



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (5)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (5)** Committee held on **Tuesday 3rd October, 2017**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

**Members Present:** Councillors Peter Freeman (Chairman) and Karen Scarborough

#### 1 MEMBERSHIP

There were no changes to the Membership.

#### 2 DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 3 MUSE SOHO, BASEMENT, 23 FRITH STREET W1

##### LICENSING SUB-COMMITTEE No. 5

*Tuesday 3rd October 2017*

Membership: Councillor Peter Freeman (Chairman) and Councillor Karen Scarborough

Legal Adviser: Horatio Chance  
Policy Adviser: Chris Wroe  
Committee Officer: Jonathan Deacon  
Presenting Officer: Yolanda Wade

Relevant Representations: In support of application – 15 representations.

Objecting to application - Environmental Health, Metropolitan Police, Licensing Authority, 1 Amenity Society, 2 local residents.

Present: Ms Lana Tricker (Solicitor, Representing the Applicant), Mr Onkar Rai (Applicant), Ms Tara Sirrell (General Manager), Ms Lucy Parker Ms Christina Novelli and Mr Danila Stepin (in support of application), Mr Anil Drayan (Environmental Health), PC Reaz Guerra (Metropolitan Police), Mr David Sycamore (Licensing Authority), Mr Richard Brown (Solicitor,

<b>Muse Soho, Basement, 23 Frith Street, W1D 4RR (“The Premises”) 17/08037/LIPV</b>					
<b>1.</b>	<b>Performance of Live Music</b>				
	<table border="0"> <thead> <tr> <th><b>Existing Hours</b></th> <th><b>Proposed Hours</b></th> </tr> </thead> <tbody> <tr> <td>Monday to Thursday 21:00 to 23:30 Friday and Saturday 21:00 to 00:00 Sunday 21:00 to 22:30</td> <td>Monday to Saturday 21:00 to 03:30 Sunday 21:00 to 01:00</td> </tr> </tbody> </table>	<b>Existing Hours</b>	<b>Proposed Hours</b>	Monday to Thursday 21:00 to 23:30 Friday and Saturday 21:00 to 00:00 Sunday 21:00 to 22:30	Monday to Saturday 21:00 to 03:30 Sunday 21:00 to 01:00
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Monday to Thursday 21:00 to 23:30 Friday and Saturday 21:00 to 00:00 Sunday 21:00 to 22:30	Monday to Saturday 21:00 to 03:30 Sunday 21:00 to 01:00				
	<p>Amendments to application advised at hearing:</p> <p>Ms Tricker, representing the Applicant, confirmed at the hearing that there were some amendments to the application. It was proposed that the Premises would no longer operate on Sundays and this part of the application was withdrawn. All regulated entertainment (including Performance of Live Music) which was originally proposed to cease at 03:30 Monday to Saturday was now proposed to end at 03:00.</p>				
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee heard from Ms Tricker, representing the Applicant. She began by confirming the amendments to the application which had been set out in additional information circulated to the Sub-Committee after the report had been published. These included that the Premises would no longer operate on Sundays. All regulated entertainment which was originally proposed to cease at 03:30 Monday to Saturday was now proposed to end at 03:00. 60 seats would now be available in the basement area of the venue rather than 30 at all times of operation. In addition, the Applicant was also bringing forward the last entry time from 02:30 to 02:00.</p> <p>Ms Tricker stated that there were proposed changes to the conditions on the existing licence as part of the application. The Applicant also sought to amend the plans which included that the cross hatched area would operate as a restaurant and not the whole Premises as previously. As clarified by Ms Tricker approximately half of the capacity of 60 would be in the restaurant area of the Premises.</p> <p>Ms Tricker explained that currently after 01:00 only members were able to attend the Premises and membership was specific to the Lesbian, Gay, Bisexual, Trans and Queer (‘LGBTQ’) community. This was being brought forward to 00:30. She said that the advantages of the membership scheme were that patrons were known and had gone through an application procedure with at least 48 hours being an application being submitted and subsequently granted. It was submitted that the membership scheme had worked as there had been no real</p>				

crime and disorder or anti-social behaviour associated with the Premises.

Ms Tricker acknowledged that the Premises is located in the West End Cumulative Impact Area and that it was necessary to demonstrate to the Sub-Committee that the application would not add to cumulative impact. She stated that it was accepted by Environmental Health that there would be no noise escape from the Premises, including from regulated entertainment. She also made the point that it is sandwiched between two restaurants which were able to operate 24 hours a day. She also referred to residents above the Premises supporting the application.

The Sub-Committee was advised by Ms Tricker that the hours the Premises were open to the public, the hours for the sale of alcohol and that the capacity was not being increased. The Premises had previously been licensed with a capacity of 120 and the current capacity was remaining at 60. Ms Tricker spoke of a wind down period where last entry would take place at 02:00, on-sales would cease at 02:30, regulated entertainment would cease at 03:00, late night refreshment would cease at 03:30 and that the Premises would have no customers after 04:00 hours. She believed this would mean that not all customers would leave at the same time so a staggered dispersal is most likely to occur.

Ms Tricker stated that food was available at all times throughout the Premises, including in the area which would no longer be subject to the Council's model restaurant condition. It was stated that the cuisine was French/Asian. There would also be waiter or waitress service throughout the Premises. Ms Tricker commented there had been TENs operated when the restaurant conditions had been relaxed and no complaints had been received by the Council.

Ms Tricker spoke about the outside area. There were no issues with queues and SIA regulated door staff were in place, predominantly at the front of the Premises, from midnight onwards. Ms Tricker referred to the letter of support from Councillor Glanz that he had not heard of the Premises prior to the current application as he had not received any complaints in relation to noise.

Ms Tricker referred to the support for the application from the LGBTQ community and the reduced number of Premises which were catering for this community. A LGBTQ venue closure list had been included in the Applicant's submissions which had been noted by the Sub-Committee. A letter in support of the application from Amy Lamé, the Night Czar at Greater London Authority had stated that the number of LGBT+ venues had reduced from 125 venues in 2006 to 53 in 2017 which again had been noted by the Sub-Committee. Ms Tricker concurred with the view of Ms Lamé that such premises provided a safe space for the community to socialise. Ms Lamé's letter had also mentioned a 12% increase in homophobic hate crime in London over the last year. Ms Tricker added that the objective at Muse Soho was for customers to remain at the Premises rather than leave to go elsewhere and enjoy food and entertainment without every person being required to eat at the venue.

Ms Tricker said that there had previously been a nightclub at the venue prior to it being operated as Muse Soho. When the licence holder had sought to transfer

the licence it had become apparent that the company of a previous licence holder had gone into administration and the licence had therefore lapsed. The Applicant had been required to apply for a new licence which had been granted to Core Hours. The hours had since been extended.

Additional points made by Ms Tricker included that the clientele was on average aged 30 and over, each member could bring in two guests, no issues had been raised in City Inspectors' reports and that dispersal was assisted with public transport in the area including underground stations and local taxis. She also emphasised that the two letters of objection were not specific in terms of the operation of the venue.

Ms Tricker requested that a movement of waste condition was amended as proposed. This had been asked for by the Council so that the hours included in the condition were in keeping with collection times and the condition was not breached in the future.

In response to questions from the Sub-Committee, Ms Tricker and Ms Sirrell advised that there were ten staff employed at the venue in addition to security staff and that there were 3000 members on the books with approximately 900 having paid the annual membership fee (£129).

The Sub-Committee heard from Ms Parker, who spoke and provided a video in support of the venue. She was a performer at the Premises and as a member of the LGBT and specifically the Transgender community was seeking that London supported the community. She said that there were not any entertainment venues which catered specifically for this audience. She asked that the conditions were relaxed which required everyone from the community being required to have a substantial table meal. She referred to the reduction in LGBTQ venues and the need to have such a premises for the Community.

The Sub-Committee was addressed by Mr Sycamore on behalf of the Licensing Authority. He advised that the Licensing Authority was maintaining its representation as it was felt that the application would now fall within the Council's policy MD2. This is the provision of music and dancing or similar entertainment or the provision of facilities for music and dancing or similar entertainment within the Cumulative Impact Areas. As set out in the City Council's Statement of Licensing Policy ("SLP") it is the Licensing Authority's policy in respect of MD2 to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours. Mr Sycamore stated that the application sought to extend licensable activities for hours that were well beyond Core Hours.

Mr Sycamore explained that the Licensing Authority was also concerned about the removal of the Council's model restaurant condition, MC66 in significant areas of the Premises. He sought more explanation from the Applicant on how the areas would be managed where MC66 would no longer be in operation. It was submitted that there was the potential for vertical drinking in those areas where the seating was not necessarily fixed and was moved aside. He queried how the Council's policy could be supported with the change in style of operation following the proposed removal of conditions 41 and 43 on the Premises licence.

Ms Tricker was given the opportunity to respond to the Licensing Authority's questions. She said there would be accommodation for 30 customers in the booth seating areas and the remaining seating would be on the main floor of the Premises. The model restaurant condition would apply to the booth seating areas. In respect of the relaxation of MC66 and the potential for vertical drinking, Ms Tricker responded that the Premises would be laid out with loose tables and chairs. The Applicant was content to mark these on the plans if required.

Ms Tricker was asked by the Sub-Committee how the large numbers of members were accommodated. She replied the numbers could be strictly limited by way of a reservation booking system. Members were able to book online and via the website. Ms Sirrell added that in the event members did turn up unannounced, they would be informed of the situation regarding availability. If any issues did arise and none had to date, security staff would be at the Premises from 20:00 (although they were not required to necessarily be on duty until midnight).

Ms Sirrell was asked how often the membership committee met. She replied that it met monthly. Ms Tricker clarified that any membership forms submitted would not be approved until the membership committee met.

The Sub-Committee heard from Mr Drayan on behalf of Environmental Health. He advised that it was safe to have seating for 60 people at the Premises and also have areas where regulated entertainment and dancing could take place. The capacity had been reduced from 120 because of the means of escape that are available.

Mr Drayan said that the reasons for the maintained representation were the same as that of the Licensing Authority. There was a reduction in the areas where the Council's model restaurant condition applied and there was a danger of vertical drinking although a membership scheme was in operation which would give the Applicant some controls. He did not have any concerns about noise breakout or public safety at the Premises.

Mr Drayan requested that the Sub-Committee approved the proposed amendment to the movement of waste condition. Commercial waste had been identified as an issue at the Premises and the amended condition would contain the hours that were in keeping with Council collection times.

The Sub-Committee heard from PC Guerra on behalf of Metropolitan Police. He had maintained his representation as the application sought to go beyond Core Hours for licensable activities in the West End Cumulative Impact Area. He advised that there had been no significant crime and disorder associated with the Premises, including when operating under Temporary Event Notices. He made the point that when there were issues at venues with membership schemes generally it was often the actions of guests which caused problems rather than those of the individual members themselves. Ms Tricker responded that the names of members and guests were kept at reception. Under membership rules, members were responsible for the conduct of the guests and

would suffer the consequences if the guests misbehaved. It was stated that Members had a membership card which needed to be shown at the front door of the Premises. There were also reservations. It was submitted that there had not been any issues previously in relation to members or their guests.

The Sub-Committee was addressed by Mr Brown, representing the Soho Society and a local resident. He stated that they both accepted that the Premises were well run. It was also accepted that the residents above the Premises supported the application and that the venue was supported by the LGBTQ community. It was also noted that there were no proposals to extend the closing time or the terminal hour for on sales. However, Mr Brown made the point that this was not about the operation of the Premises but the Council's policy regarding cumulative impact in the designated cumulative impact areas and that the application was nonetheless contrary to policy.

Mr Brown observed that there was a high hurdle in place with regard to justifying an exception to the Council's policy. Any exception which was made to it could potentially be used as grounds for a precedent. He requested that the Sub-Committee be certain that there was a very genuine exception in order to grant the application.

Mr Brown said that the potential for increase in public nuisance needed to be assessed. He believed that it was indisputable that as a result of the proposals the licence would become more drink led. The Sub-Committee was licensing the Premises not the operation which was a key consideration. He referred to the history of the Premises and that the Sub-Committee had originally granted Core Hours for the operation. Mr Brown expressed the view that the incremental increases in the hours that had been granted had been built up over time to what was now a generous licence. He queried whether the previous licence for the Premises had been a nightclub licence.

Mr Brown raised concerns about the removal of the Council's model restaurant condition in significant areas of the Premises. It was submitted that the licence would, if granted, permit a vertical drinking bar to the public until 00:30 when the membership scheme only condition would come into force which could have the potential to change the style and nature of the Premises.

Ms Tricker was given the opportunity by the Sub-Committee to set out the reasons she believed that the application justified being an exception to policy in the West End Cumulative Impact Area. She responded initially to the points made by Mr Brown. This included that if the application was granted it would not set a precedent because each application would be dealt with on its own merits. In response to Mr Brown's point that the Sub-Committee was licensing the Premises and not the operation, she said that there was no intention on the part of the Applicant to sell the premises. She also made the point that there was regulated entertainment already on the premises licence.

Ms Tricker expressed the view that the conditions on the licence were exceptional including having a membership scheme in place with the membership being restricted to members of the LGBTQ community plus two guests. She referred to additional restrictions being proposed, including a last

entry time, providing 60 seats at the Premises where everyone would be allocated a seat (and the placing of the seats could be set out in any conditions and on the plans) and there would be waiter or waitress service throughout the Premises at all times. Ms Tricker emphasised that food was still an important component at the Premises with approximately half the number of people at the Premises being subject to the Council's model restaurant condition. She stated that overall in terms of cumulative impact there had been the loss of LGBTQ specific 4.600 capacity venues in the last couple of years. There was the benefit to the community that people would not be required to leave the Premises for a secondary form of entertainment. She also re-iterated the points about public transport being available and there being no crime and disorder associated with the premises, including when Temporary Event Notices had been submitted with the relaxation of the Council's model restaurant condition.

The Sub-Committee gave careful consideration to both the written and also verbal representations at the hearing in respect of this application. The Sub-Committee in particular noted the reasons given on behalf of the Applicant as to why the application was an exception in the West End Cumulative Impact Area.

The Sub-Committee considered that, as set out in the licensing history in the papers, previous Sub-Committees had enabled the Applicant a number of extensions in the hours for licensing activities and an extension to the closing time. The licence permitted the Premises to remain open until 04:00 Monday to Saturday. Members of the Sub-Committee had taken account of the fact that the Applicant was seeking to provide a safe environment for the LBGTO community and that the facilities would only be available later in the evening to members of the private members club. These hours had been permitted because the Applicant was operating a venue with the Council's model restaurant condition operating throughout the premises and with regulated entertainment taking place within the Council's Core Hours policy.

The Applicant was now proposing aspects that were contrary to policy. The sale of alcohol would not be ancillary to a substantial table meal in significant areas of the Premises and to approximately half of the clientele. Whilst Ms Tricker had emphasised the significance of the membership scheme, it was the case as mentioned by Mr Brown that up to thirty members of the public would be able to drink alcohol without having any food until 00:30 in the West End Cumulative Impact Area before the membership scheme came into effect. The Sub-Committee therefore formed the view that this aspect of the application could potentially change the character and nature of the Premises and were not persuaded that the licensing objectives would be promoted in this regard because there would be a relaxation of the model restaurant condition allowing customers to drink alcohol without buying food.

The application was also contrary to policy in that regulated entertainment was now being applied for well beyond Core Hours. As set out in the SLP and referred to by Mr Sycamore it is the Licensing Authority's policy in respect of MD2 to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours.

The Sub-Committee considered that the application would add to cumulative

impact. The Sub-Committee also considered that for an application to be regarded as an exception to policy, it had to demonstrate that it would not have a detrimental effect in the Cumulative Impact Area. The Sub-Committee was not satisfied that the reasons provided justified a genuine exception to the Cumulative Impact Area Policy.

## **Conclusion**

The Sub-Committee noted that the Premises are well managed and have no issues inside the venue, however, the Sub-Committee took the view that this is a responsible attitude any competent licence holder should display in any event when carrying out licensable activities under the Licensing Act 2003 and did not consider this as a justifiable exception to the policy. The Sub-Committee did recognise however, the importance of the venue within the LGBTQ community and took fully into account its duty to have due regard to its Public Sector Equality Duty contained under section 149 of the Equality Act 2010 ("The 2010 Act") so as not to discriminate the Applicant within the meaning of section 149 (7) of the 2010 Act, which defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

The Sub-Committee aforesaid considered all of the evidence pertaining to the application when looking at its Public Sector Equality Duty. The Sub-Committee in its discharging of that duty had 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.*
- (c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The Sub-Committee in determining the matter also took into consideration the Applicants rights under the Human Rights Act 1998 (incorporating the European Convention on Human Rights). The right to peaceful enjoyment of possessions (Article 1 of the First Protocol) and freedom of expression (Article 10) in addition to balancing the rights of local, Residents, who are also afforded the right to privacy and family life under Article 8.

The Sub-Committee was mindful that this duty places an obligation on it to ensure that the need to promote equality is taken into consideration with, regard to every aspect of its decision making and this approach, was adopted by the Sub-Committee when considering this type of Premises in respect of the LGBTQ Community under the terms of its Cumulative Impact Policy and Government Guidance.

The Sub-Committee also considered the potential financial implications of the Applicants business when considering the matter and had sympathy with the Applicants submissions in relation to the loss of premises for the LGBTQ Community. However, the Sub-Committee had to consider the policy implications based on the written and oral evidence by all parties and with that



	<p>requirement in mind the Sub-Committee considered that the view it had taken overall to refuse the application was appropriate and proportionate in all the circumstances of the case.</p> <p>The Sub-Committee accordingly refused the application except for an amendment to condition 20 on the Premises licence. As requested by Ms Tricker and Mr Drayan and in order to promote the licensing objectives, the revised condition that 'no rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 to 06:00 or as in compliance with Westminster City Council's own waste contractor collection hours' was attached to the premises licence.</p>	
<b>2.</b>	<b>Playing of Recorded Music</b>	
	<p><b>Existing Hours</b></p> <p>Monday to Thursday 21:00 to 23:30  Friday and Saturday 21:00 to 00:00  Sunday 21:00 to 22:30</p>	<p><b>Proposed Hours</b></p> <p>Monday to Saturday 21:00 to 03:30  Sunday 21:00 to 01:00</p>
	<p>Amendments to application advised at hearing:</p> <p>Ms Tricker, representing the Applicant, confirmed at the hearing that there were some amendments to the application. It was proposed that the premises would no longer operate on Sundays. All regulated entertainment (including Playing of Recorded Music) which was originally proposed to cease at 03:30 Monday to Saturday was now proposed to end at 03:00.</p>	
	<p>Decision (including reasons if different from those set out in report):</p> <p>This aspect of the application was refused by the Sub-Committee (see reasons for decision in Section 1).</p>	
<b>3.</b>	<b>Performances of Dance</b>	
	<p><b>Existing Hours</b></p> <p>Monday to Thursday 21:00 to 23:30  Friday and Saturday 21:00 to 00:00  Sunday 21:00 to 22:30</p>	<p><b>Proposed Hours</b></p> <p>Monday to Saturday 21:00 to 03:30  Sunday 21:00 to 01:00</p>
	<p>Amendments to application advised at hearing:</p> <p>Ms Tricker, representing the Applicant, confirmed at the hearing that there were some amendments to the application. It was proposed that the premises would no longer operate on Sundays. All regulated entertainment (including</p>	

	Performances of Dance) which was originally proposed to cease at 03:30 Monday to Saturday was now proposed to end at 03:00.	
	Decision (including reasons if different from those set out in report):  This aspect of the application was refused by the Sub-Committee (see reasons for decision in Section 1).	
<b>4.</b>	<b>Anything of a similar description to live music, recorded music or performances of dance</b>	
	<b>Existing Hours</b>	<b>Proposed Hours</b>
	Monday to Thursday 21:00 to 23:30 Friday and Saturday 21:00 to 00:00 Sunday 21:00 to 22:30	Monday to Saturday 21:00 to 03:30 Sunday 21:00 to 01:00
	Amendments to application advised at hearing:  Ms Tricker, representing the Applicant, confirmed at the hearing that there were some amendments to the application. It was proposed that the premises would no longer operate on Sundays. All regulated entertainment (including Anything of a similar description to live music, recorded music or performances of dance) which was originally proposed to cease at 03:30 Monday to Saturday was now proposed to end at 03:00.	
	Decision (including reasons if different from those set out in report):  This aspect of the application was refused by the Sub-Committee (see reasons for decision in Section 1).	
<b>5.</b>	<b>Seasonal variations / non-standard timings</b>	
	<u>Performance of Live Music, Playing of Recorded Music, Performances of Dance and Anything of a similar description to live music, recorded music or performances of dance</u>	
	<b>Existing</b>	<b>Proposed</b>
	Sundays before Bank Holidays: 21:00 to 00:00	Sundays before Bank Holidays: 21:00 to 03:30. On the morning that GMT 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

	<p>closing hour for the premises ends after 01:00.</p> <p><u>Hours premises are open to the public</u></p> <table border="0"> <tr> <td style="vertical-align: top;"> <p><b>Existing</b></p> <p>New Year's Eve as existing.</p> </td> <td style="vertical-align: top;"> <p><b>Proposed</b></p> <p>On the morning that GMT 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. Sundays before bank holidays: 21:00 to 04:00.</p> </td> </tr> </table>	<p><b>Existing</b></p> <p>New Year's Eve as existing.</p>	<p><b>Proposed</b></p> <p>On the morning that GMT 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. Sundays before bank holidays: 21:00 to 04:00.</p>
<p><b>Existing</b></p> <p>New Year's Eve as existing.</p>	<p><b>Proposed</b></p> <p>On the morning that GMT 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. Sundays before bank holidays: 21:00 to 04:00.</p>		
	<p>Amendments to application advised at hearing:</p> <p>Ms Tricker, representing the Applicant, confirmed at the hearing that there were some amendments to the application. These included that it was proposed that the premises would no longer operate on Sundays.</p>		
	<p>Decision (including reasons if different from those set out in report):</p> <p>This aspect of the application was refused by the Sub-Committee (see reasons for decision in Section 1).</p>		
<b>6.</b>	<b>Conditions proposed to be deleted</b>		
	<p><b>Condition 41</b> Regulated entertainment at the premises shall only be provided ancillary to its use as a restaurant.</p> <p><b>Condition 43</b> Notwithstanding condition 33, alcohol may be supplied and consumed prior to a meal in the designated bar area, by up to a maximum at any one time, of 10 persons dining at the premises.</p>		
	<p>Amendments to application advised at hearing:</p> <p>None.</p>		
	<p>Decision (including reasons if different from those set out in report):</p>		

	This aspect of the application was refused by the Sub-Committee (see reasons for decision in Section 1).	
<b>7.</b>	<b>Conditions proposed to be varied</b>	
	<p><b>Condition 12</b></p> <p>The supply of alcohol shall be by waiter or waitress service only, save for the designated bar area.</p> <p><b>Condition 20</b></p> <p>No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 to 08:00.</p> <p><b>Condition 33</b></p> <p>The premises shall only operate as a restaurant:-</p> <p><b>Condition 34</b></p> <p>The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.</p> <p><b>Condition 36</b></p>	<p><b>Condition 12</b></p> <p>There will be waiter/waitress service available throughout the entire premises at all times it is trading.</p> <p><b>Condition 20</b></p> <p>No rubbish, including bottles, shall be moved, removed or place in outside areas between 23:00 to 06:00 or as in compliance with Westminster City Council's own waste contractor collection hours.</p> <p><b>Condition 33</b></p> <p>In the area cross hatched on the plans, the premises shall only operate as a restaurant:-</p> <p><b>Condition 34</b></p> <p>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 of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised office throughout the entire 31 day period.</p> <p><b>Condition 36</b></p>

	<p>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:</p> <ul style="list-style-type: none"> <li>(a) all ejections of patrons</li> <li>(b) any faults in the CCTV system</li> <li>(c) any refusal of the sale of alcohol</li> <li>(d) any visit by a relevant authority or emergency service.</li> </ul> <p><b>Condition 48</b></p> <p>a) After 1am on the days following Monday to Saturday only i) members and up to 2 bona fide guests of the premises as detailed in b) to f) below and/or (ii) up to 5 bona fide guests of the proprietor shall be permitted on the premises.</p>	<p>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:</p> <ul style="list-style-type: none"> <li>(a) all crimes reported to the venue</li> <li>(b) all ejections of patrons</li> <li>(c) any complaints received concerning crime and disorder</li> <li>(d) any incidents of disorder</li> <li>(e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment</li> <li>(g) any refusal of the sale of alcohol</li> <li>(h) any visit by a relevant authority or emergency service’.</li> </ul> <p><b>Condition 48</b></p> <p>a) After 00:30 on the days following Monday to Saturday only i) members and up to 2 bona fide guests of the premises as detailed in b) to f) below and/or (ii) up to 5 bona fide guests of the proprietor shall be permitted on the premises.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>	
	<p>Decision (including reasons if different from those set out in report):</p> <p>This aspect of the application was refused by the Sub-Committee except for the amendment to condition 20 relating to the movement of waste (see reasons for decision in Section 1).</p>	
<p><b>8.</b></p>	<p><b>Conditions proposed to be added</b></p>	
	<ul style="list-style-type: none"> <li>i) A minimum number of 30 seats shall be maintained in the basement area at all times of operation.</li> <li>ii) The retail sale of alcohol shall be ancillary to the provision of regulated entertainment and/or substantial refreshment.</li> <li>iii) One 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</li> </ul>	

	activities and/or closing hour for the premises ends after 01:00.
	Amendments to application advised at hearing:  Ms Tricker, representing the Applicant, confirmed at the hearing that there were some amendments to the application. These included that the minimum number of seats being maintained in the basement area at all times of operation were being increased from 30 to 60.
	Decision (including reasons if different from those set out in report):  This aspect of the application was refused by the Sub-Committee (see reasons for decision in Section 1).

#### 4 MRH DORSET HOUSE, 170-172 MARYLEBONE ROAD, NW1

##### LICENSING SUB-COMMITTEE No. 5

*Tuesday 3rd October 2017*

Membership: Councillor Peter Freeman (Chairman) and Councillor Karen Scarborough

Legal Adviser: Horatio Chance  
Policy Adviser: Chris Wroe  
Committee Officer: Jonathan Deacon  
Presenting Officer: Yolanda Wade

Relevant Representations: Environmental Health, 12 x local residents.

Present: Mr Robert Botkai (Solicitor, Representing the Applicant), Mr Graham Timbers (General Manager – Retail Support, Applicant Company), Mrs Sally Fabbriatore (Environmental Health), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing Mr Rashmi Rao and Mr Christopher Blin) and Mr Clive Norman (local resident)

<b>MRH Dorset House, 170-172 Marylebone Road NW1 17/08439/LIPN (“The Premises”)</b>	
<b>1.</b>	<b>Sale by retail of alcohol (Off)</b>
	Monday to Saturday: 08:00 to 23:00 Sunday: 10:00 to 22:30
	Amendments to application advised at hearing:  None.

Decision (including reasons if different from those set out in report):

The Sub-Committee was advised by Ms Wade, the Presenting Officer, that the records of the Licensing Service indicated that the previous licence for the premises had been surrendered. However, this was currently being investigated as an e-mail had recently been received from the previous licence holder who had stated that the site was closed on 30 September 2012.

The Sub-Committee heard from Mr Botkai, representing the Applicant. He said that this was an application for a new Premises licence. If the licence had not been surrendered, the Applicant Company would be keen for the licence to be transferred to them. It was the Applicant's understanding that the Premises licence had lapsed some years ago.

Mr Botkai explained that the previous licence had permitted the sale of alcohol from 08:00 to 23:00 Monday to Saturday and 10:00 to 22:30 on Sundays. There had been no conditions on the previous Premises licence at all. The Applicant was seeking to reinstate what had previously taken place at the Premises. There had been a petrol station at the foot of Dorset House for many years prior to its closure. The petrol station was one of thirteen with protected status under the Westminster Development Plan. This meant that there was a policy not to grant any other planning use at this site.

Mr Botkai drew the Sub-Committee's attention to the list of the Council's model restaurant conditions which had been proposed in the operating schedule. A condition had also been proposed that the entrance door to the shop would be locked to customers between the hours of 23:00 and 05:00. Any sales between these hours would be made through the night pay window. There were proposed conditions offered to deter street drinkers, including no high strength beer or single cans sold. Mr Botkai made the point that there would be a very small range of alcohol sold at what would be a relatively small shop. Following the agreement of conditions between the Applicant and the Police, the latter had withdrawn their representation.

Mr Botkai referred to the Council's policy and in particular that there was no presumption against off licences. The proposed hours for off sales in the application were within the Council's Core Hours policy. It was the case that premises which do cause a problem would be dealt with on review.

Mr Botkai spoke of the experience of the Applicant. It was submitted that MRH owns 312 licensed petrol stations, the majority of which are licensed 24 hours a day. MRH adopts a Challenge 25 policy and trains staff accordingly. Staff training was refreshed every six months. Staff were equipped to refuse sales where appropriate to do so.

Mr Botkai wished to emphasise, in response to the concerns set out by residents in their written representations, that there are a number of petrol stations in Westminster that are situated beneath residents' properties. The site would be monitored 24 hours a day. Every 20 minutes a third party contractor would be monitoring it for any signs of leakage in order to prevent any potential for a fire.

Mr Botkai referred to residents' representations questioning the primary use of the Premises and that if the Premises are primarily used as a garage the licence would have no effect. This is set out in Section 176 of the Licensing Act 2003 ("The Act"). He believed that he and Mr Brown, representing residents, were in agreement that the Act does not require an application to demonstrate primary use as part of the application process. The Applicant would be required to monitor the situation once the licence is in effect as is the case with its other petrol stations. If it was found that the Premises were primarily used as a garage, the Applicant would voluntarily suspend its sales of alcohol. Mr Botkai informed those present that MRH forecasted how a store was likely to perform in order to satisfy itself that it the shop would not be primarily a garage. This was achieved by studying other stores in its network of petrol stations which may have similarities. Mr Botkai had shared data with Mr Brown prior to the hearing in order to respond to his concerns about the primary use. In response to a question from the Sub-Committee, Mr Botkai advised that MRH's Park Lane petrol station was one of the comparable premises which had been studied in detail by the Applicant Company.

Mr Botkai made the point that the residents' objection to a petrol station operating at this location was not a matter for the Sub-Committee to consider. It was the proposed licensable activities there. The petrol station would be opening as the Applicant had been given the relevant consents. MRH was a very experienced operator. Mr Botkai referred to the incident where a lady had set herself on fire in the car park adjacent to the petrol station and commented that this did not have anything to do with the operation of the petrol station. He disputed that there were any specific risks to pedestrians at this location. He also believed that there was no evidence to show that begging, drug use or drunken behaviour at this location would increase if the application was granted. Mr Botkai also disputed that the garage would be specifically targeted by students for alcohol or that pollution would increase. There was no evidence to show that there was a link between petrol stations selling alcohol and drink-driving.

Mr Botkai confirmed that the Applicant had agreed a condition with the Police that there would be 'no sales of hot food for consumption off the premises after 23:00 and before 05:00'. The application for late night refreshment would therefore be limited to the sale of hot drinks. He expressed the view that there was unlikely to be any anti-social behaviour or public nuisance caused by the sale of hot drinks from the night pay window. He gave a commitment that if Environmental Health or the Police raised any concerns about the sales of hot drinks in the evening the Applicant would cease to provide this. In response to a question from the Sub-Committee, Mr Botkai replied that the vast majority of MRH stores did sell hot drinks during the night.

The Sub-Committee heard from Mrs Fabbriatore on behalf of Environmental Health. She stated that she had maintained her representation to assist as there were residents' representations. She advised that the Applicant's proposed conditions were likely to minimise the potential for public nuisance, including that the public would not be able to enter the premises after 23:00.



The Sub-Committee was addressed by Mr Brown, representing two residents who lived above the petrol station. He said that they were not keen on the petrol station being re-introduced to this location or the Premises licence being granted. Mr Brown confirmed that he did agree with Mr Botkai that there was not a requirement for the Applicant to demonstrate beyond doubt that the primary use of the Premises was not a garage. However, he believed it was important to look at the specific wording in Section 176 of the Act because the Sub-Committee was required to exercise its functions with a view to promoting the licensing objectives. If the store was an excluded premises, in selling alcohol staff would be committing a criminal offence. If the application was granted without the Sub-Committee being privy to this information and the Applicant was likely to be committing a criminal offence, Mr Brown queried how the crime and disorder licensing objective was being promoted. Mr Brown added that the parameters for making a decision were the likely effect of a grant, not whether it would happen. The Sub-Committee was perfectly entitled to look at the likely effect of the operation of the premises in its determination of the matter.

Mr Brown remarked that residents in their written representations had spoken with one voice objecting to the application. There was concern about the risk of having a petrol station at this location underneath a residential block. Mr Brown believed it was feasible to make the case that there would be more pollution due to engines idling. There were also public safety concerns with cars crossing over the pavement into the petrol station.

Mr Brown stated, in respect of the sale of alcohol, that there were concerns in relation to increased footfall at this location. He made the point that the Applicant had to demonstrate the footfall in order to demonstrate that the primary use was not that of a garage. It was the view of the residents that the the attraction of the convenience store could encourage anti-social behaviour and public nuisance in the area. Mr Brown referred to residents' representations mentioning street drinking in the area.

There was also concern from residents, Mr Brown said, regarding the potential for public nuisance from a 24 hour a day operation. There was a reference in the residents' representations to noise circulating upwards in the residential block. Mr Brown questioned the benefit of the night hatch/pay window from the point of view that customers would be speaking to staff from outside the store.

Mr Brown also addressed the Sub-Committee on the previous licence at the Premises. He advised that it did permit the sale of alcohol until 23:00 but had not permitted late night refreshment.

The Sub-Committee also heard from Mr Norman. He stated he was a leaseholder in the residential block, that there were 110 people who belonged to the Dorset House Residents' Association and the Association had objected to the application. He made the point that over the last two years anti-social behaviour had gone up in the area. There was defecation, the smell of urine and litter around the building. Mr Norman believed the application would add to anti-social behaviour if granted. He said that there were a number of people who congregated in the area. He was also concerned that the traffic situation

was becoming more dangerous, including as a result of the Baker Street Two Way traffic system.

Mr Botkai was given an opportunity to respond to the comments of the objectors. He said it was the Applicant's understanding that the petrol station had previously operated 24 hours a day. He clarified that he had not made the point that the petrol station would not add to pollution but that the specific application for licensable activities would not add to pollution. Mr Botkai re-iterated that street drinkers would not be able to enter the premises after 23:00. If they sought to purchase alcohol at the night pay window after that time they would be refused. He also stated that it was the case that there were numerous places where people could buy alcohol in the area and that MRH's price point would be higher than most other retailers in the area. The conditions would make it unattractive to street drinkers to obtain alcohol at the Premises. Anyone entering the Premises would have to engage with the cashier at the relatively small store. During the day there would be two members of staff on duty in the store.

Mr Botkai also responded to the concerns Mr Norman expressed regarding the rise of anti-social behaviour with the point that the petrol station site had been derelict. It would now be much brighter and well lit and would be well managed. The Applicant was willing to accept the Council's Model Condition 42 being attached to the Premises licence that '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'. Mr Botkai added that none of MRH's premises licences had been reviewed. In order for a petrol station to survive it needed to have a good store and alcohol was part of the offer.

The Sub-Committee asked Mr Botkai whether he would be minded to disclose the projected data for the store, which had been provided to Mr Brown, to assist in their consideration of the application. Mr Botkai replied that he was content to do so. This was based on information from two other comparable stores. Primary use was based on customer transactions/usage rather than turnover. The forecast fill volume was £4m and sales at the shop were £800,000. Mr Botkai remarked that it was most unlikely that the store at Marylebone Road would be below the 50% transactions to turnover threshold. The projections for Park Lane and Edgware Road had been accurate. If the forecast was not accurate at Marylebone Road, the store would not be profitable. There were cases where data had been supplied to officers at licensing authorities. Mr Timbers provided examples of off-sales being removed voluntarily, at Wellington Road and in Vauxhall Bridge Road, because they did not meet the primary use test.

After careful consideration of the representations received, including those of the residents, the Sub-Committee decided to grant the application. The Sub-Committee noted that it was not part of their deliberations to consider whether there should be a petrol station at the Premises. The matter for consideration

	<p>was whether licensable activities should be permitted at the Premises. In reaching the decision to grant the application, the Sub-Committee took into account that the Applicant was a very experienced operator of petrol stations with off licences and that were able to sell hot drinks. There was no evidence to demonstrate that the Applicant would not promote the licensing objectives. The Applicant had agreed conditions with the Metropolitan Police which placed a number of restrictions on the store. The conditions would not encourage street drinkers or children under the age of 18 to obtain alcohol at the premises. The store would be closed at 23:00 when the night pay window would open, there would be no sales of single cans or bottles of beer and a Challenge 25 policy would be in place. The Sub-Committee also accepted Mr Botkai's point that there was no evidence of a link between the purchase of alcohol at petrol stations and drink-driving in the same way there was no evidence of a link between the purchase of alcohol at other off licences and drink-driving. In the event that the Premises did not comply with the conditions or undermined the licensing objectives, there was the option to review the premises licence.</p> <p>The Sub-Committee noted that following the agreement of proposed conditions, the Metropolitan Police had withdrawn their representation. Environmental Health had maintained their representation in order to assist residents and the Sub-Committee but did not have any specific concerns regarding the potential for public nuisance or public safety. The Applicant had offered to have Model Condition 42 attached to the Premises licence and the Sub-Committee considered that this would assist in cleaning and removing litter immediately outside the Premises.</p>
<b>2.</b>	<b>Late Night Refreshment (Indoors and Outdoors)</b>
	<p>Monday to Sunday: 23:00 to 05:00</p>
	<p>Amendments to application advised at hearing:</p> <p>Mr Botkai, the Applicant's Representative, confirmed at the hearing that the Applicant had agreed a condition with the Police (prior to the Police withdrawing their representation) that there would be 'no sales of hot food for consumption off the premises after 23:00 and before 05:00'. The application for late night refreshment would therefore be limited to the sale of hot drinks.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>
<b>3.</b>	<b>Hours premises are open to the public</b>
	<p>Monday to Sunday: 00:00 to 00:00</p>
	<p>Amendments to application advised at hearing:</p>

	None.
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below. As set out above, licensable activities were not permitted 24 hours a day.</p>

<b>Conditions attached to the Licence</b>	
<b><u>Mandatory Conditions</u></b>	
<ol style="list-style-type: none"> <li>1.</li> <li>2.</li> <li>3.</li> <li>4.</li> </ol>	<p>No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.</p> <p>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.</p> <p>Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.</p> <p>(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.</p> <p>(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;</p> <p style="padding-left: 40px;">(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or</p> <p style="padding-left: 40px;">(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</p> <p>(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;</p>

- (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.

### **Additional Conditions**

9. 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 and the night pay window and the petrol forecourt 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.
10. 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.
11. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
13. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
14. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (excluding alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
15. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.

16. No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises.
17. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
18. There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
19. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
20. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
21. 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.
22. Late night refreshment at the premises is limited to the provision of hot drinks for consumption off the premises after 2300 and before 0500.
23. The entrance door to the shop will be locked to customers between the hours of 2300 and 0500. Any sales between these hours will be made through the night pay window.
24. 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.

**5 SIMMONS, 2 BATEMAN STREET, W1**

**LICENSING SUB-COMMITTEE No. 5**

*Tuesday 3rd October 2017*



Membership: Councillor Peter Freeman (Chairman) and Councillor Karen Scarborough

Legal Adviser: Horatio Chance  
Policy Adviser: Chris Wroe  
Committee Officer: Jonathan Deacon  
Presenting Officer: Yolanda Wade

Relevant Representations: Environmental Health, Metropolitan Police, Licensing Authority and 1 local resident.

Present: Mr Gary Grant (Counsel, Representing the Applicant), Mr Stephen Hodges (General Manager), Mr Oliver Bolardo (Applicant Company), Mr David Gair (Licensing Consultant), Ms Ellie Spencer (Solicitor, on behalf of the Applicant), Mr Dave Nevitt (Environmental Health), PC Toby Janes (Metropolitan Police) and Mr David Sycamore (Licensing Authority).

<b>Simmons, 2 Bateman Street, W1 17/07004/LIPV (“The Premises”)</b>	
<b>1.</b>	<b>Layout alteration</b>
	The Applicant applied to vary the current licence to include the first floor of the building. It is proposed that the ground floor continues operating as it currently stands, with the first floor to be used for pre-booked groups and for functions (on Wednesdays to Saturdays only).
	Amendments to application advised at hearing:  None.
	Decision (including reasons if different from those set out in report):  This was an application for a variation of the premises licence. The Applicant was seeking to include the first floor of the building in the licensable area. The first floor would be used for pre-booked groups and for functions on Wednesdays to Saturdays. There would be no change to the operating hours at the Premises. These were Core Hours (a terminal hour of 23:30 Monday to Thursday, midnight Friday and Saturday and 22:30 on Sunday)  The Applicant was aware that Simmons is located in the West End Cumulative Impact Area. Mr Grant, representing the Applicant explained that there were exceptional reasons for granting the application which would mitigate against the additional patrons on the first floor adding to cumulative impact. He stated that there had been an understandable representation from the one local resident who had objected to the application that there were too many people congregating outside later in the evening. Currently patrons were able to drink

outside until 23:00. It was proposed that in the event the application was granted the outside area would be better managed with patrons brought inside no later than 22:00 and SIA registered doormen supervising the outside area to ensure it remained orderly and controlled. Mr Grant added that this would be to the benefit of the West End Cumulative Impact Area.

Mr Grant advised that there are 9 Simmons bars in London and they were opening up primarily in cumulative impact areas. He commented that the bars are well managed and the managers are responsive to any issues which arose.

Mr Grant wished to emphasise that the public would not, in the event the application was granted, be able to enter the premises and use the first floor. It could only be used for pre-booked groups and functions. Currently, patrons were able to buy alcohol on the ground floor, take it upstairs and consume it on the first floor without the regulatory controls, including up to date conditions that would exist if the application was granted. Mr Grant confirmed that proposed conditions had been agreed with Environmental Health and Metropolitan Police. These included that the capacity on the first floor would be limited to 60 people and that there would be a door supervisor patrolling the entrance to the first floor in addition to a door supervising overseeing the outside area.

Mr Grant also proposed that on the ground floor there would be a minimum of 30 seats available at all times for customers. This was in order to prevent the Premises becoming a vertical drinking bar in the future. It was submitted that 50% of the capacity would therefore have seating available. Mr Grant referred to the resident who had made a representation suggesting that seating should be made available at the Premises. He said that the reason why he was not proposing a specific number of seats on the first floor (although there are 25 seats which are not fixed upstairs) was to have flexibility for a corporate champagne reception where customers would be able to stand.

Mr Grant referred to Mr Gere's report which had found that the increased capacity would have a minimal, if any, impact on the area. Mr Grant sought to assure the Sub-Committee that an Outside Management and Dispersal Policy would be implemented in the event the application was granted.

The Sub-Committee heard from PC Janes on behalf of the Metropolitan Police. He stated that the Police had maintained their representation because the Premises is located in the West End Cumulative Impact Area and the application was contrary to policy. He advised that the Police did not have any concerns in terms of how the Premises was currently operating. The Sub-Committee was advised that there were very low crime statistics at the Premises over the last year. The main concerns were that the additional 60 patrons would add to cumulative impact and the potential for crime and disorder. However, the concerns, particularly in relation to crime and disorder, had been addressed with the submission by the Applicant of the Outside Management and Dispersal Policy. PC Janes advised the Sub-Committee that the Applicant had agreed the Police's proposed conditions.

The Sub-Committee was addressed by Mr Nevitt on behalf of Environmental Health. Mr Nevitt confirmed that he had given advice to the Applicant over the

previous 12 months, including providing pre-application advice. He informed the Sub-Committee that public safety at the Premises had been significantly improved. It was submitted that the first and upper floors had been in a poor state of repair but following a refurbishment they were now of a high standard. The means of escape had been improved on the first floor and additional toilets had been installed at the Premises.

Mr Nevitt advised that the Applicant had operated a number of Temporary Event Notices. He also advised that the increased popularity of the Premises had highlighted some issues in respect of the use of the outside area and referred to the Applicant's proposals in response to this. Mr Nevitt said that it was for the Sub-Committee to consider whether the increased numbers on the first floor were adequately balanced against what was being offered by way of conditions, better regulation and improved standards. He expressed the view that an adequate balance was being provided in this case. Mr Nevitt also believed that the Applicant was addressing the concerns of local residents, particularly in relation to the outside area. The need for the improved use of the outside area had also been raised by the City Inspectors as a result of the increased activity at the Premises.

The Sub-Committee also heard from Mr Sycamore on behalf of the Licensing Authority. He stated that the Licensing Authority was maintaining its representation, primarily due to the increased capacity in the West End Cumulative Impact Area. However, it was the view of the Licensing Authority that it would be far better to implement the Applicant's proposals as set out by Mr Grant in the event the application was granted on the first floor than to refuse the application. The application, if granted, would provide a number of necessary controls both in relation to the outside area and the first floor. The thirty seats on the ground floor would reduce the potential for vertical drinking.

In response to questions from the Sub-Committee, Mr Grant clarified that there was no current capacity limit for the first floor and that in the event the application was granted customers would not be permitted to take drinks outside after 22:00 every night of the week. This would not only come into effect from Wednesday to Saturday when the first floor would be in operation.

The Sub-Committee in its determination of the matter decided to grant the application as an exception to policy. In reaching this decision, the Sub-Committee noted that whilst there would be increased numbers on the first floor, there was no increase in terms of the hours being operated. Patrons would be required to leave the Premises within Core Hours. The Sub-Committee considered that the conditions being proposed by the Applicant, including having a minimum of two SIA licensed door supervisors on duty at the Premises from 20:00 on Thursday to Saturday with one overseeing the outside area and one on duty at the entrance to the First Floor whilst it was in use, would promote the licensing objectives. This was also the case with patrons not being able to take any drinks with them outside the Premises after 22:00 rather than 23:00 which had previously been permitted and the commitment by the Applicant to have 30 seats on the ground floor in order to limit the potential for the premises being a vertical drinking establishment.

	<p>The Sub-Committee took into account that the Responsible Authorities' concerns had been addressed by what was being proposed by the Applicant. The Applicant had taken steps to address the issues raised by the local resident who had submitted a written representation objecting to the application and also the matters highlighted by the Council's City Inspectors. Overall, the Sub-Committee was satisfied that what had been offered by the Applicant would mitigate against the additional capacity on the first floor Wednesday to Saturday in the West End Cumulative Impact Area.</p>	
2.	<p><b>Condition proposed to be varied</b></p>	
	<p><b>Condition on existing premises licence</b></p> <p><b><u>Condition 10</u></b></p> <p>The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 60 persons.</p>	<p><b>Proposed condition</b></p> <p><b><u>To be amended</u></b></p> <p>The number of persons permitted in the premises at any one time (excluding staff) should be amended to a total of 120 persons, equating to 60 per floor.</p>
	<p>Amendments to application advised at hearing:</p> <p>The Applicant and the Metropolitan Police had agreed a revised proposed condition to replace the proposed condition above. The new wording was that:</p> <p>'The number of persons permitted in the premises at any one time (excluding staff) shall not exceed: Ground Floor 60 persons First Floor 60 persons'.</p>	
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application, attaching the revised proposed condition (with the new wording agreed between the Applicant and the Police) to the premises licence.</p>	

<p align="center"><b>Conditions attached to the Licence</b></p>	
<p><b><u>Mandatory Conditions</u></b></p>	
1.	<p>No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.</p>

2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the

premises in relation to the sale or supply of alcohol.

- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

7. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

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

Where -

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

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

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

**Additional Conditions**

10. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed:  
Ground Floor 60 persons  
First Floor 60 persons.
11. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. All windows and external doors shall be kept closed after 21:00 hours except for the immediate access and egress of persons.
13. 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 in the vicinity.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
15. 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.
16. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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 kept available for a minimum period of 31 days with time and date stamping. Recordings shall be made available, immediately upon the request of an authorised officer or a police officer together with facilities for viewing throughout the preceding 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 to the public. This staff member shall be able to show Police recent data or footage 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, which will record the following
  - (a) all crimes reported to the venue
  - (b) any complaints received regarding crime and disorder
  - (c) any incidents of disorder
  - (d) any faults in the CCTV system
  - (e) any refusal of the sale of alcohol
  - (f) any visit by a relevant authority or emergency service.
19. 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.



20. The Premises Licence Holder is responsible for sweeping or washing away any rubbish or waste caused by customers immediately outside the premises from the building line to the kerb edge, including gutter/channel at its junction with the kerb edge. Litter and sweepings will be collected and stored in accordance with approved storage arrangements.
21. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
22. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours
23. No deliveries of stock are to be received between 23:00 and 08:00 hours.
24. 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.
25. The hours for sale of alcohol and opening times may be extended on New Year's Eve until 05:00 on New Year's Day.
26. After 22:00 hours, patrons shall not take any drinks with them outside the premises.
27. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction to the public highway.
28. No drinks shall be taken outside the premises in glass containers at any time.
29. There shall be collection of any litter and/or used receptacles every 30 minutes in the outside area during opening hours.

30. The first floor of the premises shall be used on Wednesday, Thursday, Friday and Saturday only.
31. In respect of the First Floor Alcohol shall only be sold for consumption by persons attending a pre-booked and bona fide private function or event to which members of the public are not admitted. A register of persons attending the event shall be kept at the premises and made available for immediate inspection by police or an authorised officer of the Council.
32. There shall be a minimum provision of 30 seats on the ground floor at all times.
33. 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.
34. 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.
35. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
36. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
37. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
38. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
39. 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.
40. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
41. A minimum of two SIA licensed door supervisors shall be on duty at the premises from 20:00 on Thursday to Saturday. One of the two SIA licensed door supervisors shall be dedicated to the management and control of the designated outside area.
42. At least one SIA licensed door supervisor shall be on duty at the entrance to the First Floor from 20:00 whilst the First Floor is in use.

**6 10 MOTCOMB STREET, SW1**

**LICENSING SUB-COMMITTEE No. 5**

*Tuesday 3rd October 2017*

Membership: Councillor Peter Freeman (Chairman) and Councillor Karen Scarborough

Legal Adviser: Horatio Chance  
Policy Adviser: Chris Wroe  
Committee Officer: Jonathan Deacon  
Presenting Officer: Yolanda Wade

Relevant Representations: 1 local resident.

Present: Mr Niall McCann (Solicitor, Representing the Applicant) and Mr Adam Quigley (Managing Director, Applicant Company).

<b>10 Motcomb Street, SW1X 8LA ("The Premises")</b> <b>17/08911/LIPN</b>	
<b>1.</b>	<b>Late Night Refreshment (Indoors)</b>
	Monday to Thursday 23:00 to 23:30 Friday and Saturday 23:00 to 00:00.
	Amendments to application advised at hearing:  None.
	Decision (including reasons if different from those set out in report):  The Sub-Committee heard from Mr McCann, representing the Applicant. He stated at the hearing that the pub, the Alfred Tennyson, had been operating for many years on five floors of the Premises (basement, ground, first, second and third floors). His client had made an application for a change of layout as part of a refurbishment. This had specifically involved moving the bar area and the fire escape on the ground floor. When the variation application had been submitted in July 2017, licensing officers had contacted the Applicant to say there was no record of the floors other than the ground floor being licensed. The pub had been acquired in 2015 and the Applicant Company had believed that they were permitted to operate on the five floors of the Premises.  The Applicant had closed the Premises in July 2017 in order that the refurbishment minus moving the bar and the fire escape could be undertaken. The Applicant had now applied for a new premises licence which was the matter being considered by the Sub-Committee at the hearing. This included moving the bar area and the fire escape on the ground floor and being able to operate

on the five floors. The Applicant had not withdrawn the variation application and had submitted a number of Temporary Event Notices in order to avoid operational difficulties, including having to take alcohol up from the ground floor when using the other floors.

Mr McCann referred to his discussions with Environmental Health and the Metropolitan Police regarding conditions. These included a proposed capacity condition which had been agreed with Environmental Health for the first, second and third floors of 60 persons, 15 persons and 35 persons respectively. The Responsible Authorities had subsequently withdrawn their representations.

Mr McCann advised the Sub-Committee that he had attempted to contact the local resident who was objecting to the application but had not received a response. He stated that there had been no history of complaints received against the Premises and there was no evidence to suggest that the application would not promote the licensing objectives. There would be benefits from the application as there would be up to date conditions imposed on the licence, if the Sub-Committee were minded to grant the application and there would be a smarter bar on the ground floor. Mr McCann added that there was no policy presumption against the application as the Alfred Tennyson is located outside of the Council's designated cumulative impact areas.

Mr McCann was asked by the Policy Adviser for clarification of the hours on the existing premises licence. He replied that the terminal hour for the sale of alcohol on the existing premises licence was 23:00 Monday to Saturday with a closing time of 23:30. It was submitted that the Applicant was now applying for core terminal hours for licensable activities and was requesting some drinking up time for patrons. Mr McCann did not believe that the hours would change the style of the operation.

The Sub-Committee considered that it was appropriate to grant the application with core terminal hours (a terminal hour of 23:30 Monday to Thursday, midnight Friday and Saturday and 22:30 on Sundays) being permitted both in terms of the licensable activities and the closing time. The application was considered on its merits as the Premises is located outside of the Council's designated cumulative impact areas. The Sub-Committee took the view that the conditions proposed by the Responsible Authorities and agreed by the Applicant promoted the licensing objectives and were thus appropriate and proportionate. These included that no noise would be permitted to emanate from the Premises nor vibration be transmitted through the structure of the Premises which gives rise to a nuisance. The Applicant had been operating on a number of floors at the Premises and there was no evidence to suggest that there would now be issues, including public nuisance, as a result of the Applicant operating until core terminal hours.

The Sub-Committee limited the hours the Premises would be open to the public to core terminal hours rather than permitting additional drinking up time as there was more potential for public nuisance to local residents later at night, particularly as a result of patrons dispersing. The local resident had objected to the application on these grounds, being of the view that 'the proposed opening hours go on too late at night'.

<b>2.</b>	<b>Sale by retail of alcohol (On and Off)</b>
	Monday to Thursday 10:00 to 23:30 Friday to Saturday 10:00 to 00:00 Sunday 10:00 to 22:30
	Amendments to application advised at hearing:  None.
	Decision (including reasons if different from those set out in report):  Granted, subject to conditions as set out below (see reasons for decision in Section 1).
<b>3.</b>	<b>Hours premises are open to the public</b>
	Monday to Thursday 10:00 to 00:00 Friday to Saturday 10:00 to 00:30 Sunday 10:00 to 23:00
	Amendments to application advised at hearing:  None.
	Decision (including reasons if different from those set out in report):  The Sub-Committee granted core terminal hours, including for the hours the Alfred Tennyson would be open to the public (see reasons for decision in Section 1).
<b>4.</b>	<b>Seasonal variations / Non standard timings</b>
	<u>Late Night Refreshment (Indoors), Sale by retail of alcohol (On and Off), Hours premises are open to the public</u>  From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.  <u>Late Night Refreshment (Indoors)</u>  Sundays immediately prior to Bank Holidays from 23:00 until 00:00  <u>Sale by retail of alcohol (On and Off)</u>  Sundays immediately prior to Bank Holidays from 10:00 until 00:00

	<p><u>Hours premises are open to the public</u></p> <p>Sundays immediately prior to Bank Holidays from 10:00 until 00:30</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The seasonal variations / non standard timings were granted, except that the premises would be expected to close to the public on Sundays immediately prior to Bank Holidays at midnight. There would be no drinking up time then. This is in keeping with the Council's Core Hours policy.</p>

<b>Conditions attached to the Licence</b>	
<b><u>Mandatory Conditions</u></b>	
<ol style="list-style-type: none"> <li>1.</li> <li>2.</li> <li>3.</li> <li>4.</li> </ol>	<p>No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.</p> <p>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.</p> <p>Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.</p> <p>(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.</p> <p>(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;</p> <p>(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of</p>

- the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a

securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

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

Where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or



(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### **Additional Conditions**

9. 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.

10. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.

11. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.

14. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
15. 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.
16. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
17. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
18. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
19. The maximum number of persons permitted in the premises (excluding staff) at any one time shall not exceed the following:  
First Floor – 60 persons  
Second Floor (small room) –15 persons  
Top Floor – 35 persons
20. 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.
21. 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.
22. 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.

23. 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 are open.
24. 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
25. All outside drinking shall cease at 23.00hrs

## **7 STUDIO 88, 47 WHITCOMB STREET, WC2**

### **LICENSING SUB-COMMITTEE No. 5**

*Tuesday 3rd October 2017*

Membership: Councillor Peter Freeman (Chairman) and Councillor Karen Scarborough

Legal Adviser: Horatio Chance  
Policy Adviser: Chris Wroe  
Committee Officer: Jonathan Deacon  
Presenting Officer: Yolanda Wade

Relevant Representations: Environmental Health, Metropolitan Police and Licensing Authority.

Present: Ms Suzanne Davies (Solicitor, Representing the Applicant), Mr Alan Lorrimer (Managing Director and Founder, Applicant Company), Mr Tristan Moffat (Operations Director), Mr Bob Dempsey (Architect), Mr Michael Watson (Licensing Consultant), Mr Dave Nevitt (Environmental Health), PC Reaz Guerra (Metropolitan Police) and Mr David Sycamore (Licensing Authority).

**Studio 88, 47 Whitcomb Street, WC2 ("The Premises")  
17/08880/LIPN**

1.	<b>Films (Indoors)</b>
	Monday to Tuesday 10:00 to 01:00 Wednesday 10:00 to 02:00 Thursday to Saturday 10:00 to 03:00 Sunday 12:00 to 22:30.
	Amendments to application advised at hearing:  None.
	Decision (including reasons if different from those set out in report):  The Sub-Committee heard from Ms Davies, representing the Applicant. She referred to the Premises having a chequered past with the licence of the previous tenant, who had no connection with the current Applicant, having been revoked two years previously (the Premises had previously been known as Press). Ms Davies advised that the Premises had not operated since then. The landlord was keen to bring in the right tenant.  Ms Davies explained that Mr Lorrimer currently operated an establishment known as The Piano Works in Farringdon. The Piano Works are located in a cumulative impact area in the London Borough of Islington and Ms Davies said that Mr Lorrimer therefore had experience of meeting the exacting requirements of a cumulative impact area. The Premises in Farringdon had previously been the subject of two reviews as a result of the actions of former Premises licence holders. Ms Davies made the point that Mr Lorrimer had turned the Premises round and gained the trust of the authorities.  Ms Davies described the concept which was the subject of the current application. It was intended that Studio 88 would be a live music venue where a number of musicians would come together and play live music based on impromptu requests of the audience. The Sub-Committee was advised that there would be two grand pianos, a drummer and a guitarist and the performers would not necessarily have played together previously. The target market was principally female aged 20-35. Ms Davies stated that the Premises had previously operated as a nightclub and had good acoustic integrity. She also made the point that the Applicant intended to employ approximately 80 members of staff.  Ms Davies addressed the Sub-Committee on the food offer at the Premises. It was anticipated that in excess of 85% of the people who would come to the venue would pre-book several weeks in advance. Customers would be invited to take up a booking which was linked to food rather than alcohol.  Ms Davies referred to the testimonials of musicians who praised The Piano Works in Farringdon and letters of support from Amy Lane, Night Czar at the Greater London Authority, the Music Venue Trust and also Caffè Nero.

Mr Lorrimer advised that it was very important for his business to nurture new talent. The business employed over 50 musicians. It was his long term aim to set up a world class music venue at 47 Whitcomb Street and also a music academy to teach students.

Ms Davies addressed the Sub-Committee on the City Council's Statement of Licensing Policy ("SLP"). She referred to paragraph 1.3 of the SLP which states that the Council '*gives high priority to the development of greater diversity in the types of entertainment and cultural activity on offer and in the age groups attracted to them*' and also that 'it is a key feature of the SLP that its policies are intended to encourage change in the composition of Westminster's night-time economy so that it becomes more widely based and less dominated by alcohol led premises, and this promotes the licensing objectives'. Ms Davies also quoted paragraph 2.4.25 of the SLP which states that '*the Licensing Authority wishes to encourage the provision of a range of entertainment...and to reduce the extent of dominance of pubs, bars and night clubs in the West End Cumulative Impact Area*'. Ms Davies mentioned paragraph 2.5.22 which she believed was relevant although it specifically referred to pubs and bars. 'They provide venues for live music which, aside from its cultural benefits and its enjoyment by customers, often has a positive effect on licensing objectives'. Finally, Ms Davies referred to paragraph 2.5.36 of the SLP which states that '*The Council welcomes the vital contribution that theatres, cinemas, concert halls and other performance venues make in providing the diverse cultural and entertainment that attracts people of all ages into Westminster, and maintains its status as a world class city. The Council as the Licensing Authority accepts that these types of uses are unlikely to be linked with crime and disorder, and generally have less impact on residents than other licensable activities. The substitution of these types of uses in the Cumulative Impact Areas in place of pubs, bars and alcohol led music and dance venues will be likely to promote the licensing objectives*'.

Ms Davies said that for the above reasons the application would promote the licensing objectives. The exceptional reasons for granting the application were the nature of the entertainment, that Studio 88 would be a performance venue and that it was a unique cultural offering, that the venue was 85% pre-booked with the bookings taking place a number of weeks in advance, the application was not drink led, there was an emphasis on food promotion, there would be substantial seating, customers would be there principally for the live music. Ms Davies also made the point there were no objections received in response to the application from residents.

The Sub-Committee heard from Ms Davies that proposed conditions had been agreed between the Applicant and Environmental Health and the Police. She also explained the additional steps that the Applicant was prepared to take to promote the licensing objectives in terms of its management of the Premises. This included security staff patrolling significantly beyond the area of the demise of Studio 88.

Mr Moffatt informed the Sub-Committee of his experience, including managing bars and working for higher end establishments. It was his intention at Studio 88

to have similar service standards which are present at The Piano Works. This would include 5 hosts, 10 waiters, 6 managers, a team of chefs and 9 glass collectors. It was also intended that an area of approximately 300 metres around the premises would be kept clean and that external CCTV and the lighting in Whitcomb Court would be improved.

Mr Sycamore on behalf of the Licensing Authority initially asked a question of the Applicant. He asked for clarity in respect of the seating arrangements. Mr Moffatt replied that there was fixed seating for 350 out of a total capacity of 400. The dancing area would be around the stage. There would be tables around the fixed seating.

Mr Sycamore commented that as there was dancing the application did fit into policy MD2 for music and dancing in a designated cumulative impact area. It is the Licensing Authority's policy to refuse applications for music and dancing in the cumulative impact areas, other than applications to vary hours within Core Hours. He did not believe the Applicant had explained sufficiently as to why there should be a capacity of 400 in the West End Cumulative Impact Area well past Core Hours which would add to cumulative impact quite significantly.

The Sub-Committee heard from Mr Nevitt. He referred to the licence for Press being revoked and the venue being empty for the last two years. Mr Nevitt was content that there was good acoustic integrity and it was very unlikely that there would be any noise breakout. He stated that on one hand the SLP clearly favoured entertainment and performance venues to pubs and clubs. He believed Policy 2.5.33 of the Council's Statement of Licensing Policy was potentially relevant. However, there was music and dancing involved in the application. The application was for hours significantly beyond Core Hours in the West End Cumulative Impact Area. Mr Nevitt also queried whether the Applicant had demonstrated that the application would not have a detrimental effect on cumulative impact. He confirmed that the Applicant had agreed Environmental Health's proposed conditions.

Mr Nevitt also mentioned the improvements being offered by the Applicant in terms of improved lighting, CCTV coverage and street cleaning. He expressed the view that this was a very different operation from the previous tenant's running of Press. Mr Nevitt confirmed that he and PC Guerra had visited The Piano Works at Farringdon (this was not during trading hours). It was not in his view a typical nightclub operation.

Mr Nevitt advised that it was for the Applicant to consider whether there needed to be any flexibility in relation to the application, including the operating hours and the conditions such as management of queues or outside smokers. In response to a question from the Sub-Committee, he said that the key issue for Environmental Health was likely to be the dispersal of up to 400 people at 03:00 (the Sub-Committee noted that the capacity was also likely to include an additional 80 staff). However, the operation of the Premises was likely to be different from a nightclub in that customers were less likely to drink excessively with food and live music being available, there would potentially be a more phased departure of customers and the customers would be mostly seated in the Premises.

The Sub-Committee also heard from PC Guerra on behalf of the Metropolitan Police. He drew the Sub-Committee's attention to there having been two Premises licences in existence for Press. The 'primary' licence held by the tenant had been revoked but the 'shadow' or 'secondary' licence for the Premises in the name of the landlord had not been revoked in 2015 and was capable of being used. Some of the conditions on the licence had been reflected in the new application.

PC Guerra advised that whilst the application was for an entertainment venue, it was still alcohol led. It was not similar to a theatre show where alcohol was less of a significant factor. The Police had proposed that there were polycarbonate drinking vessels at the venue. It was the view of the Police that the later the terminal hour, the greater the risk would be that customers would cause crime/disorder or become victims of crime. It was up to the Applicant to demonstrate that the application would not add to crime and disorder. PC Guerra recommended introducing a last entry time as this would go some way to demonstrate that customers were going to the venue for the entertainment and not just to consume more alcohol. He advocated the Applicants having an effective plan in place to manage the queues and the smoking areas to reduce the potential for conflict outside. The Police had proposed conditions including that the designated smoking area would be supervised at all times it was in use and that body worn video systems would be used by the premises immediately during any verbal altercation. PC Guerra was of the view that even if the conditions were added, there was still some risk because it was an alcohol led venue.

The Sub-Committee noted that there were aspects within the SLP which set out that there should be greater diversity in the types of entertainment and cultural activity on offer. A live music venue would potentially fit within this category and was potentially attractive in terms of bringing the venue to Westminster. However, the Applicant was proposing a venue with a large capacity until beyond Core Hours in the West End Cumulative Impact Area.

Clarity was provided to the Applicant that the application did not fit within Policy PVC2 for theatres, cinemas, other performance venues, and qualifying clubs in the Cumulative Impact Areas Policy. The PVC policy specifically excludes venues where facilities are included for a person to take part in the entertainment and MD2 would apply. There was a presumption against the grant of the premises. There were aspects of the application that were attractive, however, in order for the Sub-Committee to determine the application in accordance with the SLP and to ensure the promotion of the licensing objectives it needed to be clear on the type of application it was dealing with and the intended business model for these Premises. The difficulty for the Sub-Committee and a key reason for the adjournment was that the Applicant's case was that the application was entertainment and food led and yet this was not fully reflected in the proposed conditions. The only commitment from the Applicant in this regard was that substantial food would be available where alcohol was sold. This was the type of condition that was attached to drink led nightclub licences.

	<p>It was explained to the Applicant that an opportunity was being given to produce more specific proposals in terms of licensing conditions which would ensure that it complied with being entertainment and food led. One aspect of this would be that the Premises licence could not be transferred to another operator and run as a nightclub. It was recommended that the Applicant discuss the proposals with the Responsible Authorities who had made representations in respect of the application.</p>
<b>2.</b>	<b>Live Music (Indoors)</b>
	<p>Monday to Tuesday 10:00 to 01:00  Wednesday 10:00 to 02:00  Thursday to Saturday 10:00 to 03:00  Sunday 12:00 to 22:30</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The application was adjourned to a later date (see reasons for decision in Section 1).</p>
<b>3.</b>	<b>Recorded Music (Indoors)</b>
	<p>Monday to Tuesday 10:00 to 01:00  Wednesday 10:00 to 02:00  Thursday to Saturday 10:00 to 03:00  Sunday 12:00 to 22:30</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The application was adjourned to a later date (see reasons for decision in Section 1).</p>
<b>4.</b>	<b>Performances of dance (Indoors)</b>
	<p>Monday to Tuesday 10:00 to 01:00  Wednesday 10:00 to 02:00  Thursday to Saturday 10:00 to 03:00</p>



	Sunday 12:00 to 22:30
	Amendments to application advised at hearing:  None.
	Decision (including reasons if different from those set out in report):  The application was adjourned to a later date (see reasons for decision in Section 1).
<b>5.</b>	<b>Anything of a similar description to live music, recorded music or performances of dance</b>
	Monday to Tuesday 10:00 to 01:00 Wednesday 10:00 to 02:00 Thursday to Saturday 10:00 to 03:00 Sunday 12:00 to 22:30
	Amendments to application advised at hearing:  None.
	Decision (including reasons if different from those set out in report):  The application was adjourned to a later date (see reasons for decision in Section 1).
<b>6.</b>	<b>Late Night Refreshment (Indoors)</b>
	Monday to Tuesday 23:00 to 01:00 Wednesday 23:00 to 02:00 Thursday to Saturday 23:00 to 03:00
	Amendments to application advised at hearing:  None.
	Decision (including reasons if different from those set out in report):  The application was adjourned to a later date (see reasons for decision in Section 1).
<b>7.</b>	<b>Sale by retail of alcohol (On)</b>
	Monday to Tuesday 10:00 to 01:00

	<p>Wednesday 10:00 to 02:00  Thursday to Saturday 10:00 to 03:00  Sunday 12:00 to 22:30</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The application was adjourned to a later date (see reasons for decision in Section 1).</p>
<b>8.</b>	<b>Hours premises are open to the public</b>
	<p>Monday to Tuesday 09:00 to 01:30  Wednesday 09:00 to 02:30  Thursday to Saturday 09:00 to 03:30  Sunday 12:00 to 00:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The application was adjourned to a later date (see reasons for decision in Section 1).</p>
<b>9.</b>	<b>Seasonal variations / Non-standard timings</b>
	<p><b><u>Films (Indoors), Live Music (Indoors), Recorded Music (Indoors), Performances of dance (Indoors), Anything of a similar description to live music, recorded music or performances of dance, Late Night Refreshment (Indoors), Sale by retail of alcohol (On), Hours premises are open to the public</u></b></p> <p>On the morning of the beginning of British Summer Time, the terminal hour will be 04:00.</p> <p>For the sub-basement only, from the end of the permitted hours on New Year's Eve to the start of the permitted hours on the following day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>

	<p>Decision (including reasons if different from those set out in report):</p> <p>The application was adjourned to a later date (see reasons for decision in Section 1).</p>