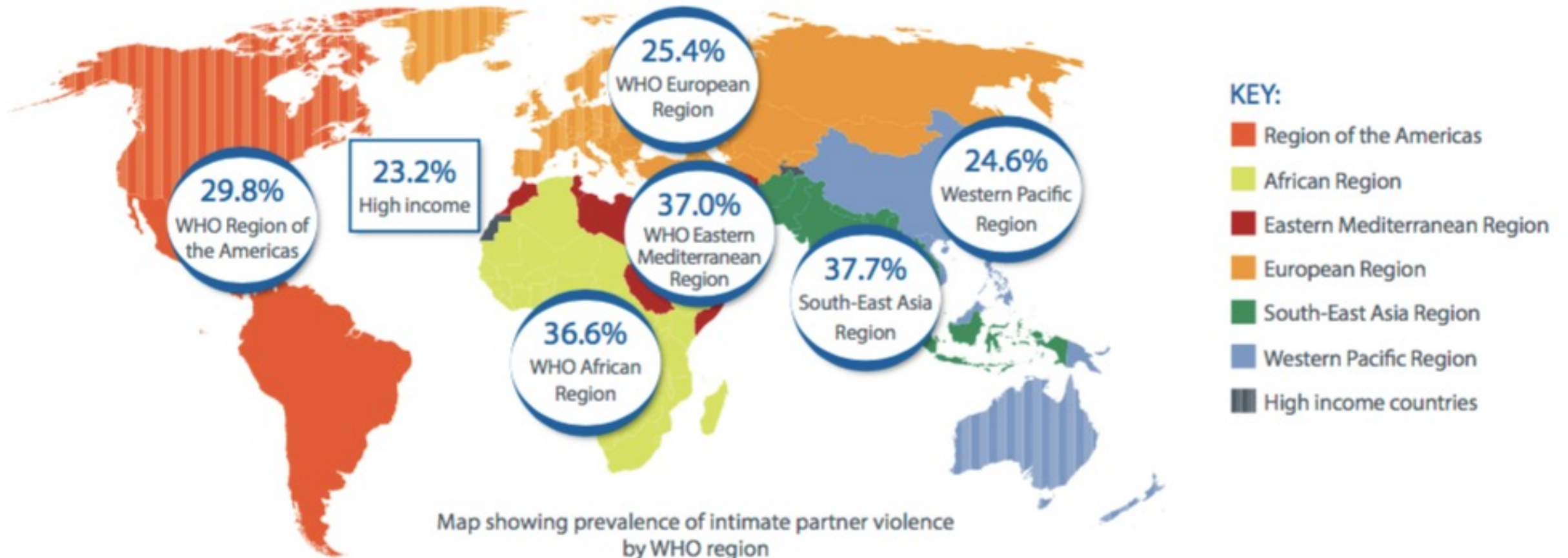
It should be noted that men are the victims of gender based violence too

We will explore why taking a gendered based approach to domestic abuse is important

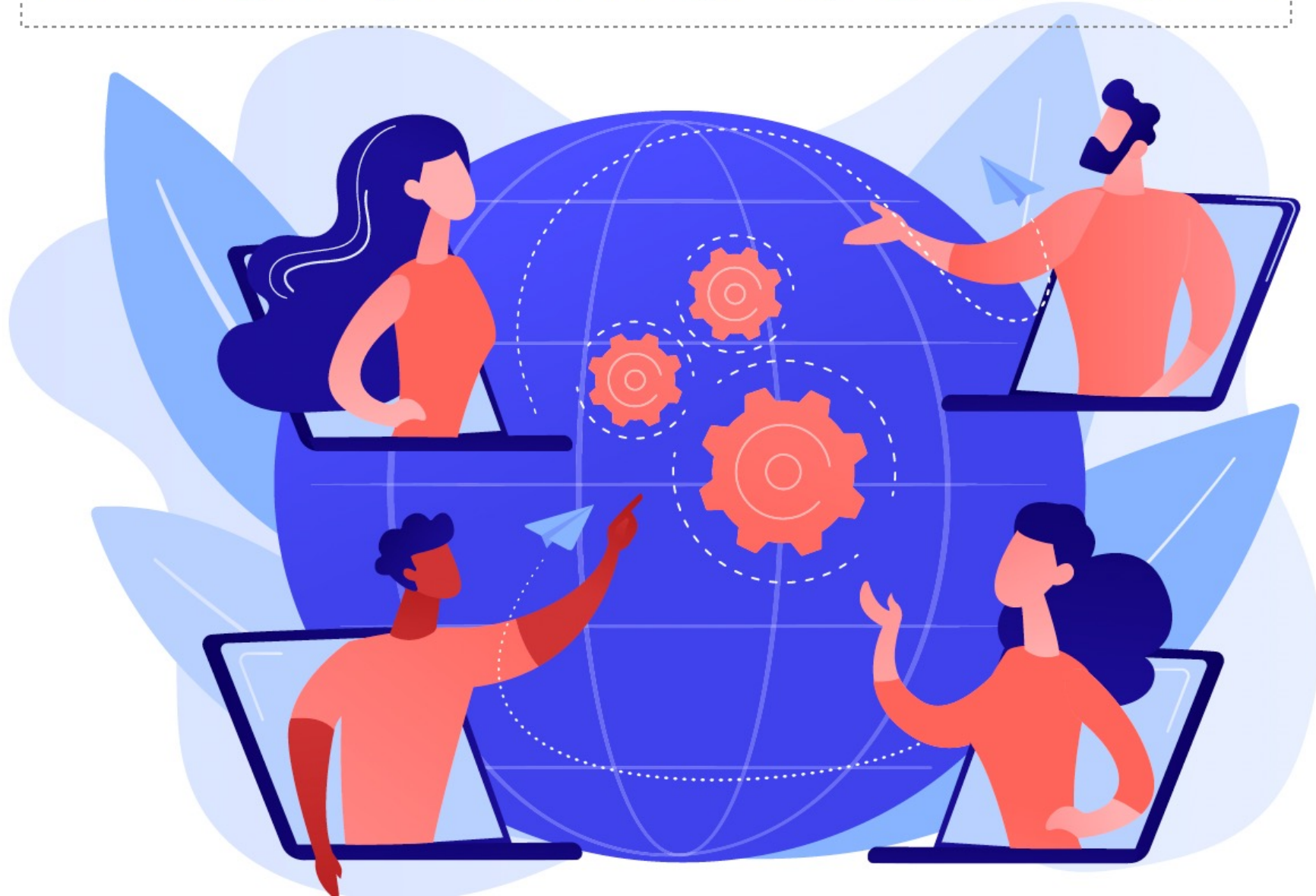
Prevalence of intimate partner violence

1 in 3 women

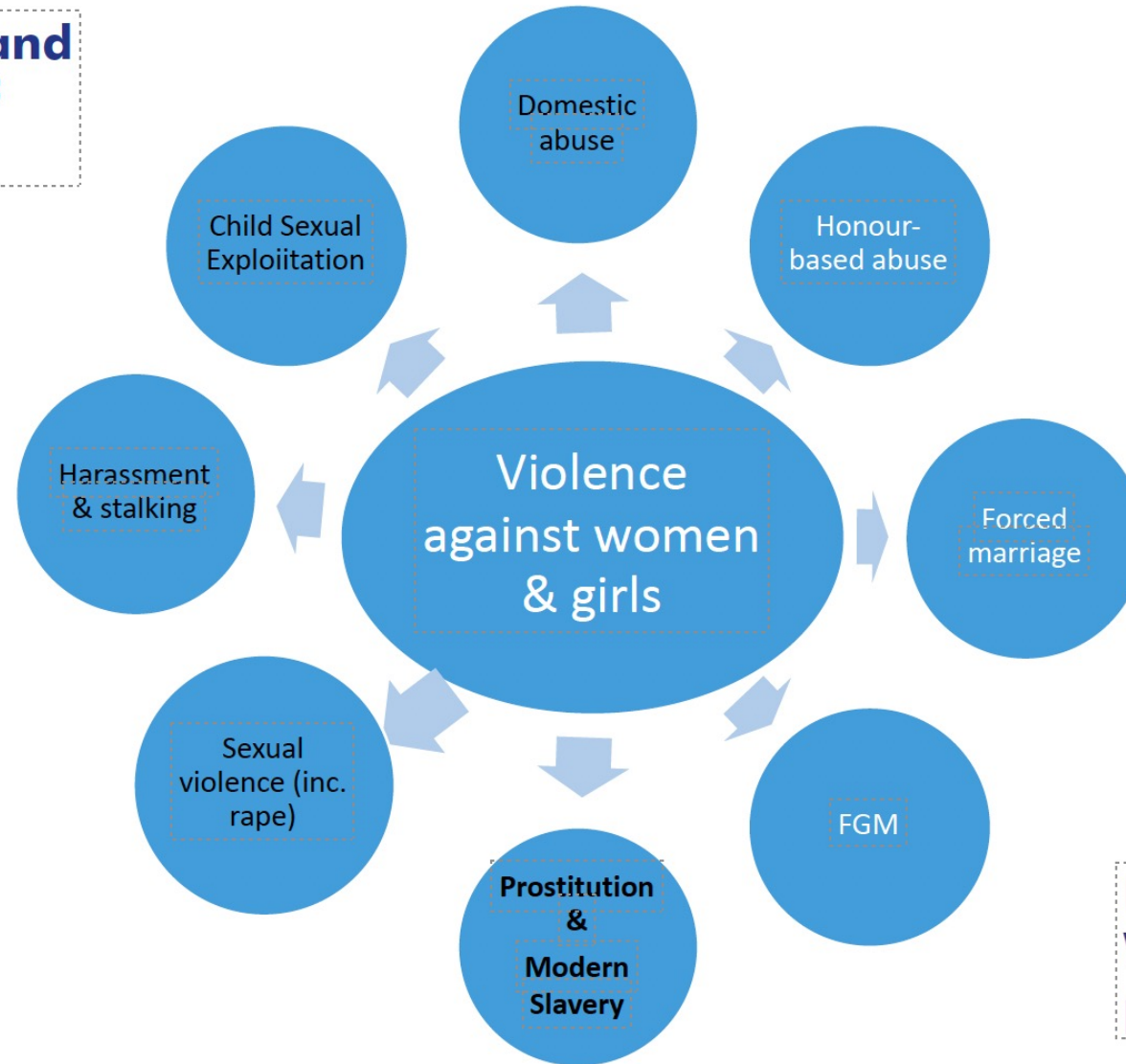
throughout the world will experience physical and/or sexual violence by a partner or sexual violence by a non-partner



Interactive Session



Recognises men and boys as victims of these crimes



Recognises that Women can be perpetrators too

Child Sexual Exploitation

Child sexual exploitation involves situations, contexts or relationships in which a person under 18 is given something, such as food, accommodation, drugs, alcohol, cigarettes, affection, gifts or money in return for performing sexual activities or having sexual activities performed on them. It can also involve violence, coercion and intimidation, with threats of physical harm or humiliation.

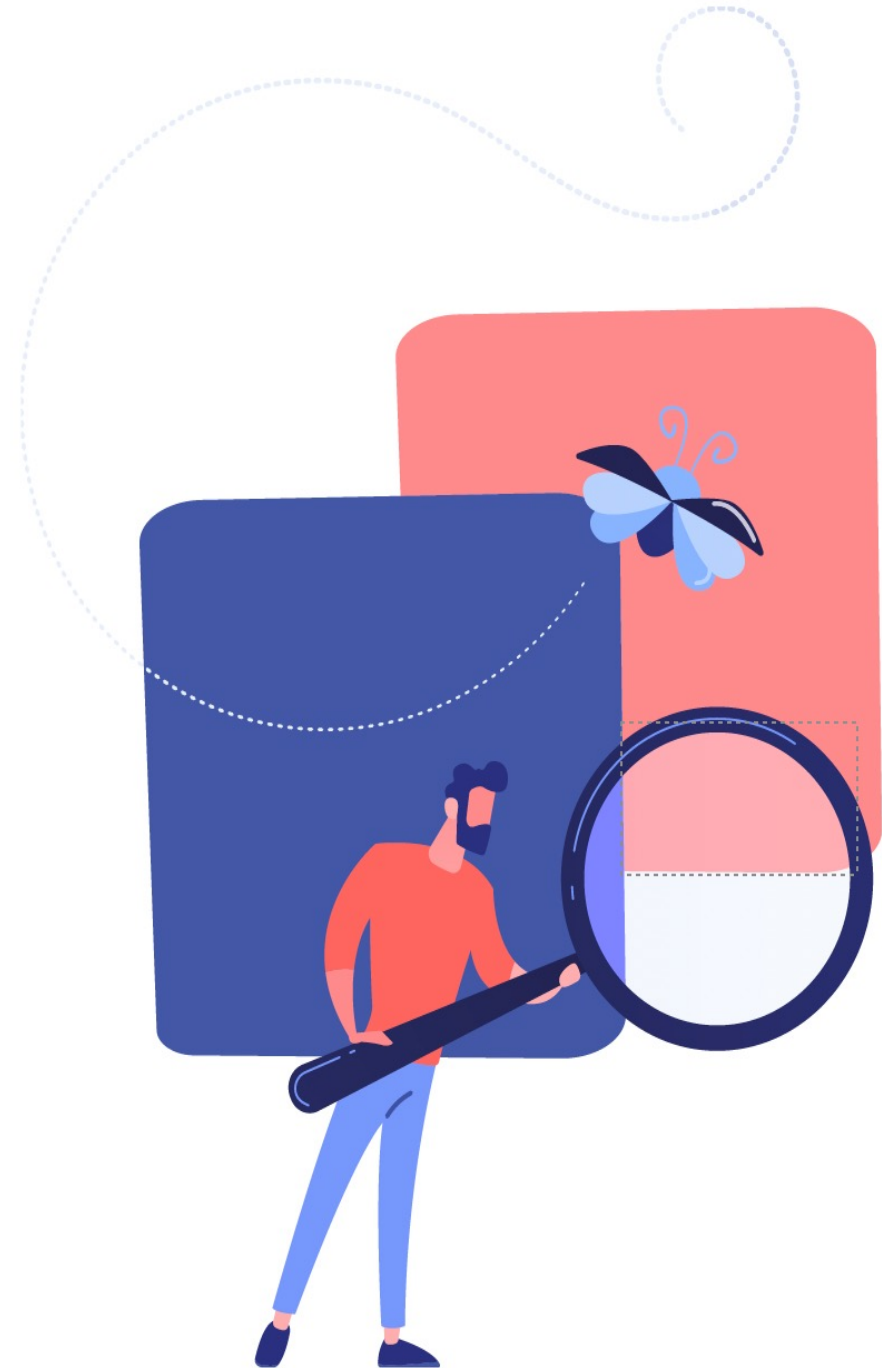
YouTube: Can you see it?

What to look out for?

- Adults befriending young people including buying them food and drinks
- Adults who come in on their own and always target young people
- Adults who frequently come in with different young people
- Adults buying alcoholic drinks which you suspect are for someone who is under 18 years old
- Young people with adults who are known or suspected to be gang members
- Girls or boys with older men or women who appear to be touching or behaving in an intimate way

DON'T IGNORE YOUR GUT FEELING.

SAY SOMETHING IF YOU SEE SOMETHING.



WAVE PROGRAMME

Welfare And Vulnerability Engagement



ASK FOR
ANGELA

SAFERSOUNDS
PARTNERSHIP
part of SaferBusinessNetwork

Supported by

SUPPORTED BY
MAYOR OF LONDON



WAVE IS BASED ON FIVE KEY PRINCIPLES:

- Preventing and reducing violent crime linked to the licensed economy
- Preventing and reducing sexual offences
- Reducing preventable injury linked to alcohol and drug use in the licensed economy
- Reducing opportunities for criminal activity and anti-social behaviour in licensed premises
- Promoting partnerships and engagement with communities and key stakeholders in the licensed economy

Drink (Alcohol / Non Alcohol) Spiking

Drugs Commonly used:

- 'Roofie' – Rohypnol
- GBL / GHB
- Ketamine
- Amphetamine / Ecstasy
- LSD

Symptoms:

- Lowered inhibitions
- Loss of balance
- Visual problems
- Confusion
- Nausea
- Vomiting
- Unconsciousness

Action to take:

- Tell the bar manager / supervisor and SIA door staff:
- Stay with them and keep talking to them
- Call an ambulance if their condition deteriorates
- Don't let them go home on their own
- Don't let them leave the venue with someone they don't know or trust
- If possible, try and prevent them drinking more alcohol as this could lead to more serious problems

Consequence if 'we' fail to take action:

Serious sexual assault by one or more offenders
Serious physical assault
Robbery / blackmail / publication of intimate images



The One Chance Rule

You may only Have one Chance to save a life



CHILD SEXUAL EXPLOITATION IS ABUSE. DON'T MASK THE PROBLEM.

SAY SOMETHING IF YOU SEE SOMETHING
Call 101, quote Operation Makesafe.
www.met.police.uk



ASK FOR ANGELA!

#ASKFORANGELA
TWEET IT
SHARE IT
SNAP IT
GET THE WORD OUT

GET HOME SAFE!

ARE YOU ON A DATE THAT ISN'T WORKING OUT?
DO YOU FEEL LIKE YOU'RE NOT IN A SAFE SITUATION?
DOES IT ALL FEEL A BIT WEIRD?
DINNER OR TINDER DATE NOT WHO THEY SAID THEY WERE?

APPROACH A MEMBER OF STAFF AND ASK FOR ANGELA. STAFF WILL IMMEDIATELY KNOW YOU NEED HELP AND WILL BE ABLE TO GET YOU OUT OF THE SITUATION SAFELY AND DISCREETLY

ASK FOR ANGELA

TACKLING SEXUAL OFFENCES IN WATERFORD CITY
VISIT [HTTP://BIT.LY/PURPLEFLAG](http://bit.ly/purpleflag) FOR MORE INFO



ON A DATE THAT ISN'T WORKING OUT?
FEEL LIKE YOU'RE NOT IN A SAFE SITUATION?

Go TO THE BAR AND
#ASK FOR ANGELA
FOR DISCREET HELP



“ HI I'M ANGELA,

ARE YOU ON A DATE THAT ISN'T WORKING OUT?
DO YOU FEEL LIKE YOU'RE NOT IN A SAFE SITUATION?
IS YOUR TINDER OR POF DATE NOT WHO THEY SAID THEY WERE ON THEIR PROFILE?
DOES IT ALL FEEL A BIT WEIRD?

IF YOU GO TO THE BAR AND ASK FOR 'ANGELA' THE BAR STAFF WILL KNOW YOU NEED SOME HELP GETTING OUT OF YOUR SITUATION AND WILL CALL YOU A TAXI OR HELP YOU OUT DISCREETLY - WITHOUT TOO MUCH FUSS

”



Ask for Angela

- People who feel unsafe, vulnerable or threatened can discreetly seek help approaching venue staff and asking them for 'Angela'.
- This code-phrase will indicate to staff that they require help with their situation. A trained member of staff will then look to support and assist them.
- This might be through:
 - - reuniting them with a friend,
 - - seeing them to an authorised licenced taxi, or
 - - by calling venue security and/or the police.





<https://askforangela.co.uk/advice/>

Protect People / Protect Your Business

- Age verification checks
- Refusal Records
- Incident logs
- Police reporting protocols
- Patrol Records / CCTV Checks / Audit
- Staff training records
- Review and audit of booking policy



CHILD SEXUAL EXPLOITATION IS ABUSE. DON'T MASK THE PROBLEM.

SAY SOMETHING IF YOU SEE SOMETHING
Call **101**, quote **Operation Makesafe.**
www.met.police.uk

 METROPOLITAN POLICE

 London
safeguarding
children board



ARC LE SALON

Training Programme

In safeguarding terms,

- the aim of the risk assessment and management is to prevent abuse occurring and

- to minimise the impacts of abuse by responding effectively when it does occur.

Risk Identification, Assessment & Management

STEP 1 – Identify the Risk

STEP 2 – Analyse the Risk

STEP 3 – Evaluate the Risk

STEP 4 - Treat/Manage the Risk

STEP 5 – Monitor and Review the Risk



Under the Risk Picture and Making Decisions

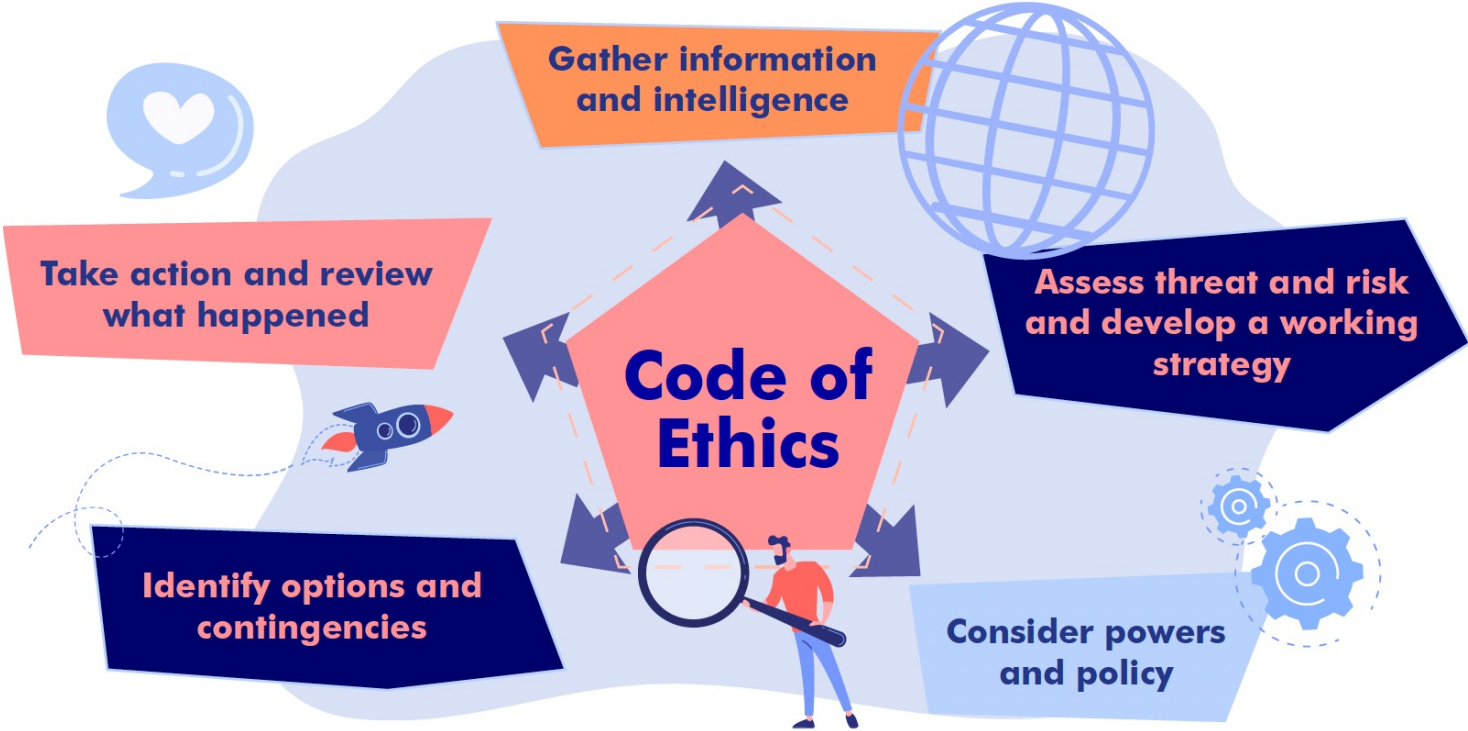
The importance of Information to the Risk Picture



Decision Making



Decision Model



Run, Hide, Tell





ARC LE SALON

Training Programme

Crime Scenes

Hierarchical Structure - Aims

1. Protect life
2. Restore calm
3. Preserve and collect evidence
4. Confidence and reassurance
5. De-briefing and learning lessons

Taking Action

- Secure and preserve
- Evidence collection
- Forensic material - body fluids, weapons,
- Drugs
- Statements
- Incidents Register
- First Aid



ARC LE SALON

Training Programme

Gerry Campbell

Designated Premises Supervisor

07554660721



GENDER BASED VIOLENCE AND ABUSE



Photo | UN Women/Photographer's name



Arc le Salon

Unit 2, 1 Curzon Street, Mayfair, London, W1J 5HD

Dispersal Policy

The Premises Licence Holder operates from this written dispersal policy which fits within a wider Community Safety, Public Reassurance and Anti-Social Behaviour Policy.

The Licence Condition states;

A minimum number of (1) SIA licensed door supervisors shall be on duty at the premises from 20:00 hours on Thursdays, Fridays and Saturdays until the close of business. At all other times the use of SIA door staff will be risk assessed and a written record of this will be kept and maintained within the venue and made available to the police and all relevant authorities.

This policy is informed by monthly Metropolitan Police Crime Ward Data and Crime Maps with a particular focus on street crime (theft from person), violence and sexual offences and anti-social behaviour. Although total crime appears to have reduced from Jan - Aug 2023 the month of September 2023 has seen an increase.

Standard Operating Procedures (SOPs)

- The premises has a dedicated SIA door supervisor 7 days a week.
- 2 x dedicated SIA door supervisors are on duty and deployed on every Thursday, Friday, Saturday and Sunday.
- 1 x dedicated door SIA supervisor remains present at all times at the entry point and in the near vicinity of the external environment providing a visible presence to deter crime and anti-social behaviour and public reassurance.
- The external door supervisor checks entrance eligibility requirements are met and entry is granted quickly and smoothly, avoiding queues and crowds.
- The premise's pre advance booking system ensures that queues do not develop by eliminating any delay in entry times through pre-planned arrival times for patrons.
- Patrons smoking outside are supervised at all times at designated and marked smoking points preventing noise/nuisance and ensuring patron/public safety.
- Patrons arriving by taxis or private cars are directed to park and drop off in safe legal parking spots near to the premises to help avoid vehicle congestion and enabling pedestrian, passenger and driver safety.
- The dedicated SIA door supervisor is trained and briefed on crime and anti-social behaviour plans, ensuring patron safety on arrival and departure from the premises by watching them arrive and leave safely, ensuring patrons do not linger or form crowds and swiftly make their way from the premises. Additionally, this visible presence is designed to provide increased reassurance to the general public and passersby.
- Early hours entry is by appointment through booking which allows immediate entry of known patrons.
- Early hours exit is managed to ensure only individuals and small groups leave at the same time by ensuring that billing is staggered and taxis have arrived before patrons physically leave the premises.
- The external environment is managed to ensure quiet departure by ushering patrons to leave the area safely, dissuading patrons from smoking outside.
- From 21:00hours all customers using private chauffeur taxi, taxis or Ubers will remain in the premises until their mode of transport arrives. Customers are then escorted by the SIA door supervisor to the

vehicle which will be parked on the opposite side of the street, only 10 yards away from the premises. All customers leaving will be supervised to their vehicles.

- In addition, customers are reminded to leave the premises quietly so as not to disturb any neighbours in the vicinity of the premises.
- A senior member of management is always working at the premises from 21:00hours to close of business and will ensure that all customers leave according to the dispersal policy.
- The external perimeter is checked at regular intervals and any litter is collected.

All management and SIA door supervisors are trained in this policy.



Schedule 12
Part A

WARD: West End
UPRN: 010033644231

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

19/14464/LIPN

Original Reference:

19/14464/LIPN

Part 1 – Premises details

Postal address of premises:

Ground Floor
1 Curzon Street
London
W1J 5HD

Telephone Number: Not Provided

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Live Music
Playing of Recorded Music
Late Night Refreshment
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Performance of Live Music

Monday to Sunday: 21:00 to 03:00

Playing of Recorded Music

Monday to Sunday: 07:00 to 03:00

Late Night Refreshment

Monday to Sunday: 23:00 to 03:00

Sale by Retail of Alcohol

Monday to Sunday: 07:00 to 03:00

The opening hours of the premises:

Monday to Sunday: 07:00 to 03:30

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Hunter Gold Limited
37 Shepherd Street
London
W1J 7JL

Registered number of holder, for example company number, charity number (where applicable)

08581876

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: Makhdum Ali Chishty

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: LAPERS/19/61353
Licensing Authority: London Borough Of Barnet

Date: 16 December 2019

This licence has been authorised by Mary Pring on behalf of the Director - Public Protection and Licensing.

Annex 1 – 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.

Annex 2 – Conditions consistent with the operating Schedule

9. The consumption of alcohol on the premises shall be to seated customers only.
10. After 21:00 hours entry to the premises shall be limited to pre-booked customers only.
11. After 21:00 hours persons admitted entry to the premises shall be restricted to persons of the age of 18 or over.
12. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
13. 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.
14. The number of persons permitted in the premises (internal and external) at any one time (excluding staff) shall not exceed 102.
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 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. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
18. A minimum of one (1) SIA licensed door supervisors shall be on duty at the premises from 2000 hours on Thursdays, Fridays and Saturdays until close of business. At all other times the use of SIA door staff will be risk assessed and a written record of this will be kept and maintained within the venue and made available to the Police and all relevant authorities.
19. 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.
20. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.

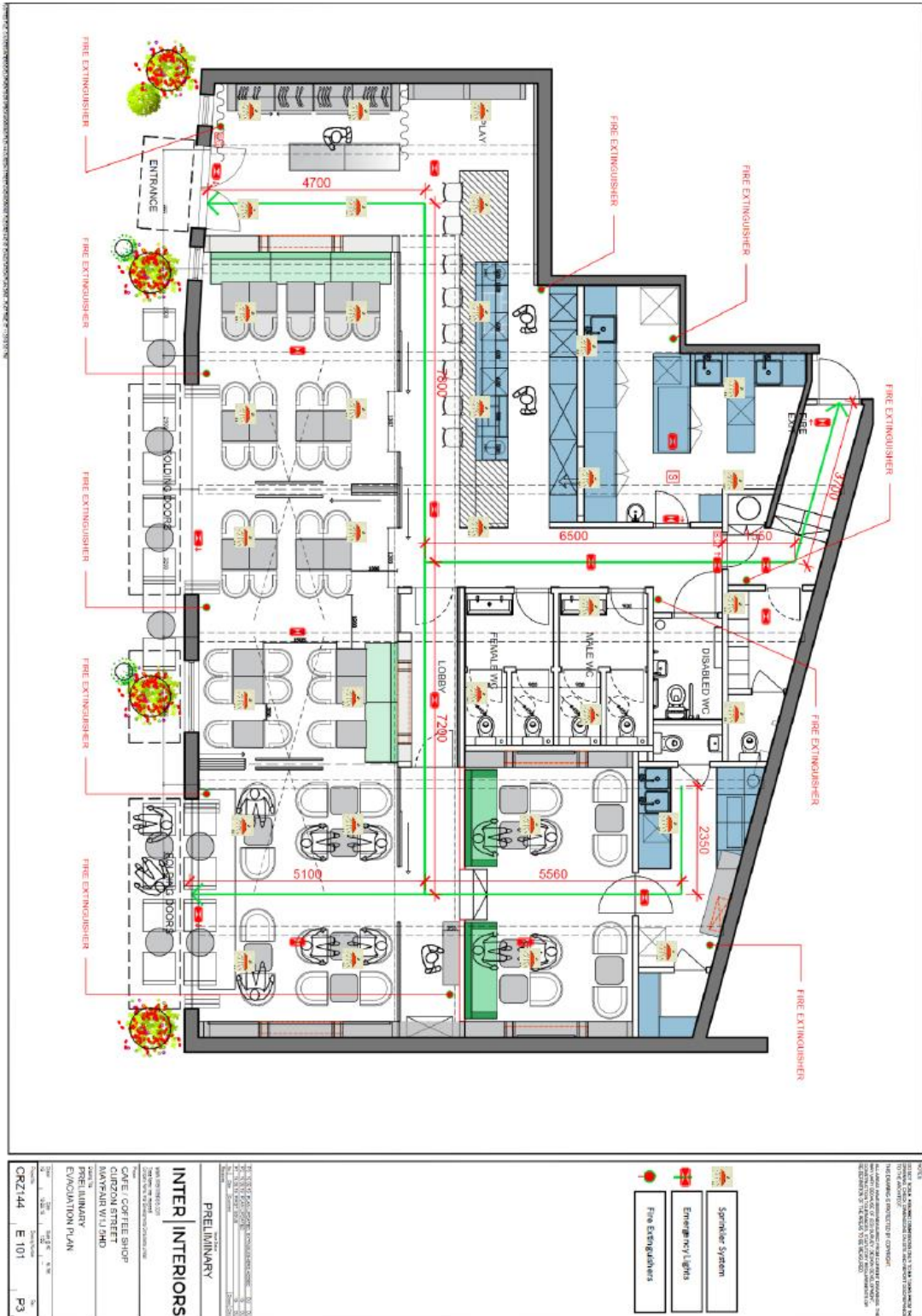
21. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
22. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
23. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
24. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
25. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
26. The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway or to customers who are seated in the area labelled 'specialist tobacconist'.
27. There shall be no sales of hot food or hot drink for consumption off the premises between 23.00 hours and 05:00 hours.
28. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
29. All outside tables and chairs shall be rendered unusable by (23.00) each day.
30. 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.
31. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
32. 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.
33. All doors and windows to be kept closed between 23:00 hours and 07:00 hours except for immediate access and egress of persons.
34. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
35. 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.

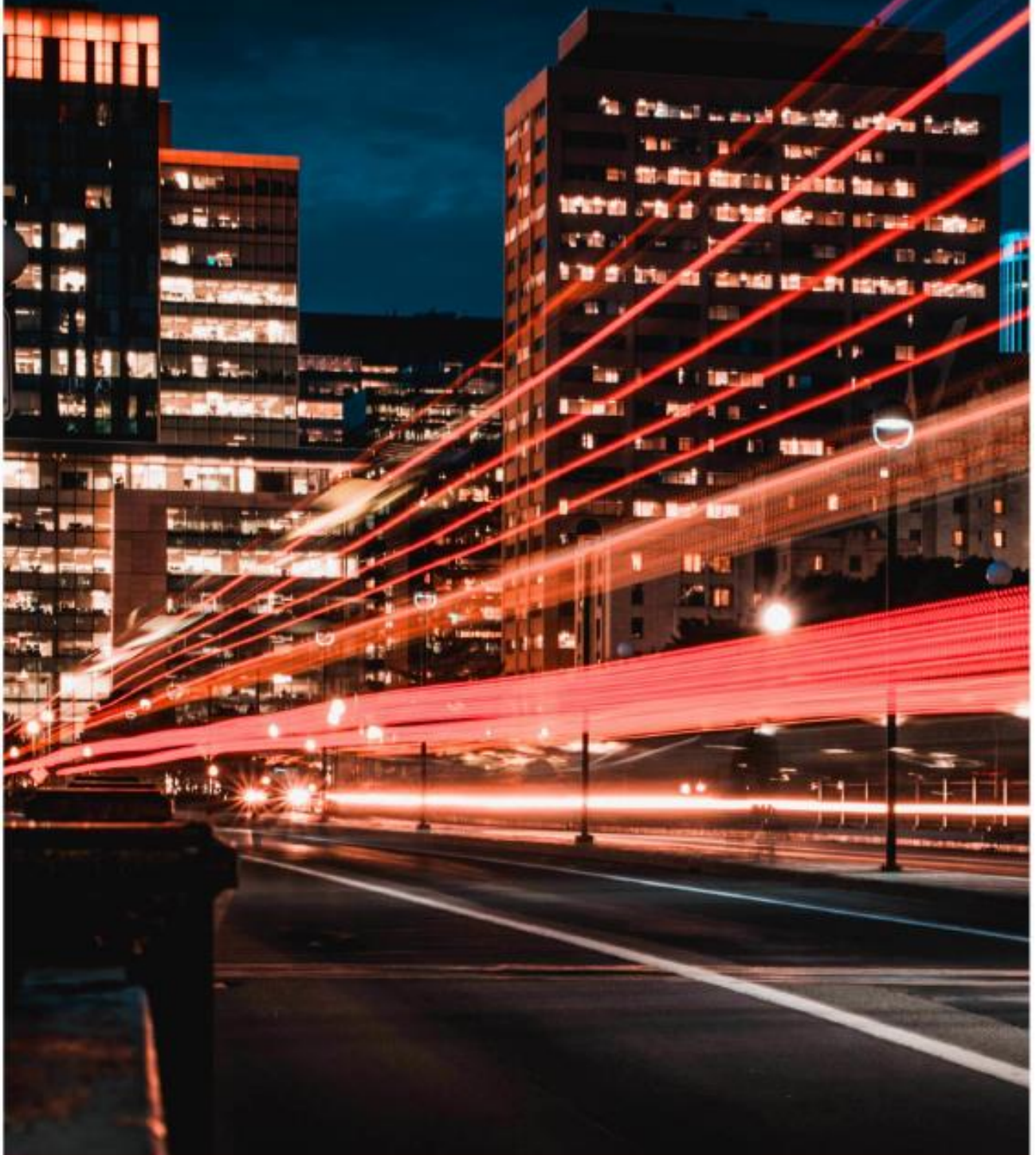
36. No waste or recyclable materials, including bottles, shall be moved removed or placed in outside areas between 2300 hours and 0700 hours.
37. No deliveries to the premises shall be made between the hours of 23:00 hours and 07:00 hours.
38. During the hours of operation of the premises, the licence 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.
39. After 23:00 hours 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.
40. Any external smoking area to be used after 23:00 will be delineated and supervised by a member of staff. A maximum of 10 people will be permitted to use this area at one time.
41. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
42. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority.

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

None

Annex 4 – Plans





PREPARED: Tuesday, 11 May 2021

Arc Le Salon; Noise Impact Assessment

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LIST OF ATTACHMENTS

ASI1759/SP1	Indicative Site Plan
ASI1759/TH1-TH4	Environmental Noise Time Histories
APPENDIX A	Acoustic Terminology
APPENDIX B	Acoustic Calculations

Project Ref:	ASI1759	Title:	Arc Le Salon, 1 Curzon Street
Report Ref:	ASI1759.200904.NIA	Title:	Noise Impact Assessment
Client Name:	Hunter and Gold Ltd		
Project Manager:	Alex Brooker		
Report Author:	Alex Brooker		
Clarke Saunders Acoustics Winchester SO22 5BE		This report has been prepared in response to the instructions of our client. It is not intended for and should not be relied upon by any other party or for any other purpose.	

1.0 EXECUTIVE SUMMARY

- 1.1 Clarke Saunders Acoustics has been commissioned by Hunter and Gold Ltd to undertake an assessment of potential operational noise emissions from a proposed new venue, Arc Le Salon, at 1 Curzon Street, Mayfair.
- 1.2 A survey of the existing noise climate in the area has been undertaken to establish the levels and character of the noise as well as identify dominant noise sources in the area. An assessment of the expected noise emissions from activity within the venue has been carried out based on the description of expected operation provided by the Applicant. These have been compared against the prevailing noise climate to provide an indication of potential impact.
- 1.3 The assessment has indicated that the expected noise emissions from the venue are consistent with the Mayfair area of Central London and, within this context, are considered unlikely to be overly intrusive to neighbouring residential premises.

2.0 INTRODUCTION

- 2.1 Clarke Saunders Acoustics has been commissioned by Hunter and Gold Ltd to undertake an assessment of potential operational noise emissions from a proposed new venue, Arc Le Salon, at 1 Curzon Street, Mayfair.
- 2.2 A survey of the existing noise climate in the area has been undertaken to establish the levels and character of the noise as well as identify dominant noise sources in the area. An assessment of the expected noise emissions from activity within the venue has been carried out based on the description of expected operation provided by the developer. These have been compared against the prevailing noise climate to provide an indication of potential impact.
- 2.3 This report provides a summary of the noise survey results and provides details of the noise impact assessment.

3.0 SITE DESCRIPTION

- 3.1 The scheme involves internal and external alterations to the former Costa Coffee premises for use as a high-end café/lounge bar and tobacconist. The proposals allow for 88 internal covers as well as external seating for 12 covers. Existing windows on the Curzon Street façade are to be replaced with full height bi-fold doors to allow an open frontage to the premises.
- 3.2 Planning permission has been sought for opening hours from 07:00hrs to 03:00hrs, Monday to Sunday, with background pre-recorded music permitted at all times and the performance of live music from 21:00hrs to 03:00hrs. The bi-fold doors will be closed at 21:00hrs until closing but can be open at all other times.
- 3.3 Security staff will be on duty from 19:00 – 03:00hrs on Thursdays, Fridays and Saturdays and at all times during live performances. Service staff will be present at all times to serve seated customers outside.
- 3.4 The designated premises supervisor (DPS) is a former Metropolitan Police Commander who previously had London wide responsibility for Licensing and Anti-social behaviour across

London and is highly experienced in tackling crime, disorder and anti-social behaviour. He has developed a security plan for the venue which covers the outside near vicinity areas, including a traffic plan to ensure no obstruction of the highway by vehicles and taxi's dropping off or picking up customers. The DPS will be on site at material times personally overseeing the security plan.

4.0 SURVEY PROCEDURE & EQUIPMENT

- 4.1 A survey of existing noise levels was undertaken at second floor level of the building at 1 Curzon Street, Mayfair, at the approximate position shown in the attached site plan ASI1759/SPI. Measurements of consecutive 5-minute L_{Aeq} , L_{A10} and L_{A90} sound pressure levels were taken between 16:25 hours on Friday 21st and 19:00 hours on Monday 24th August 2020. Audio recordings were also made throughout this period.
- 4.2 The following equipment was used during the course of the survey:
 - 1 no. Nti XL2 sound level meter;
 - 1 no. Rion sound level calibrator type NC-74.
- 4.3 The calibration of the sound level meter was verified before and after use. No significant calibration drift was detected.
- 4.4 The noise climate at the Site has been observed during installation and collection of the unattended noise monitor and by listening to the audio recordings. A detailed description of the noise climate is provided in the following sections.
- 4.5 The weather during the survey was variable with periods of showers and elevated wind speeds. Although not the ideal conditions, we consider the noise data to be suitable for the assessment of noise levels and character at the site for the purposes of this assessment.
- 4.6 Measurements were made following procedures in BS 7445:1991 (ISO1996-2:1987) *Description and measurement of environmental noise Part 2- Acquisition of data pertinent to land use*.

5.0 RESULTS

- 5.1 Figures ASI1759/TH1-TH4 show the L_{Aeq} , L_{A10} and L_{A90} sound pressure levels as time histories at the automated survey position.
- 5.2 A summary of the results is presented below.

MONITORING PERIOD	MINIMUM $L_{A90,5MIN}$	AVERAGE $L_{A90,T}$
07:00-19:00 hours	46 dB	65 dB
19:00-23:00 hours	48 dB	63 dB
23:00-07:00 hours	45 dB	60 dB

Minimum measured background and average noise levels

[dB ref. 20µPa]

- 5.3 At the time of the survey, two construction projects were ongoing at sites directly opposite the proposed venue. These include traffic management measures at the junction of Curzon Street and Bolton Street. Noise associated with the construction sites is likely to have contributed to the noise levels recorded both as a result of noise sources on site and also from additional construction site traffic on the surrounding roads.

- 5.4 To test the validity of the survey data, the results have been compared against other noise survey data at a nearby location. A previous survey was undertaken by others at rooftop level of 63 Curzon Street during the planning stages of the development currently under construction (planning application no. 19/00013/FULL). The results are presented below.

MONITORING PERIOD	MINIMUM $L_{A90,5MINS}$	AVERAGE $L_{A90,T}$
07:00-23:00 hours	52 dB	62 dB
23:00-07:00 hours	49 dB	57 dB

Minimum measured background and average noise levels, rooftop level, 63 Curzon Street, 2018 [dB ref. 20 μ Pa]

- 5.5 The above noise levels were measured at rooftop level and were therefore several storeys above the measurement position at 1 Curzon Street. The minimum background noise levels (L_{A90}) measured in 2018 are notably higher than those measured by CSA in 2020. This may be a result of the lower than normal traffic volumes currently present due to the COVID-19 restrictions. Average noise levels measured in 2020 at 2nd floor level are slightly higher than those measured at rooftop level in 2018, as would be expected given the relative distance to the road traffic noise source.
- 5.6 While the current conditions at the monitoring site were not ideal as a result of nearby construction works and lower than normal traffic volumes, the data measured by CSA appear to be an appropriately accurate representation of typical evening/night-time noise levels where the potential impact may be the most significant. On this basis they are considered suitable for this assessment.

6.0 EXISTING NOISE CLIMATE

- 6.1 1 Curzon Street is located towards the eastern end of the road, just to the south of Berkeley Square via Fitzmaurice Place. The existing building is bounded by Clarges Street to the west and Clarges Mews to the north. Bolton Street runs approximately south-east to Piccadilly while Curzon Street itself continues west to Park Lane. Other than the former Costa Coffee premises, the ground floor of 1 Curzon Street contain one other commercial premises, a 24-hour printers. Just to the east is Lansdowne Row, which offers a mix of restaurants and cafes with outdoor seating as well as other commercial premises. Opposite are 63 and 65 Curzon Street which are the nearest existing residential receptors.
- 6.2 Situated within this particularly vibrant part of Central London, the streets surrounding the site offer numerous restaurants, bars, cafés, pubs and other entertainment venues, as well as hotels, offices, high-end retail and other commercial premises. In addition, due to the one-way system around Berkeley Square, Curzon Street has a relatively high volume of traffic travelling from Berkeley Square towards Piccadilly and Park Lane.
- 6.3 As a result, the noise climate at the site is dominated by traffic noise during daytime and evening periods. As the evening progresses, vehicle movements become slightly less frequent, although the noise data indicates that there is only a notable drop in average noise levels towards the late evening and in to the night-time period (post-23:00 hours). During the evening and night time periods when vehicle movements become more intermittent, sounds from pedestrians and patrons of nearby venues become more noticeable in the audio recordings. Audible noise from people tends to be from patrons moving to and from the busy venues around the Berkeley Square area, however, these were regular occurrences throughout the evening period with occasional conversation audible

well in to the night-time period up to 03:00hrs and later as would be expected in an area characterised by night-time economy venues.

- 6.4 A noticeable source of noise in this area evident from the audio recordings is movements of high-powered cars (excessive revving, exhaust noise and backfiring). This source of noise was present throughout the night-time period until 03:00hrs and later. Although these cars seem to be predominantly in Berkeley Square they occasionally travelled along Curzon Street.

7.0 PREDICTED NOISE IMPACT

- 7.1 The expected typical noise emissions from the premises has been assessed for both daytime and evening/night time periods. During the daytime, it has been assumed that the venue is at near capacity both inside and at the outside seating area with background music playing and the bi-fold doors fully open. During the late evening and night time period (i.e. post-21:00 hours) it has been assumed that all doors on the façade are closed and that the external building fabric, including glazed elements, have been designed such that internal noise is controlled. The assessment for evening/night time periods therefore considers only noise from the external seating area, which it is assumed is operating at capacity.
- 7.2 The assessment is based on library data from measurements undertaken by CSA at similar venues in London and elsewhere, and also on published data for typical noise levels for speech. The speech noise levels used are for a raised voice to account for the need to converse in the presence of traffic noise and other conversations nearby.

DESCRIPTION	OCTAVE BAND SOUND PRESSURE LEVELS (dB)								dB(A)
	63	125	250	500	1K	2K	4K	8K	
Typical internal noise level for busy café/bar with background music	67	67	70	76	74	71	66	58	78
Approx. 12 patrons, external seating area, raised voices	59	59	69	73	69	64	60	54	74

Source noise data (L_p)

[dB ref. 20 μ Pa]

- 7.3 It has been assumed that the nearest noise sensitive receptor is located at 2nd floor level of 63 Curzon Street, directly opposite the venue at a distance of 17m from the venue façade.
- 7.4 The overall prediction of noise levels at the nearest noise sensitive receptor is shown below.

PERIOD	PREDICTED NOISE LEVELS AT 63 CURZON STREET
07:00-21:00 hours	61 dB(A)
23:00-07:00 hours	49 dB(A)

Predicted noise level at nearest noise sensitive location

[dB ref. 20 μ Pa]

- 7.5 A summary of the calculated is shown in Appendix B.
- 7.6 The above assessment indicates that during daytime and early evening periods, at times when the venue as running at near capacity both inside and outside, the noise levels are expected to be at or below the prevailing background noise levels. In this case, conversation

and general sound from patron activity from the venue may be audible if the residences opposite had their windows open, and may be slightly more noticeable during intermittent breaks in the flow of traffic. Although it may be audible at times, even with windows open, noise from the venue is unlikely to be at levels that would cause annoyance and it would be entirely consistent with living in the Mayfair area.

- 7.7 Due to the existing external noise levels at the nearest residential receptors, occupants would need to keep windows closed in order to maintain internal noise levels in line with the relevant guidance (e.g. BS8233:2014 *Guidance on sound insulation and noise reduction for buildings*). Although the glazing performance of the surrounding residential premises is not known, assuming it is sufficient to control existing external noise it can be assumed that it will be adequate to control noise from the proposed venue.

8.0 CONCLUSIONS

- 8.1 An assessment of potential noise impacts on nearby residential properties from a proposed new café/bar venue has been undertaken. A survey of the existing external noise levels in the area has been undertaken to establish the typical levels, character and dominant sources of the prevailing noise climate.
- 8.2 Calculations have been undertaken based on library and published data to establish the noise levels from activity both within the venue and from patrons using the external seating area. These have been used to assess the potential for this noise to impact local residents.
- 8.3 The survey data has indicated that the character of noise that can be expected from the venue is entirely consistent with the Mayfair area. The noise may be audible at times if occupants of the closest dwellings have their windows open but this would be at a relatively low level and unlikely to cause annoyance. Due to the pre-existing external noise levels, it is likely that occupants would keep windows closed to maintain suitable internal noise levels. It can be expected that glazing capable of controlling the existing external noise sources would be adequate to reduce conversation and other patron noise to reasonable levels.

Alex Brooker

Alex Brooker MIOA
CLARKE SAUNDERS ACOUSTICS

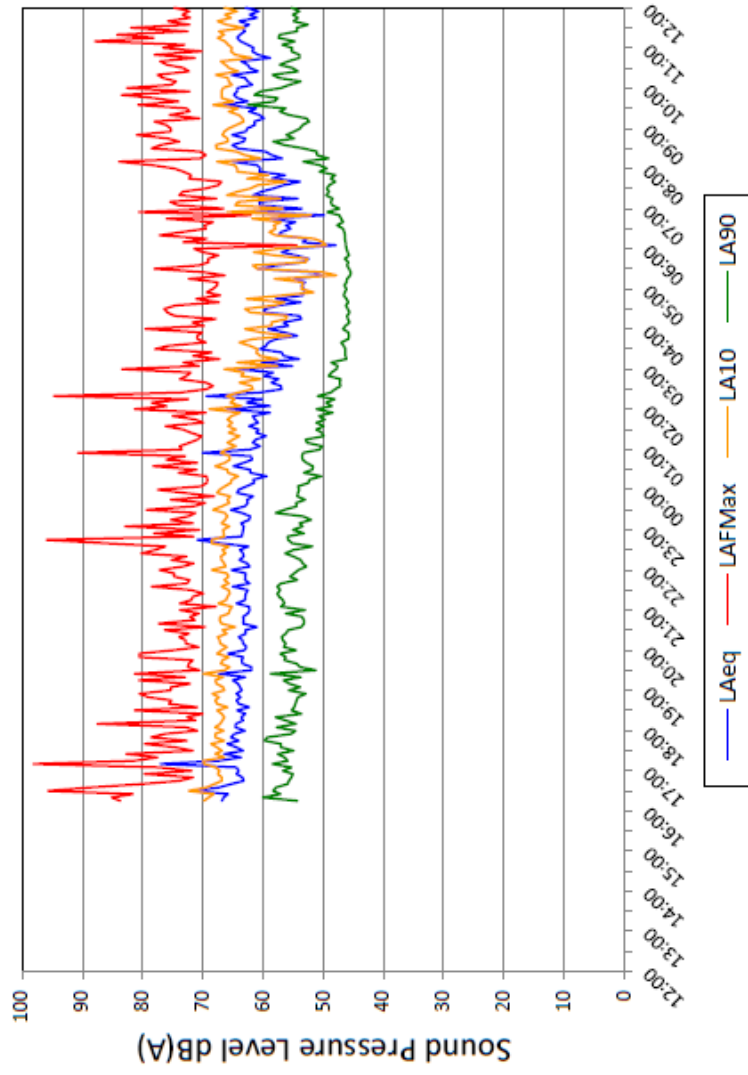


Arc Le Salon (ground floor)
Monitoring position (2nd floor)

63 Curzon Street

Arc Le Salon, 1 Curzon Street

Environmental Noise Time History

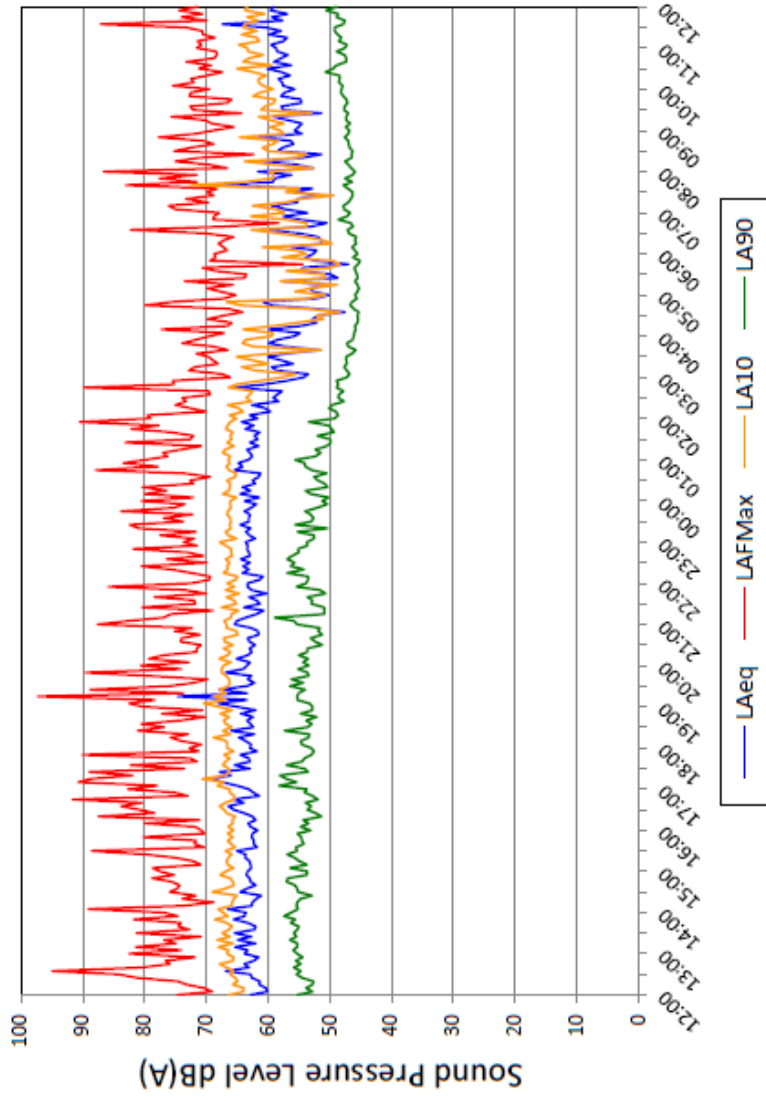


Friday 21 August to Saturday 22 August 2020

Figure AS11759/TH1

Arc Le Salon, 1 Curzon Street

Environmental Noise Time History

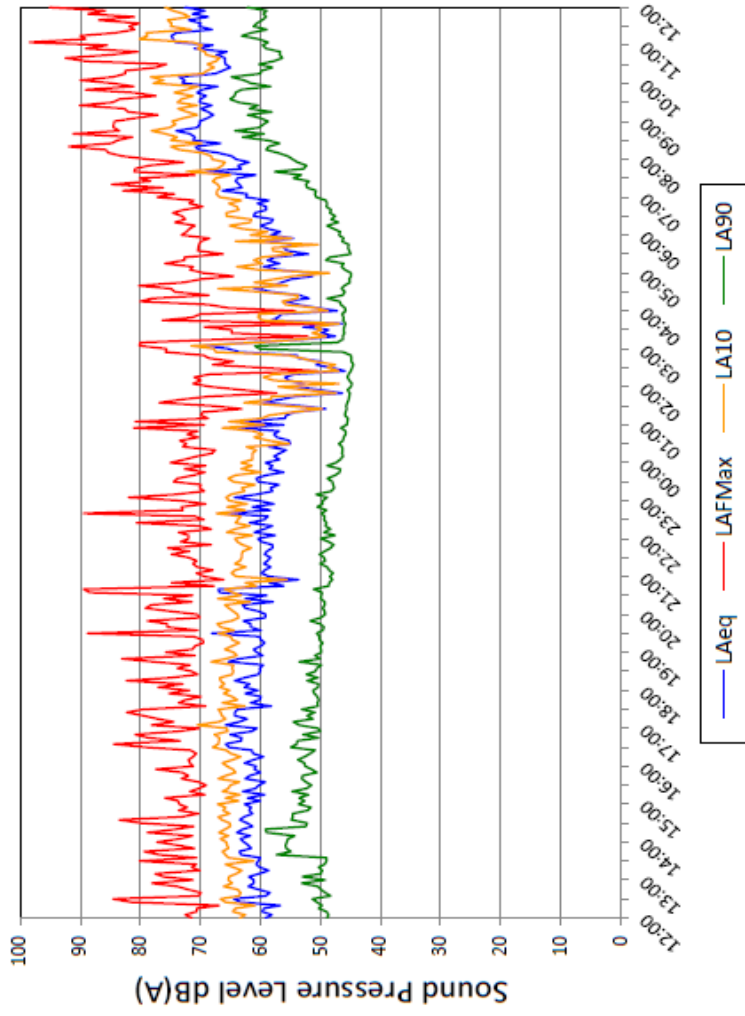


Saturday 22 August to Sunday 23 August 2020

Figure AS11759/TH2

Arc Le Salon, 1 Curzon Street

Environmental Noise Time History

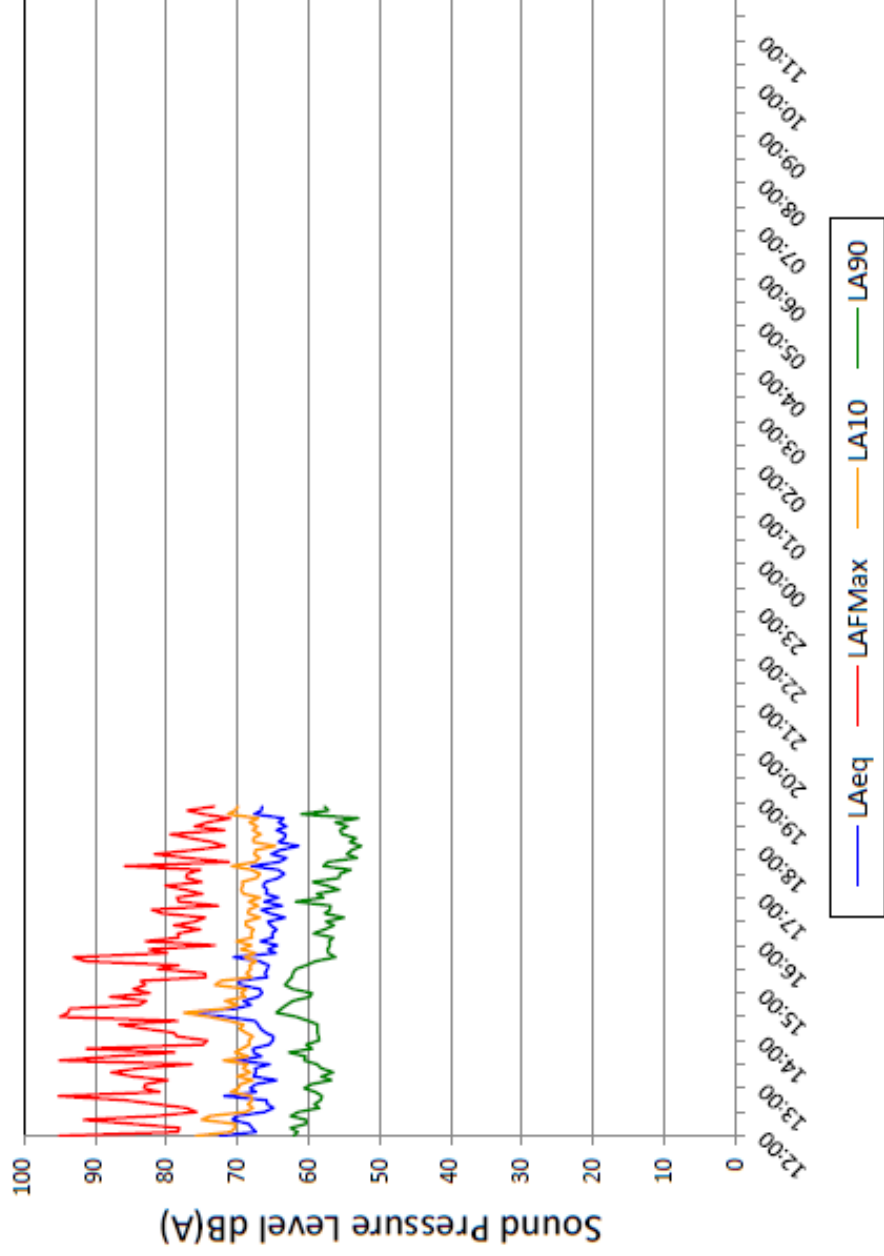


Sunday 23 August to Monday 24 August 2020

Figure AS11759/TH3

Arc Le Salon, 1 Curzon Street

Environmental Noise Time History



Monday 24 August to Tuesday 25 August 2020

Figure AS11759/TH4

1.1 Acoustic Terminology

The human impact of sounds is dependent upon many complex interrelated factors such as 'loudness', its frequency (or pitch) and variation in level. In order to have some objective measure of the annoyance, scales have been derived to allow for these subjective factors.

Sound	Vibrations propagating through a medium (air, water, etc.) that are detectable by the auditory system.
Noise	Sound that is unwanted by or disturbing to the perceiver.
Frequency	The rate per second of vibration constituting a wave, measured in Hertz (Hz), where 1Hz = 1 vibration cycle per second. The human hearing can generally detect sound having frequencies in the range 20Hz to 20kHz. Frequency corresponds to the perception of 'pitch', with low frequencies producing low 'notes' and higher frequencies producing high 'notes'.
dB(A):	Human hearing is more susceptible to mid-frequency sounds than those at high and low frequencies. To take account of this in measurements and predictions, the 'A' weighting scale is used so that the level of sound corresponds roughly to the level as it is typically discerned by humans. The measured or calculated 'A' weighted sound level is designated as dB(A) or L_A .
L_{eq}:	A notional steady sound level which, over a stated period of time, would contain the same amount of acoustical energy as the actual, fluctuating sound measured over that period (e.g. 8 hour, 1 hour, etc). The concept of L_{eq} (equivalent continuous sound level) has primarily been used in assessing noise from industry, although its use is becoming more widespread in defining many other types of sounds, such as from amplified music and environmental sources such as aircraft and construction. Because L_{eq} is effectively a summation of a number of events, it does not in itself limit the magnitude of any individual event, and this is frequently used in conjunction with an absolute sound limit.
L_{10} & L_{90}:	Statistical L_n indices are used to describe the level and the degree of fluctuation of non-steady sound. The term refers to the level exceeded for n% of the time. Hence, L_{10} is the level exceeded for 10% of the time and as such can be regarded as a typical maximum level. Similarly, L_{90} is the typical minimum level and is often used to describe background noise. It is common practice to use the L_{10} index to describe noise from traffic as, being a high average, it takes into account the increased annoyance that results from the non-steady nature of traffic flow.
L_{max}:	The maximum sound pressure level recorded over a given period. L_{max} is sometimes used in assessing environmental noise, where occasional loud events occur which might not be adequately represented by a time-averaged L_{eq} value.

1.2 Octave Band Frequencies

In order to determine the way in which the energy of sound is distributed across the frequency range, the International Standards Organisation has agreed on "preferred" bands of frequency for sound measurement and analysis. The widest and most commonly used band for frequency measurement and analysis is the Octave Band. In

these bands, the upper frequency limit is twice the lower frequency limit, with the band being described by its "centre frequency" which is the average (geometric mean) of the upper and lower limits, e.g. 250 Hz octave band extends from 176 Hz to 353 Hz. The most commonly used octave bands are:

Octave Band Centre Frequency Hz | 63 | 125 | 250 | 500 | 1000 | 2000 | 4000 | 8000

1.3 Human Perception of Broadband Noise

Because of the logarithmic nature of the decibel scale, it should be borne in mind that sound levels in dB(A) do not have a simple linear relationship. For example, 100dB(A) sound level is not twice as loud as 50dB(A). It has been found experimentally that changes in the average level of fluctuating sound, such as from traffic, need to be of the order of 3dB before becoming definitely perceptible to the human ear. Data from other experiments have indicated that a change in sound level of 10dB is perceived by the average listener as a doubling or halving of loudness. Using this information, a guide to the subjective interpretation of changes in environmental sound level can be given.

INTERPRETATION

Change in Sound Level dB	Subjective Impression	Human Response
0 to 2	Imperceptible change in loudness	Marginal
3 to 5	Perceptible change in loudness	Noticeable
6 to 10	Up to a doubling or halving of loudness	Significant
11 to 15	More than a doubling or halving of loudness	Substantial
16 to 20	Up to a quadrupling or quartering of loudness	Substantial
21 or more	More than a quadrupling or quartering of loudness	Very Substantial

APPENDIX B
AS11759 - Arc le salon, 1 Curzon Street
Patron Noise Assessment

Internal Noise Breakout**63 Curzon Street Receptor**

Internal Noise		63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	8 kHz	dB(A)
Typical internal noise level	L_p	67	67	70	76	74	71	66	58	78
Lw across b-fold doors (x2)	L_w	80	80	83	89	87	84	79	71	
Field correction		-6	-6	-6	-6	-6	-6	-6	-6	
Distance loss	17m	-24	-24	-24	-24	-24	-24	-24	-24	
External Seating area		59	59	69	73	69	64	60	54	
Distance loss	18m	-25	-25	-25	-25	-25	-25	-25	-25	
Specific Sound Level at Receiver	L_{eq}	50	50	53	59	57	54	49	41	61

External Seating Patron Noise**63 Curzon Street Receptor**

External Seating Area		63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	8 kHz	dB(A)
Approx 12 patrons, slightly raised voices	L_p	59	59	69	73	69	64	60	54	74
Distance loss	17m	-24	-24	-24	-24	-24	-24	-24	-24	
Specific Sound Level at Receiver	L_{eq}	34	34	44	49	45	40	35	30	49



City of Westminster
64 Victoria Street, London, SW1E 6QP

Schedule 12
Part B

WARD: West End
UPRN: 010033644231

Premises licence
summary

Regulation 33, 34

Premises licence number:

19/14464/LIPN

Part 1 – Premises details

Postal address of premises:

Ground Floor
1 Curzon Street
London
W1J 5HD

Telephone Number: Not Provided

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Live Music
Playing of Recorded Music
Late Night Refreshment
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Performance of Live Music

Monday to Sunday: 21:00 to 03:00

Playing of Recorded Music

Monday to Sunday: 07:00 to 03:00

Late Night Refreshment

Monday to Sunday: 23:00 to 03:00

Sale by Retail of Alcohol

Monday to Sunday: 07:00 to 03:00

The opening hours of the premises:

Monday to Sunday: 07:00 to 03:30

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Name and (registered) address of holder of premises licence:

Hunter Gold Limited
37 Shepherd Street
London
W1J 7JL

Registered number of holder, for example company number, charity number (where applicable)

08581876

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Name: Makhdum Ali Chishty

State whether access to the premises by children is restricted or prohibited:

Restricted

Date: 16 December 2019

This licence has been authorised by Mary Pring on behalf of the Director - Public Protection and Licensing.



City of Westminster

Office Name: Sally Fabbriatore
 Designation: Environmental Health Officer
 Date: 09/09/19
 Contact number: 020 7641 2788
 Email: sfabbriatore@westminster.gov.uk
 Signed: Sally Fabbriatore
 Uniform Ref Number: 19/09603/PREAPM

Trading name of business and Address: 1 Curzon Street, London, W1J 5HD		
Licence: No	Applicant/Solicitor: Paddy Whur	Stress Area: No
<p>Type of Business: Previously a coffee shop, currently vacant.</p> <p>Current Areas: Ground floor.</p> <p>Current Activities: None.</p>		
<p>Pre application advice purpose:</p> <ul style="list-style-type: none"> a. In respect of the requirements of the Health Act as regards the specialist tobacconist b. The relevance of the Licensing Act and Westminster Policy <p>Background to application:</p> <p>The premises are currently vacant and propose to open a bar with food with an offer of a specialist tobacconist and retail space.</p> <p><u>Proposed activities</u></p> <ul style="list-style-type: none"> • The Supply of Alcohol 'on' and 'off' the premises – 07:00 until 03:00 hours daily • Recorded music and live music until 03:00 hours daily • Late night refreshment – 23:00-03:00 daily <p>The proposal is for the premises to operate until 03:00 hours as a relaxed bar serving food. Operationally the premises will be split into 4 areas:</p> <ul style="list-style-type: none"> • Retail area – not licensable - selling chocolates, biscuits, etc. • Coffee bar serving alcohol and food will be available -50 covers. • Lounge area – seated bar - 36 covers - this area will need to be split and separated if you wish to provide a specialist tobacconist. • 16 covers outside the premises. <p>Up until 21:00 hours the premises will be open to the public and after it will only allow people who have pre-booked to enter the premises.</p>		

Planning permission

I understand there is no full height extract system, so cooking will not take place on the premises. The food offering will be sandwiches, salads, desserts, etc. Therefore a full table meal cannot be provided.

The relevant planning permission would also need to be obtained for the use and the proposed hours of use.

Policy considerations

The following policies from Westminster's Statement of Licensing Policy apply:

- Policy PB1 - Public houses and bars outside the Cumulative Impact Areas. This states '*Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.*
- Policy MD1 - Provision of music and dancing or similar entertainment or the provision of facilities for music and dancing or similar entertainment outside the Cumulative Impact Areas. This states '*Applications will only be granted if the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.*'

I have addressed three of the four licensing objectives below PS – Public Safety, PN – Prevention of Public Nuisance and CH- Protection of Children from Harm. Prevention of Crime and Disorder will be addressed by the Police during the application process.

Public Nuisance

Regulated entertainment - The main issue that causes concern due to the late night use is any noise nuisance that may be caused from the activity of regulated entertainment and from the dispersal of customers. However, the noise from music will be contained due to doors and windows being closed after 23:00 hours and therefore does not raise huge alarm. However, the proximity of noise sensitive neighbours which I believe to be opposite the premises could still be affected by noise from the opening and closing of the main door which could still allow noise breakout, therefore an acoustic lobby is advised to be fitted to the main access and egress door. Due to the late hour this entertainment is proposed a sound limiter is also recommended.

Dispersal – As I understand the premises will close at 03:00 hours and will operate a concierge service for customers. There will naturally not be a mass exodus due to the relaxed bar nature and due to the pre-booked nature of the business the operator will know how many people will be present and can manage this.

Outside area - The area where tables and chairs will be placed is public highway land and separate permission will need to be obtained for this use. The tables and chairs should not be used beyond 23:00 hours. Smokers will only have the option of smoking outside of the premises, in order to limit noise nuisance they should not be allowed to take drinks outside with them after 23:00 hours.

Sanitary Accommodation - Environmental Health requires the provision of sanitary accommodations to be in compliance with the minimum provision as stated in *British Standard 6465 -1:2006 + A1:2009; Sanitary*

installations – Part 1: Code of practice for the design of sanitary facilities and scale of provision of sanitary and associated appliances: Table 10; restaurants and other places where seating is provided for eating and drinking.

For a proposed capacity of 102 covers (which includes internal and external covers) there will need to be at least 2 male WCs and 3 female WCs. On the proposed plan it shows the following:

- 2 male WCs
- 2 female WCs
- 1 disabled WC

This should be sufficient for the proposed capacity.

Separate staff facilities should be provided. Under the Workplace (Health, Safety and Welfare) Regulations 1992, Regulation 20, the following numbers of WCs are stated for staff facilities: 1 WC for 1-5 staff, 2 WCs for 6-15 and 3 WCs for 16-30.

Protection of Children from Harm

The premises will be open to the public until 21:00 hours however after 21:00 hours access to the premises will be restricted to bookings only. The applicant has advised there will be no under 18s allowed after 21:00 hours. A Challenge policy should apply throughout the whole operation.

Public Safety

I would advise that the capacity is stated on the licence which would apply for normal operation and private functions.

Specialist Tobacconist

The following legislation would apply to the specialist tobacconist under the Health Act 2006, The Smoke-free (Exemptions and Vehicles) Regulations 2007 and The Smoke-free (Premises and Enforcement) Regulations 2006.

The Health Act 2006 Part 1, Chapter 1, Section 3 allows for exemptions but under sub-section 3 does not allow premises in respect of which a Premises Licence under the Licensing Act 2003 authorising the sale by retail of alcohol for consumption on the premises to be exempted.

The Smoke-free (Exemptions and Vehicles) Regulations 2007 section 7 deals with the requirements a specialist tobacconists has to meet with regards to separation from smoke free premises, ventilation and signage.

The Smoke-free (Premises and Enforcement) Regulations 2006 regulation 2 concerns itself with the definition of enclosed and substantially enclosed premises.

Specialist tobacconists are defined in section 6(2) of the Tobacco Advertising and Promotions Act 2003 and are businesses where over half their sales come from cigars, pipe tobacco and related specialist tobacconists materials.

The exemption is only for the sampling of cigars and pipe tobacco and not for cigarettes or rolled tobacco and applies to the whole shop provided the specified conditions are met.

Sampling is quoted in guidance as defined in dictionaries as 'taking a small separated part of something illustrating the qualities of the mass'. Time-wise, sampling is also generally understood as a brief activity, not an extended trial over a period of time.

There will need to be good separation between the non smoking areas of the premises and the sampling area of the specialist tobacconist. The current plan does not show this. All doors between these areas need to be mechanically self-closing and close fitting and not held open by any device. This is to minimise the release of secondhand smoke into smoke free areas.

A mechanical extract and fresh air input ventilation system is required to be provided to the proposed areas. A ventilation system designed to provide either a crossflow system or hi-lo system should be considered with a minimum of 10-12 air changes per hour. It is advisable to design the ventilation system to be as flexible as possible with regard to exchange rates to cater for high usage with an upper limit around 15-18 air changes per hour. The design should also minimise secondhand smoke release into smoke free areas and be separate and remote from other ventilation systems provided for the rest of the premises.

Adequate notices should be displayed indicating that the areas are areas where smoking is permitted.

To ensure compliance with section 6(2) of the Tobacco Advertising and Promotions Act 2003 it is advised that the operating company of the specialist tobacconist is separate to the company operating the main dining business.

The relevance of the Licensing Act - The area proposed for the location of the specialist tobacconists cannot form part of the area where a premises licence is in place for consumption 'On' the premises. No display of alcohol shall be provided within the specialist tobacconists. Any plan submitted in relation to obtaining a Premises Licence would need to ensure that the specialist tobacconist is excluded from the proposed licensed area. The premises licence would need to have permissions for both 'On' and 'Off' sales to permit consumption within the specialist tobacconist.

Emergency Arrangements - All areas of the specialist tobacconist shall be provided with adequate emergency lighting, detection and signage to aid emergency escape from this area.

Advertising -The Tobacco Advertising and Promotion Act 2002 along with the supporting regulations The Tobacco Advertising and Promotion (Specialist Tobacconists) (England) Regulations 2010 covers the display and advertising of tobacco products. The regulations came into force on the 1st October 2013 and under regulation 2(2) states 'A tobacco advertisement must not be visible from outside of the premises of the specialist tobacconist'.

Whilst regulation 3(b) covers the display of tobacco products which must 'not (be) visible from outside of the premises of the specialist tobacconist'.

Therefore ensure that any windows allowing a view into the specialist tobacconist do not permit a view of the tobacco products or advertising from outside the premises.

Potential Conditions

Below are proposed Environmental Health conditions which you may wish to consider when submitting the application.

1. *The consumption of alcohol on the premises shall be to seated customers only.*
2. *After 21:00 hours entry to the premises shall be limited to pre-booked customers only.*
3. *After 21:00 hours persons admitted entry to the premises shall be restricted to persons of the age of 18 or over.*
4. *A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.*
5. *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.*
6. *There shall be no sales of hot food or hot drink for consumption off the premises between 23.00 hours and 05:00 hours.*
7. *The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway or to customers who are seated in the area labelled 'specialist tobacconist'.*
8. *Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.*
9. *All outside tables and chairs shall be rendered unusable by (23.00) each day.*
10. *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.*
11. *Loudspeakers shall not be located in the entrance lobby or outside the premises building.*
12. *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.*

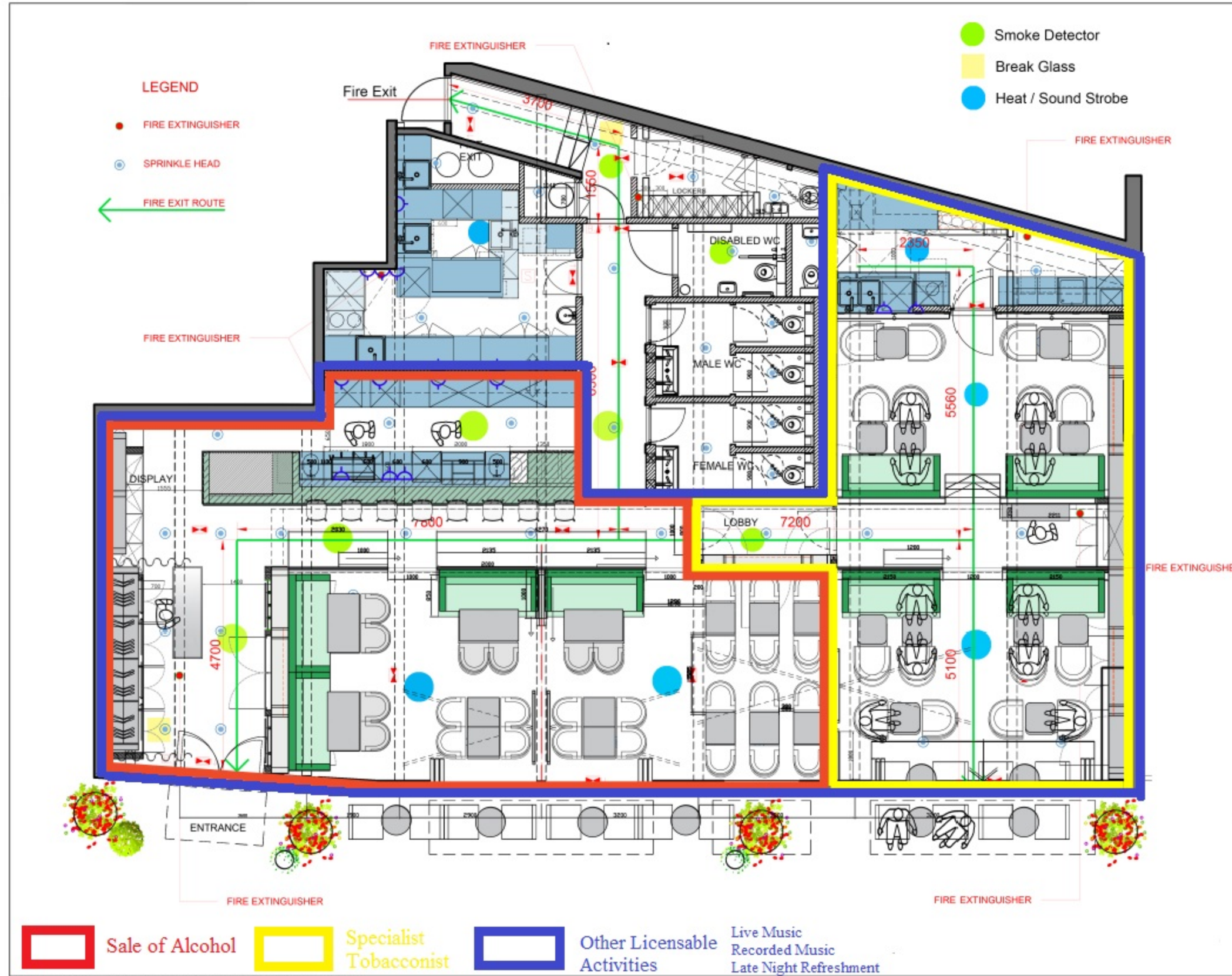
13. *All doors and windows to be kept closed between 23:00 hours and 07:00 hours except for immediate access and egress of persons.*
14. *Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.*
15. *Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.*
16. *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.*
17. *No waste or recyclable materials, including bottles, shall be moved removed or placed in outside areas between 2300 hours and 0700 hours.*
18. *No deliveries to the premises shall be made between the hours of 23:00 hours and 07:00 hours.*
19. *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.*
20. *After 23:00 hours 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.*
21. *The number of persons permitted in the premises (internal and external) at any one time (excluding staff) shall not exceed 102.*
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. *All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.*
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 (other than foyers), entertainment areas or function rooms, shall be noncombustible*
29. *No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority.*
30. *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.*
31. *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.*
32. *An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:*
- (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.*
33. *A minimum of (X) SIA licensed door supervisors shall be on duty at the premises at all times whilst it is open for business. (To discuss the requirement with the Police regarding the timings and number of SIA.*

Conclusions

Environmental Health's view has been stated above, the Licensing Service and Police have not been consulted. The proposal does not appear to be against the policy provided the Licensing Objectives are promoted, however Environmental Health may still choose to submit a representation to protect the licensing objectives.

Please note that any advice given will not guarantee that your application will be granted by the Licensing Service and the Environmental Health Consultation Team may still choose to make a representation to the application submitted.



NOTES
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PL 10 12 13 LOUNGE/CAFE SEATING AMENDED	01	01
PL 10 12 14 SEATING (SPLIT)	01	01
PL 10 12 15 PLANT (SPLIT)	01	01
PL 10 12 16 LOUNGE/CAFE SEATING AMENDED	01	01
PL 10 12 17 LOUNGE/CAFE SEATING AMENDED	01	01
PL 10 12 18 LOUNGE/CAFE SEATING AMENDED	01	01
PL 10 12 19 PLANT (SPLIT)	01	01
PL 10 12 20 FIRST FLOOR	01	01
PL 10 12 21	01	01

PRELIMINARY

INTER | INTERIORS

www.interiors.com
 Trade Name: Interiors
 Company Name: Inter Interiors (London) Limited

Project:
CAFE / COFFEE SHOP
 CURZON STREET
 MAYFAIR

Drawing title:
PROPOSED LAYOUT
 RETAIL / CAFE / LOUNGE

Client:	Date:	Scale:	Alt. File:
CRZ144	28.07.17	1:50	
Project:	Drawing Number:	No.	
CRZ144	G 101	P8	

Temporary Event Notices (TENs)
Arc Le Salon
25 November 2022 - 1 January 2023

The TENs have been approved.

We now need to take the following actions:

Print the earlier letter(s) received from Angela Seaward with a copy of each TEN and retain in a folder and keep at ARC in case we have an inspection.

Ensure the conditions of the TENs are clearly communicated to staff ie last entry times, times to stop serving alcohol etc.

Liaise with Chris to ensure that the additional SIA is covered for each TEN.

Security

I briefed Chris and Daniel in very clear terms regarding their duties. These include walk-about within the premises at regular intervals and effective communication with the Duty Manager. Any person appearing drunk should not be further served with any alcoholic drink.

Any person who is displaying signs of misbehaviour to be ejected from the premises with no exceptions.

Anyone attempting to gain entry appearing drunk should not be permitted entry and turned away.

Create a list of people who have been banned and under no circumstances should they be allowed entry.

Some key conditions:

- No entry after 0330hrs
- Patrons only allowed to leave and re-enter for smoking.
- Maximum of 10 people allowed at any one time to leave for smoking.
- Smokers must be supervised at all times.
- The service of alcohol must cease at 0500hrs.

Actions Required

- Agree an additional SIA for 26 days
- The additional SIA must remain on duty until 0600hrs for each TEN period
- I would suggest the duty hours for this SIA to be from 2200hrs - 0600hrs (8-hour duty)

Table of Days and Dates for TENs

Day Number	Day	Date	Additional SIA Security to 0600hrs
Week 1			
5	Friday	02.12.22	
6	Saturday	03.12.22	
7	Sunday	04.12.22	
8	Monday	05.12.22	
Week 2			
9	Friday	09.12.22	
10	Saturday	10.12.22	
11	Sunday	11.12.22	
12	Monday	12.12.22	
Week 3			
13	Friday	16.12.22	
14	Saturday	17.12.22	
15	Sunday	18.12.22	
16	Monday	19.12.22	
Week 4			
17	Thursday	22.12.22	
18	Friday	23.12.22	
19	Saturday	24.12.22	
20	Sunday	25.12.22	
21	Monday	26.12.22	
22	Tuesday	27.12.12	
Week 5			
23	Friday	30.12.22	
24	Saturday	31.12.22	
25	Sunday	01.01.23	
26	Monday	02.01.23	



ARC LE SALON
Mayfair



























CUVÉE ROSÉ
CHAMPAGNE
Laurent-Perrier
MAISON FONDÉE
1812
BRUT

ARC ET SALON





Schedule 12
Part A

WARD: West End
UPRN: 010033644231

City of Westminster
64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

19/14464/LIPN

Original Reference:

19/14464/LIPN

Part 1 – Premises details

Postal address of premises:

Ground Floor
1 Curzon Street
London
W1J 5HD

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Live Music
Playing of Recorded Music
Late Night Refreshment
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Performance of Live Music	
Monday to Sunday:	21:00 to 03:00
Playing of Recorded Music	
Monday to Sunday:	07:00 to 03:00
Late Night Refreshment	
Monday to Sunday:	23:00 to 03:00
Sale by Retail of Alcohol	
Monday to Sunday:	07:00 to 03:00

The opening hours of the premises:

Monday to Sunday: 07:00 to 03:30

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Hunter Gold Limited
37 Shepherd Street
London
W1J 7JL

Registered number of holder, for example company number, charity number (where applicable)

08581876

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: Makhdum Ali Chishty

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: LAPERS/19/61353
Licensing Authority: London Borough Of Barnet

Date: 16 December 2019

This licence has been authorised by Mary Pring on behalf of the Director - Public Protection and Licensing.

Annex 1 – 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 premises 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.

Annex 2 – Conditions consistent with the operating Schedule

9. The consumption of alcohol on the premises shall be to seated customers only.
10. After 21:00 hours entry to the premises shall be limited to pre-booked customers only.
11. After 21:00 hours persons admitted entry to the premises shall be restricted to persons of the age of 18 or over.
12. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
13. 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.
14. The number of persons permitted in the premises (internal and external) at any one time (excluding staff) shall not exceed 102.
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 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. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
18. A minimum of one (1) SIA licensed door supervisors shall be on duty at the premises from 2000 hours on Thursdays, Fridays and Saturdays until close of business. At all other times the use of SIA door staff will be risk assessed and a written record of this will be kept and maintained within the venue and made available to the Police and all relevant authorities.
19. 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.
20. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
21. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.

22. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
23. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
24. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
25. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
26. The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway or to customers who are seated in the area labelled 'specialist tobacconist'.
27. There shall be no sales of hot food or hot drink for consumption off the premises between 23.00 hours and 05:00 hours.
28. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
29. All outside tables and chairs shall be rendered unusable by (23.00) each day.
30. 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.
31. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
32. 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.
33. All doors and windows to be kept closed between 23:00 hours and 07:00 hours except for immediate access and egress of persons.
34. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
35. 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.
36. No waste or recyclable materials, including bottles, shall be moved removed or placed in outside areas between 2300 hours and 0700 hours.
37. No deliveries to the premises shall be made between the hours of 23:00 hours and 07:00 hours.
38. 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.

39. After 23:00 hours 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.
40. Any external smoking area to be used after 23:00 will be delineated and supervised by a member of staff. A maximum of 10 people will be permitted to use this area at one time.
41. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
42. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority.

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

None



City of Westminster
64 Victoria Street, London, SW1E 6QP

Schedule 12
Part B

WARD: West End
UPRN: 010033644231

Premises licence
summary

Regulation 33, 34

Premises licence number:

19/14464/LIPN

Part 1 – Premises details

Postal address of premises:

Ground Floor
1 Curzon Street
London
W1J 5HD

Telephone Number: Not Provided

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Live Music
Playing of Recorded Music
Late Night Refreshment
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Performance of Live Music Monday to Sunday:	21:00 to 03:00
Playing of Recorded Music Monday to Sunday:	07:00 to 03:00
Late Night Refreshment Monday to Sunday:	23:00 to 03:00
Sale by Retail of Alcohol Monday to Sunday:	07:00 to 03:00

The opening hours of the premises:

Monday to Sunday: 07:00 to 03:30

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Name and (registered) address of holder of premises licence:

Hunter Gold Limited
37 Shepherd Street
London
W1J 7JL

Registered number of holder, for example company number, charity number (where applicable)

08581876

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Name: Makhdum Ali Chishty

State whether access to the premises by children is restricted or prohibited:

Restricted

Date: 16 December 2019

This licence has been authorised by Mary Pring on behalf of the Director - Public Protection and Licensing.

Extract from Licensing Act 2003 Councillors handbook England and Wales Decision Making

Decision making

Licensing hearings are administrative in nature – neither party has a burden of proof – but the procedures may be slightly different to the usual arrangements for other council committee meetings. The rules of natural justice apply, i.e. a party must know the case against them; anyone affected by a decision has a right to be heard; and no one should be a judge in his own cause.

All the parties should be given a full and fair hearing, which should be conducted in an open, transparent and accountable manner. Licensing applications must all be considered on the basis of whether they promote the four licensing objectives as incorporated in the SLP. Each application must be considered on its own merits and whilst consistency is important similar applications may be decided in different ways.

Some councils have a section within their constitution which outlines decision-making principles that should be applied when making decisions. If your council has these principles, they should be complied with.

Decisions must accord with the Wednesbury principle of reasonableness.

Wednesbury principle: '[A decision] So outrageous in its defiance of logic or accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it.'

Wednesbury criteria:

- in making the decision, the sub-committee took into account factors that ought not to have been taken into account, or
- the sub-committee failed to take into account factors that ought to have been taken into account, or
- the decision was so unreasonable that no reasonable authority would ever consider imposing it.

In reaching their decisions under the Act, the Licensing Committee must have regard to all relevant considerations including (but not limited to):

- the relevant statutory provisions
- relevant statutory guidance issued under Section 182 of the Act
- the SLP
- the licensing objectives
- the material facts based on the relevant evidence presented and representations received
- the individual merits of each case
- the public interest.

The sub-committee must also ensure decisions are compatible with the Human Rights Act 1998, and take account of the council's wider duties to prevent crime under the Crime and Disorder Act 1998 and to promote equalities under the Equalities Act 2010.

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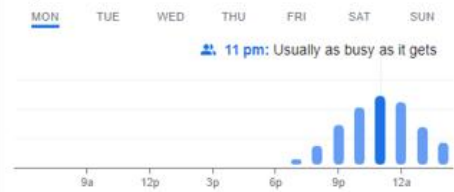
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Core Hours Policy



Core Hours Policy

Core Hours Policy HRS1

- A.** Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.
- B.** Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:
1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
 5. The proposed hours when any music, including incidental music, will be played.
 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
 9. The capacity of the premises.
 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
 12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
 13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
 14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.

C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:

1. Casinos

Up to 24 hours a day whilst casino gaming is permitted by a premises licence under the Gambling Act 2005.

2. Cinemas, Cultural Venues and Live Sporting Premises

Monday to Sunday: 9am to Midnight.

3. Delivery Centres

Monday to Saturday: 8am to 11pm.
Sunday: 9am to 10.30pm.

4. Hotels

Monday to Thursday: 9am to 11.30pm.
Friday and Saturday: 9am to Midnight.
Sunday: 9am to 10.30pm.
Sundays immediately prior to a bank holiday: 9am to Midnight.
For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours.

5. Outdoor Spaces

Monday to Thursday: 9am to 11.30pm.
Friday and Saturday: 9am to Midnight.
Sunday: 9am to 10.30pm.
Sundays immediately prior to a bank holiday: 9am to Midnight.

6. Pubs and bars, Fast Food and Music and Dance venues

Monday to Thursday: 10am to 11.30pm.
Friday and Saturday: 10am to Midnight.
Sunday: Midday to 10.30pm.
Sundays immediately prior to a bank holiday: Midday to Midnight.

7. Qualifying Clubs

Monday to Thursday 9am to 11.30pm
Friday and Saturday 9am to Midnight
Sunday: 9am to 10.30pm
Sunday immediately prior to a bank holiday: 9am to Midnight.

8. Restaurants

Monday to Thursday: 9am to 11.30pm.
Friday and Saturday: 9am to Midnight.
Sunday: 9am to 10.30pm.
Sundays immediately prior to a bank holiday: 9am to Midnight.

9. Sexual Entertainment Venues and Sex Cinemas

Monday to Thursday: 9am to 11.30pm.
Friday and Saturday: 9am to Midnight.
Sunday: 9am to 10.30pm.
Sundays immediately prior to a bank holiday: 9am to Midnight.

10a. Shops (all licensable activities that are provided as ancillary to the primary use of the premises as a shop except the off sale of alcohol)

Monday to Thursday: 9am to 11.30pm.
Friday and Saturday: 9am to Midnight.
Sunday: 9am to 10.30pm.
Sundays immediately prior to a bank holiday: 9am to Midnight.

10b. Shops (off-sales of alcohol where it forms either the ancillary or primary use of the premises)

Monday to Saturday: 8am to 11pm.
Sunday: 9am to 10.30pm.

D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.

E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.

Note: The core hours are for all licensable activities but if an application includes late night refreshment then the starting time for that licensable activity will be 11pm.

Reasons for Policy HRS1

- E1.** This policy applies to all new and variation applications for premises licences and club premises certificates. Applications must include a 'within the hours' section and operating schedule of the hours in which premises are open to customers, and the hours when licensable activities are taking place. This will include any proposals for seasonal occasions, e.g. New Year's Eve or special event variations to the proposed hours.
- E2.** Westminster has operated its Core Hours policy since the introduction of the Licensing Act 2003. Core hours are an essential element to ensure businesses can operate for a reasonable period whilst protecting the impact on the licensing objectives. In its Revised Guidance the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas, and that Licensing Authorities are best placed to make decisions regarding licensing opening hours as part of the implementation of its licensing policy statement³⁰.
- E3.** It is the Licensing Authority's intention to generally grant licences or variations to licences where the hours when customers are permitted to be on the premises are within the 'core hours' as set out within this policy. However, this is subject to the application meeting the other policies within this statement. These are not policies to refuse applications for hours longer than the core hours, and consideration will in all cases be given to the individual merits of an application. Where a proposal is made to operate outside these core hours each application will be considered on its merits against the criteria as set out under each policy.
- E4.** If an applicant intends to operate after midnight, operating schedules should include particular consideration to availability of transport via night buses, night tube and taxi and private hire vehicle services. The Licensing Authority expects applicants to consider how people using the premises are to depart from the premises and from the area. Applicants will be expected to demonstrate how customers will disperse from their premises within their operating schedule. Applications within the Cumulative Impact Zone or Special Consideration Zones will have to clearly demonstrate how customers will disperse, and a dispersal plan may be provided with the application.
- E5.** Westminster has the greatest concentration of licensed premises in the United Kingdom. Westminster has c.3700 licensed premises and many currently operate late into the night. There is extensive late-night opening and a range of closing hours throughout the night.
- E6.** The Licensing Authority is aware of the impact that late night licensed premises can have on the extent of crime and disorder and the opportunities for crime, issues of public nuisance, and the need for a "window of opportunity" for the city to be cleaned – in the particular circumstances of Westminster with its already extensive late opening. The Revised Guidance acknowledges the primacy of the Licensing Authority to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and recognising that licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities³¹.
- E7.** The council does not accept that in the circumstances of Westminster the granting of generally longer hours would result in a reduction in crime and disorder and public nuisance. It is prepared generally to grant premises licences for hours that will provide for longer hours at the end of the week outside the Cumulative Impact Zone. This enables people to travel home relatively easily by tube, train, bus, licensed private hire vehicle and/or taxi, while retaining opportunities for residents to have an additional respite on Sunday.

³⁰ Paragraphs 10.13 and 14.51 Revised Home Office Guidance (April 2018)

³¹ Paragraphs 10.13 and 14.51 Revised Home Office Guidance (April 2018)

E8. The Licensing Authority expects applicants to consider how people using the premises are to depart from the venue and from the area and make reference to it in their operating schedule. As part of applications that intend to operate after 11pm, operating schedules should for instance give particular consideration to the availability of transport beyond that point and into the early hours of the morning in and around the venue. Venues that are some distance from either night tube stations or night bus stops will need to consider how patrons will leave their venue and in what directions. Licensed private hire vehicles and taxis may be used to take people from the venue. Businesses may need to consider how they will monitor and manage customers who are waiting for a private hire vehicle or taxi. It is known that customers in groups after leaving a licensed premise can cause public nuisance by disturbing residents living above or around it. This is more so the later at night the venue is open due to the reduction in ambient noise levels and the fact that residents may be asleep or attempting to sleep. It is also more likely that patrons leaving venues later at night during the summer months or during warmer weather may generate public nuisance as resident windows may be open. Applicants are encouraged to include a dispersal plan as part of their application. Dispersal plans are extremely useful in setting out the applicant's approach and considerations to promoting the licensing objectives. They also assist residents and members to understand the likely dispersal methods patrons will have from the venue.

E9. Hours later than these core hours will be considered on their own merits in relation to other policies in the Statement of Licensing Policy. The council wishes to see a less alcohol-led and a more diverse range and variety of uses available later at night. The Licensing Authority will allow greater flexibility within its core hours approach for venues that add a more varied offer of entertainment and cultural activity. Cinemas, cultural venues (such as galleries and museums) and live sporting premises provide are generally considered as low risk where alcohol is provided as ancillary to the main premises use. Alcohol is also either limited in the type or quantity, e.g. wine and beer only or to specified timings, e.g. during an interval. These venues attract a diverse mix of visitors/customers. They are often from a large array of different age groups and include families. The council wishes to encourage a wider range of people to come and enjoy Westminster's evening and night-time economy. We want residents and visitors to enjoy what Westminster has to offer. We also want to encourage a wider range of age groups to the city at night. It is understood that a wider range of age groups can act to curb anti-social behaviour. In doing this, it will further the licensing objectives of prevention of crime and disorder and public nuisance.

E10. The consideration of hours of operation will be in the context of the particular circumstances of each application and the licensing objectives. The hours at which noise may occur and disturbance of residents' rest, relaxation and sleep will be of particular concern. In general, ensure that closing hours on nights when residents have to get up for work the next morning are earlier than when it is less likely that they will have to do so.

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- E11.** Activity associated with late night licensed premises may have an impact on the local environment and may cause public nuisance. The effect of noise is greater later at night when ambient noise levels are lower, and residents are at home relaxing or wishing to sleep. The Licensing Authority, in considering the imposition of conditions, will focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late evening or early morning, when residents in adjacent properties will want to relax or sleep. Conditions relating to noise may also prove necessary to address any disturbance anticipated from the activities of customers in the vicinity of the premises³².
- E12.** Applicants should carefully consider the hours that they will wish to operate each licensable activity, and when to close their premises for the entry of customers and when to require them to leave. They should consider each licensable activity separately and carefully reflect this in their Operating Schedules. The Licensing Authority will similarly consider hours for licensable activities and closing times and appropriate conditions. The benefits of "winding down" periods (after the last sales of alcoholic drinks, while food and non-alcoholic drinks are still available, when the volume and tempo of music is reduced, and the levels of lighting are increased) are widely recognised as helping to reduce crime and disorder and public nuisance. Applicants should consider the benefits of stopping serving alcohol before other licensable activities stop and a suitable time before the premises close and customers must leave. In noise-sensitive areas operators should consider stopping playing up tempo and bass-heavy music and switch to quieter, slower tempo music, with a less pronounced beat while other licensable activities continue.
- E13.** The consumption of alcohol on licensed premises is not directly regulated as a licensable activity under the Act but is clearly relevant in assessing whether the premises promote the licensing objectives. Similarly, the time to which customers are permitted to remain on licensed premises, and subsequently leave those premises, is also relevant. Notwithstanding that some licence holders, as a matter of good management, may restrict the sale and consumption of alcohol for a period of time before the end of opening hours as part of a "winding down" strategy described above, the Licensing Authority will, subject to other conditions and restrictions, impose conditions on a licence to restrict the time at which alcohol may be consumed on the premises and/or require that all customers leave the premises by a certain time where it considers it appropriate to do so to promote the licensing objectives.
- E14.** Applicants are encouraged not to apply for later hours than they will in fact operate; particularly the seeking of 24-hour licences where there is no intention of operating on a 24-hour basis. Responsible authorities will generally be more likely to make objections the later the hour that licensable activities are proposed to take place.
- E15.** Premises where regulated entertainment is provided to a seated audience (e.g. theatres, cinemas, other performance venues and qualifying clubs), provide a diverse range of cultural and entertainment facilities and are attended by a wide range of age groups. They have little association with crime and disorder or public nuisance. Because of this, these types of premises will be given an opportunity to operate more flexibly late at night and across the city. However, alcohol and late-night refreshment must be ancillary to the primary use of the venue and for those venues that have audiences, the additional hour for licensable activities beyond 11pm will be limited to that audience. Applications within the Cumulative Impact Zone will still have to demonstrate that they will not add to cumulative impact.

³² Paragraph 2.19 Revised Home Office Guidance (April 2018)

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- E16.** Westminster offers an unparalleled range of shops ranging from small units to large department stores. Shops will continually seek to provide a greater offer to their customers so that they will prolong the time customers spend in their premises and the opportunity to increase revenue. The evolution of shops is also essential to enable premises-based retailers or service providers to compete with online competitors. The Licensing Authority recognises that shop operators need to continually evolve and to achieve this may seek to provide licensable activities for their customers. This may be via entertainment, the sale of alcohol for consumption on the premises or the provision of late-night refreshment.
- E17.** The Core Hours for shops has been split into two elements. The first set of core hours apply to shops that intend to provide licensable activities, other than the off sale of alcohol as an ancillary function to the primary use of the premises. The second set of hours, which are more restrictive are specifically for the sale of alcohol for consumption off the premises. The Licensing Authority is specifically concerned with the availability of alcohol for consumption off the premises due to the risks on the licensing objectives, particularly relating to street drinking issues and pre-loading of alcohol before entering pubs, bars and clubs.
- E18.** In the past, qualifying clubs have had little association with crime and disorder or public nuisance. Through their membership requirements, they exert a degree of control over behaviour in and around their premises. Clubs that don't fit the definition of a qualifying club and are operated on a commercial basis will be considered under the Public House and Bars Policy PB1.
- E19.** There is no doubt that improved transport provision, such as the night tube has had a variety of benefits and impacts for people living, working and visiting the city, and has supported the dispersal of people from an already buoyant evening and night-time economy. However, we have seen increases in violence, thefts, robberies and ambulance call-outs to underground stations that provide the night tube. There has also been a significant increase in private hire vehicle operators that can be booked instantly via apps over the past three years. The availability of these vehicles and ability to easily book them has assisted in dispersing people from the busiest areas of the West End to other parts of the city and elsewhere, and also to allow people to travel into the West End from the outskirts or outside the city at later hours throughout the night.
- E20.** The Licensing Authority recognises that the scale, diversity and concentration of the evening and night-time economy, particularly in the West End, is unique and brings cultural and financial benefits to the whole city. However, it also brings significant challenges that impacts on services and local amenity. The council believes that good management of licensed premises and of the street environment within which it operates, is essential to the continued success of central London, and in attracting a wide range of people who want to work, visit or live there.
- E21.** Statutory licensing policies are key tools in managing the competing pressures that the successful evening and night-time economy brings. They have been developed over many years to balance the benefits and impacts that arise for businesses, residents and visitors. It is important that when the impacts of licensed premises are assessed that such policies are reviewed and, if necessary, amended to ensure the Licensing Authority can continue to fulfil its duty under the Act to promote the licensing objectives.
- E22.** The core hours policy is a key policy in promoting the Licensing objectives, particularly relating to crime and disorder and public nuisance. The hours policy provides a set of core hours that relate to the location where an application may be made, or premises currently operates and for the specific premises use/operation of that premises.

E23. The West End has been designated as a Cumulative Impact Zone and the evidence to support this has been produced within the Licensing Authority's 2020 Cumulative Impact Assessment. As a result, the West End Cumulative Impact Zone has a presumption to refuse certain types of premises use applications that are outside of Core Hours. This policy approach is necessary to promote the licensing objectives. Unlike the rest of the city this zone has the largest concentration of licensed premises in the city and, within the heart of this zone, the average incident rate is nine times greater than the rest of the city.

Non-Standard Hours

E24. In order to have conditions that are clear and enforceable the circumstances in which the non-standard hours will apply must be identifiable. This is to give an opportunity for representations to be made in relation to particular events and in order to provide predictability as to when non-standard hours will apply for the benefit of those who may be affected. The inclusion of particular national saints' days will have to be considered in relation to the overall number of events. The particular clientele of premises may be a reason to seek non-standard hours for other national days. There should be no expectation of specific non-standard hours for any particular day. Premises not benefiting from exemptions for New Year's Eve must seek it specifically or use a Temporary Event Notice.

Licensing Objectives Policies

Prevention of Crime and Disorder Policy CD1

- A. The Licensing Authority will not grant applications that do not promote the prevention of crime and disorder licensing objective.
- B. When considering Clause A, the Licensing Authority will apply the criteria and take into account any relevant considerations as set out below:

Criteria

- 1. Whether the premises make or will make a contribution to levels of crime and disorder, and whether the Operating Schedule is based on an adequate risk assessment, undertaken by the applicant, which takes account of all the relevant considerations below to reduce the likelihood of crime and disorder occurring as a result of the grant of the application.

Considerations (General Crime and Disorder)

- 2. The levels of crime and disorder in and around the venue; the proposals contained in the operating schedule; the level of compliance to conditions on existing licences; and the extent to which the Metropolitan Police's effective management checklist (see Appendix 7A) has been taken into account. This provides an illustrative but not exhaustive list of considerations, not all of which will be applicable to all premises.
- 3. Whether the layout, lighting and fittings of the premises have been designed so as to minimise conflict and opportunities for crime and disorder (see Appendix 7A).
- 4. Whether the Operating Schedule includes appropriate management measures to prevent crime and disorder (see Appendix 7A).
- 5. Whether the Operating Schedules for pubs and bars or for the provision of facilities for music and dancing have taken into account the possibility of crowding the areas set aside for drinking while standing, and of the measures set out in Appendix 9.

- 6. Whether the premises has a sufficient CCTV system in place that will adequately support the recording of incidents and assist in the identification and prosecution of offenders (see Appendix 8 for the minimum Westminster's CCTV standards).

Considerations (Counter Terrorism)

- 7. Whether the Applicant has undertaken a terrorism threat risk assessment that ensures that any security-related vulnerabilities have been identified, and reasonable, and proportionate steps (in keeping with the size and nature of the operation), have been taken to reduce the risk from a terrorist attack.
- 8. Whether the applicant has provided an ACT security plan, including an outline of the proactive steps taken (see Appendix 7B).

Reasons for Policy CD1

- C1.** The Licensing Authority will expect applicants to explain in their Operating Schedule how the operation of the premises will promote the prevention of crime and disorder. For pubs, bars and premises with facilities for music and dancing (e.g. night clubs), a specific assessment is needed of how the risks of violence and crime in the premises and the vicinity will be managed. This is attached as Appendix 9.
- C2.** The council works in close partnership with the Metropolitan Police Service to tackle crime and disorder. This is a broad term and includes terrorism, which is clearly a violent crime. Publicly Accessible Places provide attractive targets for terrorist attacks, and all steps must be taken to reduce the risk to the large numbers of people who use licensed premises and spaces that are part of our day, evening and night-time economy and to provide a safe environment for those who live, work and visit our city.

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- C3.** Applicants will be expected to have given due consideration to any specific protective security advice provided to it by Counter Terrorism Security Advisors or other parties acting on behalf of the police or other Government agency or responsible authority.
- C4.** Advice and support is available to applicants and licensees via the National Counter Terrorism Security Office website at nactso.gov.uk. The NaCTSO Crowded Places Guidance and the suite of Action Counters Terrorism (ACT) products (ACT strategic, ACT, Operational, Act Awareness, ACT E-learning and ACT phone application) are available via the NaCTSO website and are designed to help reduce vulnerability, improve preparedness, and resilience, and Security Culture.

NaCTSO Crowded places guidance found at [gov.uk/government/publications/crowded-places-guidance](https://www.gov.uk/government/publications/crowded-places-guidance)

Conditions

- C5.** Revised Guidance sets out matters that may be relevant to the imposition of conditions relating to crime and disorder on licensed premises¹⁷. The Licensing Authority will tailor appropriate conditions for premises licences and club premises certificates. Since the matters set out in Guidance and this Statement of Licensing Policy cannot cover every possible scenario, the council will liaise with the police for advice on appropriate conditions for particular premises. Conditions attached to premises licences and club premises certificates will, as far as possible, reflect local crime prevention strategies as suggested in Revised Guidance¹⁸.
- C6.** The Licensing Authority may impose a range of conditions on premises licences or club premises certificates, which may include model conditions collated by the licensing authority. The seeking and any imposition of these conditions and their extent will depend upon the risks of crime and disorder at the particular premises.

- Prescribed capacity of premises.
- Requirements for an appropriate ratio of tables and chairs to customers, based on capacity, and for areas to be allocated permanently for seated customers in order to prevent overcrowding, which can lead to disorder and violence.
- A requirement for Security Industry Authority registered door supervisors to control numbers of persons entering the premises and to deny entry to individuals who appear drunk, disorderly or intent on crime.
- Requirements that drinking vessels be made of toughened glass or plastic or other materials that do not form a sharp edge when broken, and that glass bottles are not passed to customers; this may be a particular concern if drinks are to be consumed outside the premises. These conditions will generally only be required when there have been a number of incidents of injuries inflicted with broken glass and where numbers of people gather in association with major sporting and other events. The Police will encourage the adoption of shatter-proof or crumpleable drink containers at particular premises at times when there are risks of disorder or threats to public safety. If problems of disorder or threats to public safety persist and result in reviews, appropriate conditions may be imposed preventing the use of glasses and glass bottles and requiring appropriate types of shatter-proof, or crumpleable drink containers that can neither be deployed as a weapon or a missile to be used in premises at specified times. In all cases the licensing subcommittee will need to determine in the context of the individual circumstances of an application, whether it is appropriate to ban glass bottles and glasses based on the evidence presented.
- Restrictions on drinking in areas within and outside the premises.
- Procedures for checking the ages of young people who appear under 21 or under 25 to ensure that alcohol is not sold to those under 18, and that those under 16 are accompanied in alcohol-led premises.

¹⁷ Paragraph 2.2 to 2.6 Revised Home Office Guidance (April 2018)

¹⁸ Paragraph 2.1 Revised Home Office Guidance (April 2018)

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- The maintenance of good order by the management, particularly where alcohol is supplied for consumption and where large numbers of people are admitted.
 - Dedicated text, pager or other remote communications between management teams, and local police stations and other licensed premises to provide early warning of disorder. Warning signs about crime prevention measures.
 - Where appropriate, the installation and maintenance of an appropriate number of suitably sited closed-circuit television cameras (CCTV) both inside and immediately outside the premises which can provide images of a suitable quality for use as evidence. These to be operational during the period of provision of licensable activities and at other appropriate times. CCTV images are an integral part of crime investigation and one of the most powerful pieces of evidence to secure a conviction. CCTV should be provided at premises to varying extents, and only as appropriate to promote the licensing objectives. Generally, only minimum levels of CCTV to cover entrances, exits and the till areas, to a standard to enable facial recognition, will be required in those licensed premises where CCTV is appropriate to assist in the investigation of thefts, underage sales, non-payment of bills etc.
 - Higher levels of coverage, based on factors including the type and location of the premises, any history of crime, and the layout and proposed use of the premises, may be appropriate at individual premises or types of premises associated with high levels or serious crime. In these cases, the council would expect the police to indicate why and to what extent CCTV was being requested. Conditions may require the installation, maintenance, and operation of appropriately sited CCTV cameras and recording systems, which can provide images in all light conditions of a quality to enable facial recognition and be suitable for use as evidence, when premises are used for licensable activities. Conditions may also require that images should be retained for a calendar month and that staff should be trained and authorised to make these images readily available to the Police and other authorised officers.

- Clear policies and measures to prevent illegal drugs being brought onto the premises and measures to discourage the use of illegal drugs.
- Searching of customers and staff may be a condition on premises licences associated with serious crime and disorder or those where they are holding events organised by an outside promoter. Search arches and search wands to detect weapons and “clubscan” schemes to record the identity of all those attending premises, may be required where there is evidence of a significant risk of serious violence at an event or premises.

C7. Other conditions relating to the deterrence and prevention of crime and disorder and initiatives to reduce crime will be drawn up in liaison with the police to deal with particular premises or types of premises where concerns may arise. The council recognises the value of the coordination of premises through schemes, such as the Pubwatch and other similar schemes, to combat problems associated with football and other sporting events, and in alerting premises to trouble. The council encourages membership of an appropriate scheme where this would promote the licensing objectives.

Public Safety Policy PS1

- A. The Licensing Authority will not grant applications that do not promote the public safety licensing objective.
- B. When considering Clause A, the Licensing Authority will apply the criteria and take into account any relevant considerations as set out below:

Criteria

1. Whether appropriate and satisfactory general and technical risk assessments, management procedures and certificates have been made available to the relevant responsible authority and to the Licensing Authority that show the relevant considerations have been fully considered to demonstrate that the public will be safe within and in the vicinity of the premises.

Considerations (General Public Safety)

2. Whether the premises already has a specified maximum capacity of people that can attend or be present and, if not, whether a risk assessment has been undertaken as to the maximum number of people who can be present in various parts of the premises so that it can be operated safely, and they can be evacuated safely in the event of an emergency.
3. Whether there are procedures proposed to record and limit the number of people on the premises with opportunities for "pass outs" and readmission.
4. Whether patrons can arrive at and depart from the premises safely.
5. Whether there may be overcrowding in particular parts of the premises.
6. Whether music and dance venues and performance venues will use equipment or special effects that may affect public safety (e.g. moving equipment, vehicles, pyrotechnics, strobe lights, smoke machines).
7. Whether due account has been given to:
 - Prevention of overcrowding.

- Air conditioning and ventilation.
- Availability of drinking water.
- Affordable cloakrooms.
- Further measures to combat dancers and others overheating.
- Overall safety.

8. Whether there are defined responsibilities and procedures for medical and other emergencies and for calling the emergency services, e.g. terrorist threat or incident, fire, serious medical (e.g. heart attack) or trauma.
9. The levels of compliance with conditions on existing licences relating to public safety.

Considerations (Counter Terrorism)

1. Whether the Applicant has undertaken a terrorism threat risk assessment that ensures that any security-related vulnerabilities have been identified, and reasonable, and proportionate steps (in keeping with the size and nature of the operation), have been taken to reduce the risk from a terrorist attack.
2. Whether the applicant has provided an ACT security plan, including an outline of the proactive steps taken (see Appendix 7B).

Reasons for Policy PS1

- C8.** The council in its role as Licensing Authority must try to ensure the safety of people visiting and working in licensed premises. The council will need to be satisfied that measures to promote public safety including risk assessments, setting safe capacities, adequate means of escape, and where appropriate, CCTV are put in place and maintained, if not adequately provided for by other regulatory regimes. There are a considerable number of premises without fire safety certificates or licences that specify their safe capacities. Crime, disorder and anti-social behaviour inside and in the vicinity of licensed premises may threaten public safety and affect perceptions of public safety.

C9. Terror attacks, although not common have occurred within the City of Westminster, some of which have previously been targeted at bars, pubs and nightclubs. All premises are expected to have regard to the National Counter Terrorism Security Office (NaCTSO) Crowded Places Guidance and suite of Action Counters Terrorism (ACT) products that are available via the NaCTSO website (nactso.gov.uk). The prevention of terrorism is an essential element of the public safety and crime and disorder licensing objectives. Applicants and licensees are expected to have given due consideration to any specific protective security advice provided to it by Counter Terrorism Security Advisors or other parties acting on behalf of the police or other Government agency or responsible authority. Licensed premises must carry out suitable and sufficient terrorism threat risk assessments and keep them under regular review.

Conditions

C10. Revised Guidance sets out matters which relate to conditions on public safety¹⁹. These will be used to tailor appropriate conditions for premises licences and club premises certificates. Where a premises is a vessel for which a current passenger ship certificate is in force, the public safety objective can generally be considered to be met in respect of the premises itself where the operation of the vessel is in accordance with that certificate.

C11. Matters that should be considered in operating schedules include the following and conditions may be attached to licences by the Licensing Authority, but other conditions related to public safety may also be attached:

- Checks on equipment at specified intervals.
- Standards to be maintained e.g. temporary electrical installations to comply with British Standards.

- The number of people on the premises appropriate to the activities taking place and reliable ways of counting the number of people on the premises.
- Maintaining and making available a record of inspections, pre-opening and during performance, of fire doors, escapes, and appliances and of the number of people on the premises.
- Ensuring that floors are kept from becoming slippery from spillages or condensation.
- Measures to prevent climbing onto ledges, balconies and speakers.
- Measures to keep sound levels below levels where damage to the hearing of staff and customers is likely to occur.
- Management measures to reduce the risks of dancers and others.
- Overheating such as affordable cloakrooms, "chill-out rooms", breaks from fast dance rhythms, and identifying dancers who may be in distress.
- Provision of facilities for people who are taken ill or injured to contact friends or family, to recover, or be kept safe while awaiting medical assistance.
- Policies and procedures must be in place that improve the premises preparedness for and resilience to a terrorist attack. These policies and procedures must be developed in line with NaCTSO Crowded Places Guidance and appropriate products within the suite of ACT products.
- Planned rehearsal of terrorism attack plans should be undertaken to assess overall preparedness and whether policies and procedures are effective. Well-rehearsed plans can reduce the overall impact of attacks.
- Counter Terrorism Policies and Procedures must be tested and reviewed every 12 months.

¹⁹ Paragraph 2.7 to 2.14 Revised Home Office Guidance (April 2018)

Prevention of Public Nuisance Policy PN1

- A. The Licensing Authority will not grant applications that do not promote the prevention of public nuisance licensing objective.
- B. When considering Clause A, the Licensing Authority will apply the criteria and take into account any relevant considerations as set out below:

Criteria

1. The potential for nuisance associated with the style, characteristics and activities of the business to be carried out at the premises and the potential steps which would be taken to reduce the risk of nuisance occurring. This will particularly apply in areas of residential accommodation and where there is residential accommodation in proximity of the premises.

Considerations

2. Whether Operating Schedules contain adequate measures to prevent noise and vibration, whether airborne or structure borne, generated from within the premises, outside it, or from an open site, that may cause disturbance to people in the vicinity. Regard will be had to disturbance of people whether at home, at work, staying in, or visiting the vicinity. However, stricter conditions will be imposed on premises licences in areas that have denser residential accommodation or have residential accommodation close to them. See Appendix 11.
 3. Applicants will be expected to have included measures in their Operating Schedules that make adequate provision to limit noise and vibration, eating, drinking and smoking outside their premises and other environmental impacts by:
 - Restricting the generation of noise within the premises and from activities associated with the premises in the vicinity, or from an open-air site.
 - Limiting the escape of noise from the premises or open-air site.
 - Restrict noise emissions to below levels that could affect people in the vicinity going about their business, at work and when at home both while relaxing and while sleeping.
- Minimising and controlling noise from customers arriving at the premises, or open-air site outside it and departing from it including noise and other nuisance caused by customers' transportation and how dispersal is managed.
 - Minimising and controlling noise from staff, contractors and suppliers and their activities.
 - Minimising and controlling noise from vehicles associated with and providing services to the premises or open-air site and their customers (including delivery companies).
 - Identifying whether people standing or sitting outside premises are likely to cause obstruction or other nuisance.
 - Identifying whether the premises are under or near to residential accommodation.
 - Limiting the hours of the sale of alcohol in open containers or food for consumption outside the premises.
 - Introducing measures to make sure that customers move away from outside premises when such sales cease.
 - Implementing measures to collect drinking vessels and crockery, cutlery and litter.
 - Limiting the extent and location of areas proposed to be set aside for the consumption of food, alcoholic drink and for smoking.
 - Identify the measures proposed for the management of people leaving the premises to smoke and for their readmission; including managing readmissions in relation to any queuing for admission and to measures to ensure that security procedures apply equally to admissions and readmissions.
 - Identifying whether there is a need for door supervisors to prevent or to control customers congregating in outdoor areas to smoke, consume food or drink (whether supplied from the premises or not), between certain hours or at all times. In addition, there may be particular issues of crime and disorder with regard to outside activities.

- Identify whether queuing is likely, and the steps proposed to prevent queuing or, if some queuing is inevitable, to divert queues away from residential properties and entrances of neighbouring premises, and to manage the queue to prevent disturbance or obstruction.
- Identify whether there are adequate measures to prevent:
 - » Litter, smells, fumes, dust, tobacco or other smoke, or other emissions.
 - » Street fouling.
 - » Light pollution.
 - » Arising from the proposed licensable activity that may cause disturbance to people in the vicinity.
- Identify whether the proposed licensable activities will be likely to cause nuisance by congesting the pavement or the roadway, and so impeding reasonable access (including the access required to provide essential services such as refuse collection and street cleaning).
- Whether other measures to prevent nuisance such as the use of CCTV or the employment of registered door supervisors are appropriate.
- Whether the proposals would lead to the need for increased refuse storage or waste collection.
- Whether measures would be undertaken to prevent nuisance caused by the storage, handling and collection of refuse and recyclable materials.
- Whether the sale of take-away food is proposed, and the measures planned to prevent littering in the vicinity and to clear up any litter that occurs.
- Whether late night premises are likely to generate litter. Premises may need to make provision for patrols to clear up litter, taking into consideration the hours of street sweeping.

4. The measures proposed in the Operating Schedule should have regard to the objective noise criteria set out in Appendix 11.

Note: Both planning permission and a street trading licence may be required for providing seating for the use of customers on the public highway and these permissions are generally restricted to before 11pm in Westminster unless there are exceptional reasons for granting longer hours.

Reasons for Policy PN1

C12. The Licensing Authority will expect applicants to set out in their Operating Schedules the steps taken, or proposed to be taken, to deal with the potential for public nuisance arising from the operation of the premises or open-air site under the licence. Applicants should identify and describe through a risk assessment how these risks will be managed. Public nuisance could include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include, in appropriate circumstances, a reduction of the living and working amenity and environment of persons in the vicinity of licensed premises.

C13. Westminster has a substantial residential population and the council as the Licensing Authority has a duty to protect it from nuisance. In certain areas, the increased concentration of entertainment uses, and the longer hours of operation have adversely affected local residents. Commercial occupiers of premises also have a legitimate expectation of an environment that is attractive and helps sustain their businesses. The role of the council as Licensing Authority is to maintain an appropriate balance between the legitimate aspirations of the entertainment industry and the needs of residents and other users of the city including, businesses, workers, shoppers and visitors. It will need to satisfy itself that adequate measures to prevent public nuisance are in place and will be maintained. These principles apply also to events in open air sites.

C14. Playing music can cause nuisance both through noise breakout, transmission through the structure of the building and also by its effect on patrons, who become accustomed to high sound levels and to shouting to make themselves heard, which can lead to them being noisier when leaving premises. The later that music is played, the greater the potential for nuisance. Other major sources of noise nuisance are vehicles collecting customers; the slamming of car doors and the sounding of horns resulting from congestion and pressure for on-street parking space and the need for the servicing of premises. These noises can be particularly intrusive at night when ambient noise levels are lower. Other impacts include: noise from customers smoking, drinking, and eating in the open-air, the servicing of premises, and noise and smells from ducts and ventilation equipment. There are similar issues that apply to the operation of events at open air sites.

C15. Residents are often subjected to nuisance from the noise of people on their way to and from premises and loitering in the streets after they have left premises. This can affect residents even at some distance from the premises themselves, especially along routes to transport facilities, and to car parks and parking areas and on routes between late night premises of various types.

The nuisance from noise depends on its nature and whether it is during the day, the evening or at night. Late night noise is often unsettling; particularly shouting and screaming. Some of this is associated with aggression and assaults but most of it is "high spirits". It is impossible to distinguish between the reasons for these noises and in any case, it can be very disruptive late at night. The degree of nuisance caused by noise increases with the lateness of the hour; especially if it disturbs or prevents sleep.

C16. Eating and drinking outdoors is increasingly popular, and the smoking ban inside premises has increased the number of people outside premises smoking or accompanying smokers. The noise of people socialising outdoors can cause public nuisance, even if they are not badly behaved. In addition, the blocking of footways, and more occasionally roadways, by people standing outside

drinking and smoking is a public nuisance, whether or not it amounts to the offence of obstruction or becomes an issue of public safety. There have been a number of reviews of premises licences solely on the basis of nuisance from outside drinking. The placing of tables and chairs for people to eat or drink on any part of the public highway, or within seven metres of it, requires both planning permission and a street trading licence in Westminster. In determining both these types of applications, regard will be paid to amenity concerns. However, the use of garden or courtyard areas or other private areas is not controlled under these regimes.

C17. In order to prevent public nuisance, it will be necessary to consider the extent of eating and drinking that will take place outdoors and the measures that may be appropriate to ensure that nuisance is not created. Outdoor eating and drinking and the congregation of people at night is likely to cause nuisance and conditions are likely to be imposed to limit the hours when this takes place. It also increases the potential for criminal activity. This may require staff to control or prevent people going outdoors with food or drink, either some or all of the time. Where appropriate, conditions will be imposed to manage or, if appropriate, prevent outdoor eating and drinking.

C18. The council is aware that problems arising from people congregating to smoke and to accompany smokers are widespread. The council will continue with its risk-based approach to enforcement, using a range of escalating informal measures, prior to review. It may encourage the management of people standing outside premises to minimise the adverse effects on the licensing objectives. The council may impose conditions that if customers leave premises to smoke, they must not take drinks with them. While there can be no ban on people leaving premises to smoke, conditions may be imposed that there is no readmission after certain hours or at any time. If problems from people congregating outside premises persist, and if there are representations from the police, other responsible authorities or other persons and these are substantiated at review, the council might restrict the hours for, or remove the sale of alcohol for consumption off the premises from a premises licence.

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- C19.** Some late-night premises contribute significantly to the public nuisance of litter; particularly premises selling hot take-away food and drink late at night, or clubs where there is queuing, or which distribute publicity flyers. Customers drop litter late at night and, by congregating outside these premises, they make it impossible for the streets to be properly and effectively swept. Flyposting is a public nuisance. Entertainment venues are one of the main types of business that resort to this type of advertising.
- C20.** In those parts of the city characterised by round-the-clock activity, the council operates a 24-hour cleansing service. However, at the busiest times and in the busiest places, it is sometimes impossible to maintain streets to a high standard of cleanliness. In such locations, a "window of opportunity" is needed between about 2.30am and 5am when the streets are sufficiently empty to sweep them effectively and to use mechanical equipment, in order to restore a high standard of cleanliness before the start of the next working day.
- C21.** For the purpose of this policy statement "touting on behalf of premises" includes behaviour which involves physically approaching and getting customers to come directly to premises either from on the streets or from other premises. This has an adverse effect on the licensing objectives; nuisance is caused by pestering the public in the street and in other premises; it has an adverse effect on crime and disorder and public safety because of the potential for disputes between touts over potential customers, and the sending of customers to venues which are unsuitable for their needs. Escorting groups of customers in party mood from one licensed premises to another may cause nuisance and increase queuing and consequential nuisance in the vicinity of the second venue. Where such problems arise, an appropriate remedy may be to restrict the hours of admission at the second, "follow-on" premises that is engaging in, or encouraging, touting. Conditions may be sought that make the use of touts a breach of the terms of the licence, irrespective of whether payment is made to touts. Model conditions will be developed on unacceptable practices, referring to those activities which compromise the licensing objectives including engaging in or encouraging touting.

Conditions

- C22.** Revised Guidance includes advice on conditions that relate to the prevention of public nuisance²⁰. Hours of opening and hours for each licensable activity must be included in Operating Schedules. Conditions will be attached on the hours when premises are permitted to be open to the public or to members and their guests for the prevention of public nuisance. Conditions could be appropriate to limit the times when certain licensable activities take place, although the premises may be open to the public at such times. For example, there may be reason to have a condition on the hour that music ceases to be played in a bar or restaurant, or when alcohol is served at a music venue, which is prior to the end of other licensable activities. Conditions may also be attached referring to the parts of premises that might be used for certain licensable activities at certain times. Stricter conditions will be expected in areas of denser residential accommodation.
- C23.** Conditions will be attached to premises licences where appropriate. These may include conditions on: maximum noise levels over particular time periods, the installation of sound limiters, acoustic lobbies; provision of signs, publicity and verbal advice to patrons to leave quietly and by certain routes; controlling nuisance from light pollution; taking food or drink outside the premises; flyposting; distribution of leaflets; litter and cleaning outside of the frontage and in the vicinity of the premises.

²⁰ Paragraph 2.15 to 2.21 Revised Home Office Guidance (April 2018)

Protecting Children from Harm Policy CH1

- A.** The Licensing Authority will not grant applications that do not promote the protection of children from harm licensing objective.
- B.** When considering Clause A, the Licensing Authority will apply the criteria and take into account any relevant considerations as set out in Clauses C and D below.
- C.** The Licensing Authority will consider the following general protection of children from harm criteria and relevant considerations:

Criteria

1. Whether there are appropriate measures in place to protect children from harm.

Considerations

2. Whether there are effective measures to check the age of young people who appear under 18 to ensure that:
 - Alcohol is not sold to a person under the age of 18.
 - Access is not permitted to a person under 18 years of age to a premises, a performance of entertainment or an exhibition of a film intended for adults only.
 - Those under 16, if permitted to enter the premises are accompanied by an adult (see Appendix 9).
3. Whether the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
4. Whether accompanied children under 16 on the premises of which the primary purpose is supply of alcohol for consumption on the premises, are taking a table meal or are being entertained by a live performance.
5. The hour to which accompanied children under 16 are proposed to be on the premises where the exclusive or primary purpose of the services provided at the premises is the supply of alcohol for consumption on the premises.

6. Whether due regard is paid to industry codes of good practice on the labelling and display of alcoholic drinks.
 7. Whether there are adequate procedures for identifying unaccompanied or lost children and ensuring that they are kept safe and adequately supervised until they can be handed over to a responsible adult.
 8. The likelihood of children being attracted to the premises; e.g. by the nature of activities or facilities provided whether or not these are licensed.
 9. Whether there is evidence of heavy, binge or underage drinking, use of drugs or other intoxicating substances on the premises.
 10. Whether the premises commonly provide entertainment or services of an adult or sexual nature (see Glossary).
 11. Whether there is a strong element of gambling on the premises (but not, for example, the presence of a small number of cash prize gaming machines).
 12. Whether films are to be shown and the measures to restrict children from viewing age restricted films classified according to the recommendations of the British Board of Film Classification or the council itself.
 13. If performances or activities are likely to attract children, the number of adults required for the supervision of children.
 14. Where play facilities are provided, if an adequate risk assessment has been made and appropriate measures taken.
 15. The measures to be taken to ensure that those supervising or having significant contact with children have been appropriately vetted to ensure that they pose no risk to children.
 16. Proposals for the provision or arrangement for safe transport for children.
- D.** Safeguarding of children applies to all staff (paid or unpaid) involved in the operation and management of licensed premises and is a key part to protecting children from harm. The Licensing

Authority will expect applicants to demonstrate that they will have systems and processes in place to adequately safeguard children as set out within the minimum criteria below.

Minimum Criteria

1. The applicant should ensure that their staff have a basic awareness of child protection issues. This includes:
 - Being alert to the possibility of child abuse and neglect, i.e. the definition, prevalence, identifying features in a child or adult, legal parameters and social consequences.
 - Having enough knowledge to recognise an abusive or potentially abusive event or set of circumstances.
 - Knowing who in the organisation to raise your concerns with.
 - Being competent in taking the appropriate immediate or emergency action.
 - Knowing how to make a referral to the Council's Children Services Department and/or the Police.
 - The licensee can demonstrate that they understand their responsibilities for ensuring that they and their staff are familiar with, and competent with Safeguarding Children.
2. In operating and managing a licensed premises the applicant should designate either themselves or a senior staff member to have the following responsibilities in relation to safeguarding children for the licensed premises:
 - Ensure safeguarding children training is provided for all staff.
 - Monitor and record whether all staff have received the minimum (initial and refresher) safeguarding children training.
 - Ensure all staff have read and know where to find this policy and the Government Guidance: "What To Do If You're Worried A Child is Being Abused" – https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/419604/What_to_do_if_you_re_worried_a_child_is_being_abused.pdf

- Provide advice and support to staff when they have a concern about safeguarding a child.
- Have a system in place to record all concerns raised by staff.
- Be the contact person for the council's Children's Services Department and the Police in relation to all incidents or concerns related to the safeguarding of children on or linked to the premises.
- Ensure all staff are made aware that if the person who they suspect may be harming children is senior to them in the licensed premises staff hierarchy they can contact the council's Children's Services Department and the Police directly.

Reasons for Policy CH1

- C24.** Westminster is unique in the range of entertainment facilities it has to offer and in its accessibility from all over London, the South East and nationally. The "bright lights" of the West End attract young people from far and near. Young people who are some distance from their homes are particularly vulnerable, especially underage and inexperienced drinkers. Licensees and the staff that work within their premises have a duty to safeguard children and young people as part of their responsibilities under this objective.
- C25.** The Licensing Authority will expect applicants to consider the measures necessary to promote the licensing objective of protecting children from harm when on the premises and in the vicinity where it is in the power of the applicant to influence this. These measures may include staff training, e.g. age restricted items, age verification, safeguarding, controlling the entry of children and young people under 18 to the premises, signage and the vetting of staff who will supervise them (safeguarding). Applicants will have to give particular regard to these measures in applications for licences involving:
- The sale of alcohol.
 - Children's performances.
 - Attractions or performances likely to attract children.

- Activity/or entertainment that is intended for adults, has a mature theme that is unsuitable for children or has sexual references, acts or performances.
- Provision of overnight accommodation.

C26. It is an offence to sell alcohol to children. In this context, children are defined as individuals under 18. There is a further specific offence of persistently selling alcohol to children if sales to children are made on two or more different occasions within period of three consecutive months. The provisions of the Act are that unaccompanied children under 16 should not be on “premises being used exclusively or primarily for the supply of alcohol” (e.g. “alcohol led” premises such as pubs, bars and nightclubs). In addition, it is an offence to allow unaccompanied children under 16 on premises licensed to sell alcohol for consumption on the premises after midnight but before 5am.

C27. It is recognised that it is increasingly difficult to define a “bar area” as premises trade longer and change in character over the day. Those making applications for “alcohol led” premises that seek to remove the embedded conditions on children in bars should consider in their Operating Schedules whether there will be circumstances when children under 16 should not be on the premises. Considerations could include: the hours they were on the premises and whether they were there for a specific purpose such as partaking of a meal or being entertained by live performances and whether there were any specific aspects of licensable or other activities taking place when children should be excluded, e.g. drink promotions or particular types of performances or competitions.

C28. The 2003 Act application forms indicates that applicants should specify in their operating schedule anything which may give rise to concern in respect of children. The examples given include whether they propose to have entertainment involving nudity, striptease, or any other activity involving full or partial nudity, e.g. topless waitresses, or sex related entertainment such as the showing of films or other recordings with a restricted 18 category (R18). It notes that these examples are not an exclusive list. Revised Guidance advises in respect of the protection of children from moral, psychological and physical harm²¹.

C29. Hotels and hostels play an important role in protecting children from harm. These premises may sell alcohol either in a bar, restaurant, at an event on the premises or in rooms, either via room service or mini bar. Therefore, sufficient procedures and suitable training must be provided to staff on age restricted sales. Hotels and hostels often have children staying at their premises who are accompanied by an adult. The licensee and staff have an important part to play in safeguarding children and young people. Hotels are often used as a place to exploit and abuse victims of Child Sexual Exploitation (CSE). There are a number of criminal offences associated with child sexual exploitation which could have damaging consequences for a hospitality business, including a possibility of prosecution, action being taken against a premises licence and reputational and/or financial damage. It is the responsibility of premises licence holders and their managers to make sure that suitable control measures are in place at licensed venues for the protection of children from harm. This is a legal requirement under the Licensing Act 2003 and there are legal implications if you do not have safeguards in place or fail to act if sexual exploitation of children occurs, or is believed to have occurred, on your premises. The Police have powers to demand guest information in connection with child exploitation.

²¹ Paragraph 2.22 to 2.31 Revised Home Office Guidance (April 2018)

C30. In 2018 a multiagency operation led by the Metropolitan Police Service was undertaken in Westminster. Operation SONGTROOP undertook a proactive operation utilising children to test the compliance with CSE measures within budget hotels across Westminster. Budget hotels are recognised nationally as being 'hotspots' for CSE. Children (Police Cadets) along with a Police Officer were used to visit a hotel after school with a clear plastic bag showing that it contained alcohol. The primary objective of the adult is to attempt to book a hotel room for them and the child with the desire to pay using cash. The adult and child were encouraged to give other indicators of CSE during the booking process if the opportunity arises, such as being reluctant to provide ID, asking if the room would be available for only a few hours, and to speak for the child if the child is spoken to. Prior to this operation, the police, through the Mets Operation MAKESAFE, provided talks on CSE and made training available for the hotels. The aim of the operation was to test the hotels understating, recognition and response to possible CSE situations, to test hotel procedures and collate this data and to share the findings with the hotels themselves as well as partner agencies. Within Westminster, 19 hotels were visited. During that operation, 5 hotels out of 19 accepted a booking, 14 hotels refused the booking due to ID issues, or being fully booked and no hotels took any positive action. Similar results were found in Kensington and Chelsea and Hammersmith and Fulham local authority areas.

C31. All children must be safeguarded from harm and exploitation whatever their:

- Race, religion, first language or ethnicity.
- Gender or sexuality.
- Age.
- Health, ill-health or disability.
- Location or placement (e.g. living alone in a hostel or residential unit, with family or a foster family; as a tourist in a hotel, etc).
- Criminal or offensive behaviour, wealth or lack of it.
- Political or immigration status.

C32. There are many types of harm and exploitation that children can be subject to.

Child abuse and neglect

Child abuse and neglect is a generic term encompassing all maltreatment of children. Children may be abused or neglected through the infliction of harm, or through the failure of the adults around them to act to prevent harm. The term 'child abuse and neglect' therefore includes the impact on children from serious physical and sexual assaults through to situations where the standard of care for the child from their parent or carer does not adequately support the child's health or development. Abuse and neglect can occur in a family or an institutional or community setting. The perpetrator of abuse may or may not be known to the child. Working Together to Safeguard Children 2018 has defined four broad categories of abuse which are used by professional working in child protection. These are: neglect, physical abuse, sexual abuse and emotional abuse. These categories overlap and a child may suffer more than one type of abuse.

Physical abuse

Physical abuse may take many forms, such as, hitting (including with an object) or punching, shaking, throwing, poisoning, burning or scalding, drowning or suffocating a child or young person. It may also be caused when a parent or carer fabricates the symptoms of, or deliberately causes ill health to, a child or young person.

Emotional abuse

Emotional abuse is the maltreatment of a child which has a severe and negative effect on the child's emotional development. It may involve conveying to a child or young person that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may involve:

- Imposing expectations on a child or young person which are not appropriate for their age and/or development.
- Causing children or young people to frequently feel frightened or in danger e.g. witnessing domestic or other violence.
- Exploitation or corruption of children or young people.

Some level of emotional abuse is involved in all types of maltreatment of children, though emotional abuse may occur alone.

Sexual abuse

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening. Sexual abuse includes penetrative (i.e. vaginal or anal rape or buggery) or non-penetrative acts. Sexual abuse includes child sexual exploitation (CSE). Sexual abuse also includes non-contact activities, such as involving children in looking at, or in the production of, pornographic materials, watching sexual activities, or encouraging children to behave in sexually inappropriate ways including online abuse. The fact that it is abusive to children to allow or coerce them into witnessing acts of a sexual nature between adults, may be particularly relevant where children are exposed to adult focussed activities, such as in premises where sexual themes are prevalent.

Neglect

Neglect involves the persistent failure to meet a child or young person's basic physical and/or psychological need, likely to result in the serious impairment of the child or young person's health and development. This may involve failure to provide a child or young person with adequate food, shelter or clothing, failure to protect them from physical harm or danger or failure to ensure access to appropriate medical care or treatment. It may also include neglect of a child's basic emotional needs. This includes children or young people being present with or without their parents, at venues unsuitable for their age e.g. venues with an 'adult only' activities such as:

- Premises where the supply of alcohol is the main activity.
- Venues providing sexual entertainment or events of a sexual nature.
- Premises where gambling is the main activity.
- Where there are convictions of current members of staff for serving alcohol to minors.

C33. Children need to be protected even when it appears that they are not aware that the physical abuse, sexual activity they are involved in or witness, or the neglect they experience, is harmful to them.

C34. If anyone involved with premises which have been licensed has any concerns about a child, then they must discuss these with the local Police Child Abuse Investigation Team and the council's Children's Social Care at the earliest possible opportunity. These may include concerns about a member of staff or a suspicion that an activity taking place in the establishment could place children at risk.

C35. In any situation where there is a suspicion that there may be abuse the welfare needs of the child must come first (see Children Act 1989) even where there may be a conflict in interest e.g. where the suspected perpetrator may be a customer, client or employee/employer.

Contacting the relevant child protection agencies

- C36.** The council, the Police (and the children's charity NSPCC) are the only agencies that have a legal obligation to investigate child abuse.
- C37.** If a member of staff suspects that a child under the age of eighteen years or an unborn baby is being harmed by experiencing or already has, experienced abuse or neglect; and/or is likely to suffer significant harm in the future they must contact the designated safeguarding children person within the business and make a referral to the council's Children's Services Department and the Police.
- C38.** If the licensee or a member of staff suspects that someone is in immediate danger, they must call **999** immediately.

If it isn't an emergency, the concerns relating to that young person can be reported by:

- Calling the Police non-emergency, 24/7 number: **101**. If someone is deaf or hard of hearing, then they can use the police textphone service on **18001 101**.
 - Visit a police station to speak to an officer in person.
 - Contact the NSPCC to speak to a professional practitioner on **0808 800 5000** or go online and visit nspcc.org.uk/keeping-children-safe/reporting-abuse/report for further ways to report concerns online.
 - Contact the children's social care team at the council.
 - Contact Crimestoppers confidentially and anonymously via **0800 555 111** or go to the Crimestoppers website at crimestoppers-uk.org/give-information.
- C39.** If anyone has concerns about the safety of a child then they can also contact the council's Children's Services Department on **020 7641 4000** for the Access Team 9am to 5pm weekdays, or outside of these times the Emergency Duty Team.

- C40.** When contact is made with the council's Children Services Department and the Police, they will want the following information provided to them.
- The name of the person making contact.
 - The address and a telephone number of that person which can be used to contact them in case they require other information or to follow up.
 - The child or young person's name, and any other details, if known (parent's name, address, school etc).
 - Relevant information about the circumstances of the concern – what has been seen, heard or suspected to be happening about an individual child and young person.
 - Also concerns relating to activities that have been seen, heard or suspected to have happened about the premise or linked to the premises e.g. if it is suspected that a member of staff is selling alcohol to young people who are underage or it is believed that children are at risk of sexual exploitation or abuse via the internet. The person making contact may not have all the details about a child or young person, or the activity, but the referral should still be made.
- C41.** The council's Children's Services Department and the Police should provide advice on how to respond to the situation in a way that supports their plan of action. Additional information on safeguarding and Child Sexual Exploitation is provided at Appendix 12.

Further information and Guidance

- C42.** The Metropolitan Police Service provide additional information and guidance via their dedicated Child Sexual Exploitation website: met.police.uk/advice/advice-and-information/caa/child-abuse/child-sexual-exploitation
- C43.** The Metropolitan Police Service has a dedicated operation relating to Child Sexual Exploitation, Operation MAKESAFE. This operation is helping to raise awareness of child sexual exploitation in the business community, which includes licensed premises.
- The Operation MAKESAFE webpage provides posters for licensed premises as well as training sheets to assist in staff development.

A link to the Operation MAKESAFE webpage is provided: [met.police.uk/police-forces/metropolitan-police/areas/about-us/about-the-met/campaigns/operation-makesafe](https://www.met.police.uk/police-forces/metropolitan-police/areas/about-us/about-the-met/campaigns/operation-makesafe)

C44. A Guide to Sexual Exploitation and what licensees should do is provided at Appendix 12.

Conditions

C45. Revised Guidance states that the protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms, such as exposure to strong language and sexual expletives and sexual exploitation²².

C46. In line with Revised Guidance²³, conditions may be attached relating to the access or, where appropriate, the exclusion of children to a premises licence or club premises certificate where there is:

- A history of offences relating to underage drinking.
- A known association with drug taking or dealing.
- A strong element of gambling on the premises.
- Entertainment of an adult or sexual nature commonly provided.
- Films shown with age restricted classification.

C47. In line with Revised Guidance (paragraph 2.26) conditions limiting the access of children may be attached²⁴. These could include one or any combination of the following:

- Requirements for adequate procedures to check ages in premises where alcohol is served.

- Limitations on the hours when children may be present.
- Limitations or the exclusion of children under certain ages when particular specified activities are taking place.
- Age limitations (below 18).
- Requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult).
- Limitations on of parts of premises to which children may have access.
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

C48. As a Licensing Authority, the council will impose conditions on film exhibitions in order to protect children from inappropriate exposure to portrayals of violence or sexual activities, strong language and sexual expletives. These will include:

- A requirement to adhere to either the age restricted recommendations of the British Board of Film Classification or to similar classifications imposed by the council. Details of the certifications imposed by the council are available from the council's Licensing Service.
- A requirement for the cinema venue operator to submit to the council any film not classified by the British Board of Film Classification which it intends to exhibit 28 days before it is proposed to show it.
- In line with the various classifications of films by the British Board of Film Classification, the Licensing Authority will impose conditions necessary to restrict access accordingly and to require any certificates or notices of category to be displayed appropriately.

C49. At premises and performances which are likely to attract a substantial number of children, the Licensing Authority may attach conditions requiring the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during an emergency.

²² Paragraph 2.22 Revised Home Office Guidance (April 2018)

²³ Paragraph 2.23 Revised Home Office Guidance (April 2018)

²⁴ Paragraph 2.27 Revised Home Office Guidance (April 2018)



City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

22/07893/LIPDPS

Original Reference:

16/04578/LIPN

Part 1 – Premises details

Postal address of premises:

Annabels
46 Berkeley Square
London
W1J 5AT

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Exhibition of a Film
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Late Night Refreshment
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Performance of Dance

Monday to Saturday: 10:00 to 03:30
Sunday: 10:00 to 00:00
Sundays before Bank Holidays: 10:00 to 01:00

Non-standard Timings: An additional hour to the standard and non-standard times on the day when British Summer Time commences.

Exhibition of a Film

Monday to Saturday: 10:00 to 03:30
Sunday: 10:00 to 00:00
Sundays before Bank Holidays: 10:00 to 01:00

Non-standard Timings: An additional hour to the standard and non-standard times on the day when British Summer Time commences.

Performance of Live Music

Monday to Saturday: 10:00 to 03:30
Sunday: 10:00 to 00:00
Sundays before Bank Holidays: 10:00 to 01:00

Non-standard Timings: An additional hour to the standard and non-standard times on the day when British Summer Time commences.

Playing of Recorded Music

Monday to Saturday: 10:00 to 03:30

Sunday: 10:00 to 00:00

Sundays before Bank Holidays: 10:00 to 01:00

Non-standard Timings: An additional hour to the standard and non-standard times on the day when British Summer Time commences.

Anything of a similar description to Live Music, Recorded Music or Performance of Dance

Monday to Saturday: 10:00 to 03:30

Sunday: 10:00 to 00:00

Sundays before Bank Holidays: 10:00 to 01:00

Non-standard Timings: An additional hour to the standard and non-standard times on the day when British Summer Time commences.

Late Night Refreshment

Monday to Saturday: 23:00 to 03:30

Sunday: 23:00 to 00:00

Sundays before Bank Holidays: 23:00 to 01:00

Non-standard Timings: An additional hour to the standard and non-standard times on the day when British Summer Time commences.

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 03:30

Sunday: 10:00 to 00:00

Sundays before Bank Holidays: 10:00 to 01:00

Non-standard Timings: An additional hour to the standard and non-standard times on the day when British Summer Time commences.

For times authorised for New Year see conditions at Annex 3

The opening hours of the premises:

Monday to Saturday: 07:00 to 04:00

Sunday: 07:00 to 00:30

Sundays before Bank Holidays: 07:00 to 01:30

For times authorised for New Year see conditions at Annex 3

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

46 Berkeley Square Limited
26-28 Conway Street
London
W1T 6BQ

Registered number of holder, for example company number, charity number (where applicable)

09497091

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: Pablo Palomino Gamez

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: 21/03788/LAPER
Licensing Authority: London Borough of Newham

Date: 22 September 2022

This licence has been authorised by Ola Ajose-Adeogun on behalf of the Director - Public Protection and Licensing.

Annex 1 – 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.
9. Admissions 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

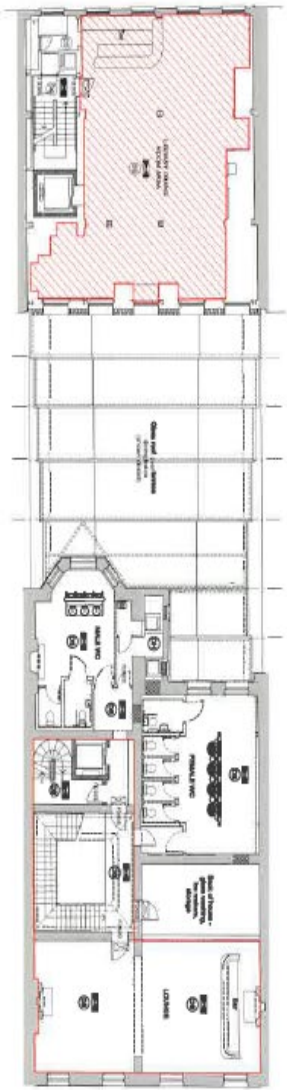
10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually 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.
11. 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.
12. 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, searching equipment or scanning equipment
 - g. any refusal of the sale of alcohol
 - h. any visit by a relevant authority or emergency service.
13. 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.
14. Alcohol may only be sold for consumption by members of a private club and their bona fide guests. No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission. This condition shall not apply to persons frequenting the specialist tobacconist and cigar lounge.
15. A list of the names and addresses of members of the Club shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council.
16. 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.
17. 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.
18. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
19. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.

20. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
21. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
22. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
23. There shall be no sales of alcohol for consumption off the premises after 23.00, save for consumption in the specialist tobacconist and cigar lounge. (identified on the plans as 'Retail') and customer roof terrace.
24. All windows and external doors shall be kept closed after 23:00 hours, except for the immediate access and egress of persons.
25. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
26. 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.
27. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
28. Regulated entertainment may only be provided to the ground floor external terrace when the retractable glass roof covering the external terrace is fully closed.
29. There shall be no loud speakers located outside the premises building other than on the ground floor external terrace.
30. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
31. There shall be no sales of hot food or hot drink for consumption 'Off' the premises after 23:00 hours.
32. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
33. 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.
34. 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.
35. The hours the premises is opened to the public and for licensable activities is extended from the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.

36. The hours the premises are open to the public and for licensable activities is extended by one hour on the day when British Summer Time commences.
37. The number of persons permitted on the premises at any one time (excluding staff) shall not exceed:
- i. Basement – 320 persons
 - ii. Ground Floor – 250 persons
 - iii. First Floor – 150 persons
 - iv. Second Floor (Berkeley Square side)– 60 Persons
 - v. Second Floor (Hays Mews Library Dining Room) – 60 persons
 - vi. Smoking terrace (4th floor Hays Mews) – 60 Persons)

With no more than 780 persons at any one time

38. The ground floor external terrace shall be fully enclosed within the retractable glass roof between 22:30 and 08:00
39. Any live music or any music played through a PA system or similar system on or adjacent to the external terrace on the ground floor shall be controlled with a digital limiting device. The system shall be 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.
40. 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.
41. No collections of waste or recycling materials (including bottles) from the premises shall take place between 21:30 and 07:30 on the following day.
42. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 21:30 hours and 07:30 hours on the following day.
43. Apart from deliveries of bread on foot, no deliveries to the premises shall take place between 21:30 and 07:30 on the following day.



NOTES:

1. All dimensions are in feet and inches.
2. All dimensions are to the center of the wall unless otherwise noted.
3. All dimensions are to the center of the door unless otherwise noted.
4. All dimensions are to the center of the window unless otherwise noted.
5. All dimensions are to the center of the column unless otherwise noted.
6. All dimensions are to the center of the beam unless otherwise noted.
7. All dimensions are to the center of the slab unless otherwise noted.
8. All dimensions are to the center of the ceiling unless otherwise noted.
9. All dimensions are to the center of the floor unless otherwise noted.
10. All dimensions are to the center of the wall unless otherwise noted.



REVISIONS:

1. 01/15/2011 - Initial design

2. 02/15/2011 - Revised design

3. 03/15/2011 - Final design

FOR APPROVAL:

Client: [Name]

Architect: [Name]

Contractor: [Name]

OWNER:

3rd Floor

1000 1st Street

London, VA 22031

Phone: (703) 441-4400

Fax: (703) 441-4401

www.dalmerlunn.com

Dalmer Lunn architects



Schedule 12
Part A

WARD: West End
UPRN: 010033549297

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

23/03003/LIPDPS

Original Reference:

14/07956/LIPN

Part 1 – Premises details

Postal address of premises:

Sexyfish
Bank
4 Berkeley Square
London
W1J 6EB

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Late Night Refreshment

Monday to Saturday:	23:00 to 01:30
Sunday:	23:00 to 00:30
Non-standard Timings:	See conditions 36 and 37

Sale by Retail of Alcohol

Monday to Saturday:	08:00 to 01:30
Sunday:	08:00 to 00:30
Non-standard Timings:	See conditions 36 and 37

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1

The opening hours of the premises:

Monday to Saturday:	07:00 to 02:00
Sunday:	08:00 to 01:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Caprice Holdings Limited
26-28 Conway Street
London
W1T 6BQ

Registered number of holder, for example company number, charity number (where applicable)

01661349

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: Luca Vangelisti

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: 878224
Licensing Authority: London Borough of Southwark

Date: 24th May 2023

Signed:



pp

This licence has been authorised by Karyn Abbott on behalf of the Director - Public Protection and Licensing.

Annex 1 – 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.
- (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.
- (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.
- (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.

Annex 2 – Conditions consistent with the operating Schedule

10. 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.
11. A staff member from the premises who is conversant with the operation of the CCTV shall be on the premises at all times when the premises are 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.
12. Between the hours of 08:00 hours and 10:00 hours and 19:00 hours and the terminal hour for the sale of alcohol on every day of the week, the premises shall only operate as a restaurant:
 - (i) In which customers are shown to their table;
 - (ii) Which provides food in the form of table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery;
 - (iii) Which do not provide any take away service of food or drink for immediate consumption; and
 - (iv) Where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to take such meals OR to those who are waiting to dine or have already dined in the area cross hatched on the deposited plan on the ground floor and basement.

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

13. Notwithstanding condition 12 above, after 10:00 hours daily and within the ground floor, up to 15 persons may consume alcohol without it being ancillary to table meals in the bar area hatched black on the plan.
14. The supply of alcohol shall be by waiter/ waitress service only to persons seated, except for persons in the bar areas as defined by cross hatching on the deposited plans.
15. There will be no striptease or nudity and all persons shall be decently attired at all times unless the premises are operating under the provisions of a Sexual Entertainment Licence.
16. On Thursday, Friday and Saturday from 19:00 hours until close the premises will operate with an SIA registered doorman.
17. An incident log shall be kept at the premises and made available on request to an authorized 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 refusal of sale of alcohol
18. There shall be no sales of hot food or hot drink for consumption off the premises after 23:00 hours.

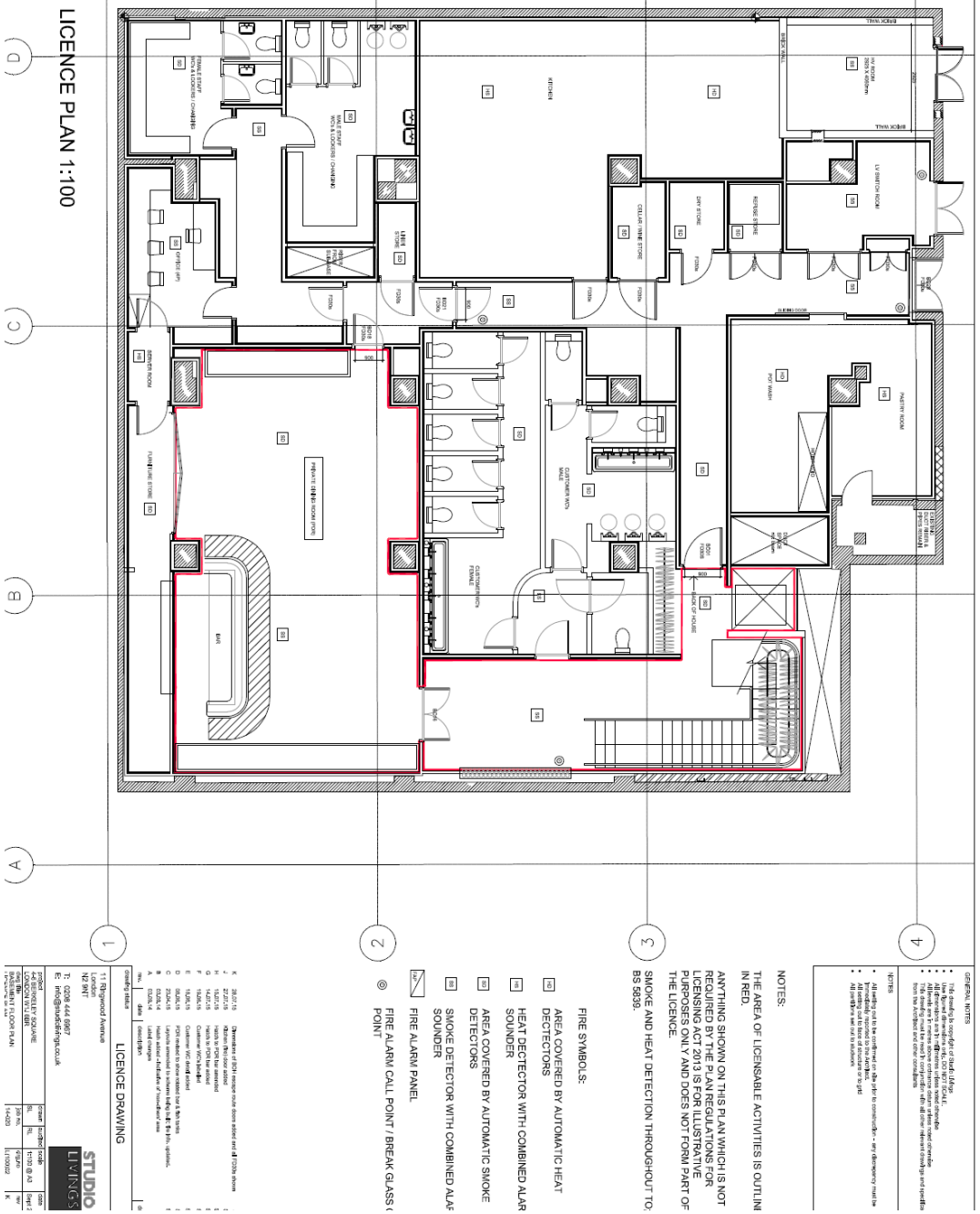
19. Substantial food and non intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
20. The number of persons permitted on the premises at any one time (excluding staff) shall not exceed:
 - Ground Floor 170 persons
 - Basement 80 personswith no more than 220 persons at any one time.
21. During the hours of operation 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 to leave the area quietly.
23. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance.
24. All entrance doors and windows to be kept closed after 23:00 hours except for immediate access and egress of persons.
25. Plant and machinery apart from refrigeration shall not operate outside the opening hours as specified on the licence.
26. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before collection time.
27. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
28. 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.
29. Patrons permitted to temporary leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
30. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
31. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
32. The consumption of alcohol externally will only be permitted to customers seated at tables in a designated area on Berkeley Square owned by the premises or any area approved under a tables and chairs licence. In addition such an area will only be used until 22:30 hours on any day after which time the tables and chairs will be rendered unusable and customers will not be permitted to take drinks outside.
33. A direct telephone number for the manager at the premises shall be publically available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
34. A challenge 21 proof of age scheme shall be operated at the premise 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.

35. 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 authorized officer of the City Council at all times when the premises is open.
36. Licensable activities and opening hours shall be permitted from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
37. An additional hour to the terminal hour on all licensable activities and opening hours shall be permitted on the day British Summertime commences.

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

None

Annex 4 – Plans



1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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LICENCE DRAWING

11, Oldground Avenue
 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

STUDIO LIVING3

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PROJECT NO: 11/12/13
 DRAWING NO: 11/12/13
 SCALE: 1:100
 DATE: 11/12/13



Schedule 12
Part A

WARD: West End
UPRN: 100023474108

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

16/00527/LIPDPS

Original Reference:

05/10053/LIPC

Part 1 – Premises details

Postal address of premises:

Chesterfield Hotel
34 - 36 Charles Street
London
W1J 5EB

Telephone Number: 020 7491 2622

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Provision of facilities for making Music
Performance of Live Music
Playing of Recorded Music
Provision of facilities for entertainment of a similar description to making music or dancing
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Regulated Entertainment:

- Provision of facilities for making Music: Monday to Sunday - 09:00 to 02:00
 - Performance of Live Music: Monday to Sunday - 09:00 to 02:00
 - Playing of Recorded Music: - Unrestricted
 - Provision of facilities for entertainment of a similar description to making music or dancing: Monday to Sunday - 09:00 to 02:00
 - Anything of a similar description to Live Music, Recorded Music or Performance of Dance: Monday to Sunday - 09:00 to 02:00
 - Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit: - Unrestricted
- Late Night Refreshment: Monday to Sunday - 23:00 to 02:00
Sale by Retail of Alcohol: Monday to Sunday - 08:00 to 02:00

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1

The opening hours of the premises:

Monday to Saturday: 10:00 to 00:30
Sunday: 12:00 to 00:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Red Carnation Hotels Limited
15 Mortague Street
Bloomsbury
London
WC1B 5BJ
Telephone Number : 020 7612 8463

Registered number of holder, for example company number, charity number (where applicable)

3328595

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: Michelle Devlin

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: 2014/00077/LAPER
Licensing Authority: London Borough Of Hammersmith & Fulham

Date: _____ **10.02.2016** _____

This licence has been authorised by David Sycamore on behalf of the Director - Public Protection and Licensing.

Annex 1 – 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 reproducing the effect of conditions subject to which the relevant existing licences have effect

Conditions for Sale of Alcohol

9. There shall be no direct access from the street to any bar.

10. No external advertisement of the licensed facilities.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactment

11. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

(a) He is the child of the holder of the premises licence.

(b) He resides in the premises, but is not employed there.

(c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.

(d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

12. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Annex 2 – Conditions consistent with the operating Schedule

13. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 08:00 to 02:00
- (b) On Sundays, other than Christmas Day or New Year's Eve, 08:00 to 02:00
- (c) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (e) the taking of alcohol from the premises by a person residing there;
- (f) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (g) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

14. There shall be a 30 minute wind-down period at the end of the hours permitted for the sale of alcohol.

15. Between the hours of 08:00 - 10:00 the supply of alcohol will be ancillary to substantial food.

16. After 00:00 the supply of alcohol will only be to those attending private functions or pre booked events.

17. (i) The premises will maintain a comprehensive CCTV System that ensures all areas of the licenses premises are monitored including all entry and exit points and the street environment and which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping.

(ii) Tape recordings shall be made available to an authorised officer or a police officer together with facilities for viewing

(iii) The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice (subject to the data protection act 1998).

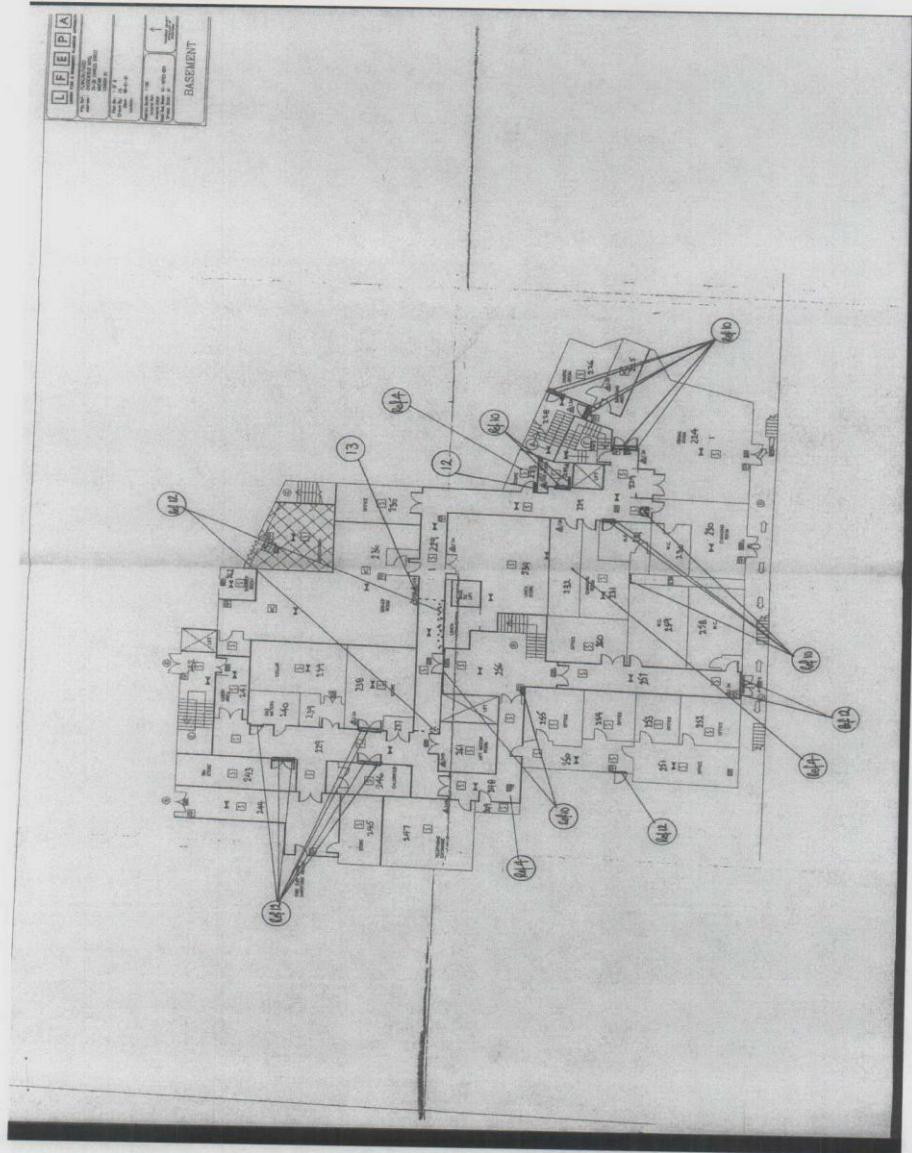
18. The number of persons accommodated at any one time (excluding staff) shall not exceed the following;

The Library (Ground floor): 30
Conservatory (Ground Floor): 60
The Salon (1st Floor): 10
Charles Suite (1st Floor):60
Queen's Suite (1st Floor): 40
Royal Suite (1st Floor): 120
Board Room (1st Floor) 10

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

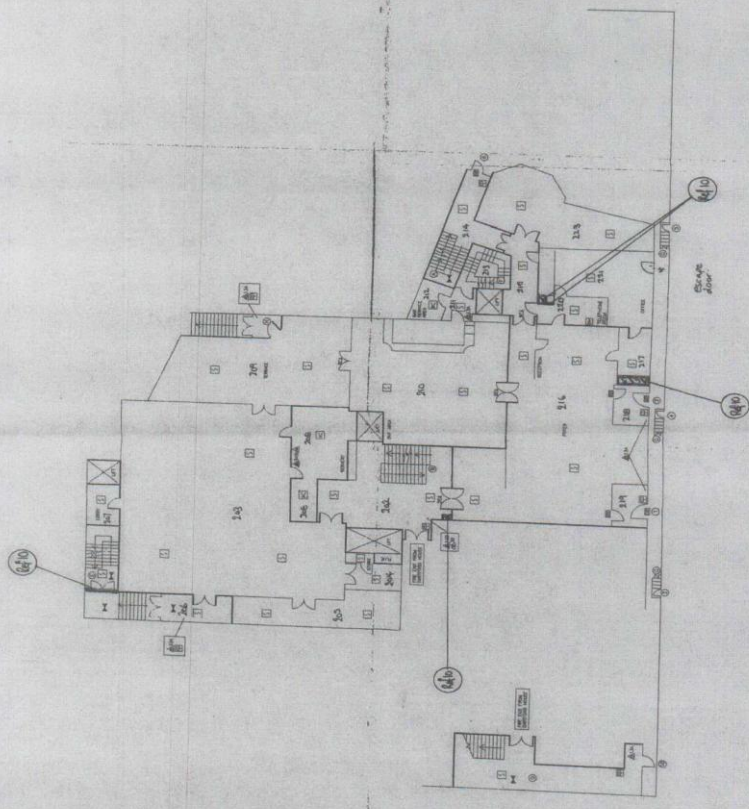
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Annex 4 – Plans



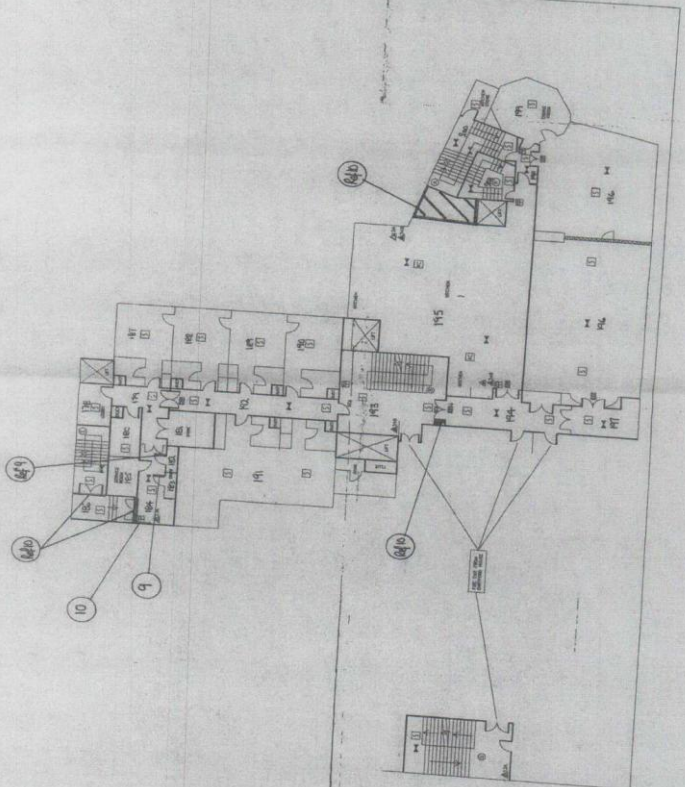
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APPROVED BY	...

GROUND FLOOR



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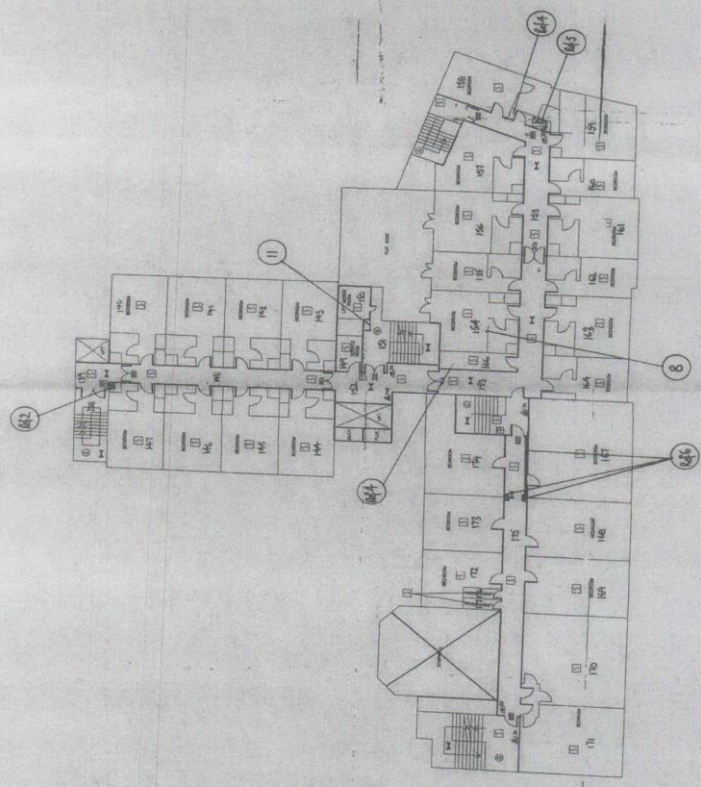
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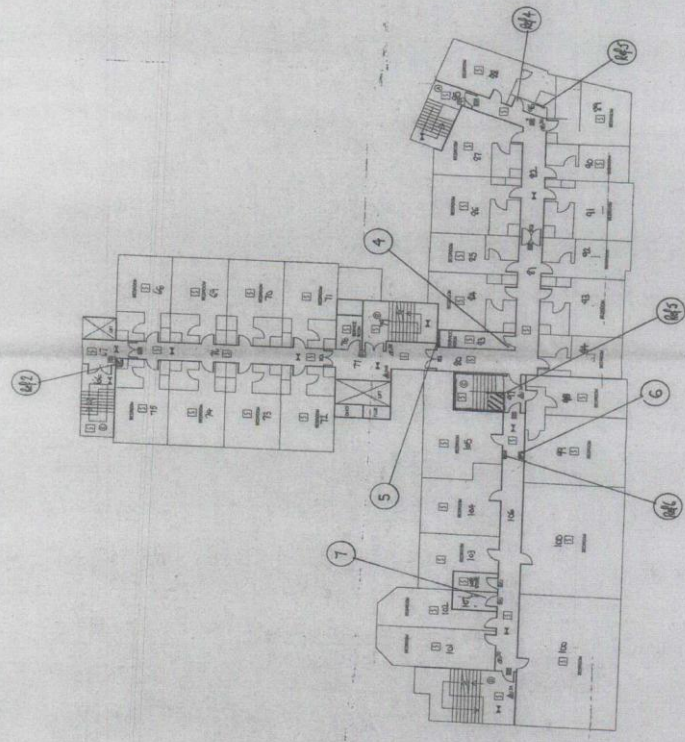
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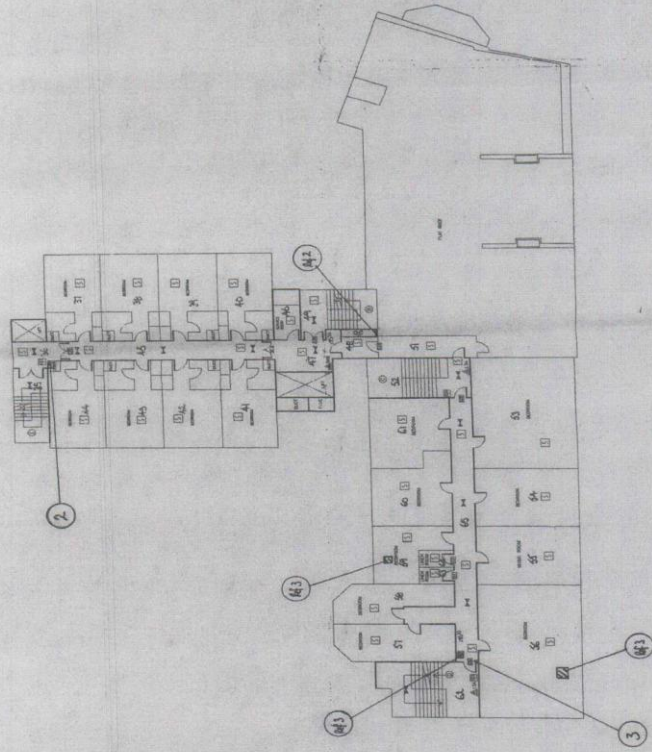


U	E	P	A
1. ALL ROOMS TO BE KEPT OPEN AT ALL TIMES. 2. ALL ROOMS TO BE KEPT CLEAN AND FREE OF CLUTTER. 3. ALL ROOMS TO BE KEPT WELL VENTILATED. 4. ALL ROOMS TO BE KEPT WELL LIGHTED. 5. ALL ROOMS TO BE KEPT WELL HEATED. 6. ALL ROOMS TO BE KEPT WELL MAINTAINED. 7. ALL ROOMS TO BE KEPT WELL INSULATED. 8. ALL ROOMS TO BE KEPT WELL PROTECTED FROM FIRE. 9. ALL ROOMS TO BE KEPT WELL PROTECTED FROM THEFT. 10. ALL ROOMS TO BE KEPT WELL PROTECTED FROM VANDALISM. 11. ALL ROOMS TO BE KEPT WELL PROTECTED FROM WEATHER. 12. ALL ROOMS TO BE KEPT WELL PROTECTED FROM NOISE. 13. ALL ROOMS TO BE KEPT WELL PROTECTED FROM AIR POLLUTION. 14. ALL ROOMS TO BE KEPT WELL PROTECTED FROM WATER DAMAGE. 15. ALL ROOMS TO BE KEPT WELL PROTECTED FROM PESTS. 16. ALL ROOMS TO BE KEPT WELL PROTECTED FROM UNDESIRABLE ANIMALS. 17. ALL ROOMS TO BE KEPT WELL PROTECTED FROM UNDESIRABLE PLANTS. 18. ALL ROOMS TO BE KEPT WELL PROTECTED FROM UNDESIRABLE PEOPLE. 19. ALL ROOMS TO BE KEPT WELL PROTECTED FROM UNDESIRABLE THINGS. 20. 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FOURTH FLOOR



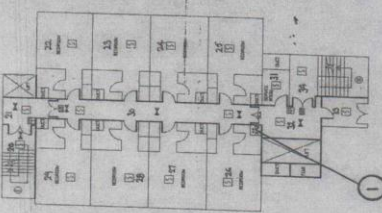
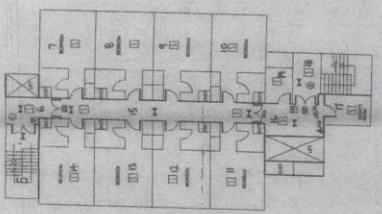
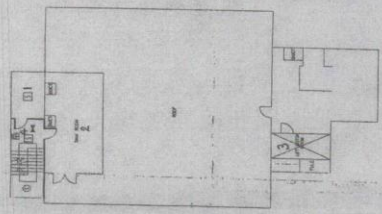
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LEP

1. **SIXTH, SEVENTH A**
ROOF LEVEL
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Scale: 1/8" = 1'-0"
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Schedule 12
Part A

WARD: West End
UPRN: 010033542355

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

19/08094/LIPV

Original Reference:

09/06341/LIPN

Part 1 – Premises details

Postal address of premises:

Cuckoo Club
Ground Floor
Victory House
99 - 101 Regent Street
London
W1B 4EZ

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Exhibition of a Film
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Late Night Refreshment
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Performance of Dance

Monday: 09:00 to 03:15
Wednesday: 09:00 to 03:15
Thursday to Saturday: 09:00 to 03:30

Exhibition of a Film

Monday: 09:00 to 03:15
Wednesday: 09:00 to 03:15
Thursday to Saturday: 09:00 to 03:30

Performance of Live Music

Monday: 09:00 to 03:15
Wednesday: 09:00 to 03:15
Thursday to Saturday: 09:00 to 03:30

Playing of Recorded Music

Monday:	09:00 to 03:15
Wednesday:	09:00 to 03:15
Thursday to Saturday:	09:00 to 03:30

Anything of a similar description to Live Music, Recorded Music or Performance of Dance

Monday:	09:00 to 03:15
Wednesday:	09:00 to 03:15
Thursday to Saturday:	09:00 to 03:30

Seasonal Details: On commencement of British Summer Time one hour should be added to the terminal hour

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day - as existing

Late Night Refreshment

Monday:	23:00 to 03:15
Wednesday to Saturday:	09:00 to 03:30

Sale by Retail of Alcohol

Monday:	10:00 to 03:00
Wednesday to Saturday:	10:00 to 03:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day

On commencement of British Summer Time one hour should be added to the terminal hour

The opening hours of the premises:

Monday:	09:00 to 03:30
Wednesday to Saturday:	09:00 to 03:30

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day

On commencement of British Summer Time one hour should be added to the terminal hour

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Unicorn Capital Limited
C/O Lynton House
7-12 Tavistock House
London
WC1H 9BQ

Registered number of holder, for example company number, charity number (where applicable)

06986974

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: Christopher Panayotis Tavoularis

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: 155125
Licensing Authority: The Royal Borough of Kensington and Chelsea

Date: 03 December 2019

This licence has been authorised by Kevin Jackaman on behalf of the Director - Public Protection and Licensing.

Annex 1 – 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 premises 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. 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.
10. 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.

Annex 2 – Conditions consistent with the operating Schedule

None

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

11. a) All drinking containers used within the premises shall be polycarbonate. All glass bottles to be decanted into polycarbonate glassware or polycarbonate glassware carafes, with the exception of champagne and bottles of spirits of a minimum size of 70cl, supplied by waiter/waitress service to tables. Staff will clear all empty champagne and spirit bottles from the tables promptly. For the avoidance of any doubt, this condition does not apply to the restaurant area of the premises on the ground floor before 10pm.

b) Notwithstanding a) above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the premises.
12. An attendant shall be on duty in the cloakroom during the whole time that it is in use.
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 preceding 31 day period.

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
14. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
15. The duty manager will take immediate and effective steps if either floor is found to be in excess of its permitted capacity.
16. A daily register shall be kept of all members of staff and security personnel on duty. The register will clearly indicate the two additional staff employed for enforcing the smoking ban and supervising the queues and others outside.
17. On Sundays to Thursdays the number of persons accommodated (excluding staff) at any one time shall not exceed:
Basement: 175
Ground Floor: 110

On Fridays and Saturdays the number of persons accommodated (excluding staff) at any one time shall not exceed:
Basement: 198
Ground Floor: 213 (this number to be reduced to 150 if tables and chairs are placed in the area hatched black on the plan ref BS.03002.00125 dated 10/11/09).
18. 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.

19. After 22.30 hours the sale of alcohol must be ancillary to the use of the premises for music and/or dancing and/or substantial refreshment.
20. 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.
21. 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.
22. The provision of films shall be incidental to other licensable activities and there shall be no cinema style showing of films.
23. 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.
24. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used when 10 days prior notice is given to the Licensing Authority and written consent is provided from the EH Consultation Team (where consent has not previously been given):
 - o dry ice and cryogenic fog.
 - o smoke machines and fog generators.
 - o pyrotechnics including fire works.
 - o firearms.
 - o lasers.
 - o explosives and highly flammable substances.
 - o real flame.
 - o strobe lighting.
25. The emergency exit doors shall be maintained closed at all times. These exit doors shall not be used for general access or egress at any time except in cases of emergency.
26. Curtains and hangings shall be arranged so as not to obstruct any emergency sign or exits.
27. All fabrics, curtains, drapes and similar features shall be either non-combustible or be durably or inherently flame-retarded fabric.
28. 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).
29. No loudspeakers shall be located in or near the entrance lobby.
30. The entrance door and inner lobby door shall be kept closed at all times except for the immediate access and egress of patrons.
31. 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.
32. Notices shall be prominently displayed at the exit requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
33. The highway and public spaces in the vicinity of the premises are kept free of litter from the premises at all material times to the satisfaction of the council.

34. On New Year's Eve the premises can remain open for the purpose of providing licensable activities from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
35. One member of staff will be stationed at the side door at all times to manage those temporarily leaving the premises. He/she will use a stamp system and will ensure only those stamped will be allowed to re-enter the club.
36. A member of the management team will be employed inside the premises to enforce the smoking ban.
37. There shall be no entry or re-entry to the premises (except for smokers and staff) after 2am except that management may permit after 2am a maximum of 15 persons who have pre-booked entry and provided their details in advance (but still ensuring the premises capacity is not exceeded). Details of these persons to be retained for seven days and to be kept for police inspection.
38. A personal licence holder will be on duty at all times alcohol is sold or supplied.
39. All SIA registered door supervisors solely engaged outside the entrance to the premises who are supervising or controlling queues, shall wear high visibility jackets or vests after Midnight.
40. There shall be a random search policy in place for persons entering or re-entering the premises and all searches shall be conducted by an SIA registered Door Supervisor.
41. After 10pm or whenever, regulated entertainment takes place a minimum of two SIA registered door supervisors will be employed until 30 minutes past closing time, and further door supervisors shall be employed at the rate of one door supervisor for every one hundred customers thereafter. On Fridays and Saturdays there shall be a minimum of at least one male and one female door supervisor on duty.
42. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
43. Three separate counts (exclusive of staff) shall be conducted every 30 minutes of the following:
 - (a)
 - i) the number of persons on the ground floor
 - ii) the number of persons in the basement
 - iii) the total number of persons on the premises

Each count shall be recorded into a log book and signed as verified by the Head Door Supervisor and the Duty Manager. The log book shall be readily available for inspection by an authorised council officer or the Police.

b) The counts shall be inclusive of those who have temporarily left the premises.

44. From 8pm, licensable activities on a Thursday are only to be provided for private pre-booked corporate events, where a guest list will be held for the night and for 31 days

after the event. The guest list must be made available on request to the Police or authorised officer of the City Council.

45. There shall be no sales of alcohol for consumption off the premises at any time.

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 3 (“The Committee”)

Thursday 3 September 2020

Membership: Councillor Karen Scarborough (Chairman), Councillor Jim Glen and Councillor Rita Begum

Application for a Variation of Premises Licence - Cuckoo Club Ground Floor Victory House 99 - 101 Regent Street W1B 4EZ 20/04738/LIPV

Summary Decision

- *To extend the Provision for Regulated Entertainment Indoors for the Proposed Hours Monday to Sunday 09:00 to 06:00 the following morning (to include plays, films, live music, recorded music, performance of dance and anything similar) to the Proposed Hours of Monday to Sunday 09:00 to 06:00 the following morning.*
- *To extend the Sale of Alcohol On and Off the Premises to the Proposed Hours of Monday to Sunday 09:00 to 06:00 the following morning.*
- *To extend the Provision for Late Night Refreshment Indoors to the Proposed Hours of Monday to Sunday 23:00 to 05:00 the following morning (on the application this was incorrectly stated as 09:00 to 06:00 the following day).*
- *The Opening Hours of the Premises will be Monday to Sunday 09:00 to 06:30 the following morning.*
- *To remove conditions, 17, 20, 37,44 and 45 relating to occupancy of the premises, provision of substantial food and private pre-booked events and prohibition of off sales.*

The Committee noted that the Applicant had met with the Responsible Authorities prior to the hearing and in light of those discussions amended the application as follows:-

- The variation as to hours remains unchanged.
- Condition 17 is to be amended to read “*the number of persons accommodated (excluding staff) at any one time shall not exceed:*

Basement - 198

Ground Floor – 213

- Condition 20 is no longer to be removed so there is still the requirement to make substantial food available at the premises.
- Condition 37 is to be read “*there shall be no entry or re-entry to the premises (except for smokers and staff) after 04:30, except the management may permit after 04:30 a maximum of 15 persons who have pre-booked entry and provided their details in advance (but still ensuring the premises capacity is not exceeded). Details of those persons to be retained for 7 days and to be kept for police inspection.*”

Conditions 44 and 45 are no longer on the licence following an earlier variation.

The Committee noted that representations were received from Environmental Health, the Metropolitan Police and the Licensing Authority and all of these were considered. Three local objections were received from two business workers in nearby units and one local resident who cited public nuisance as an issue and the disturbance for residents and business’ alike in relation to the later hours.

The Committee has a duty to consider the application on its individual merits and took into account all of the committee papers, supplementary submissions made by the Applicant and the oral evidence given by all parties during the hearing in its determination of the matter. However, the Committee noted that the three local objectors did not attend the hearing.

The Premises are situated within the West End Cumulative Impact area and so the policy presumption is to refuse the application unless exceptional circumstances can be proven under the City Councils Statement of Licensing Policy (“SLP”)

Applicant

Unicorn Capital Limited

Summary Decision

The Committee decided that the Applicant had *not* provided sufficient reasons as to why the granting of the application would promote the licensing objectives and therefore **refused** the application for the extension of hours for licensable activities and the removal and modification of the conditions.

The Committee is not bound by previous Decisions of licensing premises that may or may not have been granted within the area. The Committee noted that the Premises has had the benefit of a premises licence since 2009 and that the operator purchased the Premises in 2019, however, the length of time the Operator took over the Premises does not prevent such an application being made to the Licensing Authority. The Committee has to consider the evidence before it and whether the four licensing objectives will be promoted. The Committee heard evidence from all the respective parties and in the light of considering that evidence **refused** the application for the reasons outlined below: -

The Committee noted that the operator took over the business in 2019 and was experienced in this field and had no complaints. The Committee was advised that the rationale for seeking the additional hours was to allow further time for customers to have the full "Cuckoo Experience" particularly due to Covid 19 restrictions, as their capacity would be reduced and that longer hours were required to save the business from failure. Although it was admitted that the Premises may not take full advantage of it closing at the terminal on all seven days of the week. The Applicant stated that when the Premises were to eventually re-open this would be in full compliance with the Covid 19 Government Guidance in terms of social distancing, hygiene requirements and separate exit and entrance points for customers.

The Committee noted that the Applicant had not applied for a time limited licence and questioned why they had not done so. The Applicant stated that it could not be certain of the future and did not want to pigeon-hole itself by seeking a licence for say a period of 12 or so months when the current situation with the Covid pandemic could be longer.

The Committee welcomed the additional conditions that had been agreed with the Police with regard to an ID Scanner and the last entry condition appearing as Condition 37 on the licence so that customers would not be permitted in the Premises after 04:30 hours.

The Committee did express concern with regard to customers exiting the Premises at the later hour and questioned whether the dispersal arrangements the Applicant had in place were adequate to promote the licensing objectives in particular the public nuisance licence objective. The Applicant stated that dispersal had not been a problem because its established management practices had been proven over time with an experienced doorman and it was envisaged that a gradual dispersal of customers would take place during the later hours in the hope that this would minimise any nuisance caused to nearby residents. The Committee noted that the Applicant offered to have a bespoke dispersal plan which would be made available to the Responsible Authorities as well as offering a condition on the Licence in that respect.

The Committee noted the capacity for the Premises and a discussion took place as to a possible reduction on each of the floors after 03:00 hours so as to reduce public nuisance and help to reduce the number of persons dispersing in the early hours of the morning. The Committee noted that Environmental Health and the Licensing Authority did not have specific issues with regard to the application if this was amended and if the Committee were minded, to approve the application that the proposed conditions be imposed on the Licence particularly with regard to dispersal and capacity numbers. Likewise, the Police shared the same views and reported that the Premises was not a problem. Premises where crime and disorder was concerned but appreciated that the Premises was nevertheless in the cumulative impact area where exceptional reasons had to be proven.

,

It was the Committees considered view, however, that the increase in licensable activities would lead to public nuisance, particularly when customers are leaving the Premises.

In terms of the policy considerations, the Committee had regard to Policy HRS1 which states: “***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 (SLP)***”.

The Committee appreciated it has discretion when considering the merits of the application but took the view that granting the application would be contrary to other policies. The Committee had regard to all relevant policies under the SLP in particular Policy PN1; the prevention of Public Nuisance.

Policy PN1 states: “***To prevent public nuisance the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews***”. Paragraphs 1-3 on pages 20-21 of the SLP sets out the various considerations the Committee should have regard to and the reasons for the policy are contained in paragraphs 2.2.9-2.2.16 on pages 22-24 of the SLP.

The Committee felt that it needed to strike the right balance when considering the merits of the application and the evidence before it and did not arrive at the decision to refuse the application lightly having regard to the full set of circumstances of the case. It did properly consider whether the proposed conditions offered would mitigate the concerns of residents but was not persuaded by the Applicant that these would go to the heart of the problems associated with nuisance and exceptionality.

The Committee was of the view that the Premises could become a destination venue due to the later hours as this would attract customers in the cumulative impact area drinking alcohol and adding to negative impact. It also considered carefully the evidence given by the Police in terms of the potential for crime and disorder particularly with regard to violent offences and street robberies that take place in the area as described by the Police in oral evidence and this could have the potential for exacerbating existing problems and a drain on resources. The Committee were concerned that should the Premises change hands in the future the licence would run with the Premises.

The Committee was of the view that exceptional reasons had not been provided. It sympathised wholly with the Applicant that businesses are struggling in the current climate for obvious reasons and the financial implications for the business would not be good, but exceptionality must first and foremost be proven in accordance with the policy aims and objectives. Regrettably on this occasion this had not been demonstrated as to why the policy requirements should be departed from setting the Premises out to be unique. The Committee came to the overall conclusion that the additional hours would have a negative impact on the cumulative impact area leading to the licensing objectives being undermined which is not what the 2003 Act is designed to do.

This is a summary of the decision reached by the Licensing Sub-Committee. The fully reasoned decision will be sent out to all parties as soon as possible. This will also include details of the submissions made by the parties. The time limit for appealing this decision will not start until the parties have been notified of the fully reasoned decision.

Licensing Sub-Committee
3 September 2020



Public Protection and Licensing
City of Westminster
Officer: Thomas Chinyere- Ezeh
15th Floor Westminster City Hall
64 Victoria Street
London
SW1E 6QP
tezeh@westminster.gov.uk

Sam Hunter
Hunter & Gold Ltd
37 Shepherd Street, London,
England,
W1J 7JL

**RE: Premises Licence Inspection Premises Licence: (19/14464/LIPN).
Trading as Arc Le Salon, Ground Floor, 1 Curzon St, London W1J 5HD.**

Dear Mr Hunter

I write to you within your capacity as the person with significant control of Hunter and Gold Ltd premises license holder for the premises stated above. On Saturday 21st of January 2023 at 00:17 a licence inspection was conducted in the presence of Mr Chishty and the following concerns below where highlighted.

1. In accordance with condition 10 which reads:

“After 21:00 hours entry to the premises shall be limited to pre-booked customers only.”
At the time of my visit, it would appear this condition was not being met, as customers were seen admitted into the premises without prior booking. Upon checking the entries of customers logged at 00:30 hours, patrons logged were registered as walk-ins contrary to the condition stated above. The numbers stated within the log, was not consistent with the number of people I observed entering the premises at the time in question.

2. Condition 11 which reads:

“After 21:00 hours persons admitted entry to the premises shall be restricted to persons of the age of 18 or over”.

During the inspection, customers where observed entering the premises without any check to verify the age specified within the condition.



3. Condition 18 which reads:

“A minimum of one (1) SIA licensed door supervisors shall be on duty at the premises from 2000 hours on Thursdays, Fridays and Saturdays until close of business. At all other times the use of SIA door staff will be risk assessed and a written record of this will be kept and maintained within the venue and made available to the Police and all relevant authorities.”

At the time of my visit, the door staff did not have a valid SIA license displayed.

4. Condition 42 which reads:

“No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor’s Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority.”

During the inspection Mr Chishty was unable to explain why this condition is still within the licence. To continue offering licensable activities, you would have to contact the environmental health consultation team, with the appropriate documentation as specified within the condition above. After which provisions should be made to have this condition removed from the premises licence.

5. At the time of my visit, there was not a letter issued by you, as the holder of the Premises Licence nominating who in your absence could produce the full licence.

During my inspection of the smoking area, I did not observe the sampling of products that are related to specialist tobacconists materials, however I witnessed the smoking of Shisha pipes with hot coal. In accordance with Tobacco Advertising and Promotions Act 2003 section 6(2), operating as a Specialist Tobacconist please provide CCTV images within the smoking area of the cameras listed below:

Cigar Desk: 20/01/2023 at 22:00 -23:59 then 21/01/2023 at 00:00 – 02:00
Cigar Room: 20/01/2023 at 22:00 – 23:59 then 21/01/2023 at 00:00 -02:00
Front Lounge: 21/01/2023 at 00:00 – 03:00

Please provide a response in writing within 7 days of this letter to the points raised above.

Yours sincerely,

Thomas Chinyere- Ezeh
City Inspector

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. The premises licence holder will operate with a written dispersal policy a copy of which will be provided to the Police and Licensing officer at Westminster City Council.
10. There will be a last entry time of 03:30 for new customers on each night of the week.
11. The consumption of alcohol on the premises shall be to seated customers only.
12. After 21:00 hours persons admitted entry to the premises shall be restricted to persons of the age of 18 or over.
13. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
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 number of persons permitted in the premises (internal and external) at any one time (excluding staff) shall not exceed 102.
16. 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.
17. 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.
18. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
19. A minimum of one (1) SIA licensed door supervisors shall be on duty at the premises from 2000 hours on Thursdays, Fridays and Saturdays until close of business. At all other times the use of SIA door staff will be risk assessed and a written record of this will be kept and maintained within the venue and made available to the Police and all relevant authorities.
20. The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway or to customers who are seated in the area labelled 'specialist tobacconist'.
21. There shall be no sales of hot food or hot drink for consumption off the premises between 23.00 hours and 05:00 hours.

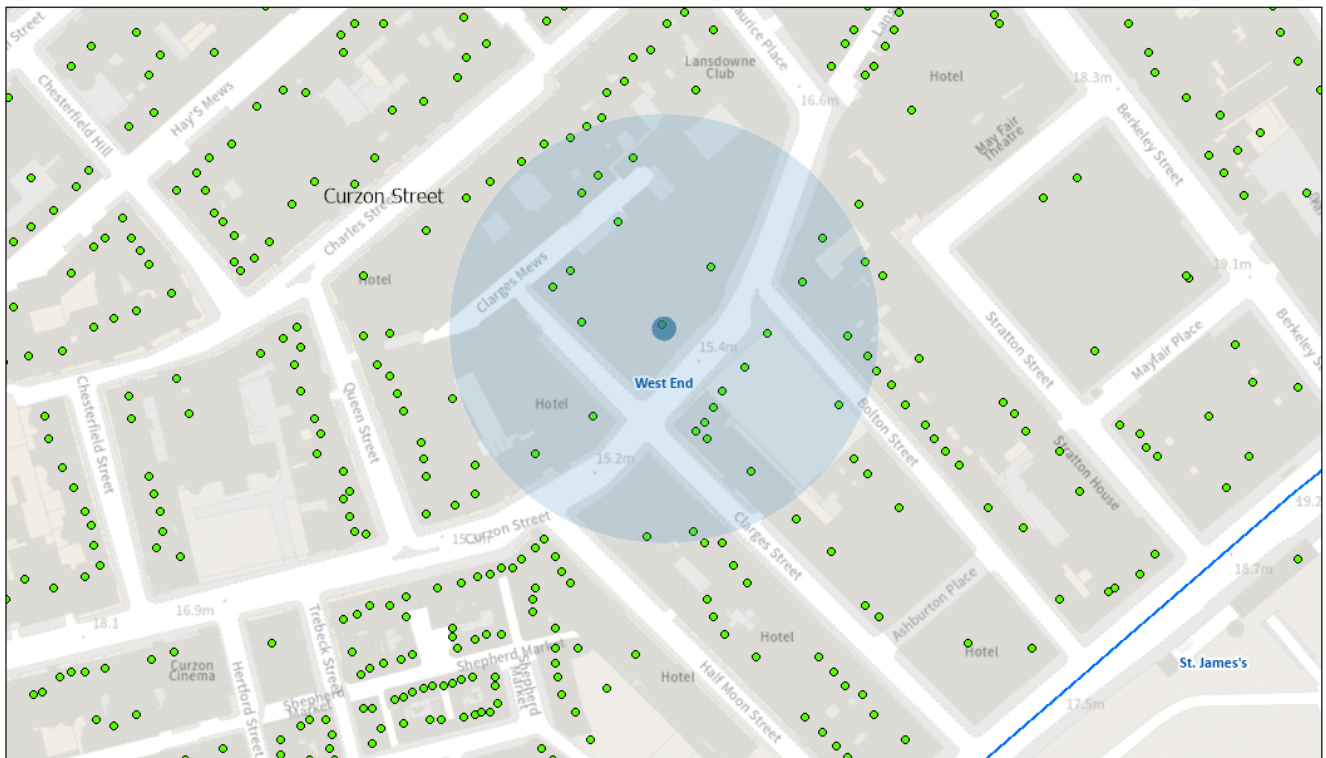
22. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
23. All outside tables and chairs shall be rendered unusable by (23.00) each day.
24. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
25. 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.
26. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
27. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
28. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
29. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
30. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
31. 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.
32. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
33. 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.
34. All doors and windows to be kept closed between 23:00 hours and 07:00 hours except for immediate access and egress of persons.
35. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
36. 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.
37. No waste or recyclable materials, including bottles, shall be moved removed or placed in outside areas between 2300 hours and 0700 hours.
38. No deliveries to the premises shall be made between the hours of 23:00 hours and 07:00 hours.

39. 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.
40. 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.
41. After 23:00 hours 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.
33. Any external smoking area to be used after 23:00 will be delineated and supervised by a member of staff. A maximum of 10 people will be permitted to use this area at one time.
34. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

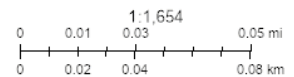
Conditions proposed by the Metropolitan Police Service and agreed with the applicant.

35. The Premises Licence Holder will train all staff on their welfare, vulnerability and “Ask for Angela” training package. Details of the training will be recorded, and a refresher training event will take place at least annually.

1 Curzon Street London W1J 5HD



27/09/2023, 14:53:43



● Property Mailing List

□ Ward Boundaries

Ward Labels

Resident Count: 76

Licenced premises within 75 metres of 1 Curzon Street, London W1J 5HD				
Licence Number	Trading Name	Address	Premises Type	Time Period
19/14464/LIPN	ARC Le Salon	Ground Floor 1 Curzon Street London W1J 5HD	Cafe	Monday to Sunday; 07:00 - 03:30
21/05588/LIPCHT	Mimi Mei Fair	54-55 Curzon Street London W1J 8PG	Restaurant	Monday to Sunday; 11:00 - 01:00
16/07515/LIPN	Beiteddine Express	19 Clarges Street London W1J 8AG	Restaurant	Monday to Sunday; 10:30 - 00:00

07/01278/WCCMAP	Washington Mayfair Hotel	5 Curzon Street London W1J 5HE	Hotel, 4+ star or major chain	Sunday; 12:00 - 01:00 Monday to Saturday; 10:00 - 01:30
06/06381/WCCMAP	Kiku Restaurant	17 Half Moon Street London W1J 7BE	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
17/06132/LIPDPS	Burger & Lobster	29 Clarges Street London W1J 7EF	Restaurant	Sunday; 12:00 - 22:30 Monday to Saturday; 10:00 - 23:00
22/07118/LIPDPS	Tesco Express (02757)	RCA House 50 - 52 Curzon Street London W1J 7UP	Shop	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00