



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (5)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (5)** Committee held on **Thursday 12th November, 2015**, Rooms 5, 6 & 7 - 17th Floor, City Hall.

**Members Present:** Councillors Angela Harvey (Chairman), Susie Burbridge and Shamim Talukder

#### 1 MEMBERSHIP

There were no changes to the Membership.

#### 2 DECLARATIONS OF INTEREST

In respect of item 2 on the agenda, Restaurant, 17 Bedford Street, WC2, Councillor Susie Burbridge declared that she had sat on the Planning Applications Committee that had considered the planning application for this item. However, she stated that she would consider the licensing application with an open mind (free from any bias), she did not view that she had a prejudicial interest and would remain present to consider the matter.

#### 1 RESTAURANT, 1 GROSVENOR GARDENS, SW1

##### LICENSING SUB-COMMITTEE No. 5

*Thursday 12<sup>th</sup> November 2015*

Membership: Councillor Angela Harvey (Chairman), Councillor Susie Burbidge and Councillor Shamim Talukder

Legal Adviser: Horatio Chance

Policy Adviser: Chris Wroe

Committee Officer: Toby Howes

**Restaurant, 1 Grosvenor Gardens, SW1  
15/07477/LIPN**

Application adjourned at the request of the Applicant Company.

**2 RESTAURANT, 17 BEDFORD STREET, WC2**

**LICENSING SUB-COMMITTEE No. 5**

*Thursday 12<sup>th</sup> November 2015*

Membership: Councillor Angela Harvey (Chairman), Councillor Susie Burbridge and Councillor Shamin Talukder

Legal Adviser: Horatio Chance

Policy Adviser: Chris Wroe

Committee Officer: Toby Howes

Relevant Representations: Metropolitan Police, Environmental Health, Covent Garden Community Association and four local residents.

Present: Mr Alun Thomas (Solicitor representing the Applicant Company), Mr Paul Corrett (Applicant Company), PC Adam Deweltz (Metropolitan Police), Ms Sally Thomas (Environmental Health), Mr David Kaner (Covent Garden Community Association), Mr David Browne (Peabody Housing Officer for Davey's Court), Mr Anthony Irwin (Local Resident) and Mrs O'Bierne (Local Resident).

Declarations: Councillor Susie Burbridge declared that she had sat on the Planning Applications Committee that had considered the planning application for this item. However, she stated that she would consider the licensing application with an open mind (free from any bias), she did not view that she had a prejudicial interest and would remain present to consider the matter.

<b>Restaurant, 17 Bedford Street, WC2</b> <b>15/07395/LIPN</b>	
<b>1.</b>	<b>Late night refreshment</b>
	Monday to Saturday: 23:00 to 00:00
	<b>Amendments to application advised at hearing:</b>  None.
	Decision (including reasons if different from those set out in report):  Mr Thomas, Solicitor representing the Applicant Company, began by stating

that Mr Corrett from the Applicant Company had some 25 years' experience of operating restaurants. The Sub-Committee heard that the Clos Maggiore restaurant operated by Mr Corrett had recently won the prestigious Wine Spectator Grand Award. Mr Thomas stated that the Applicant Company had consulted with over 500 relevant stakeholders over the course of the application and had agreed many conditions with the Council's Environmental Health Department. He commented that the planning application relating to the premises that had been granted had addressed many of the concerns raised by residents and responsible authorities. The application sought a modest additional 30 minutes beyond core hours for licensable activities from Sunday to Thursday, whilst Friday and Saturday were within core hours. Mr Thomas then referred to proposed plans for the restaurant, including the proposed front entrance, bar holding area, restaurant area, private dining area and the service bay to the rear of the premises.

Mr Corrett of the Applicant Company then addressed the Sub-Committee. Mr Corrett explained that the proposal was to create a quality dining restaurant with an Italian feel and at a similar level to restaurants such as The Wolseley, Cecconi's, Scotts and The Ivy. The proposed holding bar/lounge area would have a limited capacity and would allow the opportunity for customers to have a drink before or after dinner or even dine in the area. Mr Corrett stated that the restaurant layout would be spacious and luxurious and intended to attract a higher spend clientele. Much of the business would focus on the pre and post theatre customer that appreciated fine dining. Mr Corrett felt that the proposals would be of benefit to Covent Garden by attracting quality diners to the area. Mr Corrett added that most customers would arrive and leave by public transport and taxis and so there would not be an adverse impact on traffic.

Mr Thomas then addressed the outstanding issues relating to the application. He stated that although the report stated that the total capacity proposed was 260, the Applicant Company were proposing a capacity of 190 people, not including staff, for the restaurant and 19 people, not including staff, in the holding bar area, meaning a total capacity of 209 not including staff. Mr Thomas felt that the model restaurant condition and the other conditions proposed would address any issues arising in respect of the proposed additional 30 minutes for licensable activities from Sunday to Thursday. The Sub-Committee noted that the hours applied for mirrored those that had been granted in the planning permission. Mr Thomas stated that the Metropolitan Police's proposed condition that alcohol in the designated bar area may only be consumed prior to a meal would prevent customers from having an after dinner drink, something that customers may wish to do and so the Applicant Company proposed that the condition permit consumption of alcohol in the bar before, during and after dinner, taking into account that customers may also be dining in the bar area. In relation to the condition proposed by Mr Kaner that sale of alcohol in the bar area be by waiter/waitress service to seated customers only, Mr Thomas stated that this would be inappropriate as customers at the bar itself would be served by bar staff, and whilst most customers would be seated, there may be a small number standing. The Applicant Company was also not in agreement with Mr Kaner's proposed conditions restricting last entry to the restaurant to 60 minutes before closing, as this would impact on access to the restaurant for the post theatre clientele.

Mr Thomas then addressed concerns about customers smoking outside the premises and advised that the Applicant Company would not permit its staff to smoke in these areas and this could be monitored and enforced by the premises' CCTVs. However, he contended that the Applicant Company would be unable to prevent the public from smoking when they left the premises, however signage could be placed discouraging them from doing so and in view of this Mr Thomas asked that there be no condition for customers in relation to smoking. Mr Thomas confirmed the Applicant Company's agreement to conditions in relation to waste and waste collection which went further than the model conditions. He advised that following dialogue with Mr Kaner, a condition relating to deliveries had been agreed that would include that all deliveries would be within the service bay area. Mr Thomas concluded his submission by stating that although the application proposed times slightly beyond core hours in a stress area, that as the premises was to be a restaurant, in accordance with the Council's Statement of Licensing Policy, Policy RNT2, there was not a requirement to provide an exception to grant the application.

PC Deweltz from the Metropolitan Police then addressed the Sub-Committee and advised that he maintained his representation on policy grounds taking into account that the premises was in a stress area. He contended that the potential for up to 19 people to be vertically drinking in the bar would add to cumulative impact in the area.

Ms Thomas of Environmental Health stated that her representation was also based on policy grounds, however a number of her concerns had been addressed by the proposed conditions. She welcomed a condition limiting supply of alcohol in the bar area to waiter/waitress service. Ms Thomas added that if the Sub-Committee were minded to grant the application, that a condition be added stating that all doors and windows were to be closed after 23:00 in order to prevent noise breakout and this had been agreed by the Applicant Company.

Mr Kaner from the Covent Garden Community Association then addressed Members. He stated that residents were located above, behind and opposite the Applicant Company's premises and that he had discussed a number of possible conditions with the Applicant Company's representative, Mr Thomas. His organisation was concerned about the public nuisance that may be caused by deliveries and from the activities of the restaurant. Mr Kaner stated that a condition requiring delivery vans to have their engines turned off whilst waiting to deliver, or that they only enter Bedford Court when the loading bay was unoccupied, would help address this specific issue. The other major area of concern was the noise and disturbance that may be caused by customers arriving and leaving the restaurant, particularly later in the evening. Mr Kaner felt it was desirable to reduce the intensity of use of the restaurant later in the evening and so he requested that the hours for licensable activities be reduced by 30 minutes from Sunday to Thursday and last entry conditions of 60 minutes before closing both for the restaurant and bar. He requested that a condition preventing customers from moving from the restaurant to the bar area later in the evening be added to the premises licence.

Mr Kaner queried the proposal for an extension beyond core hours on Sunday to Thursday to cater for the post theatre clientele, as this would still mean that some customers would only have an hour to finish their meals, which he contended would not be in keeping with a high quality dining experience. He emphasised the need for a condition to control smoking customers, especially as the proposed restaurant was large and may have a number of customers smoking at any one time which, could cause significant public nuisance to local residents. A no queuing condition was also suggested in order to prevent public nuisance. Mr Kaner, in conclusion, felt that considering the proposed restaurant's size, the conditions he had suggested should be included on the premises licence in order to prevent adding to cumulative impact and public nuisance.

In reply to a query from Mr Wroe, Policy Adviser, Mr Kaner stated that there was no ideal location for a designated smoking area, as residents were located above and behind the outside area. However, he felt Bedford Street was a preferable location to Bedford Court and that customers should be encouraged to finish their smoking promptly.

Mr Irwin, a local resident, began by stating that the plans submitted were out of date and had been produced prior to the development of the building. He asserted that delivery vans would compromise entrances to residents' homes and the noise and fumes from engines and exhausts would disturb residents. In respect of deliveries, Mr Irwin contended that the garage/loading bay area was now twice the size they previously were.

Mr Browne, Peabody Housing Officer for Davey's Court, then addressed the Sub-Committee. Mr Browne stated that Bedford Court, the road where deliveries were to be made and where the loading bay and garage were located, was already a heavily used cul-de-sac and residents were concerned that the delivery vans to the restaurant would cause disturbance to residents when leaving their engines running, causing excessive noise and fumes. This would particularly affect the 16 residents who lived directly above the loading bay, and this would be exacerbated in the summer when windows were open.

Mrs O'Brienne, a local resident, informed the Sub-Committee that she lived directly above the loading bay and was concerned about noise from delivery vans and from customers arriving and leaving the restaurant. She felt that although lighting had been improved in Bedford Court, the benefits of this would be outweighed by the prospect of public nuisance if the application was granted.

Members enquired how many additional W/Cs had been provided following a request by Environmental Health and whether the Applicant Company would consider further reducing the hours during which deliveries and waste collection would take place.

In reply to the issues raised by the responsible authorities and other persons, Mr Thomas stated that the planning permission had been the appropriate way to deal with delivery issues which he felt it had addressed, however he acknowledged that there had been some enlargement of the service bay, although he contended that it had not doubled in size. Mr Thomas felt that it

would be difficult to implement a condition requested by Mr Kaner requiring that delivery vans can only enter Bedford Court when the loading bay was unoccupied as the restaurant would not necessarily know the times the delivery vans were due. The Sub-Committee heard that it would be difficult for the Applicant Company to reduce further the hours during which deliveries and waste collection could take place. Mr Thomas added that the proposed delivery hours were a significant improvement to the previous retail use which allowed for unrestricted deliveries at any time to the premises. In addition, the loading bay had been improved and shutters had been added and Mr Thomas felt that issues such as fumes and noise from delivery vans were a planning matter and not necessary a consideration for the licensing Sub-Committee.

Mr Thomas confirmed that one additional W/C had been provided as requested by Environmental Health. He stated that intensification of use in the later evening hours was less likely for a restaurant and so it was not appropriate for a condition preventing entry to the restaurant after 23:00. With regard to smokers, only a small number were anticipated and staff would not be permitted to smoke in the outside areas, which would be enforceable through the use of CCTV.

Mr Corrett added that the planning permission was yet to be implemented and that the current retail use permission did allow for 24/7 deliveries. He felt that the proposed delivery times had been most accommodating to address the concerns of residents.

Mr Kaner asserted that according to Transport for London, restaurants tended to have more deliveries than retail units.

The Sub-Committee granted the application, subject to an amendment to the condition concerning consumption of alcohol in the designated bar area so that alcohol may be supplied and consumed only prior to a meal in the designated bar area and limited to a maximum of 19 persons at any one time who are dining at the premises. In agreeing the amendment to this condition, the Sub-Committee took into account that the Metropolitan Police had suggested this condition which was also consistent with Council policy. The Sub-Committee also replaced the two proposed CCTV condition with two standard CCTV conditions as requested by the Police. The Sub-Committee amended a proposed condition by Mr Kaner relating to the bar area so that the sale of alcohol in the bar area shall be to seated customers only. In agreeing this amendment, the Sub-Committee recognised the point made by Mr Thomas that some customers in the bar area would be served by bar staff, and so it re-worded the condition accordingly. Two conditions were also added stating that there shall be no queuing outside the premises and all vehicle deliveries to be unloaded within the loading bay only, as requested by other persons making representations.

In determining the application, the Sub-Committee considered that hours for licensable activities applied for were only a modest extension of core hours for Sunday to Thursday and within core hours for Friday and Saturday. In addition, the application was for a restaurant and with the conditions added, the Sub-Committee considered that the premises would not add to cumulative impact.

	<p>The Sub-Committee also considered that the conditions would help the Applicant Company uphold the promotion of the licensing objectives (prevention of crime and disorder, prevention of public nuisance, public safety, protection of children from harm).</p> <p>The Chairman added that some of the concerns raised by local residents could be addressed through other statutory legislation and Council policies, such as planning.</p>
<b>2.</b>	<b>Sale by Retail of Alcohol: On Sales</b>
	<p>Monday to Saturday: 10:00 to 00:00  Sunday: 12:00 to 23:00</p>
	<p><b>Amendments to application advised at hearing:</b></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>
<b>3.</b>	<b>Hours Premises are Open to the Public</b>
	<p>Monday to Saturday: 09:00 to 00:00  Sunday: 09:30 to 23:00</p>
	<p><b>Amendments to application advised at hearing:</b></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>

<b>Conditions attached to the Licence</b>	
<b><u>Mandatory Conditions</u></b>	
1.	No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.

2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the



premises in relation to the sale or supply of alcohol.

- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

7. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

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

Where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### **Additional Conditions**

9. The premises shall only operate as a restaurant:

- (i) in which customers are shown to their table,
- (ii) where the supply of alcohol is by waiter or waitress service only,

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

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

10. Notwithstanding condition 9, alcohol may be supplied and consumed prior to their meal in the designated bar area, by up to a maximum at any one time, of 19 persons dining at the premises.
11. There shall be no new entry to the designated bar area after 23:00.
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. 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.
14. 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.
15. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
16. 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:
  - i) all crimes reported to the venue

- ii) all ejections of patrons
  - iii) any complaints received
  - iv) any incidents of disorder
  - v) all seizures of drugs or offensive weapons
  - vi) any faults in the CCTV system
  - vii) any refusal of the sale of alcohol
  - viii) any visit by a relevant authority or emergency service.
17. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
18. All doors and windows of the premises shall be kept closed after 23.00 hours except for immediate access and egress.
19. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
20. Entry/exit of customers shall be restricted to Bedford Street at all times save in an emergency.
21. Signage will be displayed reminding customers not to smoke in Bedford Court.
22. Staff will not be permitted to smoke in Bedford Court.
23. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
24. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20:00 and 08:00 hours on the following day.
25. Deliveries to the premises shall only take place between the hours of 08:00 and 12:00 (midday) Monday to Saturday and between 09:00 and 12:00 Sundays and Bank Holidays.
26. Collections from the premises (including waste) shall only take place between the hours of 08:00 and 20:00 Monday to Saturday, and 10:00 and 20:00 Sunday.
27. Bottles shall only be disposed of via a bottle crusher.
28. 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 sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
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. 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.
31. The number of persons accommodated at the premises (excluding staff) shall not exceed 190 in the restaurant, plus 19 in the bar area shown on the plan.
32. The licence will have no effect until the Licensing authority are satisfied that the works, as shown on the drawing numbers 3934/202E and 3934/201C, are completed to the reasonable requirements of Westminster's Environmental Health Consultation Team, at which time this condition will be removed from the licence.
33. The sale of alcohol in the bar area shall be to seated customers only.
34. No queuing outside the premises.
35. All vehicle deliveries to be unloaded within the loading bay only.

### **3 DIAGEO PLC - 6TH FLOOR BAR, 12 GOLDEN SQUARE, W1**

#### **LICENSING SUB-COMMITTEE No. 5**

*Thursday 12<sup>th</sup> November 2015*

Membership: Councillor Angela Harvey (Chairman), Councillor Susie Burbridge and Councillor Shamin Talukder

Legal Adviser: Horatio Chance

Policy Adviser: Chris Wroe

Committee Officer: Toby Howes

Relevant Representations: Metropolitan Police, Environmental Health, Councillor Paul Church, Great Pulteney Street and Bridle Lane Residents Association and six Local Residents

Present: Mr James Rankin (Solicitor, representing the Applicant Company), Ms Toomey (Applicant Company), PC Bryan Lewis (Metropolitan Police), Mr Ian Watson (Environmental Health), Mr Richard Brown (Solicitor, Citizens Advice Bureau – representing Ms Isabel Anderton, Mrs Wendy Hardcastle, Mr Leslie Hardcastle and Ms Maria Tempia), Ms Isabel Anderton (Local Resident), Mr Paul Murray (Local Resident), Mrs Wendy Hardcastle (Local Resident), Mr Leslie Hardcastle (Local Resident) and Ms Maria Tempia.

**Diageo Plc, 6<sup>th</sup> Floor Bar, Golden Square, W1  
15/07959/LIPN**

**1. Late night refreshment**

Monday to Thursday: 23:00 to 23:30  
Friday and Saturday: 23:00 to 00:00

**Amendments to application advised at hearing:**

None.

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

Mr Rankin, Solicitor representing the Applicant Company, Diageo PLC, began by advising that the company operated a bar at its current central office in St James's Square. The Applicant Company was to move to the Golden Square address and wished to apply for a premises licence to operate a bar on the 6<sup>th</sup> Floor of the premises. If the application was granted, the premises licence at the current central office location would be surrendered. Mr Rankin stated that the total footprint of the proposed bar would be the same as the existing bar at the St James's Square office and that it was not intended to use the bar on a daily basis, with its main purpose to hold either lunchtime or dinner events. He felt that the conditions proposed would address concerns over use of the external terrace. Access to the premises, including the bar, would be monitored by 24 hours security every day and involve a signing-in procedure. Mr Rankin advised that proposals to provide plays, live music, recorded music and anything of a similar description had been withdrawn. He also advised that all conditions had been agreed with the Metropolitan Police, and most conditions with Environmental Health, save for proposed conditions 33-42 on pages 100-101 in the report, which he was happy to leave to the discretion of the Sub-Committee. Mr Rankin advised that off sales of alcohol had been applied for in order to allow customers to take away promotional products as gifts and that a condition had been agreed with Environmental Health restricting off sales to sealed containers. He suggested that conditions 15 – 18 on page 99 of the report addressed concerns over the use of the terrace, including the condition stating that the terrace will not be used in connection with licensable activities at any time. Ms Toomey of the Applicant Company advised in response to queries from Members that the terrace could hold between 10 to 12 people. She added that drinks would not be permitted to be taken onto the terrace and its use would be minimal.

PC Lewis of the Metropolitan Police then addressed the Sub-Committee. PC Lewis confirmed that he had agreed all conditions with the Applicant Company and was satisfied with the proposals.

Mr Watson from the Council's Environmental Health Department advised that he had met with the Applicant Company at the premises and had observed that the terrace did overlook some residential properties and there were also two smaller outside terraces. He stated that the agreed condition stating that the terrace was not to be used in connection with licensable activities had alleviated his concerns to some extent, however he added that there may be difficulty in distinguishing what was a licensable activity and what was not. An example of where it may be hard to make this distinction could be a situation when the Applicant Company was hosting executive dinners. Mr Watson stated that public nuisance could also arise from people talking loudly when they went onto the terrace to smoke. Mr Watson suggested that the terrace may be able to accommodate up to ten seated people and around 25 standing, whilst the terrace could also be used as a secondary means of escape.

Mr Brown, Solicitor from Citizens Advice Bureau and representing Ms Isabel Anderton, Mrs Wendy Hardcastle, Mr Leslie Hardcastle and Ms Maria Tempia, then addressed the Sub-Committee. Mr Brown stated that a residential block owned by Soho Housing Association was in close proximity to the premises, with some flats only 15 metres away, and contained 28 flats consisting of 60 residents ranging in age from 2 to 85 years. Many who lived in the block were long term residents and they had expressed concern that the proposals would cause public nuisance through noise emanating from both the external terrace and the building. Mr Brown stated that residents had already experienced excessive noise when squatters had been using the premises and from security staff. He stated that the noise was exacerbated because it reverberated around the courtyard.

Mr Brown contended that the terrace was connected to a licensable area to be used by people for licensable activities and so it could accordingly be conditioned. He stated that residents would have objected to the planning application if they had known that a bar was proposed. Mr Brown sought clarification on how many windows would be glazed and why had extended hours been applied for on Christmas Day. In respect of private events, he stated that this may include non-employees who may be more likely to misbehave and he enquired how many private events there were likely to be. In respect of the current head office's bar, he stated that it was not located in a stress area, unlike this application. Mr Brown felt that the proposed conditions did not go far enough to address residents' concerns and condition 11 provided for a wide number of people to be supplied by alcohol. In respect of proposed condition 16, the question of how to define what was in connection of licensable activities needed to be considered. In his view, those using the bar who then went onto the terrace to smoke were using it in connection with licensable activities. The Sub-Committee heard that residents were more likely to be affected by the premises at later hours in the evening. Mr Brown concluded by stating that as the office was open 24 hours a day, a condition was required limiting the hours of alcohol consumption on the premises.

Mr Murray, a local resident, explained that he lived nearby with his wife and child and had a number of concerns about the application. He stated that he had worked in a number of the Applicant Company's offices, however the proposals in this application were markedly different to the St James's Square

model. He expressed concern that the bar maybe used to hold frequent promotional events which may cause excessive noise and disrupt the sleep of his child whose bedroom was in close proximity to the terrace in which smokers who had been drinking may be talking loudly. Mr Murray stated that it would be preferable if smokers were encouraged not to use the terrace area but instead use the outside of the front entrance after a certain time, whilst there should also be a restriction on consumption of alcohol. He added that excessive noise had already been experienced from squatters and security staff on the premises.

Ms Anderton, a local resident, stated that she resided in a quiet street in the residential block behind the premises that overlooked the courtyard. Most properties' bedrooms were to the rear and so were facing the premises and terrace. She stated that three windows of the premises overlooked the residential block. Ms Anderton stated that she had been disturbed by builders drilling on the premises, even though her windows had been closed, whilst she could also hear security staff on their mobile phones when they were on the terrace, again when her windows were closed. She stated that it would therefore be inevitable that noise from the premises would be heard when the bar contained a large number of people, even with her windows closed. Ms Anderton also contended that bar area proposed was large, taking around a third of the space of the entire premises, and so it could not be argued that it would be ancillary to the premises' use as an office.

Mrs Hardcastle, a local resident, addressed the Sub-Committee, and she also contended that the bar composed a third of the premises and so potentially this part of the building would be used entirely for the consumption of alcohol. Mrs Hardcastle expressed concern about the disturbance that could be caused to residents by up to 55 people in the bar area at anyone time, plus company staff and this would have a cumulative effect on noise and disturb both younger and older people and those who were unwell. Disturbance would also be caused by noise breakout as people went from the bar to the terrace and back and this would be exacerbated in the summer with the doors remaining open. Mrs Hardcastle advised that because the windows in her block were listed, residents could not attempt to reduce the noise impact by having their windows double-glazed, whilst blinds did not prevent light from the premises from coming in. She added that she would have objected to the planning application if she had known a bar was proposed.

Mr Hardcastle, a local resident, explained that his home was parallel to the Applicant Company's premises. He stated that his main concern was that he would be disturbed by noise that would be exacerbated by the fact that the bar and terrace were two storeys above his home. There had already been incidences of noise disturbance as described earlier by other local residents and the changes to the premises meant that the flats in his residential block were considerably overlooked. Mr Hardcastle added that Councillor Paul Church, a Ward Member of where the premises is located, had strongly objected to the application in his representation.

Ms Tempia, a local resident, stated that the back of the premises was only five metres from her front door and the noise emanating from the premises echoed



across the courtyard. She stated that the street was already noisy and suffered from anti-social behaviour and that the proposed bar would only add to the number of people causing noise and adding to cumulative impact. Ms Tempia queried the reasons why late hours had been applied for if the bar was mainly to be used for events. She indicated that she would be content if the use of the bar and terrace was restricted to no later than 20:00.

In response to some of the issues raised in the representations, Mr Rankin stated that the premises would be used in exactly the same way the premises at St James's Square was used. He added that it was preferable that the premises be licensed so that it could be duly regulated.

Members asked what the charging arrangements for the bar would be and whether the capacity of 55 people in the bar included the Applicant Company's staff, apart from the serving staff, and what the total capacity for the 6<sup>th</sup> Floor was. Members queried why extended hours for Christmas Day and New Year's Eve had been proposed and whether the Applicant Company would consider restricting the times that the terrace could be used. Members also asked what an appropriate capacity would be for the terrace. In respect of proposals to show films, Members asked what type of films were intended to be shown.

In reply to questions from Members, Mr Rankin advised that staff would be charged to buy products from the bar after the end of the working day, whilst an admissions charge may be made for private events. He confirmed that the staff Christmas Party would be not be a chargeable and licensable event. The Sub-Committee noted that the condition stating that the terrace was not to be used in connection with any licensable activity had been put forward by Environmental Health. Proposed condition 17 allowed patrons to be able to smoke on the terrace. Mr Rankin suggested that some local residents may have mistakenly assumed that the whole of the 6<sup>th</sup> Floor was to be a bar, however the floor was to be used for multi purposes so the bar was smaller than they would have imagined. The 5<sup>th</sup> Floor was to be used for meeting rooms and the 4<sup>th</sup> Floor for hot desking. Mr Rankin confirmed that the total capacity of 55 people for the bar included staff and in addition there may be up to five waiting staff. The total capacity for the 6<sup>th</sup> Floor mirrored that of the capacity of the bar. On behalf of the Applicant Company, Mr Rankin confirmed agreement that the premises would not be open on Christmas Day. In respect of New Year's Eve, Mr Rankin advised on behalf of the Applicant Company that they would be satisfied for the terminal hour of all licensable activities to be 03:00 the next day.

Mr Rankin suggested that a condition stating that use of the terrace shall cease at 22:00 would be acceptable to the Applicant Company, however an earlier time would be accepted if felt absolutely necessary. He stated that the Applicant Company were aware that the terrace was located in a sensitive area, however ultimately the capacity was an issue to be determined by the Sub-Committee, having regard to any representations Environmental Health wished to make in this respect. Mr Rankin advised that the type of films shown would be short and include TV advertisements and it was unlikely that any feature length films would be shown, whilst there was no intention to show films classified at 18 category. He added that the premises would also not be available for external promotions.

	<p>The Sub-Committee granted the application, subject an additional condition restricting alcohol consumption from 10:00 to 23:30 Monday to Thursday, 10:00 to 00:00 Friday and Saturday and 12:00 to 22:30 Sunday. The Sub-Committee considered that the condition restricting alcohol consumption was necessary taking into account that the premises was open 24 hours a day as an office. The Sub-Committee agreed that the terminal hour for licensable activities on New Year's Eve would be until 03:00 the following day, as suggested as acceptable by the Applicant Company and that the premises be closed for licensable activities on Christmas Day, as agreed by the Applicant Company. The Sub-Committee added conditions restricting use of the terrace up to 20:00 and on any day licensable activities took place and a condition requiring that the Applicant Company ensure that the doors to the outside terrace are to remain closed after 20:00 on any day licensable activities took place at the premises. In adding these two conditions, the Sub-Committee took into account that the terrace was at a higher level than the residential block which would exacerbate any noise from the premises, whilst residents were also unable to double glaze their windows to minimise the impact of noise from the premises and terrace because their block was a listed building.</p> <p>The granting of the application was also subject to an additional mandatory model condition in relation to showing films and to two CCTV conditions, staff training for those involved in sale of alcohol and maintenance of an incident log, as proposed by the Metropolitan Police. In determining the application, the Sub-Committee considered that the conditions added to the premises licence would help the Applicant Company to uphold the promotion of the licensing objectives (prevention of crime and disorder, prevention of public nuisance, public safety, protection of children from harm) and to prevent adding to cumulative impact in a stress area.</p>
<p><b>2.</b></p>	<p><b>Sale by Retail of Alcohol: On and Off Sales</b></p>
	<p>Monday to Thursday: 10:00 to 23:30  Friday and Saturday: 10:00 to 00:00  Sunday: 12:00 to 22:30</p>
	<p><b>Amendments to application advised at hearing:</b></p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>
<p><b>3.</b></p>	<p><b>Plays</b></p>

	<p>Monday to Thursday: 09:00 to 23:30  Friday and Saturday: 09:00 to 00:00  Sunday: 09:00 to 22:30</p>
	<p><b>Amendments to application advised at hearing:</b></p> <p>Withdrawn.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Withdrawn.</p>
<b>4.</b>	<b>Films</b>
	<p>Monday to Thursday: 09:00 to 23:30  Friday and Saturday: 09:00 to 00:00  Sunday: 09:00 to 22:30</p>
	<p><b>Amendments to application advised at hearing:</b></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>
<b>5.</b>	<b>Live Music</b>
	<p>Monday to Thursday: 09:00 to 23:30  Friday and Saturday: 09:00 to 00:00  Sunday: 09:00 to 22:30</p>
	<p><b>Amendments to application advised at hearing:</b></p> <p>Withdrawn.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Withdrawn.</p>
<b>6.</b>	<b>Recorded Music</b>

	<p>Monday to Thursday: 09:00 to 23:30  Friday and Saturday: 09:00 to 00:00  Sunday: 09:00 to 22:30</p>
	<p><b>Amendments to application advised at hearing:</b></p> <p>Withdrawn.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Withdrawn.</p>
<b>7.</b>	<b>Anything of a Similar Description to 3,4,5 and 6 above</b>
	<p>Monday to Thursday: 10:00 to 23:30  Friday and Saturday: 10:00 to 00:00  Sunday: 10:00 to 22:30</p>
	<p><b>Amendments to application advised at hearing:</b></p> <p>Withdrawn.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Withdrawn.</p>
<b>8.</b>	<b>Hours Premises are Open to the Public</b>
	<p>Monday to Sunday: 00:00 to 00:00</p>
	<p><b>Amendments to application advised at hearing:</b></p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted opening hours of 07:00 to 03:00 Monday to Saturday and 07:00 to 01:30 Sunday, subject to conditions as set out below (see reasons for decision in Section 1).</p>

<b>Conditions attached to the Licence</b>
<b>Mandatory:</b>

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 licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the 4<sup>th</sup> and 5<sup>th</sup> floors of the building as offices.
11. The sale of alcohol for consumption off the premises shall be restricted to sealed containers at product launch events. Such sales shall not be consumed on the premises, or on any terrace.
12. Alcohol to the licensed premises shall only be supplied to employees and officers of Diageo, bona fide guests and persons attending a private pre-booked function or event to which members of the public are not admitted.
13. A register of any private pre-booked functions or events shall be kept at the premises and made available for immediate inspection by police or an authorised officer of the Council.
14. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a public nuisance.
15. Loudspeakers shall not be located outside the premises building including on the terrace.
16. All external doors of the licensed area shall be kept closed during licensed hours except for the immediate access and egress of persons.
17. The terrace shall not be used in connection with any licensable activity at any time.
18. 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, including on to the terrace.
19. The premises licence holder shall ensure that any patrons smoking outside the premises, including on the terrace, do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance caused.
20. 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.
21. There shall be no self-service of alcohol on the premises.
22. There shall be no external advertisement of the licensed premises.
23. The number of persons permitted in the licensed premises at any one time (excluding staff) shall not exceed 55 persons and number of serving staff will be up to a maximum of 5.



24. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
25. 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.
26. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.
27. 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.
28. 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.
29. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
30. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
31. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment
32. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
33. The reception on the ground floor lobby will be staffed 24 hours a day.
42. 24 hour security will ensure that visitors leave quietly.
43. All entrances and exists to the licensed premises shall be monitored by CCTV and images shall be stored for 31 days.
44. All staff involved in the sale of alcohol shall receive appropriate licensing training and a log shall be kept.
45. 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.

- 46. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.
- 47. The terrace on the 6<sup>th</sup> Floor shall not be used for any purpose after 20:00 on each day when licensable activities are being provided at the premises.
- 48. After 20:00 on each day when licensable activities are provided, the doors to the outside terrace shall remain closed
- 49. The consumption of alcohol on the premises shall cease at 23:30 Monday to Thursday, at 00:00 Friday and Saturday and 22:30 on Sunday.
- 50. The terminal hour for licensable activities on New Year's Eve will be until 03:00 the following day.
- 51. The premises shall remain closed for licensable activities on Christmas Day.

#### **4 TIMBER YARD, GROUND FLOOR AND BASEMENT, 4 NOEL STREET, W1**

##### **LICENSING SUB-COMMITTEE No. 5**

*Thursday 12<sup>th</sup> November 2015*

Membership: Councillor Angela Harvey (Chairman), Councillor Susie Burbridge and Councillor Shamin Talukder

Legal Adviser: Horatio Chance

Policy Adviser: Chris Wroe

Committee Officer: Toby Howes

Relevant Representations: Environmental Health, The Soho Society and two Local Residents

Present: Mr Darren Elliott (Operational Director and Co-Founder, Applicant Company), Ms Ruth Turner Coppin (Managing Director and Co-Founder, Applicant Company) and Ms Sally Thomas (Environmental Health).

**Timber Yard, Ground Floor and Basement, 4 Noel Street, W1  
15/06558/LIPN**

1.	<b>Films</b>
	Monday to Sunday: 08:00 to 23:00
	<p>Decision (including reasons if different from those set out in report):</p> <p>Mr Elliott, Operational Director and Co-Founder of the Applicant Company, began by stating that the Applicant Company operated three premises in London. This premise was a large speciality coffee shop that also provided a creative workspace and held events and business network meet ups. Mr Elliott informed the Sub-Committee that the events held were based on themes the Applicant Company felt were relevant to Soho and the first event had been held on 2 November 2015. The events had taken place following applications for temporary event notices. The Applicant Company had gained a good reputation in its field and had won seven awards in the last year, including Independent Operator of the Year. Mr Elliott explained that because of the nature of the premises, seldom were there children present.</p> <p>Mr Elliott stated that the Applicant Company was working to address the concerns raised in the representations and it was noted that the Metropolitan Police had since withdrawn their representation, following agreement of their requested conditions. The Soho Society and two local residents making representations had been written to and one of the local residents had been invited to the premises and had enjoyed their visit. Mr Elliott added that the premises offered a non-threatening environment to its customers and to facilitate their work.</p> <p>Ms Turner Coppin, Managing Director and Co-Founder of the Applicant Company, then addressed the Sub-Committee. She explained that the application had been made as the Applicant Company wished to offer its customers wine or beer with their food and any alcohol provided would be by waiter/waitress service. After 21:00, the premises would only remain open for pre-booked, private events.</p> <p>Mr Wroe, Policy Officer, sought clarification that the Metropolitan Police had withdrawn their representation and this was confirmed by the Licensing Officer in attendance. In answer to a further question from Mr Wroe, Mr Elliott confirmed that the application applied to both the ground floor and the basement, and with the agreement of the Chairman, Mr Elliott circulated the updated plans to the Sub-Committee and Environmental Health.</p> <p>Ms Thomas of Environmental Health then addressed the Sub-Committee. Mr Thomas referred to Environmental Health's proposed conditions in the report that had been agreed by the Applicant Company. She advised that a condition regarding hours for deliveries was the only condition where agreement had not been reached. Ms Thomas formally removed her requesting of a condition stating that there shall be no cinema style seating provided at the premises and a condition requesting that all emergency doors shall be maintained effectively self-closing and not held open other than by an approved device. She also</p>

stated that proposed condition 14 in the report should read that “There shall be no consumption of alcohol outside the premises.” Ms Thomas advised that the total capacity and the capacities for the ground floor and for the basement would be determined following completion of condition 35 below. She informed Members that the premises had not been associated with any noise complaints since it had opened.

Members sought further details with regard to the hours for waste collection and the type of films that would be shown.

In reply, Mr Elliott advised that cardboard and recyclable waste were collected between 08:00 and 10:00 and all other waste, including bottles between 21:00 and 22:00. In respect of the screening facility, he advised that the intention was to create an internal cinema which would typically show previews and short films. Mr Elliott informed the Sub-Committee that he had been unable to agree with Environmental Heath’s proposed condition regarding hours for deliveries as some baked and other fresh products were delivered in the early hours of the morning, starting any time from 03:00. He added that the vehicles used were small and all suppliers were keyholders and none of the early morning deliveries involved glass or bottles.

At this point, the Sub-Committee then went into closed session to consider the application.

Upon resumption of the hearing, before announcing the decision, the Chairman stated that there were concerns about dispersal of customers later in the evening and that this may add to cumulative impact in the area. Members also enquired how the dispersal of people would be managed.

In reply, Mr Elliot stated that the leaving of the premises by customers tended to be staggered by nature in any case, as some chose to consider networking after an event and there were notices by the exit requesting that customers be quiet in leaving the premises and the area.

The Sub-Committee suggested that any private event of up to 150 people cease by 21:00. Mr Elliott accepted this condition and then suggested that private events up to 75 people be permitted up to 23:00, which the Sub-Committee considered reasonable.

Mr Wroe then enquired upon the nature of the private events. In reply, Mr Elliott advised that there was a schedule of arts events proposed, and events held so far included a photo crawl of Soho, a print workshop, chocolate making class, an entrepreneurs in London event, trade marking for start-ups and coffee tasting, whilst future proposed events included a poetry society and a London writers cafe.

Members also sought further details of the Applicant Company’s menu. In reply, Mr Elliott advised that the menu included artisan bakery products, croissants, brownies, dairy free options, salads and other healthy eating options including vegetarian.

	<p>The Sub-Committee granted the application, subject to a condition that private events cease at 21:00 where there are to be up to 150 people attending and where there were up to 75 people attending a private event, not including staff, that it cease by 23:00. In adding this condition, the Sub-Committee considered that it would help prevent adding to cumulative impact in a stress area and it was noted that the Applicant Company had indicated that they found the condition acceptable to them. The Sub-Committee also added the following conditions: a mandatory condition in relation to showing films; that no one under the age of 18 years is to be admitted to the showing of films on the premises; that after 21:00, the number of people permitted on the premises at any one time shall not exceed 75 people, not including staff, and; that the provision of licensable activities in the basement area shall be ancillary to the use of the premises as a Westminster workspace for the creative industries. The application was also subject to an amendment to the condition prohibiting deliveries between 23:00 to 08:00 to exempt deliveries of bread, other baked products and dairy products from this condition. The Sub-Committee noted that the condition determining total capacity and the capacities for each floor was to be determined following completion of condition 35 below.</p> <p>In determining the application, the Sub-Committee took into account that the application was within core hours and in a stress area. The Sub-Committee also considered that the conditions to be added to the premises licence would help the Applicant Company uphold the promotion of the licensing objectives (prevention of crime and disorder, prevention of public nuisance, public safety, protection of children from harm) and to prevent adding to cumulative impact in a stress area.</p>
	<p><b>Amendments to application advised at hearing:</b></p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p>
<p><b>2.</b></p>	<p><b>Sale by Retail of Alcohol: On Sales</b></p>
	<p>Monday to Saturday: 11:00 to 23:00  Sunday: 12:00 to 22:00</p>
	<p><b>Amendments to application advised at hearing:</b></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>

<b>3.</b>	<b>Hours Premises are Open to the Public</b>
	Monday to Sunday: 08:00 to 23:00
	<b>Amendments to application advised at hearing:</b>  None.
	Decision (including reasons if different from those set out in report):  Granted, subject to conditions as set out below (see reasons for decision in Section 1).

<b>Conditions attached to the Licence</b>	
<b><u>Mandatory Conditions</u></b>	
2.	No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2.	No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3.	Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.	(1) The responsible person 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 supply of alcohol at the premises shall only to be a person seated taking a table meal there and for consumption by such a person as ancillary to their meal, save for private pre-booked functions, which shall be limited to the basement.

11. After 21.00 hours, the provision of licensable activities shall be limited to private pre-booked functions.

12. That private events cease at 21:00 where there were to be up to 150 people attending, and where there be up to 75 people (not including staff) attending a private event, that it cease by 23:00.

13. The supply of alcohol shall be by waiter or waitress service only throughout the whole building.

14. Substantial food and suitable beverages other than intoxicating liquor shall be available during the whole permitted hours in all parts of the premises where intoxicating liquor is sold or supplied

15. The supply of alcohol shall be limited to beer and wine only.

16. There shall be no consumption of alcohol outside the premises.

17. There shall be no self-service of alcohol.

18. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
19. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
21. 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.
22. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 on the following day.
23. Save for bread, other baked products and dairy products, no deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
24. No rubbish, including bottles, shall be moved, removed or placed in the outside areas between 08.00 and 23.00 hours.
25. The number of persons permitted in the premises at any one time (including staff) shall not exceed 150 persons overall.
  1. Ground floor – 88 subject to condition
  2. Basement - 62 subject to condition

Capacity limits for this condition will be determined following completion of condition 35 below.
26. After 21:00 hours, the number of persons permitted on the premises at any one time shall not exceed 75 persons (not including staff).
27. 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.
28. 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.
29. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

30. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
31. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
32. The certificates listed below shall be submitted to the licensing authority upon written request.
  - a. Any permanent or temporary emergency lighting battery or system
  - b. Any permanent or temporary electrical installation
  - c. Any permanent or temporary emergency warning system
33. Any special effects or mechanical installations shall be arranged, operated and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the licensing authority where consent has not previously been given. • dry ice and cryogenic fog • smoke machines and fog generators • pyrotechnics including fireworks • firearms • lasers • explosives and highly flammable substances. • real flame. • strobe lighting.
34. 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.
35. No licensable activities shall take place at the premises until the premises has 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.
36. 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.
37. 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.
38. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the

premises by the police or an authorised officer of the City Council at all times whilst the premises is open.

39. No one under the age of 18 shall be admitted to the showing of films at the premises.
40. The provision of licensable activities in the basement area shall be ancillary to the use of the premises as a Westminster work space for the creative industries.

## 5 BOXCAR BUTCHERS, 23 NEW QUEBEC STREET, W1

### LICENSING SUB-COMMITTEE No. 5

Thursday 12<sup>th</sup> November 2015

Membership: Councillor Angela Harvey (Chairman), Councillor Susie Burbridge and Councillor Shamin Talukder

Legal Adviser: Horatio Chance

Policy Adviser: Chris Wroe

Committee Officer: Toby Howes

Relevant Representations: Environmental Health and one Local Resident

Present: Mr Niall McCann (Solicitor representing the Applicant Company), Mr Henry Hopcroft (Applicant Company) and Mr David Nevitt (Environmental Health).

<b>Boxcar Butchers, 23 New Quebec Street, W1</b> <b>15/07388/LIPN</b>	
<b>1.</b>	<b>Late Night Refreshment</b>
	Monday to Thursday: 23:00 to 23:30 Friday and Saturday: 23:00 to 00:00
	<b>Amendments to application advised at hearing:</b>  Friday and Saturday: 23:00 to 23:30
	Decision (including reasons if different from those set out in report):  Mr McCann, Solicitor representing the Applicant Company, began by advising of revisions to the application to bring forward the terminal hour for sale by retail of alcohol to 23:00 Monday to Saturday and for late night refreshment and

opening times to 23:30 Monday to Saturday. With the agreement of the Chairman, Mr McCann submitted updated plans for the premises to the Sub-Committee and the Council's Environmental Health Department. He advised that the Applicant Company had extensive experience of running licensed premises and the application proposed to operate a butchery combined with a restaurant and to hold butchery classes. The Sub-Committee heard that W/C provision had been increased and further conditions had been agreed with Environmental Health, including that the outside tables and chairs were not to be used after 23:00. Mr McCann stated that acoustic measures would be undertaken to prevent noise breakout and no regulated entertainment was proposed in the application.

Mr Nevitt from Environmental Health then addressed the Sub-Committee. Mr Nevitt stated that the local resident who had made a representation lived in a flat above the whole of the premises which it also overlooked. Mr Nevitt had been in contact with the local resident through telephone and email to discuss the application. Mr Nevitt stated that he was satisfied with the acoustic measures taken by the Applicant Company to prevent noise breakout from the ceiling of the premises to the local resident's flat and the potential impact of lights on the ground floor had been mitigated by the use of glazed lamp lights. He confirmed that he had agreed a condition with the Applicant Company that tables and chairs were not to be used after 23:00 and a maximum capacity of 50 people for the premises overall, had also been agreed, subject to completion of the necessary works required to the premises. Mr Nevitt felt that considering the premises was small, with the hours for licensable activities reduced from the original proposals and the measures being put in place to be suitable for the premises layout, that he would be satisfied if the application was granted subject to the proposed conditions.

The Sub-Committee noted that the local resident had been unable to attend the hearing and considered his written representation as part of the decision making process.

Members enquired whether there had been substantial insulation to the premises to prevent noise breakout and what were the proposed hours for Sundays that preceded bank holidays. Members also asked in respect of no use of outside tables and chairs after 23:00, whether it was more practical for the Applicant Company to achieve this through a condition requiring them to remove the tables and chairs, or a condition requiring them to render the tables and chairs unusable, after this time.

In reply to questions from Members, Mr Nevitt advised that the Applicant Company had incorporated a suspended fixed ceiling underneath the existing ceiling and this was the standard construction used for effective prevention of noise breakout. He stated that it would be advisable for the Applicant Company to ask the local resident if they were satisfied that they were not being affected by noise soon after the premises opened. Mr McCann advised that the proposed hours for licensable activities and opening hours for Sundays preceding bank holidays were 12:00 until 23:00 and 12:00 until 23:30 respectively. He also indicated that a condition stating that all outside chairs and tables be rendered unusable after 23:00 was preferable to the Applicant

	<p>Company in terms of the ability to prevent customers using them after this time.</p> <p>Mr Chance, Legal Adviser to the Sub-Committee, sought more information in the interest of public safety on the proposed butchery classes, including whether there would be consumption of alcohol during classes.</p> <p>In reply, Mr Hopcroft from the Applicant Company stated that the butchery classes would consist of small groups booked in advance by either corporate organisations or the public. The course would begin with guidance of how to use knives safely and whilst customers may consume an alcoholic drink upon arrival, they would be advised not to drink during the class itself. Mr Hopcroft added that the idea was that customers would eat the food they had prepared in class afterwards.</p> <p>The Sub-Committee granted the application with the hours as amended by the Applicant Company, subject to an additional condition that all outside tables and chairs shall be rendered unusable by 23:00 each day. In granting the application, the Sub-Committee noted that the hours applied for were less than those permitted by the core hours as set out in the Council's Statement of Licensing Policy and that the premises was not in a stress area. The Sub-Committee also considered that the reduction in hours proposed and the conditions to be added to the premises licence would help the Applicant Company uphold the promotion of the licensing objectives ((prevention of crime and disorder, prevention of public nuisance, public safety, protection of children from harm).</p>
<b>2.</b>	<b>Sale by Retail of Alcohol: On and Off Sales</b>
	<p>Monday to Thursday: 10:00 to 23:30  Friday and Saturday: 10:00 to 00:00  Sunday: 12:00 to 22:30</p>
	<p><b>Amendments to application advised at hearing:</b></p> <p>Monday to Saturday: 10:00 to 23:00</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>
<b>3.</b>	<b>Hours Premises are Open to the Public</b>
	<p>Monday to Thursday: 07:30 to 23:30  Friday and Saturday: 07:30 to 00:00  Sunday: 07:30 to 22:30</p>

	<p><b>Amendments to application advised at hearing:</b></p> <p>Friday and Saturday: 07:30 to 23:30</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>

<b>Conditions attached to the Licence</b>	
<p><b><u>Mandatory Conditions</u></b></p>	
<p>1.</p> <p>2.</p> <p>3.</p> <p>4.</p>	<p>No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.</p> <p>No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.</p> <p>Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.</p> <p>(1) The responsible person 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 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—</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;</p> <p>(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or</p> <p>(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</p> <p>(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;</p>

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and



- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

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

Where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

### **Additional Conditions**

9. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of the local resident and use of the area quietly.
10. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
11. A proof of age scheme, such as challenge 21, shall be operated at the premises when only acceptable forms of identification are recognised photographic identification cards, such as a driving licence.
12. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance.
13. No rubbish, including bottles, shall be moved, removed or place in outside areas between 23:00hours and 08:00hours.
14. All waste shall be properly present and placed out for collection no earlier than 30 minutes before the schedule collection time.
15. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exits 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. Recording shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
16. A staff member from the premises who is conversant with the operating of the CCTV system shall be on the premises at all time when the premises are open to the public. The staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
17. A 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.

18. An incident log shall be kept at the premises, and made available on request to an authorised officer of the 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 wish by a relevant authority or emergency service.
19. Save for off-sales in sealed containers for consumption away from the immediate proximity of the premises, alcohol consumed shall only be by patrons in seated at tables.
20. No more than 15% of the sales area shall be used at any one time for the sale, exposure of sale, or display of alcohol.
21. The supply of alcohol shall only be by waiter or waitress service only.
22. All outside tables and chairs shall be rendered unusable by 23.00 each day.

## **6 CAVIAR HOUSE RESTAURANT, GROUND FLOOR, 161 PICCADILLY, W1**

### **LICENSING SUB-COMMITTEE No. 5**

*Thursday 12<sup>th</sup> November 2015*

Membership: Councillor Angela Harvey (Chairman), Councillor Susie Burbridge and Councillor Shamin Talukder

Legal Adviser: Horatio Chance

Policy Adviser: Chris Wroe

Committee Officer: Toby Howes

Relevant Representations: The Ritz Hotel and St. James's Conservation Trust

Present: Mr David Smith (Agent representing the Applicant Company), Amy (HR Manager, Applicant Company).

**Caviar House Restaurant, Ground Floor, 161 Piccadilly, W1  
15/07336/LIPN**

<b>1.</b>	<b>Proposed Variation</b>
	<p>To vary the area authorised to include the external area on Piccadilly as indicated on the attached plan to permit the sale and consumption of alcohol on the public highway. Planning permission granted ref: 15/03612/FULL to use an area measuring 8.3m x 1.2m for the placing of 4 tables and 8 chairs. Application for a tables and chairs licence submitted on 17th August and is pending determination. There are no changes to hours or licensable activities proposed.</p>
	<p><b>Amendments to application advised at hearing:</b></p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Mr Smith, Agent to the Applicant Company, began by stating that the Council's Environmental Health Department and the Metropolitan Police had withdrawn their representations on the application for variation following the Applicant Company agreeing to their proposed conditions. Mr Smith advised that there had been some dialogue between the Applicant Company and St James's Conservation Trust, however no response to the Applicant Company's attempts to contact the Ritz Hotel had been received. The Sub-Committee heard that the premises had operated as a licensed seafood bar for a number of years and had a capacity of approximately 40 people. The variation sought approval to permit the sale and consumption of alcohol to customers seated at the four tables of two chairs each in an external area of public highway on Piccadilly. Mr Smith then referred Members to the plans in the report and explained that it was intended to place the tables and chairs to areas bordered by pillars to the left and right, whilst the central area bordered by pillars would display food. He confirmed that the Applicant Company had already obtained a tables and chairs licence and the appropriate planning permission for the external area concerned.</p> <p>Mr Smith stated that the premises offered high quality food and no fast food was provided. The Applicant Company had agreed a condition with the Metropolitan Police that after 18:00, alcohol was only to be supplied to customers seated at the outside tables and chairs if it was ancillary to a meal, whilst the terminal hour under the tables and chairs licence was 22:00. Mr Smith added that usually the external tables and chairs would only be used up until 21:00. The external tables and chairs were moved back into the restaurant after use and no regulated entertainment took place at the premises.</p> <p>Members referred to the plans in the report and enquired about the size of the external tables and sought further explanation regarding the use of the premises for private entertainment on the existing premises licence.</p> <p>In reply, Mr Smith advised that according to planning permission, the tables</p>

were of 8.3 metres by 1.2 metres in size and the area the tables must be located within were set out by the tables and chairs licence. The layout of the chairs meant customers were facing each other. Mr Smith advised that the use of the premises for private entertainment was embedded from a conversion from an earlier licence. Mr Smith added that he disagreed with the assertion in the St James's Conservation Trust's representation that the introduction of external tables and chairs will make the operation of the premises less efficient and he contended that this was not a licensing consideration in any case. He was also not aware of any action taken by the responsible authorities because of any issues associated with the premises.

Mr Wroe, Policy Adviser, commented that as the premises had a tables and chairs licence and off sales of alcohol was on the current premises licence, that the premises was already permitted to supply alcohol to customers seated in the outside area and he queried the reasons for this application.

In reply, Mr Smith advised that the external area in question had not been included in the plans when the old licence had been transferred and so theoretically customers were consuming alcohol in that area which was not licensed according to the plans. In order for clarity and completeness, the application for variation had been submitted.

Mr Wroe welcomed the intention of the application to provide clarity. Mr Chance advised that the application can be accepted and the Sub-Committee were free to determine it, as the external area should be part of the premises licence and licensable activities were taking place on it in accordance with the plans submitted.

The Sub-Committee granted the application for variation. In determining the variation, the Sub-Committee considered that there had been insufficient evidence to suggest that granting the variation would undermine the licensing objectives (prevention of crime and disorder, prevention of public nuisance, public safety, protection of children from harm). The Sub-Committee also considered that conditions on the premises licence, including the conditions proposed by the Metropolitan Police and agreed by the Applicant Company, would help the Applicant Company uphold the promotion of the licensing objectives.

### **Conditions attached to the Licence**

#### **Mandatory Conditions**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.

4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

7. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

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

Where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**Additional Conditions**

9. A closed circuit television shall be installed, maintained and operated correctly as specified by the Metropolitan Police Crime prevention officer.
10. There shall be no sale or supply of draught beer.
11. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:



- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00
- (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30
- (c) On Good Friday, 12:00 to 22:30
- (d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22.30
- (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00
- (f) On New Year's Eve on a Sunday, 12:00 to 22:30
- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

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

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

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

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

13. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.
14. 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.
15. 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.
16. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
17. The outside seating area will close at 10pm each day and after 6pm, the supply and consumption of alcohol in the outside area (consisting of 4 tables and 8 chairs) shall be to a person seated and for consumption by such a person as ancillary to food.

## LICENSING SUB-COMMITTEE No. 5

Thursday 12<sup>th</sup> November 2015

Membership: Councillor Angela Harvey (Chairman) and Councillor Shamin Talukder

Legal Adviser: Horatio Chance

Policy Adviser: Chris Wroe

Committee Officer: Toby Howes

Relevant Representations: Environmental Health

Present: Mr Jan Novysedlak (Applicant Company), Mr Erik Cabala (Applicant Company) and David Nevitt (Environmental Health)

Before consideration of the application, Councillor Susie Burbridge left the meeting. However, as quoracy for Licensing Sub-Committees is two Members, the Sub-Committee was able to proceed in considering the application.

<b>Juice and Public, 9 Wardour Street, W1 15/07298/LIPN</b>	
<b>1.</b>	<b>Sale by Retail of Alcohol: On Sales</b>
	Monday to Thursday: 11:00 to 23:00 Friday and Saturday: 11:00 to 00:00 Sunday: 12:00 to 22:30
	<b>Amendments to application advised at hearing:</b>  None.
	Decision (including reasons of different from those set out in the report)  Mr Cabala of the Applicant Company stated that the premises operated as a small juice and coffee bar providing healthy food. The Applicant Company wanted to offer more substantial food and sell alcohol that would be provided by table service. Mr Cabala stated that because of the highly competitive market the Applicant Company was competing in, the ability to supply alcohol would play an important role in the success of the premises. With the approval of the Chairman, Mr Cabala circulated the Applicant Company's menu to the Sub-Committee and Environmental Health. He advised that the menu offering included tapas style dishes, platters, breakfast and brunch.  Mr Nevitt of Environmental Health then addressed the Sub-Committee. Mr

Nevitt informed Members that he had discussed the application with the Applicant Company. Mr Nevitt had concerns that the premises was located in a stress area and that if it became a bar, it could be against policy. He felt that clarity was needed if the premises was to be considered as a restaurant, as not all items on the menu could be considered offering substantial food. If the premises was to operate as a restaurant, Mr Nevitt would be seeking the full restaurant model condition to be added to the premises licence. He had advised the Applicant Company that as there was only one W/C on the premises, an additional W/C would be required in order that they could operate to their desired capacity of 30 people, not including staff.

Mr Nevitt stated that points for consideration included how would the Applicant Company provide substantial food and did they intend to offer take away. These issues may affect the wording of the model restaurant condition and Mr Nevitt advised that an alternative condition stating that “the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal” could be included instead.

Mr Novysedlak of the Applicant Company stated they would wish to provide take away, particularly as this comprised a large part of their trade at lunchtimes.

Mr Wroe, Policy Adviser, stated that it was policy not to grant further premises licences for public houses and bars unless the applicant could demonstrate that an exception could be made. However, restaurants were not subject to the presumption not to grant in stress areas and the model restaurant condition defined the characteristics of how a restaurant would operate. Mr Wroe advised that the way the premises operated could neither be described as a restaurant, public house or bar under the Council’s Statement of Licensing Policy. As such, consideration needed to be given as to whether the application would add to cumulative impact. Mr Wroe advised that it was possible by way of condition to state a particular time in the day when the premises was to operate as a restaurant.

Mr Nevitt advised the Sub-Committee that the premises currently held A1 planning permission use, meaning it could not operate as a restaurant. He suggested that if the Sub-Committee was minded to grant the application, that conditions stating all alcohol was to be served by waiter/waitress service and be ancillary to a meal and limiting the hours that alcohol could be supplied would help reduce cumulative impact in a stress area. In acknowledging the premises intention to provide healthy foods, Mr Nevitt commented that foods higher in fats were better at absorbing alcohol and reducing its effects.

The Chairman sought the Applicant Company’s views in respect of what hours they wished to provide take away and the hours from which they would only provide substantial meals with alcohol.

In reply, Mr Cabala suggested that take away be provided up until 18:00 each day, and then from 18:00 to 23:00 that substantial meals including alcohol be provided through waiter/waitress service. He informed the Sub-Committee that

	<p>healthy food, vegetarian options and salads would be provided and that no primary cooking was required on the premises.</p> <p>The Sub-Committee granted the application, subject to amending the hours for the sale of alcohol from 11:00 to 20:00 Monday to Sunday and an additional condition stating that no alcohol is to be consumed on the premises after 20:30. The Sub-Committee refused the proposal to provide late night refreshment. The Sub-Committee reduced the hours for sale and consumption of alcohol and refused the proposal to provide late night refreshment in order to help ensure that the Applicant Company would not add to cumulative impact in a stress area. The Sub-Committee also deleted the proposed restaurant model condition as it was considered that the premises operated as a café and not as a restaurant under the terms of Council's Statement of Licensing Policy.</p> <p>In determining the application, the Sub-Committee considered that the amendment to the hours for sale and consumption of alcohol and the conditions to be added to the premises licence would help the Applicant Company uphold the licensing objectives (prevention of crime and disorder, prevention of public nuisance, public safety, protection of children from harm) and prevent adding to cumulative impact in a stress area.</p>
<b>2.</b>	<b>Late Night Refreshment</b>
	Saturday and Sunday: 23:00 to 00:00
	<p><b>Amendments to application advised at hearing:</b></p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Refused (see reasons for decision in Section 1).</p>
<b>3.</b>	<b>Hours Premises are Open to the Public</b>
	Monday to Saturday: 07:30 to 00:00
	<p><b>Amendments to application advised at hearing:</b></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**

3. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance

by reason of a disability).

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

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

8(i) A relevant person shall ensure that no alcohol is sold or supplied for

consumption on or off the premises for a price which is less than the permitted price.

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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



### ***Additional Conditions***

9. 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.
10. 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.
11. 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.
12. 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.
13. There shall be no sales of alcohol for consumption off the premises.
14. 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.
15. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
16. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
18. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
19. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.
20. The maximum number of persons permitted in the premises at any one time (including staff) shall not exceed 15 persons, subject to the sanitary accommodation being improved to the satisfaction of the Council's Environmental Health Officer, the capacity may be increased to 30 persons. The actual capacity will only increase when an appropriate condition to that effect has replaced this condition on the licence.
21. 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.
22. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
23. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
24. No licensable activities shall take place at the premises until the premises has 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.
25. No Primary cooking is to take place on the premises
26. Licensable activities shall only take place on the ground floor
27. 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.
28. The consumption of alcohol on the premises shall cease at 20:30.

The Meeting ended at 4.42 pm

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_