



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (1)** Committee held on **Thursday 17th March, 2016**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

Members Present: Councillors Tim Mitchell (Chairman), Jan Prendergast and Aziz Toki

1 MEMBERSHIP

There were no changes to the Membership.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 PURL LONDON, BASEMENT, 50-54 BLANDFORD STREET, W1

LICENSING SUB-COMMITTEE No. 1

Thursday 17th March 2016

Membership: Councillor Tim Mitchell (Chairman), Councillor Jan Prendergast and Councillor Aziz Toki

Legal & Policy Adviser: Barry Panto

Committee Officer: Jonathan Deacon

Presenting Officer: Heidi Lawrance

Relevant Representations: Environmental Health and local residents x 7.

Present: Mr Peter Mayhew (Consultant, representing the Applicant), Mr Bryan Pietersen (Applicant), Mr Dave Nevitt (Environmental Health), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project – on behalf of local residents), Ms Heather Adlam, Mr Ian Burchell, Ms Janet Lee and Ms Gloria May (local residents).

**Purl London, Basement, 50-54 Blandford Street, W1
15/12083/LIPV**

1. Sale by Retail of Alcohol (On)

From

Monday to Thursday 17:00 to 23:30
Friday to Saturday 17:00 to 00:00
Sunday 17:00 to 22:30

To

Monday to Thursday 12:00 to 23:30
Friday to Saturday 12:00 to 00:00
Sunday 12:00 to 22:30

Amendments to application advised at hearing:

None.

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

The Sub-Committee was initially required to consider whether a local resident, Dr David Haynes, should be an interested party at the hearing. He had submitted an e-mail expressing his concerns about the application the day prior to the hearing and had offered to act as a witness to residents at the hearing. He had not made a representation within the required consultation period and due to it being a late representation the e-mail had not been forwarded to the Sub-Committee. Ms Lee and Ms May had expressed an interest in Dr Haynes acting as a witness. Mr Panto, the Sub-Committee's Legal Adviser, stated that it was his advice that the e-mail reflected Dr Haynes' own personal assessment of the position rather than the specific position of the objectors. He lived in a different area from the residents who were requesting that he be available as a witness. There were representations from local residents for the Sub-Committee to consider. It could be seen as allowing a late representation in 'by the back door'. Mr Brown, representing local residents objecting to the application, was asked for his view and made the points that Dr Haynes had not been aware of the application until a day before the hearing and that he offered a different perspective as he lived opposite Purl in Blandford Street. It was Mr Brown's view that Dr Haynes' email was not introducing new grounds for objection that had not been raised previously. He was available to speak at the hearing should the Sub-Committee permit this. Mr Mayhew, representing the Applicant, stated that he agreed with Mr Panto's advice. He had only been made aware that residents wished to have a witness speak for them that morning and Dr Haynes had been given a significant period of time to make a representation. The Sub-Committee took the view that the guidance was strict in this area. There were a number of existing representations from local residents already. Members did not consider that by not permitting Dr Haynes to address them, they would disadvantage objectors.

Mr Mayhew, addressing the Sub-Committee in respect of the application, referred to the previous variation application being withdrawn during the Sub-

Committee hearing on 19 November by his client. There had been issues raised regarding the premises appearing to operate as a cocktail bar rather than a restaurant. Mr Mayhew had been brought in since that time and had advised Mr Pietersen to seek to amend or request the removal of conditions which he described as being 'outdated' or 'contradictory' in some cases. They were, he believed, unhelpful to the operator and difficult for the Responsible Authorities to assess in terms of enforcement. He stated that the Applicant was not looking to change the nature of the premises. The application did not involve the extension of the terminal hours for licensable activities. The extension of the commencement hours was sought for on-sales from 17:00 to midday.

Mr Mayhew explained that the opening hours for the existing licence were within the Council's Core Hours policy and that the Applicant now wished to operate for an extra half hour every night of the week. This would be a 'drinking up' or 'winding down' period. He stated that paragraph 2.3.6 of the Council's Statement of Licensing Policy referred to the benefits of 'winding down' periods. Mr Mayhew added that the intention was to have a more easily enforceable set of conditions on the licence and to improve the running of the premises. There was no financial incentive in opening for an extra half an hour. It would enable more gradual dispersal. Customers would stay on the premises waiting for taxis rather than patrons all gathering outside. There were other premises in the locality which he believed operated similar hours to those proposed for the current application including Royal China Club and Union Bar. Mr Mayhew also emphasised that there was no proposed change to the capacity of 60.

Mr Mayhew referred to the fact that Purl is not located within a cumulative impact area. He did not believe that transport options were limited. He stated that Purl customers could head in a number of directions to various underground stations, including Paddington and Marylebone (the Sub-Committee noted that Paddington was some distance away from the premises). Customers would also have the option to disperse at a later hour on Friday and Saturday evenings when the 24 hour tube came into operation. Mr Mayhew commented that the Police had made it clear that Purl was not on their radar and they had not maintained their representation.

Mr Mayhew also addressed the Sub-Committee on specific conditions. These included that he had no particular views on whether after 23:00 hours customers should only enter and exit via the door on Chiltern Street or the door onto Blandford Street. He believed it was sensible to only have one door open. However, there was a difference of opinion on this issue amongst local residents. The Blandford Street door was recognised as the main entrance and the Chiltern Street door was a fire exit. He added that they are five metres apart. Mr Mayhew requested that if residents wanted to have a meeting with premises management, his client was content for this to be conditioned. However, in his opinion it was strange for the premises to decide when such meetings should take place.

The Sub-Committee next heard from Mr Nevitt, on behalf of Environmental Health. He confirmed that the operators of Purl had met with Environmental Health and he had suggested some changes to the conditions on the existing premises licence. It was the view of Environmental Health that the premises had

operated as a cocktail bar and not a restaurant over a number of years and the conditions needed to comply with the way in which the Applicant intended to operate the premises. He added that there was a need to tidy up some unclear and unhelpful conditions on the existing premises licence.

Mr Nevitt stated that there was some risk in having a later dispersal from a drinking establishment. That was not to say that the operator would run the premises poorly or that the patrons would behave badly. It would depend on how the customers dispersed and how the door supervisor managed the outside area, including smokers and patrons leaving the premises. He had examined the staircases to and from the entry and exit points and he believed that Blandford Street should continue to be used as the main door as it was less safe to use the Chiltern Street emergency exit.

Mr Nevitt commented that it was a matter for the Sub-Committee to consider how the Licensing Authority's Core Hours policy applied in practice. He queried whether the Applicant really needed half an hour extra opening time every night of the week. He advised Members that no complaints had been received in respect of the premises by the Noise Team in the previous 12 months. There were no concerns regarding noise outbreak from the basement operation, including to residents on the first and second floors, due to its acoustic integrity. The only concerns were the management of the outside area. Mr Nevitt advised that he had asked the inspectors to visit the premises at the time of the previous application and there had been errors on the part of the Applicant then which were referred to in the witness statement of City Inspector Ms Ejuetami, submitted by Mr Brown on behalf of residents objecting to the application. Mr Nevitt believed these specific problems had been resolved.

Mr Panto gave advice on the policy points made at the hearing. Core Hours are the hours when customers are permitted to be on the premises and would therefore include any drinking up time beyond the hours when the licensable activities had to cease. The premises were currently licensed until core hours. A 30 minute extension of opening hours would therefore extend beyond core hours. However, there was no policy to refuse applications for premises operating longer than Core Hours. He referred to Mr Philip Kennedy's representation which had asked why further drinking up time should be required when there was an option to stop serving customers earlier.

Mr Brown on behalf of local residents objecting to the application stated that the application raised four issues of concern for them. These were the extension of the opening hours, the extension of the commencement hours, the proposal to amend the restaurant conditions and also some of the remaining proposed conditions. He made the point that it had been clear that at the 19 November 2015 hearing when the previous application had been withdrawn, the restaurant conditions were not being complied with fully. The relevance of this was that whilst Purl was already operating as a cocktail bar and from that point of view Mr Mayhew was correct that it was not proposed that the nature of the premises was being changed, in terms of the existing conditions on the premises licence there was a significant change from what had been originally granted as a restaurant operation. Mr Brown stated that he agreed with Mr Panto's advice that Core Hours also related to the opening hours. The point he believed of

paragraph 2.3.6 of the Statement of Licensing Policy was that premises licence holders were expected to stop selling alcohol earlier than other licensing activities. It was for the management to decide how to operate the premises within their permitted hours.

Mr Brown did not accept a point in Mr Mayhew's letter that the application corrected an anomaly in terms of the drinking up time. The premises licence had changed since the conversion process under the Licensing Act 2003 with Core Hours being granted in 2007. Mr Brown made the point that the premises within 75 metres did not have similar hours to those sought by the Applicant. The one exception he believed was Royal China Club which he stated was likely to have supper hours on the licence but significantly was located in Baker Street and not a particularly residential area like the vicinity of Blandford Street. Whilst the residents he represented were aware Purl was not in a specific cumulative impact area as set out by the Licensing Authority, the Guidance issued under section 182 to Licensing Authorities recognised that the saturation of licensed venues in a particular area can impact on public nuisance and disorder. Mr Brown commented that there had been saturation of premises in the area with the likes of Chiltern Firehouse, Bok Bar and Il Baretto being in the locality. He believed there would be the potential for other premises to seek a 00:30 closing time with a later dispersal if the Purl application was granted.

Mr Brown stated that whichever way patrons dispersed, they would be leaving past residents late at night. If they wished to go to Baker Street Station for instance, they would pass Wendover Court. Core Hours enabled dispersal in line with use of transport. The night tube was only relevant on Friday and Saturday nights. The issue, he commented, was noise and high spirits from patrons. Where premises were drink led, customers would be less inhibited than a restaurant. The Statement of Licensing Policy referred to stricter conditions being imposed on premises licences in areas that have denser residential accommodation or have residential accommodation close to them.

Mr Brown also addressed the Sub-Committee on specific conditions. He emphasised that the premises had not been operating in accordance with the restaurant conditions and that it could be argued that the Applicant should not be rewarded for not complying with these. It was the residents' case that there had been some issues with noise from dispersal and that the alcohol led premises may have contributed. Most residents were of the view that the Blandford Street entry and exit was the main one being used. It was requested that the door supervisor condition set out exactly what the duties should be. Residents were seeking that the DPS was willing to offer a meeting rather than the responsibility being with residents.

Ms Lee stated that two key points for Members to take into account were that there were no similar types of premises in the locality that were able to operate the same hours as the Applicant was seeking. Royal China Club is a restaurant and is located in Baker Street. Secondly, all transport options required patrons to walk past densely residential areas. Her concerns did not only relate to the later opening hour but also the earlier commencement hour. She expressed the view that the premises needed to have a restaurant atmosphere and not inconvenience local residents as a result of patrons both arriving and leaving. It

was possible to hear noise from patrons gathered around Purl through closed windows with double glazing. Smoking and loitering was a real problem for residents. Ms May emphasised that Chiltern Street was a narrow street, Wendover Court was a converted tenement block and residents were adversely affected by noisy premises late at night.

Mr Mayhew responded to some of the matters that had been raised. He made the point that it was not being suggested that all customers would leave 30 minutes later if the application was granted. There would be dispersal over time. The capacity of 60 did not compare with that of other premises such as the Chiltern Firehouse and Purl should not take the blame for all issues with licensed premises in the locality. The application was for a variation of the premises licence and his client was already permitted to provide licensable activities from 19:00 onwards and there had been no complaints recorded to the Noise Team over the past 12 months. The premises would not necessarily open at midday every day. The management would proactively oversee the outside area in conjunction with the door supervisor. Mr Pietersen welcomed maintaining a dialogue with local residents.

In respect of the proposed conditions, Mr Mayhew stated that he refuted that his client had been in breach of conditions on the existing premises licence. He expressed the view that the conditions were conflicting and difficult to enforce. He informed the Sub-Committee that the Applicant would be content for all customers to remain seated when alcohol was consumed. Mr Mayhew and Mr Pietersen clarified in response to questions from the Sub-Committee that the smoking area would be outside the entrance to Tasty Corner in Blandford Street. It was hoped that the door supervisor would not be required to wear a high visibility jacket as the basement premises was discreet. Approximately 95% booked their place at the premises.

Mr Nevitt recommended that the door supervisor's duties be included in the condition proposed by the Applicant and that these would consist of preventing obstruction, particularly of the public highway and preventing public nuisance. Mr Brown wished to caution the Sub-Committee against assuming that no recorded complaints meant that there were no issues in connection with the premises. He added that residents were aware that dispersal of patrons caused nuisance in the short term and it took time for Council officers to arrive at the scene so they would not witness the impact on residents. Mr Brown did not accept that there had been a mistake not incorporating the drinking up time in previous permission in 2010 and he did not accept that there was a conflict in the restaurant conditions 55 and 56. The bar use was for pre-booked meals. Mr Brown re-iterated that residents were concerned that the premises could operate as a cocktail bar with no need to provide food.

The Sub-Committee gave careful consideration to both the written representations and to the points made at the hearing. Members of the Sub-Committee paid tribute to the consistency of local residents who had attended the Sub-Committee hearing in 2010. Members endorsed the concerns of local residents that there had been significant changes in the area which had in certain cases led to the residents being adversely affected. In terms of the current application, the Sub-Committee had pondered whether to grant the

additional 30 minutes drinking up time. There was no presumption to refuse an extension for drinking up time beyond Core Hours but there was an expectation that patrons would leave the premises at the same time as the terminal hour concluded for licensable activities and that the premises licence holder would manage the provision of licensable activities including the sale and consumption of alcohol within those hours. The Chairman informed those present that Members would have been minded to grant the additional half an hour had the Applicant been willing to operate Purl as a restaurant. However, given that the Applicant was requesting that alcohol would not be ancillary to food and could be consumed throughout the evening, the Sub-Committee considered that patrons were likely to be less inhibited and potentially create more nuisance than when leaving a restaurant. They would be dispersing through a densely residential area late at night to reach the modes of transport and therefore the Sub-Committee considered it appropriate to refuse the additional 30 minutes drinking up time beyond Core Hours.

The Sub-Committee was prepared to grant other aspects of the application. Members had noted that the Applicant was offering that alcohol would only be consumed by seated patrons. Members also considered it appropriate to require patrons to be served by waiter or waitress. Purl would therefore be different in its operation from a vertical drinking pub. The Sub-Committee noted some residents' concerns regarding the proposed earlier commencement hours during the week. Members had some sympathy for the residents' wish not to be inconvenienced during the day, particularly in the event they worked from home. However, as Mr Mayhew had stated, the Applicant was already permitted to operate from 17:00 hours and this was a variation application. There was a lack of clear evidence that Purl was not able to operate prior to its current hours without undermining the licensing objectives. The Sub-Committee considered that the crucial period which would most inconvenience residents in this area was later at night after Core Hours.

In terms of the conditions, the Sub-Committee decided not to impose on the Applicant which of the entrance doors would be used after 23:00 hours given that there were differing opinions from residents on this issue. The removal of condition 49 would remove the requirement to use the Chiltern Street exit after 23.00 so customers would be free to choose which exit to leave from at their own convenience. In any event, the two exit doors were very close to each other. The Sub-Committee decided that it was appropriate to attach the condition that the Applicant had agreed with the Police that on Thursdays, Fridays and Saturdays from 20:00 a minimum of 1 SIA licensed door supervisor would be on duty at the premises until all customers have left and dispersed from the area immediately to the front of the premises. The Sub-Committee added the duties required of the door supervisor as requested by Mr Brown and Mr Nevitt. Members decided that the DPS and / or a nominated senior representative of the Premises Licence Holder would arrange and attend a meeting with the local resident association (s) on up to four occasions in any one calendar year as and when required by the local resident association (s).

A condition on the existing premises licence had required that one premises licence holder be on duty at the premises when open to the public. The Applicant had sought to remove the condition. The Sub-Committee agreed with

	<p>Mr Brown's view that this had been an error and should have referred to one personal licence holder. Mr Mayhew requested that if the condition was to be attached that the Applicant was given time to arrange for staff to be trained to become personal licence holders. It was agreed that the condition requiring the personal licence holder to be on duty would come into effect from 1 June 2016.</p>								
2.	Opening Hours								
	<table> <thead> <tr> <th><u>From</u></th> <th><u>To</u></th> </tr> </thead> <tbody> <tr> <td>Monday to Thursday 17:00 to 23:30</td> <td>Monday to Thursday 12:00 to 00:00</td> </tr> <tr> <td>Friday to Saturday 17:00 to 00:00</td> <td>Friday to Saturday 12:00 to 00:30</td> </tr> <tr> <td>Sunday 17:00 to 22:30</td> <td>Sunday 12:00 to 22:30</td> </tr> </tbody> </table>	<u>From</u>	<u>To</u>	Monday to Thursday 17:00 to 23:30	Monday to Thursday 12:00 to 00:00	Friday to Saturday 17:00 to 00:00	Friday to Saturday 12:00 to 00:30	Sunday 17:00 to 22:30	Sunday 12:00 to 22:30
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	<p>Amendments to application advised at hearing:</p> <p>None.</p>								
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee refused the additional 30 minutes drinking up time after Core Hours but granted the earlier proposed commencement hours (see reasons for decision in Section 1).</p>								
3.	Conditions being varied, added or removed								
	<p>See report for full list of the Applicant's proposed variations, additions and amendments to the conditions on the existing licence.</p>								
	<p>Amendments to application advised at hearing:</p> <p>Mr Mayhew, representing the Applicant, informed those present that he was content for condition 41 on the existing premises licence to be replaced by Model Condition 44 that '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'. This was attached to the premises licence by the Sub-Committee and is set out in condition 21 below.</p>								
	<p>Decision (including reasons if different from those set out in report):</p> <p>The full set of conditions is set out below. The Sub-Committee's decisions on the key conditions that were not removed are referred to in Section 1.</p>								
4.	Non-standard timings								

<p>Regulated Entertainment (Provision of Facilities for Dancing & Recorded Music):</p> <p><u>From</u> N/A.</p> <p><u>To</u> From the start of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>Late Night Refreshment (Indoors):</p> <p><u>From</u> The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.</p> <p><u>To</u> From the start of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>Sale by Retail of Alcohol (On):</p> <p><u>From</u> 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).</p> <p><u>To</u> From the start of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>Opening Hours:</p> <p><u>From</u> N/A.</p> <p><u>To</u> From the start of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>	
<p>Amendments to application advised at hearing:</p> <p>None.</p>	
<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below.</p>	

Conditions attached to the Licence

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another

(other than where that other person is unable to drink without assistance by reason of a disability).

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

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

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

price.

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

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

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

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

Where -

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

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

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

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

Additional Conditions

10. There shall be no sale or supply of draught beer.
11. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
12. Children under 18 are not allowed in the premises.
13. All speakers to be mounted on anti-vibration mounts.
14. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
15. 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 entire 31 day period.
16. 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.
17. The number of persons accommodated at any one time (including staff) shall not exceed the following: Basement - 60.
18. A log and / or counter shall be maintained after 20.00 on each day, which monitors and records the capacity at the premises. This information shall be made available to an Authorised Officer of the City Council or Police Officer upon request.
19. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used when 10 days prior notice is given to the Licensing Authority and written consent is provided from the EH Consultation Team (where consent has not previously been given);
- dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fire works
 - firearms
 - lasers

- explosives and highly flammable substances
- real flame
- strobe lighting.

- 20 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).
21. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
22. (This condition shall apply only when Regulated Entertainment is taking place.) A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
23. No speakers shall be located in the entrance area.
24. Notices shall be prominently displayed at exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
25. 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.
26. All entrance doors and windows to be kept closed except for immediate access and egress of persons.
27. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
28. No rubbish including bottles will be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
- 29 No authorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or is distributed to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.

30. A dedicated rubbish store shall be provided.
31. Alcohol shall not be sold or supplied on the premises otherwise than for consumption by persons who are seated and are served by waiter or waitress service.
32. On Thursdays, Fridays and Saturdays from 20:00 a minimum of 1 SIA licensed door supervisor shall be on duty at the premises until all customers have left and dispersed from the area immediately to the front of the premises. The duties of the door supervisors shall include the supervision of customers outside the premises so as to prevent obstruction and public nuisance.
33. 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.
34. 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. any complaints received concerning crime and disorder
 - c. any incidents of disorder
 - d. all seizures of drugs or offensive weapons
 - e. any faults in the CCTV system
 - f. any refusal of the sale of alcohol
 - g. any visit by a relevant authority or emergency service.
35. With effect from 1 June 2016, there shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
36. 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.
37. 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.
38. The DPS and / or a nominated senior representative of the Premises Licence Holder will arrange and attend a meeting with the local resident association (s) on up to four occasions in any one calendar year as and when required by the local resident association (s).
39. The management shall make arrangements with a properly licensed private Hire and/or Hackney Carriage service for customers and the contact numbers made readily available for customers, who will be encourage to use such service/s. Pick up and drop points shall be arranged with the service's concerned in areas where residents are least likely to be disturbed. Use of unlicensed mini cabs shall be positively discouraged where possible.
40. All patrons and staff waiting for a taxi shall be encouraged to do so within the

premises.

41. There shall be no deliveries to the premises between 2300 and 0700 hours on the following day.
42. Appropriate induction training will be undertaken with all relevant staff to cover appropriate subjects for their role including:
 - a. The responsible sale of alcohol.
 - b. The prevention of under-age sales of alcohol, the Challenge 21 policy and in checking & authenticating accepted forms of identification.
 - c. The responsibility to refuse the sale of alcohol to any person who is drunk.
 - d. Fire safety & emergency evacuation procedures.
43. On New Year's Eve the premises can remain open, for the purpose of providing regulated entertainment, the retail sale of alcohol and late night refreshment, from the time when these activities must otherwise cease on New Year's Eve to the time when they can commence on New Year's Day.
44. A Zero Tolerance Policy towards the use, possession and supply of illegal drugs will be adopted and enforced.
45. No externally promoted events will be permitted at the premises; 'externally promoted events' are those which are promoted, managed and delivered by external promoters not affiliated to the Premises Licence holder.
46. 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.