



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (6)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (6)** Committee held on **Thursday 29th June, 2017**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Jean Paul Floru and Aziz Toki

1 MEMBERSHIP

There were no changes to the Membership.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 MUBAO BEAUTY LTD, 26 WARDOUR STREET, W1

LICENSING SUB-COMMITTEE No. 6

Thursday 29th June 2017

Membership: Councillor Jean Paul Floru (Chairman) and Councillor Aziz Toki

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Jonathan Deacon

Presenting Officer: Steve Rowe

Relevant Representations: City Inspectors

Present: Mr Richard Barca (Solicitor, representing the Applicant), Ms Ping Liang (Director, Applicant Company), Ms Frances Vann (proposed full time manager of premises), Mr Francis Keegan and Mr Tim Butterfield (City Inspectors).

**Mubao Beauty Ltd, Basement, 26 Wardour Street, W1
16/11243/LIMSTN**

Application: New special treatment licence to allow massage and facials to be

	<p>provided at the premises to men and women during separate sessions.</p> <p>To provide the massage treatment from 11:00 until 00:00 on every day of the week (including Sunday).</p> <p>The application is determined under Part 2 of the London Local Authorities Act 1991.</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>Mr Rowe, in presenting the item, clarified that the ground floor at 26 Wardour Street had previously been licensed and not the basement which is the subject of the application for the new special treatment licence.</p> <p>The Sub-Committee heard from Mr Barca, representing the Applicant. He confirmed that his client, Ms Liang, is not a fluent English speaker. This was a concern of the City Inspectors. Mr Barca informed the Sub-Committee that in order to address this issue, Ms Vann was being put forward as the proposed full time manager of the premises. He added that she is an experienced massage practitioner and would be able to assist at the current hearing as a translator for Ms Liang.</p> <p>Mr Barca had submitted additional papers which included Ms Liang's qualifications. Ms Liang with the assistance of Ms Vann provided the information that she had been practising for nine years and held licences at two other premises which had been granted by Camden Council.</p> <p>Ms Liang in response to an allegation from the City Inspectors accepted that the basement premises had been open before the licence, currently being applied for, had been granted. This was, she stated, due to a misunderstanding. She had believed that she was able to carry out waxing treatments at this stage. She had not been required to have licensing hearings in respect of the two licences she had been granted by Camden Council.</p> <p>Ms Liang with the assistance of Ms Vann gave an explanation as to why the licence on the ground floor had been surrendered in 2016. The ground floor had been shared with a hair salon. There had been a complaint from the hairdressers that the chair massage treatment being provided by Ms Liang to customers at the front of the premises was impacting adversely on their business at the back of the premises. Ms Liang had decided not to proceed with her treatment.</p> <p>The City Inspectors had proposed a condition that at all times of trading there would be a duty manager within the venue who is authorised by the licence</p>

holder. They maintained their objection to the application but had proposed the condition in the event that the Sub-Committee was minded to grant the application. Ms Liang had agreed the condition. Ms Vann would be the duty manager.

Mr Barca stated that Ms Liang did not accept that anything untoward was taking place on the first floor of the premises. She was not operating the licence on the ground floor when the City Inspectors had visited. The premises were not under her control when the officers had observed touting taking place. Ms Liang gave assurances that if she was granted the licence she would comply with the standard condition attached to it that there would be no touting.

The Sub-Committee was addressed by Mr Keegan, City Inspector Team Manager. He advised the Sub-Committee that he was opposing the application because there were concerns about the suitability of the Applicant, alleged touting at the premises and the suspected use of the building as a brothel. Mr Keegan appreciated that Ms Liang's previous licence was for the ground floor only and the current application was for the basement. There was no evidence to support the suggestion that any part of the building was used for prostitution except the upper floors.

Mr Keegan referred to Ms Liang's application form which had been included in the report. This had indicated that she had not previously applied for a similar licence when Ms Liang had actually held a licence from Westminster Council for the ground floor and held two that had been granted by Camden Council. Mr Keegan informed Members that one of the Camden licences was held by a company of which Ms Liang is a director. The other was held in the name of a male and Ms Liang's application for a transfer had only been received in the last few days. Ms Liang had indicated in her application that she was applying as an individual when the application was by Mubao Beauty Ltd. It was unclear why a home address had been given for 30 Goodge Street on the application form when Ms Liang had never resided there.

Mr Keegan commented that in discussions with Ms Liang she denied the upper floors were being used as a brothel but had accepted that unlicensed massage was being provided. He said that Council officers and the Police had witnessed a number of Chinese ladies over many months outside the premises in the small hours of the morning touting the business to passers by. Officers did not accept that the upper floors were not being used for prostitution. However, he added that since his meeting with Ms Liang in March 2017 the touting had appeared to have ceased.

Mr Keegan explained that the City Inspectors remained concerned about the Applicant complying with conditions in the event the application was granted, based on Ms Liang's operation of the licence for the ground floor. He said that those persons the City Inspectors had spoken to had not appeared to know anything about the licence, been able to produce a copy or answer any questions about it. The City Inspectors recommended that the current application was not granted as they did not have any confidence the conditions would be complied with.

Mr Keegan referred to the additional condition which had been agreed with the Applicant in the event that the Sub-Committee was minded to grant the application. He recommended that several people should receive the relevant training to act as a duty manager as Ms Vann could not be expected to be on the premises at all times the business operated. Mr Keegan also drew Members' attention to the proposed hours. He considered that the terminal hour of midnight for the special treatments was particularly late and requested that a condition was attached that they were only provided between 11:00 and 23:00.

Mr Keegan was asked by the Sub-Committee to explain further why he was concerned that the special treatments would take place after 23:00. He replied that it was due to the nature of the premises. There were concerns that touting would take place and the risk of sexual misconduct would increase, particularly as a result of people consuming alcohol.

The Sub-Committee asked Mr Keegan what evidence there was of prostitution taking place in the upper floors. He replied that it had been very difficult to gain access to the premises. When he did gain access upstairs with a colleague, there were ladies scantily clad. They had formed the view from the ambience of the premises that it was not massage taking place there. Mr Keegan was asked whether the touting had included a reference to prostitution. He responded that they had only promoted massage. The inspectors' view was based on the attire worn.

Mr Barca was given an opportunity to respond to the allegations. He replied that Ms Liang had not been involved with operating the premises at the time Mr Keegan and his colleague had entered. If there was prostitution, the Metropolitan Police would have been likely to have taken action following the matter being reported to them and they had not done so. Mr Keegan clarified that he was not saying that at this current time there was prostitution upstairs or that touting was taking place. However, when he had visited and gone upstairs the Applicant had suggested she was in charge. She had denied prostitution was taking place but accepted there was unlicensed massage proceeding.

Mr Barca asked Mr Keegan to supply the date of the visit. He did not have the exact date but clarified that it was over a year ago.

Mr Barca stated that Ms Liang was willing to accept the proposed condition that special treatments would only be provided between 11:00 and 23:00. He also informed the Sub-Committee that the male who held one of the licences in Camden for which she was seeking a transfer was in fact her husband. Ms Liang operated the premises.

Ms Vann also wished to stress that she had been employed in the beauty industry for 25 years and did not want to lose her reputation and would therefore do her utmost to help Ms Liang.

The Sub-Committee considered that Ms Liang had made errors including operating at the premises in the basement prior to the current application being granted and in relation to filling in the application form. However, these were not sufficient to take the view that her suitability as an applicant was in question.

She was qualified and was employing a duty manager to assist her in engaging with visiting officers effectively. The alleged touting and the alleged use of the first floor as a brothel could not be directly linked to Ms Liang's previous operation of her licence on the ground floor. The Sub-Committee granted the application.

The Sub-Committee gave a warning to Ms Liang that the premises would continue to be inspected and that action was likely to be taken if she did not comply with the conditions on the licence including that there must be no touting in relation to the premises.

Conditions attached in addition to the Standard conditions

1. Special treatments shall only be provided between 11:00 and 23:00.
2. At all times of trading there shall be a duty manager within the venue who is authorised in writing for the purpose by the holder of the licence. The duty manager shall immediately make themselves known to any police officer or officer of the Fire Authority, or any authorised officer of the Council (whose written authority will be provided on request). The duty manager shall be a person who has a good command of the English language, so that he/she can engage with visiting officers effectively, and shall have been properly trained before being left in charge of the venue. The duty manager shall ensure that all conditions of the licence are complied with at all times of trading.

4 HARD ROCK CAFE, GROUND AND LOWER FLOOR, 225-229 PICCADILLY, W1

LICENSING SUB-COMMITTEE No. 6

Thursday 29th June 2017

Membership: Councillor Jean Paul Floru (Chairman) and Councillor Aziz Toki

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Jonathan Deacon

Presenting Officer: Heidi Lawrance

Relevant Representations: Metropolitan Police and Licensing Authority

Present: Mr Philip Kolvin QC (representing the Applicant), Mr Niall McCann (Solicitor, on behalf of the Applicant), Ms Karen Burke (Director of Operations Europe Central, Applicant Company), PC Bryan Lewis (Metropolitan Police) and Mr Steve Rowe (Licensing Authority).

**Hard Rock Café, Ground and Lower Floor, 225-229 Piccadilly, W1
17/04470/LIPN**

1. Late Night Refreshment (Indoors)

Monday to Thursday:	23:00 to 01:00
Friday to Saturday:	23:00 to 02:00
Sunday:	23:00 to 01:00

Amendments to application advised at hearing:

None.

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

Ms Lawrance and Mr Kolvin initially advised the Sub-Committee that the representation from McKinsey & Company – Real Estate had been withdrawn. Mr Kolvin informed those present that the Applicant had agreed to liaise with McKinsey & Company during building works. They had been concerned about noise transmission. The objectors occupied office space on the first floor above the subject premises but the members noted that the applicant had now indicated that there would not be any licensable activities on the ground floor.

Mr Kolvin described 225-229 Piccadilly as a very significant flagship venue for the Applicant. He stated that taking the Council’s cumulative impact area policies into account, the Applicant was proposing that there would be no licensable activities on the ground floor. Passers-by would see that this floor is a family friendly retail café venue. The restaurant would be in the basement where alcohol would be ancillary to a substantial table meal. He added that these were departures from the Hard Rock Cafe model elsewhere in the world. Mr Kolvin commented that alcohol was likely to comprise 10% at most of total customers’ spend in the premises. Alcohol was a small part of Hard Rock Café’s offer. Hard Rock Cafe’s premises were able to promote the licensing objectives as had been proved in Old Park Lane.

Mr Kolvin said that the premises had two specific advantages in terms of location. One was that there is a basement exit from the restaurant facility which goes straight into Piccadilly Circus Station. They did not need to go out at street level at all. This was particularly relevant when the night tube was operating. Secondly, the number of residents in close proximity to the premises was very small. There had been no objections from residents.

Mr Kolvin responded to questions from the Sub-Committee. In relation to the capacity, his client had agreed a condition following discussions with the Licensing Authority that no queuing would be permitted outside the premises. There would be a capacity of 419 in the restaurant and the Applicant was

proposing that this would reduce to 300 at midnight and then 200 at 01:00. Mr Kolvin made the point that as it was a restaurant, people would not all leave at the same time. The Applicant was also offering a condition that the last entry to the premises on any given night would be at least one hour before it closes.

The Sub-Committee was informed by Mr Kolvin that there had been lead time built in between the end of the licensable hours and the closing time. This was in part so that customers could look at memorabilia and merchandise. Mr Kolvin and Ms Burke emphasised the significance of memorabilia, merchandise and music retail to the Applicant's business model. 50% of sales across Hard Rock Cafe premises involved merchandise.

Mr Kolvin referred to the Applicant seeking that alcohol would be supplied to and consumed by customers prior to or post a substantial table meal. It was proposed that the maximum number of customers in the bar area at any one time was 65. This was approximately 15% of the capacity. Mr Kolvin assured Members that it would not be a vertical drinking bar as customers would be seated at stools. He re-iterated that alcohol was a small element of takings at Hard Rock Cafe. Many of the customers would come to the premises pre or post theatre. The Applicant was keen not to have a drinking clientele.

The Sub-Committee heard from Mr Rowe on behalf of the Licensing Authority. He stated that the Applicant had worked closely with the Licensing Authority and had proposed conditions including the staggered capacity during the later operating hours. It was for the Members to consider whether the application added to cumulative impact and whether the Sub-Committee was satisfied that the bar was sufficiently ancillary to food.

PC Lewis advised the Sub-Committee that the Metropolitan Police maintained their representation on policy grounds in the West End Cumulative Impact Area. They had concerns regarding the large numbers at the premises beyond the Council's Core Hours policy. He provided the information that the Applicant's premises in Old Park Lane had never presented the Police with any problems. PC Lewis added that the Applicant's proposals to have a minimum of two SIA licensed door supervisors on duty at the premises from 18:00 until close and a minimum of four door supervisors on duty from 22:00 until close would assist in promoting the prevention of crime and disorder licensing objective as would the Applicant's offer to make an annual contribution of up to £5,000 to the Council for the operation of CCTV in Piccadilly Circus and the immediate surrounding area.

The Sub-Committee granted the application, subject to conditions as set out below. Members considered that the application was generally consistent with that of a restaurant premises and would promote the licensing objectives. The Applicant had agreed the Council's model restaurant condition and there were to be no licensable activities at all on the ground floor. The use of the bar area was only to be used by customers either prior to or after a substantial table meal. The Sub-Committee was keen to amend two aspects of the application for it to be completely in line with it being a restaurant in the West End Cumulative Impact Area. The first was that the maximum capacity for the bar was reduced to 42 to reduce the percentage of the capacity in the bar to 10% rather than the

Applicant's proposed 15%. 10% is in keeping with the Council's suggested capacity and Members believed it was important to reduce the emphasis on the bar area. The second aspect was to attach a condition to the premises licence that alcohol may be supplied and consumed 'immediately' prior or post their meal at the premises in the bar area. This would prevent customers having a meal and then being able to consume alcohol for a number of hours in the premises afterwards. This was in keeping with the Applicant's aim that the premises would not become a drinking establishment.

Having reached the conclusion that the application with amendments was completely in line with being a restaurant in the West End Cumulative Impact Area, the Sub-Committee considered whether the application added to cumulative impact. The Sub-Committee took the view that the package of measures offered by the Applicant would minimise cumulative impact. These included the staggered dispersal of customers, the increasing number of door supervisors during the evening, the last entry time and the fact that there is a basement exit from the restaurant facility which goes straight into Piccadilly Circus Station. The Applicant had also proposed a condition that the licensee would operate a written dispersal policy for a period of 45 minutes before it closes on any given night. All staff would receive training and refresher training in the policy. The Sub-Committee added to the condition that a copy of the most recent version of the policy would be retained on the premises at all times and would be produced for immediate inspection at the request of any licensing inspector or police officer.

The Sub-Committee noted that the applicant company had operated their premises at Old Park Lane without any problem and had confidence that they would manage these premises to the same standard. That was further backed up by the condition offered by the applicant to the effect that the premises licence shall not be transferrable save to subsidiaries or group companies of Hard Rock Café (UK) Limited. It was also noted that the Applicant had given an undertaking to make an annual contribution of up to £5,000 to the Council for the operation of CCTV in Piccadilly Circus and the immediate surrounding area. Members did not believe it to be appropriate for this to be a condition on the licence. Members also did not believe it to be appropriate to attach the Applicant's proposed condition that a minimum price should be set for the sale of alcohol.

2.	Live Music (Indoors)						
	<table> <tr> <td>Monday to Thursday:</td> <td>10:00 to 01:00</td> </tr> <tr> <td>Friday to Saturday:</td> <td>10:00 to 02:00</td> </tr> <tr> <td>Sunday:</td> <td>10:00 to 01:00</td> </tr> </table>	Monday to Thursday:	10:00 to 01:00	Friday to Saturday:	10:00 to 02:00	Sunday:	10:00 to 01:00
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Sunday:	10:00 to 01:00						
	<p>Amendments to application advised at hearing:</p> <p>None.</p>						
	Decision (including reasons if different from those set out in report):						

	The application was granted, subject to conditions as set out below (see reasons for decision in Section 1).						
3.	Recorded Music (Indoors)						
	<table> <tr> <td>Monday to Thursday:</td> <td>10:00 to 01:00</td> </tr> <tr> <td>Friday to Saturday:</td> <td>10:00 to 02:00</td> </tr> <tr> <td>Sunday:</td> <td>10:00 to 01:00</td> </tr> </table>	Monday to Thursday:	10:00 to 01:00	Friday to Saturday:	10:00 to 02:00	Sunday:	10:00 to 01:00
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Sunday:	10:00 to 01:00						
	<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 was granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>						
4.	Sale by retail of alcohol (On)						
	<table> <tr> <td>Monday to Thursday:</td> <td>10:00 to 00:30</td> </tr> <tr> <td>Friday to Saturday:</td> <td>10:00 to 01:30</td> </tr> <tr> <td>Sunday:</td> <td>10:00 to 00:30.</td> </tr> </table>	Monday to Thursday:	10:00 to 00:30	Friday to Saturday:	10:00 to 01:30	Sunday:	10:00 to 00:30.
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Sunday:	10:00 to 00:30.						
	<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, subject to conditions as set out below (see reasons for decision in Section 1).</p>						
5.	Hours premises are open to the public						
	<table> <tr> <td>Monday to Thursday:</td> <td>10:00 to 01:30</td> </tr> <tr> <td>Friday to Saturday:</td> <td>10:00 to 02:30</td> </tr> <tr> <td>Sunday:</td> <td>10:00 to 01:30.</td> </tr> </table>	Monday to Thursday:	10:00 to 01:30	Friday to Saturday:	10:00 to 02:30	Sunday:	10:00 to 01:30.
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Sunday:	10:00 to 01:30.						
	<p>Amendments to application advised at hearing:</p> <p>None.</p>						
	<p>Decision (including reasons if different from those set out in report):</p>						

	The application was granted, subject to conditions as set out below (see reasons for decision in Section 1).
6.	Seasonal variations / non-standard timings
	<p><u>Late Night Refreshment (Indoors), Live Music (Indoors), Recorded Music (Indoors), Sale by retail of alcohol (On) and Hours premises are open to the public</u></p> <p>From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The application was granted, subject to conditions as set out below.</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.

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

Additional Conditions

10. The Premises shall 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.
11. A staff member from the Premises who is conversant with the operation of the CCTV system shall be on the Premises at all times when the Premises is open. This staff member must be able to provide to Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
12. There shall be a personal licence holder on duty on the premises at all times when the Premises are authorised to sell alcohol.
13. A minimum of 2 SIA licensed door supervisors shall be on duty at the premises from 18:00 until close, and a minimum of 4 door supervisors shall be on duty from 22:00.

14. 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 Services. 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.
15. 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.
16. All outside tables and chairs shall be rendered unusable by 22:00 each day.
17. There shall be no admittance or re-admittance to the premises after 01:00 except for patrons permitted to temporarily leave the premises to smoke.
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
19. 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.
20. 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 and advertised near the entrance doors of the premises in letters of at least two inches tall.
21. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
22. At all times there shall be promotion of non-alcoholic drinks.
23. 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.
24. The number of persons permitted in the licensed premises at any one time (including staff) shall not exceed 419 persons, reducing to 300 persons at midnight and 200 persons at 01:00 hours.
25. The last entry time to the premises on any given night shall be at least one hour before it closes.

26. 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.
27. Waiter or waitress service shall always be available in the licensed Premises.
28. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
29. 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.
30. 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.
31. 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 refusal of the sale of alcohol; and
 - g) any visit by a relevant authority or emergency service.
32. No licensable activities shall take place at the Premises until the licensing authority are satisfied that the Premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority.
33. 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.
34. No queuing will be permitted outside the premises.
35. The premises licence shall not be transferrable save to subsidiaries or group companies of Hard Rock Café (UK) Limited.

36. Notwithstanding condition 36, alcohol may be supplied and consumed immediately prior or post their meal at the premises in the bar area (designated on the plan), by up to a maximum at any one time, of 42 persons.
37. The Premises shall only operate as a restaurant:
- a) in which customers are shown to their table;
 - b) where the supply of alcohol is by waiter or waitress service only;
 - c) 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;
 - d) which do not provide any take away service of food or drink for immediate consumption;
 - e) which do not provide any take away service of food or drink after 23:00; and
 - f) 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.
38. Licensable activities and the consumption of alcohol shall only be carried on in the basement of the premises.
39. The licensee shall operate a written dispersal policy for a period of 45 minutes before the premises closes on any given night. All staff shall receive training and refresher training in the policy. A copy of the most recent version of the policy shall be retained on the premises at all times and shall be produced for immediate inspection at the request of any licensing inspector or police officer.