



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (4)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** held on **Thursday 9th October, 2014**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

Members Present: Councillors Jean Paul Floru (Chairman), Nick Evans and Aziz Toki

Also Present: Ms Lana Tricker (Solicitor, representing the Applicant), Designated Premises Supervisor (Applicant Company), Mr Alun Thomas (Solicitor, representing Shaftesbury Carnaby Ltd) and Ms Louise Joyce and Mr Ian Watson (Environmental Health), Barry Panto (Legal Adviser), Chris Wroe (Policy Adviser), Jonathan Deacon (Committee Officer)

1 MEMBERSHIP

There were no changes to the Membership.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 PARK CHINOIS, 17 BERKELEY STREET, W1

LICENSING SUB-COMMITTEE No. 4

Thursday 9 October 2014

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Nick Evans and Councillor Aziz Toki

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Jonathan Deacon

Relevant Representations: In support – 5 residents

Objecting - Environmental Health, Metropolitan Police, 2 Ward Councillors, Mayfair Residents Group, Berkeley Street Residents Association and 33 residents.

Present: Mr Gary Grant (Counsel, representing the Applicant), Mr Andrew Wong (Solicitor, on behalf of Applicant), Mr Alan Yau (Founder, Applicant Company), Ms Linda Yau (Commercial Director, Applicant Company), Mr Richard Vivian (Principal Consultant, Big Sky Acoustics), Mr Adrian Studd (Independent Consultant), Ms Jessica Stewart (Managing Director, Comm Comm UK), Mr Ian Watson (Environmental Health), PC Reaz Guerra and PC Adam Deweltz (Metropolitan Police), Councillor Paul Church (Ward Councillor, West End Ward), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing Mrs Jaleh Zand), Mrs Jaleh Zand (local resident), Mr Ron Whelan (Mayfair Residents Group), Mr Grant Bowler and Mr Gordon Yeoman (local residents).

Park Chinois, 17 Berkeley Street, W1 14/05048/LIPN	
1.	Regulated Entertainment:
	<p>To Permit:-</p> <ul style="list-style-type: none"> • Performance of Dance: Monday to Sunday - 10:00 to 01:30 • Exhibition of a Film: Monday to Sunday - 10:00 to 01:30 • Performance of Live Music: Monday to Sunday - 10:00 to 01:30 • Playing of Recorded Music: Monday to Sunday - 10:00 to 01:30 • Anything of a similar description to Live Music, Recorded Music or Performance of Dance : Monday to Sunday - 10:00 to 01:30 • Performance of a Play: Monday to Sunday - 10:00 to 01:30.
	<p>Amendments to application advised at hearing:</p> <p>Mr Grant on behalf of his client amended the commencement hour for regulated entertainment to midday on Sundays. This is in line with the Council's Core Hours policy. During the course of the hearing, Mr Grant further indicated that the extent of the licensed premises was being reduced. The basement of 33 Dover Street had been included within the licensed area of the premises at 17 Berkeley Street, albeit that it was only going to be used for back of house servicing. It was situated on the same level as the ground floor of 17 Berkeley Street. Mr Grant indicated that it was being removed as part of the licensed premises.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the hours applied for in respect of regulated entertainment Monday to Saturday and granted midday to 23:30 on Sunday. In granting these hours, the Sub-Committee considered the overall proposals and</p>

the concerns expressed by local residents in relation to the effect of the premises on the area.

The overall proposals that Members considered, were firstly, the nature of the premises at 17 Berkeley Street. The report had included details of Mr Alan Yau's concept for Park Chinois and it was clear that the premises would be a restaurant and not a nightclub or destination bar. The Applicant had agreed to a full restaurant condition being added to the premises licence. There were two dining rooms with small bars in each of them. Alcohol in the bars would be provided only to seated customers prior to a meal where they would be served by waiter or waitress only. Members were satisfied that this would prevent vertical drinking and that the small bars that were only available to those about to dine were not a specific cause for concern.

The Council's policy outside the designated stress areas (having regard to the fact that the establishment would operate as a fine dining restaurant and would not be drink led) is that applications will generally be granted, subject to the licensing objectives not being undermined. The application would be considered on its merits. The merits involved weighing up what was being offered by the Applicant against the effect of the dispersal of customers later at night in an area which had seen a significant increase in licensed premises. As Mr Grant, representing the Applicant, advised at the hearing, whilst there were proposed extensions for the hours for licensable activities for a maximum capacity of 450 at 17 Berkeley Street until 01:30 Monday to Sunday, it was also proposed that the basement area of 33 Dover Street with a capacity of 100 was removed from that licence and that the capacity on the ground floor at Dover Street was reduced by a third from 180 to 120. Of particular significance was that both 17 Berkeley Street and 33 Dover Street had been traded by the same operator as a bar with food provided. The 33 Dover Street premises had been reviewed by local residents on the grounds of the prevention of crime and disorder and the prevention of public nuisance in 2011. Mr Watson for Environmental Health advised that both premises had historically, when trading as Manray and Automat, been a major source of nuisance. The Applicant for Park Chinois was offering to surrender the existing licence for 17 Berkeley Street which permitted it to operate as a bar and replace it with a licence for a restaurant in addition to reducing the numbers and the impact of the bar at 33 Dover Street. Members accepted Mr Watson's point that there would be a big improvement with the current operation than the party bar which had previously operated at 17 Berkeley Street. The Sub-Committee noted the residents' point that a bar was not currently open there. However, even if it had not been open for some time, the licence could still be used as a bar in the future in the event that the Applicant had not offered to surrender it.

The Sub-Committee appreciated that residents did not have concerns about the quality of the operator but about the impact of another licensed premises in the area operating until 01:30 which in Councillor Church's words was a 'Sohoisation of Mayfair'. Members found however when looking at the nature of the application before them there was no clear evidence to suggest that the granting of the restaurant licence would undermine the licensing objectives and add to the problems that residents had experienced in Berkeley Street from licensed premises. In respect of regulated entertainment, the Applicant clarified

that the performance of dance would be part of a dinner experience such as Chinese ballet or ballroom dancing and was not nightclub related. Mr Watson advised the Sub-Committee that he was confident as a result of noise attenuation works and the use of an electronic noise limiter that residents would not be affected by noise outbreak. Mr Grant on behalf of his client amended the commencement hour for regulated entertainment to midday on Sundays. This is in line with the Council's Core Hours policy. The Sub-Committee did consider that the opening of the premises and provision of regulated entertainment until 01:30 hours on a Sunday was considerably beyond core hours and that there should be some respite for residents on that one day a week. On Sunday the closing time would be midnight and regulated entertainment would conclude at 23:30.

The Applicant had offered measures to reduce the potential consequences of dispersal. One was to agree to Ms Zand and Mr Brown's request that there was a condition requiring the gradual dispersal of customers to minimise any noise and disturbance from both Berkeley Street and Dover Street entrances/exits. A second condition following questions from the Sub-Committee was that there would be at least 1 SIA licensed door supervisor present at both entrances of Berkeley Street and Dover Street from 8pm until 30 minutes after the premises closes. Finally, the licence holder was prepared to support a neighbourhood monitoring scheme including contributing financially to a paid for policing scheme on Berkeley Street such as that established by the Mayfair Hotel. The combination of the existence of the SIA licensed door supervisor and support for a neighbourhood monitoring scheme was a response to concerns raised by the Police that customers leaving the premises could potentially be victims of crime.

The Sub-Committee attached a number of conditions to the licence to further limit the potential for public nuisance. There would be no deliveries or collections of any kind between 23:00 and 07:30 the following day. These also included Ms Zand/Mr Brown's amendment to the Applicant's proposed condition that patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, would be limited to 10 persons at the Berkeley Street and Dover Street entrances/exits at any one time and would be restricted to a designated smoking area and would be supervised. Members decided that there would be no entry or re-entry after midnight except for persons temporarily leaving the premises to smoke in order to reduce the footfall late at night. Members had noted that Mr Yau had described his aim of not having set hours and there being a more civilised dining experience for customers which would last several hours. On this basis, given the style of operation and the residential nature of the locality, the Sub-Committee considered it appropriate to set an earlier no entry time than the 01:00 hours suggested by the Applicant. The Sub-Committee did not attach a condition suggested by Ms Zand/Mr Brown that if Mr Yau decided to sell the premises, the terminal hour would revert to the Council's Core Hours policy. As Mr Grant had stated, this would be a restraint of trade and the licence was such that it would have to be operated as a restaurant even if Mr Yau was to sell the business. It could not be operated as a bar, nightclub or an off-licence. Mr Grant following questions from the Sub-Committee had offered on behalf of his client that the sale of alcohol for consumption off the premises was being withdrawn from the application. Also, the proposed commencement hour for the sale of alcohol on Sunday was amended to midday.

	<p>The Sub-Committee advised residents that where licensed premises were causing public nuisance or were undermining the licensing objectives, they should continue to speak to their ward councillors, contact the Noise Team and record their complaints. As was the case with Automat or Mayfair Bar in the locality, it was possible to review the licences of problem venues and address some of the issues which they had experienced.</p>
2.	Late Night Refreshment:
	<p>To permit: Late Night Refreshment: Monday to Sunday - 23:00 to 01:30.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the proposed hours for late night refreshment Monday to Saturday and granted until midnight on Sunday (see reasons for decision in Section 1).</p>
3.	Sale Of Alcohol: (On and Off sales)
	<p>To permit: Sale by Retail of Alcohol: Monday to Sunday - 10:00 to 01:30.</p>
	<p>Amendments to application advised at hearing:</p> <p>Mr Grant advised Members of the Sub-Committee that the sale of alcohol for consumption off the premises was being withdrawn from the application. Also, the proposed commencement hour for the sale of alcohol on Sunday was being amended to midday.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the amended hours for on-sales except for Sundays when a terminal hour of midnight was granted (see reasons for decision in Section 1). Off-sales was withdrawn from the application.</p>
4.	Opening Hours:
	<p>Monday – Sunday 08:00 - 02:00.</p>
	<p>Amendments to application advised at hearing:</p>

	The Applicant amended the opening hour on Sundays to 10:00 hours.
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the proposed opening hours except for Sundays when a closing time of midnight was granted.</p>

Conditions attached to the Licence	
<u>Mandatory Conditions</u>	
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.	<p>(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.</p> <p>(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;</p> <p>(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or</p> <p>(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</p> <p>(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);</p> <p>(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period</p>

of 24 hours or less;

- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
- (e) 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.

5. The responsible person shall ensure that no alcohol is dispensed 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).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) 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 a holographic mark.
8. The responsible person shall 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; and
 - (b) customers are made aware of the availability of these measures.

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.

- 9(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.
- 9(ii) For the purposes of the condition set out in paragraph 9(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.
- 9(iii). Where the permitted price given by Paragraph 9(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.
- 9(iv). (1) Sub-paragraph 9(iv)(2) below applies where the permitted price given by Paragraph 9(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.
10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

11. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

Additional Conditions

12. 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.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
14. 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
15. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
16. No noise generated by the premises or its associated plant shall emanate from the premises nor vibration be transmitted through the structure of the premises

which gives rise to a nuisance.

17. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
19. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
20. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
21. Substantial food and non-intoxicating beverages (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicants are provided.
22. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
23. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
24. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
25. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
 - dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fireworks
 - firearms
 - lasers
 - explosives and highly flammable substances.
 - real flame.
 - strobe lighting.
26. 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.

27. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises. The distribution of leaflets or similar promotional material is also prohibited within the specified area.

For the purpose of this section,

'Directly' means:- employ, have control of or instruct.

'Indirectly' means allowing / permitting the service of or through a third party.

'Specified' Area' means the area encompassed within Berkeley Street

28. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
29. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
30. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
31. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
32. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
33. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
34. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
35. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.
36. The Licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for

Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence

37. Upon final inspection as referred to above, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure that they are an accurate reflection of the premises as constructed. Where the premises layout has changed during the course of construction, new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority'.
38. This licence shall not take effect until:
 - (i) Notice of surrender of licence number 13/05090/LIPDPS (and any other licence as may be in force at the premises), accompanied by the premises licence, has been given by the premises licence holder to the Licensing Authority under section 28 of the Licensing Act 2003 (the Act)
 - (ii) A period of 28 days from the date of surrender has elapsed
 - (iii) No application by any person under section 42 of the Act for a transfer of the licence has been made within the period referred to in paragraph (ii) above, (or any such application has been withdrawn); and
 - (iv) the licence has accordingly lapsed by virtue of section 28(3) (and section 50(6) if applicable) of the Act.
39. The licensee shall operate the premises in accordance with a Berkeley Street Best Practice Policy which shall be created to promote the four licensing objectives. The best practice policy will be reviewed from time to time with the Licensing Authority and the local licensing police. The best practice policy shall cover the following:-
 - a. The arrival and gradual dispersal of customers to minimise any noise and disturbance from both Berkeley Street and Dover Street entrances/exits
 - b. The Taxi and Valet parking provision
 - c. Delivery and collections
 - d. Smoking policy

The best practice policy shall be available for inspection at any time and a copy shall be provided to the police or licensing authority or local resident upon request.
40. The licensee shall meet with local residents not less than once every 3 months (if necessary) to review the best practice policy. The licensee shall advertise the meeting on their group website and notice will be given to the 17 Berkeley Street Residents Association and Mayfair Residents Group by email.
41. There shall be no queues outside the premises
42. The licence holder will support any neighbourhood monitoring scheme that may exist (from time to time) including contributing financially to any paid for policing scheme on Berkeley Street.
43. A minimum of 1 SIA licensed door supervisor shall be present at both entrances of Berkeley Street and Dover Street from 8pm until 30 minutes after the premises closes.
44. The Premises shall not operate as a "Disco" or "nightclub" with high noise levels.
45. Notices shall be prominently displayed at any area used for smoking requesting

patrons to respect the needs of local residents and use the area quietly.

46. After 21:00 hours until close:-

- e. patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 10 persons in total for both the Berkeley Street and Dover Street entrances/exits at any one time and shall be restricted to a designated smoking area and shall be supervised.
- f. all windows and external doors shall be kept closed or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

47. There shall be no entry or re-entry after midnight (except for persons temporarily leaving the premises to smoke).

48. The premises shall only operate as a fine dining restaurant

- (i) in which customers are shown to their table,
- (ii) where the supply of alcohol is by waiter or waitress service only,
- (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
- (iv) which do not provide any take away service of food or drink for immediate consumption,
- (v) which do not provide any take away service of food or drink after 23.00, and
- (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

Notwithstanding this condition, before midnight seated customers only are permitted to order and consume alcohol in each of the holding bar areas cross hatched black on the plan only if they are waiting for their table to have their meal.

49. The number of persons accommodated at any one time (excluding staff) shall not exceed the following:

Ground Floor – 250 customers

Basement - 250 customers

With no more than 450 customers at any one time

The maximum numbers are subject to final approval by the District Surveyor upon the removal of the works condition.

50. 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.

51. No deliveries to or collections from the premises of any kind, including waste or recycling materials (including bottles), shall take place between 23.00 hours and 07.30 hours on the following day.

52. Any regulated entertainment is ancillary to the use of the premises as a fine dining restaurant and any entertainment will be part of a dinner experience.
53. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

4 (RESTAURANT) 33 DOVER STREET, W1

LICENSING SUB-COMMITTEE No. 4

Thursday 9 October 2014

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Nick Evans and Councillor Aziz Toki

Legal Adviser: Barry Panto
 Policy Adviser: Chris Wroe
 Committee Officer: Jonathan Deacon

Relevant Representations: Environmental Health, Metropolitan Police and 1 local resident.

Present: Mr Gary Grant (Counsel, representing the Applicant), Mr Andrew Wong (Solicitor, on behalf of Applicant), Mr Alan Yau (Founder, Applicant Company), Ms Linda Yau (Commercial Director, Applicant Company), Mr Richard Vivian (Principal Consultant, Big Sky Acoustics), Mr Adrian Studd (Independent Consultant), Ms Jessica Stewart (Managing Director, Comm Comm UK), Mr Ian Watson (Environmental Health) and PC Reaz Guerra and PC Adam Davitz (Metropolitan Police).

33 Dover Street, W1 14/05061/LIPV	
1.	Variation to plans so as to:
	(i) Remove the basement level from the licensable area, and (ii) Incorporate changes to the ground floor, namely, reconfiguration of seating layout.
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): Granted, subject to conditions as set out below.

The Sub-Committee considered this application in conjunction with the new premises licence for Park Chinois, 17 Berkeley Street. Members took into account that of particular significance was that both 17 Berkeley Street and 33 Dover Street had been traded by the same operator as a bar with food provided. As Mr Grant, representing the Applicant, advised at the hearing, whilst there were proposed extensions for the hours for licensable activities for a maximum capacity of 450 at 17 Berkeley Street until 01:30 Monday to Sunday, it was also proposed that the basement area of 33 Dover Street with a capacity of 100 was removed from the licence and that the capacity on the ground floor at Dover Street was reduced by a third from 180 to 120. There were no changes to the hours in respect of the Dover Street application. The premises would continue to operate on the ground floor with an alcohol licence until 2 am with a restaurant condition applying from 1 am. They would effectively operate in conjunction with the premises at 17 Berkeley Street.

The Sub-Committee noted that the 33 Dover Street premises had been reviewed by local residents on the grounds of the prevention of crime and disorder and the prevention of public nuisance in 2011. Mr Watson for Environmental Health advised that these premises had historically, when trading as Automat, been a major source of nuisance. Members accepted Mr Watson's point that there would be a big improvement with the current operation than with Automat. The Applicant for Park Chinois was offering to surrender the existing licence for 17 Berkeley Street which permitted it to operate as a bar and replace it with a licence for a restaurant in addition to reducing the numbers and the impact of the bar at 33 Dover Street. The overall capacity for both premises would reduce by 24% from 753 to 570. The Applicant also surrendered private entertainment at 33 Dover Street which had previously been unrestricted on the premises licence Monday to Sunday.

The Sub-Committee also took into account that the Applicant was amenable to suggested conditions, including agreeing to Ms Zand and Mr Brown's request that there was a condition requiring the gradual dispersal of customers to minimise any noise and disturbance from both Berkeley Street and Dover Street entrances/exits. A second condition agreed by the Applicant following questions from the Sub-Committee was that there would be at least 1 SIA licensed door supervisor present at both entrances of Berkeley Street and Dover Street from 8pm until 30 minutes after the premises closes.

The Sub-Committee removed the conditions requested by the Applicant for the 33 Dover Street application as they related to the basement which would no longer be a licensed area.

2. To remove conditions:-

12. The entertainment in the basement shall be suitable to a light, sophisticated lounge bar environment. It shall not operate as a "disco" or night club with high noise levels.

22. The basement currently shown cross hatched on the plan shall not be used

	<p>by any customer until the licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyors Association Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.</p> <p>23. Before the basement opens to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.</p> <p>24. Whilst the toilets in the basement are not available, The temporary capacity for the ground floor of the premises shall be reduced to 120 (excluding staff) and condition 16 shall not apply until the works condition set out in 22 above is removed.</p> <p>26. In the basement, between 07:00 - 10:00 and 02:00 - 03:00, alcohol will only be sold and supplied to persons attending pre-booked private events and shall be ancillary to the provision of music and dancing and substantial refreshment.</p> <p>27. A booking sheet for each function will be made available to the police or an authorised officer of the council upon request at the premises. The booking sheet shall record the following information as a minimum - the name of the individual who has hired the premises together with contact details, date of hiring, and purpose of the event. A guest list for each event shall be made available for inspection.</p> <p>28. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or is distributed to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>
<p>3.</p>	<p>To amend condition:-</p>

	<p>16. <i>The number of persons accommodated at any one time (excluding staff) shall not exceed: Ground Floor: <u>180</u>, <u>Basement: 100</u></i></p> <p>To:</p> <p>16. <i>The number of customers accommodated at any one time (excluding staff) shall not exceed: Ground Floor: <u>120</u>.</i></p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>

Conditions attached to the Licence	
<u>Mandatory Conditions</u>	
<ol style="list-style-type: none"> 1. 2. 3. 4. 	<p>No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.</p> <p>No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.</p> <p>Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.</p> <p>(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.</p> <p>(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children ;</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to ;</p> <p>(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or</p>

- 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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on ;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.
- 5. The responsible person shall ensure that no alcohol is dispensed 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).
- 6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 7.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) 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 a holographic mark.
- 8. The responsible person shall 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; and

(b) customers are made aware of the availability of these measures.

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.

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

Additional Conditions

10. 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.
11. 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).
12. No additional sound generating equipment shall be used at the premises without being routed through the sound limiter device.
13. No doors giving access/egress to the premises shall be fixed open after 11pm.
14. The licensee shall use his best endeavours to discourage patrons from using unlicensed minicabs.
15. The number of customers accommodated at any one time (excluding staff) shall not exceed: Ground Floor: 120.
16. Substantial food and suitable beverages other than alcohol (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where alcohol is sold or supplied.
17. A closed circuit television system shall be installed, maintained and operated correctly as specified by the Metropolitan Police Crime prevention Officer.
18. The permitted hours on New Year's Eve for the sale of alcohol will extend to the start of permitted hours on the following day.

19. 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 this premises licence/club certificate:
 - 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) to take all other reasonable precautions for the safety of the children.
20. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.
21. Between 07:00 - 10:00 and 01:00 - 02:00 the sale and supply of alcohol shall be ancillary to persons taking a table meal.
22. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
23. No person under 14 shall be admitted to the premises save in the company of an adult.
24. An itemised bill shall be provided to all customers paying by credit card.
25. The SIA registered door supervisor shall at all times monitor the activity of customers who are outside the premises eg to smoke, and encourage them to return inside.
26. The SIA registered door supervisor shall at all times monitor the activity of persons leaving the premises and when appropriate remind them to respect the needs of local residents and not to loiter outside the premises.
27. No deliveries to or collections from the premises shall take place between 23:00 hours and 07:15 hours except bread between 06:30 and 07:15.
28. No refuse collections shall take place between 23:00 and 07:30 the following day.
29. No noise nuisance shall be caused to local residents from the operation of any plant associated with the kitchen duct/extract fan system.
30. Notices shall be clearly and prominently displayed at all exits informing customers that this is a residential area and requiring customers to leave the premises quietly and not to loiter outside the premises.
31. 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's Community Protection Department in conjunction with local residents 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.

32. After 9pm on each day when the premises is open, at least 1 clearly identified SIA registered door supervisors shall be on duty at each entrance in use at the premises whilst the premises are open to the public.
33. There shall be no entry/re-entry to the premises after 01:00am when no Regulated Entertainment is taking place and after 2am when Regulated Entertainment is taking place.
34. All windows on all floors and external doors shall be kept closed after 9pm, or at all times when regulated entertainment is provided, except for the immediate access and egress of customers.
35. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers, who will be encouraged to use such services and required to remain inside the premises while waiting for the vehicle to arrive at the premises.
36. Patrons permitted to temporarily leave and re-enter the premises eg to smoke shall be limited to a maximum of 7 persons at any one time.
37. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 07:30 hours.
38. Patrons permitted to temporarily leave and re-enter the premises eg to smoke shall not be permitted to take drinks or glass containers with them
39. Notices shall be prominently displayed in any area used for smoking requesting patrons respect the needs of local residents and use the area quietly.
40. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection time.
41. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and/or washed daily, and litter and sweepings collected.
42. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
43. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises or in the

immediate vicinity.

44. The Premises Licence Holder shall employ the services of a competent acoustic consultant to carry out a survey of the premises to determine:
- o Transmission of structure borne noise
 - o Noise breakout
 - o Noise transmission through building services into adjoining commercial and residential property
 - o A noise report of the findings of the survey shall be produced identifying sound insulation and sound reduction measures, conclusions, recommendations and time scales.
 - o A copy of the noise report shall be submitted to the Environmental Health Service Consultation team for comment prior to any major work being carried out.

Conditions a) and b) listed below will apply until any recommended attenuation work has been carried out and this condition has been removed from the licence.

- a) General routine cleaning of the ground floor restaurant shall only take place between the hours of 06:00 and 23:00 hours (this does not include cleaning in response to spillages and non-routine functions); no cleaning machinery to be used before 07:00.
- b) Regulated entertainment shall not take place in the ground floor of the premises.

45. Arrangements be made by the licensee to invite local residents to meetings, not less than quarterly, to discuss issues related to the premises.

5 CIRQUE LE SOIR, BASEMENT 15-21 GANTON ST, W1

LICENSING SUB-COMMITTEE No. 4

Thursday 9 October 2014

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Nick Evans and Councillor Aziz Toki

Legal Adviser: Barry Panto
Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon

Relevant Representations: Environmental Health, The Soho Society and Shaftesbury Carnaby Ltd (in support of application).

Present: Ms Lana Tricker (Solicitor, representing the Applicant), Designated Premises Supervisor (Applicant Company), Mr Alun Thomas (Solicitor, representing Shaftesbury Carnaby Ltd) and Ms Louise Joyce and Mr Ian Watson (Environmental Health).

**Cirque Le Soir, Basement 15-21 Ganton Street, W1 (Primary Licence – Tenant of Premises, Nicholas Laws)
14/07013/LIPV**

1. Regulated Entertainment: (Indoors)

**Live Music
Performances of Dance
Anything of a similar description to live music, recorded music or performances of dance**

To extend the terminal hours on Thursday from 01:00 to 03:00.

As part of the above proposal;

- to remove all regulated entertainment on Tuesdays and Sundays in full
- to reduce capacity on Mondays and Wednesdays to Saturdays from 499 to 450 and a further reduction in capacity after 02:30 hours on the day following those days hours to 400.

Amendments to application advised at hearing:

None.

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

A very similar application had been submitted by the tenant of the premises in June 2014. However, when that application was determined, the freeholder had already been granted a shadow or secondary licence for the premises which still included the provision of licensable activities for Tuesdays and Sundays. In those circumstances, the Sub-Committee had refused the application as Members did not consider that the application was an exception to policy in the West End Stress Area. The Sub-Committee noted Ms Tricker's comment at that time (she had also represented the tenant at the June hearing) that there was no intention to operate both the tenant's and the landlord's premises licences on different nights of the week. However, the reality was that there were two live licences at the same time with both a primary and 'shadow' or secondary licence in existence at 15-21 Ganton Street. Members considered that they could not permit the granting of an extension of hours on Thursdays for the primary licence when the lack of trading on Tuesdays or Sundays could be replaced by the use of the secondary licence.

At the current hearing, the tenant and landlord of the premises had submitted identical applications which prevented the potential for the premises to be used by either licensee on Tuesdays and Sundays. As stated by Ms Tricker at the hearing, the two applications involved extending the terminal hour for licensable activities on Thursdays from 01:00 to 03:00 and removing licensable activities on Tuesdays and Sundays. The existing terminal hour on Tuesdays and Sundays was 01:00 and midnight respectively. It was also proposed to reduce capacity on Mondays and Wednesdays to Saturdays from 499 to 450 and a further

reduction after 02:30 hours on the day following those days to 400. Ms Tricker advised that the overall capacities during the week as a result of the proposals would total 3195 which was a reduction of 945 people.

Ms Tricker also added there was circus style entertainment and performers and Cirque Le Soir was not a traditional nightclub. There was table service and one bar available to the public. There were no off-sales or takeaway. She referred to the fact that The Soho Society had not made a representation when a similar application had been submitted in June. The Metropolitan Police had withdrawn their representation prior to the hearing. Ms Joyce for Environmental Health advised that there had been only one public nuisance complaint in relation to the premises during the previous two years. Ms Joyce's concern was that it appeared to be questionable whether Cirque Le Soir was currently operating on Tuesdays and Sundays. If this was not the case it could be argued that there was an increase in cumulative impact. Thursday was seen as a premium night for premises in the same way as Fridays and Saturdays.

The Designated Premises Supervisor provided a response to Ms Joyce's point. Cirque Le Soir tended to run special events on Sundays approximately twice a month. Sometimes the events were more often than that, sometimes less. On Tuesdays there were often corporate events where guests and members were entertained. They were private events which were for invited people. Cirque Le Soir did not advertise Sundays and Tuesdays as they did not operate until the same terminal hour as on other nights.

Mr Thomas, representing Shaftesbury Carnaby Ltd, the landlords, stated that Cirque Le Soir was a well run premises. Shaftesbury had sought a secondary licence earlier in the year to protect its interests. He acknowledged that the application submitted by the tenant in June had been refused because of concerns regarding the potential use of the two licences and added that it had never been the intention of his client that both licences would be used at the same time to increase the hours of operation. If both applications were granted at the current hearing, the two premises licences would continue to mirror each other.

The Sub-Committee considered that the proposals did result in a net reduction in terms of overall hours and capacity at the premises and were a genuine exception to policy in the West End Stress Area. There were also no concerns about how Cirque Le Soir was being operated or the effect of the application on the licensing objectives. The Sub-Committee therefore granted the application.

2. Late Night Refreshment: (Indoors)

To extend the terminal hour on Thursday from 01:00 to 03:00

As part of the above proposal;

- to remove late night refreshment on Tuesdays and Sundays in full
- to reduce capacity on Mondays and Wednesdays to Saturdays from 499 to 450 and a further reduction in capacity after 02:30 hours on the day following those days to 400.

	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>
3.	Sale of Alcohol: (On the Premises)
	<p>To extend the terminal hour on Thursday from 01:00 to 03:00</p> <p>As part of the above proposal;</p> <ul style="list-style-type: none"> • to remove the sale of alcohol on Tuesdays and Sundays in full • to reduce capacity on Mondays and Wednesdays to Saturdays from 499 to 450 and a further reduction in capacity after 02:30 hours on the day following those days to 400.
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>
4.	Opening Hours
	<p>As part of the proposals 1 – 3 above, to remove opening hours on Tuesdays and Sundays in full.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>
5.	Variation of Conditions:
	<p>To vary the existing capacity condition (no 65) from:</p>

	<p>On Mondays and Wednesdays to Saturdays, no more than 499 members of the public are permitted to be in the premises at any one time. On Wednesdays to Saturdays, the permitted capacity for members of the public will be reduced to 400 persons after 02:30 am. On Sundays no more than 300 members of the public are permitted to be in the premises at any one time. On Tuesdays the maximum capacity shall be 400 persons</p> <p>To:</p> <p>The number of persons permitted in the premises at any one time (including staff) shall not exceed 450 persons. The permitted capacity for members of the public will be reduced to 400 after 02:30am.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Members were content with the purpose of the amendment to the condition. However for clarity it was decided that this was re-worded as follows and so as to apply to all persons and not just members of the public:</p> <p>The number of persons permitted in the premises at any one time (including staff) shall not exceed 450 persons. After 02.00 on Tuesdays, Thursdays, Fridays, Saturdays and Sundays, the permitted capacity will be reduced to 400 persons.</p>

Conditions attached to the Licence	
<u>Mandatory Conditions</u>	
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 shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;

(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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(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;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) 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.

5. The responsible person shall ensure that no alcohol is dispensed 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).

6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) 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 a holographic mark.

8. The responsible person shall 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; and
- (b) customers are made aware of the availability of these measures.

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.

9(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.

9(ii) For the purposes of the condition set out in paragraph 9(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.

- 9(iii). Where the permitted price given by Paragraph 9(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.
- 9(iv). (1) Sub-paragraph 9(iv)(2) below applies where the permitted price given by Paragraph 9(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.
10. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.
11. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Additional Conditions

12. With the exception of performers (where performances do not require a Sexual Entertainment Venue licence) 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
13. 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.
14. Performances involving danger or risk to the public shall not be given
15. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the approved arrangements.
16. All exit doors shall be available at all material times without the use of a key,

code, card or similar means. Any fastenings or electrically controlled locks shall be approved by the Council.

17. Any approved removable security fastenings shall be removed from the doors prior to opening the premises to the public. All such fastenings shall be kept in an approved position.
18. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous
19. Curtains and hangings shall be arranged so as not to obstruct fire safety signs, fire extinguishers or other fire fighting equipment
20. Any entertainment which involves special risks (e.g. firearms, skating to music) may only be given with the Council's consent. At least 7 days' notice shall be given to the Council and save in exceptional circumstances exact details of the proposal including the date and time of any proposed rehearsal.
21. Smoking shall be strictly prohibited within any stage area (other than as part of the action of the performance). Notices prohibiting smoking shall be prominently displayed.
22. The use of special effects (e.g. lasers, dry ice and smoke machines, strobe lighting, real flame, pyrotechnics) or the bringing onto the premises of any explosive or flammable substance may only be permitted with the consent of the Council. At least seven days' notice shall be given to the Council detailing the exact proposal including the date and time of any proposed rehearsal. Special effects shall only be used where the desired effect cannot be achieved using other safer means (e.g. by mechanical devices). When it is intended to use special effects the inspecting officer will need to see all the effects demonstrated as they will be used so that the effects can be assessed and, if satisfactory, approved by the issue of a certificate.
23. Pyrotechnics, explosives or other highly flammable substances shall only be stored in areas approved by the Council and subject to the provisions set out below:
24. Firearms and replica firearms including blank ammunition, shall be stored in a secure area to the satisfaction of the Council and the police. They shall be under the control of a responsible person, who shall be responsible for the removal and return of all firearms. Firearms shall only be removed from the store (with the amount of ammunition required for the scene) immediately prior to use and returned to the store immediately after use. All discharged cartridges etc. must also be accounted for. Storage areas and containers used shall be indicated by the explosive/inflammable symbol on the door or lid.
25. A minimum of 14 days' notice in writing shall be given to the Council of any intention to use any live animal, bird or fish in a performance on the premises.
26. Temporary electrical installations shall not be provided without prior notification being given to the Council.

(a) Temporary electrical installations shall comply with recommendations of British Standard 7671 (The I.E.E Wiring Regulations) or where applicable British Standard 7909: (Code of Practice for Temporary Distribution Systems for AC Electrical Supplies for Entertainment Lighting, Technical Services and Related Purposes).

(b) Temporary electrical installations shall be inspected and certified by a competent person before they are put into use. A copy of the certificate shall be sent to the Council.

(c) Such temporary electrical installations shall only be acceptable for a period of up to 3 months. This period may be extended subject to a satisfactory electrical test and inspection report being submitted to the Council at the end of each 3 month period.

NOTE: The Council will normally require temporary installations to be removed at the end of the approved period OR during the approved period the installations to be installed in a permanent manner.

27. The certificates listed below shall, where appropriate, be submitted to the Council upon request:

- Any emergency lighting battery or system
- Any electrical installation
- Any boiler or calorifier
- Any ceiling (when required by the Council)
- Any fire alarm system
- Any lift or hoist
- Any mechanical installation as specified by the Council
- Any safety curtain
- Any permanently installed laser
- Any fire appliances
- Any permanently installed strobe lighting
- Any permanently installed smoke machine.

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

29. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

30. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter

shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

31. 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. The queuing area is at all times during opening hours to be marked off with rope and stanchions in such a way as not to block the pavement for other users
32. Licensed door supervisors shall request patrons leave the premises quietly and without engaging in any anti-social behaviour
33. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services
34. From 00:00 the taxi ordering point within the premises (next to the cloakroom) is to be continuously manned by one or more members of staff, with not less than two members of designated staff available to escort patrons to the taxis from midnight until premises close if required
35. Any valet parking company engaged by the Premises Licence Holder will be required, by condition of their contract, to park legally and not cause nuisance or obstruction to other road users
36. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
37. Licensed door supervisors shall regularly patrol outside the premises as part of their standard duties
38.
 - (a) 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.
 - (b) All searches must be recorded on the CCTV system
 - (c) There shall be external CCTV (installed and operated) which monitors the queue
 - (d) The CCTV system must cover all persons that pass through the search

- arch when the club is open
- (e) CCTV images seized by Police or other Relevant Authority to be signed for and details recorded
 - (f) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
 - (g) Closed circuit radios used by licensed door supervisors outside the premises will be operated using earphones

39. All management and staff are required to be familiar with the terms of the licence and with the prevention of noise disturbance policy which the club is to operate; regular briefings as to the policy to be undertaken.
40. 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.
41. The bar closest to the kitchen shall be used for dispense only.
42. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
43. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
44. 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
45. The management shall use their best endeavours to prevent the consumption, sale or purchase within the premises of illegal drugs, and shall permanently exclude anyone found to be in possession of any such substance and shall train staff in procedures for searching for drugs
46. Alcohol shall not be sold or supplied to persons entering the premises after 23:00 other than to:
- a. Persons who have paid a minimum admission fee of at least £5.00 Monday to Thursday and £7.00 Friday and Saturday for music and dancing or entertainment, such charge not to be credited against consumables.
 - b. Artistes or persons employed at the premises;

- c. Persons attending a private function at the premises.
- d. Persons taking a table meal.
- e. Guests of the proprietor (not exceeding 15% of the total capacity for the premises as specified in the Premises Licence for the premises) a list of whom should be kept at reception for inspection by the appropriate authority upon reasonable request:
- f. Persons who have paid an annual admission fee of at least £250 payable in advance for music, dancing and entertainment (not be credited against consumables). A list of all persons who have paid an annual membership fee will be held at reception for inspection by the relevant authorities upon reasonable request. No person shall be admitted to the membership of the premises without an interval of at least 24 hours between applications for membership and admission.
- g. Members of the propriety club operated by the owners and a copy of the club rules shall be available to the Police and council officers upon reasonable request.

47. No payment to be made by or on behalf of the licensee to any person for bringing customers to the premises directly off the street.
48. There shall be no admittance or re-admittance to the premises after 02.00, except for those patrons temporarily leaving the premises to smoke
49. After 02.00am, or at any other time when specifically requested by the Metropolitan Police, all door staff employed for providing security services and engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.
50. All drinking containers used within the venue shall be polycarbonate. All glass bottles to be decanted into polycarbonate glassware or polycarbonate carafes, with the exception of champagne and bottles of spirits of a minimum size of 70cl, supplied by waiter/waitress service to tables. Staff will clear all empty champagne and spirit bottles promptly.
51. All persons with the exception of staff, shall have left the premises no later than 45 minutes after the permitted terminal hour for the retail sale of alcohol.
52. At the tables, all champagne and spirits will be served to the customer by waiter/waitress service. Customers will not permitted to self serve or remove bottles from the tables, and the premises licence holder will use all reasonable and best practices to ensure customer compliance with this, including the provision of busboys and waiter/waitresses at the tables. Customers will not be permitted to drink directly from champagne or spirit bottles, and staff and security will be trained to ensure all reasonable and best practices are used to ensure compliance with this.
53. No patrons shall be admitted to the premises after the hour of 21:00 pm unless:
- a. they have passed through a metal detecting search arch and, if the search arch is activated or at the discretion of staff, then physically

searched in accordance with a procedure agreed with the Metropolitan Police which will include a full bag search and;

- b. save for when private corporate events are taking place (when a full detailed list of attendees will be kept on the premises for 31 days after the event), and save for when a Biometric Scanning System is in place (when fingerprint scanning will be required for all customers) all customers entering the premises have had their ID scanned on entry save for a maximum number of 40 guests per night who may be admitted at the managers discretion without ID being scanned and recorded, and that a legible record of these people's names shall be retained on the premises for inspection by the licensing authority and police for a period of 31 days. The name of the manager authorising the entrance without scanning will also be recorded.
- c. Notwithstanding (a) with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception specifying the event and anytime restrictions, patrons may enter the premises without passing through the search arch.

- 54. The provision of films must remain incidental to all other licensable activities.
- 55. 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 permitted hours or until there are no further admissions.
- 56. The premises shall join the local Pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.
- 57. 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.
- 58. A zero tolerance policy to drugs and weapons shall be implemented and signage confirming this policy will be displayed prominently at the entrance to the club and in the customer toilets.
- 59. A list of all events which are externally promoted to the public shall be submitted to the Metropolitan Police Service 14 days in advance of the event or such shorter time as may be agreed with the Metropolitan Police. Police will

have an absolute veto on these events.

60. At least (2) SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business
61. Management will use their best endeavours to forward details of the number plates of illegal taxis that attend at the premises to the Police.
62. A minimum of 8 SIA licensed door supervisors shall be on duty at the premises from 11pm, whilst it is open for business, unless otherwise agreed with the Police in writing
63. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
64. After midnight, the sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment
65. The number of persons permitted in the premises at any one time (including staff) shall not exceed 450 persons. After 02.00 on Tuesdays, Thursdays, Fridays, Saturdays and Sundays, the permitted capacity will be reduced to 400 persons.
66. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
67. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly
68. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly
69. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 02.00

LICENSING SUB-COMMITTEE No. 4

Thursday 9 October 2014

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Nick Evans and Councillor Aziz Toki

Legal Adviser: Barry Panto
Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon

Relevant Representations: Environmental Health, The Soho Society and Nicholas Laws (Tenant Company holding primary premises licence, in support of application).

Present: Mr Alun Thomas (Solicitor, representing the Applicant), Ms Lana Tricker (Solicitor, representing the Tenant of the Premises, Nicholas Laws), Designated Premises Supervisor (Tenant Company) and Ms Louise Joyce and Mr Ian Watson (Environmental Health).

<p>Cirque Le Soir, Basement 15-21 Ganton Street, W1 (Secondary Licence – Landlord of Premises, Shaftesbury Carnaby Ltd) 14/07002/LIPV</p>	
<p>1.</p>	<p>Regulated Entertainment: (Indoors)</p>
	<p>Live Music Performances of Dance Anything of a similar description to live music, recorded music or performances of dance</p> <p>To extend the terminal hours on Thursday from 01:00 to 03:00.</p> <p>As part of the above proposal;</p> <ul style="list-style-type: none"> • to remove all regulated entertainment on Tuesdays and Sundays in full • to reduce capacity on Mondays and Wednesdays to Saturdays from 499 to 450 and a further reduction in capacity after 02:30 hours on the day following those days hours to 400.
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>A very similar application had been submitted by the tenant of the premises in June 2014. However, when that application was determined, Shaftesbury Carnaby had already been granted a shadow or secondary licence for the premises which still included the provision of licensable activities for Tuesdays and Sundays. In those circumstances, the Sub-Committee had refused the application as Members did not consider that the application was an exception to policy in the West End Stress Area. The Sub-Committee noted Ms Tricker's comment at that time (she had also represented the tenant at the June hearing) that there was no intention to operate both the tenant's and the landlord's premises licences on different nights of the week. However, the reality was that there were two live licences at the same time with both a primary and 'shadow' or secondary licence in existence at 15-21 Ganton Street. Members considered that they could not permit the granting of an extension of hours on Thursdays for the primary licence when the lack of trading on Tuesdays or Sundays could be replaced by the use of the secondary licence.</p>

At the current hearing, the tenant and landlord of the premises had submitted identical applications which prevented the potential for the premises to be used by either licensee on Tuesdays or Sundays. As stated by Ms Tricker at the hearing, the two applications involved extending the terminal hour for licensable activities on Thursdays from 01:00 to 03:00 and removing licensable activities on Tuesdays and Sundays. The existing terminal hour on Tuesdays and Sundays was 01:00 and midnight respectively. It was also proposed to reduce capacity on Mondays and Wednesdays to Saturdays from 499 to 450 and a further reduction after 02:30 hours on the day following those days to 400. Ms Tricker advised that the overall capacities during the week as a result of the proposals would total 3195 which was a reduction of 945 people.

Ms Tricker also added there was circus style entertainment and performers and Cirque Le Soir was not a traditional nightclub. There was table service and one bar available to the public. There were no off-sales or takeaway. She referred to the fact that The Soho Society had not made a representation when a similar application had been submitted in June. The Metropolitan Police had withdrawn their representation prior to the hearing. Ms Joyce for Environmental Health advised that there had been only one public nuisance complaint in relation to the premises during the previous two years. Ms Joyce's concern was that it appeared to be questionable whether Cirque Le Soir was currently operating on Tuesdays and Sundays. If this was not the case it could be argued that there was an increase in cumulative impact. Thursday was seen as a premium night for premises in the same way as Fridays and Saturdays.

The Designated Premises Supervisor provided a response to Ms Joyce's point. Cirque Le Soir tended to run special events on Sundays approximately twice a month. Sometimes the events were more often than that, sometimes less. On Tuesdays there were often corporate events where guests and members were entertained. They were private events which were for invited people. Cirque Le Soir did not advertise Sundays and Tuesdays as they did not operate until the same terminal hour as on other nights.

Mr Thomas, representing Shaftesbury Carnaby Ltd, the landlords and Applicants, stated that Cirque Le Soir was a well run premises. Shaftesbury had sought a secondary licence earlier in the year to protect its interests. He acknowledged that the application submitted by the tenant in June had been refused because of concerns regarding the potential use of the two licences and added that it had never been the intention of his client that both licences would be used at the same time to increase the hours of operation. If both applications were granted at the current hearing, the two premises licences would continue to mirror each other.

The Sub-Committee considered that the proposals did result in a net reduction in terms of overall hours and capacity at the premises and were a genuine exception to policy in the West End Stress Area. There were also no concerns about how Cirque Le Soir was being operated or the effect of the application on the licensing objectives. The Sub-Committee therefore granted the application.

2. Late Night Refreshment: (Indoors)

	<p>To extend the terminal hour on Thursday from 01:00 to 03:00</p> <p>As part of the above proposal;</p> <ul style="list-style-type: none"> • to remove late night refreshment on Tuesdays and Sundays in full • to reduce capacity on Mondays and Wednesdays to Saturdays from 499 to 450 and a further reduction in capacity after 02:30 hours on the day following those days to 400.
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>
3.	Sale of Alcohol: (On the Premises)
	<p>To extend the terminal hour on Thursday from 01:00 to 03:00</p> <p>As part of the above proposal;</p> <ul style="list-style-type: none"> • to remove the sale of alcohol on Tuesdays and Sundays in full • to reduce capacity on Mondays and Wednesdays to Saturdays from 499 to 450 and a further reduction in capacity after 02:30 hours on the day following those days to 400.
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>
4.	Opening Hours
	<p>As part of the proposals 1 – 3 above, to remove opening hours on Tuesdays and Sundays in full.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p>

	Granted, subject to conditions as set out below (see reasons for decision in Section 1).
5.	Variation of Conditions:
	<p>To vary the existing capacity condition (no 65) from:</p> <p>On Mondays and Wednesdays to Saturdays, no more than 499 members of the public are permitted to be in the premises at any one time. On Wednesdays to Saturdays, the permitted capacity for members of the public will be reduced to 400 persons after 02:30 am. On Sundays no more than 300 members of the public are permitted to be in the premises at any one time. On Tuesdays the maximum capacity shall be 400 persons</p> <p>To:</p> <p>The number of persons permitted in the premises at any one time (including staff) shall not exceed 450 persons. The permitted capacity for members of the public will be reduced to 400 after 02:30am.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Members were content with the purpose of the amendment to the condition. However for clarity it was decided that this was re-worded as follows and so as to apply to all persons and not just members of the public:</p> <p>The number of persons permitted in the premises at any one time (including staff) shall not exceed 450 persons. After 02.00 on Tuesdays, Thursdays, Fridays, Saturdays and Sundays, the permitted capacity will be reduced to 400 persons.</p>

Conditions attached to the Licence	
<u>Mandatory Conditions</u>	
2.	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 shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.
5. The responsible person shall ensure that no alcohol is dispensed 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).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) 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 a holographic mark.
8. The responsible person shall 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; and

(b) customers are made aware of the availability of these measures.

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.

9(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.

9(ii) For the purposes of the condition set out in paragraph 9(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 -

- (iv) P is the permitted price,
 - (v) 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
 - (vi) 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
 - (iv) 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.

9(iii). Where the permitted price given by Paragraph 9(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.

- 9(iv). (1) Sub-paragraph 9(iv)(2) below applies where the permitted price given by Paragraph 9(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.

10. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this

licensing authority as appropriate.

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

Additional Conditions

12. With the exception of performers (where performances do not require a Sexual Entertainment Venue licence) 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
13. 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.
14. Performances involving danger or risk to the public shall not be given
15. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the approved arrangements.
16. All exit doors shall be available at all material times without the use of a key, code, card or similar means. Any fastenings or electrically controlled locks shall be approved by the Council.
17. Any approved removable security fastenings shall be removed from the doors prior to opening the premises to the public. All such fastenings shall be kept in an approved position.
18. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous
19. Curtains and hangings shall be arranged so as not to obstruct fire safety signs, fire extinguishers or other fire fighting equipment
20. Any entertainment which involves special risks (e.g. firearms, skating to music) may only be given with the Council's consent. At least 7 days' notice shall be given to the Council and save in exceptional circumstances exact details of the proposal including the date and time of any proposed rehearsal.
21. Smoking shall be strictly prohibited within any stage area (other than as part of the action of the performance). Notices prohibiting smoking shall be prominently displayed.
22. The use of special effects (e.g. lasers, dry ice and smoke machines, strobe lighting, real flame, pyrotechnics) or the bringing onto the premises of any explosive or flammable substance may only be permitted with the consent of the Council. At least seven days' notice shall be given to the Council detailing the exact proposal including the date and time of any proposed rehearsal. Special effects shall only be used where the desired effect cannot be achieved using other safer means (e.g. by mechanical devices). When it is intended to use special effects the inspecting officer will need to see all the effects demonstrated as they will be used so that the effects can be assessed and, if satisfactory, approved by the issue of a certificate.
23. Pyrotechnics, explosives or other highly flammable substances shall only be stored in areas approved by the Council and subject to the provisions set out below:
24. Firearms and replica firearms including blank ammunition, shall be stored in a secure area to the satisfaction of the Council and the police. They shall be under the control of a responsible person, who shall be responsible for the removal and return of all firearms. Firearms shall only be removed from the store (with the amount of ammunition required for the scene) immediately

prior to use and returned to the store immediately after use. All discharged cartridges etc. must also be accounted for. Storage areas and containers used shall be indicated by the explosive/inflammable symbol on the door or lid.

25. A minimum of 14 days' notice in writing shall be given to the Council of any intention to use any live animal, bird or fish in a performance on the premises.
26. Temporary electrical installations shall not be provided without prior notification being given to the Council.
- (a) Temporary electrical installations shall comply with recommendations of British Standard 7671 (The I.E.E Wiring Regulations) or where applicable British Standard 7909: (Code of Practice for Temporary Distribution Systems for AC Electrical Supplies for Entertainment Lighting, Technical Services and Related Purposes).
- (b) Temporary electrical installations shall be inspected and certified by a competent person before they are put into use. A copy of the certificate shall be sent to the Council.
- (c) Such temporary electrical installations shall only be acceptable for a period of up to 3 months. This period may be extended subject to a satisfactory electrical test and inspection report being submitted to the Council at the end of each 3 month period.

NOTE: The Council will normally require temporary installations to be removed at the end of the approved period OR during the approved period the installations to be installed in a permanent manner.

27. The certificates listed below shall, where appropriate, be submitted to the Council upon request:
- Any emergency lighting battery or system
 - Any electrical installation
 - Any boiler or calorifier
 - Any ceiling (when required by the Council)
 - Any fire alarm system
 - Any lift or hoist
 - Any mechanical installation as specified by the Council
 - Any safety curtain
 - Any permanently installed laser
 - Any fire appliances
 - Any permanently installed strobe lighting
 - Any permanently installed smoke machine.
28. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day
29. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
30. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

31. 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. The queuing area is at all times during opening hours to be marked off with rope and stanchions in such a way as not to block the pavement for other users
32. Licensed door supervisors shall request patrons leave the premises quietly and without engaging in any anti-social behaviour
33. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services
34. From 00:00 the taxi ordering point within the premises (next to the cloakroom) is to be continuously manned by one or more members of staff, with not less than two members of designated staff available to escort patrons to the taxis from midnight until premises close if required
35. Any valet parking company engaged by the Premises Licence Holder will be required, by condition of their contract, to park legally and not cause nuisance or obstruction to other road users
36. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
37. Licensed door supervisors shall regularly patrol outside the premises as part of their standard duties
38.
 - (a) 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.
 - (b) All searches must be recorded on the CCTV system
 - (c) There shall be external CCTV (installed and operated) which monitors the queue
 - (d) The CCTV system must cover all persons that pass through the search arch when the club is open
 - (e) CCTV images seized by Police or other Relevant Authority to be signed for and details recorded
 - (f) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
 - (g) Closed circuit radios used by licensed door supervisors outside the premises will be operated using earphones
39. All management and staff are required to be familiar with the terms of the licence and with the prevention of noise disturbance policy which the club is to operate; regular briefings as to the policy to be undertaken.
40. 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.
41. The bar closest to the kitchen shall be used for dispense only.
42. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from

customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

43. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
44. 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
45. The management shall use their best endeavours to prevent the consumption, sale or purchase within the premises of illegal drugs, and shall permanently exclude anyone found to be in possession of any such substance and shall train staff in procedures for searching for drugs
46. Alcohol shall not be sold or supplied to persons entering the premises after 23:00 other than to:
 - a. Persons who have paid a minimum admission fee of at least £5.00 Monday to Thursday and £7.00 Friday and Saturday for music and dancing or entertainment, such charge not to be credited against consumables.
 - b. Artistes or persons employed at the premises;
 - c. Persons attending a private function at the premises.
 - d. Persons taking a table meal.
 - e. Guests of the proprietor (not exceeding 15% of the total capacity for the premises as specified in the Premises Licence for the premises) a list of whom should be kept at reception for inspection by the appropriate authority upon reasonable request:
 - f. Persons who have paid an annual admission fee of at least £250 payable in advance for music, dancing and entertainment (not be credited against consumables). A list of all persons who have paid an annual membership fee will be held at reception for inspection by the relevant authorities upon reasonable request. No person shall be admitted to the membership of the premises without an interval of at least 24 hours between applications for membership and admission.
 - g. Members of the propriety club operated by the owners and a copy of the club rules shall be available to the Police and council officers upon reasonable request.
47. No payment to be made by or on behalf of the licensee to any person for bringing customers to the premises directly off the street.
48. There shall be no admittance or re-admittance to the premises after 02.00, except for those patrons temporarily leaving the premises to smoke
49. After 02.00am, or at any other time when specifically requested by the Metropolitan Police, all door staff employed for providing security services and engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.
50. All drinking containers used within the venue shall be polycarbonate. All glass bottles to be decanted into polycarbonate glassware or polycarbonate carafes, with the exception of champagne and bottles of spirits of a minimum size of 70cl, supplied by waiter/waitress service to tables. Staff will clear all empty champagne and spirit bottles promptly.
51. All persons with the exception of staff, shall have left the premises no later than 45 minutes after the permitted terminal hour for the retail sale of alcohol.
52. At the tables, all champagne and spirits will be served to the customer by waiter/waitress service. Customers will not be permitted to self serve or remove bottles from the tables, and the premises licence holder will use all reasonable and best practices to ensure customer compliance with this, including the provision of busboys and waiter/waitresses at the tables. Customers will not be permitted to drink directly from champagne or spirit bottles, and staff

and security will be trained to ensure all reasonable and best practices are used to ensure compliance with this.

53. No patrons shall be admitted to the premises after the hour of 21:00 pm unless:
 - a. they have passed through a metal detecting search arch and, if the search arch is activated or at the discretion of staff, then physically searched in accordance with a procedure agreed with the Metropolitan Police which will include a full bag search and;
 - b. save for when private corporate events are taking place (when a full detailed list of attendees will be kept on the premises for 31 days after the event), and save for when a Biometric Scanning System is in place (when fingerprint scanning will be required for all customers) all customers entering the premises have had their ID scanned on entry save for a maximum number of 40 guests per night who may be admitted at the managers discretion without ID being scanned and recorded, and that a legible record of these people's names shall be retained on the premises for inspection by the licensing authority and police for a period of 31 days. The name of the manager authorising the entrance without scanning will also be recorded.
 - c. Notwithstanding (a) with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception specifying the event and anytime restrictions, patrons may enter the premises without passing through the search arch.
54. The provision of films must remain incidental to all other licensable activities.
55. 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 permitted hours or until there are no further admissions.
56. The premises shall join the local Pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.
57. 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.
58. A zero tolerance policy to drugs and weapons shall be implemented and signage confirming this policy will be displayed prominently at the entrance to the club and in the customer toilets.
59. A list of all events which are externally promoted to the public shall be submitted to the Metropolitan Police Service 14 days in advance of the event or such shorter time as may be agreed with the Metropolitan Police. Police will have an absolute veto on these events.
60. At least (2) SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business
61. Management will use their best endeavours to forward details of the number plates of illegal taxis that attend at the premises to the Police.
62. A minimum of 8 SIA licensed door supervisors shall be on duty at the premises from 11pm, whilst it is open for business, unless otherwise agreed with the Police in writing
63. There shall be a personal licence holder on duty on the premises at all times when the

premises are authorised to sell alcohol.

64. After midnight, the sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment
65. The number of persons permitted in the premises at any one time (including staff) shall not exceed 450 persons. After 02.00 on Tuesdays, Thursdays, Fridays, Saturdays and Sundays, the permitted capacity will be reduced to 400 persons.
66. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
67. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly
68. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly
69. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 02.00

6 AM 2 PM, 122-124 CHIPPENHAM ROAD, W9

LICENSING SUB-COMMITTEE No. 4

Thursday 9 October 2014

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Nick Evans and Councillor Aziz Toki

Legal Adviser: Barry Panto
Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon

**AM 2 PM, 122-124 Chippenham Road, W9
14/07786/LIPT**

Application adjourned to a later hearing at the request of the Applicant.

7 THE RIDING HOUSE CAFE, 43 GREAT TITCHFIELD STREET, W1

LICENSING SUB-COMMITTEE No. 4

Thursday 9 October 2014

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Nick Evans and Councillor Aziz Toki

Legal Adviser: Barry Panto
Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon

Relevant Representations: Environmental Health, 1 local resident in support and 1 local resident objecting to application.

Present: Mr Thomas O'Maoileoin (Solicitor, representing the Applicant), Mr Alex Winchester (Applicant Company) and Ms Cliona Coleman and Mr Dave Nevitt (Environmental Health).

The Riding House Café, 43 Great Titchfield Street, W1 14/06493/LIPV											
1.	To vary hours permitted for the showing of films:										
	<table border="0"> <tr> <td>Current Licensed Hours:</td> <td>Proposed Licensed Hours:</td> </tr> <tr> <td>Monday to Thursday 09:30 to 23:30</td> <td>Monday to Thursday 09:30 to 00:00</td> </tr> <tr> <td>Friday to Saturday 09:30 to 00:00</td> <td>Friday to Saturday 09:30 to 01:00</td> </tr> <tr> <td>Sunday: 12:00 to 23:00</td> <td>Sunday: 12:00 to 23:30</td> </tr> <tr> <td>Sunday BBH: 12:00 to 00:00</td> <td>Sunday BBH: No variation applied for</td> </tr> </table>	Current Licensed Hours:	Proposed Licensed Hours:	Monday to Thursday 09:30 to 23:30	Monday to Thursday 09:30 to 00:00	Friday to Saturday 09:30 to 00:00	Friday to Saturday 09:30 to 01:00	Sunday: 12:00 to 23:00	Sunday: 12:00 to 23:30	Sunday BBH: 12:00 to 00:00	Sunday BBH: No variation applied for
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	<p>Amendments to application advised at hearing:</p> <p>None.</p>										
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Riding House Café operates as a brasserie on the ground floor with a private dining room in the basement. The application was to extend the terminal hours permitted for licensable activities until midnight Monday to Thursday, until 01:00 Friday to Saturday and until 23:30 on Sunday. Mr O'Maoileoin, representing the Applicant, stated that he appreciated that the extension of hours exceeded those in the Council's Core Hours policy but made the point that he believed the conditions promoted the licensing objectives. There was a condition on the existing licence that after 23.00 alcohol would be ancillary to a substantial bar snack or table meal, so as to include patrons who were waiting to dine or had already dined. He had agreed all of Environmental Health's proposed conditions for the current application which included that doors and windows would be kept closed after 23:00 hours, there would be a maximum of ten smokers permitted outside at any one time and waste or bottles would not be moved between 23:00 and 08:00 hours the following day. A capacity condition had been agreed of 190 people on the ground floor and 18 in the basement. Mr O'Maoileoin added that there had been no noise complaints in respect of the premises.</p> <p>Ms Coleman advised the Sub-Committee that Environmental Health's representation had been maintained due to the fact that although The Riding House Café was not located in a stress area, the proposed trading hours were beyond Core Hours. The Riding House Cafe did not cause concerns for the Council and was food led.</p> <p>The Sub-Committee noted Mr Wroe's advice. The Riding House Café was not strictly a restaurant as defined in the policy. Alcohol was ancillary to a bar snack</p>										

	<p>or those who had dined only after 23:00 hours. The Riding House Café is not located in one of the Council’s designated stress areas so there was no policy presumption against the application.</p> <p>In response to questions from the Sub-Committee, Mr O’Maoileoin clarified that his client was not seeking takeaway of food after 23:00 hours and was content to have a condition attached to the licence to this effect. His client was also content to amend one of the conditions agreed with Environmental Health so that all windows and external doors would be kept closed after 21:00 hours (rather than 23:00 hours), or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.</p> <p>The Sub-Committee decided to grant the application as Members considered that the conditions attached to the licence, including those proposed by Environmental Health for the current application which had been agreed by the Applicant, would ensure that the premises would continue to promote the licensing objectives.</p>		
2.	To vary the hours permitted for late night refreshment: Indoors		
	<table border="0"> <tr> <td data-bbox="347 902 829 1120"> <p>Current licensed hours: Monday to Thursday 23:00 to 23:30 Friday to Saturday 23:00 to 00:00 Sunday: Not licensed Sunday BBH: 23:00 to 00:00</p> </td> <td data-bbox="882 902 1372 1155"> <p>Proposed licensed hours: Monday to Thursday 23:00 to 00:00 Friday to Saturday 23:00 to 01:00 Sunday: 23:00 to 23:30 Sunday BBH: No variation applied for</p> </td> </tr> </table>	<p>Current licensed hours: Monday to Thursday 23:00 to 23:30 Friday to Saturday 23:00 to 00:00 Sunday: Not licensed Sunday BBH: 23:00 to 00:00</p>	<p>Proposed licensed hours: Monday to Thursday 23:00 to 00:00 Friday to Saturday 23:00 to 01:00 Sunday: 23:00 to 23:30 Sunday BBH: No variation applied for</p>
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	<p>Amendments to application advised at hearing:</p> <p>Mr O’Maoileoin clarified that his client was not seeking takeaway of food after 23:00 hours and was content to have a condition attached to the licence to this effect.</p>		
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>		
3.	To vary the hours permitted for the sale of alcohol: On and Off		
	<table border="0"> <tr> <td data-bbox="266 1704 782 1888"> <p>Current Licensed Hours: Monday to Thursday 10:00 to 23:30 Friday to Saturday 10:00 to 00:00 Sunday: 12:00 to 22:30 Sunday BBH: 12:00 to 00:00</p> </td> <td data-bbox="839 1704 1377 1888"> <p>Proposed Licensed Hours: Monday to Thursday 10:00 to 00:00 Friday to Saturday 10:00 to 01:00 Sunday: 12:00 to 23:30 Sunday BBH: No variation applied for</p> </td> </tr> </table>	<p>Current Licensed Hours: Monday to Thursday 10:00 to 23:30 Friday to Saturday 10:00 to 00:00 Sunday: 12:00 to 22:30 Sunday BBH: 12:00 to 00:00</p>	<p>Proposed Licensed Hours: Monday to Thursday 10:00 to 00:00 Friday to Saturday 10:00 to 01:00 Sunday: 12:00 to 23:30 Sunday BBH: No variation applied for</p>
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	<p>Amendments to application advised at hearing:</p>		

	None.										
	Decision (including reasons if different from those set out in report): Granted, subject to conditions as set out below (see reasons for decision in Section 1).										
4.	To vary the opening hours:										
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	Amendments to application advised at hearing: None.										
	Decision (including reasons if different from those set out in report): Granted, subject to conditions as set out below (see reasons for decision in Section 1).										

Conditions attached to the Licence

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;

- (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (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;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
- (e) 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.

5. The responsible person shall ensure that no alcohol is dispensed 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).

6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) 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 a holographic mark.

8. The responsible person shall 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; and

(b) customers are made aware of the availability of these measures.

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.

9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

Additional Conditions

10. 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.
11. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 New Year's Day.
12. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On Monday to Thursday 10:00 to midnight;
- (b) On Friday to Saturday 10:00 to 01:00
- (c) On Sunday 12:00 to 23:30
- (d) On Sunday before Bank Holiday 12:00 to 00:00
- (e) 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.

NOTE - The above restrictions do not prohibit:

- (a) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (d) 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;
- (e) the taking of alcohol from the premises by a person residing there;
- (f) 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;
- (g) 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.

13. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which give rise to a nuisance.
14. There shall be no speakers situated or amplification of music or sound within the entrance lobby on the ground floor.

15. The highway and public spaces in the vicinity of the premises shall be kept free of litter from the premises at all materials times to the satisfaction of the Council.
16. All litter and sweepings shall be collected and stored in accordance with the approved refuse storage arrangements.
17. Notices shall be prominently displayed at the ground floors exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.
18. 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.
19. 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.
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 is open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
21. There shall be a personal licence holder on duty at the premises at all times when the premises are open and authorising the sale of alcohol.
22. After 23:00 hours, alcoholic beverages must only be served in the ground floor dining room or in the basement private dining room as ancillary to a substantial bar snack or full table meal or to patrons waiting to dine or having dined.
23. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
24. No deliveries shall be taken at or dispatched from the site outside the hours of 09:00 and 18:00 Mondays to Saturdays and not at any time on Sundays or Public Holidays.
25. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal after 23:00.
26. All tables and chairs outside the premises shall be removed by 21:00.
27. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
28. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 10 persons at any one time.
29. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
30. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
31. The number of persons accommodated at any one time (excluding staff) shall not exceed:

- Basement Dining Room 18 persons
- Ground Floor 190.

32. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.

Additional mandatory condition:

- A. (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.
- (ii) For the purposes of the condition set out in paragraph 9(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 9(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 9(iv)(2) below applies where the permitted price given by Paragraph 9(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.

The Meeting ended at Time Not Specified

CHAIRMAN: _____

DATE _____