



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (4)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** Committee held on **Thursday 23rd October, 2014**, Rooms 5, 6 & 7 - 17th Floor, City Hall.

Members Present: Councillors Jean Paul Floru (Chairman), Jan Prendergast and Shamim Talukder

- 1 MEMBERSHIP**
- 2 DECLARATIONS OF INTEREST**
- 3 VANITY BAR & NIGHTCLUB 4 CARLISLE STREET W1 - SEXUAL ENTERTAINMENT VENUE VARIATION APPLICATION**

LICENSING SUB-COMMITTEE No. 4

Thursday 23 October 2014

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Jan Prendergast and Councillor Shamim Talukder

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

Vanity Bar & Nightclub, 4 Carlisle Street, W1 14/06704/LISEVV
Application adjourned to a later hearing.

- 4 VANITY BAR & NIGHTCLUB 4 CARLISLE STREET W1 - LICENSING ACT 2003 APPLICATION**

LICENSING SUB-COMMITTEE No. 4

Thursday 23 October 2014

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Jan Prendergast and Councillor Shamim Talukder

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

**Vanity Bar & Nightclub, 4 Carlisle Street, W1
14/06652/LIPV**

Application adjourned to a later hearing.

**5 THE WORK FOUNDATION 21 PALMER STREET SW1 - LICENSING ACT
2003 APPLICATION**

LICENSING SUB-COMMITTEE No. 4

Thursday 23 October 2014

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Jan Prendergast and Councillor Shamim Talukder

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

Relevant Representations: Environmental Health and 4 x local residents.

Present: Ms Marie-Claire Kennedy (Conference and Meetings Manager, The Work Foundation), Ms Cliona Coleman (Environmental Health) and Mrs Agapi Fylaktou (local resident).

**The Work Foundation, 21 Palmer Street, SW1
14/07229/LIPN**

1. Sale of Alcohol: On the premises

Monday to Saturday 10:00 to 23:00
Sunday 12:00 to 22:00.

Amendments to application advised at hearing:

During the hearing Ms Kennedy withdrew the requirement to sell alcohol on Sundays and reduced the terminal hour to 22:00 Monday to Saturday.

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

The Sub-Committee granted the amended application, subject to conditions as set out below. In reaching this decision, Members took into account that the hours of operation for on-sales of alcohol only (following the withdrawal of the licensing activity for the showing of films) and the conditions being attached to the licence would promote the licensing objectives. Members also took into account that the Police and Environmental Health did not have any specific concerns about the application following the Applicant's acceptance of the Responsible Authorities' conditions.

The Applicant, as stated by Ms Kennedy at the hearing, currently held private functions or network events for organisations such as the British Chambers of Commerce and wished to extend the hours for these events and add licensable activities such as providing a glass or wine. Members considered that the Applicant had taken a number of steps to ensure that the licensing objectives were promoted. Specific concerns were raised by a local resident, Mrs Fylaktou, regarding the application for a seven day a week operation. She stated that Sundays in particular were the only period of respite for local residents and there was a potential capacity of 100 people entering and exiting the premises for functions which would mean additional pedestrians on the narrow pavements, voices echoing or travelling particularly after a few of those attending the functions had consumed alcohol and additional vehicles coming into the locality. Mrs Fylaktou also requested that the terminal hour was brought forward from 23:00 on the other days of the week. She informed Members in response to their questions that the underground train entrance nearest to residents closed at 21:00. She was ideally seeking a terminal hour of 22:00. Mrs Fylaktou also made the point that she had not had any issues with the Applicant's operating of the premises to date.

In response, Ms Kennedy explained that it had been a very rare occurrence that functions were held on Sunday and she was content to withdraw the aspect of the application relating to Sunday use. She also informed Members that the functions would not continue after 21:30 Monday to Saturday and she was content to reduce the terminal hour for on-sales of alcohol and the closing hour to 22:00 on those days.

It was clarified during the hearing that the Applicant did not need to apply for the showing of films, being exempt from the Licensing Act as the sole or main purpose was to provide information, education or instruction such as powerpoint presentations. This licensable activity was therefore withdrawn from the application.

Prior to the hearing the Applicant had agreed conditions proposed by the Responsible Authorities which had led to the Police withdrawing their representation. Ms Coleman for Environmental Health advised that she had no objections to the proposed hours and there were not concerns about how the premises operated. There had been no previous noise complaints relating to the premises. Of particular importance to Environmental Health in terms of conditions was that functions would be pre-booked. Regulated entertainment in the form of films had been withdrawn. She was proposing that the Council's model condition was attached to the licence that 'no noise shall emanate from

	<p>the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance’.</p> <p>The Sub-Committee attached the no noise emanating condition to the licence. Members also attached the condition that patrons permitted to temporarily leave and then re-enter the premises to smoke would be restricted to a designated smoking area as shown on the plan. This would be outside The Work Foundation building on the Caxton Hall side. The Sub-Committee did not consider that it was necessary to attach comprehensive CCTV conditions in an office building. No deliveries to or collections from the premises would take place between 20:00 and 08.00 on the following day. No waste or recyclable materials, including bottles, would be moved, removed from or placed in outside areas between 22.30 hours and 08.00 hours on the following day</p>
2.	Films: Indoors
	<p>Monday to Saturday 09:00 to 23:00 Sunday 12:00 to 22:00.</p>
	<p>Amendments to application advised at hearing:</p> <p>It was clarified during the hearing that the Applicant did not need to apply for the showing of films, being exempt from the Licensing Act as the sole or main purpose was to provide information, education or instruction such as powerpoint presentations.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee was not required to consider this aspect of the application as it had been withdrawn by the Applicant.</p>
3.	Opening Hours:
	<p>Monday to Saturday 07:00 to 23:00 Sunday 12:00 to 22:00.</p>
	<p>Amendments to application advised at hearing:</p> <p>During the hearing Ms Kennedy withdrew the requirement for licensable activities on Sundays and reduced the terminal opening hour to 22:00 Monday to Saturday.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the amended application (See reasons for decision in Section 1).</p>

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 must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance

by reason of a disability).

5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

price.

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

Additional Conditions

9. Security staff shall be on duty 24 hours a day
10. Stewards who are employed by the licence holder for marshalling duties shall be clearly identifiable.
11. The DPS/licence holder shall maintain an incident book to record any instances of disorder.
12. Entrance to the premises shall be by invitation only.
13. The premises shall not be accessible to the general public.
14. Admission to the licensed premises shall be through the premises lobby area only.
15. A Challenge 21 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.
16. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises are open.
17. All functions in the licensed premises shall be pre-booked and attended by invited guests only.
18. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
19. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
20. 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.
21. Licensable activities shall only be available to persons attending a pre-booked conference, meeting or event.
22. 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.

23. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area at the front of the premises and next to the railing adjacent to the Caxton Hall as shown on the plan.
24. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
25. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 22.30 hours and 08.00 hours on the following day.
26. No deliveries to or collections from the premises shall take place between 20:00 and 08.00 on the following day.
27. The maximum number of persons accommodated at any one time (including staff) shall not exceed: Ground Floor: 100
28. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.