



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (5)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (5)** held on **Thursday 21st December, 2017**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

**Members Present:** Councillors Peter Freeman (Chairman), Murad Gassanly and Rita Begum.

#### 1 MEMBERSHIP

1.1 There were no changes to the membership.

#### 2 DECLARATIONS OF INTEREST

2.1 Councillor Murad Gassanly declared that in respect of item 2, 15A Elizabeth Street, SW1, the application was in his Ward and so he withdrew from the Sub-Committee and left the room during consideration of this item.

#### 1 BASEMENT TO THIRD FLOOR, 11 RATHBONE PLACE, W1

### LICENSING SUB-COMMITTEE No. 5

*Thursday 21st December 2017*

Membership: Councillor Peter Freeman (Chairman), Councillor Murad Gassanly and Councillor Rita Begum.

Legal Adviser: Barry Panto  
Policy Adviser: Chris Wroe  
Committee Officer: Toby Howes  
Presenting Officer: Yolanda Wade

Relevant Representations: Environmental Health and the Licensing Authority

Present: Jack Spiegler (Solicitor representing the Applicant Company), Debbie Woskow OBE (Founder, Applicant Company), Aret Kapetanovic (Premises General Manager, Applicant Company), Sally Fabbriatore (Environmental Health) and Shannon Pring (Licensing Authority).

**Basement to Third Floor, 11 Rathbone Place, W1  
17/12029/LIPN**

**1. Late Night Refreshment: Indoors**

Monday to Thursday: 23:00 to 23:30  
Friday and Saturday: 23:00 to 00:00

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

00:00 for licensable activities on Sundays immediately before Bank Holiday Mondays

00:00 for licensable activities on International Women's Day (8<sup>th</sup> March)

Amendments to application advised at hearing:

None.

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

This was a new application for a premises licence within the Cumulative Impact Area in respect of premises, which, according to the application, would operate as an all-female office space and private members club.

Jack Spiegler (Solicitor representing the Applicant Company) introduced the application and drew the Sub-Committee's attention to the proposals as set out on pages 8 and 9 in the report.

Debbie Woskow OBE (Founder, Applicant Company) then expanded upon the proposals and confirmed that she was a co-founder of the AllBright Collective, the Applicant Company and that she was an entrepreneur in the area of digital space. The Applicant Company acted as a networking group for professional women and in particular to help women in leadership roles and entrepreneurship. Ms Woskow explained that the intention of the application was for the premises to provide a workspace and to host events to inspire women in work and to provide opportunities for networking. It was also intended that the premises would provide networking space and the opportunity for women to collaborate and work together to become leaders. The events would help women in starting up businesses and female business leaders would be invited to help inspire other women. Ms Woskow added that the premises main use was work based and providing an environment for women to build on networking.

Mr Spiegler then addressed the Sub-Committee again and stated that the

application was within core hours and no regulated entertainment had been applied for. There were a number of conditions proposed and the Police had withdrawn their representation, whilst there had been no representations from residents. Mr Spiegler advised that as it was not known exactly how the basement of the premises was used, a works condition may be appropriate. He referred to the proposed conditions 9 to 13 in the report which he remarked were tightly conditioned. This meant that it would not be feasible for members of the public to come into the premises for the sole purpose of consuming alcohol. Mr Spiegler suggested that the premises could be considered as a private members club. He referred to paragraph 2.4.9 of the City Council's Statement of Licensing Policy which recognised that there was little association with crime, disorder and public nuisance for members' clubs and to paragraph 2.4.3 of the Policy concerning cumulative impact which he felt the proposals would not add to.

Shannon Pring (Licensing Authority) then addressed the Sub-Committee and stated that further information needed to be provided from the Applicant Company as to how the membership would be managed and also on how many private functions would be held and in what part of the premises. Ms Pring referred to paragraphs 2.4.11 and 2.4.12 of Policy concerning membership and stated that these needed to be taken into consideration in determining the application. Ms Pring emphasised the importance of considering whether the membership controls were sufficient, particularly as the premises was located in a cumulative impact area.

In response to Ms Pring's submission, Mr Spiegler stated that in respect of clubs, Policy aimed to address issues where the main use of the club was to provide alcohol and to remain open late into the night. He contended that as Applicant Company's premises would be work led and operate within core hours, this would not apply. He added that events would occur infrequently.

Aret Kapetanovic (Premises General Manager, Applicant Company) advised that the premises had a capacity of 170 persons. The premises would be tightly regulated and people would be clocked in as they arrived. Security would be provided at events and consumption of alcohol would be regulated to 2 to 3 drinks per person. Ms Kapetanovic stated that membership of the AllBright Club currently stood at around 200 people and it was hoped that this would be expanded to 400 people upon the premises opening, with an ultimate goal of 1,300 members. She informed the Sub-Committee that the club's joining fee was £250, in addition to an annual £600 fee that would rise to £800 when the premises opened.

Ms Woskow added that there was a lot of interest in joining the club and that efforts were being made to have a more diverse membership.

Sally Fabbriatore (Environmental Health) then addressed the Sub-Committee and advised that the Applicant Company had sought pre-application advice. A works condition had been suggested in view that it was not yet known precisely how the basement would be used and further consideration needed to be given on the means of escape from the basement. Ms Fabbriatore advised that the overall capacity of the premises was 170, although the capacity of the basement was still in question.

The Sub-Committee sought the views of the Licensing Authority and Environmental Health as to whether the proposed conditions addressed their concerns. Members sought further details from the Applicant Company about the number of events to be held and what type of food would be available at the premises.

Ms Pring felt that the conditions and the proposed hours of operation, which were within core hours, would limit the potential for public nuisance. Ms Fabbricatore concurred with this view.

Mr Spiegler stated that it was difficult at this stage to give a precise number of events and a balance needed to be struck with the premises' main use as a workspace. He suggested that may be 1 event a week, although the frequency of events may increase around International Women's Day on 8 March.

Ms Kapetanovic advised that the Applicant Company was working with female providers in respect of food and that there would both be a bar and a café. The type of food on offer may include sharing platters.

Barry Panto (Legal Adviser) asked if the Applicant Company would agree to conditions being added stating that premises is not to be used as a drinks led establishment and that a copy of the most recent club membership rules should be kept on the premises and be available to the Police or an authorised officer of the Council on demand. Chris Wroe (Policy Adviser) added that the opening hours went slightly beyond core hours Monday to Sunday.

On behalf of the Applicant Company, Mr Spiegler confirmed that they would be satisfied in having conditions added in respect of the premises not to be used as a drinks-led establishment and in making a copy of the most recent club membership available on the premises and to be available to the Police or an authorised officer of the City Council on demand. In respect of opening hours, Mr Spiegler stated that normal office use would be taking place at times beyond core hours.

The Sub-Committee granted the application, subject to additional conditions, including that the premises is not to be used as a drinks led establishment and that a copy of the most recent club membership rules should be kept on the premises and be made available to the Police or an authorised officer of the Council on demand. A condition was also added stating that consumption of alcohol shall cease at 23:30 Monday to Thursday, 00:00 Friday and Saturday and 22:30 Sunday in order to ensure this specific activity was within core hours.

In determining the application, the Sub-Committee considered that although the premises was in a cumulative impact area, given the nature of the premises as primarily a workspace and that licensable activities were limited to core hours, the application was unlikely to add to cumulative impact. On the basis that the premises could not be used as a drinks led establishment, it was accepted that it was not an application where there was a policy to refuse, albeit that individuals could consume alcohol without that being ancillary to any kind of food provision. The Sub-Committee also considered that the conditions to be added to the

	premises licence would help the Applicant Company to uphold the promotion of the licensing objectives (prevention of crime and disorder, prevention of public nuisance, public safety, and protection of children from harm).
<b>2.</b>	<b>Sale by retail of alcohol: On and Off Sales</b>
	<p>Monday to Thursday: 10:00 to 23:30  Friday and 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>00:00 for licensable activities on Sundays immediately before Bank Holiday Mondays</p> <p>00:00 for licensable activities on International Women's Day (8<sup>th</sup> March)</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>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>
<b>3.</b>	<b>Hours premises are open to the public</b>
	<p>Monday to Thursday: 08:00 to 00:00  Friday and Saturday: 08:00 to 00:30  Sunday: 09:00 to 23:30</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>00:00 for licensable activities on Sundays immediately before Bank Holiday Mondays</p> <p>00:00 for licensable activities on International Women's Day</p>

	<p>Amendments to application advised at hearing:</p> <p>At the hearing, it was noted that Seasonal variations/Non-standard timings should read as follows:</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>00:00 for licensable activities and opening hours on Sundays immediately before Bank Holiday Mondays</p> <p>00:00 for licensable activities and opening hours on International Women's Day (8<sup>th</sup> March)</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>

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

the period in which the responsible person is authorised to sell or supply alcohol), or  
(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

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

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

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

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

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

7. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a

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

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

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

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

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

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

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

Where -

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



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

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

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

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

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

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

#### **Additional Conditions**

9. The provision of Licensable Activities shall at all times be ancillary to the use of the Premises by the AllBright Collective as a female private members' club and co-working meeting/office space.

10. There shall be no advertising of the bar outside of the premises.

11. Alcohol may only be sold for consumption by a) members of the AllBright Club and their bona fide guests (not exceeding 3 guests per member); b) employees and staff of the AllBright Collective; or c) persons attending a pre-booked private function.

12. 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.

13. A list of the names and addresses of members of the Club shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members or attending pre-booked private functions. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council.

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. All entrance doors and windows to be kept closed after 23:00 hours except for immediate access and egress of persons.
16. 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.
17. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
18. 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.
19. No waste or recyclable materials, including bottles, shall be moved removed or placed in outside areas between 2300 hours and 0800 hours.
20. No deliveries to the premises shall be made between the hours of 23:00 hours and 08:00 hours.
21. 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.
22. Drinks shall not be taken outside of the premises.
23. The number of persons accommodated at any one time, (excluding staff) shall not exceed:
  - Basement – 20 persons
  - Ground -110 persons
  - First Floor –60 persons
  - Second Floor –60 persons.
  - Third Floor – 60 persons.

With no more than 60 persons on the first, second and third floors at any one time and no more than 170 persons on the premises at any one time.
24. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
25. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly

identified in accordance with the plans provided.

26. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
27. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
28. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
29. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
30. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
31. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
32. 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.
33. 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.
34. 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.

- 35. No licensable activities shall take place on any part of that the premises until that part of the premises have 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.
- 36. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
- 37. For the avoidance of doubt, the premises must not operate under this licence as a drinks led establishment.
- 38. The consumption of alcohol on the premises shall cease at 23:30 Monday to Thursday, 00:00 Friday and Saturday and 22:30 Sunday.
- 39. A copy of the most recent club membership rules should be kept on the premises and be available to the Police or an authorised officer of the Council on demand.

**2 15A ELIZABETH STREET, SW1**

**LICENSING SUB-COMMITTEE No. 5**

*Thursday 21st December 2017*

Membership: Councillor Peter Freeman (Chairman) and Councillor Rita Begum.

Legal Adviser: Barry Panto  
 Policy Adviser: Chris Wroe  
 Committee Officer: Toby Howes  
 Presenting Officer: Yolanda Wade

Relevant Representations: 3 local residents.

Present: Mr Nir Christodoulou (Applicant Company Representative).

Declarations of Interest: Councillor Murad Gassanly declared that the application was in his Ward, withdrew from the Sub-Committee and left the room during consideration of this item.

<b>15A Elizabeth Street, SW1</b>	
<b>17/11980/LIPN</b>	
<b>1.</b>	<b>Late Night Refreshment: Indoors</b>
	Monday to Thursday: 23:00 to 00:00

	<p>Friday and Saturday: 23:00 to 00:30</p>
	<p>Amendments to application advised at hearing:</p> <p>The Applicant Company's Representative advised of the following amendments</p> <p>Monday to Saturday: 23:00 to 23:30</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>This was a new application for a Premises Licence which, according to the application, was in respect of premises that will operate as a restaurant and where the sale of alcohol for consumption on the premises will only be to a person seated, taking a table meal there and for consumption as ancillary to that table meal.</p> <p>Mr Nir Christodoulou (Applicant Company Representative) began by stating that the intention of the application was to provide a casual Greek dining experience for customers. He stated that the proposal to provide alcohol was to enhance the customer experience by offering drinks such as Greek wine and all alcohol would be ancillary to food. The Applicant Company was willing to liaise with local residents about any of their concerns. Members noted that the Applicant Company had agreed a number of conditions with Environmental Health and the Police who had both withdrawn their representations. Mr Christodoulou also confirmed that the Applicant Company was amending the proposed terminal hour for late night refreshment to an earlier time of 23:30 Monday to Sunday, 23:00 Monday to Saturday for sale by retail of alcohol and 23:30 Monday to Saturday for hours the premises are open to the public.</p> <p>The Sub-Committee noted the written representations submitted by 3 local residents.</p> <p>The Sub-Committee granted the application. In determining the application, the Sub-Committee noted that the application was within core hours (apart from the terminal closing hour on Sunday), with earlier hours proposed than had been included in the original application. The premises was also to be food led with alcohol ancillary to a meal. The Sub-Committee took into account that the premises was not situated in a cumulative impact area. It was noted that both Environmental Health and the Police had withdrawn their representations following agreeing conditions with the Applicant Company. It was considered that the issues raised by local residents were largely dealt with by the reduction in hours offered by the Applicant Company. The Sub-Committee also considered that the conditions added would help the Applicant Company to uphold the promotion of the licensing objectives (prevention of crime and disorder, prevention of public nuisance, public safety, and protection of children from harm).</p>

<b>2.</b>	<b>Sale by retail of alcohol: On and Off Sales</b>
	<p>Monday to Thursday: 10:00 to 23:30  Friday and Saturday: 10:00 to 00:00  Sunday: 12:00 to 22:30</p>
	<p>Amendments to application advised at hearing:</p> <p>The Applicant Company's Representative advised of the following amendments</p> <p>Monday to Saturday: 10:00 to 23:00</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>
<b>3.</b>	<b>Hours premises are open to the public</b>
	<p>Monday to Thursday: 07:00 to 00:00  Friday and Saturday: 07:00 to 00:30  Sunday: 07:00 to 23:00</p>
	<p>Amendments to application advised at hearing:</p> <p>The Applicant Company's Representative advised of the following amendments</p> <p>Monday to Saturday: 07:00 to 23:30</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>

**Conditions attached to the Licence**

**Mandatory Conditions**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.

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

premises in relation to the sale or supply of alcohol.

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

7. The responsible person must ensure that—

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

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

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

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

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



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

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

Where -

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

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

- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### **Additional Conditions**

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst

the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. 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.
12. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
14. There shall be no self-service of spirits on the premises.
15. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
16. The number of persons permitted to be seated in the premises at any one time (excluding staff) shall not exceed 20 persons.
17. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
18. 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.
19. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
20. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
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. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
- 23. 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.
- 24. 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.

**3 BASEMENT AND GROUND FLOOR, 88 GREAT PORTLAND STREET, W1**

**LICENSING SUB-COMMITTEE No. 5**

*Thursday 21st December 2017*

Membership: Councillor Peter Freeman (Chairman), Councillor Murad Gassanly and Councillor Rita Begum.

Legal Adviser: Barry Panto  
 Policy Adviser: Chris Wroe  
 Committee Officer: Toby Howes  
 Presenting Officer: Yolanda Wade

Relevant Representations: Environmental Health, Fitzrovia Neighbourhood Association and 10 local residents

Present: Charles Holland (Counsel representing the Applicant Company), Jonathan Millet (Director, Applicant Company), Maxwell Koduah (Environmental Health), Richard Brown (Solicitor, Citizens Advice Bureau, representing local residents Sharon Palazzo, Debroah Knight, Sarah Cole, Frank Thaxton and Anjuli Dhawan), Linus Rees (Fitzrovia Neighbourhood Association) and Agata Duda (local resident).

<b>Basement and Ground Floor, 88 Great Portland Street, W1</b>	
<b>17/11140/LIPN</b>	
<b>1.</b>	<b>Films</b>
	Monday to Sunday: 07:00 to 23:00

	<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 had been adjourned from a previous hearing held on 14 December in order for the Applicant Company to address concerns raised at the meeting and to provide clarification in respect of the proposed operation of the premises.</p> <p>This was a new application for a Premises Licence in respect of premises which, according to the application, would operate as a nail and beauty salon. The supply and consumption of alcohol at the premises would be restricted to patrons attending the premises for, and ancillary to, nail and beauty treatment as well as the guests of such patrons.</p> <p>Jonathan Millet (Director, Applicant Company) began by stating that the application was for a new nail and beauty salon concept that would offer a relaxed environment for both working professionals and local residents. He asserted that the area had a high footfall with many working professionals employed in the area which made for an ideal location for a premises of this type. The premises covered over 2,000 square feet, with a large manicure bar located on the ground floor and the basement used for specialist treatment. The premises had undergone a high end refurbishment and Mr Millet stated that the average customer spent 45 to 60 minutes on the premises. The application to supply alcohol and show films had been made to enhance the customer experience, however both of these activities would be ancillary to the premises' main use as a nail bar. Mr Millet stated that it was also intended for the premises to be used by other organisations, such as Estee Lauder, for private events and if the Sub-Committee agreed to this, the Applicant Company would be happy to limit such events to a duration of 2.5 hours by condition. Mr Millet stated that the premises would operate so that working professionals and local residents could visit in the morning before normal work hours, lunchtime and earlier in the evening. The premises core hours would be 09:00 to 21:00 and there was already high customer demand, so the premises may open until 22:00 on some days to accommodate this.</p> <p>Charles Holland (Counsel representing the Applicant Company) then addressed the Sub-Committee and referred to the conditions that had been agreed between the Applicant Company and Environmental Health. Mr Holland first drew Members' attention to proposed conditions 30 to 32 in relation to prevention of accumulation of litter and waste outside the premises, a Challenge 21 proof of age scheme and recording refusal of sales of alcohol. With regard to proposed conditions 26 and 27, Mr Holland stated that this would ensure that sale and consumption of alcohol and the showing of films would remain ancillary to the premises' use as a nail and beauty salon. He advised that there would be no cinema area in the premises and that a screen located above the stairs on the ground floor would be used to show films. There would also be no bar that customers could sit at and all alcohol provided to customers would be through</p>

staff. Conditions 19 and 20 addressed capacity issues, including during private events to address residents' concerns and Mr Holland advised that there would be 2 toilets on the premises, with one solely for staff use on most occasions. In respect of conditions 22 and 23, Mr Holland requested that the restrictions for times for waste and recycling collection be amended from 20:00 to 08:30 to 21:00 to 07:00 as recycling collection times commenced prior to 08:30 in the neighbourhood. He also suggested that proposed condition 34 could replace proposed condition 23 in respect of waste and recycling materials being placed outside. In respect of an email sent by Sharon Palazzo (local resident) requesting similar conditions to that of Whisky Exchange which was located near the premises, Mr Holland asserted that these had been offered by the premises licence holder of Whiskey Exchange.

Maxwell Koduah (Environmental Health) then addressed the Sub-Committee. Mr Koduah advised that most of his concerns had been addressed and that proposed conditions 43 and 45 be duly added as requested by the Applicant Company in respect of waste and recycling collections. Mr Koduah stated that he would have no objection to proposed condition 44 being deleted in respect of placing waste and recycling outside if condition 34 was agreed. He confirmed that he was otherwise satisfied with the application.

Richard Brown (Solicitor, Citizens Advice Bureau, representing local residents Sharon Palazzo, Debroah Knight, Sarah Cole, Frank Thaxton and Anjuli Dhawan) then addressed the Sub-Committee. Mr Brown stated that residents had initially been particularly concerned about proposals for the premises to be open 24 hours a day, 7 days a week and they welcomed the revised reduction in proposed hours. In respect of Whisky Exchange, Mr Brown stated that residents had worked hard to have suitably restrictive conditions imposed on the premises licence and the applicant had subsequently agreed to reduce the terminal hour for licensable activities and opening times to 20:00, as well as conditions relating to deliveries and events. Residents desired consistency and felt similar hours and conditions relating to deliveries and events should apply to this application. Mr Brown stated that 5 new units were being developed on Great Portland Street and one already had a licence to sell alcohol. Whilst acknowledging that there had been extensive engagement between the Applicant Company and residents, Mr Brown stated that it had been difficult for residents to liaise with the Applicant Company since last week over conditions due to the number of changes proposed. Residents felt that the hours proposed were still excessively late. Mr Brown disputed that this part of Great Portland Street experienced a high footfall and he asserted that it was a much quieter part of the street, particularly later in the evening. He then referred to the photographs in the report and stated that the building's owners were planning on selling the flats above the premises and the residents who would move in would not have had the opportunity to make representations. Mr Brown suggested that sale of alcohol be restricted to a terminal hour of 20:00 Monday to Saturday and 18:00 on Sunday.

Mr Brown then referred to the proposed conditions. Drawing Members' attention to condition 13 in respect of maximum persons permitted not exceeding the figure prescribed by the risk assessment, Mr Brown suggested that this condition would be difficult to enforce. In relation to condition 19 regarding a capacity of 25 persons when one toilet was available to customers and a capacity of 49

persons when two toilets were available, he felt that the difference was too great. Condition 20 in relation to private events was not sufficiently tight and any event outside regular business hours should be appropriately controlled. Mr Brown suggested that a maximum capacity of 16 persons should be set for any pre-arranged events to reduce the potential number of customers consuming alcohol. The Sub-Committee heard that there was another beauty salon nearby which closed at 20:00 hours. In respect of condition 21 concerning dispersal and smoking policy, Mr Brown suggested that model condition 71 of the City Council's basket of model conditions would be more appropriate. Residents were content with condition 27 limiting the supply and consumption of alcohol, apart from the reference to bona fide guests which had the potential to significantly increase the number of customers partaking in this activity. Mr Brown stated that recycling collections commenced at 07:00 only on Thursdays. Condition 48 concerning signage requesting patrons to leave the area quietly could be placed inside the premises. In respect of condition 52, Mr Brown acknowledged that there was to be no bar on the premises, however one was shown on the plans. He added that condition 58 should prescribe the maximum number of smokers outside. Mr Brown confirmed that residents were content with proposed condition 26 which stated that licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a nail and beauty salon.

During Members' discussions, further information was sought concerning private events and clarification on who the bona fide guests were likely to be, and as these guests were not receiving treatment, did this mean they could be on the premises solely to consume alcohol. It was remarked that condition 20 meant that up to 25 customers could be consuming alcohol for up to 2.5 hours. Further details were also sought in relation to showing films and how many would be shown during the course of the day. In relation to private events booked by local companies, the Sub-Committee asked if this was part of the Applicant Company's business plan and would this aspect of activities be advertised. Members asked what the average length of treatment would be and clarification was sought as to whether there would actually be a bar on the premises as one was marked in the plans, and if there was to be one, would customers be able to drink from it. It was asked whether the premises would have a reception area and further information was also sought concerning the Applicant Company's intention to operate for extended hours on some occasions.

In reply to issues raised by the Sub-Committee, Mr Millet advised that the premises could accommodate up to 16 persons having treatment at the same time which took between 45 to 60 minutes. Customers may be waiting for treatment and so this was why a limit of 25 persons had been proposed. Mr Millet stated that private events were unlikely to take place on the ground floor because of the large manicure fixture located there. He stated that 95% of business would be customers receiving treatment, however occasionally companies might approach the Applicant Company to request booking the premises for a private event, although this activity would ancillary to the premises' main use as a nail and beauty salon. Mr Millet stated that companies had already made such requests, however the Applicant Company did not want to hold too many private functions as this could dissuade the core customer base. In respect of bona fide guests, Mr Millet emphasised that alcohol would

only be provided to them by staff serving them these drinks. He advised that the Applicant Company did not intend to hold film events and the application to show films was so that recorded films could be shown at low volume as background entertainment. Films would be shown on a loop and may include classic older films such as Casablanca and there was no designated film area. Mr Millet did not strongly object to the condition stating that there would be no bar and all patrons would be served whilst seated. He confirmed that there was a reception area immediately after the entrance of the premises. Mr Millet stated that having extended hours was essential to the business. The core hours would be between 09:00 to 21:00, however on some days the Applicant Company may want to remain open until 22:00 and the application to operate until that hour had been made to give the Applicant Company scope to do so if there was a clear demand later in the evening.

Mr Holland stated that although a bar had been marked on the plans, the word had erroneously been made by the draughtsman producing them and in fact the area marked as a bar was a shelving area and customers would not be able to be seated around it. He confirmed that there would be no dispensing of alcohol from a 'bar' on the premises. Alcohol would be displayed so customers could see what was on offer and would include products such as bottles of champagne.

Chris Wroe (Policy Adviser) asked the Applicant Company if they would be content to agree model condition 39 stating that the supply of alcohol shall be by waiter or waitress service only. Mr Wroe stated that residents had concerns about the potential for customers to be consuming alcohol whilst standing and would this be taking place on the premises and did the capacity take account of this. In respect of proposed condition 27 relating to bona fide guests, Mr Wroe invited the Applicant Company to suggest a maximum number of bona fide guests per customer.

Barry Panto (Legal Adviser) remarked that condition 42 as proposed by Environmental Health in relation to securing alcohol outside the hours of authorised sales was a model condition in and he asked the Applicant Company why they objected to this. Mr Panto sought the Applicant Company's views in respect of proposed condition 53 relating to patrons leaving and re-entering the premises and condition 57 concerning films being shown as an ancillary activity to the premises' main use as a nail and beauty salon.

In reply to questions from Mr Wroe and Mr Panto, Mr Holland, on behalf of the Applicant Company, confirmed that they would be happy with model condition 39 to be added to the premises licence. Mr Holland suggested that the Applicant Company's proposed conditions 26 and 33 already addressed conditions 53 and 57 respectively as proposed by residents. Mr Holland stated that some customers, including their guests, may wish to stand whilst they were waiting and they also may be consuming alcohol whilst doing so or be seated elsewhere from the person they had arrived with. The physical constraints of the building limited capacity to 25 persons and there were 16 treatment places. In respect of the proposed opening hours, Mr Holland stated that the premises was not in a cumulative impact area and in his view the Whisky Exchange decision did not set a precedent. Mr Holland suggested that nail and beauty salons tended to

remain open later than other types of retail establishment and he asserted that Great Portland Street had a high volume of traffic during the day and night which led to a higher level of background noise.

Mr Holland confirmed that the proposed works condition 13 could be withdrawn as a capacity limit had been set and conditions 19 and 20 were appropriate and suitably rigorous and condition 19 could replace proposed condition 41. In respect of waste and recycling, Mr Holland stated that Environmental Health had advised that the commencement hour of 08:00 could be problematic because of recycling collection times in the area sometimes commencing at earlier times, although the Applicant Company wished to accommodate residents' wishes where possible. In respect of proposed condition 48 suggested by residents, Mr Holland felt that this was not appropriate as the premises was not a bar or a nightclub and he suggested that staff taking a personal approach to customers in ensuring customers left the premises quietly would be more effective than placing signage. In respect of proposed condition 58 prohibiting people from smoking outside the premises, Mr Holland stated that this was not enforceable as the area was a public highway.

Mr Millet felt that proposed condition 25 was sufficient instead of condition 42. In relation to condition 27, he suggested that the number of bona fide guests be restricted to a maximum of 3 per patron. Mr Millet then agreed to Mr Panto's suggestion that conditions be added stating that the premises must not operate as a drinks led establishment and the mandatory film condition.

The Sub-Committee granted the application, subject to adding the mandatory film condition and a condition stating that the premises must not operate under this licence as a drinks led establishment, as agreed by Mr Millet at the hearing. Model condition 39 stating that the supply of alcohol shall be by waiter or waitress service only, was also added as agreed by Mr Millet at the hearing. Model condition 22 limiting the number of customers to temporarily leave and then re-enter the premises, such as to smoke, to 5 persons was also added to address the concerns raised by local residents. The condition in respect of bona fide guests of patrons was amended to limit the number to a maximum of 3 guests per patron, as suggested by Mr Millet at the hearing and to address residents' concerns. The condition relating to private events was amended to state that there shall be no pre-arranged, private events authorised under this licence lasting more than 2.5 hours or accommodating more than 25 customers at any one time. The proposed condition in relation to managing patrons who are smoking outside the premises was replaced by model condition 71, as suggested by Mr Brown. Other proposed conditions were also deleted where they were already covered by similar worded conditions, or not felt appropriate or enforceable.

In determining the application, the Sub-Committee recognised that the premises would operate primarily as a nail and beauty salon, it was not located in a cumulative impact area, and the hours applied for were well within core hours. The Sub-Committee acknowledged that the premises licence would be subject to extensive conditions that would help address concerns raised by local residents. The Sub-Committee also considered that the conditions to be added to the premises licence would help the Applicant Company to uphold the



	promotion of the licensing objectives (prevention of crime and disorder, prevention of public nuisance, public safety, and protection of children from harm).
<b>2.</b>	<b>Sale by retail of alcohol: On and Off Sales</b>
	Monday to Sunday: 10:00 to 22:00
	Amendments to application advised at hearing:  None.
	Decision (including reasons if different from those set out in report):  Granted, subject to conditions as set out below (see reasons for decision in Section 1).
<b>3.</b>	<b>Hours premises are open to the public</b>
	Monday to Sunday: 07:00 to 23:00
	Amendments to application advised at hearing:
	Decision (including reasons if different from those set out in report):  Granted, subject to conditions as set out below (see reasons for decision in Section 1).

<b>Conditions attached to the Licence</b>	
<b><u>Mandatory Conditions</u></b>	
1.	No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2.	No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3.	Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.

4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible

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

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

7. The responsible person must ensure that—

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

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

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

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

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

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

Where -

- (i) P is the permitted price,

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

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

- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

9. 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.

**Additional Conditions**

10. The operator shall ensure that at all times when the premises are open for any licensable activity, there is sufficient, competent staff on duty at the premises for the purposes of fulfilling the terms and conditions of the licence and for preventing crime and disorder.

11. The operator and designated premises supervisor shall conduct a risk assessment for the general operation of the premises and in the case of individual bespoke events.

12. 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 conditions. 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.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all time when the premises is open. The staff member must be able to provide a Police or authorised council officer copies of recent CCTV images and data with absolute minimum of delay when requested.
14. The Designated Premises Supervisor shall ensure that there are effective management arrangements in place to enable him/her to know how many people there in the premises at times prescribed within the management risk assessment.
15. No noise generated on the premises, or by its associate plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
16. There shall be no self-service alcohol.
17. Notices shall be prominently displayed at any area designated for smoking requesting patrons to respect the needs of local residents and use the area quietly.
18. No outdoor seating at the front of the property will be permitted.
19. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 25 persons, save at times when the second toilet is made available (by means of clear signage) to persons, during which time the number of persons permitted in the premises (excluding staff) shall not exceed 49 persons.
20. There shall be no pre-arranged private events authorised under this licence lasting more than 2.5 hours or accommodating more than 25 customers at any one time.
21. 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.
22. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.

23. No collections of waste or recycling materials (including bottles) from the premises shall take place between 20.00 and 08.30 on the following day Monday to Saturday and between 18.00 and 08.30 on the following day Sundays.
24. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20.00 and 08.30 on the following day Monday to Saturday and between 18.00 and 08.30 on the following day Sundays.
25. The premises licence holder will not schedule any deliveries to the premises to take place between 20.00 and 08.30 on the following day Monday to Saturday and between 18.00 and 08.30 on the following day Sundays.
26. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall take all necessary steps to ensure that all alcohol stored or displayed within the premises is not available or accessible to customers or unauthorised staff.
27. For the avoidance of doubt, the premises must not operate under this licence as a drinks led establishment.
28. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a nail and beauty salon.
29. The supply and consumption of alcohol shall be restricted to patrons attending the premises for, and ancillary to, nail and beauty treatment, and up to 3 of their bona fide guests.
30. There shall be no sale of draught beer, lager and cider at the premises.
31. The supply of alcohol shall be by waiter or waitress service only.
32. 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.
33. 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.
34. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
35. A record shall be kept detailing all refused sales of alcohol. The record should

include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.

36. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.
37. 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.
38. 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.
39. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
40. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
41. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
42. No licensable activities shall take place at the premises until the premises have 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.

The Meeting ended at 1.57 pm

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_