



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	31 August 2017
Licensing Ref No:	17/07271/LIPV - Premises Licence Variation
Title of Report:	Tank and Paddle 15-17 Heddon Street London W1B 4BF
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	30 June 2017		
<b>Applicant:</b>	A3D2 Limited		
<b>Premises:</b>	Tank and Paddle		
<b>Premises address:</b>	15-17 Heddon Street London W1B 4BF	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	<p>The premises has previously operated as a nightclub.</p> <p>From the application it appears that the applicant now proposes to operate the premises as a restaurant and bar.</p>		
<b>Variation description:</b>	<p>The applicant has applied to vary the layout the premises following an overall refurbishment to create the Tank and Paddle brand.</p> <p>In addition to the refurbishment, the applicant has applied to removed a number of conditions from the premises licence.</p>		
<b>Premises licence history:</b>	The premises has been licensed since May 2005.		
<b>Applicant submissions:</b>	None Submitted.		
<b>Plans</b>	Plans of the premises are available upon request from the Licensing Authority and will be available at the Licensing Sub-Committee.		

**1-B Current and proposed licensable activities, areas and hours**

**Regulated Entertainment**

**Performance of Dance, Live Music, Anything of a Similar Description**

	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
<b>Monday</b>	09:00	03:00	No change.		Licensable area has not changed but the premises has undergone a refurbishment.
<b>Tuesday</b>	09:00	03:00			
<b>Wednesday</b>	09:00	03:00			
<b>Thursday</b>	09:00	03:00			
<b>Friday</b>	09:00	03:00			
<b>Saturday</b>	09:00	03:00			
<b>Sunday</b>	09:00	23:00			
<b>Seasonal variations: Non-standard timings:</b>	<b>Current:</b>			<b>Proposed:</b>	
	Please see conditions at Appendix 3			No change.	

**Late night refreshment**

	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
<b>Monday</b>	23:00	03:30	No change.		Licensable area has not changed but the premises has undergone a refurbishment.
<b>Tuesday</b>	23:00	03:30			
<b>Wednesday</b>	23:00	03:30			
<b>Thursday</b>	23:00	03:30			
<b>Friday</b>	23:00	03:30			
<b>Saturday</b>	23:00	03:30			
<b>Sunday</b>	23:00	01:00			
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>			<b>Proposed:</b>	
	Sundays immediately before bank holidays until 03:30  Please see conditions at Appendix 3			No change.	

<b>Sale by Retail of Alcohol</b>					
<b>On or off sales</b>			<b>Current :</b>		<b>Proposed:</b>
			Both		Both
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	
<b>Monday</b>	10:00	03:00	No change.		Licensable area has not changed but the premises has undergone a refurbishment.
<b>Tuesday</b>	10:00	03:00			
<b>Wednesday</b>	10:00	03:00			
<b>Thursday</b>	10:00	03:00			
<b>Friday</b>	10:00	03:00			
<b>Saturday</b>	10:00	03:00			
<b>Sunday</b>	12:00	00:30			
<b>Seasonal variations/ Non-standard timings:</b>		<b>Current:</b>			<b>Proposed:</b>
		Sundays immediately before bank holidays 12:00 until 03:00  Please see conditions at Appendix 3			No change.

<b>Hours premises are open to the public</b>					
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Premises Area</b>
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	
<b>Monday</b>	09:00	03:30	No change		Licensable area has not changed but the premises has undergone a refurbishment.
<b>Tuesday</b>	09:00	03:30			
<b>Wednesday</b>	09:00	03:30			
<b>Thursday</b>	09:00	03:30			
<b>Friday</b>	09:00	03:30			
<b>Saturday</b>	09:00	03:30			
<b>Sunday</b>	09:00	01:00			
<b>Seasonal variations/ Non-standard timings:</b>		<b>Current:</b>			<b>Proposed:</b>
		Sundays immediately before bank holidays 09:00 until 03:30  Please see conditions at Appendix 3			No change.

<b>1-C Layout alteration</b>
<p>The main aspects of the refurbishment are: the glass wash bar counter will be removed, the lobby to the side doors will be removed, it is proposed it will no longer be used. The booth seating will be removed and bar no 2 will be reduced in length. The raised level DJ booth, raised dance floor and bar no 3 will also be removed to install a new servery counter with pizza oven.</p>

**1-D Conditions being varied, added or removed**

<b>Condition</b>	<b>Proposed variation</b>
<p><b><u>Condition 15</u></b></p> <p>15. (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 (12:00 on Christmas Day and Good Friday) and extend until 03.00 on the morning following, except that -</p> <p>(i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and</p> <p>(ii) on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end;</p> <p>(b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-</p> <p>(i) with the substitution of references to 04.00 for references to 03.00.</p> <p>(c) Except on Sundays immediately before bank holidays (including Easter Sunday), the permitted hours on Sundays shall commence at 12:00 and extend until 00.30 on the morning following, except that-</p> <p>(i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after midnight;</p> <p>(ii) where music and dancing end between 00.00 midnight on any Sunday and 00.30, the permitted hours on that Sunday shall end when the music and dancing end.</p> <p>(d) On Sundays immediately before bank holidays (excluding Easter Sunday), the permitted hours shall commence at 12:00 and extend until 03.00 on the morning following, except that-</p>	<p><b><u>To be amended to</u></b></p> <p>15. (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 (12:00 on Christmas Day and Good Friday) and extend until 03.00 on the morning following.</p> <p>(b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-</p> <p>(i) with the substitution of references to 04.00 for references to 03.00.</p> <p>(c) Except on Sundays immediately before bank holidays (including Easter Sunday), the permitted hours on Sundays shall commence at 12:00 and extend until 00.30 on the morning following, except that-</p> <p>(i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after midnight;</p> <p>(ii) where music and dancing end between 00.00 midnight on any Sunday and 00.30, the permitted hours on that Sunday shall end when the music and dancing end.</p> <p>(d) On Sundays immediately before bank holidays (excluding Easter Sunday), the permitted hours shall commence at 12:00 and extend until 03.00 on the morning following, except that-</p> <p>(i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after 00.00 midnight;</p> <p>(ii) where music and dancing end between 00.00 midnight on any Sunday and 03.00, the permitted hours on that Sunday shall end</p>

<p>(i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after 00.00 midnight;</p> <p>(ii) where music and dancing end between 00.00 midnight on any Sunday and 03.00, the permitted hours on that Sunday shall end when the music and dancing end.</p> <p>(iii) The terminal hour for late night refreshment shall extend to 30 minutes after the end of permitted hours for the sale of alcohol set out in d(i) and (ii) above.</p> <p>(e) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.</p> <p>(f) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00.00 on New Year's Eve.</p> <p>NOTE - The above restrictions do not prohibit:</p> <p>(a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;</p> <p>(b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;</p> <p>(c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;</p> <p>(d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;</p> <p>(e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;</p> <p>(f) the sale or supply of alcohol to any canteen or mess, being a canteen</p>	<p>when the music and dancing end.</p> <p>(iii) The terminal hour for late night refreshment shall extend to 30 minutes after the end of permitted hours for the sale of alcohol set out in d(i) and (ii) above.</p> <p>(e) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.</p> <p>(f) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00.00 on New Year's Eve.</p> <p>NOTE - The above restrictions do not prohibit:</p> <p>(a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;</p> <p>(b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;</p> <p>(c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;</p> <p>(d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;</p> <p>(e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;</p> <p>(f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of her Majesty's naval, military or air forces;</p> <p>(g) the taking of alcohol from the premises by a person residing there;</p>
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<p>in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of her Majesty's naval, military or air forces;</p> <p>(g) the taking of alcohol from the premises by a person residing there;</p> <p>(h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;</p> <p>(i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.</p> <p>In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.</p>	<p>(h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;</p> <p>(i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.</p> <p>In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.</p>
<p><b><u>Condition 16:</u></b></p> <p>16. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:</p> <p>(a) He is the child of the holder of the premises licence.</p> <p>(b) He resides in the premises, but is not employed there.</p> <p>(c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no</p>	<p><b>To be removed</b></p>

<p>other convenient means of access or egress.</p> <p>(d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.</p> <p>In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.</p>	
<p><b><u>Condition 18</u></b></p> <p>On Friday and Saturday nights and on any promoted nights after 2200hrs all staff engaged O/S the premises or supervising or controlling queues, shall wear high visibility jackets or vests.</p>	<p><b>To be removed</b></p>
<p><b><u>Condition 22</u></b></p> <p>A minimum of 6 SIA door supervisors shall on duty from 2100 hours with two permanently placed on the entrance and one permanently placed in the outside smoking area.</p>	<p><b>To be removed</b></p>
<p><b><u>Condition 23</u></b></p> <p>All persons entering or re-entering the premises shall be searched by an SIA trained member of staff and monitored by the premises CCTV system.</p>	<p><b>To be removed</b></p>
<p><b><u>Condition 24</u></b></p> <p>All staff engaged outside the entrance to the premises, supervising and controlling queues, and the outside smoking area</p>	<p><b>To be removed</b></p>



<p>shall wear high visibility yellow jackets or vests.</p>	
<p><b><u>Condition 31</u></b></p> <p>Patrons permitted to temporarily leave and then re-enter the premises after midnight e.g. to smoke, shall be limited to (25) persons at any one time.</p>	<p><b>To be removed</b></p>
<p><b><u>Condition 35</u></b></p> <p>There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.</p>	<p><b>To be removed</b></p>
<p><b><u>Condition 40</u></b></p> <p>After 23:00 hours patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.</p>	<p><b>To be removed</b></p>
<p><b><u>Condition 41 a &amp; b</u></b></p> <p>a. From 2100 hours, all drinking vessels used in the venue shall be polycarbonate. All alcohol in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served, with the exception of champagne, wine or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.</p> <p>b. Notwithstanding a) above, with the written agreement of the Westminster Licensing Police, a</p>	<p><b>To be removed</b></p>

<p>copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the lounge/club area.</p>		
<p><b><u>Condition 43</u></b></p> <p>43. On Fridays and Saturdays from 21:00 hours on entry all customers shall have their ID scanned, save for when a biometric scanning system is in place (when fingerprint scanning will be required for all customers who have previously supplied and shown identification at the premises.) This is with the exception of a maximum of 25 guests per night who may be admitted with the manager's discretion. A legible record of those people's full names, dates of birth shall be retained at the premises for inspection for a period of not less than 31 days together with the manager authorising the admittance. The details recorded by the ID scanner shall be made available to the police upon reasonable request.</p>	<p><b>To be removed</b></p>	
<p><b><u>Condition 44</u></b></p> <p>Notwithstanding the above, patrons who are attending a pre-booked private event will not be required on entry to have their ID scanned. This will be substituted with a written guest list to be held at reception for the event and will be retained for a period of 31 day post event for inspection by police and other such responsible authorities.</p>	<p><b>To be removed</b></p>	
<p><b>Adult entertainment:</b></p>	<p><b>Current position:</b> Not applicable</p>	<p><b>Proposed position:</b> Not applicable</p>

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Michael Day
<b>Received:</b>	18 <sup>th</sup> July 2017
<p>I have been allocated the application for the above premises.</p> <ul style="list-style-type: none"> <li>• <b>17/07271/LIPV – Strawberry Moons (Tank &amp; Paddle), 15-17 Heddon Street, London, W1B 4BF.</b></li> </ul> <p>With reference to the above application, I wish to inform you that the Metropolitan Police, as a responsible authority, are making a representation. It is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>The venue is situated inside the <b>West End Cumulative Impact Area</b>, a locality where this is traditionally high crime and disorder but I believe this application may cause further policing problems in the area which I will be looking into further.</p>	
<b>Responsible Authority:</b>	Environmental Health Consultation Team
<b>Representative:</b>	Mr Maxwell Koduah
<b>Received:</b>	20 <sup>th</sup> July 2017
<p>This representation is based on plans of Basement &amp; Floors by DAKOTA House of Design May 2017 ref. 5228-17-100</p> <p>The applicant is seeking to:</p> <ol style="list-style-type: none"> <li>1. Vary the approved layout to the ground floor to include the following: <ol style="list-style-type: none"> <li>a. Overall refurbishment to create a Tank and Paddle scheme</li> <li>b. Remove glass wash to bar counter</li> <li>c. Remove lobby to side doors as no longer used</li> <li>d. Remove booth seating and reduce length of bar No. 2</li> <li>e. Remove raised level DJ booth and bar No. 3 and raised level</li> <li>f. Remove raised dance floor and install new server counter with pizza oven</li> </ol> </li> <li>2. Remove the following conditions from premises licence 17/07271/LIPV: <ol style="list-style-type: none"> <li>I. <b>Condition 15(1)</b> “the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight”</li> <li>II. <b>Condition 15(ii)</b> “on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end”</li> </ol> </li> </ol>	

- III. **Condition 16:** "No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies"
- IV. **Condition 18:** "On Friday and Saturday nights and on any promoted nights after 2200hrs all staff engaged O/S the premises or supervising or controlling queues, shall wear high visibility jackets or vests"
- V. **Condition 22:** "A minimum of 6 SIA door supervisors shall on duty from 2100 hours with two permanently placed on the entrance and one permanently placed in the outside smoking area"
- VI. **Condition 23:** "All persons entering or re-entering the premises shall be searched by an SIA trained member of staff and monitored by the premises CCTV system"
- VII. **Condition 24:** "All staff engaged outside the entrance to the premises, supervising and controlling queues, and the outside smoking area shall wear high visibility yellow jackets or vests"
- VIII. **Condition 31:** "Patrons permitted to temporarily leave and then re-enter the premises after midnight e.g. to smoke, shall be limited to (25) persons at any one time"
- IX. **Condition 35:** "There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises"
- X. **Condition 40:** "After 23:00 hours patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them"
- XI. **Condition 41a:** "From 2100 hours, all drinking vessels used in the venue shall be polycarbonate. All alcohol in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served, with the exception of champagne, wine or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle"
- XII. **Condition 41b:** "Notwithstanding a) above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the lounge/club area"
- XIII. **Condition 43:** "On Fridays and Saturdays from 21:00 hours on entry all customers shall have their ID scanned, save for when a biometric scanning system is in place (when fingerprint scanning will be required for all customers who have previously supplied and shown identification at the premises.) This is with the exception of a maximum of 25 guests per night who may be admitted with the manager's discretion. A legible record of those people's full names, dates of birth shall be retained at the premises for inspection for a period of not less than 31 days together with the manager authorising the admittance. The details recorded by the ID scanner shall be made available to the police upon reasonable request"
- XIV. **Condition 44:** "Notwithstanding the above, patrons who are attending a pre-booked private event will not be required on entry to have their ID scanned. This will be substituted with a written guest list to be held at reception for the event and will be retained for a period of 31 day post event for inspection by police and other such responsible authorities"

I wish to make the following representation

1. Variation of the approved layout, as proposed, will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End Cumulative Impact area
2. Removal of conditions 15(1); 15(ii); 16; 18; 22; 23; 24; 31; 35; 40; 41a; 41b; 43 & 44 will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End Cumulative Impact area

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area

Applicant seeks to remove a substantial number of conditions from the premises licence and yet there is no information within the application to demonstrate how the licencing objectives shall not be compromised by such removal.

The applicant is asked to contact the undersigned to arrange a site visit to assess the premises to ensure the premises is satisfactory and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety.

<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Mr David Sycamore
<b>Received:</b>	27 <sup>th</sup> July 2017

I write in relation to the application submitted for a variation of a Premises Licence for the following premises –

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety

The premises is located within the West End Cumulative Impact and as such a number of policy points must be considered.

Further to our site meeting today we are concerned that the relaxation of the conditions will undermine the licensing objectives. The premises has operated as a night club for many years and has had a number of conditions added to the licence over the years. The proposed new operation style is only proposed and we are concerned that if the

new proposal does not materialise, the premises will continue to operate as a nightclub, but with less conditions if the variation is granted.

The application is not for a new operator to come in, but is an internal re-brand in a premises that currently has hours well beyond core hours(HRS Policy)

We look forward to working with the licence holders, solicitor and other relevant authorities to ensure that this nightclub can transition to a new operating style in a way that will take into consideration all the licensing objectives.

Please accept this a formal objection, but should our talks be productive, we shall consider this stance.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

<b>Policy CIA 1 applies</b>	<p>(i) It is the Licensing Authoritys policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
<b>Policy HRS1 applies:</b>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
<b>Policy PB2 applies:</b>	<p>It is the Licensing Authoritys policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.</p>
<b>Policy FFP2 applies:</b>	<p>It is the Licensing Authoritys policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours under Policy HRS1.</p>

## 4. Appendices

<b>Appendix 1</b>	Applicant supporting documents
<b>Appendix 2</b>	Premises history
<b>Appendix 3</b>	Proposed conditions
<b>Appendix 4</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Miss Heidi Lawrance Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

### **Background Documents – Local Government (Access to Information) Act 1972**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application Form	30 <sup>th</sup> June 2017
<b>5</b>	Representation – Metropolitan Police	18 <sup>th</sup> July 2017
<b>6</b>	Representation – Environmental Health	20 <sup>th</sup> July 2017
<b>7</b>	Representation – Licensing Authority	27 <sup>th</sup> July 2017

**Applicant Supporting Documents**

None submitted.



**Licence & Appeal History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/02469/LIPCV	Application for a new premises licence under conversion	26/05/2005	Granted by Licensing Sub Committee
06/03484/LIPDPS	Application to vary the Designated Premises Supervisor	10/05/2006	Granted by delegated authority
06/05958/LIPDPS	Application to vary the Designated Premises Supervisor	14/07/2006	Granted by delegated authority
06/07327/LIPV	<p>Application to vary the premises licence</p> <p>1. To remove the requirement to monitor CCTV at the reception area (remove condition 13)</p> <p>2. To amend condition 14 so that the capacity figure in the basement (50) is exclusive of any persons using the toilet facilities on that floor or moving between the ground floor and the basement on the staircase.</p>	06/09/2006	Granted by delegated authority
06/11851/LIPDPS	Application to vary the Designated Premises Supervisor	28/12/2006	Granted by delegated authority

07/02337/LIPDPS	Application to vary the Designated Premises Supervisor	19/03/2007	Granted by delegated authority
09/01755/LIPV	<p>Application to vary the premises licence:</p> <p>The proposed variation is to carry out alterations in accordance with plan drawing numbers 537/03 and 537/04 to include an illuminated dance floor, adjacent raised booth seating and extension of the raised stage area on the ground floor.</p>	23/04/2009	Granted by delegated authority
10/02094/LIPCH	Change of details	26/03/2010	Granted under delegated authority
16/02091/LIPVM	<p>Application for a minor variation :</p> <p>Remove condition : 12 to 17, 20, 21, 23, 24, 25, 27, 30, 31, 32, 33, 34, 36, 37 and 38</p> <p>To add conditions agreed with police.</p>	19/04/2016	Granted under delegated authority
16/05252/LIPVM	<p>Application for a minor variation :</p> <p>The proposed variation is to amend condition 31 to read:</p> <p>Patrons permitted to temporarily leave and then re-enter the premises after midnight e.g. to</p>	10/06/2016	Granted under delegated authority

	smoke, shall be limited to (25) persons at any one time.		
16/11690/LIPDPS	Application to vary the Designated Premises Supervisor	05/01/2017	Granted by delegated authority
17/03376/LIPDPS	Application to vary the Designated Premises Supervisor	18/04/2017	Granted by delegated authority
17/06791/LIPDPS	Application to vary the Designated Premises Supervisor	07/07/2017	Granted by delegated authority

**There is no appeal history**

*CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING*

When determining an application to vary a premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

**Conditions: On Current Licence -**

**Mandatory:**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- (iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (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 reproducing the effect of conditions subject to which the relevant existing licences have effect**

**Conditions relating to Regulated Entertainment**

- 9. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
- 10. On New Year's Eve the premises can remain open for the purposes of providing regulated entertainment from time to time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
- 11. Notwithstanding the provisions of Rule of Management No. 6 the premises may be kept open for the purposes of this licence from 11pm on each of the days Monday to Saturday to 03:00 on the day following.
- 12. The number of persons accommodated (excluding staff) at the premises shall not exceed:
  - Ground Floor - 500,
  - Basement Bar Area - 50 - exclusive of any persons using the toilet facilities on that floor or moving between the ground floor and the basement on the staircase.

**Conditions related to the Sale of Alcohol**

- 13. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
- 14. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments

Conditions related to the Sale of Alcohol

15. (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 (12:00 on Christmas Day and Good Friday) and extend until 03.00 on the morning following, except that -

**The applicant proposes Condition 15 (a) (i) and (a) (ii) be removed**

- (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
  - (ii) on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end;
- (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
- (i) with the substitution of references to 04.00 for references to 03.00.
- (c) Except on Sundays immediately before bank holidays (including Easter Sunday), the permitted hours on Sundays shall commence at 12:00 and extend until 00.30 on the morning following, except that-
- (i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after midnight;
  - (ii) where music and dancing end between 00.00 midnight on any Sunday and 00.30, the permitted hours on that Sunday shall end when the music and dancing end.
- (d) On Sundays immediately before bank holidays (excluding Easter Sunday), the permitted hours shall commence at 12:00 and extend until 03.00 on the morning following, except that-
- (i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after 00.00 midnight;
  - (ii) where music and dancing end between 00.00 midnight on any Sunday and 03.00, the permitted hours on that Sunday shall end when the music and dancing end.
  - (iii) The terminal hour for late night refreshment shall extend to 30 minutes after the end of permitted hours for the sale of alcohol set out in d(i) and (ii) above.
- (e) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (f) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00.00 on New Year's Eve.



NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of her Majesty's naval, military or air forces;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

#### **The applicant proposes Condition 16 be removed**

16. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
  - (b) He resides in the premises, but is not employed there.
  - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
  - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

17. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

## **Annex 2 – Conditions consistent with the operating Schedule**

### **The applicant proposes Condition 18 be removed**

18. On Friday and Saturday nights and on any promoted nights after 2200hrs all staff engaged O/S the premises or supervising or controlling queues, shall wear high visibility jackets or vests.
19. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
20. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
21. On Fridays and Saturdays from 2100 hours there shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

### **The applicant proposes Condition 22 be removed**

22. A minimum of 6 SIA door supervisors shall on duty from 2100 hours with two permanently placed on the entrance and one permanently placed in the outside smoking area.

### **The applicant proposes Condition 23 be removed**

23. All persons entering or re-entering the premises shall be searched by an SIA trained member of staff and monitored by the premises CCTV system.

### **The applicant proposes Condition 24 be removed**

24. All staff engaged outside the entrance to the premises, supervising and controlling queues, and the outside smoking area shall wear high visibility yellow jackets or vests.
25. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised

manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.

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. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
28. There shall be no admittance or re-admittance to the premises after 01:30am
29. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
30. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

**The applicant proposes Condition 31 be removed**

31. Patrons permitted to temporarily leave and then re-enter the premises after midnight e.g. to smoke, shall be limited to (25) persons at any one time.
32. 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.
33. 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.
34. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.

**The applicant proposes Condition 35 be removed**

35. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
36. 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.
37. 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 are open.

38. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
- (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 or searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
39. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

**The applicant proposes Condition 40 be removed**

40. After 23:00 hours patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.

**The applicant proposes Condition 41 (a) and (b) be removed**

- 41 a. From 2100 hours, all drinking vessels used in the venue shall be polycarbonate. All alcohol in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served, with the exception of champagne, wine or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.
- b. Notwithstanding a) above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the lounge/club area.
42. The premises licence holder shall ensure that any patrons drinking and/or 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.

### **The applicant proposes Condition 43 be removed**

43. On Fridays and Saturdays from 21:00 hours on entry all customers shall have their ID scanned, save for when a biometric scanning system is in place (when fingerprint scanning will be required for all customers who have previously supplied and shown identification at the premises.) This is with the exception of a maximum of 25 guests per night who may be admitted with the manager's discretion. A legible record of those people's full names, dates of birth shall be retained at the premises for inspection for a period of not less than 31 days together with the manager authorising the admittance. The details recorded by the ID scanner shall be made available to the police upon reasonable request.

### **The applicant proposes Condition 44 be removed**

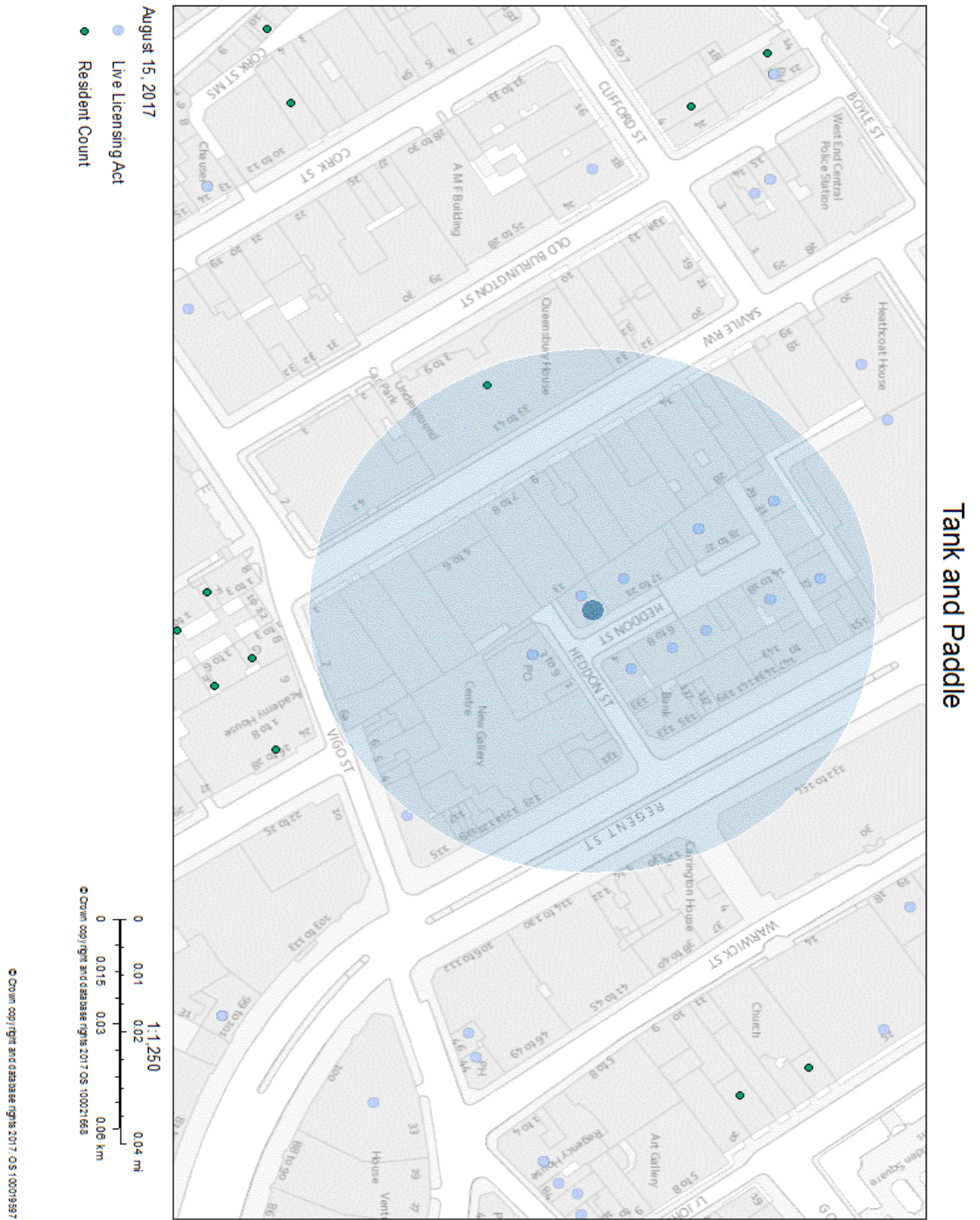
44. Notwithstanding the above, patrons who are attending a pre-booked private event will not be required on entry to have their ID scanned. This will be substituted with a written guest list to be held at reception for the event and will be retained for a period of 31 day post event for inspection by police and other such responsible authorities.
45. In the event that a serious assault is committed on or immediately outside the premises (or appears to have been committed) to the management's knowledge, the management will immediately ensure that
- (a) The police (and where appropriate, the London Ambulance service) are called without delay, using telephone number 999;
  - (b) All measures that are reasonable practicable are taken to apprehend any suspects pending the arrival of the Police;
  - (c) As is reasonably practicable, the crime scene is preserved so as to enable a full forensic investigation to be carried out by the Police; and
  - (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

Serious assault includes (but is not limited to) any assault in which emergency medical treatment is required and any assault in which a weapon is used.

### **Annex 3 – Conditions attached after a hearing by the licensing authority**

None.

**Residential Map and List of Premises in the Vicinity**



Resident count : 11