



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (1)** held on **Wednesday 17th January, 2024**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Aziz Toki (Chair), Iman Less and Jim Glen

1. MEMBERSHIP

1.1 There were no changes to the membership.

2. DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

1. THE BARBARY, BASEMENT AND GROUND FLOOR, 112 WESTBOURNE GROVE, W2 5RU

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 1 ("The Committee")

Wednesday 17 January 2024

Membership: Councillor Aziz Toki (Chair), Councillor Iman Less and Councillor Jim Glen

Officer Support: Legal Adviser: Michael Feeney
Policy Officer: Daisy Gadd
Committee Officer: Steve Clarke
Presenting Officer: Roxsana Haq

Other Parties: Jack Spiegler (Thomas & Thomas), Zoe Paskin (ZIny Limited), Layo Paskin (ZIny Limited), Maxwell Koduah (Environmental Health), Richard Brown (representing South East Bayswater Residents' Association) and John Zamit (South East Bayswater Residents' Association)

Application for a New Premises Licence in respect of The Barbary, Basement and Ground Floor, 112 Westbourne Grove, W2 5RU (23/05789/LIPN)

FULL DECISION

Premises

The Barbary
Basement and Ground Floor
112 Westbourne Grove
London
W2 5RU

Applicant

Zlmy Limited

Cumulative Impact Area

None

Special Consideration Zone

Queensway and Bayswater

Ward

Bayswater

Summary of Application

The Sub-Committee has determined an application for a New Premises Licence under the Licensing Act 2003. The Applicant intends to operate the Premises as a restaurant.

The premises previously benefitted from a premises licence (14/07833/LIPN), but the licence lapsed due to the Licence Holder going into liquidation in January 2017.

Representations Received

- Environmental Health Service
- Eight Interested Parties

Summary of Issues Raised by Objectors

Environmental Health Service

- The supply of alcohol and the hours requested may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area.

Five Interested Parties (Objecting)

- There is already one restaurant in the building (Sunday in Brooklyn), which creates a number of problems for the owners and residents, such as food and oil spillage on common floors. The communal bin area on the restaurant side of the building is always filthy and there are vermin issues which also affect the sewage pump in the underground car park.
- The queues to the entrance of the proposed restaurant could be an issue for residents and for pedestrians, as it is situated on the corner of Chepstow Rd, right by traffic lights on a narrow pedestrian path.
- The selling of more alcohol in our building complex (on top of the existing restaurant) could cause more noise and rowdy behaviour in and just outside the building entrance on Chepstow Road.
- Concerns were raised about the level of noise that would emanate from the premises.
- Significant concerns were raised regarding the communal refuse area which was regularly in a poor state due to the existing restaurant in the building.

Two Interested Parties (Supporting)

- There was support for the restaurant opening in the space occupied by the Maddox Gallery, which was noted as being overly quiet and disused.
- The original Barbary restaurant in Covent Garden was well run with the utmost hospitality. A Barbary restaurant would be a bonus for the community.

South East Bayswater Residents' Association (SEBRA)

- Representations were made on the basis of the likely impact on the licensing objective of 'prevention of public nuisance' and the potential for nuisance within a residential area.
- The premises is located within the Council Licensing Policy Queensway/ Bayswater Special Consideration Zone, where there are increased requirements which the Applicant must address. The Premises is located in a mixed busy shopping street, on the corner of Chepstow Road, with many residents above and opposite on both sides.
- SEBRA suggested the following conditions to protect residential amenity:
 - Similar to noise condition proposed No 5, we wish to have one covering 'odours', especially as there are flats immediately above proposed restaurant.
 - Standard condition asking for all doors and windows to be kept in closed position after 21.00.
 - On proposed Condition 17, we would like WCC standard condition that prohibits drinks being taken outside.
- We would like further information on how ventilation for the premises is proposed, particularly from the kitchen area.

Submissions

1. The Presenting Officer introduced the application, highlighting that the premises fell within the Bayswater Ward and came under the Bayswater and Queensway Special Consideration Zone. Members were informed that

representations had been received from one responsible authority in the Environmental Health Service, and eight Interested Parties, including the South East Bayswater Residents' Association.

2. Jack Spiegler (Thomas & Thomas), was present as the Applicant's Agent. Zoe Paskin and Layo Paskin (Zlny Limited) were also present. The Agent addressed the Sub-Committee noting that the Applicant had an exemplary reputation as restaurateurs in both Westminster and Camden. The application was for a tightly-conditioned restaurant licence within core hours. It was highlighted that there had not been any representations made by the Licensing Authority or the Metropolitan Police Service and that the premises did not fall within a Cumulative Impact Area.
3. It was stated that the Applicant would be happy to agree for Model Condition 24 to be added to the licence which would give a telephone number to local residents enabling them to contact the Premises should any concerns arise. It was also noted that the Applicant would always be willing to engage with local residents and had agreed the conditions suggested by SEBRA.
4. On the matters raised by objectors in their representations, it was highlighted that the premises would categorically not be used as a nightclub, which was alluded to in one of the representations. With regard to waste, refuse and vermin concerns, it was noted that the operators had a comprehensive waste management plan and that the refuse area referred to in some of the representations received was not in fact the refuse area that would be used by the restaurant in question. The conditions proposed addressed the SCZ concerns.
5. Layo Paskin addressed the Sub-Committee, stating that the Applicant had extensive experience in operating restaurants and that it required a lot of attention to detail and effort to ensure the many aspects of the business functioned well. It was stated that the Applicant had engaged extensively with the Licensing Authority to explain why the application would not negatively impact upon the Bayswater and Queensway Special Consideration Zone and that the proposed conditions were there to ensure that a high operating standard was upheld. It was requested that the Sub-Committee grant the application.
6. The Sub-Committee sought clarification upon some aspects of the application and premises, including the seating plans, the location of the emergency exit and the exact refuse area that was to be used by the restaurant. It was also clarified that the exact use of the basement had not been decided, it was possible that it could become either a private dining space or a staff welfare/staff room.
7. Members noted that some of the resident concerns regarded odours emitting from the restaurant, stating that they had issues with the other restaurant in the building. The Applicant confirmed that there was a duct which had been recently tested and was suitable to prevent issues occurring with regard to odour.

8. Maxwell Koduah (Environmental Health Service) was present and addressed the Sub-Committee. It was noted that overall Environmental Health were happy with the application and the conditions that had been agreed. It was highlighted that, upon a site visit, Environmental Health did not find any obstructions that would inhibit the movement of individuals should there be an emergency. There were concerns remaining with regard to capacity, but it was stated that these could be alleviated upon a further site visit. It was noted that the Applicant had agreed to a condition to that effect and it was requested that the Sub-Committee impose such a condition, should they be minded to grant the application.
9. Richard Brown (on behalf of the South East Bayswater Residents' Association - SEBRA) was present and informed the Sub-Committee that SEBRA welcomed the Applicant to the area and wished them every success. SEBRA acknowledged the reasonable hours applied for but maintained their representation in that there were concerns with a nearby premises occupying another unit in the same building, however it was acknowledged that this had no impact on the application at hand.
10. There were a number of conditions proposed that had been agreed by the Applicant and which were raised by SEBRA as being imperative to the harmonious operation of the Premises. These included an amendment to condition 17 in that patrons permitted to temporarily leave the premises would not be allowed to take drinks outside with them. There were also some additional conditions proposed by SEBRA which had been agreed by the Applicant. These conditions were:
 - *"No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated."*
 - *"All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons."*
11. It was suggested that Sub-Committee consider also including Model Condition 23 regarding the displaying of notices in any smoking areas reminding patrons to respect local residents. It was also mentioned that Model Condition 26 should be considered to manage any queuing that may arise from those looking to enter the premises. The Applicant agreed that they would be happy to adhere to Model Conditions 23, 24 and 26.
12. John Zamit (on behalf of SEBRA) also addressed the Sub-Committee, highlighting that it was unfortunate that the residents who made representations could not attend the hearing to make their concerns known directly to the Sub-Committee. Mr Zamit acknowledged that the Applicant had proposed good conditions and reasonable hours. It was also noted that the Premises had been operated until recently as a gallery which, by nature of the operation, would not lead to any concerns from local residents regarding public nuisance. SEBRA were also pleased to see that the main entrance would be on Chepstow Road as, in the event of queuing to enter the premises, there was slightly more space, although it was noted that the queue management condition was important. On the matter of refuse and waste, the

importance of keeping the area clean was reiterated and it was noted that, if this did become a nuisance for residents, that they would let the operator know.

13. In summing up, the Applicant highlighted that they would always look to work and engage with the residents and that it was easier for all parties if they liaised with residents to understand and alleviate their concerns at the earliest opportunity.

Reasons and Conclusion

14. The Sub-Committee has determined an application for a New Premises Licence under the Licensing Act 2003. The Sub-Committee realises that it has a duty to consider each application on its individual merits and did so when determining this application.
15. The Sub-Committee considered that the Application should be granted because the proposal was for a restaurant within core hours with robust conditions that would ensure that the licensing objectives were upheld. The Sub-Committee placed great weight on the fact that the Licensing Authority and the Metropolitan Police had not objected and that EHS had confirmed that they were happy with the Application.
16. With regards to the issues raised by residents objecting to the Application, the Sub-Committee considered that these could be addressed by condition. SEBRA had proposed conditions (agreed with the Applicant) that would ensure that no odours from the restaurant would cause a nuisance and that noise nuisance would be reduced by closing windows/doors after 21.00 hours. The Sub-Committee also noted the Applicant's willingness to agree further conditions that would control queuing and would mandate display notices requesting smokers to use the area quietly. Finally, the Sub-Committee was pleased that the Applicant was willing to agree model condition 24 and considered that this would help ensure that there was good dialogue between the Applicant and local residents in the future.
17. The Sub-Committee noted the concerns raised over rubbish in the building and took this issue seriously. However, the Sub-Committee accepted the explanation of the Applicant that for several of the representations, the representations concerned a refuse area that would not be used by the Premises. Further, the Sub-Committee noted that the Applicant had a comprehensive waste management plan and considered that this (together with the proposed conditions) would ensure that there were no problems caused by waste or vermin generated by the Premises. Overall, the Sub-Committee concluded that the issues raised in the SCZ policy for Queensway and Bayswater had been addressed.

Having carefully considered the committee papers, the additional papers and the submissions made by all of the parties orally, the Sub-Committee has decided, after taking into account all of the individual circumstances of this particular case and the promotion of the four licensing objectives:-

1. To grant permission for:

Sale by Retail of Alcohol On Sales

Monday to Saturday: 11:00 to 23:00

Sunday: 12:00 to 22:30

From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.

12:00 to 23:00 on Sundays immediately before bank holiday Mondays.

Opening Hours

Monday to Saturday: 11:00 to 23:30

Sunday: 12:00 to 23:00

From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.

12:00 to 23:30 on Sundays immediately before bank holiday Mondays.

2. To add relevant Mandatory Conditions to apply.

3. To add the following conditions proposed to form part of the operating schedule:

9. The premises shall only operate as a restaurant
 - (a) in which customers are shown to their table or the customer will select a table themselves,
 - (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,
 - (d) which do not provide any takeaway service of food or drink for immediate consumption off the premises,
 - (e) 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.

For the purposes of this condition 'Substantial Table Meal' means- a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

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

10. Notwithstanding condition 9, alcohol can be sold for consumption by up to 10 persons in the designated bar area before, during or after their meal.

11. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
12. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
13. 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.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
15. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
16. 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 save for where the Westminster City Council collection times are different.
17. 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.
18. 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.
19. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 hours on the following day save for where the Westminster City Council collection times are different.
20. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic

identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

21. 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.
22. 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
23. Except for deliveries of fresh perishable items, no deliveries to the premises shall take place between 23.00 and 07.00 hours on the following day.
24. No deliveries from the premises, either by the licensee or a third party shall take place between 23.00 and 07.00 hours on the following day.
25. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take drinks with them.
26. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
27. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
28. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
29. 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. Where there have been minor changes to layout updated plans shall be provided to the Licensing Authority.

30. No licensable activities shall take place at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
31. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
32. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
33. 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.
34. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. The telephone number is to be made available to residents and businesses in the vicinity.
35. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.

This is the Full Decision of the Licensing Sub-Committee which takes effect forthwith.

**The Licensing Sub-Committee
17 January 2024**

2. THE CHERRY TREE YARD CAFE, BASEMENT AND GROUND FLOOR, 50 SHEPHERD MARKET, W1J 7QT

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 1
("The Committee")

Wednesday 17 January 2024

Membership: Councillor Aziz Toki (Chair), Councillor Iman Less and Councillor Jim Glen

Officer Support: Legal Adviser: Michael Feeney
Policy Officer: Daisy Gadd
Committee Officer: Steve Clarke
Presenting Officer: Roxsana Haq

Other Parties: Jack Spiegler (Thomas & Thomas), Nathan Lowry (1WSBH Ltd), Anil Drayan (Environmental Health)

Application for a New Premises Licences in respect of The Cherry Tree Yard Café, Basement and Ground Floor, 50 Shepherd Market, W1J 7QT
23/06673/LIPN

FULL DECISION

Premises

The Cherry Tree Yard Café
Basement and Ground Floor
50 Shepherd Market
London
W1J 7QT

Applicant

1WSHB Ltd

Cumulative Impact Area

None

Special Consideration Zone

None

Ward

West End

Summary of Application

The Sub-Committee has determined an application for a New Premises Licence under the Licensing Act 2003. According to the applicant the Premises will operate as a continental style café/restaurant with bar. There will be a back of house area at the basement level, front of house area at ground floor area and external seating.

This is a new application, and no licence history exists.

Representations Received

- Environmental Health Service
- Metropolitan Police Service (withdrawn 13 December 2023)
- Four Interested Parties

Summary of Issues Raised by Objectors

Environmental Health Service

- The application may have an adverse impact on the Public Nuisance and Public Safety licensing objectives.
- Further information is also required on how nuisance from cooking shall be prevented and also status of the external seating i.e., is it on private forecourt or public highway.

Metropolitan Police Service (withdrawn 13 December 2023)

- There is insufficient detail contained within the operating schedule to promote the licensing objectives.
- Following the agreement of conditions and amendment of hours for the sale of alcohol to commence at 10:00 the Metropolitan Police Service withdrew their objection on 13 December 2023.

Four Interested Parties

- Object to the proposed opening hours and ask that these are reviewed and limited to 11pm. Shepherd Market residents are experiencing an enormous amount of noise from existing customers in establishments supposedly closing at 11pm, this will make it much worse and should be no exception to the others who also close at 11pm.
- There is already significant noise disruption from staff and customers that take in excess of 45mins-1hour or longer to clear customers after last orders, especially those sat outside, and then begin cleaning and clearing the premises. It is impossible to sleep until midnight because of this noise (with current restrictions at 11pm for almost all establishments), and with this planning to be 11:30pm/12:00am - it is going to get a lot worse.

Submissions

1. The Presenting Officer introduced the Application, highlighting that the premises did not fall within any Cumulative Impact Area or Special Consideration Zone. A representation had been received from the Environmental Health Service who were represented at the hearing by Anil Drayan. It was noted that another representation had originally been received

by the Metropolitan Police Service, however this representation was later withdrawn following the agreement of conditions and amendment of hours for the sale of alcohol to commence at 10:00. It was also noted that representations had also been received from four other Interested Parties.

2. Jack Spiegler (Thomas & Thomas) was present acting as Agent on behalf of the Applicant. Nathan Lowry was also present on behalf of the Applicant. The Agent addressed the Sub-Committee noting that the Applicant was an experienced operator with multiple premises across London and three within Westminster. The Premises in question had recently been licenced as a betting shop and the Applicant was looking to change this to operate an all-day Mediterranean-style café which in the evening would serve alcohol alongside food.
3. It was highlighted that the Applicant also operated the nearby Clemence Bar, and that the only substantive difference proposed in the licence for the premises in question, as opposed to Clemence Bar, was the proposed condition 9 in which:
 - *“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.”*
4. The Applicant also stated that they were happy to agree to Model Condition 87, which states:
 - *“No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.”*
5. The Agent stated that a number of the representations received had issue with the proposed hours, however, it was noted that the hours applied for were the same as the adjacent Clemence Bar, and the Applicant had a complaint free track record of operating within those hours. Contrary to the representations made by Interested Parties, it was not the case that premises nearby were only licensed until 11pm. It was highlighted that the Applicant was already a part of the local community and understood the importance of engagement with residents. The Application was outside the CIZ/SCZ and within core hours. The Sub-Committee was therefore requested to grant the modest, policy-compliant Application.
6. When asked about opening a potentially competing business so close to one their already existing businesses, the Applicant confirmed that the establishments would have a differing offer as the Applicant did not want to cannibalise their own trade by opening a competing business next door.
7. Members sought clarification on when the premises would go from being a café to a restaurant. They were informed that the café would open at 09:00 most days and by evening it would become more of a restaurant. It was also clarified that the basement was not to be a licensable area.

8. When asked about the lack of any restaurant specific conditions, the Agent confirmed that the Applicant would like the option to serve a drink without the requirement of a substantial meal, and it was stated that this aspect had not been raised as a concern by any objectors. The Applicant also stated that the Applicant's other premises nearby had not generated complaints from residents.
9. The Sub-Committee reiterated concerns made by the objectors with regard to the potential for late night noise and sought the Applicant's agreement to rendering any external seating unusable by 23:00, to which the Applicant agreed as this would alleviate the residents' concerns. The Environmental Health Services also confirmed that they were agreeable to a 23:00 cut off for the use of any outdoor seating.
10. Anil Drayan, of the Environmental Health Service (EHS), was present and addressed the Sub-Committee. It was stated that the EHS were happy with the application as a whole and were present primarily to answer any of the Sub-Committee's questions in relation to the four objections received from Interested Parties. Members queried the EHS' opinion on the provision of just one toilet for a premises of this size, and it was stated that ideally there would be two toilets for a premises of this capacity, however as the premises was outside of any Special Consideration Zones or Cumulative Impact Areas, it was deemed acceptable. The Applicant also confirmed that the premises was not drink-led and therefore did not expect significant toilet requirements; however, it was stated that patrons could be directed next door to Clements Bar if this were to become an issue.
11. On the matter of potentially including a restaurant condition, the Applicant's Agent stated that the imposing of a restaurant specific condition could make the operation unviable if absolutely every customer had to have a meal with their drink. The Applicant reiterated that the premises would not be turning into an outright bar at any point, it would not be a purely drink-led establishment and the Applicant was operating neighbouring premises without such a condition without causing any problems. The Sub-Committee discussed the possibility of adding Model Condition 86 in that the licensable activities may be ancillary to the primary function of the premises.
12. It was clarified and agreed with the Applicant that there should be no self-service of sprits and that, should the Sub-Committee be minded to grant the application, this would be imposed by way of condition.

Reasons and Conclusion

13. The Sub-Committee has determined an application for a New Premises Licence under the Licensing Act 2003. The Sub-Committee realises that it has a duty to consider each application on its individual merits and did so when determining this application.

14. The Sub-Committee considered that the Application should be granted because it was within core hours, the Premises was not located in the CIZ or any SCZ, the Applicant had proposed conditions to address the licensing objectives and the Applicant had a proven track record of operating Premises in Westminster. The Sub-Committee also noted that the Metropolitan Police had withdrawn its representation and that EHS were satisfied with the Application.
15. However, in light of the residents' concerns (particularly late-night noise after 23.00 hours), the Sub-Committee considered it appropriate and proportionate to impose further conditions. In particular, the Sub-Committee concluded that the outside tables and chairs should be rendered unusable by 23.00 so as to decrease late night noise caused by people eating and drinking outside. The Sub-Committee noted that the Applicant did not object to this condition. The Sub-Committee also considered that it was appropriate and proportionate to impose model condition 86 in respect of fumes and odours, which the Applicant had also agreed to.
16. The Sub-Committee also considered that a further condition should be added to ensure that the Premises would not be able to operate as a late-night bar, which would be most likely to contribute to public nuisance and late-night noise identified by residents. The Sub-Committee did not consider that waiter/waitress service and the availability of substantial food on their own would be sufficient. The Sub-Committee therefore decided to impose a further condition that was a variation of model condition 87 so that the provision of licensable activities after 20.00 hours would be ancillary to the operation of the Premises as a café/restaurant.
17. The Sub-Committee acknowledged the proven track record of the Applicant, but in light of local residents' concerns the Sub-Committee considered it necessary to ensure that the Premises would not be able to operate as a bar under the premises licence. The Sub-Committee realised that the Applicant operated other Premises in the area that did not have such a condition, but the Sub-Committee had to assess this particular application on its own merits having heard the evidence. The Sub-Committee did not consider it proportionate to impose a condition requiring customers to order a substantial table meal, and the condition imposed would allow the Applicant to run the Premises as proposed while also protecting the amenity of local residents.

Having carefully considered the committee papers, the additional papers and the submissions made by all of the parties orally, the Sub-Committee has decided, after taking into account all of the individual circumstances of this particular case and the promotion of the four licensing objectives:-

1. To grant permission for:

Late Night Refreshment

Monday to Wednesday: N/A

Thursday to Saturday: 23:00 to 23:30

Sunday: N/A

Sale by Retail of Alcohol On and Off Sales

Monday to Wednesday: 10:00 to 22:30

Thursday to Saturday: 10:00 to 23:30

Sunday: 10:00 to 21:30

Opening Hours

Monday to Thursday: 09:00 to 23:30

Friday to Saturday: 09:00 to 00:00

Sunday: 09:00 to 22:30

2. To add relevant Mandatory Conditions to apply.
3. To add the following conditions proposed to form part of the operating schedule:
 9. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
 10. The supply of alcohol for consumption on the Premises shall be by waiter or waitress service only.
 11. There shall be no self-service of spirits on the premises.
 12. Except for alcohol consumed in designated external seating areas, the supply of alcohol for consumption off the premises shall be in sealed containers only and not consumed on the premises.
 13. There shall be no sale of alcohol for consumption off the premises after 23:00.
 14. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. 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.
 15. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises 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.
 16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue

- (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service
17. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them unless seated in an authorised external area.
 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. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
 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. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
 23. 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.
 24. No deliveries to the premises shall take place between 23.00 and 07.00 hours on the following day.
 25. No collection of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 hours on the following day.
 26. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
 27. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport. Signage of the proof

of age scheme shall be displayed in prominent positions on the shop floor where alcohol is on public display, at the point of sale and upon entering the premises.

28. Signage of the proof of age scheme shall be displayed in prominent positions on the shop floor where alcohol is on public display, at the point of sale and upon entering the premises.
29. Staff training will be given to ensure that in the case of any doubt whether a purchaser is over the age of 18 to refuse the sale unless valid ID is produced.
30. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
31. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
32. 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.
33. All outside tables and chairs shall be rendered unusable by 23:00 hours each day.
34. After 20:00 hours, the licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a café/restaurant.
35. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

This is the Full Decision of the Licensing Sub-Committee which takes effect forthwith.

**The Licensing Sub-Committee
17 January 2024**

3. **AURA, 48-49 ST JAMES'S STREET, SW1A 1JT**

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 1
("The Committee")

Wednesday 17 January 2024

Membership: Councillor Aziz Toki (Chair), Councillor Iman Less and Councillor Jim Glen

Officer Support: Legal Adviser: Michael Feeney
Policy Officer: Daisy Gadd
Committee Officer: Steve Clarke
Presenting Officer: Roxsana Haq

Other Parties: Lana Tricker (LT Law), Terry Barnes (St James Projects Ltd), Anil Drayan (Environmental Health), PC Reaz Guerra (Metropolitan Police Service), Peter Heath (Interested Party) and Virginia Chichester (Interested Party)

Application for a Premises Licence Variation in respect of Aura, 48-49 St James's Street, London SW1A 1JT 23/05693/LIPV

FULL DECISION

Premises

Aura
48-49 St James's Street
London
SW1A 1JT

Applicant

St James Projects Ltd

Cumulative Impact Area

None

Special Consideration Zone

None

Ward

St James's

Summary of Application

The Sub-Committee has determined an application for Variation of a Premises Licence under the Licensing Act 2003. According to the application form, the premises will trade as a late night vibe dining premises and bar.

The proposed variation is as follows:

- To vary the layout of the premises to include a reconfiguration of the kitchen, toilets and seating and bar area.
- To vary existing conditions 12, 22, 27, 32, 35, 40, 42, 45, 51 and 53.
- To remove existing conditions 11, 13, 14, 29, 30, 31 and 48
- To add 11 new conditions.

No change of hours is proposed. Full details of the proposed variation appear at sections 1-C to 1-F of the Committee report.

Representations Received

- Metropolitan Police Service
- Environmental Health Service
- The St. James's Conservation Trust
- Two Interested Parties

Summary of Issues Raised by Objectors

Metropolitan Police Service

- There is insufficient detail contained within the operating schedule to promote the licensing objectives.

Environmental Health Service

- The proposals may undermine the Licensing Objectives of Public Safety and Prevention of Public Nuisance.

The St. James's Conservation Trust

- Object to the Licensing Application for proposals based on the site and capacity, the layout, hours of operation and conditions proposed for the "ex-Aura/Mistress of Mayfair" premises.
- The proposals breach the aims of the Licensing Objectives for this location and with negative impacts on: the historic Special Policy Area (SPA), Conservation Area, adjacent Listed Building settings and local residential and business amenity on and around St. James's Street.
- The site premises at this junction of St. James's Street and Piccadilly has apparently space in the proposed layout for a maximum of 210 internally, excluding staff.
- The St. James's Conservation Trust, residents and businesses have a publicly known history of the site and management, with disorderly conduct and other issues related to long and late hours of operation.
- The St. James's Conservation Trust has reviewed the Licence Application Conditions on the proposals and the diagrammatic plan submitted (which do not show any tables on the key to the plans, for the

seating, although these are mentioned in parts of the Licence conditions, which does not give confidence in the proposed management of the site internally).

- The width of the access from frontage to railings is not sufficient for any queuing and smokers gathering on the footway.

Two Interested Parties

- Objections correspond to the previous history. The situation is unsuitable due to the narrow pavement (queuing guests), proximity to an extremely busy junction onto Piccadilly, therefore drop offs and pickups will cause disruption. Smokers and arrivals will cause congestion on the walkway with those attempting to cross at the lights.
- It is presumed that measures will be in place should there be a fire but the entrance/exit onto St James's Street is narrow and steep for a rapid evacuation.
- The hours requested for a licence are unacceptable.
- The memories of Aura remain with so many of the residents and visitors to St James's. It was eventually closed down because of unruly activity.

Submissions

1. The Presenting Officer summarised the application to vary a premises licence. It was highlighted that the premises was within the St. James's Ward and did not come under any Special Consideration Zone or Cumulative Impact Area. Representations had been received by responsible authorities including the Environmental Health Service and the Metropolitan Police Service; it was highlighted that representations had also been received from three interested parties.
2. Terry Barnes of St James Projects Ltd was present on behalf of the Applicant, and Lana Tricker of LT Law was present as the Applicant's Agent. They addressed the Sub-Committee highlighting that the Applicant currently owned and operated other establishments within Westminster and that Mr Barnes also used to Chair the local club watch scheme, which evidenced that the Applicant knew what was required of them to be a responsible operator.
3. It was acknowledged that there were historical issues with the previous operators of the premises. The premises had been previously operated as a nightclub and there were recurring issues regarding the entry and dispersal of patrons and following an application for review of the premises licence in 2012 the premises licence had been heavily conditioned due to the ongoing issues. The Agent emphasised that the new operators were not associated with the previous operators and highlighted that the premises would now be a food led venue with a fundamentally different type of offer. The premises were undergoing a total refit to include a sizeable kitchen and the proposed plans were included in the Sub-Committee's agenda pack. It was noted that the food offer would be high-end with an expected price per head of around £250 for food in addition to drinks.

4. The capacity for the venue was proposed to be the same as the existing licence. The Applicant did wish to retain the existing capacity in the event of the venue being privately hired for a canape party in which table seating would be limited, and this meant that they would not need to make a Temporary Event Notice application. It was also noted that with regard to condition 32, the Agent had spoken to the Environmental Health Service and, whilst there was currently no desire to cap the overall numbers, they had suggested an extra sentence to condition 32 in that when the premises was laid out for dining, the capacity should be 'X' (to be agreed when the works clearance was undertaken).
5. On matters of conditions attached to the licence, it was highlighted that the premises had a number of additional conditions imposed at a previous hearing when the premises was operated as a nightclub. The Agent summarised the proposed amendments to the conditions of the licence given that it would now be a food led establishment and emphasised that dining was a less intensive and more favourable use of the premises in terms of upholding the licensing objectives. It was specifically highlighted that there would be no dancefloor or open spaces facilitating dancing at the premises.
6. The Applicant informed the Sub-Committee that there was an intention to have a membership scheme in place, as was typical of other similar high-end establishments.
7. The Sub-Committee clarified the nature of the premises' operation and the Applicant confirmed that the venue would be fine dining with an entertainment aspect where patrons would book ahead. It was noted that the Applicant also operated the 'Inca' restaurant on Argyll Street. This was a similar venue which the Applicant had converted into a high-end restaurant, which had resulted in far less complaints than the venue's previous operation. The Applicant added that they intended for the new venue to be similar to Inca, however also envisaged the new venue to facilitate a more refined atmosphere. Members were informed that the Applicant was hoping to hold four sittings per night.
8. On the matter of smokers, the location of the smoking area was clarified, and it was noted that the operator was not anticipating any large groups of smokers as the premises would not be like a nightclub where large numbers of people may descend on the smoking area at any one time.
9. Members queried the type of private functions that would be taking place at the premises, to which the Applicant stated that they would be looking to entertain high-end corporate events for luxury brands such as car manufacturers and fashion brands. It was emphasised that the venue would not entertain music artists for such private events as they would tend to approach more of a nightclub type of establishment.

10. The Sub-Committee noted an element of concern that the Applicant was looking to relax a number of the conditions imposed following a previous review of the premises licence. Members highlighted that a restaurant condition would help to alleviate residents' concerns and would demonstrate the operator's intent to run the premises as a restaurant. The Agent confirmed that no restaurant conditions were being proposed, along with no change in hours; however, it was highlighted that they were taking off a public element of who could enter and reiterated that the premises was not going to be operated as a nightclub. Imposing a restaurant condition would devalue the licence regardless of the proposed operation.
11. Members suggested that the proposed amendment to condition 43 was complicated, to which the Agent noted that it was to acknowledge that restaurant customers were not usually required to show identification. The Applicant highlighted that all of the layout changes including the installation of a large kitchen and removal of any dancefloor areas negated the need for such conditions usually associated with nightclub operations.
12. Anil Drayan was present on behalf of the Environmental Health Service (EHS) and addressed the Sub-Committee. He stated that the EHS would not have normally submitted representations on such a variation application given that the proposed layout could only operate as a restaurant due to the removal of any dancefloor areas and installation of a large kitchen, and this could have negated the need for specific restaurant conditions. It was confirmed that the EHS were overall satisfied with the changes proposed to the various conditions noting that EHS would support an amendment to condition 32 regarding capacity. To avoid confusion for premises staff and city inspectors, the restaurant layout capacity ('X') was to be determined when the EHS carried out the works clearance; it was clarified that 'X' would be less than 210.
13. The EHS went on to state that the concerns they had previously, when the premises was operated as a nightclub, were primarily queues outside the premises and intensive use of the smoking area. It was confirmed by the Applicant that bookings would be staggered and managed which would erase any form of waiting outside the premises, and that anyone waiting would do so inside the premises; it was also noted by the Applicant that they avoided walk-ins to adhere to the dress code and the spend per head.
14. The EHS noted that the Agent had removed all redundant conditions from the Rules of Management which was something that the EHS would support. The condition regarding pyrotechnics and smoke machines was noted as one which may still apply should it be needed for private events or corporate functions.
15. The Sub-Committee sought to confirm what the entertainment element may be whilst patrons were dining. It was confirmed that this would be intended as a singer who would sing directly to customers going between tables. The EHS

noted that there was a sound limiter condition but with the type of entertainment being proposed and the lack of windows/the basement location meant that there was not much risk of excessive noise emanating from the premises. It was reiterated by the EHS that the removal of the dancefloor and the décor installed would require substantial works if the premises were to revert back to a nightclub in future.

16. PC Reaz Guerra was present on behalf of the Metropolitan Police Service (MPS) and addressed the Sub-Committee highlighting the review of the premises licence in 2012 where there were a significant number of issues that had led up to the review. The licence was not revoked but instead a number of conditions were imposed, and the nightclub did end up closing as a result. It was noted that the MPS had no concerns with the variation application in front of Members when the premises was operating as a restaurant; instead, the main issues that the Sub-Committee needed to consider were with regard to when the premises was holding private and corporate events. It was highlighted that the smoking area would be a cause for concern given many issues were directly related to the smoking area when the premises previously operated as a nightclub. It was reiterated that there was no connection between the new operator and the previous operator.
17. Members stated that the area could get very congested on Friday and Saturday nights which was onerous on the police and queried the MPS on whether they were satisfied that the variation application would not repeat those issues experienced under the previous operators of the premises. The MPS stated that, as a restaurant, the police would not expect to see any of the issues experienced previously. The primary concern was with private events, but it was noted that this concern could be alleviated with a breakdown of how many events the premises intended to hold. Whilst noting that private functions were a potential source of concern, the Sub-Committee discussed the possibility of ensuring there was no admittance, except for the readmittance of smokers, after midnight when a private function was being held. This was agreed to by the Applicant.
18. The Sub-Committee sought to ensure that there was a robust dispersal condition and discussed the removal of “to use their best endeavours” from condition 49. In addition, Members sought to ensure that no drinks were taken outside the premises.
19. Peter Heath and Virginia Chichester were present as Interested Parties who had submitted representations in objection to the variation application. They addressed the Sub-Committee highlighting their concerns that the previous operation had experienced a significant level of issues and complaints regarding public nuisance and crime; they had attended the premises in early January 2024 and noted that the refit was not yet complete and the premises was still very much a shell. Their primary concern was ensuring that the fit out was carried out as proposed and that the premises was not going to operate as a nightclub again.

20. It was highlighted that St. James's was an area of special historic character and residents were enthusiastic about upholding the area's character. They informed the Sub-Committee that there were still concerns of large groups attending the venue at any one time, particularly due to the limited space on the pavement and the small staircase leading to the entrance. There were also explicit issues mentioned with regard to capacity. It was stated that 210 was far too high for the space. On the matter of capacity, the Applicant confirmed that they were expecting to have 103 covers with the new restaurant layout, significantly less than 210 which is why they had agreed the amendment to condition 32 with the EHS. The Interested Parties noted that they still had concerns with the space if there were to be 103 patrons.
21. The Sub-Committee understood that residents would be wary of the issues experienced previously when the premises was operated as a nightclub. The Applicant stated that they had met with residents early on in the process to reassure them that they did not intend to operate the premises in any manner similar to the way it was operated previously.
22. The Sub-Committee and the Legal Advisor summarised a number of amendments to conditions should the variation application be granted, which were agreed by the Applicant. These included:
- No off-sales after 23:00.
 - No drinks to be taken outside of the premises.
 - Amend condition 23 to read "substantial" table meal, rather than "full" table meal.
 - Amend condition 23 to read "performers" rather than "artistes".
 - Amend condition 29 to read "below" rather than "above".
 - Amend condition 31 to read "at least" rather than "no later than".
 - Amend condition 37 to read "so as to cover both south and north in St James's Street."
 - Amend condition 45 to read "There shall be one additional door supervisor on duty for every 100 customers."
 - To replace proposed condition 56 with Model Condition 24 regarding the provision of a direct telephone number to residents and businesses in the vicinity.
 - That the plan including seating layout (with fire safety equipment added) be submitted to be appended to the licence, should the variation be granted.
23. In summing up, the Applicant sought to ensure that Members were aware that they had taken onboard all that had been said by the Responsible Authorities and the Interested Parties and highlighted that substantial conditions had been proposed that would facilitate adherence with upholding the core licencing objectives.

Reasons and Conclusion

24. The Sub-Committee considered that the Application should be granted in order to allow the Applicant to operate a restaurant from the Premises as indicated. The Application was not proposing any change to the hours or licensable activities, and the Premises is not within the CIZ or a SCZ. It was also appropriate to update the licensing conditions where possible in order to promote the licensing objectives. In light of the Applicant's indication during the hearing that it was willing to use the more detailed plan submitted as part of the Additional Information as the plan on the Premises Licence, the Sub-Committee also decided that this more detailed plan should be the one annexed to the Premises Licence.
25. With regards to capacity, the Sub-Committee decided that it was appropriate to follow the recommendation of EHS (as agreed with the Applicant) and impose a capacity condition which would allow EHS to determine the appropriate capacity of the Premises when it operates as a restaurant.
26. The Application proposed extending the last time for admittance or readmittance (save for smokers) from 00:00 to 01:00, and the Sub-Committee felt that the potentially negative impact of this extension was mitigated by the fact that the last admittance or readmittance for those attending a private pre-booked event would be 00:00. Those attending the Premises between 00:00 and 01:00 would therefore be attending the Premises as a restaurant. The Sub-Committee accepted that it was appropriate to extend the last time for admittance to 01:00 to allow for one last seating before the closing time of 03:30.
27. The proposed reduction in SIA was suitable for the proposed use of the Premises, and the Sub-Committee noted that at least two SIA from 20.00 hours onwards would remain and one member of door staff would continue to patrol on both sides of St James' Street between Piccadilly and Jermyn Street. The Sub-Committee also concluded that imposing a condition limiting off-sales to before 23.00 would help promote the licensing objectives, as the current premises licence does not have any such restriction. Finally, in light of the representations made by local residents concerning noise, the Sub-Committee concluded that it was appropriate and proportionate to ensure that the Management Plan submitted for EHS approval also addressed the smoking area situated outside the Premises. This condition was also made more robust by deleting reference to 'best endeavours'.
28. The Sub-Committee also considered that it was appropriate and proportionate to impose a condition specifying that save for private pre-booked events, the licensable activities authorised and provided at the Premises shall be ancillary to the main function of the premises as a restaurant. This would ensure that the Applicant is able to run the Premises as a restaurant and also host private pre-booked events as indicated without the Applicant (or a subsequent licence holder) being able to run the Premises as a nightclub, which had caused significant problems in the past leading to a review of the Premises Licence. Works would have to be undertaken in order to run the Premises as a nightclub, but this is on its own was not considered sufficient to ensure that the Premises Licence was used as intended, namely as a restaurant licence with the potential for there to be private pre-booked events. The Applicant was

asking the Sub-Committee to make some conditions on the premises licence less onerous because the Applicant was proposing to run the Premises as a restaurant, a less intensive use. The Sub-Committee accepted that this was reasonable, but the Sub-Committee wished to ensure that the Premises Licence would in fact be used as a restaurant licence, both by the Applicant and by any subsequent licence-holder. Although it was understandable for the Applicant to have regard to commercial considerations such as the value of the premises licence, the focus of the Sub-Committee had to be on the promotion of the licensing objectives.

29. Finally, the Sub-Committee also made minor variations to the wording of conditions on the licence, which the Applicant had agreed with the legal advisor at the end of the hearing.

Having carefully considered the committee papers, the additional papers and the submissions made by all of the parties orally, the Sub-Committee has decided, after taking into account all of the individual circumstances of this particular case and the promotion of the four licensing objectives:-

1. To grant permission for:

Exhibition of films (Lower Ground Floor)

Monday to Sunday: 09:00 to 03:00

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

Performance of Dance (Lower Ground Floor)

Monday to Sunday: 09:00 to 03:00

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

Performance of Live Music (Lower Ground Floor)

Monday to Sunday: 09:00 to 03:00

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

Recorded Music (Lower Ground Floor)

Monday to Sunday: 09:00 to 03:00

The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late-night refreshment from the terminal hour for those activities on

New Year's Eve through to the commencement time for those activities on New Year's Day.

Anything of a similar description to live music or recorded music (Lower Ground Floor)

Monday to Sunday: 09:00 to 03:00

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

Late Night Refreshment (Lower Ground Floor)

Monday to Saturday: 23:00 to 03:30

Sunday: 23:00 to 03:00

Sundays before Bank Holidays until 03:30.

Sale by Retail of Alcohol On and Off Sales (Lower Ground Floor)

Monday: 09:00 to 00:00

Tuesday to Saturday: 09:00 to 03:00

Sunday: 12:00 to 02:30

Sundays before Bank Holidays until 03:30.

Opening Hours

Monday to Saturday: 09:00 to 03:30

Sunday: 09:00 to 03:00

Sundays before Bank Holidays until 03:30.

2. To add relevant Mandatory Conditions to apply.
3. To add the following conditions proposed to form part of the operating schedule:
 9. The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late-night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's day.
 10. Licensable entertainment shall not be provided in the entrance lobby.
 11. At least two registered door supervisors shall be stationed at the entrance to the premises from 11pm on each night when the premises remain open beyond 11pm, so as to ensure that customers enter and exit the premises in a quiet and orderly manner.
 12. No external doors or windows shall be fixed open after 11pm on any day of the week.

13. A sound limiter device shall be fitted to the sound system and shall be set and maintained at levels agreed by the Environmental Health Officer. The operational panel shall then be secured and the system will not be altered without the approval of the Environmental Health Officer.
14. The sound system shall not be altered or modified without the approval of the Environmental Health Officer.
15. No additional sound generation equipment shall be used on the premises without being routed through the sound limiter device.
16. Notices shall be provided at the premises requesting patrons to leave quietly. Similar reminders shall be made over the loud speakers and by door supervisors at the door.
17. 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.
18. 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.
19. The iron gate at the foot of the external entrance staircase shall be locked back in an open position while the premises are in use under this licence.
20. The final double leaf wooden doors on the alternative escape route shall be locked back in an open position while the premises are in use under this licence.
21. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or shall be distributed on street to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.
22. Substantial food and non-intoxicating beverages, including drinking water, shall be available during the whole of the permitted hours in all parts of the premises where intoxicants are provided.

23. On any evening where the premises or part of the premises are open for the purpose of music, dance and entertainment, alcohol may not be sold or supplied to persons admitted to the premises after 11pm other than to:
- (a) Persons taking a substantial table meal. For the purposes of this condition 'Substantial Table Meal' means- a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.
 - (b) Any person attending a private function at the premises, where a full guest list must be produced by the premises at least 24 hours prior to the function together with a booking sheet for each function regarding the following information as a minimum – name of the individual who has hired the premises together with contact details; date of hiring and purpose of event. The guest list and booking sheet will be made available to the police or an authorised officer of the Council upon request at the premises on the night of the function and for a period of 14 days thereafter.
 - (c) Performers or persons employed on the premises;
 - (d) Bona fide guests of the proprietor, a list of whom shall be kept at reception for inspection by appropriate authorities;
 - (e) Members of the proprietary club operating at these premises.
24. No striptease, no nudity and all persons to be decently attired at all times.
25. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.
26. No payment shall be made by or on behalf of the licensee to any person for bringing customers onto the premises directly from the street.
27. When a customer chooses to pay by credit card, he/she will be presented with an itemised bill on final payment, showing details of all drinks and food purchased.
28. Where the sale of alcohol takes place after 00:30 on the day following Sundays (other than the Sundays before Bank Holidays) this will be only to persons attending for seated dining and/or private pre-booked functions at the premises or to members of the private club operating at the premises and their guests.

29. No external promoters will be used to organise the private functions on Sundays referred to in condition 30 below, such private functions to be organised by the premises licence holder/designated premises supervisor.
30. Where a private function takes place at the premises on Sundays (other than Sundays before Bank Holidays) where alcohol is to be sold after 00:30 the following day, a full guest list must be produced by the premises at least 24 hours prior to the function together with a booking sheet for each function regarding the following information as a minimum – name of the individual who has hired the premises together with contact details; date of hiring and purpose of event. The guest list and booking sheet will be made available to the police or an authorised officer of the Council upon request at the premises on the night of the function and for a period of 14 days thereafter.
31. Where alcohol is being sold on Sundays (other than Sundays before Bank Holidays) after 00:30 the day following to members of the private club operating at the premises, members shall be permitted to have no more than 4 guests accompanying them, and all members must have been accepted as members of the private club at least 24 hours beforehand.
32. The number of persons accommodated at the premises shall not exceed 210 persons (exclusive of staff). When the premises operates as a restaurant, the maximum capacity (exclusive of staff) shall be 'X'. No licensable activities shall take place at the premises until the appropriate figure for 'X' has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition with a condition specifying the maximum capacity when the premises operates as a restaurant.
33. There shall be no new admittance or readmittance to the premises save for smokers after 01:00. For those attending a pre-booked private event, there shall be no new admittance or readmittance save for smokers after 00:00.
34. 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.
35. Every member of staff involved in the sale and supply of alcohol will undergo documented responsible server training within 2 months of starting employment.
36. All staff will receive refresher responsible server training once per year.
37. The licensee shall maintain further CCTV cameras outside the premises so as to cover both south and north in St James's Street.
38. All staff engaged outside the entrance to the premises, or supervising or controlling queues shall wear distinctive clothing to identify them as a member of staff or security.
39. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

40. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the highway.
41. Exterior door staff shall be equipped with 'body cams'.
42. Should the CCTV system develop a significant fault, the premises licence holder will inform the Police of the fault and of the proposed time for rectification.
43. After midnight
 - (a) All customers entering the premises shall have their ID and/or membership card scanned on entry, save for when a biometric scanning system is in place. The details recorded shall include a live facial image capture of the customer and capture the photographic identification produced. The details recorded by the ID scanner system shall be made available to the Police and the local authority upon request.
 - (b) The requirement in (a) will not apply to customers who have prebooked more than 24 hours in advance to attend the premises for a seated meal with substantial food. Details of the restaurant booking will be retained for 31 days after the attendance for inspection by the police and responsible authorities upon request. For the purposes of this condition 'Substantial Table Meal' means- a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.
 - (c) The requirement in (a) above is subject to the following exceptions, namely that a maximum number of 15 guests per night may be admitted at the Manager's discretion without necessarily photo ID being scanned and recorded. The admission of such guests however shall be in accordance with the following procedure:
 - (i) The DPS shall approve in writing the names of a maximum of three manager other than him/herself who are authorised to sign in such guests.
 - (ii) A legible record (the signing in sheet) of those guests names shall be retained on the premises for inspection by the licensing authority and Police for a minimum period of 31 days. The name of the DPS approved manager authorising the admission will also be recorded by that manager.
 - (iii) Guests shall be required to produce some form of ID such as a bank card (or emailed electronic photo ID) and ID scan entry with a live photo shall be created.
 - (iv) Where there are appropriate reasons for a guest not to be able to produce ID and be subject to ID scan, the Approved Manager may still permit entry. In such circumstances the Approved Manager shall also record the reasons for this in the signing in sheet.

- (d) Notwithstanding (a) above, patrons who are attending a pre-booked private event at the premises do not need to have their ID scanned on entry and instead a written guest list for all attending shall be held at reception for the event, and will be retained for 31 days after the event.
44. All door staff shall work for a contractor who is a member of the Security Industry Authority's Approved Contractor Scheme.
 45. At least 2 SIA licensed door supervisors shall be on duty at the entrance of the premises from 20:00 whilst it is open for business. There shall be one additional door supervisor on duty for every 100 customers.
 46. All door staff shall wear distinctive clothing so that they can be readily identified at the premises.
 47. A member of the door staff shall patrol on both sides of St James' Street between Piccadilly and Jermyn Street.
 48. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. The telephone number is to be made available to residents and businesses in the vicinity.
 49. A Management Plan requiring the Licensee to manage customers, external to the premises and in the smoking area, including arrival, departure and dispersal of customers quickly, quietly and towards Piccadilly shall be submitted to Environmental Health for approval and the Licensee shall thereafter implement and maintain the said Plan.
 50. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given:
 - a. Dry ice and cryogenic fog
 - b. Smoke machines and fog generators
 - c. Pyrotechnics including fireworks
 - d. Firearms
 - e. Lasers
 - f. Explosives and highly flammable substances
 - g. Real flame
 - h. Strobe lighting
 51. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
 52. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.

53. All emergency doors shall be available at all material times without the use of a key, code, card or similar means.
54. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
55. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
56. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
57. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
58. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.
59. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
60. The licence will have no effect 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.
61. There shall be no sales of alcohol for consumption off the premises after 23:00 hours.
62. Save for the provision of licensable activities at private pre-booked events, the licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a restaurant.

This is the Full Decision of the Licensing Sub-Committee which takes effect forthwith.

**The Licensing Sub-Committee
17 January 2024**

The Meeting ended at 1.26 pm

CHAIRMAN: _____

DATE _____