



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (6)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (6)** held on **Thursday 7th June, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Melvyn Caplan, Jim Glen and Shamim Talukder

Also Present: Councillors

Apologies for Absence:

1 MEMBERSHIP

Councillor Tim Mitchell replaced Councillors Louise Hyams and Aziz Toki for the items Regent's University London, Regent's College, Inner Circle, Regent's Park and Pappiland Café, Ground Floor, 12 Norfolk Place, W2.

2 DECLARATIONS OF INTEREST

1 GROSVENOR SQUARE GARDENS, GROSVENOR SQUARE, W1K 6LD

LICENSING SUB-COMMITTEE

Thursday 7th June 2018

Membership: Councillor Melvyn Caplan (Chairman) Councillor Jim Glen and Councillor Shamim Talukder

Legal Adviser: Horatio Chance
Committee Officer: Kisi Smith-Charlemagne
Presenting Officers: Samantha Eaton

Relevant Representations: Environmental Health, The Metropolitan Police and Local Resident's.

Present: Mr Craig Baylis (Solicitor, representing the Applicant), Mr Nick Morgan, Mr Nigel Hughes, Ms Chrissie Cullen all on behalf of the Applicant ("The

Applicant”), PC Byan Lewis (Metropolitan Police) and Mrs Dave Nevitt (Environmental Health)

**Grosvenor Square Gardens, Grosvenor Square, London, W1K 6LD
18/03517/LIPN (“The Premises” also referred in this Decision as the “Square”)**

1. Sale by retail of alcohol (both on and off sale):

Monday to Thursday: 10:00 to 22:00

Friday to Saturday: 10:00 to 22:30

Sunday: 12:00 to 21:00

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.

On Sundays prior to bank holidays/public holidays 09:00 – 23:00.

Amendments to application advised at hearing:

None.

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

The Sub-Committee considered an application by Grosvenor West End Properties for a new premises licence in respect of Grosvenor Square Gardens, Grosvenor Square, London, W1K 6LD (“The Premises”). The Presenting Officer provided an outline of the application to the Sub-Committee.

Mr Baylis, representing the Applicant, confirmed that there would be no off sales of alcohol and this had been removed from the application due to the concerns raised by the lodged representations. Mr Baylis advised that the Applicant had considered a Farmers Market with the possible sale of alcohol, however this was not a necessity and so the Applicant removed this from the application. Mr Baylis explained to the Sub-Committee that for the last six years the Applicant had been providing licensable activities on the Square and wanted to emphasise that local residents had raised no objection to past events

Mr Baylis then went onto advise that the Applicant had held Summer in the Square for the last six years with no complaints. It was stated that previous licensing events have operated using the temporary event notices regime. These are not small scale events, the average Summer in the Square day has between 1,500 to 4,000 people attending. Mr Baylis informed the Sub-Committee that in addition to Summer in the Square, the Applicant now wants to offer more events in the form of ticketed events in order to recoup some of the £5 million invested in refurbishing the square. It was stated that all monies raised from those events by way of profit will be re-invested back into the maintenance and up keep of the Square.

Mr Hughes described Grosvenor Square as being one of London’s most

attractive public spaces. Mr Baylis confirmed to the Sub-Committee that the Applicant proposes the following three type of events:- ,

- Free events where the whole square is open to the public,
- A limited number of ticketed events for ballet, theatre and jazz
- A limited number of private events not open to the public.

The Sub-Committee asked questions and sought further clarification from the Applicant about the number and types of events. Ms Chrissie Cullen who dealt with marketing matters on behalf of the Applicant, explained that Summer in square had been going since 2012 and attracted healthy numbers over a two week period. Ms Cullen said that the Applicant wished to work with local residents in relation to the events hosted and that support had been gained from local businesses who were willing to provide sponsorship and work with the Applicant to ensure the events were a success for the community as this was an opportunity to engage with the local community and enhance the reputation of Mayfair. Ms Cullen stated that according to the customer feedback the Applicant had received from summer in the square, there was a desire to hold more events, hence the submission of this application.

Ms Cullen advised the Sub-Committee that the expectation was for the Square to hold ticketed events relating to the Arts and Dance, where ballet was given as an example. The Sub-Committee was informed that in relation to the live music events proposed a small stage would need to be erected with the proper safety and risk assessment procedures put in place with a likely terminal hour of 22:00 hours taking into account dispersal time for those customers leaving the Square so that residents were not adversely affected by nuisance. It was envisaged these events would draw in office workers in addition to local residents and those visiting London.

In relation to the private events it was hoped that these would be during the daytime. London Fashion week was quoted as being a likely suggestion for the type of event to be held. It was stated that the Square would hold seasonal events at Christmas and Easter. These were likely to be community based that would have a children and family bias. The Sub-Committee was informed also that other temporary structures such as a Marquee would be erected in a designated part of the Square to hold events (to include private) where this was considered appropriate.

A discussion took place regarding conditions that the Sub-Committee could consider imposing of the Licence having regard to the conditions the Applicant had agreed with the Responsible Authorities appearing on pages 50-55 of the Committee bundle. Mr Baylis stated that the CCTV condition had not been agreed with the Police and was still very much a sticking point. Mr Baylis felt that this should be risk assessed because the logistics of having CCTV in the square was not practical and should therefore be reconsidered.

The Sub-Committee then heard the concerns raised from Mr Nevett. Mr Nevett stated to the Sub-Committee that there needed to be a clear understanding of the different types of events to be held in the Square so that the appropriate boundaries could be put in place when considering public safety and the

promotion of the public safety licensing objective. Mr Nevett said that the Applicant when considering this aspect of the application should look at the ticket areas in terms of crowd congestion. It was stated that a proper plan should be drawn indicating the proposed stage area and where customers are to be seated and the amplification of live music in terms of sound generated and what impact this was likely to have for residents if the music was played too loud. Accordingly a suggestion that perhaps a noise limit of 75 Decibels was put to the Sub-Committee.

The Sub-Committee was of the opinion that it required further information and detail in relation to the proposed private events. It was not clear based on the representations the Applicant had advanced that a great deal of thought had been given in relation to an even management plan that would need to be put in place covering crowd control and dispersal of customers. The Sub-Committee felt that depending upon the nature of the event, whether that be low, medium or high the conditions should properly reflect the class of event in order that the conditions are workable, enforceable and ultimately promote the licensing objectives. The Sub-Committee was concerned that the Applicant was not able to state how each event was to be risk assessed at this stage and therefore needed assurances what mechanism would be put in place for this to happen during the process.

The Sub-Committee felt that it would struggle to make a decision based on the information that it had been presented with by the Applicant and did not want to prejudice the Applicant or indeed the other parties by arriving at the wrong decision. The Sub-Committee was of the view that certain parts of the application lacked the required detail to assess the information on an appropriate basis. The overall view of the Sub-Committee was that the application was not clear and it was not for the Sub-Committee to try and fathom from the application what the Applicant was seeking to achieve due to the lack of detail. The Sub-Committee felt that it could not determine the nature of the application on this basis. Having considered all matters the Sub-Committee felt that it was in the public interest to adjourn the application until the 27th June. It was hoped that the Applicant would use the intervening period productively with the Responsible Authorities and residents to clarify the nature of the application as it seemed what was being applied for did not quite reflect the discussions during the hearing.

The Sub-Committee felt that there was insufficient information provided by the Applicant together with a lack of clarity particularly with regard to the various categories of activities and events proposed at the Square. This information was required in order that the Sub-Committee would properly consider these points as well as the proposed conditions offered during the decision making process. It was hoped that once the Sub-Committee had reconvened the Applicant would be in a position to provide clear information to the Sub-Committee as to its true intentions for the hosting of events at the Square that would help promote the licensing objectives and allow for the Sub-Committee to arrive at a decision that is appropriate and proportionate in the circumstances.

2.	<p>Regulated Entertainment:</p> <p>Performance of Dance Exhibition of a Film Performance of Live Music Playing of Recorded Music Anything of a similar description</p> <p>Monday to Thursday: 09:00 to 22:30 Friday to Saturday: 09:00 to 23:00 Sunday: 09:00 to 21:30</p> <p>Seasonal variations / Non-Standard Timings:</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>On Sundays prior to bank holidays/public holidays 09:00 – 23:00.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application (see reasons for decision in Section 1).</p>
3.	<p>Hour open to the public</p> <p>Monday to Thursday: 09:00 to 23:00 Friday to Saturday: 09:00 to 23:30 Sunday: 09:00 to 22:00</p> <p>Seasonal variations / Non-Standard Timings:</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>On Sundays prior to bank holidays/public holidays 09:00 – 23:00.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application (see reasons for decision in Section 1).</p>

2 13A BATEMAN STREET, W1D 3EB

LICENSING SUB-COMMITTEE

Thursday 7th June 2018

Membership: Councillor Melvyn Caplan (Chairman) Councillor Jim Glen and Councillor Shamim Talukder

Legal Adviser: Horatio Chance
Committee Officer: Kisi Smith-Charlemagne
Presenting Officers: Samantha Eaton

Relevant Representations: The Licencing Authority and Local Resident's.

Present: Mr Peter James Cooke, Krisham Patel, Graeme Burnside, (Applicants), Steven Rowe (Licensing Authority), John Watergrave (Agent) on behalf of interested parties)

Regulation, (Lower Ground) 13A Bateman Street London, W1D 3EB 18/04355/LISEXN ("The Premises")	
1.	New Sex Establishment Open to the Public Monday to Thursday: 11:00 to 21:00 Friday to Saturday: 09:00 to 22:00 Sunday: 12:00 to 19:00 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. On Sundays prior to bank holidays/public holidays 09:00 – 23:00.
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee considered an application by Mr James Cooke on behalf of Regulation Gb Ltd for a new sex establishment licence in respect of Regulation, 13A Bateman Street London, W1D 3EB ("The Premises"). The Licensing Officer provided an outline of the application to the Sub-Committee, confirming that after discussion with the Applicant, Environmental Health and the Metropolitan Police, both parties had withdrawn their objections. Mr Cooke addressed the Sub-Committee advising that this was an application

for a new sex establishment licence to be known as Regulation. The Applicant would be moving their existing shop located in the London Borough of Islington (Angel) to a new location in Soho because of its LGBT cultural area, which is highly accessible for customers and would allow the Applicant to continue to trade successfully. The Applicant advised the Sub-Committee that the client base would mainly consist of gay males and women shoppers. It was submitted that the Premises should therefore be viewed as an adult retail destination to cater for specific lifestyle products within this target group. It was confirmed that the sex shop is to operate in the basement level of the Premises.

Operating hours are to be Monday to Wednesday from 11:00 hours to 21:00 hours, Thursday to Saturday from 11:00 hours to 22:00 hours and Sunday from 12:00 hours to 19:00 hours. The Applicant indicated that the ground floor area of the Premises would sell men's retail clothing, club wear and sportswear, whilst the basement would sell LGBT fetish wear, sex toys, restraints and lifestyle products. The Sub-Committee noted from the submissions given by the Applicant that from the street scene passers-by would not mistakenly think the Premises was anything other than a usual retail clothing shop because of the store layout and merchandise. The Sub-Committee wanted to ensure that there were no visible signs to suggest that the Premises was seedy which could lead to the wrong type of customer entering the Premises.

Mr Cooke advised also that they had tried to actively engage with the local community by hand delivering letters to inform the community of their vision for the Premises and to clear any misunderstandings that may have been had in relation to the nature and operation of the Applicant's business model. It was contended that the Premises will not have a negative impact on the area due to the standard conditions the Sub-Committee could impose on the Licence and the conditions agreed with the Police and Environmental Health (appearing at Appendix 0 of the Committee bundle) to reduce the risk of any negative impact notwithstanding the fact that the location of the Premises is situated within the vibrant area of Soho.

The Sub-Committee sought clarification on items displayed in the ground floor shop windows and how the Applicant would ensure that no one under the age of 18 could gain access to the basement area of the Premises. The Sub-Committee also sought further clarification on the types of workshops that would take place in the basement area. The Sub-Committee were reassured that with the offer of the CCTV condition agreed with the Police this would ensure that the Premises were properly managed and not allow persons under the age of 18 to gain access to the basement area.

The Sub-Committee then heard from Mr Watergrave who represented several local residents and businesses. Mr Watergrave referred the Sub-Committee to the letters of objection from Memery Crystal LLP appearing at pages 89-93 (Appendix F to J) of the Committee bundle together with the email correspondence appearing at Appendices K and L on pages 94 and 95 together with the objection on page 98 at Appendix M. The Sub-Committee considered the arguments raised in relation to the application and attached the necessary weight to those objections in its determination of the matter. Mr Watergrave raised concerns in relation to the location of the Premises and its proximity to

places of worship and a health centre and questioned whether it was appropriate to be having a sex shop given the character of the area and its vicinity under section 12 (3) (d) of the Local Government (Miscellaneous Provisions) Act 1982. Mr Watergrave contended that this particular Premises is located in a different area of Soho where the character is different and on that basis the Sub-Committee should have regard to the negative impact granting such a licence would have on nearby residents and businesses. Mr Watergrave also raised concerns regarding the proposed operating hours, signage and proposed work/event space. Mr Watergrave stated for the reasons he had advanced to the Sub-Committee, in his opinion the application should be refused in its entirety.

Mr Rowe of the Licensing Service advised the Sub-Committee that he had met with the Applicant and had helpful meetings to discuss the proposals for the Premises. Mr Rowe said that he was satisfied that the Applicant had addressed the concerns raised by the Licensing Authority and that the proposed conditions were appropriate and proportionate if the Sub-Committee were minded to grant the licence.

After careful consideration of all the evidence submitted, the Sub-Committee decided it was appropriate to grant the licence. The Sub-Committee considered the evidence put forward by residents but felt on balance it was appropriate to grant the licence in all of the circumstances. With all these factors in mind and in reaching its decision the Sub-Committee concluded that the conditions imposed on the licences would provide the appropriate level of protection for residents and nearby businesses. The Sub-Committee was reassured by the undertakings given by the Applicant during his submissions, which included that the shop floor window display will not be controversial in terms of its layout and design, there would be adequate signage alerting customers to the basement area of the Premises, where the majority of the sex merchandise would be located and stored, there would be efficient and effective management practices put in place and implemented fully by staff to uphold the conditions imposed on the Licence and the benefit of CCTV cameras installed to help improve security at the Premises. The Sub-Committee amended the licence to the operating hours applied for by the Applicant, as these were less than core hours. The Sub-Committee wishes to express that should the Applicant breach the terms of the Premises Licence for any reason, application can be made to the Licensing Authority for a review of the Licence so there is a remedy open to residents and local businesses.

Conditions attached to the Licence

The Sub-Committee agreed to impose the following Standard Conditions on the Premises Licence:-

1. Standard Condition 3:

The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.

2. Standard Condition 4:

The premises shall not, for any purpose of the licence, be opened before 0900 hours and shall not be kept open beyond 2300 hours.

3. Standard Condition 5:

- (a) The licensee shall take all reasonable precautions for the safety of the public and employees and except with the consent of the Council, shall retain control over all portions of the premises.
- (b) No poster, advertisement, photograph, sketch, synopsis or programme shall be displayed by or on behalf of the licensee at the licensed premises or at any other public place except in accordance with the Town and Country Planning (Control of Advertisements) Regulations 1992 or any Order amending or replacing the same.
- (c) The premises may not be used under the terms of the licence unless and until any necessary permission and/or consents have been obtained pursuant to the Town and Country Planning Act 1990, the London Building Acts 1930-1939 and the Building Act 1984 or any legislation amending or replacing the same.

4. Standard Condition 6:

- (a) The licensee or some responsible person over 18 years of age nominated by him in writing for the purpose shall be in charge of, and upon, the licensed premises during the whole time that they are open to the public. Such written nomination shall be continuously available for inspection by a police officer or an officer authorised in writing by the Council.
- (b) The person in charge shall not be engaged on any duties which will prevent him from exercising general supervision and he shall be assisted as necessary by suitable adult persons to ensure adequate supervision. The person in charge should be conversant with these conditions, a copy of which should be held on the premises.
- (c) A notice showing the name of the person in charge of the premises at the time they are open under the licence shall be conspicuously exhibited in a position where it can be easily seen by customers.
- (d) All members of staff shall be easily identifiable as such. If required by the Council in writing the licensee shall ensure that during the hours the premises are open for business every employee or person (apart from, where employed, hostesses or other companions) working in the licensed premises wears a badge of a type approved by the Council indicating his name and that he is an employee or person working in the premises.

5. Standard Condition 7:

- (a) The licensee shall maintain good order on the premises and in particular shall ensure that none of the following shall take place:
 - (a) Unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971;
 - (b) Indecent behaviour, including sexual intercourse;
 - (c) The offer of any sexual or other indecent service for reward;
 - (d) Acts of violence against person or property and/or the attempt or threat of such acts.
- (b) The licensee shall ensure that the public are not admitted to any part or parts of the premises other than those which have been approved by the Council.
- (c) The licensee or any other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting from the premises, immediately outside the premises or in the vicinity of the premises, nor allow the premises to be used by prostitutes.

Note: Soliciting includes the distribution of leaflets unless authorised by a consent under section 4 of the London Local Authorities Act 1994

(d) No person under the age of 18 shall be admitted to any part of the premises which is used as a sex establishment or be employed in the business of the sex establishment.

(e) No poster, photograph, sketch, painting or any form of advertisement or display shall be displayed by or on behalf of the licensee on, outside or within the premises in a position where it is visible to the public if the Council regards it as unsuitable for exhibition to the public. If the licensee is notified in writing that the Council objects under this rule to a poster, photograph, sketch, painting, advertisement or display such poster, photograph, sketch, painting, advertisement or display shall be removed or completely obscured from sight.

6. Standard Condition 8:

(a) The entrances to the premises shall be of a material or covered with a material which will render the interior of the premises invisible to passers-by.

(b) Windows and openings to the premises other than entrances shall either be obscured or with the consent of the Council shall have suspended behind them, in a position and at an altitude approved by the Council, opaque screens or blinds of a type and size approved by the Council.

7. Standard Condition 9:

No change of use of any portion of the premises from that approved by the Council shall be made until all necessary consents have been obtained from the Council. For the avoidance of doubt this includes a change from one class of sex establishment (e.g. a sex shop) to a different class of sex establishment (e.g. a sex encounter establishment).

8. Standard Condition 10:

No alterations (including temporary alterations) shall be made to the premises, without the prior written consent of the Council. This condition shall not require notice to be given in respect of routine maintenance works. Where works necessitate the premises being closed for a period of time, the premises shall not reopen for the purpose of the licence, until the licensee has been notified in writing by the Council of the satisfactory completion of the work.

Standard Conditions relating specifically to sex shops:

9. Standard Condition 29:

All sex articles and other things displayed for sale, hire, exchange or loan within a sex shop shall be clearly marked to show to persons who are inside the sex shop the respective prices being charged.

10. Standard Condition 30:

All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the sex establishment.

11. Standard Condition 31:

No film or video shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification or such other authority performing a similar scrutinising function as may be notified to the licensee by the Council, and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified.

The following additional conditions were agreed with Environmental Health and the Police and imposed on the Premises Licence by the Sub-Committee

12. This Licence has no effect until the Premises have been constructed to the satisfaction of the Environmental Health Service and this condition has been removed.

13. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorized officer throughout the entire 31-day period.

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

3 1A BEDFORD STREET, WC2E 9HD

LICENSING SUB-COMMITTEE

Thursday 7th June 2018

Membership: Councillor Melvyn Caplan (Chairman) Councillor Jim Glen and Councillor Shamim Talukder

Legal Adviser: Horatio Chance
Committee Officer: Kisi Smith-Charlemagne
Presenting Officers: Samantha Eaton

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

Present: Mr Gary Grant (Counsel representing the Applicant) and Mr Andrew Wong (Solicitor, representing the Applicant), Charlie Gilts, Duncan Serlen and Peter Rogers (On behalf of the Tenant), Steven Rowe (Licensing Authority) PC Adam Deweltz (Metropolitan Police) and Mr Dave Nevitt (Environmental Health)

**Mr Fogg's Society of Exploration, 1A Bedford Street, London, WC2E 9HD
18/03517/LIPN ("The Premises")**

1. Late night refreshment: Indoors, outdoor or both (both)

Monday to Saturday: 23:00 to 01:00
Sunday: 23:00 to 23:30

Seasonal variations / Non-Standard Timings:

All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Amendments to application advised at hearing:

None.

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

The Sub-Committee considered an application by Bedford Street Bar Limited for a new premises licence in respect of 1A Bedford Street, London, WC2E 9HD ("The Premises"). The Presenting Officer provided an outline of the application to the Sub-Committee and confirmed that the Licensing Authority had made a representation and proposed a condition to the effect of ?, The Metropolitan Police, Environmental Health and local resident's also made representations.

This was an application for a new premises licence, the Premises already benefits from an existing premises licence. Mr Grant advised the Sub-Committee that the Premises is to be refurbished in to the style of Mr Fogg's society of Exploration, which is a Phileas Fogg themed Tavern. Mr Grant explained to the Sub-Committee the background of the tenants and why the application met exceptional circumstances in the Cumulative Impact Area ("CIA"). Mr Grant advised the Sub-Committee that Mr Fogg have premises all over London, starting in 2013 in Mayfair. Mr Grant explained, that if the Sub-Committee was minded to grant the application, the premises in Bedford street would be similar to its premises in Mayfair that premises benefits from a licence with a terminal hour of 02:00 hours.

Mr Grant advised the Sub-Committee that the Applicant was seeking to extend licensable activities hours of the current licences associated with the Premise from 23:00 hours to 01:00 hours Monday to Saturday, with Sunday's remaining the same. Mr Grant advised that the Premises is 5 meters within the CIA and suggested that the principle reason the application is unlikely to add to the CIA, is because it should be considered an improvement to what is already there. Mr Grant stated that the Applicant, was offering something different to customers by way of the Mr Fogg's concept and experience, which appeals to all age groups ; explaining that they had just celebrated an 80th Birthday at their Mayfair premises .

Mr Grant explained to the Sub-Committee that the most important policy points were that at the moment the safe capacity at the Premises has very recently been set at 373 and has been examined by City Council officers and viewed by Environmental Health Officer Mr Nevitt. Mr Grant advised that if the Sub-

Committee were minded to grant the licence, the Applicant would agree a much reduced capacity down to 250. Mr Grant summarised that his client is offering in exchange for extended hours to reduce by a third (33%) the potential foot fall for this Premises, receiving less people in the CIA.

Mr Grant explained to the Sub-Committee that the reason for the extended hours requested was because potential patrons in the evening would be both the pre and post theatre crowds. Most theatre performances will not finish before 23:00 hours and the Applicant would want these patrons to visit the establishment and enjoy a highly civilised drink and food if they wished. It was acknowledged that the Premises is not a restaurant, however good food will be on offer during the hours of operation. Mr Grant felt that because there is an existing premises licence, albeit not for the hours sought, the Applicant is not putting in something that is brand new. The previous tenant operated a vertical drinking establishment and the Applicant hopes to replace this with a Mr Fogg's style tavern. Mr Grant then took the Sub-Committee through the Applicant's further submission documents with example photographs of other Mr Fogg's establishments, highlighting the proposed "Gin Parlour" and "Tavern" areas for the Premises.

Mr Grant drew the Sub-Committee's attention to the staff and footman's uniforms and the "Victoriana" theme. The Sub-Committee also reviewed the Rules of the House where Mr Grant advised that Mr Fogg's was not seeking to attract patrons that cause trouble, highlighting that there haven't been no reported licensing issues with any of the other Mr Fogg's establishments. The Premises will be themed around the great explorers, who will give lectures such as Bear Grills and Robert Swan. The Sub-Committee was told that the Premises is seeking to introduce a replica Orient Express carriage, new fully engineered cocktails and full afternoon tea.

Mr Grant summarised that the Applicant will be replacing a vertical drinking bar, reducing the bar capacity by one third down to 250 and introducing considerably more seating. The Applicant will be reducing the size of the bar by one third from the existing licence, replacing the existing licence which has a number of outdated conditions with a comprehensive set of updated model conditions. It was also stated that surrendering unrestricted private entertainment on the existing licence and reducing hours of recording music were factors for the Sub-Committee to consider in its determination of the matter. Mr Grant highlighted a number of conditions to demonstrate why he felt that the application would not add to impact in the CIA:

- Condition 21, door supervisor provision for the first time, which would be a minimum and would seek to employ more supervisor's on busy nights.
- Condition 22, to insert the capacity condition with a proposed figure of 250
- Condition 23, no noise shall emanate from the Premises or cause a disturbance which include usual waste and delivery noises so as not to disturb residents
- Condition 38, Noise limiter, to prevent any potential noise out break from the Premises

- Condition 39, to operate in accordance with an outdoor Management and Dispersal Policy.

Mr Grant confirmed that no residents or local businesses had objected to the application, highlighting that the Applicant received 5 representations all in support of the application, which included the CEO of the Savoy and David Kaner from the Covent Garden Community Association. Mr Grant took the Sub-Committee through the letter from David Kaner in more detail, drawing their attention to the sentence where the Applicant has agreed that “The premises shall only be permitted to carry out licensable activities after midnight if it operates as a Phileas Fogg themed lounge and wine bar” Mr Grant felt that if after some time the Applicant was to sell the premises, it could not be used after midnight unless it was operated as a Phileas Fogg themed bar.

Mr Grant made reference to the noise report compiled by Peter Rogers submitted on behalf of the Applicant as evidence. The Sub-Committee was advised that Mr Roger had recorded noise levels at the Premises and at its Mayfair premises on a Friday and Saturday night to work out whether there is a noise impact. Mr Rogers felt that in his opinion any noise generated by patrons leaving the Premises would be drowned out by the existing surrounding noise coming from the Strand. Mr Roger then addressed the Sub-Committee advising that the noise impact feasibility investigation was a common sense piece of work undertaken to establish whether the Premises would be the subject of noise impact due to later hours using his years 25 experience. Mr Rogers felt that there would be no impact on noise levels. The Sub-Committee considered Mr Rogers findings in some detail when looking at the merits of the application.

Mr Grant made two final points, advising that given the rental charge, economically there are only two operating models in which the establishment can operate. Firstly by keeping the existing hours on the existing licence with more patrons (373) or secondly the preferred option of extending the current hours (23:00 to 01:00) with less patrons (250). Mr Grant was reminded that the Applicant is also offering a last entry time of 00:00 Monday to Saturday and 23:00 on Sunday.

The Sub-Committee made enquiries regarding the layout of the Premises, specifically the percentage of standing and seating areas within the Premises. Mr Grant advised that generally the Premises would have 70% seating and 30% standing, this may be different with private events. The Sub-Committee queried the way in which the establishment would operate, as current licence conditions states that after 23:00 hours any alcohol should be ancillary to a table meal. Mr Grant advised the Sub-Committee only if that condition was enforceable. The Sub-Committee advised Mr Grant that policy stated that the Applicant must be able to demonstrate exceptional reasons as to why the Sub-Committee should not follow the terms of the policy. Mr Grant advised that this is exceptional because it is an exceptional venue, who will reduce capacity by one third, and that the 250 patron will be there longer. Mr Grant advised the Sub-Committee that the question is what is going to have the lesser impact? Mr Grant felt that if you compared the two, the Applicants offer will have a lesser impact than the existing offer.

The Sub-Committee then heard from Mr Nevitt, who felt that it would be balancing what the Applicant is seeking with what is already there. The reason why Environmental Health made its representation is that it is the responsibility of the Applicant to demonstrate exceptional circumstances or exception to policy. In that regard the argument is the existing license with less hours and the advantage of the new licence is that it will come with a host of updated model conditions which offer a level of protection. One of those key conditions for the first time is a capacity figure. Mr Nevitt then went onto explain that there will still be 250 persons actively present in the CIA after core hours and the potential impact of those persons within the area in what is already a busy area of the West End. Mr Nevitt stated that Environmental Health did recognise the proximity to the Strand and that there are not many residents nearby, the dispersal path via the strand would be the preferred option. However it was submitted that the Applicant is to show the reasons for a genuine exception to policy.

Mr Nevitt asked the Sub-Committee to consider, if they were minded to grant, would they grant every day of the week, all the hours requested, or is there somewhere in between that would reduce the impact? Mr Nevitt maintained the EH objections because the application is contrary to policy, however confirmed that EH has had no issues with the other Mr Fogg's premises, advising the Sub Committee that they are well run and a good operator. Mr Nevitt was unsure how enforceable the condition suggested by David Kaner would be, the usual option is a personalised grant to an individual or business.

Mr Steven Rowe from the licensing Authority maintained the LA objections, advising that the application was contrary to policy (PB2), unless there are genuinely exceptional circumstances. Mr Rowe referred to Mr Grant's earlier statements regarding capacity, the issue surrounding the policy is whether that is a genuine exception. Mr Rowe advised the Sub-Committee that he recognised new conditions would be added to a new licence and may want to consider 2.4.7 of the SLP where there may be a reduced impact with a reduced capacity. Mr Rowe then advised that it does state that the Police have found that a reduction in capacity promotes the licensing objectives in relation to crime and disorder.

The Sub-Committee sought further information on the regulated entertainment section of the application, specifically the exhibition of films and in-house music. The Sub-Committee also enquired to the use of live band music and in-house DJ's. Mr Gilts on behalf on the tenant, advised that they do not use DJ's. The music played is background music and ambient music, they occasional use a live Musician in the evenings. Mr Gilts advised that corporate clients may want to show films, but they will not run the Premises like a cinema. Mr Gilts also addressed the Sub-Committee regarding off sales, advising that they will be happy to forgo off sales, as a policy and gave the example that at their Mayfair premises they do not allow patrons to take drinks outside.

PC Adam Deweltz addressed the Sub-Committee echoing the objections raised by the Environmental Health Officer and Licensing Authority Officer. PC Deweltz advised the Sub-Committee that the Police would be maintaining their objections based on the Crime and Disorder Licensing Objective. PC Deweltz

went on to say that the venue is situated within the CIA and the hours sought are beyond core hours. In terms of the conditions PC Deweltz was happy with conditions proposed by the Applicant and confirmed that the Mr Fogg's venues had never given the Police any trouble in relation to crime and disorder.

Mr Grant summarised by advising the Sub-Committee that the problems within CIA do not get better by locking out what he felt was better competition and Mr Fogg's in their submission, he felt was a better alternative to what is there. Mr Grant felt that Mr Fogg's has proven itself to be a better, safer alternative with less impact under the licensing objectives than the other vertical drinking establishments. Mr Grant then went on to speak about the reduction in capacity by a third is which he felt was significant, reduction of the bar area by a third and stopping patron from drinking outside adding to the CIA. Mr Grant felt that the hours were not the key issue, it was what the patrons did when they left the Premises so dispersal of patrons had to be considered by the Sub-Committee when promoting the licensing objectives. Mr Grant referred to the evidence submitted by Mr Roger's and the impact of patrons actually leaving Mr Fogg's. Concluding that this had a negligible impact on the area, because it is an extremely busy and noisy area, anything that happens will simply be masked by what is already there. Therefore suggested that rather than let the establishment reopen as a vertical drinking bar, this was a better alternative.

The Sub-Committee, queried the Applicant's representative Mr Grant, as to why they had applied for a new licence rather than a variation of the existing licence. Mr Grant explained to the Sub-Committee that applying for a new licence is simply another method that is commonly encountered to gaining a variation. At the moment the variation to the existing licence would be so huge, it was better and fairer to start again. The Sub-Committee made enquiries as to the Applicant's thoughts regarding reducing the requested hours in line with core hours. Mr Grant advised the Sub-Committee that if that was the case, then there would be no need for them to be there.

The Sub-Committee allowed Mr Grant 10 minutes to take instructions from his client's. On returning to the hearing, Mr Grant addressed the Sub-Committee suggesting new hours of licensable activities; Monday to Wednesday until 00:00 and close at 00:30 and Thursday to Saturday until 00:30 and to close at 01:00. Sunday hours are already less than core hour, so is to remain the same. Mr Grant then went on to discuss making the licence personable, as per the condition suggested by David Kaner; Mr Grant advised the Sub-Committee that they would be happy for the personal licence to be granted to Bedford Street Bar Limited.

After careful consideration and listening to all the arguments put forward, the Sub-Committee summarised that this was an application for a premises licence in the CIA. Therefore for an application to succeed it had to prove exceptional circumstances and Mr Grant set out what he felt those circumstances were. In addition to that there was an offer of slightly reduced hours which was also considered as part of the Sub-Committee's deliberations in reaching its decision. The Sub-Committee considered the capacity argument put forward, which offered a lower capacity than what is in the current premises.

The Sub-Committee decided that reducing capacity numbers did not exceed

	<p>exceptional circumstances in the CIA and therefore would not up hold the promotion of the licensing objectives. The Sub-Committee also felt that extended hours in the CIA would add to nuisance and impact on the pressures in the CIA in what is already a challenging area. The Sub-Committee acknowledged that the Applicant is a good operator that has run premises well in Mayfair however, this is not an exceptional reason alone to grant the licence. The Sub-Committee considered that any competent operator should be running his business in an effective and efficient manner that would help promote the licensing objectives. The production of a management and dispersal policies are all matters that a good operator should have in place in any event to promote the licensing objectives.</p> <p>For the reasons given above the Sub-Committee felt that exceptional circumstances were not proven to show that the Sub-Committee should not divert from the terms of the SLP acting appropriate and proportionately in all of the circumstances of the case and therefore the application was refused.</p>
2.	<p>Sale by Retail of Alcohol – On and Off Sales</p> <p>Monday to Saturday: 10:00 to 01:00 Sunday: 12:00 to 23:30</p> <p>Seasonal variations / Non-Standard Timings:</p> <p>All licensable activities shall be extended from the end of permitted hours on New Year’s Eve to 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>
3.	<p>Regulated entertainment:</p> <p>Performance of Dance Exhibition of a Film Performance of Live Music Playing of Recorded Music</p> <p>Monday to Saturday: 10:00 to 01:00 Sunday: 12:00 to 23:30</p> <p>Seasonal variations / Non-Standard Timings:</p> <p>All licensable activities shall be extended from the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>

	Decision (including reasons if different from those set out in report):
4.	<p>Regulated entertainment:</p> <p>Anything of a similar description</p> <p>Monday to Saturday: 10:00 to 01:00 Sunday: 12:00 to 01:30</p> <p>Seasonal variations / Non-Standard Timings: All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
	Amendments to application advised at hearing: As stated above
	Decision (including reasons if different from those set out in report):
5.	<p>Hours Premises Are Open to the Public</p> <p>Monday to Saturday: 08:30 to 01:30 Sunday: 10:00 to 23:30</p> <p>Seasonal variations / Non-Standard Timings: All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
	Amendments to application advised at hearing: None.

4 59 GREEK STREET, W1D 3DZ

LICENSING SUB-COMMITTEE

Thursday 7th June 2018

Membership: Councillor Melvyn Caplan (Chairman) Councillor Jim Glen and Councillor Shamim Talukder

Legal Adviser: Horatio Chance
Committee Officer: Kisi Smith-Charlemagne
Presenting Officers: Samantha Eaton

Relevant Representations: Roxanna Haig (Licensing Authority)

Present: Mr Alan Thomas (Solicitor, representing the Applicant)

59 Greek Street, London, W1D 3DZ, 18/03674/LIPN (“The Premises”) (West End Ward/ Cumulative Impact Area)

1. Late night Refreshments (Indoors)

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

On Sundays prior to bank holidays/public holidays
23:00 – 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.

Amendments to application advised at hearing:

None.

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

The Sub-Committee considered an application by Ruari Laidlaw – Soho Ltd for a new premises licence in respect of 59 Greek Street, London, W1D 3DZ (“The Premises”). The Presenting Officer provided an outline of the application to the Sub-Committee.

The Applicant’s representative Mr Alan Thomas explained that his client from Soho Ltd could not be present due to a pre-arranged meeting with potential tenants for the Premises. Mr Thomas advised the Sub-Committee that this was an application for a new premises licence for a restaurant in the West End cumulative impact area, Mr Thomas expressed that this application was made in full accordance with restaurant model condition 66 and therefore the issue the Sub-Committee should consider is whether granting the application would add to cumulative impact .

Mr Thomas took the Sub-Committee through the Premises current plans, advising that this should not significantly change, and if so the tenant would be back submitting an application for variation. Mr Thomas advised the Sub-Committee that the restaurant would seat 120 patrons across two floors, and this would not change. Mr Thomas presented the Sub-Committee with a radius map and explained that within a half mile diameter there are 62 residents. Mr Thomas felt that this was a low number for the area of Soho and asked the Sub-Committee to take this figure into account when considering the impact on the CIA.

The Sub-Committee enquired as to whether the restaurant would have off sales of alcohol and provide take away services. Mr Thomas advised the Sub-Committee that the restaurant would be adopting WCC MC 66 in full which meant that there will be no take away service of food or drink for immediate consumption, and no take away service of food or drink after 23.00 hours.

	<p>The Sub-Committee sought clarification on the total number of tables and seating that will be available outside the Premises. Mr Thomas advised that there would be six settings/tables and the outside area would close at 23:00 hours.</p> <p>It was noted that there were no local resident's objections, however the Sub-Committee heard from Ms Roxanna Haig from the Licensing Authority, who objected, as the application was contrary to policy. The Sub-Committee carefully considered all the evidence submitted and felt that the Applicant had demonstrated how the application should be considered an exception to policy with restaurant model condition (MC66) imposed on the Premises Licence and would not add to the CIA, therefore the licence was granted. In considering the application the Sub-Committee reviewed all information submitted and were of the view that with the placing of MC66 on the Premises Licence together with the rest of the offered conditions these would promote the licensing objectives.</p>
<p>2.</p>	<p>Sale by retail of alcohol (both on and off sale):</p> <p>Monday to Thursday: 10:00 to 23:30 Friday to Saturday: 10:00 to 00:00 Sunday: 12:00 to 22:30</p> <p>On Sundays prior to bank holidays/public holidays 12:00 – 00:00</p> <p>Seasonal variations / Non-Standard Timings:</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application (see reasons for decision in Section 1).</p>
<p>3.</p>	<p>Hours open to the public</p> <p>Monday to Thursday: 10:00 to 00:00 Friday to Saturday: 10:00 to 00:30 Sunday: 10:00 to 23:00</p> <p>On Sundays prior to bank holidays/public holidays 12:00 – 00:30</p> <p>Seasonal variations / Non-Standard Timings:</p>

	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted the application but restricted the opening hours to core hours.

Conditions attached to the Licence
<p><u>Mandatory Conditions</u></p> <p>1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.</p> <p>2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.</p> <p>3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.</p> <p>4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.</p> <p>(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;</p> <p>(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or</p> <p>(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</p> <p>(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;</p> <p>(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;</p> <p>(d) selling or supplying alcohol in association with promotional posters or 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</p>

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—

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

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

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

Conditions Consistent with the Operating Schedule

9. The premises shall only operate as a restaurant

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.

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

10. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.

11. All outside tables and chairs shall be rendered unusable by (23.00) each day.

12. Save for in any permitted external area 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.

13. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

14. 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.

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

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

16. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

17. 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.

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

19. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (07.00) hours on the following day unless collections are arranged during the times for the Council's own commercial waste collection service for the street.

20. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (07.00) on the following day unless collections are arranged during the times for the Council's own commercial waste collection service for the street.

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. The number of persons accommodated at the premises as a whole at any one time (excluding staff) shall not exceed (120).

23. 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. If there are minor changes during the course of construction new plans shall be submitted with the application to remove this condition.

The Meeting ended at 2.10 pm

CHAIRMAN: _____

DATE _____