



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 30th July, 2015**, Rooms 5, 6 & 7 - 17th Floor, City Hall.

Members Present: Councillors Tim Mitchell (Chairman), Louise Hyams and Rita Begum

1 MEMBERSHIP

There were no changes to the Membership.

2 DECLARATIONS OF INTEREST

Councillors Tim Mitchell and Louise Hyams declared that in respect of Scotch St James, 13 Masons Yard, the venue is located in the ward they both represent, St James's. Councillor Mitchell also declared that he had previously made a representation for a previous application relating to the premises on behalf of St James's Conservation Trust. Neither Member had a personal or prejudicial interest in respect of the application. Mr Grant stated at the hearing that he had no objection to the two Members considering the application.

3 THE ARTS CLUB, 40 DOVER STREET, W1S

LICENSING SUB-COMMITTEE No. 4

Thursday 30th July 2015

Membership: Councillor Tim Mitchell (Chairman), Councillor Louise Hyams and Councillor Rita Begum

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

Relevant Representations: Environmental Health, 1 Ward Councillor, 2 x resident associations, 6 x local residents and 1 x local business.

Present: Mr Julian Skeens (Solicitor, representing the Applicant), Mr Luke Elford (Solicitor, on behalf of the Applicant), Mr Ian Watson and Ms Yemi Alabi

(Environmental Health), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing Mrs Costa-Laurant Arbulu and Mr Arbulu), Mr Ned Westaway (Counsel, representing Mr Boroumand and Mr Frank Salvoni), Mr Boroumand and Mr Salvoni (local residents) and Ms Claire Hayes (Senior Practitioner – Licensing & Case Officer for application).

The Arts Club, 40 Dover Street, W1 15/03820/LIPN	
1.	Sale of Alcohol: On and Off the premises
	<p>Monday to Sunday: 00:00 to 00:00 (For hotel residents and their guests only)</p> <p>Monday to Saturday: 10:00 to 03:00</p> <p>Sunday: 12:00 to 22:30</p> <p>Sundays before Bank Holidays: 12:00 to 03:00.</p>
	<p>Amendments to application advised at hearing:</p> <p>Following discussions prior to the hearing, Mr Skeens, Ms Hayes and Mr Panto advised that the details of what was being applied for had been clarified. The application was essentially to enable hotel residents and up to five guests per resident on the third, fourth and fifth floors to have access to alcohol in their bedrooms via room service and from the minibars and also watch films there. A condition was being proposed by the Applicant that there should be no sale or supply of alcohol under the authority of the licence after 3am otherwise than to hotel residents and their guests in the hotel bedrooms. It was also clarified that Licence 12/11096/LIPN was now regarded as being the current licence in force at the premises. There had been a great deal of confusion as to whether it had come into effect as that depended on the previous licence (12/07557/LIPDPS) being surrendered. Upon the applicant's solicitors confirming that the previous licence could not be resurrected, it was now accepted by the licensing authority that it had been surrendered.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee asked Mr Skeens some questions about the application. He was asked whether the hotel rooms were available solely to members of The Arts Club or if the public were able to book them. Mr Skeens replied that it was possible for non-members to book a hotel room provided that they were sponsored by a member. In the vast majority of cases it would be members booking. There were 4,500 members in total. He was also asked about the position regarding the use of the terraces at The Arts Club. This was a concern that had been raised in residents' objections and was of concern to Members too. It was noted that the Applicant had agreed Environmental Health's proposed conditions that the ground floor external terrace and the garden area would not be used after 22:00 hours and that all windows and external doors would be kept closed after this time. Mr Skeens confirmed that there were no</p>

conditions which limited the use of the terraces on the floors above the ground floor late in the evening, including those on the second floor (attached to the restaurant) and above the fifth floor where a staircase would lead to it. His client was reluctant to restrict the use of the terraces but was able to offer a condition that the terraces that were part of the licensable area (the second floor had been part of a premises licence which had previously been granted) for the current application would not be used for licensable activities after 23:00 hours. This was in addition to the proposed condition that no noise would be permitted from the premises giving rise to a nuisance which would be relevant if people on the terraces were adversely affecting local residents.

Mr Watson for Environmental Health referred to the fact that the Applicant had agreed the proposed condition that the ground floor terrace could not be used after 22:00. The second floor terrace attached to the restaurant was not formally conditioned on the existing licence with regard to its use. He stated that there were entries in the history of noise complaints such as at 23:41 on 19 February 2014 and at 22:21 on 6 September 2014 which described noise from an outside terrace. He believed that it was likely the source of the noise was the second floor terrace because the ground floor external terrace was not open at these times. The second floor, which faces the residents, was required to be operated as a restaurant which was open until 03:00. No regulated entertainment was permitted on the second floor. He had concerns regarding the potential for noise from people using the terrace above the fifth floor (the picture submitted by the Applicant appeared to show dining with approximately 18 seats on the terrace). The hotel rooms also had external balconies. Mr Watson added that officers had been provided with a fire risk assessment that day and it had been agreed with the Applicant that a proposed condition was being amended so that the garden area would be subject to assessment by Environmental Health.

Mr Skeens responded to some of the points raised by Mr Watson. He commented that there was already an existing premises licence for the second floor including the terrace area and it was not proposed to change the operation there in any way. Any noise that did arise would be swiftly dealt with. A condition was being proposed that a direct landline telephone number for members of management at Arts Club would be available to any person wishing to comment on the operation of the premises. Members of staff and door supervisors would be trained in dealing with such calls. He added that the Arts Club did not want noise being experienced by hotel residents.

The Sub-Committee next heard from Mr Westaway. He confirmed that the aspect of the revised application that was of greatest concern to residents was the use of the external terraces. There were terraces on each of the floors. Any noise from the side terrace on the second floor fed directly to the residents of 10 Berkeley Street. There were three little terraces on the third floor plus seven bedrooms with another additional larger terrace where noise again fed directly towards 10 Berkeley Street. There were two terraces and six bedrooms on the fourth floor. Above the fifth floor there were two more terraces and three units. Mr Westaway made the point that The Arts Club was an entertainment club and residents did not have issues with what was taking place inside the premises or if the terraces were in use prior to 22:00. The use of the terraces after 22:00 was however of considerable concern. There were a number of instances of

noise complaints arising from the use of the external terraces after 22:00. The rear of The Arts Club operated like a sound trap, amplifying the noise which adversely affected residents. There were references in the noise complaints entries to parties and these needed to take place in an enclosed space and not impact on residents.

Mr Westaway introduced Mr Salvoni who lives on the ground floor of 10 Berkeley Street. Mr Salvoni gave an account of his experience of The Arts Club. He expressed the view that it is a well-run business and operates within the hours set out on the existing licence. He had no issues with what was taking place within closed doors. However, if the terraces were being used late at night, noise emanated from there. He believed this was particularly occurring from the second floor terrace. There was not constant noise but there was loud conversation and laughter which interrupted Mr Salvoni's sleep. Music was heard if the doors to the terrace on the second floor were left open. He was concerned that noise outbreak would extend to the third, fourth and fifth floors in the current application and to a later time if they were used by hotel residents and their guests. The Sub-Committee asked Mr Salvoni if an acoustic glass screen on the edge of the terrace on the second floor was effective in reducing the sound emanating from there. Mr Salvoni replied that it had reduced the noise a bit but he was still able to hear it.

Mr Westaway continued that he believed the second floor terrace should be closed by 22:00 as at the moment it could be used until 03:00 and caused problems to residents. He also stated that there were concerns regarding guests of hotel residents. If there were five guests each of hotel residents this could mean that in theory there could be up to 192 guests in 16 bedrooms. They could use the upper terraces and adversely affect local residents. Mr Westaway was seeking on behalf of his client that the terraces had a similar condition to the garden area so that they were not used after 22:00 hours. He added that this would to a large extent resolve local residents' concerns. He expressed the view that the Sub-Committee could take into consideration limiting whether guests should be permitted to use hotel bedrooms and the upper terraces. They had the option to use The Arts Club lower floors until 03:00 hours. In response to questions from the Sub-Committee, Mr Westaway confirmed that the key concern was the use of the upper terrace by guests of the hotel rather than the hotel bedrooms. Mr Skeens in his response to this explained that it would be very difficult to police the use of the terraces.

Mr Brown addressed the Sub-Committee. He stated that the majority of the points raised by Mrs Costa-Laurant Arbulu in her representation were no longer issues as a result of the amendments to the application. The issue that did still remain was terrace use. He believed it was apparent from the list of noise complaints submitted by Environmental Health that the times of the complaints led one to the conclusion that noise was emanating from the second floor terrace. The first entry in the list of 1 November 2013 had clarified that the ground floor terrace had been closed by 22:00 hours. Mrs Costa-Laurant Arbulu had made the point that the new application was perhaps 'an opportunity to regularize the position' in terms of introducing the same timings for the closure of the second and ground floor terraces.

Mr Skeens stated that any revisiting of the existing premises licence which included the second floor terrace should be considered very carefully. The appropriate way to deal with the matter, should it be deemed that there was an issue with the second floor terrace, would be for a review application of the existing premises licence to be submitted. Mr Brown raised the point that this was a new premises licence application and the Sub-Committee could look at the matter in the round and could amend, add or delete conditions as Members deemed appropriate for the promotion of the licensing objectives. The second floor terrace was a concern of residents and the review mechanism appeared to be a disproportionate method to deal with the matter. Mr Westaway added that the application was introducing a new category of people into The Arts Club who would also be able to use the second floor terrace.

Mr Panto was asked for his legal opinion. He advised that he was of the view that the application was for a new premises licence and as a matter of law Members had the ability to look at all the issues that had arisen. He agreed with Mr Brown that the idea that it was necessary to review the existing premises licence in order to address residents' concerns regarding the second floor terrace might not be the most proportionate way forward. From Mr Skeens' point of view it could be argued that his client would have had no option but to apply for a new premises licence given that it was a substantial alteration to the premises and the Act would not allow for a variation application. It was necessary for the Sub-Committee to have regard as to whether it was appropriate to impose conditions in these circumstances. Mr Skeens stated that if there were complaints, the Licensees should have the option to say if the complaints are brought to their attention, they would then deal with it. There was a proposed condition that residents could telephone members of the management of The Arts Club to comment on the operation of the premises. There was the right of review as a last resort.

The Sub-Committee granted the application. Members noted that the application was primarily concerned with sixteen hotel bedrooms over three floors with an additional outside area on the top floor above the penthouse. This involved the sale of alcohol in bedrooms via room service and minibars and also the playing of films in bedrooms. The Sub-Committee had heard evidence that the premises are well-run and that management had responded when there had been instances of public nuisance. However there had been complaints and it had been necessary for the Sub-Committee to take into account what was required to promote the licensing objectives. The Sub-Committee decided that it was appropriate for there to be a cessation of licensable activities on any external bedroom terrace after 23:00 hours. There would be a maximum of five guests per hotel resident. The Sub-Committee was mindful that the management of the premises had made available a telephone number for local residents to contact them in the event of any concerns raised. There was also the potential for local residents to contact the Council's Noise Team if they were experiencing public nuisance. The Sub-Committee noted that there appeared to have been some noise complaints relating to the second floor terrace from the evidence submitted by Environmental Health. Members did not consider that there had been sufficient opportunity to test every complaint and reach a conclusion from the evidence provided that it was appropriate to restrict the terminal hour on the second floor terrace which was currently permitted. The

	Chairman stated that in the event there were significant issues with noise emanating from the terraces at the premises and these were not resolved, the Responsible Authorities and local residents would have the option to submit a review application.
2.	Regulated Entertainment
	<p>Plays (indoors), Performance of Dance (indoors & outdoors), Live Music (indoors), Anything of a similar description to live music, recorded music or performances of dance(indoors): Monday to Saturday 09:00 to 02:00 Sunday: 09:00 to 23:00</p> <p>Exhibition of a Film (indoors) Monday to Sunday: 00:00 to 00:00 (Provision in hotel bedrooms for hotel residents and their guests only) Monday to Saturday 09:00 to 02:00 Sunday: 09:00 to 23:00</p> <p>Recorded music (indoors) Monday to Sunday: 00:00 to 00:00.</p>
	<p>Amendments to application advised at hearing:</p> <p>All aspects of regulated entertainment apart from the exhibition of film for hotel residents and their guests in their bedrooms were withdrawn (see amendments to the application in Section 1).</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The exhibition of film for hotel residents and their guests in their bedrooms was granted as applied for (see reasons for decision in Section 1).</p>
3.	Late Night Refreshment (indoors & outdoors)
	<p>Monday to Saturday: 23:00 to 02:00 Sundays before Bank Holidays: 23:00 to 03:00.</p>
	<p>Amendments to application advised at hearing:</p> <p>Late Night Refreshment (indoors & outdoors) was withdrawn by the Applicant (see amendments to the application in Section 1).</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>

4.	Non Standard Timings
	<p>The hours for licensable activities and opening times shall be extended by one hour on the morning on which British Summertime begins.</p> <p>The hours for licensable activities and opening times shall be extended from the end of authorised hours on New Year's Eve until the start of hours on New Year's Day.</p> <p>The hours of sale of alcohol shall be extended until 00:30 on Sunday during the weekend British Summertime begins.</p>
	<p>Amendments to application advised at hearing:</p> <p>This aspect of the application was withdrawn by the Applicant (see amendments to the application in Section 1).</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>
5.	Opening Hours
	<p>Monday to Sunday: 00:00 to 00:00 (residents, members & guests of residents)</p> <p>Monday to Saturday: 08:30 to 03:30 (non-members & guests)</p> <p>Sunday: 08:30 to 00:00 (non-members & guests).</p>
	<p>Amendments to application advised at hearing:</p> <p>The only opening hours now being sought by the Applicant was Monday to Sunday: 00:00 to 00:00 (residents, members & guests of residents). The remaining opening hours times applied for were withdrawn.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the opening hours Monday to Sunday: 00:00 to 00:00 (residents, members & guests of residents). 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.

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.

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.

Additional Conditions

11. Licensable activities may not be provided other than to:
- a. Members (and their guests) of the Club, who have paid a minimum annual admission fee of at least £500 (excluding founder members, honorary members and student members) payable in advance for music, dancing and entertainment (not to be credited against consumables). There will be a minimum period of 48 hours between application for membership and admission as a member. A list of all members who have paid an annual membership fee will be held at reception for inspection by the relevant authorities upon reasonable request. A copy of the club rules shall be deposited with the Police.
 - b. Guests of the proprietor (not exceeding 20% of the total capacity for the premises as specified in the Premises Licence); a list of such guests shall be maintained at reception.
 - c. Persons attending a private function on the premises.
 - d. Artistes or persons employed on the premises.
 - e. Artistes exhibiting or performing on the premises.
 - f. Proprietors, directors, shareholders and management of the operating company and their bona fide guests.
 - g. Hotel residents and their guests up to a maximum of five guests per resident.
12. At least one personal licence holder is to be present on the premises during the whole of the time alcohol is sold or consumed.
13. Substantial food and non-intoxicating beverages, including drinking water, shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
14. A record of all door staff employed on a particular night will be maintained, and badge numbers, along with expiry dates, to be recorded. Physical badge inspection to be undertaken by senior management.
15. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
16. A noise limiter located in a separate and remote lockable cabinet from the volume control 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's Community Protection Department 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 to the satisfaction of the officers 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 Officer.

17. 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.
18. 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.
19. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
21. 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.
22. The highway in the vicinity of the premises shall be swept and where necessary washed down at regular intervals whilst the premises are trading after 9pm and at close of business and litter and sweepings are to be disposed of or stored in accordance with arrangements agreed with the Council.
23. No authorised 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.
24. Management shall maintain and make available a record of inspections, pre-opening and during performance, of fire doors, escapes and appliances and of the number of people on the premises.
25. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
26. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
27. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
28. The number of persons accommodated at any one time (excluding staff) shall not exceed:

Basement: 100

Ground Floor: 120

First Floor: 180

Second Floor: 60

Garden Area: subject to assessment by Environmental Health Consultation Team

With no more than 320 persons at any one time.

29. Patrons temporarily leaving the premises after 23:00 hours for the purposes of smoking shall not take any drinks with them.
30. 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 ejection of patrons
 - c. any complaints received
 - d. any incidents of disorder
 - e. 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.
31. Staff will offer to book hire cars on behalf of named customers who can then remain on the premises until the car is available. All customers who seek licensed vehicles to take them away will be encouraged to remain inside whilst the vehicle is summonsed
32. A direct landline telephone number for members of management at Arts Club will be available to any person wishing to comment on the operation of the premises. Members of staff and door supervisors will be trained in dealing with such calls.
33. On any Friday or Saturday, when the premises are operating beyond 22:00 hours, there shall be a minimum of two SIA registered door supervisors, or such other number as may be agreed with the Metropolitan Police.
34. The supply of draft beer and cider on the premises shall be limited to a total of 2 varieties (either 2 beers or 2 ciders or 1 beer and 1 cider).
35. Other than in hotel bedrooms, 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.
36. Cinema style linked seating will not be provided.
37. The ground floor external terrace and the garden area shall not be used after 22:00 hours.

38. All windows and external doors shall be kept closed after 22:00 hours.
39. The access door to the garden shall be locked shut after 22:00 hours.
40. There shall be no live music or recorded music in the garden area.
41. The supply of alcohol on the second floor shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
42. Regulated entertainment will not be provided under the authority of this licence on the second floor.
43. The hours for licensable activities and opening times may be extended by one hour on the morning on which British Summertime begins.
44. The hours for licensable activities and opening times may be extended from the end of authorised hours on New Year's Eve until start of hours on New Year's Day.
45. The hours for sale of alcohol may be extended until 00:30 on Sunday during the weekend British Summertime begins.
46. This premises licence will not be used as an authorisation for licensable activities until premises licence 12/11096/LIPN or such other number subsequently issued has been surrendered and is incapable of resurrection.
47. 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.
48. 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.
49. A proof of age scheme, such as Challenge 21, shall be operated at the premises where a customer wishes to purchase alcohol and the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
50. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the licence by the Licensing Authority, subject

to any updated plans being provided to fully reflect any agreed changes to the layout of the premises.

51. There shall be no provision of late night refreshment for consumption off the premises.
52. No licensable activities shall be permitted on any external bedroom terrace after 23:00 hours.
53. There shall be no sale or supply of alcohol after 03:00 Monday to Saturday or after 22:30 on Sunday other than in or to hotel bedrooms.

4 SUPERMARCHE, GROUND FLOOR, 35 CRAVEN ROAD

LICENSING SUB-COMMITTEE No. 4

Thursday 30th July 2015

Membership: Councillor Tim Mitchell (Chairman), Councillor Louise Hyams and Councillor Rita Begum

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Jonathan Deacon

Relevant Representations: 1 resident association, 6 x local residents and 1 x local resident in support of the application.

Present: Mr Simon Walsh (Counsel representing the applicant), Ms Daniele Gray (Applicant) and Mr John Zamit (Chairman, South East Bayswater Residents' Association).

Supermarche, Ground Floor, 35 Craven Road, W2 15/02994/LIPN	
1.	Sale by Retail of Alcohol: Off the premises
	Monday to Saturday: 08:00 to 23:00 Sunday: 10:00 to 22:30
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report):

	<p>Granted, subject to conditions as set out below.</p> <p>The Sub-Committee was advised at the hearing that the Applicant's Representative, Mr Walsh and Mr Zamit for South East Bayswater Residents' Association had agreed conditions and the latter's concerns had therefore been addressed.</p> <p>Members, in granting the application, considered that the proposed conditions promoted the licensing objectives. These included that a personal licence holder shall be on the premises during the hours permitted to supply alcohol, that outside of the hours authorised for the sale of alcohol, all alcohol within the trading area would be secured behind locked grilles/screens or secured behind locked cabinet doors so as to prevent access to the alcohol by both customers and staff and also that all tills would automatically prompt staff to ask for age verification identification when presented with an alcohol sale. Mr Zamit's proposed conditions that there were no deliveries to the premises between 22:00 and 08:00 the following day and no movement of waste or recyclable materials, including bottles during these hours were attached to the licence.</p> <p>The Sub-Committee also noted in reaching their decision that following communications with the Police and Environmental Health who had consequently withdrawn their representations, the proposed hours for off sales at the grocery store of Monday to Saturday 08:00 to 23:00 and Sunday 10:00 to 22:30 were in keeping with the Council's Core Hours policy.</p> <p>The Sub-Committee noted that there were concerns from some local residents in respect of alcohol being sold at the premises. In keeping with Statutory Guidance, 'need' in the sense of the commercial demand for licensed premises, which had been raised as a reason in representations for not granting the application, was not a matter which the Sub-Committee could take into consideration. The Chairman made the point to the Applicant that residents did have concerns regarding public nuisance in the area. If the conditions on the licence were not complied with, there was the potential for residents or the Responsible Authorities to review the premises licence.</p>
2.	Opening Hours
	Monday to Sunday 08:00 to 00:00.
	<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

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 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.
- 5(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.
- 5(ii) For the purposes of the condition set out in paragraph 5(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.

5(iii). Where the permitted price given by Paragraph 5(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.

- 5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(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

6. A personal licence holder shall be on the premises during the hours permitted to supply alcohol.
7. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
8. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
9. Outside of the hours authorised for the sale of alcohol, all alcohol within the trading

area is to be secured behind locked grilles/screens or secured behind locked cabinet doors so as to prevent access to the alcohol by both customers and staff.

10. 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.
11. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2200 hours and 0800 hours.
12. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
13. No licensable activities shall take place at the premises until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the licence by the Licensing Authority.
14. The licence holder shall ensure that all cashiers are trained to ask any customers attempting to purchase alcohol, who appears under the age of 25 years (or older if the licence holder so elects) for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example, thumb print or pupil recognition) is introduced. All cashiers will be instructed, through training, that a sale shall not be made unless this evidence is produced.
15. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
16. Signs shall be displayed in prominent places within the premises stating that it is an offence for persons under the age of 18 to purchase alcohol.
17. No spirit measures of less than 30cl shall be sold from the premises.
18. On Sunday and Monday of the Notting Hill Carnival:
 - There shall be no sale of alcohol in glass vessels from the premises.
 - There shall be no external advertisement of alcohol at the premises .
 - There shall be no sale of alcohol from the premises after 20:00 hours.
19. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition and external cameras installed to cover the front of the premises. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date

and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

20. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when request.
21. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
22. The licence holder shall ensure that outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, all alcohol within the trading area is to be secured behind locked grills, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
23. No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises except for premium beers and ciders sold in glass bottles.
24. No more than 15% of the sales area to be used at any one time for the sale, exposure for sale, or display of alcohol.
25. There shall be no self service of spirits on the premises except for spirit mixtures below 5.5% Alcohol by Volume.
26. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
27. 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) any faults in the CCTV system
 - (f) any visit by a relevant authority or emergency service
28. A diary log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log 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.
29. There shall be no sales of beer or ciders in bottles larger than 1.5 litres.

30. No deliveries to the premises shall take place between 2200 and 0800 on the following day.

5 SCOTCH ST JAMES, 13 MASONS YARD, SW1Y (SEV APPLICATION)

LICENSING SUB-COMMITTEE No. 4

Thursday 30th July 2015

Membership: Councillor Tim Mitchell (Chairman), Councillor Louise Hyams and Councillor Rita Begum

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

Objections: 2 objectors.

Present: Mr Gary Grant (Counsel, representing the Applicant) and Mr Tim Lalic (owner of premises).

Declarations: Councillors Tim Mitchell and Louise Hyams declared that the venue is located in the ward they both represent, St James's. Councillor Mitchell also declared that he had previously made a representation for a previous application relating to the premises on behalf of St James's Conservation Trust. Neither Member had a personal or prejudicial interest in respect of the application. Mr Grant stated at the hearing that he had no objection to the two Members considering the application.

Scotch St James, 13 Masons Yard, SW1 13/07456/LISEVR and 14/11495/LISEVR

- 1.1 The Council has received two renewal applications of the Sexual Entertainment Venue ('SEV') premises licence from Great Club Limited for Scotch St James, 13 Masons Yard, London, SW1Y 6BU. The report set out the application details, representations, policy and legal context along with other considerations that the Committee required to determine this application.
- 1.2 On 30th September 2013 the Applicant applied to renew the SEV premises licence to provide full nudity striptease, pole dancing and table dancing between the hours of 09:00 to 05:30 on each of the days Monday to Saturday and 09:00 to 03:30 on Sunday. The Applicant did not request to change the relevant entertainment or to remove any standard conditions to the licence if the application was granted. The original hearing to determine the 2013-2014 renewal was scheduled for the 17th December 2013 however this was adjourned at the request of the applicant. The case was not re-scheduled as the Licensing Authority did not get a response from the Applicant.

- 1.3 On the 19th January 2015 the Licensing Authority contacted the Applicant to advise that as the 12 month period that licences are issued for had passed without the application being determined by the Licensing Sub Committee and as no renewal application had been received, the premises were deemed unlicensed for relevant entertainment.
- 1.4 On the 23rd January 2015 the Applicant's solicitor responded stating that in accordance with Section 20(10) of the 1982 Act it must be deemed to remain in force until such determination takes place or the application is withdrawn. Legal advice has confirmed that this should have been a reference to paragraph 11(1) of Schedule 3 to the 1982 Act but also confirms that the licence would remain in force until the renewal application is determined.
- 1.5 After seeking legal advice the Licensing Authority advised the Applicant to submit a further renewal application as a potential means by which renewal of the licence for 2014-2015 could be considered. On 8th May 2015 the Applicant applied to renew the sexual entertainment venue premises licence on exactly the same terms as those in the existing SEV licence and in the application for 2013-14.

Amendments to application advised at hearing:

None.

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

Granted, subject to the same conditions as attached to the previous licence in 2012.

The Sub-Committee in granting the applications accepted the point of the Applicant's Representative, Mr Grant, that there were not any grounds for the applications not to be renewed. The proposed hours and conditions were the same as those attached to the SEV licence in 2012. Complaints were not being received about how the venue was being run since the current operator had taken over (Objector 3 to the application had referred to noise disruption, bad behaviour and general issues relating to people leaving the premises). Previous management had been running Scotch St James when the review of the premises licence had taken place in November 2012. There were few representations in respect of the 2013-14 and 2014-15 applications in comparison to the SEV application granted in 2012. There was no evidence in terms of complaints received to suggest that Scotch St James was now having an adverse impact on the character of the relevant locality or that anything had changed within the locality since 2012 to make it unsuitable. It is located in Westminster core CAZ north. The appropriate number of SEVs in this area had been set by the Council at 25 and as the premises are currently licensed, the maximum of 25 would not be exceeded.

Mr Grant advised the Sub-Committee that his client was not currently using the SEV licence. Mr Lalic was applying because it was a valuable asset and it was a condition on his lease that it remained in force. The representation of Objector 1 had

been withdrawn on the basis of the Applicant's assurances that it was not the intention to operate Scotch St James as a sexual entertainment venue. The Sub-Committee had taken note of the objections of Objector 2 and had requested legal advice from Mr Panto on the points that the objector had raised. Mr Panto stated that it had been unfortunate that a year had passed without the application being processed and that the Licensing Authority had incorrectly stated that as no renewal application had been received, the premises were deemed unlicensed for relevant entertainment. Under the provisions of The Local Government Miscellaneous Provisions Act 1982, the previous licence did indeed remain in force. It was permitted for the Applicant to submit a further renewal application as had now taken place and for the Sub-Committee to consider the first and second applications submitted. The Licensing Service was satisfied that the notice (blue) of the application was displayed on the premises within the required time limit.

Conditions on the Licence

Standard Conditions

1. Whilst Relevant Entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice to that effect shall be displayed at the entrance in a prominent position so that it can be easily read by persons entering the premises.
2. Whenever persons under the age of 18 are admitted to the premises there will be no promotional or other material on display within the premises which depicts nudity or partial nudity.
3. The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.
4. No provision of relevant entertainment, or material depicting nudity or relevant entertainment, shall be visible from outside the premises.
5. Menus and drinks price lists shall be clearly displayed at the front entrance of the club, reception area, tables and bar at such a position and size as to be easily read by customers. This price list shall show all consumable items and any minimum tariff including charges and fees applicable to Performers.
6. Except with the consent of the Licensing Authority, no advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) shall be inscribed or affixed at the premises, on the surface of the highway or on any building, structure, works, street furniture, tree or any other property or be distributed in the street to the public that advertises or promotes the relevant entertainment at the premises.
7. The licence holder or other person concerned in the conduct or management of

the premises shall not seek to obtain custom by means of personal solicitation or touting, nor enter into any agreement with a third party to do so.

8. Adequate toilets, washing and changing facilities for use by the Performers shall be provided.
9. Either the licence holder or a named responsible person shall be present throughout the time the Relevant Entertainment takes place.
10. The premises will install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer that ensures all areas of the licensed premises are monitored including all entry and exit points will be covered enabling frontal identification of every person entering any light condition. All cameras 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 together with facilities for viewing.
11. 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 and this staff member should be able to show Police recent data and footage with the absolute minimum of delay of the request.
12. An incident log shall be kept at the premises, and made available on request to the Licensing Authority or the Police, which will record the following:
 - (a) all crimes reported to the venue;
 - (b) all ejections of patrons;
 - (c) any complaints received;
 - (d) any incidents of disorder;
 - (e) 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;
 - (i) any breach of licence conditions reported by a Performer.
13. The licence holder shall produce a Code of Conduct setting out rules and obligations between the licence holder and performers whilst performing. All Performers shall sign the Code of Conduct in their proper name acknowledging that they have read, understood and are prepared to abide by the said Code of Conduct, and a copy so signed shall be retained by the licence holder and shall be readily available for inspection by the Police and/or authorised persons upon reasonable request.
14. Individual records shall be kept at the premises of the real names, stage names and addresses of all Performers working at the premises. The record will include either a copy of their birth certificate, current passport, EU driving licence or national identity card and shall be made immediately available for inspection by the Police and/or the Licensing Authority upon request.
15. Details of all work permits and/or immigration status relating to persons

working at the premises shall be retained by the licence holder and be readily available for inspection by the Licensing Authority, a Police Officer or Immigration Officer.

16. Relevant Entertainment shall be given only by Performers and the audience shall not be permitted to participate in the relevant entertainment.
17. There shall be no physical contact between Performers whilst performing.
18. Performers will not request or give out any telephone number, address or any other contact information from or to any customer. Any such information given by a customer shall be surrendered to the premises manager as soon as is practicable.
19. Relevant Entertainment shall take place only in the designated areas approved by the Licensing Authority as shown on the licence plan. Arrangements for access to the dressing room shall be maintained at all times whilst Relevant Entertainment is taking place and immediately thereafter.
20. Customers must remain fully clothed at all times. The Performer must not remove any of the customer's clothing at any time.
21. Where Relevant Entertainment is provided in booths, or other areas of the premises where private performances are provided, the booth or area shall not have a door or other similar closure, the area shall be constantly monitored by CCTV, and access to the booth or other area shall be adequately supervised.
22. Whenever Relevant Entertainment is being provided there shall be no physical contact between Performers and customers or between customers and Performers except for the exchanging of money or tokens at the beginning or conclusion of the performance and only for the purpose of that performance. Clearly legible notices to this effect shall clearly be displayed in each private booth and in any performance area.
23. Performers must redress fully immediately after each performance.

Additional Conditions

24. Payment for the dance shall only be made by either adding the amount to the customer's bill or by paying the dancer after she returns to the table fully clothed.
25. At all times whilst dancing takes place at least one registered door supervisor shall be employed in the part of the premises used for dancing.
26. The maximum number of persons accommodated at any one time (excluding staff) shall not exceed 100 persons, with no more than 50 persons (excluding staff) between 03.00 and 05.00 hours.
27. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.

28. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
29. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
30. 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.
31. 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.
32. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
33. 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.
 - i. pyrotechnics including fire works
 - ii. firearms
 - iii. lasers
 - iv. explosives and highly flammable substances.
 - v. real flame.
 - vi. strobe lighting
34. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
35. No relevant entertainment shall take place at the premises until the premises has been inspected to the satisfaction of the Licensing Service and Environmental Health Service.

6 THE COFFEE SHOP, 150-162 EDGWARE ROAD, W2

LICENSING SUB-COMMITTEE No. 4

Thursday 30th July 2015

Membership: Councillor Tim Mitchell (Chairman), Councillor Louise Hyams and Councillor Rita Begum

Legal Adviser: Barry Panto
Policy Adviser: Chris Wroe

Committee Officer: Jonathan Deacon

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

Present: Ms Anna Mathias (Barrister, representing the Applicant), Mr Martin Ramskill (General Manager of premises), Mr Ian Watson (Environmental Health) and PC Bryan Lewis (Metropolitan Police).

The Coffee Shop, 150-162 Edgware Road, W2 15/04691/LIPV	
1.	Sale by Retail of Alcohol - On the Premises
	Monday to Sunday: 12:00 to 02:00.
	Amendments to application advised at hearing: None.
	<p>Decision (including reasons if different from those set out in report):</p> <p>Ms Mathias, representing the Applicant, addressed the Sub-Committee. She described the layout with The Coffee Shop being in close proximity to the Grosvenor Victoria Casino on the first floor and The Poker Room being on the second floor. Both of the gambling areas had their own premises licences under the Licensing Act 2003. There was a Gambling Act 2005 mandatory condition that the principal entrance to the premises was from a street.</p> <p>Ms Mathias made the point that the Coffee Shop met the Gambling Commission requirement for there to be a small non gambling area available to the gamblers. There was a premises licence in place for the Coffee Shop with the exhibition of films and late night refreshment. Her client was seeking to add on-sales to serve a limited range of alcoholic drinks and also other forms of regulated entertainment.</p> <p>The Sub-Committee was advised by Ms Mathias that the gaming business operated 24 hours, 7 days a week. The casino patrons dispersed without local residents being adversely affected. It was not intended to bring new people into the premises to visit the Coffee Shop. The premises would not be advertised. The aim of the application was to improve the overall customer service. Currently any gamblers who wished to take a break from the Casino on the first floor had to go to the second floor if they wished to have an alcoholic drink as there was not a restaurant or bar on the first floor.</p> <p>Ms Mathias stated that the local resident who had made a representation objecting to the application had now withdrawn it. She added that he had visited the premises and had appreciated the nature of the application. The Police and</p>

Environmental Health were objecting to the application on the policy grounds. Ms Mathias stated that she was fully aware that The Coffee Shop is located in a designated stress area and that exceptional grounds needed to be demonstrated for the application to be granted. She explained the reasons as to why she took the view that there were exceptional grounds for granting the application. It was not tantamount to creating a new bar. Due to gambling regulations, the premises did have to be open to the public but the Coffee Shop would only be used by people who were gambling and it was a small premises. She had offered a condition that 'the sale of alcohol must be ancillary to the use of the adjacent premises on the first floor and the premises above on the second floor for the provision of facilities for gambling'. Gambling needed to take place in a tranquil atmosphere and it was not in the interests of management for there to be a dance floor or raucous bar located on the first floor. Regulated entertainment was already permitted as part of the Casino/Poker Room premises licences. Access to the premises would only be via the main door where a SIA doorman was permanently positioned outside and then via reception where staff were located on the ground floor. There was 460 staff employed in total with three security staff on duty at all times.

Ms Mathias added that there were never any queues at the premises and customers already gradually dispersed over time without incident. There were no happy hours or hen parties at the venue. There would be a limited set of drinks provided with three draft beers and a small selection of beers and spirits. She commented that whilst the drinks were good value, they would be priced more expensively than at a nightclub. Alcohol was not a big percentage of receipts and gamblers did not tend to be heavy drinkers. The Grosvenor Casino was a secure adult environment with those under the age of 18 not being permitted into the gambling premises. Whilst the log book for 2015 had a couple of incidents relating to gambling disputes, there had been no alcohol related incidents. The report included a visit undertaken by Mr Keegan of Licensing Enforcement where the manager of the Casino had been informed that it was considered low risk. There were 175 cameras in total at the venue and the Coffee Shop was fully covered by CCTV with footage from the cameras being observed at all times. There were two security guards in the patrol room. All staff were required to undertake extensive training and sit a test. The induction process lasted two days and was refreshed every three years when staff were required to take a new test. The Casino employed two full time trainers. Mr Ramskill had been the General Manager at the premises for 13 years and was a personal licence holder and the Designated Premises Supervisor. Ms Mathias emphasised that both of the gambling areas which had their own premises licences under the Licensing Act 2003 had later hours permitted for licensable activities than was being applied for in respect of the Coffee Shop.

The Sub-Committee then heard from PC Lewis for the Metropolitan Police and Mr Watson for Environmental Health. PC Lewis stated that he was maintaining his objection due to concerns that this was a bar in the Edgware Road Stress Area which would be open to the public and potentially could be a destination venue for alcohol. He felt that the price of the drinks was competitive with pubs and he questioned whether the application could be considered an exception to policy. In response to a question from the Sub-Committee he stated that the Casino was not known as a problem premises. Mr Watson informed Members

that he had been involved with the application where the first and second floor gambling premises had been split. The Coffee Shop had been introduced as part of the application and regulated entertainment had been withdrawn apart from films. He stated that the Coffee Shop could be used for vertical drinking. There was seating for 16 people whilst the capacity was 50 people. Food such as pastries was sold. It was not possible to have the model restaurant condition on the licence as the Coffee Shop did not have a kitchen. He confirmed that accessing the Coffee Shop did include passing a SIA doorman at the entrance and staff at reception on the ground floor. He had been required to sign in before reaching the first floor. Conditions proposed included that there would be no external advertising.

Mr Watson added that he had maintained his representation as this was a new application for on-sales until 02:00 in the Edgware Road Stress Area. There was a full range of regulated entertainment. It had not been described in detail how the Applicant would make use of the regulated entertainment if the application was granted. Currently two screens showed pre-recorded films but mainly news or live sport. He queried whether alcoholic drinks could be taken back into the first floor Casino from the Coffee Shop as the first floor did not have a dedicated bar. He believed three draft beers was quite a large offer considering the Shop was not a large area. It was for the Sub-Committee to decide whether the application was an exception to policy, due to the Coffee Shop's association with the two gaming areas which operate 24 hours a day, 7 days a week.

Ms Mathias and Mr Ramskill responded to points that had been raised by the Responsible Authorities and to the questions of Members of the Sub-Committee. Ms Mathias informed Members that it was not the intention for customers to be able to take drinks from the Coffee Shop to the first floor Casino and they would be prevented from doing so. Alcoholic drinks in the Casino area were from the server hatch area rather than the second floor Poker Room. The bagpipe player on New Year's Eve and the dragon dancers on Chinese New Year had been required as this was consistent with what was permitted in respect of the premises licences for the gaming areas. The premises had a central cellar and it was envisaged that there would be a single pump with a bitter, lager and a draft Guinness. In response to a question as to whether there would be vertical drinking, Mr Ramskill replied that he was not in the gaming business in order to sell beer. It was an ancillary aspect to the business. The venue was a controlled environment where people could not just walk in. It was also not being advertised. The protection of the gaming licence was a key consideration. It was the flagship venue for the company. The venue operated a registration system including photographic identification of customers.

Mr Panto asked about the concept of the alcohol being ancillary to gambling. The Coffee Shop was closely linked to the gambling premises. In a previous application, under gambling legislation there had to be access to the street and the public were given access for reasons other than gambling. Now the current conditions were proposing that alcohol was ancillary to gambling. Ms Mathias made the point that there were other facilities available in the Coffee Shop other than the alcohol. The public had access to the facilities already for reasons other than gambling. It was the alcohol element that would be ancillary to the

	<p>use of the gaming areas. Mr Wroe made the point that there were Gambling Act aspects that were outside of what the Sub-Committee were required to consider. There were more restrictive conditions being proposed for the current application including a Challenge 21 proof of age scheme. It was clear that there was a change in how the venue intended to operate. He advised that any decision made should not prejudice any future decision which might be taken under the Gambling Act 2005.</p> <p>The Sub-Committee, prior to announcing the decision, asked Ms Mathias and Mr Ramskill whether they would be content with a proposed condition that ‘the sale of alcohol at the premises shall be restricted to persons registered at the adjacent gambling premises’. This would assist in confirming to Members that the management were keen to ensure that the sale of alcohol would be ancillary to the gambling taking place rather than the venue becoming a destination area for the public which had been a concern of the Police. Following confirmation from Ms Mathias that her client would be content with this condition the Sub-Committee decided to grant the application as an exception to policy in the Edgware Road Stress Area. The Sub-Committee was satisfied that the intended operation of the premises would promote the licensing objectives. Suitable security arrangements were in place as had been demonstrated by Mr Watson not being able to access the Coffee Shop without being informed by management that he would need to sign in first. There would be no external advertising of the Coffee Shop and there would be no off-sales. Alcohol was ancillary to gambling and not the key reason for people to go to the venue. There were already premises licences on the first and second floors, which included the sale of alcohol operating to later hours. The gamblers were already dispersing at later hours from the gaming areas and the Applicant had experience regarding the dispersal of customers.</p>
2.	Late Night Refreshment
	Monday to Sunday: 23:00 to 05:00.
	<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.	Regulated Entertainment
	<p>Exhibition of a Film Monday to Sunday: 00:00 to 00:00.</p> <p>Performance of Dance</p>

	<p>Monday to Sunday: 00:00 to 00:00</p> <p>Performance of Live Music Monday to Sunday: 00:00 to 00:00</p> <p>Playing of Recorded Music Monday to Sunday: 00:00 to 00:00</p> <p>Anything of a similar description to Live Music, Recorded Music or Performance of Dance Monday to Sunday: 00:00 to 00:00</p> <p>Performance of a Play Monday to Sunday: 00:00 to 00:00</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>
4.	Opening Hours
	Monday to Sunday: 00:00 to 00:00.
	<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>	
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.
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. The provision of licensable activities at the premises shall be ancillary to the use of the adjacent premises on the first floor and the premises above on the

second floor for the provision of facilities for gambling.

11. The sale of alcohol at the premises shall be restricted to persons registered at the adjacent gambling premises.
12. 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.
13. There shall be no off-sales of alcohol.
14. There shall be no sales of hot food or drink for consumption off the premises after 23.00hrs.
15. The number of persons accommodated at any one time (excluding staff) shall not exceed 50.
16. The licensee shall ensure that the capacity limit is properly monitored at all times. Information regarding the capacity shall be given to an authorised officer or Police Officer upon request.
17. 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.
18. The following activities shall not be permitted in the rear outside service yard area fronting onto Brendon Street between 00.00hrs and 07.00hrs:
 - (i) The movement, handling or placement of refuse, including bottles;
 - (ii) The operation of the refuse compactor; or
 - (iii) Commercial vehicular deliveries or removals.
19. A bagpipe player may perform throughout the premises on New Year's Eve.
20. Dragon dancers may perform throughout the premises on Chinese New Year.
21. 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.
22. No noise shall emanate from the premises nor vibration be transmitted through the premises which gives rise to a nuisance.
23. During the hours of operation of the premises, the licence holder shall ensure that 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.

24. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
25. 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.
26. 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.
27. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
28. The means of escape provided for the premises shall at all times be maintained unobstructed, free of trip hazards, immediately available and clearly identified in accordance with the plans provided.
29. The approved arrangements at the premises, including means of escape provision, emergency warning equipment, the electrical installation and mechanical equipment, shall at all times be maintained in good condition and full working order.
30. The edges of the treads of steps and stairways shall be marked and maintained so as to be conspicuous at all times.
31. There shall be no advertising or promotion of these premises.
32. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree or any other property, or be distributed outside the premises to the public, that advertise or promote the premises, or any of its events, facilities, goods or services.
33. 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.
34. 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.

35. When open to the public, persons under 18 years of age will not be admitted to the premises.

7 MR FOGG'S, 15 BRUTON LANE, W1J

LICENSING SUB-COMMITTEE No. 4

Thursday 30th July 2015

Membership: Councillor Tim Mitchell (Chairman) and Councillor Louise Hyams

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Jonathan Deacon

Relevant Representations: Environmental Health and Metropolitan Police.

Present: Mr Gary Grant (Counsel, representing the Applicants), Mr Duncan Stirling and Mr Charlie Gilkes (Applicant Company), Mr Ian Watson (Environmental Health) and PC Bryan Lewis (Metropolitan Police).

Mr Fogg's, 15 Bruton Lane, W1J 15/02424/LIPV

1. Sale by Retail of Alcohol: On and off the premises

Monday to Sunday: 10:00 to 02:00.

Amendments to application advised at hearing:

The Applicant amended the terminal hour for all licensable activities on Sundays to midnight with closing of the premises at 00.30 on the following day.

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

The Sub-Committee initially heard from Mr Grant, representing the Applicants. He informed Members that the venue pays tribute to the fictional character Phileas J Fogg and the clientele included many of the current prominent real life explorers. The clientele were aged from their mid 20's to late 80's and the average age was 35.

Mr Grant emphasised that the venue prior to May 2013 had been a vertical drinking pub but his clients had changed the establishment to a high end lounge

and cocktail bar with more seating and upgraded facilities. He made the point that the venue was already permitted to open Sunday to Thursday until 02:00 and Friday and Saturday until 02:30. His clients were now keen to remove the discrepancy between the permitted hours for licensable activities and the opening hours. He expressed the view that customers should not have to 'stock up' on alcohol purchases because of the discrepancies in the premises licence.

Mr Grant made the point that since his clients had been operating Mr Fogg's in May 2013 there had been no reported complaints or incidents. Many residents were customers and there had been no representations against the application from local residents. Over the last eighteen months there had been 19 temporary event notices in operation at Mr Fogg's until the hours being proposed in the current application and these had not caused any issues.

Mr Grant addressed the Sub-Committee on the proposed conditions. There was one difference between what was being proposed by his clients and Environmental Health and the Police. His clients were requesting a last entry time of 00:30 Monday to Saturday due to the fact that customers who hoped to join their friends after a meal had had to be turned away because of the midnight last entry time on the existing licence. The Police and Environmental Health were requesting a last entry time of midnight.

PC Lewis for the Metropolitan Police and Mr Watson for Environmental Health confirmed that they had maintained their representations due to the need to finalise conditions, notably the last entry time. The Applicants had agreed all of their other proposed conditions, including with Environmental Health that after 2300 hours, smokers shall be limited to 17 persons outside the premises at any one time and SIA door supervisors shall control any smokers to prevent public nuisance and crime and disorder. Mr Watson referred to the Applicants employing a minimum of 2 SIA licensed door supervisors at the premises after 23:00 hours until 30 minutes after the premises closed. Mr Watson also confirmed that there had been no public complaints relating to Mr Fogg's.

The Sub-Committee, in granting the application with the amended proposed hours on Sundays, considered that there were no reasons to believe that aligning the proposed hours for licensable activities with the opening hours would not promote the licensing objectives (on Sundays the closing time was being brought forward by an hour and a half following the surrender of the existing licence by the Applicants). There had been no complaints against the premises and local residents had not appeared to have been adversely affected by the premises which would have led them to submit representations objecting to the application. The conditions attached to the licence, the vast majority of which had been agreed by the Applicants, promoted the licensing objectives and Mr Fogg's is not located in a designated stress area. The Sub-Committee decided that a last entry time of 00:30 was appropriate given that there was no evidence that the licensing objectives would be undermined by permitting this. The Chairman made the point to the Applicants that there were residents in the area who would make it clear to them if the conditions on the licence were not being complied with. Should this be the case there was the potential for residents or the Responsible Authorities to review the premises licence.

2.	Late Night Refreshment: Indoors
	Monday to Sunday: 23:00 to 02:00.
	<p>Amendments to application advised at hearing:</p> <p>The Applicant amended the terminal hour for all licensable activities on Sundays to midnight with closing of the premises at 00.30 on the following day.</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.	Regulated Entertainment
	<p>Exhibition of a Film: Indoors Monday to Sunday: 10:00 to 02:00.</p> <p>Playing of Recorded Music: Indoors Monday to Sunday: 10:00 to 02:00</p>
	<p>Amendments to application advised at hearing:</p> <p>The Applicant amended the terminal hour for all licensable activities on Sundays to midnight with closing of the premises at 00.30 on the following day.</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
	Monday to Sunday: 08:00 to 02:30.
	<p>Amendments to application advised at hearing:</p> <p>The Applicant amended the closing time on Sundays to 00:30 hours on the Monday morning following.</p>
	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).
5.	Non Standard Timings
	<p><u>For Sale by Retail of Alcohol: On and off the premises, Late Night Refreshment: Indoors, Exhibition of a Film: Indoors, Playing of Recorded Music: Indoors & Opening Hours.</u></p> <ul style="list-style-type: none"> • New Year's Eve from the end of permitted hours to the beginning of the permitted hours on New Year's Day. • When the hours authorised by the licence extend to a time later than 2am, then in relation to the morning on which British Summer Time begins, the hours will be extended to one hour after that authorised by the licence.
	<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.</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 must 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</p>

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.

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.

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.

Additional Conditions

11. The maximum number of persons permitted on the premises at any one time shall not exceed 170 persons (excluding staff).

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

13. After 23:00, 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.

14. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
15. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
16. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
17. A minimum of 2 SIA licensed door supervisors shall be on duty at the premises after 23:00 hours until 30 minutes after the premises closes.
18. 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 alcohol is sold or supplied.
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 and to be supervised by SIA door supervisors after 23:00.
20. All staff engaged outside the entrance to the premises, or supervising or controlling queues after 11pm, shall be easily identifiable e.g. by wearing hi-visibility jackets or such other clothing as agreed with the Police.
21. All outside areas shall cease to be used after 23:00 hours except by patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke or for access and egress.
22. 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.
23. The provision of films shall be incidental to other licensable activities and there shall be no cinema style showing of films.
24. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing should be either non-combustible or be of durably or inherently flame-retarded fabric.
25. The hours for licensable activities and opening times may be extended from the end of permitted hours on New Year's Eve to the beginning of the permitted hours on New Year's Day.
26. 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.

27. 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.
28. 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.
29. 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.
30. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
31. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
32. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
33. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
34. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

35. 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.
36. There shall be no sales of alcohol for consumption off the premises after 2300 hours.
37. 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.
38. 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.
39. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
40. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
41. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
42. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
43. After 2300 hours, smokers shall be limited to 17 persons outside the premises at any one time and SIA door supervisors shall control any smokers to prevent public nuisance and crime and disorder.
44. There shall be no admittance or re-admittance to the premises after 00:30 hours save for persons temporarily leaving to smoke.
45. This premises licence will not be used as an authorisation for licensable activities until premises licence 14/08468/LIPDPS or such other number subsequently issued has been surrendered and is incapable of resurrection.