



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	12 October 2017
Licensing Ref No:	17/09067/LIPV - Premises Licence Variation
Title of Report:	Miabella London Basement 12-13 Greek Street London W1D 4DL
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 Daisy Gadd Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email: dgadd@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	11 August 2017		
Applicant:	Soho Estates Limited		
Premises:	Miabella London		
Premises address:	Basement 12-13 Greek Street London W1D 4DL	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	The premises operates as a night club.		
Variation description:	<p>The application, which follows pre-application advice, is to alter the layout of the basement of the premises in accordance with the proposed plans.</p> <p>The application also proposes to include the ground floor within the ambit of the licensed premises including:</p> <ul style="list-style-type: none"> - addition of disabled access WC - addition of bar counter and store <p>These amendments are subject to the overall capacity of the premises remaining the same at 243 persons (excluding staff) and condition 18 being amended to read:</p> <p>The number of persons accommodated (excluding staff) shall not exceed: Basement: 220 Ground Floor: 38 With no more than 243 at any one time.</p> <p>No other changes to the permitted hours, activities or conditions are sought or implied.</p>		
Premises licence history:	The premises has been licensed since 1998.		
Applicant submissions:	None		
Plans:	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

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

Performance of dance

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:00	No change		Basement	To alter the layout in the basement and to include the ground floor.
Tuesday	09:00	03:00				
Wednesday	09:00	03:00				
Thursday	09:00	03:00				
Friday	09:00	03:00				
Saturday	09:00	03:00				
Sunday	09:00	23:00				
Seasonal Variations/ Non-standard timings:	Current: See opening hours.				Proposed: No change	

Playing of record music

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Unrestricted		No change		Basement	To alter the layout in the basement and to include the ground floor.
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						
Seasonal variations/ Non-standard timings:	Current: See opening hours.				Proposed: No change.	

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Unrestricted		No change		Basement	To alter the layout in the basement and to include the ground floor.
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						
Seasonal variations/ Non-standard timings:	Current: See opening hours.				Proposed: No change.	

Anything of a similar description to Recorded Music or Performance of Dance

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:00	No change		Basement	To alter the layout in the basement and to include the ground floor.
Tuesday	09:00	03:00				
Wednesday	09:00	03:00				
Thursday	09:00	03:00				
Friday	09:00	03:00				
Saturday	09:00	03:00				
Sunday	09:00	23:00				
Seasonal Variations/ Non-standard timings:	Current: See opening hours.				Proposed: No change	

Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	03:00	No change		Basement	To alter the layout in the basement and to include the ground floor.
Tuesday	23:00	03:00				
Wednesday	23:00	03:00				
Thursday	23:00	03:00				
Friday	23:00	03:00				
Saturday	23:00	03:00				
Sunday						
Seasonal variations/ Non-standard timings:		Current: See opening hours.			Proposed: No change	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:00	No change		Basement	To alter the layout in the basement and to include the ground floor.
Tuesday	10:00	23:00				
Wednesday	10:00	23:00				
Thursday	10:00	23:00				
Friday	10:00	23:00				
Saturday	10:00	23:00				
Sunday	12:00	22:30				
Seasonal variations/ Non-standard timings:		Current: See opening hours.			Proposed: No change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:30	No change		Basement	To alter the layout in the basement and to include the ground floor.
Tuesday	09:00	03:30				
Wednesday	09:00	03:30				
Thursday	09:00	03:30				
Friday	09:00	03:30				
Saturday	09:00	03:30				
Sunday	09:00	23:00				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the 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). Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 23:00 on each of the days Monday to Saturday to 03:00 on the day following.				No change	

1-C Layout alteration
<p>This application seeks to alter the layout of the basement, including:</p> <ul style="list-style-type: none"> • relocation of WCs (including reduction in number of male urinals & female toilets) • change of kitchen prep and partial beer store to general storage • change of cloakroom, kitchen dispense and partial beer store to front of house with fixed seating • increase in main staircase footprint • relocation and increase in size of kitchen • removal of some booth seating • removal of staff room and WC

1-D Conditions being varied, added or removed		
Condition	Proposed variation	
Condition 18		
The number of persons accommodated (excluding staff) shall not exceed 243.	The number of persons accommodated (excluding staff) shall not exceed: Basement: 220 Ground Floor: 38	
Adult entertainment:	Current position:	Proposed position:
	N/A	No change

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Licensing Authority
Representative:	Mr David Sycamore
Received:	8 September 2017
<p>I write in relation to the application submitted for a new premises licence.</p> <p>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:</p> <ul style="list-style-type: none"> • Public Nuisance • Prevention of Crime & Disorder • Public Safety <p>The premises is located within the West End Cumulative Impact and as such a number of policy points must be considered.</p> <p>The licensing authority is concerned that the current licence applicants could undermine the licensing objectives as 38 people would be able to access the premises directly from the street level. Whilst we accept the application seeks to maintain the current capacity, the premises is not currently visible from the street, apart from the entrance. The current Westminster Licensing Policy is concerned with premises which seek to allow the addition of such access.</p> <p><i>2.4.22 Examples of appropriate conditions to ensure that alcohol consumption is appropriately regulated may include conditions that (i) only permit the sale of alcohol ancillary to the provision of food, or ancillary to other activities at the premises, or to the operation of the premises as a whole, (ii) require service of alcohol to be only by waiter or waitress to seated persons, and without the provision of a physical bar or facility for self service, (iii) require the licensed area to remain under the management of the premises licence holder with the licence being limited to their personal use (iv) require the</i></p>	

consumption of alcohol to be restricted to an area which is an integral part of the premises with access to that area only through the premises and **with no direct access to the street.**



Please accept this a formal representation and we seek additional documents that may allow us to consider our position.

Responsible Authority:	Environmental Health
Representative:	Sally Fabbricatore
Received:	6 September 2017

I refer to the variation application for the Premises Licence (15/01344/LIPDPS) for the above premises.

The premises are situated in the West End Cumulative Impact Area as stated in City of Westminster’s Statement of Licensing Policy.

This representation is based on the submitted layout plans, showing the basement and ground floor, drawing numbers 025-A-L-50 0-GST rev S3 and 025-A-L-50 0-GST rev C.

The applicant is seeking to change the layout, including the following:

Basement:

- relocation of WCs (including reduction in number of male urinals & female toilets)
- change of kitchen prep and partial beer store to general storage
- change of cloakroom, kitchen dispense and partial beer store to front of house with fixed seating
- increase in main staircase footprint
- relocation and increase in size of kitchen

- removal of some booth seating
- removal of staff room and WC

The application also proposes to include the ground floor within the ambit of the licensed premises, including:

- addition of disabled access WC
- addition of bar counter and store

These amendments are subject to the overall capacity of the premises remaining the same at 243 persons (excluding staff) and condition 18 being amended to read:

The number of persons accommodated (excluding staff) shall not exceed:

Basement: 220

Ground Floor: 38

With no more than 243 at any one time.

These changes may impact on Public Safety, therefore I wish to make a representation to this application. The decrease in WC facilities may also increase Public Nuisance in the cumulative impact area.

3. Policy & Guidance

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

Policy HRS1 applies:	(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. (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.
Policy MD2 applies:	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.
Policy PB2 applies:	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.

4. Appendices

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

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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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Representation Licensing Authority	8 September 2017
5	Representation Environmental Health	6 September 2017

Applicant Supporting Documents

Appendix 1

None submitted

Appendix 2

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/02434/LIPCV	This was a converted licence.	24.05.2005	Granted by Licensing Sub Committee
05/08688/LIPELR	This was an application to renew the Public Entertainment Licence.	01.11.2005	Granted under Delegated Authority
06/03474/LIPDPS	This was an application to vary the DPS.	09.05.2006	Granted under Delegated Authority
06/05968/LIPDPS	This was an application to vary the DPS.	14.07.2006	Granted under Delegated Authority
06/13415/LIPDPS	This was an application to vary the DPS.	15.01.2007	Granted under Delegated Authority
07/00164/LIPT	This was an application to transfer the licence from A3D2 Limited to Summit Clubs Limited.	07.01.2007	Granted under Delegated Authority
07/01805/LIPDPS	This was an application to vary the DPS.	21.03.2007	Granted under Delegated Authority
07/06304/LIPDPS	This was an application to vary the DPS.	04.10.2007	Granted under Delegated Authority
06/06785/WCCMAP	This is the master copy of the licence.	29.01.2008	Granted under Delegated Authority
08/00272/LIPT	This was an application to transfer the licence from Summit Clubs Limited to Junette Ltd.	08.02.2008	Granted under Delegated Authority

08/04246/LIPDPS	This was an application to vary the DPS.	24.06.2008	Granted under Delegated Authority
09/00253/LIPD	This was an application to duplicate the licence.	07.10.2008	Granted under Delegated Authority
09/00873/LIPT	This was a request to transfer the licence from Junette Ltd to Clear Prism Ltd.	16.02.2009	Granted under Delegated Authority
09/07344/LIPT	This was a request to transfer the licence from Clear Prism Ltd to Rocktours Limited.	08.12.2009	Granted under Delegated Authority
09/09484/LIPVM	This was an application for a minor variation to change the layout as per the plans.	10.12.2009	Granted under Delegated Authority
10/01676/LIPCHT	This was an application for a change of details for the premises to become known as DIU and not The Soho Wine Bar.	19.04.2010	Granted under Delegated Authority.
10/01695/LIPRW	This was an application for the removal of works condition.	19.04.2010	Granted under Delegated Authority
10/01758/LIPDPS	This was an application to vary the DPS.	19.04.2010	Granted under Delegated Authority
10/05009/LIPDPS	This was an application to vary the DPS.	05.08.2010	Granted under Delegated Authority
10/09882/LIPDPS	This was an application to vary the DPS.	14.12.2010	Granted under Delegated Authority
12/02600/LIPDPS	This was an application to vary the DPS.	20.04.2012	Granted under Delegated Authority
12/06666/LI178	This was a request for a 178 on the licence.	14.06.2012	Granted under Delegated Authority
13/02792/LIPT	This was a request to transfer the licence from Rocktours LTD to Straightpride LTD.	09.06.2013	Granted under Delegated Authority

14/00256/LI178	This was a request for a 178 on the licence.	10.01.2014	Acknowledged Notice
14/01329/LIPVM	This was an application for a minor variation. The application sought to add Police conditions to the licence.	03.03.2014	Granted under Delegated Authority
14/01492/LIPN	This was an application for a new premises licence.	07.05.2014	Granted by Licensing Sub Committee
15/00062/LI178	This was a request for a 178 on the licence.	06.01.2015	Granted under Delegated Authority
15/00976/LIPT	This was a request to transfer the licence from Straightpride LTD to Soho Estates Limited.	23.02.2015	Granted under Delegated Authority
15/01344/LIPDPS	This was an application to vary the DPS.	25.02.2015	Granted under Delegated Authority
16/07873/LIPDPS	This was an application to vary the DPS.	29.07.2016	Granted under Delegated Authority
16/08347/LIPN	This was an application for a new premises licence.	20.10.2016	Granted by Licensing Sub Committee
16/10525/LIDPSR	This was an application following the resignation of the DPS.	27.10.2016	Granted under Delegated Authority
16/10476/LIPDPS	This was an application to vary the DPS.	27.10.2016	Granted under Delegated Authority
17/05141/LI178	This was a request for a 178 on the licence.	11.05.2017	Notice Granted

There is no appeal history

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

When determining an application for a new 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.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions reproducing the effect of conditions subject to which the relevant existing licenses 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 purpose of providing regulated entertainment from the 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 remain open for the purposes of this licence from 23:00 on each of the days Monday to Saturday to 03:00 on the day following.
12. Whilst the premises are in use under this licence:
- (a) The entertainment shall be limited to a type commonly known as discotheque and to background music;
- (b) No live performances shall be used.
13. The sound limiter is to be set to the satisfaction of officers from the Environmental Regulation Service. The operational panel shall then be secured and the system shall not be altered without prior agreement with this Department.
14. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental Regulation Service.

15. Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.
16. All doors giving access/egress to the premises shall not be fixed open after 23:00.
17. All openable windows shall be closed after 23:00.
18. The number of persons accommodated (excluding staff) shall not exceed 243.

Proposed by the applicant to be replaced by:

The number of persons accommodated (excluding staff) shall not exceed:

Basement: 220

Ground Floor: 38

With no more than 243 at any one time.

Conditions related to the sale of alcohol

19. 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.
20. No striptease, no nudity and all persons on the premises to be decently attired.
21. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.
22. There shall be no gaming on the premises, other than machines authorised by Part III of the Gaming Act 1968 or by the Licensing Justices in accordance with Section 6 of the Gaming Act 1968.
23. No application shall be made for the grant of an occasional licence.
24. Intoxicating liquor may only be sold or supplied to persons admitted to the premises as follows:
 - (a) On Monday to Thursday after 23:30 by payment of an admission fee of not less than £3 for music, dancing and entertainment;
 - (b) On Friday and Saturday after 23:30 by payment of an admission fee of not less than £5 for music, dancing and entertainment;
 - (c) Persons who are specially invited guests of the management listed by name at reception prior to admission, such list to be available for inspection by the relevant authorities;
 - (d) By private invitation to a bona fide private function held at the premises of which 24 hours notice has been given to the Police;
 - (e) Artistes and persons employed on the premises.

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

25. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

Monday to Saturday

- (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10:00 and extend until 03:00 the following morning except:
 - (i) the permitted hours shall end at 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 midnight and 03:00 the following morning, 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 in the morning to 03:00 in the morning
- (c) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (d) 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.

Sundays:

In this condition, permitted hours means:

- (a) On Sundays, other than Christmas Day or New Year's Eve, 12:00 noon to 22:30;
- (b) On New Year's Eve on a Sunday, 12:00 to 22:30;
- (c) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00:00 midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty 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) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;

- (g) 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;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) 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;
- (j) 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.

26. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence:
- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
 - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
 - (c) take all other reasonable precautions for the safety of the children.
27. 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.

28. 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

29. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

(Although the Metropolitan Police have not made a representation, they have stated that as this application is for a change of layout, the applicant must ensure that the CCTV cameras are added/re-positioned so that the current CCTV condition is adhered to).

30. 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 to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
31. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, 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.
32. 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.
33. All SIA staff engaged at the premises shall wear high visibility yellow jackets or vests. SIA licences worn by door staff, shall be clearly displayed and visible at all times.
34. A daily Door Supervisor Log shall be correctly maintained at the premises and signed at the end of each day by the Duty Manager. This will include: The printed name of the Door Supervisor/Badge Number/Expiry date of SIA Licence and a signature of the Door Supervisor.

35. A log shall be maintained to ensure that the capacity limit set for the premises is recorded hourly and can be properly monitored. Information regarding the capacity will be given to an authorised officer or Police Officer on request.
- 36.
- (a) All drinking vessels used in the venue shall be polycarbonate. All drinks in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to be served, with the exception of champagne 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 from the table.
 - (b) Notwithstanding 36(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.
37. All customers entering the premises will have their ID scanned on entry. All records shall be stored for a minimum period of 31 days with date and time stamping. These records shall be made available immediately upon request of the police or authorised officer throughout the preceding 31 day period.
38. 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 searching will be supplemented by the use of two functional metal detecting wands operated by a male and female door supervisor dedicated to that duty either until the end of the permitted hours or until there is no further admissions.
39. Whenever the premises are open for licensable activities an attendant shall be on duty in any designated male and female toilets.

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

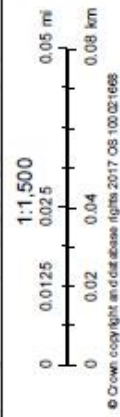
40. When a customer chooses to pay by credit card, he/she will be presented with an itemised bill upon final payment showing details of all drinks and food items purchased.

Miabella



September 27, 2017

● Live Licensing Act



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