



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (3)

MINUTES OF PROCEEDINGS

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

Members Present: Councillors Melvyn Caplan (Chairman), Susie Burbridge and Aziz Toki

1 MEMBERSHIP

- 1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

- 2.1 With respect to Item 2 Councillor Caplan declared that he was the Chairman of the Licensing Sub-Committee held on 2 March 2017 which considered a Sexual Entertainment Venue (SEV) application for the same premises.

3 THE OTHER PALACE, 12 PALACE STREET, SW1

LICENSING SUB-COMMITTEE No. 3

Thursday 5th October 2017

Membership: Councillor Melvyn Caplan (Chairman), Councillor Susie Burbridge and Councillor Aziz Toki

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Heidi Lawrence

Relevant Representations: Environmental Health, Councillor Tim Mitchell, eight local residents and the Stafford Mansions Residents Association.

Present: Ms Sue Dowling (Solicitor, Representing the Applicant), Mr Darren Atkins (Operations Director for the Applicant Company), Ms Danni Powell (General Manager of The Premises), Mr Dave Nevitt (Environmental Health), Cllr Tim Mitchell (Ward Councillor), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing three local

residents), Mr Freeman (local resident) and Ms Tina Karatza (representing local resident Ms Marie Morphy).

| | | | |
|--|---|--|--|
| The Other Palace, 12 Palace Street, London, SW1E 5JA 17/08676/LIPN | | | |
| 1. Performance of Love Music, Performance of Dance, Exhibition of a Film, Indoor Sporting Event, Performance of Live Music, Playing of Recorded Music, Performance of a Play, Anything of a Similar Description to Live Music, Recorded Music or Performance of Dance | <table> <tr> <td> <u>Current Hours</u> Monday to Thursday: 08:00 – 23:30 Friday to Saturday: 08:00 – 00:00 Sunday: 10:00 – 22:30 <u>Current Licensable Area</u> Basement 1 & 2 areas, Ground Floor, First Floor </td><td> <u>Proposed Hours</u> Monday to Thursday: 10:00 – 23:30 Friday to Saturday: 10:00 – 00:00 Sunday: 10:00 – 22:30 <u>Proposed Licensable Area</u> Main Auditorium and Cabaret Studio only </td></tr> </table> | <u>Current Hours</u> Monday to Thursday: 08:00 – 23:30 Friday to Saturday: 08:00 – 00:00 Sunday: 10:00 – 22:30 <u>Current Licensable Area</u> Basement 1 & 2 areas, Ground Floor, First Floor | <u>Proposed Hours</u> Monday to Thursday: 10:00 – 23:30 Friday to Saturday: 10:00 – 00:00 Sunday: 10:00 – 22:30 <u>Proposed Licensable Area</u> Main Auditorium and Cabaret Studio only |
| <u>Current Hours</u> Monday to Thursday: 08:00 – 23:30 Friday to Saturday: 08:00 – 00:00 Sunday: 10:00 – 22:30 <u>Current Licensable Area</u> Basement 1 & 2 areas, Ground Floor, First Floor | <u>Proposed Hours</u> Monday to Thursday: 10:00 – 23:30 Friday to Saturday: 10:00 – 00:00 Sunday: 10:00 – 22:30 <u>Proposed Licensable Area</u> Main Auditorium and Cabaret Studio only | | |
| | Amendments to application advised at hearing: None. | | |
| | Decision (including reasons if different from those set out in report): The Sub-Committee considered an application by Entertainment Theatres Limited for a new premises licence in respect of The Other Palace, 12 Palace Street, London, SW1E 5JA. The Licensing Officer provided an outline of the application to the Sub-Committee and confirmed that the Police had withdrawn their representation following agreement of conditions with the applicant. All parties were invited to make representations to the Sub-Committee in relation to the application. The parties responded to members' questions and were given an opportunity to ask questions of each other. The Chairman confirmed that all parties had received a substantial number of extra documents from the applicant the day prior to the hearing but could not guarantee that there had been sufficient time available for all parties to consider this information. Ms Dowling, representing the applicant, stated that the information provided collated already existing information and did not contain anything new. Ms Dowling explained how the application contained small amendments to the ground floor area in order to update the licencing plans. This included relocating the box office area so it was nearer the bar so as to help avoid congestion near the main doors. The application also sought to update the conditions which were | | |

currently in operation on the existing licence. The current conditions required simplifying as they were considered quite complicated and technical, especially with regards to the hours detailing the licensable hours. It was hoped by updating them it would make the conditions more relevant and enforceable. Concerning regulated entertainment, the application proposed to reduce the hours this could start from 08:00 hours to 10:00 hours. It was confirmed that regulated entertainment would only take place in the auditorium and not in the bar or restaurant area. Essentially the new licence was to allow different hours for the sale of alcohol. The application had originally sought to extend the sale of alcohol for one hour beyond what was currently permitted. However, having assessed the representations that had been received this had now been reduced to seek an extra thirty minutes for the sale of alcohol and late night refreshment. It was proposed for the premises to close thirty minutes after licensable activities had ended to allow customers to finish their drinks and create a gentler dispersal of customers therefore minimising any potential for disruption.

The Sub-Committee requested clarification on the proposed hours for the sale of alcohol and late night refreshment. Ms Dowling confirmed that in all areas it would be from 10:00 to 00:00 hours Monday to Thursday and 10:00 to 00:30 hours on Fridays and Saturdays with no change on Sundays. The venue would remain open for an extra thirty minutes in addition to these hours to allow customers to finish their drinks.

Ms Dowling recognised that there may be concerns over the proposal to extend the terminal hours for the sale of alcohol and late night refreshment. To provide reassurance however that this would not impact on the licensing objectives there would be no takeaway permitted and the late night refreshment hours requested was simply to cover the sale of hot food and drinks at the premises. Also, a last entry condition was proposed to not allow any new customers into the premises after 23:00 hours. The application was seeking to just allow patrons to watch a performance and then potentially have a meal with a drink afterwards. The Sub-Committee's attention was also brought to a proposed condition requiring SIA licenced staff to operate on the entrances to the premises.

Concerning the capacity of the theatre Ms Dowling explained how it was proposed to modify two existing conditions already on the licence. Currently there was no provision to allow customers to drink in the foyer area following a performance. The modified conditions would allow 312 patrons to use the ground floor (including the main auditorium, box office and foyer) for a period of one hour immediately before a performance, during any interval and for ninety minutes post performance. These conditions were proposed to alleviate potential issues of three hundred customers entering onto the pavement area following a performance. It was suggested that the conditions proposed would ensure a more staggered dispersal into the local area. The Sub-Committee was informed that the applicant was confident that they would be able to appropriately manage the increase in hours and doubt was expressed that the full capacity of three hundred customers would all use the bar post performance.

Ms Dowling highlighted that the report before the Sub-Committee referenced the fact that the venue already benefited from a premises licence. It also contained a previous application for a variation of a premises licence from 2013 which was

refused. The Sub-Committee was reminded that it had to consider the new application on its merits and the evidence before it, not a historic application which came before the Sub-Committee for the same venue but by a different theatre operator. The Council's Legal Adviser confirmed that each case was considered on its merits. The previous decision from 2013 was a public record and a view had been taken that the Sub-Committee was entitled to see the previous decision. This would allow a consistency of decision making but the Sub-Committee was not bound by the previous decision and a decision on the new application would be made purely on the application's merits. Ms Dowling clarified that the 2013 application had been submitted by a company with the same name as the current applicant but this company had been taken over by The Really Useful Theatre Company in 2016.

The Sub-Committee noted that the applicant had invested significant funds into the theatre. It was a small theatre which the Council considered played an important function in the local community. From a financial perspective the theatre had struggled in the past and had proven difficult to operate but it offered first class facilities and it was hoped the proposed changes would help its economic situation. The Sub-Committee's attention was brought to the representation submitted by Lord Lloyd-Webber who detailed the approach to be taken with the theatre which was to make it a creative arts hub. The theatre was not-for-profit with any profits being made invested back into the venue.

Ms Dowling explained how the applicant had tried to keep the conditions on the new licence similar to those on the current licence but amendments had been made to update them and allow more flexibility. The conditions being amended were detailed and particular attention was drawn to an amendment which would allow the restaurant on the first floor to be used for corporate or hospitality events allowing customers to drink alcohol without providing a meal. It was explained this would provide more flexibility for the theatre to provide private events, for example hosting opening or closing performance events for performers. Also of note was a further amendment proposed to a condition limiting patrons' use of the entrance/exit on Palace Place between 10:00 and 22:00 hours. It was suggested that the amendments to the conditions including a last entry, SIA door staff and numerous clarifying conditions would balance the slight increase in licensable hours requested. The Sub-Committee noted that Environmental Health (EH) had not received any noise complaints with regards to the venue in the last two years coinciding with when the theatre was taken over by the current operator.

The Council's Licensing Policy Adviser requested clarity on the hours requested for the sale of alcohol on the first floor Monday to Saturday. The current licence permitted it until 00:00 however the application was proposing to extend this to 01:00 which was an increase by one hour and not thirty minutes as stated earlier. Ms Dowling confirmed that it was proposed for the restaurant to extend its hours for the sale of alcohol by one hour on Fridays and Saturdays.

Mr Dave Nevitt, representing Environmental Health, explained that their representation was maintained based on three areas of concern. Firstly, the application was requesting hours beyond core hours. It was accepted the premises was not located within a Cumulative Impact Area (CIA) and was well

managed, however the extension in hours was considered significant especially as it was located in a very residential area. Whilst the activities undertaken at the theatre were not a cause for concern the issue centred on the potential for three hundred people to be leaving the venue at 01:00 hours in a residential area and the disturbance this could create. Secondly, the granting of core hours dictated when customers had to leave a premises whilst this application was also seeking an extra thirty minutes to allow customers to finish their drinks. Further clarity on this issue was requested. Thirdly, further clarity on the conditions was also required as concern was expressed over their enforceability and their operational practicality. For example, would the staff at the theatre be able to manage potentially three hundred customers leaving a performance and entering the bar area?

Councillor Tim Mitchell, representing residents from St. James's Ward, objected to the extension in hours. The area was of a residential nature and this would increase in the near future with a new residential development currently taking place adjacent to the theatre. Increasing the hours would increase the likelihood of late night disturbance to residents especially with regards to dispersal of customers from the theatre.

Mr Brown, from the Westminster Citizens Advice Bureau, expressed concern over the hours requested and how they represented a significant extension to those currently operated. There was also concern over the change in terminology for the first floor as it would be renamed a hospitality space and clarity was requested on what this would entail. It was suggested the later commencement hours requested from 08:00 to 10:00 hours did not constitute a meaningful reduction in when alcohol was sold. Extensions to the terminal hour for the sale of alcohol were far more significant as it was suggested that it was usually on an evening when the licensing objectives were undermined. Mr Brown stressed that the objections detailed were not against the theatre and it was hoped very much that it would succeed. However, the theatre was located in a very residential area and extending the hours even later would have the effect of undermining the licensing objectives. It was noted that no formal noise complaints had been submitted to EH but there were references to disturbance in the representations received. With regards to capacity it was felt that allowing the bar to be used for ninety minutes after a performance was tantamount to increasing its capacity and the related problems with dispersal this would cause. Attention was drawn to the Sub-Committee's decision in 2013 when an application to vary the theatre's licence had been refused. One of the reasons stated for the refusal was that it was located in a residential area, this was still the case and it was suggested this application was even more extensive than the variation application.

Mr Brown also highlighted paragraph 2.2.12 of the Council's Licensing Policy which highlighted the issues created for residents of customers dispersing from a premises where they had been drinking alcohol. This was relevant as one of the main areas of concern with the application centred on the dispersal of customers who had consumed alcohol. Further clarification was also sought on how the Palace Place entrance/exit would function as what was proposed appeared to be the same as how it currently functioned. Finally, further concern arose from the use of the bar area. The application did not state that the bar could only be used

by customers of the theatre therefore there was the potential for the bar to be used by over three hundred members of the public.

Mr Freeman, a local resident, was concerned that the bar area could be used by members of the public rather than theatre customers potentially changing the nature of the theatre. The area was very residential and it was the issue of dispersal of customers which provided the greatest fear to residents. The theatre could control people on its premises but once they exited on the street it would be impossible to control their behaviour. Already theatre patrons loitered on the street outside following a performance and this noise disturbance would become even greater if the hours for the sale of alcohol were extended even further. The use of the first floor as a hospitality space was also a cause for concern. What would be the nature of these events and if, as suggested, it would be rarely used for corporate events why didn't the applicant just apply for Temporary Event Notices (TENs) as required? In conclusion it was stated that extending the terminal hours for the sale of alcohol, would have a significant detrimental effect on the local area.

Ms Karatza, representing the local resident Ms Morphy, explained that it was common for residents to experience noise disturbance from customers of the theatre who loitered on the street outside once the theatre had closed. Most residents struggled to sleep before 00:30 hours due to people talking and shouting and the only reason complaints had not been made to EH was that it was impossible to prove the people had actually been to the theatre.

The Sub-Committee noted that no objections had been raised by the responsible authorities to the proposed change in layout to the premises.

Ms Dowling stressed the importance to the Sub-Committee of considering the evidence available which included the fact that no noise complaints had been submitted to EH. The amendments to the hours and conditions would allow staff to more effectively manage the theatre and provide a more positive effect on the dispersion of customers. It was recognised the area was residential however as no complaints had been received the Sub-Committee had to assess if a small extension in hours would undermine the licensing objectives. With regards to the drafting of the new conditions the applicant had tried to find the right balance for the area. For example, the applicant had carefully listened to the representations received and would be willing to condition the use of the hospitality space for pre-booked, pre-arranged events. It was hoped to engage with local residents and develop the theatre in collaboration with the local area. The previous operator of the theatre had failed due to economic reasons and it was hoped this application would allow the not-for-profit theatre to financially succeed. It was recognised that the hours requested were beyond core hours however the additional conditions proposed, clarification on how the theatre would operate and the lack of complaints from residents would reassure the Sub-Committee that a modest increase in hours would not undermine the licensing objectives. It was hoped in the future that the theatre and local residents would be able work together to make the venue a success and a valuable community asset.

The Sub-Committee requested clarification on how it was proposed to manage the use of the bar after a performance, what the corporate private events would

entail and how they planned to ensure customers leaving the theatre at 01:30 hours would not create disturbance? Mr Atkins, the Operations Director, explained that it was known how many customers were watching a performance and in the bar area staff took a head count to ensure it did not exceed its capacity. Once capacity was reached no further customers would be allowed into the bar. In reality most customers exited the theatre once the performance had finished. Regarding corporate events these would be held for such things as opening events where customers would not be expected to pay for food and drink. It was expected that approximately ten to twelve of these events would be held each year. Finally, concerning the terminal hours the application had been made to allow customers to enjoy a meal after a performance. Last entry would be restricted to 23:00 hours and it was expected that the capacity of the restaurant would not be met at this time. SIA staff would be on duty at the entrance/exit closely monitoring the dispersal of customers and customers would be reminded to respect local neighbours due to the residential nature of the area. It was hoped that the theatre was a good neighbour and residents were urged to contact its management if they had any concerns over its operation.

Ms Dowling suggested that the application would not implement any fundamental changes to the theatre. The current licence already provided for a bar and restaurant and the consumption of alcohol was ancillary to the premises operation as a theatre. It would not operate as a late night bar and it was suggested the extension in hours requested were modest.

The Sub-Committee carefully considered the application before it based on its own merits and the evidence presented by all parties. Having considered all the evidence, the Sub-Committee agreed to grant the application but not on the terms requested. Careful consideration was given to the extension in hours for the sale of alcohol but the Sub-Committee was of the opinion that this represented a significant increase. The area surrounding the premises was highly residential and allowing customers to drink alcohol until 01:30 on Fridays and Saturdays was considered unacceptable. The hours currently in operation were beyond core hours and the number of representations received by local residents highlighted the disturbance already experienced from people leaving the theatre. It was considered extending these hours even further would only exacerbate these noise issues. The Sub-Committee was of the opinion that the hours requested were well beyond core hours and would undermine the licensing objective of prevention of public nuisance. The extension in hours requested was therefore refused.

The Sub-Committee stressed that they wanted the theatre to succeed and hoped it would become a valuable asset to the local community. As such it was agreed to allow the change in layout of the premises. The Sub-Committee also agreed to provide the operation with the appropriate flexibility required by permitting the first floor to be used to host pre-booked events. The controls in place for this area consisting of a maximum capacity of sixty-two customers and a terminal hour of 00:00 provided reassurance that this area could be appropriately managed without creating any disturbance to residents. It was stressed however that these events would have to be pre-booked and by invitation only. It was felt allowing the use of this area for pre-booked events was appropriate and would hopefully assist the theatre with its operation. No further changes to the function

| | | | | | | | | | | | | | |
|---|--|----------------------|-----------------------|--|--|---|--|---|--|--------------------------------|---------------------------------|---|---|
| | <p>of the restaurant were permitted however, it was believed it should continue to function primarily as a restaurant and any current conditions relating to this area should be retained in order to keep an appropriate balance.</p> <p>Careful consideration was also given to the request to extend the capacity of the bar area following a performance/event. The Sub-Committee understood the rationale behind why this had been requested but this had to be balanced with the representations received by local residents. The main issues centred on dispersal and the potential for customers to create noise and disturbance when leaving the premises. It was noted the restaurant and bar were ancillary to the theatre operation and it was therefore not considered appropriate to permit the use of the bar for ninety minutes post performance. This was considered especially relevant as the bar would not be restricted to just theatre customers.</p> <p>Having heard all the evidence, the Sub-Committee was satisfied that the application, as amended by the Licensing Sub-Committee would uphold and promote the licensing objectives. The Sub-Committee was of the opinion that the nature of the operation and the conditions attached to the licence would ensure the premises would be appropriate for the local area and minimise disruption to local residents. It was therefore agreed to grant the application as amended and with the terminal hours restricted to the current terminal hours as set out above.</p> <p>The Sub-Committee recognised that the applicant had offered several conditions, including a last entry hour and the employment of SIA staff, to be included on the licence but it was not considered appropriate to impose these as the hours requested had not been granted. The Sub-Committee agreed to make appropriate amendments to the conditions on the licence as set out below in order to update the licence as necessary.</p> | | | | | | | | | | | | |
| 2. | <p>Late Night Refreshment - Indoors</p> <table border="0"> <tr> <td data-bbox="268 1294 469 1328"><u>Current Hours</u></td><td data-bbox="842 1294 1075 1328"><u>Proposed Hours</u></td></tr> <tr> <td data-bbox="268 1368 778 1440">Monday to Saturday: 23:00 to 00:00 (First Floor Restaurant)</td><td data-bbox="842 1368 1347 1440">Monday to Saturday: 23:00 – 01:00 (All Areas)</td></tr> <tr> <td colspan="2" data-bbox="268 1480 804 1626">Monday to Thursday: 23:00 to 23:30 (Ground Floor Bar, Main Auditorium & Cabaret Theatre, Basement 1 & 2 Areas, First Floor Restaurant)</td></tr> <tr> <td colspan="2" data-bbox="268 1666 804 1812">Friday to Saturday: 23:00 to 00:00 (Ground Floor Bar, Main Auditorium & Cabaret Theatre, Basement 1 & 2 Areas, First Floor Restaurant)</td></tr> <tr> <td data-bbox="268 1852 612 1886"><u>Current Licensable Area</u></td><td data-bbox="842 1852 1219 1886"><u>Proposed Licensable Area</u></td></tr> <tr> <td data-bbox="268 1924 804 1995">Basement 1 & 2 Areas, Ground Floor, First Floor</td><td data-bbox="842 1924 1378 1995">Basement 1 & 2 Areas, Ground Floor, First Floor</td></tr> </table> | <u>Current Hours</u> | <u>Proposed Hours</u> | Monday to Saturday: 23:00 to 00:00 (First Floor Restaurant) | Monday to Saturday: 23:00 – 01:00 (All Areas) | Monday to Thursday: 23:00 to 23:30 (Ground Floor Bar, Main Auditorium & Cabaret Theatre, Basement 1 & 2 Areas, First Floor Restaurant) | | Friday to Saturday: 23:00 to 00:00 (Ground Floor Bar, Main Auditorium & Cabaret Theatre, Basement 1 & 2 Areas, First Floor Restaurant) | | <u>Current Licensable Area</u> | <u>Proposed Licensable Area</u> | Basement 1 & 2 Areas, Ground Floor, First Floor | Basement 1 & 2 Areas, Ground Floor, First Floor |
| <u>Current Hours</u> | <u>Proposed Hours</u> | | | | | | | | | | | | |
| Monday to Saturday: 23:00 to 00:00 (First Floor Restaurant) | Monday to Saturday: 23:00 – 01:00 (All Areas) | | | | | | | | | | | | |
| Monday to Thursday: 23:00 to 23:30 (Ground Floor Bar, Main Auditorium & Cabaret Theatre, Basement 1 & 2 Areas, First Floor Restaurant) | | | | | | | | | | | | | |
| Friday to Saturday: 23:00 to 00:00 (Ground Floor Bar, Main Auditorium & Cabaret Theatre, Basement 1 & 2 Areas, First Floor Restaurant) | | | | | | | | | | | | | |
| <u>Current Licensable Area</u> | <u>Proposed Licensable Area</u> | | | | | | | | | | | | |
| Basement 1 & 2 Areas, Ground Floor, First Floor | Basement 1 & 2 Areas, Ground Floor, First Floor | | | | | | | | | | | | |

| | | | | | | | | | | | | |
|--|--|--|----------------|-----------------|---|---|--|--|--|--|--|--|
| | <p>Amendments to application advised at hearing:</p> <p>The applicant proposed that the terminal hours for the provision of late night refreshment for all areas with the exception of the first floor restaurant/hospitality area) be amended to 00:00 Monday to Thursday, and 00:30 on the day following Fridays and Saturdays. The terminal hours for the first floor restaurant/hospitality area would remain as applied for.</p> | | | | | | | | | | | |
| | <p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application but restricted the terminal hours to those that applied to the current licence in force at the premises, subject to conditions as set out below (see reasons for decision in Section 1).</p> <p>That meant that late night refreshment was permitted under this application from 23.00 to midnight on Monday to Saturday for the first floor restaurant and hospitality area; and from 23.00 to 23.30 on Monday to Thursday and 23.00 to midnight on Friday and Saturday in all remaining areas of the premises (on the ground floor and basement 1 and 2 areas)</p> | | | | | | | | | | | |
| 3. | <p>Sales of Retail by Alcohol – On Sales</p> <table><tr><td><u>Current</u></td><td><u>Proposed</u></td></tr><tr><td>Monday to Saturday: 08:00 – 00:00 (First Floor)</td><td>Monday to Thursday: 10:00 – 00:30 Friday to Saturday: 10:00 – 01:00 Sunday: 10:00 – 22:30</td></tr><tr><td>Monday to Thursday: 08:00 to 23:30 (Ground Floor Bar, Main Auditorium & Cabaret theatre – Basement 1 & 2 Areas)</td><td></td></tr><tr><td>Friday to Saturday: 08:00 to 00:00 (Ground Floor Bar, Main Auditorium & Cabaret Theatre – Basement 1 & 2 Areas)</td><td></td></tr><tr><td>Sunday: 10:00 – 22:30 (Basement, Ground & First Floors)</td><td></td></tr></table> | | <u>Current</u> | <u>Proposed</u> | Monday to Saturday: 08:00 – 00:00 (First Floor) | Monday to Thursday: 10:00 – 00:30 Friday to Saturday: 10:00 – 01:00 Sunday: 10:00 – 22:30 | Monday to Thursday: 08:00 to 23:30 (Ground Floor Bar, Main Auditorium & Cabaret theatre – Basement 1 & 2 Areas) | | Friday to Saturday: 08:00 to 00:00 (Ground Floor Bar, Main Auditorium & Cabaret Theatre – Basement 1 & 2 Areas) | | Sunday: 10:00 – 22:30 (Basement, Ground & First Floors) | |
| <u>Current</u> | <u>Proposed</u> | | | | | | | | | | | |
| Monday to Saturday: 08:00 – 00:00 (First Floor) | Monday to Thursday: 10:00 – 00:30 Friday to Saturday: 10:00 – 01:00 Sunday: 10:00 – 22:30 | | | | | | | | | | | |
| Monday to Thursday: 08:00 to 23:30 (Ground Floor Bar, Main Auditorium & Cabaret theatre – Basement 1 & 2 Areas) | | | | | | | | | | | | |
| Friday to Saturday: 08:00 to 00:00 (Ground Floor Bar, Main Auditorium & Cabaret Theatre – Basement 1 & 2 Areas) | | | | | | | | | | | | |
| Sunday: 10:00 – 22:30 (Basement, Ground & First Floors) | | | | | | | | | | | | |
| | <p>Seasonal Variations/Non-Standard Timings:</p> <table><tr><td><u>Current</u></td><td><u>Proposed</u></td></tr><tr><td>Between 08:00 to 10:00 subject to condition 42 and 10:00 to 23:00 on Bank Holidays.</td><td>n/a</td></tr></table> | | <u>Current</u> | <u>Proposed</u> | Between 08:00 to 10:00 subject to condition 42 and 10:00 to 23:00 on Bank Holidays. | n/a | | | | | | |
| <u>Current</u> | <u>Proposed</u> | | | | | | | | | | | |
| Between 08:00 to 10:00 subject to condition 42 and 10:00 to 23:00 on Bank Holidays. | n/a | | | | | | | | | | | |

| | | | | | | | | | |
|-----------------------------------|---|----------------|-----------------|-----------------------------------|-----------------------------------|-----------------------|-----------------------------------|--|-----------------------|
| | <p>Amendments to application advised at hearing:</p> <p>The applicant proposed that the terminal hours for the on sale of alcohol for all areas with the exception of the first floor restaurant/hospitality area) be amended to 00:00 Monday to Thursday, and 00:30 on the day following Fridays and Saturdays. The terminal hours for the first floor restaurant/hospitality area would remain as applied for.</p> | | | | | | | | |
| | <p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application, but restricted the terminal hours to those that applied to the current licence in force at the premises, subject to conditions as set out below (see reasons for decision in Section 1).</p> <p>That meant that the sale of alcohol was permitted under this application from 10.00 to midnight on Monday to Saturday for the first floor restaurant and hospitality area; from 10.00 to 23.30 on Monday to Thursday and 23.00 to midnight on Friday and Saturday in all remaining areas of the premises (on the ground floor and basement 1 and 2 areas); and from 10.00 to 22.30 on Sundays throughout the premises.</p> | | | | | | | | |
| 4. | <p>Hours Premises Are Open to the Public</p> <table> <tr> <td><u>Current</u></td><td><u>Proposed</u></td></tr> <tr> <td>Monday to Saturday: 08:00 – 00:00</td><td>Monday to Thursday: 10:00 – 01:00</td></tr> <tr> <td>Sunday: 10:00 – 22:30</td><td>Friday to Saturday: 10:00 – 01:30</td></tr> <tr> <td></td><td>Sunday: 10:00 – 23:00</td></tr> </table> | <u>Current</u> | <u>Proposed</u> | Monday to Saturday: 08:00 – 00:00 | Monday to Thursday: 10:00 – 01:00 | Sunday: 10:00 – 22:30 | Friday to Saturday: 10:00 – 01:30 | | Sunday: 10:00 – 23:00 |
| <u>Current</u> | <u>Proposed</u> | | | | | | | | |
| Monday to Saturday: 08:00 – 00:00 | Monday to Thursday: 10:00 – 01:00 | | | | | | | | |
| Sunday: 10:00 – 22:30 | Friday to Saturday: 10:00 – 01:30 | | | | | | | | |
| | Sunday: 10:00 – 23:00 | | | | | | | | |
| | <p>Amendments to application advised at hearing:</p> <p>The applicant proposed that hours the premises were open to the public be amended to an additional 30 minutes beyond the proposed hours for the sale of alcohol.</p> | | | | | | | | |
| | <p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application, but restricted the terminal hours to those that applied to the current licence in force at the premises, subject to conditions as set out below (see reasons for decision in Section 1).</p> <p>That meant that the hours that the premises could be open to the public in accordance with this application would be 10.00 to midnight on Monday to Saturday and from 10.00 to 22.30 on Sundays.</p> | | | | | | | | |

| Conditions attached to the Licence |
|---|
| <u>Mandatory Conditions</u> |
| 1. No supply of alcohol may be made at a time when there is no designated |

premises supervisor in respect of this licence.

2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.

3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.

4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to

produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

(b) "permitted price" is the price found by applying the formula - $P = D + (D \times V)$

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under

such a licence;

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

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

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

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

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

9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

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

Conditions Consistent with the Operating Schedule

11. The licensable activities authorised by this licence are subject to the main function of the premises continuing to be that of a Theatre.

12. There shall be no sales of alcohol for consumption off the premises.

13. All entrance doors shall be kept closed, when Regulated Entertainment is taking place and in any event after 21:00 hours, except for immediate access and egress of persons.

14. The operators of the business and/or the licensees shall ensure that any capacity limits set for the premises are properly monitored at all times. Information regarding the capacity shall be given to an authorised officer or Police Officer on request.

15. A personal licence holder shall be on duty at the premises at all times when licensable activities are taking place.

16. Loudspeakers shall not be located outside the premises building.
17. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any faults in the CCTV system (e) any refusal of the sale of alcohol (f) any visit by a relevant authority or emergency service.
18. The premises shall maintain a comprehensive CCTV system as per the minimum requirements of 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. Recordings shall be made available immediately upon the request of Police or authorised council officer throughout the preceding 31 day period.
19. 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 must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.
20. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
21. Clear legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
22. Patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
23. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
24. A proof of age scheme, such as Challenge 25, shall be operated at the premises. The only acceptable forms of identification are recognised forms of photographic identification cards, such as a driving licence or passport.
25. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased. NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.
26. All waste is to be properly presented and placed out for collection no earlier than

30 minutes before the scheduled collection times.

27. No refuse, including bottles, shall be moved, removed or transferred to or in outside areas between 2300 hours and 0800 hours.

28. 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.

29. 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.

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

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

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

33. Curtains and hangings shall be arranged so as not to obstruct emergency signs.

34. A minimum of 7 working days' notice shall be given by the Environmental Health Consultation Team when there is a change to the theatrical production.

35. On an open stage and elsewhere in the premises any permanently installed scenery should normally be made from the following:

- o Non-combustible material; or
- o Inherently flame-retarded fabric; or
- o Durably-treated flame retarded fabric; or
- o Timber, hardboard or plywood treated by a process of impregnation which meets Class 1 (BS 476-7) or Class-s3.d2 (BS EN 13501-1) surface spread flame; or Timber framing of minimum 22mm nominal thickness; or
- o Medium-density fibreboard (MDF), plywood, chipboard not less than 18mm in thickness; or
- o Plastics material subject to special consideration by appropriate Responsible Authority, being the Fire Authority; or
- o Other materials acceptable to the appropriate Responsible Authority, being the Fire Authority.

36. All materials used in finishing and furnishing the premises should, as far as it reasonably practicable, be selected so as to be difficult to ignite and provide a low surface spread of flame and low rates of heat release and smoke emission.

37. All fabrics, curtains, drapes and similar features should 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 should be

non-combustible.

38. The certificates listed below shall be submitted to the Licensing Authority upon written request.

- o Any emergency lighting battery or system
- o Any electrical installation
- o Any emergency warning system
- o Ceiling.

39. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used when 7 days prior notice is given to the Licensing Authority and written consent is provided from the EH Consultation Team.

- o Dry ice and cryogenic fog
- o Smoke machines and fog generators
- o Pyrotechnics including fire works
- o Firearms
- o Lasers
- o Explosives and highly inflammable substances
- o Real flame
- o Strobe lighting.

40. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).

41. The sale and supply of alcohol shall be ancillary to the premises' primary use as a theatre.

Specific conditions relating to the areas identified

Main Auditorium

42. Any alcohol sold will be contained in non-glass containers.

43. The number of persons permitted in the main theatre shall not exceed 312.

Restaurant/Hospitality Space – First Floor

44. Save for pre-booked private events which are by invitation only, the supply of alcohol in this area shall only be to a person seated taking a table meal there and for consumption by such person as ancillary to their meal.

45. The supply of alcohol shall be waiter or waitress service only.

46. Substantial food and non-intoxicating beverages, including drinking water, shall be available throughout the permitted hours where alcohol is sold or supplied for consumption on the premises.

47. The number of persons permitted in this area at any one time shall not exceed 62.

Cabaret Theatre, Basement 1 & 2

48. The supply of alcohol in this area shall be ancillary to the regulated entertainment taking place there save for interval drinks for persons attending performances/events in the main auditorium.

49. Admittance to this area shall be to persons who have purchased a ticket for theatrical productions or music or comedy nights or who are attending a pre-booked corporate/private event by invitation only, or persons who have purchased a ticket for a performance in the main auditorium and the supply of alcohol shall be ancillary to the premises primary use as a theatre.

50. The number of persons permitted in this area at any one time shall not exceed 126.

51. The number of persons permitted on the Cabaret Theatre balcony at any one time shall not exceed 18 seated and 7 standing in the rear standing platform. An updated plan shall be provided reflecting the fixed seating within the balcony area.

Bar - Ground Floor

52. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours where intoxicating liquor is sold or supplied.

53. Subject to conditions 54 and 55, the number of persons permitted in the Bar at any one time shall not exceed 100.

54. On those days when both the Main Auditorium and Cabaret Theatre Basement 1 & 2 areas are operating the maximum capacity for the Ground Floor (which includes Main Auditorium, box office, Bar and foyer) shall be 312 for a period of one hour immediately before the performance/event in the Main Auditorium and during any interval and condition 53 above shall not apply.

55. On those days when the Main Auditorium is in use for performances and the Cabaret Theatre is not in use, the overall capacity for the Ground Floor (which includes Main Auditorium, box office, Bar and foyer) and Cabaret Theatre Basement 1 & 2 areas shall not exceed 312 for a period of one hour immediately before the performance/event in the Main Auditorium and during any interval and condition 53 above shall not apply.

57. Patrons of the theatre shall not be permitted to smoke in the immediate vicinity of the entrance in Palace Place.

58. Save for egress use in an emergency situation, the entrance/exit into palace Place shall only be used by patrons between the hours of 10:00 and 22:00.

59. No licensable activities shall take place at the premises until premises licence 17/00266/LIPDPS (or such other number subsequently issued for the premises) has been surrendered and is incapable of resurrection.

4 THE JERMYN CLUB, 91 JERMYN STREET, SW1

LICENSING SUB-COMMITTEE No. 3

Thursday 5th October 2017

Membership: Councillor Melvyn Caplan (Chairman), Councillor Susie Burbridge and Councillor Aziz Toki

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Heidi Lawrance

Relevant Representations: Environmental Health, The Licensing Authority, five local residents and the St. James's Conservation Trust.

Present: Mr Philip Kolvin QC (Representing the Applicant), Ms Lana Tricker (Solicitor, on behalf of the applicant), Mr Richard Traviss (Director), Mr Val Kmetz (Operations Manager), Mr Ian Watson (Environmental Health), Mr David Sycamore (Licensing Authority), Mr Gary Grant (Counsel, representing the St James's Conservation Trust) and Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project – representing residential objectors).

**The Jermyn Club, 91 Jermyn Street, London, SW1Y 6JT
17/08750/LIPV**

1. Performance of a Play and Films

Current

None.

Proposed

Monday to Sunday: 09:00 – 03:30

Seasonal Variations/Non-Standard Timings:

Current

None.

Proposed

An additional hour when British Summer Time commences.

From the end of New Year's Eve until the start of permitted hours on new Year's Day.

| | |
|--|--|
| | <p>Amendments to application advised at hearing:</p> <p>None.</p> |
| | <p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by PLH Bars Limited for a variation of a premises licence in respect of The Jermyn Club, 91 Jermyn Street, London, SW1Y 6JT.</p> <p>The Licensing Officer provided an outline of the application and confirmed that the Police had withdrawn their representation following discussions with the applicant and the agreement of conditions. The Sub-Committee was informed that a local resident had submitted a representation within the required time period but this had not been included in the report before the members. Mr Richard Brown of the Citizens Advice Bureau confirmed that he would address the Sub-Committee and detail the nature of the resident's objections.</p> <p>Councillor Caplan declared that he was the Chairman of the Licensing Sub-Committee held on 2 March 2017 which considered a Sexual Entertainment Venue (SEV) application for the same premises.</p> <p>Mr Kolvin, representing the applicant, explained that an application for an SEV licence for the premises had been refused in March 2017 and the premises had now been vacant for three years. The applicant was keen to proceed with investing in the premises and had therefore rethought the concept of the venue. It was now planned to change the layout of the premises and create a first class licenced venue comprising of a cocktail bar, a dining space and meeting areas separated by glass partitions. This would all be set in a comfortable environment in the style of a modern members' club representing a significant upgrade to the current premises. The kitchen had been refurbished and toilets had also been situated in the basement for the first time. To the rear of the basement an acoustic lobby had also been developed to provide further protection to residents of Ormond Yard. In total the cost of the refurbishment was approximately £2 million.</p> <p>Mr Kolvin detailed the main areas of the application. Firstly, it was planned to change the layout of the premises. It was suggested that no objections had been received to this change which would constitute a significant improvement to the current situation. The Sub-Committee noted that this would include the removal of a designated dance floor. Secondly, the application sought to add the provision of plays and films from Monday to Sunday 09:00 to 03:30 hours. The premises would not operate as a cinema or play films containing nudity which could be used for sexual entertainment. This element of the application was to provide more flexibility on the licence and to provide reassurance to the Sub-Committee model condition 44 had been proposed. Thirdly, the application was to delete and add conditions to the licence in order to update it. Currently many of the existing conditions were unenforceable and it was hoped the proposed conditions would bring the licence more in line with the Council's model conditions. Many of the proposed conditions were more stringent in order to ensure the residents of Ormond Yard were offered greater protection against any</p> |

noise disturbance and also to help provide a greater degree of internal control within the premises. The Police suggestions had been incorporated into the proposed conditions resulting in the subsequent withdrawal of their representation. Mr Kolvin suggested that Environmental Health (EH) and the Licensing Authority were also both broadly content with the proposed conditions. The Sub-Committee was requested to grant the application as it currently was before it rather than impose any further modifications to it. The application was for a variation to the licence and the Sub-Committee had to decide what effect it would have on the licensing objectives; it was not an opportunity to review the licence.

Mr Kolvin stressed the importance of recognising what would not be changing on the licence. There would be no increase in the licenced area, no increase in capacity, no increase in the licenced hours, no increase in the opening hours, no increase in the size of the bars and in fact the basement bar size was to be reduced. In addition, it was also planned to remove the designated dance floor area, have minimum seating requirements and prohibit customers from using Ormond Yard to enter and exit the premises. When making a decision the Sub-Committee was asked to consider the proposed nature of the venue, its clientele and the sensitive upgrading of a currently sub-standard premises.

Mr Kolvin next addressed some of the objections received regarding the application. The applicants were very experienced operators of similar establishments and any untruthful insinuations made in the representations did not reflect the good working relationship they had with all the responsible authorities. Concerns had also been raised over the application's impact on the residents of Ormond Yard. The applicants would install nine separate controls to increase protection in this area. This included preventing customers using the Ormond Yard door to enter or exit the premises, installing an acoustic lobby and prohibiting any smoking in this area. If the Sub-Committee was minded to grant the application Ormond Yard would then back onto a highly conditioned bar and not a dance orientated nightclub as it was previously. Some of the concerns raised simply related to misunderstandings about the application. The licenced hours would not be increased, films of a sexual nature would not be shown and the removal of the designated dance floor and an increase in seating ensured it would not become a nightclub. Several of the objections requested further controls and limitations be placed on the licence but this was a variation application to implement a members club operation in the premises. Conditions had been proposed to provide reassurance over its nature but it was not an opportunity to make further demands to limit the licence.

Specific concerns had also been raised on several issues and Mr Kolvin addressed these. The potential nuisance created by customers smoking on Jermyn Street had been highlighted. Four conditions were proposed to control smokers outside to ensure they did so in an orderly manner and without taking their drinks with them. The wide nature of the pavement outside the premises was brought to the Sub-Committee's attention. It was planned to restrict smokers to a designated area and this would be identified in consultation with neighbours. The searching arrangements for customers entering the premises had also been raised. New arrangements would be implemented including ensuring all customers entering the sub-basement area would have to provide ID. The Police

had inspected the arrangements and were content with them. A representation received had also requested that drinks be served in polycarbonate vessels. The venue would not pose a significant risk of glass related attacks. The premises was a high grade cocktail bar and the use of polycarbonate vessels would not be in line with the nature of the venue the applicant was hoping to create. It was proposed to remove the current condition 26 from the licence which required the basement to be ancillary to A3 use. This was a historic condition which was now not considered modern or appropriate.

Mr Kolvin provided further information on the food offer and how it was planned to provide a high quality menu.

In summary Mr Kolvin highlighted how the application would upgrade a third rate venue into a first rate venue. The applicant had invested £2 million into improving the facilities and this included removing the designated dance floor and imposing carefully considered conditions onto the licence which would ensure the licensing objectives were upheld. The premises would be an upmarket cocktail bar with a facility for guests to partake in private dining.

The Sub-Committee was interested to learn how exactly the basement area would operate with the removal of the dance floor? Mr Kolvin explained that the idea of the basement area was to allow customers to either have a meal or to have a drink served by waiter/waitress service. This provided a degree of flexibility and gave different customers options. The premises was not a high octane dance venue but a comfortable, highly seated member club style environment. The Sub-Committee expressed concern that furniture could be moved to one side of the premises allowing the space to operate as nightclub. Mr Kolvin explained that the premises already had a licence permitting its use as a nightclub. To provide reassurance that this was not the intention of the applicant two conditions had been proposed ensuring there would be a minimum number of seats in operation at all times in the basement and sub-basement areas.

Mr Watson, representing Environmental Health, discussed several of the main aspects of the application. The change to the premises layout and the installation of an acoustic lobby would benefit Ormond Yard. The two emergency escape exits from the basement area had also been maintained. The inclusion of two additional toilets at the rear basement provided more than adequate toilet provision. An extra staircase to the sub-basement area was being introduced and the bar area was being orientated away from the Ormond Yard side of the premises. It was recognised that it was proposed to remove the dance floor however what now constituted a dance floor was questioned. With regards to smoking the pavement outside the premises on Jermyn Street was considered of sufficient width at approximately two metres wide. How to control smokers outside would be difficult and this could be managed through creating a designated smoking area. Mr Watson confirmed however that he would not want the introduction of static street furniture. Conditions were proposed to control the provision of films and plays and this was not an area of concern. It was agreed that the conditions on the existing licence were out-dated and the proposed amendments were considered adequate.

Mr Sycamore, representing the Licensing Authority, confirmed that its representation was maintained over concerns how the premises would promote the licensing objectives on public nuisance and prevention of crime and disorder. The conditions proposed by the Police were welcomed however concern was expressed that the furniture located in the basement area was movable and could therefore be moved to one side. Clarification was requested on how many seats would be located in the basement and when they would be in operation. The applicant had also stated that the premises would operate in the style of a members club however no conditions had been proposed confirming this. Mr Sycamore confirmed that the Licensing Authority had no concerns over the change in layout at the premises and the provision of film.

Mr Grant, representing the St James's Conservation Trust, addressed the Sub-Committee. He confirmed that there were no objections to the modernisation of the conditions on the licence and the addition of provision of films and plays onto the licence. Concern was expressed however that the conditions proposed by the applicant reflected an intensification of use at the premises and in particular would permit it to operate as a nightclub. Lots of the additional conditions were considered beneficial but several, if permitted, would substantially change the nature of the operation. The location was not appropriate for a nightclub and the applicant had stated on several occasions that it would not operate as a nightclub but as a cocktail bar. It was therefore suggested that a condition be added to the licence confirming that it could only operate as a cocktail bar. This would greatly assist in reducing the potential impact on the intensification of use at the premises. Another area of concern related to the replacing of the original condition 26 which stated that the provision of music and dancing in the basement must remain ancillary to A3 restaurant use. It was being sought to replace this condition with two diluted conditions which would allow the sale of alcohol to be ancillary to the use of the premises for music and dancing and/or substantial refreshment, a subtle difference. The licensing plans also revealed that the area located in the basement for restaurant use was so small to be effectively meaningless. The plan stated that the furniture displayed on it was indicative only and this created the impression it could be moved to one side to create a dance floor.

Mr Grant then brought to the Sub-Committee's attention the track record of the application. Various conditions were proposed at the hearing held on 2 March 2017 which had now been withdrawn specifically restricting the sale of alcohol to members of the club and their guests. This highlighted the inconsistent and constantly shifting intentions of the applicants resulting in the St John's Wood Conservation Trust being unable to accept pledges made by them. Mr Grant suggested that the applicants had a long record of operating nightclubs however their track record was not impeccable.

If the Sub-Committee agreed to grant the variation Mr Grant proposed to impose additional conditions, as stated in the report before the Sub-Committee, on the licence to ensure the application promoted the licensing objectives. Imposing these controls on the licence would ensure the premises would not morph into a nightclub and something that undermined the licensing objectives. The Sub-Committee acknowledged that the premises could currently operate as a nightclub though. Mr Grant explained that the basement area had a condition

which required the sale of alcohol to be ancillary to the use of the premises for music and dancing and substantial refreshment. It was Mr Grant's opinion that this would preclude the premises from operating as a nightclub.

Mr Brown, from the Westminster Citizens Advice Bureau, represented a local resident who lived in Ormond Yard and whose property shared a wall with the premises. The additional conditions had been noted and it was considered these would improve the current licence. It was acknowledged that customers would be prevented from using the door into Ormond Yard but there was no mention of staff and the potential noise disruption they could create from smoking in this area. Clarification was also sought on whether it was the intention for the rear doors to be an openable frontage? Mr Kolvin provided assurances that no customers would be able to access the rear doors unless in an emergency and they would function simply for the servicing of the premises. This would be an improvement on the current situation for residents of Ormond Yard.

The Sub-Committee was interested to explore further the possibility that as the restaurant area in the basement was quite small there was the potential for it to depart from a dining style of operation. Mr Kolvin stressed the importance with variations of recognising the starting point of the application. Current condition 26 did not state that the basement could only be used as a restaurant; it stated that the provision of music and dance on the ground floor must remain ancillary to A3 restaurant use. Therefore, if the applicant currently wanted to have, under the current licencing arrangement, music and dancing on the ground floor it must remain ancillary to restaurant use. If it was not intended to provide music and dance condition 26 was silent on this matter. The only other provision that dealt with the basement, particularly in terms of alcohol, was current condition 35(e) which stated that the sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment. There was no condition on the licence which restricted the sale of alcohol to a full restaurant condition. The applicant did not need to make any offer of a condition on this matter but decided to in the spirit of goodwill and provide reassurance about the nature of the operation. The variation was attempting to move away from a system of control that was appropriate in 2001 to one which was appropriate in the modern environment and would promote the licensing objectives. All the conditions proposed interlocked with one another and a broad agreement on them had been reached with the responsible authorities.

Mr Kolvin described how the application was a high specification premises creating a relaxed, comfortable environment with commitments to security. Concerns had been raised around whether furniture could be moved to one side and the applicant would be content for a condition to be included on the licence requiring a level of seating to remain in place without it having to be locked down. This would hopefully provide reassurance that the premises would not encourage vertical drinking. The application was positively supported by the Council's Licensing Policy in paragraphs 1.3 and 2.2.4; there would be waiter/waitress service throughout with alcohol ancillary to the use of the premises for music and dancing and/or substantial refreshment. The Sub-Committee was assured this would provide reassurances that the premises would uphold and promote the licensing objectives.

The Sub-Committee requested clarification on several of the points raised by Mr Grant. In response Mr Kolvin stated that the variation would not represent an intensification of use at the premises as the capacity and floor space would remain exactly the same. It was not expected for DJs to be performing at the venue but it would be impossible to say that this would never happen just as it was impossible to confirm that no customers would ever dance at the venue. However, the premises was not a nightclub as the dance floor was being removed and there was a minimum seating requirement condition proposed. Therefore there would be no need to impose a condition requiring the premises not to operate as a nightclub. Clarification on proposed condition 13 and the term 'and/or' was provided. The responsible authorities had not been concerned with the term as the venue was proposing to operate with a relaxed, members club style environment and it was purely there to broaden the current offer to include food, drink and entertainment. A full restaurant condition would not be accepted as it did not suit the style of operation and this could not be demanded on a variation application. With regards to the suggestion that a condition be imposed to ensure there was no dance floor, there was not a dance floor and a variation would have to be applied for if the applicant wanted one in the future. A last entry condition was not required as there wasn't one on the current licence and as it would be operating as a cocktail bar it was not considered that this would be appropriate for a variation application. The Police had also not insisted on a last entry condition. A bottle crusher condition would not be appropriate as the applicant had an operation in place which would ensure there was no noise disturbance to local residents. With regards to smoking several conditions had been proposed to help manage this in an appropriate manner. Requiring an SIA door supervisor from 21:00 hours would not be necessary as the Police were content with what had already been suggested including supervising the smoking area and greeters also located in the reception area. Finally, prohibiting any queuing was not enforceable because if four people tried to enter the premises at the same time would that constitute a queue? The nature of the venue should ensure queuing would not be an issue.

In response to a request for clarification from the Council's Legal Adviser Mr Kolvin confirmed that whilst the small area at the rear of the premises would be subject to restaurant conditions the remaining area would have a drink-led element. However, the applicant was seeking to introduce a low key seated environment which would be predominantly used for dining.

Mr Grant reiterated his concerns over the application. The applicant had put forward a vision of how the premises would operate but this had not been reinforced by what they had stated. They wanted to be a restaurant but would not accept restaurant conditions; they did not want to be a nightclub but would not accept a condition prohibiting a dance floor. This approach was inconsistent and created a great degree of concern regarding the nature of the application.

The Sub-Committee carefully considered all the submissions received from the applicant, responsible authorities and all interested parties. It was recognised that the current conditions attached to the licence were very old and out-dated and the Sub-Committee had to assess what activities they presently allowed the applicant to undertake. The Sub-Committee considered this crucial as the application was for a variation and it therefore had to consider if what was being

proposed would be an improvement, or not, on the old conditions. The Sub-Committee also took into consideration what impact potentially granting the variation would have in the future if it was taken over by another operator. After carefully considering all these aspects the Sub-Committee decided on balance that the application before it would constitute an improvement on what was currently permitted on the current licence. The additional conditions offered by the applicant were sufficient to provide confidence that the licensing objectives would be upheld and promoted and as such it was agreed to grant the application.

The Sub-Committee noted the applicant's submissions that the venue would not become a drink-led premises. Concern was therefore raised over the applicants' description of the premises as a cocktail bar but the Sub-Committee was of the opinion that the conditions proposed, particularly the condition requiring alcohol to be ancillary to the use of the premises for music and dancing and/or substantial refreshment, would ensure it would not become a drink-led premises. It was, however, recognised that there was a change of emphasis compared to the existing operation and there was much more emphasis on the ability of customers to drink and less emphasis on the operation of a restaurant. The concern about the potential uses as a nightclub could not carry much weight as such use was already authorised by the licence. The Sub-Committee also noted that the premises was not located within a Cumulative Impact Area and therefore there was no presumption against granting the application. Concern was also expressed over the level of seating provided at the venue. The Sub-Committee decided that with the conditions proposed, on balance the seating did not require any further conditions imposing however it would prefer the number of seats increasing if possible. The Sub-Committee was content with the proposed change in layout of the premises and was satisfied it was in-line with public safety requirements. The provision of films and plays at the premises was also considered satisfactory and this aspect of the application would also be granted.

Not granting the variation had been considered very closely following the representations received but after assessing all the options the Sub-Committee was of the opinion that the application would not have a greater impact on the local area than what was already in operation and as such granted the application accordingly. The change in emphasis within the premises was not contrary to policy but the licensee would have to ensure that it did not undermine the licensing objectives.

In order to update the licence the following conditions were amended as such:

- Proposed condition 13 be amended to read "The sale and consumption of alcohol must be ancillary to the use of the premises for music and dancing and/or substantial refreshment." (**Now condition 23**)
- Proposed condition 27 be amended to read "The internal glass doors on the ground floor Jermyn Street entrance shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons." (**Now condition 37**)
- Proposed condition 44 to be replaced with model condition 65 to read "No deliveries to the premises shall take place between 23.00 and 07.00 on the following day." (**Now condition 55**)

| | | | | | | | | | | | |
|---------------------------------|--|----------------|-----------------|---------------------------------|------------|----------------|-----------------|-------------------------------|--|--|--|
| | | | | | | | | | | | |
| | <p>Hours Premises Are Open to the Public</p> <table> <tr> <td><u>Current</u></td><td><u>Proposed</u></td></tr> <tr> <td>Monday to Sunday: 09:00 – 03:30</td><td>No Change.</td></tr> </table> <p>Seasonal Variations/Non-Standard Timings:</p> <table> <tr> <td><u>Current</u></td><td><u>Proposed</u></td></tr> <tr> <td>See conditions at appendix 3.</td><td>An additional hour when British Summer Time commences.</td></tr> <tr> <td></td><td>From the end of New Year's Eve until the start of permitted hours on new Year's Day.</td></tr> </table> | <u>Current</u> | <u>Proposed</u> | Monday to Sunday: 09:00 – 03:30 | No Change. | <u>Current</u> | <u>Proposed</u> | See conditions at appendix 3. | An additional hour when British Summer Time commences. | | From the end of New Year's Eve until the start of permitted hours on new Year's Day. |
| <u>Current</u> | <u>Proposed</u> | | | | | | | | | | |
| Monday to Sunday: 09:00 – 03:30 | No Change. | | | | | | | | | | |
| <u>Current</u> | <u>Proposed</u> | | | | | | | | | | |
| See conditions at appendix 3. | An additional hour when British Summer Time commences. | | | | | | | | | | |
| | From the end of New Year's Eve until the start of permitted hours on new Year's Day. | | | | | | | | | | |
| | <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 granted, the reason for the decision is detailed in section 1.</p> | | | | | | | | | | |
| 3. | <p>Layout Alteration</p> <p>To vary the layout of the premises:</p> <p><u>Basement-</u></p> <ul style="list-style-type: none"> • General refurbishment/decoration throughout • Improvement in escape/ staircase positioning- additional stairway to basement • Bar is same length but moved to opposite side of the premises • Changes to fixed seating (and loose seating as shown on the plans) • Cloakroom in same position but redesigned • Creation of new male and female toilets on this level • Creation of new office space next to toilets • Creation of new dining/meeting areas <p><u>Sub-Basement-</u></p> <ul style="list-style-type: none"> • General refurbishment/decoration throughout • No change in escape/ staircase positioning | | | | | | | | | | |

| | | |
|-----------|--|--|
| | <ul style="list-style-type: none"> • Additional stairway to basement • Kitchen in same position but all appliances will be updated • Female toilets and male toilets in same position but refurbished and reconfigured • New staff toilet and staff changing room in area where the main bar has been reduced in length • Main bar reduced in length • New specialist tobacconist shop • Repositioned wine storage/display areas • Changes to fixed seating (and loose seating as shown on the plans) • Fixed club seating (opposite end of premises as kitchen) is being converted to 3 lounge/meeting areas | |
| | <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 granted, the reason for the decision is detailed in section 1.</p> | |
| 2. | Conditions Being Varied, Added or Removed | |
| | <p>Current:</p> <p>Condition 10</p> <p>This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.</p> | <p>Proposed:</p> <p>To be deleted</p> |
| | <p>Condition 11</p> <p>On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New</p> | <p>To be deleted.</p> |

| | | |
|--|---|----------------|
| | Year's Day). | |
| | Condition 12 Notwithstanding the provisions of Rule of Management number 6, the premises may be kept open for the purposes of this licence from 11pm on each of the days Sunday to Saturday to 3.30am on the day following. | To be deleted. |
| | Condition 13 All entrance and exit doors shall be kept closed except when in use for immediate entrance and exit. | To be deleted. |
| | Condition 15 That the applicant will use best endeavours to ensure that patrons leave the premises via the Jermyn Street exit. | To be deleted. |
| | Condition 16 When both parts of the premises are in use for the same private function, only the Jermyn Street exit will be used, except in an emergency when both exit routes will be available to the patrons. | To be deleted. |
| | Condition 17 When the premises are open solely to the public, only the Jermyn Street exit will be used, except in an emergency when both exit routes will be available to patrons. | To be deleted. |
| | Condition 18 That the applicant will use best endeavours to ensure that the taxi and minicab companies collect and deliver patrons from the club from the Jermyn Street exit of the premises. | To be deleted. |
| | Condition 19 | To be deleted. |

| | | |
|--|--|----------------|
| | That the applicants shall use reasonable endeavours to ensure that customers do not cause any nuisance in Ormond Yard. | |
| | Condition 20 That the sound limiting device installed at the premises shall be set and maintained at a level to be decided upon by the Environmental Health Officer. | To be deleted. |
| | Condition 21 A noise limiting device located in a separate and remote lockable cabinet from the volume control must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Community Protection Department so as to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officers from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the applicant only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service. | To be deleted. |
| | Condition 22 No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. | To be deleted. |
| | Condition 23 Any additional sound generating equipment shall not be used on the | To be deleted. |

| | | |
|--|--|----------------|
| | premises without being routed through the sound limiter device. | |
| | Condition 24 No speakers shall be located in the entrance lobby or staircase area. | To be deleted. |
| | Condition 25 Upon a request being made by local residents, the licensee shall provide such residents with telephone numbers to enable them to contact the premises, the management and the licensee. | To be deleted. |
| | Condition 26 The provision of music and dancing on the ground floor must remain ancillary to A3 restaurant use. | To be deleted. |
| | Condition 27 The licensee will use a designated cab/taxi company to collect patrons from Jermyn Street and encourage patrons not to use illegal cabs by displaying such notices. | To be deleted. |
| | Condition 28 The licensee to use his best endeavours to encourage patrons and/or motor vehicles not to congregate or cause a nuisance on the public highway outside the premises or in the vicinity. | To be deleted. |
| | Condition 29 The licensee to use his best endeavours to ensure that no queuing or gathering of patrons or patrons' motor vehicles will be permitted in Ormond Yard. | To be deleted. |
| | Condition 30 | To be deleted. |

| | | |
|--|---|----------------|
| | Details of an adequate and dedicated refuse storage area are sent to Westminster City Council for approval within 28 days of the grant of any licence. | |
| | Condition 31 The licensee to use the Jermyn Street address on all literature that advertises the public entertainment which will take place at the premises. | To be deleted. |
| | Condition 33 Intoxicating liquor may only be sold or supplied to persons who have paid a minimum admission fee of £5.00 or persons who are dining at the premises at not less than £10.00 per head. Such fees not to be credited against consumables. | To be deleted. |
| | Condition 34 Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied. | To be deleted. |
| | Condition 35 Alcohol shall not be sold or supplied except during permitted hours. (a) Subject to the following paragraphs, the permitted hours on weekdays (Monday to Saturday) shall commence at 10.00 (12.00 on Christmas Day and Good Friday) and extend until 03.00 on the morning following, except that – (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and | To be deleted. |

| | | |
|--|---|--|
| | <p>(ii) on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end.</p> <p>(b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-</p> <p>(i) with the substitution of references to 04.00 for references to 03.00.</p> <p>(c) Except on Sundays immediately before bank holidays (apart from Easter Sunday), the permitted hours on Sundays shall commence at 12.00 and extend until 00.30 on the morning, except that-</p> <p>(i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after midnight;</p> <p>(ii) where music and dancing end between 00.00 midnight on any Sunday and 00.30, the permitted hours on that Sunday shall end when the music and dancing end.</p> <p>(d) On Sundays immediately before bank holidays (other than Easter Sunday), the permitted hours shall commence at 12.00 and extend until 03.00 on the morning, except that-</p> <p>(i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after 00.00 midnight;</p> <p>(ii) where music and dancing end</p> | |
|--|---|--|

| | | |
|--|---|--|
| | <p>between 00.00 midnight on any Sunday and 03.00, the permitted hours on that Sunday shall end when the music and dancing end.</p> <p>(e) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.</p> <p>(f) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00.00 on New Year's Eve.</p> <p>NOTE - The above restrictions do not prohibit:</p> <p>(a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;</p> <p>(b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;</p> <p>(c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;</p> <p>(d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;</p> <p>(e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;</p> <p>(f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or</p> | |
|--|---|--|

| | | |
|--|---|-----------------------|
| | <p>supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of her Majesty's naval, military or air forces;</p> <p>(g) the taking of alcohol from the premises by a person residing there;</p> <p>(h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;</p> <p>(i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.</p> <p>In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.</p> | |
| | <p>Condition 36</p> <p>No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:</p> <p>(a) He is the child of the holder of the premises licence.</p> <p>(b) He resides in the premises, but is not employed there.</p> | <p>To be deleted.</p> |

| | | |
|--|---|-----------------------|
| | <p>(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.</p> <p>(d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bonafide for any purpose to which the holding of the licence is ancillary.</p> <p>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.</p> | |
| | <p>Condition 37</p> <p>If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):</p> <p>(a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,</p> | <p>To be deleted.</p> |

| | | |
|--|--|----------------|
| | <p>(b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and</p> <p>(c) to take all other reasonable precautions for the safety of the children.</p> | |
| | <p>Condition 38</p> <p>The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.</p> | To be deleted. |
| | <p>Condition 39</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> | To be deleted. |
| | <p>Condition 43</p> <p>All persons entering the premises after 23:00 for the purpose of attending the subbasement 'club area' shall be searched by an SIA trained member of staff using a 'wand' and monitored by the premises CCTV system.</p> | To be deleted. |
| | <p>Condition 45</p> | To be deleted. |

| | | |
|--|--|--------------|
| | <p>All drinking containers used within the basement area of the venue shall be polycarbonate. All glass bottles to be decanted into polycarbonate glassware carafes, with the exception of champagne or bottles of spirits with a minimum size of 70cl by waiter/waitress service to tables. Staff will clear empty champagne and spirit bottles promptly.</p> | |
| | <p>Condition 46</p> <p>All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.</p> | To be added. |
| | <p>Condition 47</p> <p>The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.</p> | To be added. |
| | <p>Condition 48</p> <p>Curtains and hangings shall be arranged so as not to obstruct emergency signs.</p> | To be added. |
| | <p>Condition 49</p> <p>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.</p> | To be added. |
| | <p>Condition 50</p> <p>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.</p> | To be added. |

| | | |
|--|--|--------------|
| | <p>Condition 51</p> <p>All exit doors shall be available at all material times without the use of a key, code, card or similar means.</p> | To be added. |
| | <p>Condition 52</p> <p>Any special effects or mechanical installations shall be arranged, operated and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the licensing authority where consent has not previously been given. • dry ice and cryogenic fog • smoke machines and fog generators • pyrotechnics including fireworks • firearms • lasers • explosives and highly flammable substances. • real flame. • strobe lighting.</p> | To be added. |
| | <p>Condition 53</p> <p>No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.</p> <p>NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.</p> | To be added. |
| | <p>Condition 54</p> <p>The premises may remain open for regulated entertainment, the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's</p> | To be added. |

| | | |
|--|---|--------------|
| | Day. | |
| | Condition 55 On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00. | To be added. |
| | Condition 56 The number of persons accommodated at any one time (excluding staff) shall not exceed the following: - Sub-Basement - 100, Basement – 135. | To be added. |
| | Condition 57 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. | To be added. |
| | Condition 58 The sale of alcohol must be ancillary to the use of the premises for music and dancing and/or substantial refreshment. | To be added. |
| | Condition 59 The supply of alcohol in the Basement Restaurant area, as marked on the licensing plans, shall be to persons seated taking a table meal there and for consumption by such persons as ancillary to their meal. The supply of alcohol shall be by waiter or waitress service only. | To be added. |

| | | |
|--|---|--------------|
| | Condition 60 A minimum number of 50 seats shall be maintained in the Sub-Basement area at all times of operation. | To be added. |
| | Condition 61 A minimum number of 70 seats shall be maintained in the Basement area at all times of operation. | To be added. |
| | Condition 62 There shall be a personal licence holder on duty on the premises from 22:00 until close, when the sub-basement is open to patrons. | To be added. |
| | Condition 63 The reception lobby shall be manned by staff whenever the premises is open for trade and patrons shall be greeted by a member of staff when entering the premises. | To be added. |
| | Condition 64 There shall be waiter or waitress service available throughout the premises at all times the floors are open and trading. | To be added. |
| | Condition 65 An attendant shall be on duty in the vicinity of the cloakroom during the whole time that the premises is open and trading. | To be added. |
| | Condition 66 Admission to the premises by patrons shall be through the Jermyn Street entrance lobby area only. | To be added. |
| | Condition 67 (i) When the premises are open all | To be added. |

| | | |
|--|--|--|
| | <p>customers entering the premises after 23:00 will have their ID and/or membership card scanned on entry, or be subject to a biometric scanning system (when fingerprint scanning will be required for all customers who have previously shown identification at the premises).</p> <p>(ii) All customers entering shall have their facial image captured by the ID Scanner camera with the exception of persons who enter using finger print scanning and have provided a recent facial image captured by the ID Scanner.</p> <p>(iii) The above requirement is subject to the following exception, namely that a maximum number of 25 guests per night may be admitted at the Managers discretion without necessarily ID being scanned and recorded. The admission of such guests however shall be in accordance with the following procedure</p> <p>a. The Police shall approve in writing the names of those managers (Police Approved Managers) who are authorised to sign in such guests, such approval shall not be unreasonably withheld. There shall be a maximum of three Police Approved Managers.</p> <p>b. A legible record (the Signing in Sheet) of these guests' names shall be retained on the premises for inspection by the licensing authority and Police for a period of 31 days. The name of the Police Approved Manager authorising the admission will also be recorded by that Manager.</p> <p>c. Guests shall be required to produce some form of ID such as a bank card (or emailed electronic photo ID) and an ID scan entry with a live photo</p> | |
|--|--|--|

| | | |
|--|--|---------------------|
| | <p>shall be created.</p> <p>d. Where there are appropriate reasons for a guest not to be able to produce ID and be subject to ID scan, the Police Approved Manager may nevertheless permit entry. In such circumstances he shall also record the reasons for this in the Signing in Sheet</p> <p>(iii) Notwithstanding (i) and (iii) above, patrons who are attending a pre-booked private event at the premises do not need to have their ID scanned on entry and instead a written guest list shall be held at reception for the event, and will be retained for 31 days after the event for inspection by the police.</p> | |
| | <p>Condition 68</p> <p>In relation to any membership scheme at the premises, no person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.</p> | <p>To be added.</p> |
| | <p>Condition 69</p> <p>A list of the names and addresses of members of the club shall be kept on the premises at all times together with a record showing the names and dates of attendance of any guests introduced by members. Both the list and the record shall be produced on demand for inspection by the police or an authorised officer of the Council.</p> | <p>To be added.</p> |
| | <p>Condition 70</p> <p>There shall be no entry or re-entry (save for existing customers who have left for smoking) to the premises after 02:00 hours.</p> | <p>To be added.</p> |

| | | |
|--|---|--------------|
| | | |
| | <p>Condition 71</p> <p>When the sub-basement is open to patrons there will be a minimum of 1 SIA at the premises from 6pm. From 11pm there will be a minimum of 2 SIA at the premises.</p> | To be added. |
| | <p>Condition 72</p> <p>The internal glass doors on the ground floor shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.</p> | To be added. |
| | <p>Condition 73</p> <p>Patrons shall not enter or leave the premises from / by Ormond Yard, except in the event of an emergency.</p> | To be added. |
| | <p>Condition 74</p> <p>Any patrons that use Ormond Yard to gain access, smoke or leave the premises (whether by vehicle or on foot) shall be refused entry or subsequent re-entry to the premises.</p> | To be added. |
| | <p>Condition 75</p> <p>A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental</p> | To be added. |

| | | |
|--|--|--------------|
| | <p>Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.</p> | |
| | <p>Condition 76</p> <p>A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.</p> | To be added. |
| | <p>Condition 77</p> <p>The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services. It will be a condition of any agreement that patrons will not be collected from Ormond Yard.</p> | To be added. |
| | <p>Condition 78</p> <p>The licence holder to use the Jermyn Street address on all literature relating to the premises.</p> | To be added. |
| | <p>Condition 79</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</p> | To be added. |

| | | |
|--|--|--------------|
| | <p>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.</p> | |
| | <p>Condition 80</p> <p>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 must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.</p> | To be added. |
| | <p>Condition 81</p> <p>Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area on Jermyn Street.</p> | To be added. |
| | <p>Condition 82</p> <p>The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.</p> | To be added. |
| | <p>Condition 83</p> <p>Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.</p> | To be added. |

| | | |
|--|--|--------------|
| | <p>Condition 84</p> <p>All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility armbands and will display the SIA badges prominently.</p> | To be added. |
| | <p>Condition 85</p> <p>Staff shall clear all empty bottles promptly from any tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.</p> | To be added. |
| | <p>Condition 86</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> <p>all crimes reported to the venue</p> <p>all ejections of patrons</p> <p>any complaints received</p> <p>any incidents of disorder</p> <p>all seizures of drugs or offensive weapons</p> <p>any faults in the CCTV system or searching equipment or scanning equipment</p> <p>any refusal of the sale of alcohol</p> <p>any visit by a relevant authority or emergency service.</p> | To be added. |
| | <p>Condition 87</p> <p>No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its</p> | To be added. |

| | | |
|--|---|--------------|
| | premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public. | |
| | <p>Condition 88</p> <p>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.</p> | To be added. |
| | <p>Condition 89</p> <p>No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 on the following day.</p> | To be added. |
| | <p>Condition 90</p> <p>With the exception of bakery, fish, meat, dairy and fruit and vegetable deliveries to the premises shall take place between 07.00 and 23.00 on the following day.</p> | To be added. |
| | <p>Condition 91</p> <p>No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.</p> | To be added. |
| | <p>Condition 92</p> <p>Notices shall be prominently displayed at the Jermyn Street exit</p> | To be added. |

| | | |
|--|---|--------------|
| | requesting patrons to respect the needs of local residents and businesses and leave the area quietly. | |
| | Condition 93 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. | To be added. |
| | Condition 94 No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority. | To be added. |
| | Condition 95 Prior to the licence taking effect, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority. | To be added. |
| | Amendments to application advised at hearing: None. | |
| | Decision (including reasons if different from those set out in report): The application was granted, the reason for the decision is detailed in section 1. | |

| Conditions attached to the Licence |
|------------------------------------|
| <u>Mandatory Conditions</u> |

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

(b) "permitted price" is the price found by applying the formula - $P = D + (D \times V)$

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –

- (i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or
(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

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

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

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

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

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

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

10. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

Conditions Consistent with the Operating Schedule

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

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

13. Curtains and hangings shall be arranged so as not to obstruct emergency signs.

14. 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.

15. 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.

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

17. Any special effects or mechanical installations shall be arranged, operated and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the licensing authority where consent has not previously been given:

- dry ice and cryogenic fog
- smoke machines and fog generators
- pyrotechnics including fireworks
- firearms
- lasers
- explosives and highly flammable substances.
- real flame.
- strobe lighting.

18. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased. NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

19. The premises may remain open for regulated entertainment, the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

20. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.

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

Sub-Basement – 100
Basement– 135.

22. 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.

23. The sale and consumption of alcohol must be ancillary to the use of the premises for music and dancing and/or substantial refreshment.

24. The supply of alcohol in the Basement Restaurant area, as marked on the licensing plans, shall be to persons seated taking a table meal there and for consumption by such persons as ancillary to their meal. The supply of alcohol shall be by waiter or waitress service only.
25. A minimum number of 50 seats shall be maintained in the Sub-Basement area at all times of operation.
26. A minimum number of 70 seats shall be maintained in the Basement area at all times of operation.
27. There shall be a personal licence holder on duty on the premises from 22:00 until close, when the sub-basement is open to patrons.
28. The reception lobby shall be manned by staff whenever the premises is open for trade and patrons shall be greeted by a member of staff when entering the premises.
29. There shall be waiter or waitress service available throughout the premises at all times the floors are open and trading
30. An attendant shall be on duty in the vicinity of the cloakroom during the whole time that the premises is open and trading
31. Admission to the premises by patrons shall be through the Jermyn Street entrance lobby area only
32. (i) When the premises are open all customers entering the premises, or entering the sub-basement floor from the basement floor, after 23:00 will have their ID and/or membership card scanned on entry, or be subject to a biometric scanning system (when fingerprint scanning will be required for all customers who have previously shown identification at the premises).
- (ii) All customers entering shall have their facial image captured by the ID Scanner camera with the exception of persons who enter using finger print scanning and have provided a recent facial image captured by the ID Scanner.
- (iii) The above requirement is subject to the following exception, namely that a maximum number of 25 guests per night may be admitted at the Managers discretion without necessarily ID being scanned and recorded. The admission of such guests however shall be in accordance with the following procedure.
- a. The Police shall approve in writing the names of those managers (Police Approved Managers) who are authorised to sign in such guests, such approval shall not be unreasonably withheld. There shall be a maximum of three Police Approved Managers.
- b. A legible record (the Signing in Sheet) of these guests' names shall be retained on the premises for inspection by the licensing authority and Police for a period of 31 days. The name of the Police Approved Manager authorising the admission will also be recorded by that Manager.

c. Guests shall be required to produce some form of ID such as a bank card (or emailed electronic photo ID) and an ID scan entry with a live photo shall be created.

d. Where there are appropriate reasons for a guest not to be able to produce ID and be subject to ID scan, the Police Approved Manager may nevertheless permit entry. In such circumstances he shall also record the reasons for this in the Signing in Sheet.

(iv) Notwithstanding (i) and (iii) above, patrons who are attending a pre-booked private event at the premises do not need to have their ID scanned on entry and instead a written guest list shall be held at reception for the event, and will be retained for 31 days after the event for inspection by the police and responsible authorities upon request.

33. In relation to any membership scheme at the premises, no person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.

34. A list of the names and addresses of members of the club shall be kept on the premises at all times together with a record showing the names and dates of attendance of any guests introduced by members. Both the list and the record shall be produced on demand for inspection by the police or an authorised officer of the Council

35. There shall be no entry or re-entry (save for existing customers who have left for smoking) to the premises after 02:00 hours.

36. When the sub-basement is open to patrons there will be a minimum of 1 SIA at the premises from 6pm. From 11pm there will be a minimum of 2 SIA at the premises.

37. The internal glass doors on the ground floor Jermyn Street entrance shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

38. Patrons shall not enter or leave the premises from / by Ormond Yard, except in the event of an emergency.

39. Any patrons that use Ormond Yard to gain access, smoke or leave the premises (whether by vehicle or on foot) shall be refused entry or subsequent re-entry to the premises.

40. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder.

The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

41. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity

42. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services. It will be a condition of any agreement that patrons will not be collected from Ormond Yard

43. The licence holder to use the Jermyn Street address on all literature relating to the premises.

44. 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.

45. 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 must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.

46. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area on Jermyn Street.

47. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway

48. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

49. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear yellow high visibility armbands and will display the SIA badges prominently.

50. Staff shall clear all empty bottles promptly from any tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.

51. An incident log shall be kept at the premises, completed within 24 hours and

made available on request to an authorised officer of the City Council or the Police, which will record the following:

- a. all crimes reported to the venue
- b. all ejections of patrons
- c. any complaints received
- 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.

52. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.

53. 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.

54. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 on the following day.

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

56. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

57. Notices shall be prominently displayed at the Jermyn Street exit requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

58. 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.

59. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

60. Prior to the licence taking effect, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are accurate reflection of the premises constructed. Where the premises layout has changed during the

course of construction new plans shall be provided to the LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority.

61. There shall be no cinema style screening of films.

62. Door staff dressed in yellow high visibility tabards or jackets, shall ensure safe dispersal of all customers at the premises closure time.

63. 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.

5 HOST COFFEE, 31 HENRIETTA STREET, WC2

LICENSING SUB-COMMITTEE No. 3

Thursday 5^h October 2017

Membership: Councillor Melvyn Caplan (Chairman), Councillor Susie Burbridge and Councillor Aziz Toki

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Heidi Lawrance

Relevant Representations: Environmental Health, The Licensing Authority, the Metropolitan Police and One Local Resident.

Present: Mr Max Thomas and Mr Marco Johntruck (Applicants), Mr Anil Drayan (Environmental Health), Mr David Sycamore (Licensing Authority), PC Michael Day (Metropolitan Police) and Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing one local resident).

Host Coffee, 31 Henrietta Street, London, WC2E 8NA ("The Premises") 17/08902/LIPN

1. Sale by Retail of Alcohol – On Sales

Monday to Wednesday: 12:00 to 20:00

Thursday to Saturday: 12:00 to 21:00

Sunday: 12:00 to 19:00

Sale by Retail of Alcohol – Off sales

Monday to Wednesday: 11:00 to 21:00

Thursday to Saturday: 11:00 to 22:00

Sunday: 11:00 to 19:00

| | |
|--|---|
| | <p>Amendments to application advised at hearing:</p> <p>During the hearing, Mr Thomas confirmed that all sales of alcohol for consumption on the premises would terminate no later than 20.00 hours, meaning that the sale of alcohol for consumption on the premises would be restricted to 11.00 to 20.00 on Monday to Saturday and 11.00 to 19.00 on Sunday.</p> |
| | <p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by Host Coffee London LLP for a new Premises licence in respect of 31 Henrietta Street, London, WC2E 8NA.</p> <p>The Licensing Officer provided an outline of the application to the Sub-Committee and confirmed that the applicant had withdrawn the provision of recorded music from the application as their intention was to only provide background music.</p> <p>The Sub-Committee asked the applicant if imposing a full restaurant condition on the licence would be accepted. Mr Thomas explained that the premises did not operate as a restaurant. It was new style of retail concept which operated primarily as a coffee shop where customers would also be able to buy a selection of coffee beans. It was planned to now extend this offer to other specialised produce which the customer would be able to consume on the premises and if they liked it they could then purchase it to cook/prepare in their own home. The application had been submitted as it was now intended to allow customers to purchase and consume alcoholic drinks with their food. The restaurant condition did not suit the style of operation they were hoping to run. It would require customers to be seated with waiter/waitress service and alcohol to be ancillary to food. This premises was regarded as a retail premises selling products which would be available for consumption by customers who would then be able to purchase these specialised products. Any customers eating at the premises were already shown to their seats by staff and none of the crockery used was disposable. The intention of the premises was to create a calm and amenable retail environment. There would be one large table situated in the premises providing seating for six people and this could be booked by those customers wanting a more restaurant style experience. It was important for the applicant to have the ability to provide on-sales of alcohol and these would be controlled by the conditions proposed. The premises was very small and taking into account the nature of the operation it was not expected that it would have an impact on the local area. Service was designed to provide customers with almost instantaneous food as there wasn't a large capacity for cooking food at the premises. The food would be prepared at the bar area and then brought to the customer before being served with a drink if they had ordered one.</p> <p>The Sub-Committee noted that the premises was located in a Cumulative Impact Area (CIA) and there was a policy presumption against granting a licence for on-sales of alcohol. Mr Thomas confirmed that the premises would not be a drink-led establishment but rather a retail premises with customers being required to purchase food with any alcohol purchased for consumption on site.</p> |

Mr Drayan, representing Environmental Health (EH), highlighted that the applicants' menu stated that wine would be served in 125ml measures. Mr Drayan had explained to the applicant that their proposed style of operation would constitute an on-sale which would be contrary to the council's Licensing Policy. The applicant was also seeking to allow customers to sample a maximum of three wines each measuring 10ml and this was considered acceptable. Mr Drayan advised that EH had proposed a restaurant condition restricting the sale of alcohol for consumption on the premises to six people. The applicant had been advised that if the premises operated a restaurant condition the premises would no longer be classified as A1 use, it was acknowledged this was more a planning issue but the applicant had to be aware. Therefore, EH had designed their proposed conditions in such a way which would allow the applicant to provide some on-sales as they wanted to provide food with the consumption of alcohol and also would provide tasters to promote the retail side of their business. If the conditions were granted it could then be expected that Planning Enforcement would still regard it as a retail premises. EH advised that their proposed conditions were designed to replace those proposed by the applicant.

Mr Thomas confirmed that most of EH's proposed conditions were acceptable however there was concern that limiting the number of customers able to consume alcohol on the premises to six would be commercially very limiting. However, the applicant was keen for the premises to be classified for A1 use and therefore they would be willing to compromise and accept the condition.

My Sycamore, representing the Licensing Authority, confirmed that if the applicant accepted the conditions proposed by EH that would address any Licensing Policy concerns. Clarification was requested on what the terminal hour for the sale of alcohol was because if the applicant agreed for it to 20:00 hours this would be recognised as not potentially adding to cumulative impact in the area. In response Mr Thomas agreed that the sale of alcohol would cease at 20:00 hours.

PC Day, representing the Metropolitan Police, confirmed that their representation was maintained as the application was located in a CIA and was contrary to the Council's Licensing Policy. It was confirmed that the conditions proposed by EH were considered appropriate.

The Council's Policy Adviser requested clarification on the proposed hours for off sales. Mr Thomas confirmed that this would remain as applied for but in practice the premises would probably close at 20:00 hours.

Mr Brown, from the Westminster Citizens Advice Bureau, advised that the resident he was representing welcomed the addition of a coffee shop into the area. Concern remained however over customers smoking outside the premises. The resident's flat provided a convenient place for smokers to congregate and it was requested that a condition be added to the licence requiring any customers of the premises wishing to smoke to be directed to exit to the right hand side of the premises. The resident was seeking reassurance from the applicant that this issue would be addressed.

| | |
|-----------|--|
| | <p>Mr Thomas expressed concern that EH's conditions required no deliveries to take place at the premises between 23:00 and 08:00 hours as it was felt this could create difficulties when opening at 07:00. Currently deliveries occurred on evenings or early mornings carried out by smaller vehicles which did not produce excessive noise. All delivery drivers were requested to not play music or keep their engines idling when making a delivery and it was felt this was the right balance for the area. Due to these restrictions there had been no complaints raised by residents.</p> <p>After careful consideration the Sub-Committee agreed to grant the application. It was considered most of the conditions proposed by EH were appropriate and would help ensure the licensing objectives were upheld and promoted. Proposed condition 14 concerning deliveries was removed however as it was decided this limitation would not be required having taken into account the restrictions imposed by the applicants, the hours of operation at the premises and its style of operation. The applicant was already receiving deliveries early in the morning and had put considerable thought into ensuring they should not create any noise disturbance to local residents and therefore the condition would not be placed on the licence. Proposed condition 3 requiring food for takeaway to be not provided for immediate consumption was also removed as it was not considered necessary due to the style of the operation and as it was felt including it could create confusion. Proposed condition 10 was also taken out as it was acknowledged that the premises was a retail establishment and restricting the number of customers allowed to enter a shop was not considered appropriate. The Sub-Committee was of the opinion the necessary level of control required would be better serviced through implementing proposed condition 2. The Sub-Committee was therefore satisfied that the licence was appropriately conditioned. It was also noted that the provision of recorded music had been withdrawn from the application. The Sub-Committee was of the opinion the hours limiting the sale of alcohol for consumption to 20:00 would not add to cumulative impact in the local area and the premises would promote the licensing objectives. The Sub-Committee wished the applicant all the best for the future.</p> <p>The Sub-Committee recognised that customers smoking outside the premises could be an issue for local residents. Rather than imposing a further condition on the licence it was decided that the formal decision should note that the Sub-Committee expected the applicant to direct smokers to the right when exiting the premises to smoke.</p> |
| 2. | <p>Hours Premises Are Open to the Public</p> <p>Monday to Wednesday: 07:30 to 21:00 Thursday to Friday: 07:30 to 22:00 Saturday: 08.30 to 22.00 Sunday: 10:00 to 19:00</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 granted, the reason for the decision is detailed in section 1.</p> |

| Conditions attached to the Licence | |
|---|---|
| <u>Mandatory Conditions</u> | |
| 1. | No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence. |
| 2. | No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended. |
| 3. | Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence. |
| 4. | <p>(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.</p> <p>(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-</p> <p>(a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to;</p> <p>(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>(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> <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;</p> <p>(d) Selling or supplying alcohol in association with promotional posters or</p> |

flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

- (e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

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

Where –

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

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

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

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

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

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

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

beginning on the second day.

Conditions consistent with the operating schedule

9. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a delicatessen and shop
10. The sale of alcohol for consumption on the premises shall be limited to a maximum of 6 persons at any one time and:
 - (i) where such customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) where food is provided in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery and,
 - (iv) where alcohol shall not be sold or supplied, for consumption on the premises otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

Notwithstanding this condition customers are be permitted to consume a maximum of 3 separate product samples of 10ml each for tasting purposes only.

11. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
12. Off sales of alcohol shall be restricted to wines, sparkling wines and Japanese sake
13. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
14. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.

15. 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. 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.
16. 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.
17. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
18. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
19. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 hours and 08:00 hours on the following day or as specified on the Council's website for Commercial Waste collection times for the street.
20. 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 washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
21. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
22. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
23. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
24. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
25. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Premises Licence by the Licensing Authority. If there are minor changes to the layout during the course of construction new plans shall be submitted

when requesting removal of this condition.

26. The consumption of alcohol on the premises shall cease at 20:30.

6 RAMBLA, 64 DEAN STREET, W1

LICENSING SUB-COMMITTEE No. 3

Thursday 5th October 2017

Membership: Councillor Melvyn Caplan (Chairman), Councillor Susie Burbridge and Councillor Aziz Toki

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Heidi Lawrence

Relevant Representations: The Metropolitan Police and the Licensing Authority.

Present: Mr Alun Thomas (Solicitor, Representing the Applicant), PC Michael Day (The Metropolitan Police) and Mr David Sycamore (The Licensing Authority).

Rambla, 64 Dean Street, London, W1D 4QQ
17/08963/LIPN

1. Recorded Music - Indoors

Monday to Thursday: 10:00 to 23:30

Friday to Saturday: 10:00 to 00:00

Sunday: 12:00 to 22:30

Seasonal Variations/Non-Standard Timings:

From the end of permitted hours on New Year's Eve to the start of permitted hours on new year's Day.

On Sundays immediately prior to Bank Holidays to 00:00.

Amendments to application advised at hearing:

None.

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

The Sub-Committee considered an application by Sabrosa Creatividad Holdings Limited for a new premises licence in respect of 64 Dean Street, London, W1D 4QQ.

The Licensing Officer provided an outline of the application to the Sub-

Committee and confirmed that Environmental Health (EH) had withdrawn their representation following discussions with the applicant.

Mr Thomas, representing the applicant, explained that the restaurant was currently open and operating under Temporary Event Notices (TENs). The restaurant had a sharing concept however all meals could be considered substantial. The applicant operated two other restaurants, both located in Maiden Lane, and these contained 'drinking up' hours once alcohol had ceased being served. The application before the Sub-Committee was also requesting that the premises remain open for thirty minutes longer than the terminal hours requested for the sale of alcohol. This was in line with the planning permission granted and would also allow the more gradual dispersal of customers. The capacity of the premises was 40 persons excluding staff.

Mr Thomas acknowledged that the premises was located within a Cumulative Impact Area (CIA) however it should be considered policy compliant. The premises would not add to cumulative impact as the Council's Licensing Policy recognised that restaurants had less of an impact on levels of crime and disorder and could therefore be treated differently to pubs and bars. In terms of the opening hours the sale of alcohol would be in line with the core hours' policy and because it was a restaurant allowing it to stay open for just an extra thirty minutes would not add to cumulative impact. The hours had been requested due to the nature of the operation; the positive effect they would have on the dispersal of customers and also to help make it financially viable.

The Licensing Authority represented by Mr David Sycamore maintained its representation based on policy concerns and the Sub-Committee had to decide whether forty extra people in a CIA would add to cumulative impact.

PC Day, representing the Metropolitan Police, informed the Sub-Committee that the conditions proposed by the applicant were considered acceptable. The applicant's other two premises on Maiden Lane had 'drinking up' hours and it was felt this had helped with dispersal in the area. It was therefore confirmed that the Police would have no objections to allowing the premises to remain open for an additional thirty minutes beyond core hours. PC Day suggested that a condition be added to the licence requiring the applicant to become a member of the local Business/Pub Watch. The Council's Policy Adviser read out the relevant model condition 63 and Mr Thomas confirmed his applicant would be willing to accept the condition minus the requirement to become a member of the local radio scheme.

After careful consideration the Sub-Committee agreed to grant the application. It was noted the opening hours requested were thirty minutes beyond core hours however the premises would operate as a restaurant which the Council's Licensing Policy did consider to have less impact on an area than either pubs or bars. No residential representations had been received and EH had withdrawn their representation following discussions with the applicant. The conditions proposed were considered appropriate and were stringent enough to ensure the premises would not add to cumulative impact. The small size of the restaurant was also noted. Having heard all the evidence, the Sub-Committee was satisfied that the premises would uphold and promote the licensing objectives and

| | |
|-----------|--|
| | granted the application accordingly. |
| 2. | <p>Late Night Refreshment - Indoors</p> <p>Monday to Thursday: 23:00 to 23:30 Friday to Saturday: 23:00 to 00:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on new year's Day.</p> <p>On Sundays immediately prior to Bank Holidays 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 Sub-Committee granted the application (see reasons for decision in Section 1).</p> |
| 3. | <p>Sales of Retail by Alcohol – On Sales</p> <p>Monday to Thursday: 10:00 to 23:30 Friday to Saturday: 10:00 to 00:00 Sunday: 12:00 to 22:30</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on new year's Day.</p> <p>On Sundays immediately prior to Bank Holidays 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 Sub-Committee granted the application (see reasons for decision in Section 1).</p> |
| 4. | <p>Hours Premises Are Open to the Public</p> <p>Monday to Thursday: 10:00 to 00:00 Friday to Saturday: 10:00 to 00:30 Sunday: 12:00 to 23:00</p> |

| | |
|--|--|
| | <p>Seasonal Variations/Non-Standard Timings:</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>On Sundays immediately prior to Bank Holidays to 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 Sub-Committee granted the application (see reasons for decision in Section 1).</p> |

| Conditions attached to the Licence | |
|---|--|
| <u>Mandatory Conditions</u> | |
| <p>1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.</p> <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.</p> <p>3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.</p> <p>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.</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 the period in which the responsible person is authorised to sell or supply alcohol), or</p> <p>(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 subparagraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

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

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

Conditions Consistent with the Operating Schedule

9. The premises shall only operate as a restaurant: -

- (i) in which customers are shown to their table,
- (ii) where the supply of alcohol is by waiter or waitress service only,
- (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non-disposable crockery,
- (iv) which do not provide any take away service of food or drink for immediate consumption,
- (v) which do not provide any take away service of food or drink after 23.00, and
- (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

10. 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.

11. 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.

12. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

14. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

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 number of persons permitted in the premises at any one time (excluding staff) shall not exceed 40 persons.

17. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.

18. All waste shall be properly presented and placed out for collection no earlier than

30 minutes before the scheduled collection times.

19. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.

20. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 on the following day.

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
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

22. 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.

24. As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local Pubwatch or other local crime reduction scheme approved by the police.

The Meeting ended at 5.28 pm

CHAIRMAN: _____

DATE _____