



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 7th April, 2016**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

Members Present: Councillors Melvyn Caplan (Chairman), Heather Acton and Peter Freeman

1 MEMBERSHIP

Councillor Melvyn Caplan replaced Councillor Tim Mitchell as Chairman at the meeting as the applications were located in the ward Councillor Mitchell represents, St James's Ward.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 D&D, UNIT 1, NOVA DEVELOPMENT, VICTORIA STREET

LICENSING SUB-COMMITTEE No. 1

Thursday 7th April 2016

Membership: Councillor Melvyn Caplan (Chairman), Councillor Heather Acton and Councillor Peter Freeman

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

Relevant Representations: Environmental Health.

Present: Mr Jeremy Bark (Solicitor, Representing the Applicant), Ms Caroline Rodgers (NOVA Director), Mr Justin Black (Development Director), Mr Ben Ridgwell (Portfolio Director, Land Securities) and Ms Sally Thomas and Mr Dave Nevitt (Environmental Health)

**D&D, Unit 1, Nova Development, Victoria Street, London
16/01733/LIPN**

1. Late Night Refreshment (Indoors and Outdoors)

Monday to Sunday: 23:00 to 00:00

Amendments to application advised at hearing:

None.

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

Unit 1 was one of twelve applications for new premises licences at the Nova Development considered by the Licensing Sub-Committee at the 7 April hearing. The Sub-Committee was informed by Mr Bark, representing the Applicant that the Nova Development would be a mixed use development, comprising of office, retail, residential and leisure uses. Unit 1 is leased to D&D Restaurants and this would be located in the Nova South building. It was proposed that the unit would operate as an upmarket restaurant, café and bar with an associated delicatessen offer. There were also two private dining areas on the first floor where alcohol could be consumed without the need for customers to be seated and without waiter or waitress service but only when those areas were being used for pre-booked private functions. The approximate capacity, which would need to be agreed with Environmental Health, would be 250 to 300 people.

Mr Bark provided Members with some information on the Nova Development as a whole. He stated that the safeguards included the experienced landlord, who also own Cardinal Place nearby and the New Street Square and One New Change developments in the City of London. It chose and managed its tenants well. Outside the majority of the units at the Nova Development that were the subject of applications for new premises licences there would be a dedicated seating area. The tenants would not only have a lease for the inside of the premises but also a lease for the outside of the premises. If there were issues with the outside area, the Landlord, Land Securities, would be able to consider whether this should be removed from the tenant. Mr Bark explained that there would be a dedicated management team on site who would manage day to day operations. There would be a security office within the basement which would include a room from which CCTV would be monitored 24 hours 7 days a week. There would be 184 CCTV cameras throughout the Nova Development. The security team employed by Land Securities (which worked for them elsewhere) would comprise of between 30 to 35 individuals. It was anticipated that there would be two shifts when operatives would be working (16 operatives from 07:00 to 19:00 hours and 12 operatives from 19:00 to 07:00).

Mr Bark also explained the servicing arrangements. Considerable thought had been given to minimising the impact of deliveries with a large loading bay area

which could contain up to eight vehicles being located within the basement of the premises. The access would be from Bressenden Place and this would be well away from residents. Any sounds in the basement would be acoustically contained and the goods travelled from the basement to the stores via staircases or lifts in the internal core of the building. They would not need to be collected by the tenants externally. It was proposed in the form of a condition that provided tenants' deliveries took place in accordance with the NOVA development delivery arrangements allowing delivery to the dedicated basement delivery area, there would be no time restrictions. If tenants did not operate in accordance with the arrangements, then no deliveries would be permitted to take place between 23:00 and 08:00 on the following day. Refuse was kept in storage areas in the basement. In the event that tenants did not operate in accordance with the NOVA refuse collection arrangements allowing collections from the dedicated basement area, all waste would have to be placed out for collection no earlier than 30 minutes before the scheduled collection times.

Mr Bark stated that there would be three entrances for the 170 residential units in the Nova building. There would be a 24/7 concierge system that was manned at all times. It was covered by CCTV and there was a radio link from the concierge to the security and management control room. He added that one of the attractions for the residents of the Nova building was the food quarter and licensed premises. In terms of local residents who lived in the vicinity of the building, the Applicant had liaised closely with them, including explaining the application at a residents' meeting. There had been no objections from residents in respect of the current applications.

Mr Bark also addressed the Sub-Committee on the Council's policy. He made the point that it was proposed that many of the operations within the twelve units would be food led. However, some flexibility was sought for the tenants and the Applicant was requesting that a condition was not attached to the premises licences that alcohol would be ancillary to food. Mr Bark commented that the Nova Development is not located in one of the Council's designated cumulative impact areas and any proposed hours outside the Council's Core Hours policy would be considered on their merits. He emphasised that there were some premises within 150 metres of the Nova Development which operated within Core Hours and others that did not. He expressed the view that the overall development could be managed well and not adversely affect anyone in the area. Discussions with the Police prior to the withdrawal of their representation and also Environmental Health had resulted in café/bar conditions being proposed with the sale or supply of alcohol being via waiter or waitress service to seated customers. It was proposed that there would be limited areas where alcohol could be consumed in a bar area and this was hatched on the plans.

Seven specific conditions had been proposed for all of the premises licences by Environmental Health and prior to the hearing the Sub-Committee received the response from the Applicant to the conditions. Mr Bark confirmed at the hearing that his clients were content with model condition 12 (no noise generated on the premises being able to emanate from the premises) being attached to the premises licences as requested by Environmental Health. Environmental Health had agreed an amended condition put forward by the Applicant that all windows and external doors would be kept closed before 08:00 and after 23:00 except for

immediate access and egress of persons. Mr Bark requested that Environmental Health's proposed condition that on sales and alcohol consumed in the outside areas be limited to pre-booked and private functions or for consumption ancillary to food only was not attached to the premises licences. Mr Bark made the case that there were sufficient safeguards and that there were quality operators that would ensure there were no issues. Environmental Health had proposed alternative wording to the Applicant's condition that there would be no off sales of alcohol other than to any dedicated ground floor seating area or of alcohol in sealed containers. Environmental Health's proposed condition set out that the external seating area would have customers seated at tables and served by waiter or waitress only. Environmental Health and the Applicant had agreed a condition that between 07:00 and 08:00 off sales would be limited to the external tables and chairs only. The Applicant had concerns that a works condition and a condition setting the capacity for all of the premises would be attached to the premises licences. Mr Bark added that it was likely that the individual operators would submit minor variations in relation to the layouts in the plans.

Mr Bark also referred to the proposed conditions that were specific to Unit 1. It was different from what was sought for some of the other premises in that there were two private dining areas on the plans which it was intended could be used for pre-booked private functions. Members of the general public would not be permitted to have access to the functions. Flexibility was requested by the Applicant so that for these functions alcohol could be sold or supplied without the need for waiter or waitress service or the need for people to be seated at tables.

Mr Wroe asked Mr Bark about the nature of the music that the tenants would play. Mr Bark referred to the hours between 08:00 and 23:00 being deregulated. He also informed those present that most of the tenants would play what he described as 'borderline background music'. Some would play slightly louder music and doors and windows would be closed accordingly. The Applicant had agreed a condition that no noise would be permitted to emanate from the premises. The tenants would be aware that the area would be overseen by management and security guards via radio link.

The Sub-Committee asked Mr Bark to comment specifically on the proposed hours on Sundays which were significantly beyond Core Hours. Mr Bark responded that whilst he understood the concept of Sundays being different from other days of the week the client wanted as much flexibility as possible and there were significant safeguards in relation to the applications. Local residents were not concerned and whilst planning was a different regime, various amenity aspects had been taken into account there and the hours being sought for the licensing applications would mirror what had been granted for planning.

The Sub-Committee next heard from Environmental Health. Ms Thomas stated that whilst the Nova Development was not located in the designated cumulative impact areas, Environmental Health's representations for the twelve applications had been maintained as the commencement and terminal hours were in excess of the Council's Core Hours policy. Environmental Health was conscious of the residents of the Nova building who had not moved in yet. In terms of

Environmental Health's proposed conditions, she did believe it to be important that the hours between 07:00 and 10:00 were ancillary to food. This did not mean substantial table meals. There was the potential for some of the premises to be rented out during these hours. Overall, there were areas that were edged and hatched in blue on the attached plans for some of the premises where alcohol was not served by waiter or waitress to seated customers but these were limited in size. Ms Thomas referred to the fact that recorded music was only regulated prior to 08:00 and after 23:00 hours so Environmental Health was content that windows and external doors were kept closed at these times except for the immediate access and egress of persons. She added that the planning process had looked at aspects such as the potential for noise escape in the building and permission had been granted. The Applicant had agreed the Model Condition 12. Environmental Health would want a say over the capacities for each of the premises via a works condition and to be able to consider matters such as means of escape and toilet provision.

Mr Nevitt referred to the extensive discussions with the Applicant. He commented that the landlord had a good track record of managing sites and had a very integrated management plan for the applications including in terms of security and servicing. Mr Nevitt made the point that Environmental Health were objecting to the start times and the finish times, including the late finish on Sundays. It was his perception that the applications could raise some issues in particular. One was that there were pubs in the Victoria area who wanted to open early in the morning and they had been advised that alcohol would have to be strictly ancillary to food. Secondly the local premises would potentially seek later hours in the evening. Thirdly, it was a question of whether a midnight terminal hour on each night of the week would have implications for transport as several hundred people would potentially need to disperse late at night. Mr Nevitt re-iterated Ms Thomas' request for the capacity condition as it would enable Environmental Health to set the figure for each of the distinctive units. It was accepted that some vertical drinking in a more controlled environment within the Nova Development would potentially take some pressure off the pubs in the local area.

Mr Bark responded to some of the points raised by Environmental Health. He offered on behalf of his clients that the hatched areas would not be in use prior to 10:00 hours. Customers would have to be seated and served by waiter or waitress. Some flexibility was requested prior to 10:00 in case one person in a group wanted a bucks fizz. Mr Ridgwell envisaged a scenario that those in the office areas were working international hours and might want to buy a bottle of champagne. Mr Bark made the additional point that not all units would be open at 07:00 hours. All customers would have to be off the premises by midnight and licensable activities would therefore be concluded a number of minutes before.

Mr Panto referred the parties present to four conditions which he was putting forward as alternatives to the Applicant's and Environmental Health's conditions which dealt with the consumption of alcohol in addition to the sale. The first set out that 'other than in the area(s) edged and hatched in blue on the attached plan, alcohol shall not be sold or supplied otherwise than by waiter or waitress service for consumption by persons who are seated at tables'. The second set

out that 'all sales of alcohol for consumption off the premises shall be in sealed containers only, save for alcohol served by a waiter or waitress to customers who are seated at tables within the designated external seating area(s) shown on the attached plan edged and cross-hatched in green'. The third was an alternative to the wording of Environmental Health's condition so that 'between 07:00 and 08:00 the sale of alcohol for consumption off the premises shall be limited to alcohol served to customers who are seated at tables within the designated external seating area(s) shown on the attached plan'. The fourth was also an alternative to the wording of Environmental Health's wording and stated that 'between 07:00 and 10:00 the sale of alcohol for consumption on the premises or in the designated external seating area(s) shall be limited to pre-booked private functions or to consumption of alcohol that is ancillary to food'.

The Sub-Committee had two specific concerns in relation to the application. One was the hours proposed on Sundays and the other was alcohol not being ancillary to food prior to 10:00 hours. Members considered that Sundays are different and noted the reference in the Council's Statement of Licensing Policy that the Council 'is prepared generally to grant premises licences for hours that will provide for longer hours at the end of the week but that still enable people to travel home relatively easily by tube, train, bus, and taxi, while retaining opportunities for residents to have an additional respite on Sunday'. The transport arrangements were not as straight forward on Sundays. The Sub-Committee took into account that the Applicant had requested an additional thirty minutes beyond the Council's Core Hours policy Monday to Thursday and the same additional amount of time was granted on Sundays. The terminal hour would therefore be 11:00 except for Sundays prior to Bank Holidays when the midnight terminal hour applied for was permitted. There was the potential for individual operators to put forward a case for a later terminal hour on Sunday should they apply for a variation of the premises licence. The Sub-Committee noted that the current Applicant had requested flexibility so that the Council's model restaurant condition had not been attached to the premises licences.

The Sub-Committee considered that 07:00 was a particularly early commencement hour on every day of the week. Members noted that a commencement hour of 07:00 on Sundays was five hours prior to the time set out in the Core Hours policy. Members were prepared to grant the 07:00 commencement hour applied for on every day of the week but decided that between 07:00 and 10:00 the sale of alcohol would be required to be ancillary to pre-booked private functions or food as proposed by Environmental Health.

The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 11:00 for licensable activities and the opening hours with an extension until midnight for Sundays immediately prior to a bank holiday. Members had some confidence in the safeguards put forward by the Applicant, including the security and servicing arrangements. The Applicant had given significant thought to ensuring that noise would not emanate either from or through the premises and had agreed Model Condition 12 which was attached to the licence. Members decided for Unit 1 that it was appropriate to grant the hours applied for Monday to Saturday, with some flexibility in the conditions attached to the licence. In particular, the Sub-Committee agreed to the Applicant's proposal that for the private dining areas where pre-booked private functions were taking

	<p>place, alcohol could be sold or supplied without the need for waiter or waitress service and without the need for people to be seated at tables. Members of the general public would not be permitted to have access to the functions. The Sub-Committee did not require alcohol to be ancillary to food after 10:00 hours. As with many of the premises licences that were granted, the Sub-Committee permitted tables and chairs within the dedicated ground floor external seating area to be used until 23:00 hours.</p> <p>The Sub-Committee also attached the four conditions which had been put forward by Mr Panto as alternative wording to Environmental Health and the Applicant's proposed conditions. The works condition sought by Environmental Health was attached to the premises licence. As agreed between the Applicant and Environmental Health, a condition was attached that all windows and external doors would be kept closed before 08:00 and after 23:00 hours except for immediate access and egress of persons.</p>
2.	Recorded Music (Indoors)
	<p>Monday to Sunday: 07:00 to 00:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 23:00 (with an extension until midnight for Sundays immediately prior to a bank holiday), subject to conditions as set out below (see reasons for decision in Section 1).</p>
3.	Sale by retail of alcohol (On and Off)
	<p>Monday to Sunday: 07:00 to 00:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 23:00 (with an extension until midnight for Sundays immediately prior to a bank holiday), subject to conditions as set out below (see reasons for decision in Section 1).</p>

4.	Opening Hours
	Monday to Sunday: 07:00 to 00:00
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 23:00 (with an extension until midnight for Sundays immediately prior to a bank holiday), subject to conditions as set out below (see reasons for decision in Section 1).

Conditions attached to the Licence	
<u>Mandatory Conditions</u>	
1.	No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2.	No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3.	Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.	<p>(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.</p> <p>(2) In this paragraph, an irresponsible promotion means any one or more of 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>

- (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 records 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. 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.

12. Other than in the area(s) edged and hatched in blue on the attached plan, alcohol shall not be sold or supplied otherwise than by waiter or waitress service for consumption by persons who are seated at tables, subject to

condition 13 below.

13. Condition 12 shall not apply when either of the private dining rooms annotated and shown on the first floor of the approved layout drawings is used for a bona fide pre-booked private function to which members of the general public cannot obtain access.
14. All sales of alcohol for consumption off the premises shall be in sealed containers only, save for alcohol served by a waiter or waitress to customers who are seated at tables within the designated external seating area(s) shown on the attached plan edged and cross-hatched in green.
15. All outside tables and chairs within the dedicated ground floor outside seating area shall be rendered unusable by 23:00 hours each day.
16. Patrons permitted to temporarily leave and then re-enter the premises and any dedicated outside ground floor seating area, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
17. 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; and
 - h) any visit by a relevant authority or emergency service
18. Notices shall be displayed at the exit of the premises requesting customers leaving the premises to respect the needs of local residents and business and leave the area quietly.
19. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable form of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS hologram.
20. Other than where deliveries take place in accordance with the NOVA development delivery arrangements allowing delivery to the dedicated basement delivery area, no deliveries to the premises shall take place between 23:00 and 08:00 on the following day.
21. Other than where refuse is disposed of and collected in accordance with the NOVA refuse collection arrangements allowing collections from the dedicated basement area, all waste shall be properly present and placed out for collection no earlier than 30 minutes before the scheduled collection times.

22. This Premises Licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
23. Before the premises are open to the public, the plans deposited will be checked by the Environmental Health consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed a variation application may be required.
24. 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.
25. All windows and external doors shall be kept closed before 08:00 and after 23:00 hours, except for the immediate access and egress of persons.
26. Between 07:00 and 10:00 hours the sale of alcohol for consumption on the premises or in the designated external seating area(s) shall be limited to pre-booked private functions or to consumption of alcohol that is ancillary to food.
27. Between 07:00 and 08:00 the sale of alcohol for consumption off the premises shall be limited to alcohol served to customers who are seated at tables within the designated external seating area(s) shown on the attached plan.
28. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

4 UNIT 2, NOVA DEVELOPMENT, VICTORIA STREET

LICENSING SUB-COMMITTEE No. 1

Thursday 7th April 2016

Membership: Councillor Melvyn Caplan (Chairman), Councillor Heather Acton and Councillor Peter Freeman

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

Relevant Representations: Environmental Health.

Present: Mr Jeremy Bark (Solicitor, Representing the Applicant), Ms Caroline Rodgers (NOVA Director), Mr Justin Black (Development Director), Mr Ben

Unit 2, Nova Development, Victoria Street, London 16/00463/LIPN	
1.	Late Night Refreshment (Indoors and Outdoors)
	Monday to Sunday: 23:00 to 00:00
	Amendments to application advised at hearing: None.
	<p>Decision (including reasons if different from those set out in report):</p> <p>Unit 2 was one of twelve applications for new premises licences at the Nova Development considered by the Licensing Sub-Committee at the 7 April hearing. The Sub-Committee was informed by Mr Bark, representing the Applicant that the Nova Development would be a mixed use development, comprising of office, retail, residential and leisure uses. Mr Bark explained that Unit 2 is leased to The Botanist (this had not been confirmed at the time of the application being submitted) and this would be located in the Nova South building. It was proposed that the premises would operate as a restaurant, café and bar. The approximate capacity, which would need to be agreed with Environmental Health, would be 500 to 550 people.</p> <p>Mr Bark provided Members with some information on the Nova Development as a whole. He stated that the safeguards included the experienced landlord, who also own Cardinal Place nearby and the New Street Square and One New Change developments in the City of London. It chose and managed its tenants well. Outside the majority of the units at the Nova Development that were the subject of applications for new premises licences there would be a dedicated seating area. The tenants would not only have a lease for the inside of the premises but also a lease for the outside of the premises. If there were issues with the outside area, the Landlord, Land Securities, would be able to consider whether this should be removed from the tenant. Mr Bark explained that there would be a dedicated management team on site who would manage day to day operations. There would be a security office within the basement which would include a room from which CCTV would be monitored 24 hours 7 days a week. There would be 184 CCTV cameras throughout the Nova Development. The security team employed by Land Securities (which worked for them elsewhere) would comprise of between 30 to 35 individuals. It was anticipated that there would be two shifts when operatives would be working (16 operatives from 07:00 to 19:00 hours and 12 operatives from 19:00 to 07:00).</p> <p>Mr Bark also explained the servicing arrangements. Considerable thought had</p>

been given to minimising the impact of deliveries with a large loading bay area which could contain up to eight vehicles being located within the basement of the premises. The access would be from Bressenden Place and this would be well away from residents. Any sounds in the basement would be acoustically contained and the goods travelled from the basement to the stores via staircases or lifts in the internal core of the building. They would not need to be collected by the tenants externally. It was proposed in the form of a condition that provided tenants' deliveries took place in accordance with the NOVA development delivery arrangements allowing delivery to the dedicated basement delivery area, there would be no time restrictions. If tenants did not operate in accordance with the arrangements, then no deliveries would be permitted to take place between 23:00 and 08:00 on the following day. Refuse was kept in storage areas in the basement. In the event that tenants did not operate in accordance with the NOVA refuse collection arrangements allowing collections from the dedicated basement area, all waste would have to be placed out for collection no earlier than 30 minutes before the scheduled collection times.

Mr Bark stated that there would be three entrances for the 170 residential units in the Nova building. There would be a 24/7 concierge system that was manned at all times. It was covered by CCTV and there was a radio link from the concierge to the security and management control room. He added that one of the attractions for the residents of the Nova building was the food quarter and licensed premises. In terms of local residents who lived in the vicinity of the building, the Applicant had liaised closely with them, including explaining the application at a residents' meeting. There had been no objections from residents in respect of the current applications.

Mr Bark also addressed the Sub-Committee on the Council's policy. He made the point that it was proposed that many of the operations within the twelve units would be food led. However, some flexibility was sought for the tenants and the Applicant was requesting that a condition was not attached to the premises licences that alcohol would be ancillary to food. Mr Bark commented that the Nova Development is not located in one of the Council's designated cumulative impact areas and any proposed hours outside the Council's Core Hours policy would be considered on their merits. He emphasised that there were some premises within 150 metres of the Nova Development which operated within Core Hours and others that did not. He expressed the view that the overall development could be managed well and not adversely affect anyone in the area. Discussions with the Police prior to the withdrawal of their representation and also Environmental Health had resulted in café/bar conditions being proposed with the sale or supply of alcohol being via waiter or waitress service to seated customers. It was proposed that there would be limited areas where alcohol could be consumed in a bar area and this was hatched on the plans.

Seven specific conditions had been proposed for all of the premises licences by Environmental Health and prior to the hearing the Sub-Committee received the response from the Applicant to the conditions. Mr Bark confirmed at the hearing that his clients were content with model condition 12 (no noise generated on the premises being able to emanate from the premises) being attached to the premises licences as requested by Environmental Health. Environmental Health had agreed an amended condition put forward by the Applicant that all windows

and external doors would be kept closed before 08:00 and after 23:00 except for immediate access and egress of persons. Mr Bark requested that Environmental Health's proposed condition that on sales and alcohol consumed in the outside areas be limited to pre-booked and private functions or for consumption ancillary to food only was not attached to the premises licences. Mr Bark made the case that there were sufficient safeguards and that there were quality operators that would ensure there were no issues. Environmental Health had proposed alternative wording to the Applicant's condition that there would be no off sales of alcohol other than to any dedicated ground floor seating area or of alcohol in sealed containers. Environmental Health's proposed condition set out that the external seating area would have customers seated at tables and served by waiter or waitress only. Environmental Health and the Applicant had agreed a condition that between 07:00 and 08:00 off sales would be limited to the external tables and chairs only. The Applicant had concerns that a works condition and a condition setting the capacity for all of the premises would be attached to the premises licences. Mr Bark added that it was likely that the individual operators would submit minor variations in relation to the layouts in the plans.

The Sub-Committee asked Mr Bark to comment specifically on the proposed hours on Sundays which were significantly beyond Core Hours. Mr Bark responded that whilst he understood the concept of Sundays being different from other days of the week the client wanted as much flexibility as possible and there were significant safeguards in relation to the applications. Local residents were not concerned and whilst planning was a different regime, various amenity aspects had been taken into account there and the hours being sought for the licensing applications would mirror what had been granted for planning.

The Sub-Committee noted that the Applicant had applied for recorded music for Unit 2. Mr Wroe asked Mr Bark about the nature of the music that the tenants would play. Mr Bark referred to the hours between 08:00 and 23:00 being deregulated. He also informed those present that most of the tenants would play what he described as 'borderline background music'. Some would play slightly louder music and doors and windows would be closed accordingly. The Applicant had agreed a condition that no noise would be permitted to emanate from the premises. The tenants would be aware that the area would be overseen by management and security guards via radio link.

The Sub-Committee next heard from Environmental Health. Ms Thomas stated that whilst the Nova Development was not located in the designated cumulative impact areas, Environmental Health's representations for the twelve applications had been maintained as the commencement and terminal hours were in excess of the Council's Core Hours policy. Environmental Health was conscious of the residents of the Nova building who had not moved in yet. In terms of Environmental Health's proposed conditions, she did believe it to be important that the hours between 07:00 and 10:00 were ancillary to food. This did not mean substantial table meals. There was the potential for some of the premises to be rented out during these hours. Overall, there were areas that were edged and hatched in blue on the attached plans for some of the premises where alcohol was not served by waiter or waitress to seated customers but these were limited in size. Ms Thomas referred to the fact that recorded music was only

regulated prior to 08:00 and after 23:00 hours so Environmental Health was content that windows and external doors were kept closed at these times except for the immediate access and egress of persons. She added that the planning process had looked at aspects such as the potential for noise escape in the building and permission had been granted. The Applicant had agreed the Model Condition 12. Environmental Health would want a say over the capacities for each of the premises via a works condition and to be able to consider matters such as means of escape and toilet provision.

Mr Nevitt referred to the extensive discussions with the Applicant. He commented that the landlord had a good track record of managing sites and had a very integrated management plan for the applications including in terms of security and servicing. Mr Nevitt made the point that Environmental Health were objecting to the start times and the finish times, including the late finish on Sundays. It was his perception that the applications could raise some issues in particular. One was that there were pubs in the Victoria area who wanted to open early in the morning and they had been advised that alcohol would have to be strictly ancillary to food. Secondly the local premises would potentially seek later hours in the evening. Thirdly, it was a question of whether a midnight terminal hour on each night of the week would have implications for transport as several hundred people would potentially need to disperse late at night. Mr Nevitt re-iterated Ms Thomas' request for the capacity condition as it would enable Environmental Health to set the figure for each of the distinctive units. It was accepted that some vertical drinking in a more controlled environment within the Nova Development would potentially take some pressure off the pubs in the local area.

Mr Bark responded to some of the points raised by Environmental Health. He offered on behalf of his clients that the hatched areas would not be in use prior to 10:00 hours. Customers would have to be seated and served by waiter or waitress. Some flexibility was requested prior to 10:00 in case one person in a group wanted a bucks fizz. Mr Ridgwell envisaged a scenario that those in the office areas were working international hours and might want to buy a bottle of champagne. Mr Bark made the additional point that not all units would be open at 07:00 hours. All customers would have to be off the premises by midnight and licensable activities would therefore be concluded a number of minutes before.

Mr Panto referred the parties present to four conditions which he was putting forward as alternatives to the Applicant's and Environmental Health's conditions which dealt with the consumption of alcohol in addition to the sale. The first set out that 'other than in the area(s) edged and hatched in blue on the attached plan, alcohol shall not be sold or supplied otherwise than by waiter or waitress service for consumption by persons who are seated at tables'. The second set out that 'all sales of alcohol for consumption off the premises shall be in sealed containers only, save for alcohol served by a waiter or waitress to customers who are seated at tables within the designated external seating area(s) shown on the attached plan edged and cross-hatched in green'. The third was an alternative to the wording of Environmental Health's condition so that 'between 07:00 and 08:00 the sale of alcohol for consumption off the premises shall be limited to alcohol served to customers who are seated at tables within the

designated external seating area(s) shown on the attached plan'. The fourth was also an alternative to the wording of Environmental Health's wording and stated that 'between 07:00 and 10:00 the sale of alcohol for consumption on the premises or in the designated external seating area(s) shall be limited to pre-booked private functions or to consumption of alcohol that is ancillary to food.

The Sub-Committee had two specific concerns in relation to the application. One was the hours proposed on Sundays and the other was alcohol not being ancillary to food prior to 10:00 hours. Members considered that Sundays are different and noted the reference in the Council's Statement of Licensing Policy that the Council 'is prepared generally to grant premises licences for hours that will provide for longer hours at the end of the week but that still enable people to travel home relatively easily by tube, train, bus, and taxi, while retaining opportunities for residents to have an additional respite on Sunday'. The transport arrangements were not as straight forward on Sundays. The Sub-Committee took into account that the Applicant had requested an additional thirty minutes beyond the Council's Core Hours policy Monday to Thursday and the same additional amount of time was granted on Sundays. The terminal hour would therefore be 11:00 except for Sundays prior to Bank Holidays when the midnight terminal hour applied for was permitted. There was the potential for individual operators to put forward a case for a later terminal hour on Sunday should they apply for a variation of the premises licence. The Sub-Committee noted that the current Applicant had requested flexibility so that the Council's model restaurant condition had not been attached to the premises licences.

The Sub-Committee considered that 07:00 was a particularly early commencement hour on every day of the week. Members noted that a commencement hour of 07:00 on Sundays was five hours prior to the time set out in the Core Hours policy. Members were prepared to grant the 07:00 commencement hour applied for on every day of the week but decided that between 07:00 and 10:00 the sale of alcohol would be required to be ancillary to pre-booked private functions or food as proposed by Environmental Health.

The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 11:00 for licensable activities and the opening hours with an extension until midnight for Sundays immediately prior to a bank holiday. Members had some confidence in the safeguards put forward by the Applicant, including the security and servicing arrangements. The Applicant had given significant thought to ensuring that noise would not emanate either from or through the premises and had agreed Model Condition 12 which was attached to the licence. Members decided for Unit 2 that it was appropriate to grant the hours applied for Monday to Saturday, with some flexibility in the conditions attached to the licence. The Sub-Committee did not require alcohol to be ancillary to food after 10:00 hours. The area(s) edged and hatched in blue on the attached plan, would permit customers to have alcohol which was not provided by waiter or waitress service and consumed by persons who are seated at tables. As with many of the premises licences that were granted, the Sub-Committee permitted tables and chairs within the dedicated ground floor external seating area to be used until 23:00 hours.

The Sub-Committee also attached the four conditions which had been put

	<p>forward by Mr Panto as alternative wording to Environmental Health and the Applicant's proposed conditions. The works condition sought by Environmental Health was attached to the premises licence. As agreed between the Applicant and Environmental Health, a condition was attached that all windows and external doors would be kept closed before 08:00 and after 23:00 hours except for immediate access and egress of persons.</p>
2.	Recorded Music (Indoors)
	<p>Monday to Sunday: 07:00 to 00:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 23:00 (with an extension until midnight for Sundays immediately prior to a bank holiday), subject to conditions as set out below (see reasons for decision in Section 1).</p>
3.	Sale by retail of alcohol (On and Off)
	<p>Monday to Sunday: 07:00 to 00:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 23:00 (with an extension until midnight for Sundays immediately prior to a bank holiday), subject to conditions as set out below (see reasons for decision in Section 1).</p>
4.	Opening Hours
	<p>Monday to Sunday: 07:00 to 00:00</p>
	<p>Amendments to application advised at hearing:</p>

	None.
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 23:00 (with an extension until midnight for Sundays immediately prior to a bank holiday), subject to conditions as set out below (see reasons for decision in Section 1).</p>

Conditions attached to the Licence	
<u>Mandatory Conditions</u>	
1.	No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2.	No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3.	Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.	<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 style="padding-left: 40px;">(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 style="padding-left: 40px;">(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</p>

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 records 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. 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.

12. Other than in the area(s) edged and hatched in blue on the attached plan, alcohol shall not be sold or supplied otherwise than by waiter or waitress service for consumption by persons who are seated at tables.

13. All sales of alcohol for consumption off the premises shall be in sealed containers only, save for alcohol served by a waiter or waitress to customers who are seated at tables within the designated external seating area(s) shown on the attached plan edged and cross-hatched in green.

14. All outside tables and chairs within the dedicated ground floor outside seating area shall be rendered unusable by 23:00 hours each day.

15. Patrons permitted to temporarily leave and then re-enter the premises and any

dedicated outside ground floor seating area, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

16. An incident log shall be kept at the premises, and made available on requires 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; and
 - h) any visit by a relevant authority or emergency service
17. Notices shall be displayed at the exit of the premises requesting customers leaving the premises to respect the needs of local residents and business and leave the area quietly.
18. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable form of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS hologram.
19. Other than where deliveries take place in accordance with the NOVA development delivery arrangements allowing delivery to the dedicated basement delivery area, no deliveries to the premises shall take place between 23:00 and 08:00 on the following day.
20. Other than where refuse is disposed of and collected in accordance with the NOVA refuse collection arrangements allowing collections from the dedicated basement area, all waste shall be properly present and placed out for collection no earlier than 30 minutes before the scheduled collection times.
21. This Premises Licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
22. Before the premises are open to the public, the plans deposited will be checked by the Environmental Health consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed a variation application may be required.
23. 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.
24. All windows and external doors shall be kept closed before 08:00 and after 23:00 hours, except for the immediate access and egress of persons.

25. Between 07:00 and 10:00 hours the sale of alcohol for consumption on the premises or in the designated external seating area(s) shall be limited to pre-booked private functions or to consumption of alcohol that is ancillary to food.
26. Between 07:00 and 08:00 the sale of alcohol for consumption off the premises shall be limited to alcohol served to customers who are seated at tables within the designated external seating area(s) shown on the attached plan.
27. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

5 SOCIAL COMPANY, UNIT 4, NOVA DEVELOPMENT, VICTORIA STREET

LICENSING SUB-COMMITTEE No. 1

Thursday 7th April 2016

Membership: Councillor Melvyn Caplan (Chairman), Councillor Heather Acton and Councillor Peter Freeman

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

Relevant Representations: Environmental Health.

Present: Mr Jeremy Bark (Solicitor, Representing the Applicant), Ms Caroline Rodgers (NOVA Director), Mr Justin Black (Development Director), Mr Ben Ridgwell (Portfolio Director, Land Securities) and Ms Sally Thomas and Mr Dave Nevitt (Environmental Health)

Social Company, Unit 4, Nova Development, Victoria Street, London 16/00467/LIPN	
1.	Late Night Refreshment (Indoors and Outdoors)
	Monday to Sunday: 23:00 to 00:00
	Amendments to application advised at hearing: None.

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

Unit 4 was one of twelve applications for new premises licences at the Nova Development considered by the Licensing Sub-Committee at the 7 April hearing. The Sub-Committee was informed by Mr Bark, representing the Applicant that the Nova Development would be a mixed use development, comprising of office, retail, residential and leisure uses. Mr Bark explained that Unit 4 is leased to Jason Atherton who has a chain of restaurants with at least three being located in Westminster. This would be located in the Nova South building. It was proposed that the premises would operate as a restaurant and bar. The approximate capacity, which would need to be agreed with Environmental Health, would be 150 to 180 people.

Mr Bark provided Members with some information on the Nova Development as a whole. He stated that the safeguards included the experienced landlord, who also own Cardinal Place nearby and the New Street Square and One New Change developments in the City of London. It chose and managed its tenants well. Outside the majority of the units at the Nova Development that were the subject of applications for new premises licences there would be a dedicated seating area. The tenants would not only have a lease for the inside of the premises but also a lease for the outside of the premises. If there were issues with the outside area, the Landlord, Land Securities, would be able to consider whether this should be removed from the tenant. Mr Bark explained that there would be a dedicated management team on site who would manage day to day operations. There would be a security office within the basement which would include a room from which CCTV would be monitored 24 hours 7 days a week. There would be 184 CCTV cameras throughout the Nova Development. The security team employed by Land Securities (which worked for them elsewhere) would comprise of between 30 to 35 individuals. It was anticipated that there would be two shifts when operatives would be working (16 operatives from 07:00 to 19:00 hours and 12 operatives from 19:00 to 07:00).

Mr Bark also explained the servicing arrangements. Considerable thought had been given to minimising the impact of deliveries with a large loading bay area which could contain up to eight vehicles being located within the basement of the premises. The access would be from Bressenden Place and this would be well away from residents. Any sounds in the basement would be acoustically contained and the goods travelled from the basement to the stores via staircases or lifts in the internal core of the building. They would not need to be collected by the tenants externally. It was proposed in the form of a condition that provided tenants' deliveries took place in accordance with the NOVA development delivery arrangements allowing delivery to the dedicated basement delivery area, there would be no time restrictions. If tenants did not operate in accordance with the arrangements, then no deliveries would be permitted to take place between 23:00 and 08:00 on the following day. Refuse was kept in storage areas in the basement. In the event that tenants did not operate in accordance with the NOVA refuse collection arrangements allowing collections

from the dedicated basement area, all waste would have to be placed out for collection no earlier than 30 minutes before the scheduled collection times.

Mr Bark stated that there would be three entrances for the 170 residential units in the Nova building. There would be a 24/7 concierge system that was manned at all times. It was covered by CCTV and there was a radio link from the concierge to the security and management control room. He added that one of the attractions for the residents of the Nova building was the food quarter and licensed premises. In terms of local residents who lived in the vicinity of the building, the Applicant had liaised closely with them, including explaining the application at a residents' meeting. There had been no objections from residents in respect of the current applications.

Mr Bark also addressed the Sub-Committee on the Council's policy. He made the point that it was proposed that many of the operations within the twelve units would be food led. However, some flexibility was sought for the tenants and the Applicant was requesting that a condition was not attached to the premises licences that alcohol would be ancillary to food. Mr Bark commented that the Nova Development is not located in one of the Council's designated cumulative impact areas and any proposed hours outside the Council's Core Hours policy would be considered on their merits. He emphasised that there were some premises within 150 metres of the Nova Development which operated within Core Hours and others that did not. He expressed the view that the overall development could be managed well and not adversely affect anyone in the area. Discussions with the Police prior to the withdrawal of their representation and also Environmental Health had resulted in café/bar conditions being proposed with the sale or supply of alcohol being via waiter or waitress service to seated customers. It was proposed that there would be limited areas where alcohol could be consumed in a bar area and this was hatched on the plans.

Seven specific conditions had been proposed for all of the premises licences by Environmental Health and prior to the hearing the Sub-Committee received the response from the Applicant to the conditions. Mr Bark confirmed at the hearing that his clients were content with model condition 12 (no noise generated on the premises being able to emanate from the premises) being attached to the premises licences as requested by Environmental Health. Environmental Health had agreed an amended condition put forward by the Applicant that all windows and external doors would be kept closed before 08:00 and after 23:00 except for immediate access and egress of persons. Mr Bark requested that Environmental Health's proposed condition that on sales and alcohol consumed in the outside areas be limited to pre-booked and private functions or for consumption ancillary to food only was not attached to the premises licences. Mr Bark made the case that there were sufficient safeguards and that there were quality operators that would ensure there were no issues. Environmental Health had proposed alternative wording to the Applicant's condition that there would be no off sales of alcohol other than to any dedicated ground floor seating area or of alcohol in sealed containers. Environmental Health's proposed condition set out that the external seating area would have customers seated at tables and served by waiter or waitress only. Environmental Health and the Applicant had agreed a condition that between 07:00 and 08:00 off sales would be limited to the external tables and chairs only. The Applicant had concerns that a works

condition and a condition setting the capacity for all of the premises would be attached to the premises licences. Mr Bark added that it was likely that the individual operators would submit minor variations in relation to the layouts in the plans.

The Sub-Committee asked Mr Bark to comment specifically on the proposed hours on Sundays which were significantly beyond Core Hours. Mr Bark responded that whilst he understood the concept of Sundays being different from other days of the week the client wanted as much flexibility as possible and there were significant safeguards in relation to the applications. Local residents were not concerned and whilst planning was a different regime, various amenity aspects had been taken into account there and the hours being sought for the licensing applications would mirror what had been granted for planning.

The Sub-Committee noted that the Applicant had applied for recorded music for Unit 4. Mr Wroe asked Mr Bark about the nature of the music that the tenants would play. Mr Bark referred to the hours between 08:00 and 23:00 being deregulated. He also informed those present that most of the tenants would play what he described as 'borderline background music'. Some would play slightly louder music and doors and windows would be closed accordingly. The Applicant had agreed a condition that no noise would be permitted to emanate from the premises. The tenants would be aware that the area would be overseen by management and security guards via radio link.

Mr Bark stated specifically in respect of Unit 4 that the numbers standing in the hatched area in the plan were indicative numbers at this stage. It was likely that loose furniture would be tables and chairs. Jason Atherton wanted as many customers eating as possible.

The Sub-Committee next heard from Environmental Health. Ms Thomas stated that whilst the Nova Development was not located in the designated cumulative impact areas, Environmental Health's representations for the twelve applications had been maintained as the commencement and terminal hours were in excess of the Council's Core Hours policy. Environmental Health was conscious of the residents of the Nova building who had not moved in yet. In terms of Environmental Health's proposed conditions, she did believe it to be important that the hours between 07:00 and 10:00 were ancillary to food. This did not mean substantial table meals. There was the potential for some of the premises to be rented out during these hours. Overall, there were areas that were edged and hatched in blue on the attached plans for some of the premises where alcohol was not served by waiter or waitress to seated customers but these were limited in size. Ms Thomas referred to the fact that recorded music was only regulated prior to 08:00 and after 23:00 hours so Environmental Health was content that windows and external doors were kept closed at these times except for the immediate access and egress of persons. She added that the planning process had looked at aspects such as the potential for noise escape in the building and permission had been granted. The Applicant had agreed the Model Condition 12. Environmental Health would want a say over the capacities for each of the premises via a works condition and to be able to consider matters such as means of escape and toilet provision.

Mr Nevitt referred to the extensive discussions with the Applicant. He commented that the landlord had a good track record of managing sites and had a very integrated management plan for the applications including in terms of security and servicing. Mr Nevitt made the point that Environmental Health were objecting to the start times and the finish times, including the late finish on Sundays. It was his perception that the applications could raise some issues in particular. One was that there were pubs in the Victoria area who wanted to open early in the morning and they had been advised that alcohol would have to be strictly ancillary to food. Secondly the local premises would potentially seek later hours in the evening. Thirdly, it was a question of whether a midnight terminal hour on each night of the week would have implications for transport as several hundred people would potentially need to disperse late at night. Mr Nevitt re-iterated Ms Thomas' request for the capacity condition as it would enable Environmental Health to set the figure for each of the distinctive units. It was accepted that some vertical drinking in a more controlled environment within the Nova Development would potentially take some pressure off the pubs in the local area.

Mr Bark responded to some of the points raised by Environmental Health. He offered on behalf of his clients that the hatched areas would not be in use prior to 10:00 hours. Customers would have to be seated and served by waiter or waitress. Some flexibility was requested prior to 10:00 in case one person in a group wanted a bucks fizz. Mr Ridgwell envisaged a scenario that those in the office areas were working international hours and might want to buy a bottle of champagne. Mr Bark made the additional point that not all units would be open at 07:00 hours. All customers would have to be off the premises by midnight and licensable activities would therefore be concluded a number of minutes before.

Mr Panto referred the parties present to four conditions which he was putting forward as alternatives to the Applicant's and Environmental Health's conditions which dealt with the consumption of alcohol in addition to the sale. The first set out that 'other than in the area(s) edged and hatched in blue on the attached plan, alcohol shall not be sold or supplied otherwise than by waiter or waitress service for consumption by persons who are seated at tables'. The second set out that 'all sales of alcohol for consumption off the premises shall be in sealed containers only, save for alcohol served by a waiter or waitress to customers who are seated at tables within the designated external seating area(s) shown on the attached plan edged and cross-hatched in green'. The third was an alternative to the wording of Environmental Health's condition so that 'between 07:00 and 08:00 the sale of alcohol for consumption off the premises shall be limited to alcohol served to customers who are seated at tables within the designated external seating area(s) shown on the attached plan'. The fourth was also an alternative to the wording of Environmental Health's wording and stated that 'between 07:00 and 10:00 the sale of alcohol for consumption on the premises or in the designated external seating area(s) shall be limited to pre-booked private functions or to consumption of alcohol that is ancillary to food'.

The Sub-Committee had two specific concerns in relation to the application. One was the hours proposed on Sundays and the other was alcohol not being ancillary to food prior to 10:00 hours. Members considered that Sundays are

different and noted the reference in the Council's Statement of Licensing Policy that the Council 'is prepared generally to grant premises licences for hours that will provide for longer hours at the end of the week but that still enable people to travel home relatively easily by tube, train, bus, and taxi, while retaining opportunities for residents to have an additional respite on Sunday'. The transport arrangements were not as straight forward on Sundays. The Sub-Committee took into account that the Applicant had requested an additional thirty minutes beyond the Council's Core Hours policy Monday to Thursday and the same additional amount of time was granted on Sundays. The terminal hour would therefore be 11:00 except for Sundays prior to Bank Holidays when the midnight terminal hour applied for was permitted. There was the potential for individual operators to put forward a case for a later terminal hour on Sunday should they apply for a variation of the premises licence. The Sub-Committee noted that the current Applicant had requested flexibility so that the Council's model restaurant condition had not been attached to the premises licences.

The Sub-Committee considered that 07:00 was a particularly early commencement hour on every day of the week. Members noted that a commencement hour of 07:00 on Sundays was five hours prior to the time set out in the Core Hours policy. Members were prepared to grant the 07:00 commencement hour applied for on every day of the week but decided that between 07:00 and 10:00 the sale of alcohol would be required to be ancillary to pre-booked private functions or food as proposed by Environmental Health.

The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 11:00 for licensable activities and the opening hours with an extension until midnight for Sundays immediately prior to a bank holiday. Members had some confidence in the safeguards put forward by the Applicant, including the security and servicing arrangements. The Applicant had given significant thought to ensuring that noise would not emanate either from or through the premises and had agreed Model Condition 12 which was attached to the licence. Members decided for Unit 3 that it was appropriate to grant the hours applied for Monday to Saturday, with some flexibility in the conditions attached to the licence. The Sub-Committee did not require alcohol to be ancillary to food after 10:00 hours. The area(s) edged and hatched in blue on the attached plan, would permit customers to have alcohol which was not provided by waiter or waitress service and consumed by persons who are seated at tables. As with many of the premises licences that were granted, the Sub-Committee permitted tables and chairs within the dedicated ground floor external seating area to be used until 23:00 hours.

The Sub-Committee also attached the four conditions which had been put forward by Mr Panto as alternative wording to Environmental Health and the Applicant's proposed conditions. The works condition sought by Environmental Health was attached to the premises licence. As agreed between the Applicant and Environmental Health, a condition was attached that all windows and external doors would be kept closed before 08:00 and after 23:00 hours except for immediate access and egress of persons.

2. Recorded Music (Indoors)

	Monday to Sunday: 07:00 to 00:00
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 23:00 (with an extension until midnight for Sundays immediately prior to a bank holiday), subject to conditions as set out below (see reasons for decision in Section 1).
3.	Sale by retail of alcohol (On and Off)
	Monday to Sunday: 07:00 to 00:00
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 23:00 (with an extension until midnight for Sundays immediately prior to a bank holiday), subject to conditions as set out below (see reasons for decision in Section 1).
4.	Opening Hours
	Monday to Sunday: 07:00 to 00:00
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 23:00 (with an extension until midnight for Sundays immediately prior to a bank holiday), subject to conditions as set out below (see reasons for decision in Section 1).

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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. 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 records 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. 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.
12. Other than in the area(s) edged and hatched in blue on the attached plan, alcohol shall not be sold or supplied otherwise than by waiter or waitress service for consumption by persons who are seated at tables.
13. All sales of alcohol for consumption off the premises shall be in sealed containers only, save for alcohol served by a waiter or waitress to customers who are seated at tables within the designated external seating area(s) shown on the attached plan edged and cross-hatched in green.
14. All outside tables and chairs within the dedicated ground floor outside seating area shall be rendered unusable by 23:00 hours each day.
15. Patrons permitted to temporarily leave and then re-enter the premises and any dedicated outside ground floor seating area, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
16. An incident log shall be kept at the premises, and made available on requires 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; and
- h) any visit by a relevant authority or emergency service

17. Notices shall be displayed at the exit of the premises requesting customers leaving the premises to respect the needs of local residents and business and leave the area quietly.
18. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable form of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS hologram.
19. Other than where deliveries take place in accordance with the NOVA development delivery arrangements allowing delivery to the dedicated basement delivery area, no deliveries to the premises shall take place between 23:00 and 08:00 on the following day.
20. Other than where refuse is disposed of and collected in accordance with the NOVA refuse collection arrangements allowing collections from the dedicated basement area, all waste shall be properly present and placed out for collection no earlier than 30 minutes before the scheduled collection times.
21. This Premises Licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
22. Before the premises are open to the public, the plans deposited will be checked by the Environmental Health consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed a variation application may be required.
23. 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.
24. All windows and external doors shall be kept closed before 08:00 and after 23:00 hours, except for the immediate access and egress of persons.
25. Between 07:00 and 10:00 hours the sale of alcohol for consumption on the premises or in the designated external seating area(s) shall be limited to pre-booked private functions or to consumption of alcohol that is ancillary to food.
26. Between 07:00 and 08:00 the sale of alcohol for consumption off the premises shall be limited to alcohol served to customers who are seated at tables within the designated external seating area(s) shown on the attached plan.

27. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

6 STICKS AND SUSHI, UNIT 5, NOVA DEVELOPMENT, VICTORIA STREET

LICENSING SUB-COMMITTEE No. 1

Thursday 7th April 2016

Membership: Councillor Melvyn Caplan (Chairman), Councillor Heather Acton and Councillor Peter Freeman

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

Relevant Representations: Environmental Health.

Present: Mr Jeremy Bark (Solicitor, Representing the Applicant), Ms Caroline Rodgers (NOVA Director), Mr Justin Black (Development Director), Mr Ben Ridgwell (Portfolio Director, Land Securities) and Ms Sally Thomas and Mr Dave Nevitt (Environmental Health)

Sticks And Sushi, Unit 5, Nova Development, Victoria Street, London 16/00487/LIPN

1. Late Night Refreshment (Indoors and Outdoors)

Monday to Sunday: 23:00 to 00:00

Amendments to application advised at hearing:

None.

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

Unit 5 was one of twelve applications for new premises licences at the Nova Development considered by the Licensing Sub-Committee at the 7 April hearing. The Sub-Committee was informed by Mr Bark, representing the Applicant that the Nova Development would be a mixed use development, comprising of office, retail, residential and leisure uses. The Sub-Committee was advised that Unit 5 is a food led salad/suchi/sashimi based venue. It was proposed that the

premises would operate as a restaurant, café and bar. This would be located in the Nova South building. The approximate capacity, which would need to be agreed with Environmental Health, would be 120 to 150 people.

Mr Bark provided Members with some information on the Nova Development as a whole. He stated that the safeguards included the experienced landlord, who also own Cardinal Place nearby and the New Street Square and One New Change developments in the City of London. It chose and managed its tenants well. Outside the majority of the units at the Nova Development that were the subject of applications for new premises licences there would be a dedicated seating area. The tenants would not only have a lease for the inside of the premises but also a lease for the outside of the premises. If there were issues with the outside area, the Landlord, Land Securities, would be able to consider whether this should be removed from the tenant. Mr Bark explained that there would be a dedicated management team on site who would manage day to day operations. There would be a security office within the basement which would include a room from which CCTV would be monitored 24 hours 7 days a week. There would be 184 CCTV cameras throughout the Nova Development. The security team employed by Land Securities (which worked for them elsewhere) would comprise of between 30 to 35 individuals. It was anticipated that there would be two shifts when operatives would be working (16 operatives from 07:00 to 19:00 hours and 12 operatives from 19:00 to 07:00).

Mr Bark also explained the servicing arrangements. Considerable thought had been given to minimising the impact of deliveries with a large loading bay area which could contain up to eight vehicles being located within the basement of the premises. The access would be from Bressenden Place and this would be well away from residents. Any sounds in the basement would be acoustically contained and the goods travelled from the basement to the stores via staircases or lifts in the internal core of the building. They would not need to be collected by the tenants externally. It was proposed in the form of a condition that provided tenants' deliveries took place in accordance with the NOVA development delivery arrangements allowing delivery to the dedicated basement delivery area, there would be no time restrictions. If tenants did not operate in accordance with the arrangements, then no deliveries would be permitted to take place between 23:00 and 08:00 on the following day. Refuse was kept in storage areas in the basement. In the event that tenants did not operate in accordance with the NOVA refuse collection arrangements allowing collections from the dedicated basement area, all waste would have to be placed out for collection no earlier than 30 minutes before the scheduled collection times.

Mr Bark stated that there would be three entrances for the 170 residential units in the Nova building. There would be a 24/7 concierge system that was manned at all times. It was covered by CCTV and there was a radio link from the concierge to the security and management control room. He added that one of the attractions for the residents of the Nova building was the food quarter and licensed premises. In terms of local residents who lived in the vicinity of the building, the Applicant had liaised closely with them, including explaining the application at a residents' meeting. There had been no objections from residents in respect of the current applications.

Mr Bark also addressed the Sub-Committee on the Council's policy. He made the point that it was proposed that many of the operations within the twelve units would be food led. However, some flexibility was sought for the tenants and the Applicant was requesting that a condition was not attached to the premises licences that alcohol would be ancillary to food. Mr Bark commented that the Nova Development is not located in one of the Council's designated cumulative impact areas and any proposed hours outside the Council's Core Hours policy would be considered on their merits. He emphasised that there were some premises within 150 metres of the Nova Development which operated within Core Hours and others that did not. He expressed the view that the overall development could be managed well and not adversely affect anyone in the area. Discussions with the Police prior to the withdrawal of their representation and also Environmental Health had resulted in café/bar conditions being proposed with the sale or supply of alcohol being via waiter or waitress service to seated customers. It was proposed that there would be limited areas where alcohol could be consumed in a bar area and this was hatched on the plans.

Seven specific conditions had been proposed for all of the premises licences by Environmental Health and prior to the hearing the Sub-Committee received the response from the Applicant to the conditions. Mr Bark confirmed at the hearing that his clients were content with model condition 12 (no noise generated on the premises being able to emanate from the premises) being attached to the premises licences as requested by Environmental Health. Environmental Health had agreed an amended condition put forward by the Applicant that all windows and external doors would be kept closed before 08:00 and after 23:00 except for immediate access and egress of persons. Mr Bark requested that Environmental Health's proposed condition that on sales and alcohol consumed in the outside areas be limited to pre-booked and private functions or for consumption ancillary to food only was not attached to the premises licences. Mr Bark made the case that there were sufficient safeguards and that there were quality operators that would ensure there were no issues. Environmental Health had proposed alternative wording to the Applicant's condition that there would be no off sales of alcohol other than to any dedicated ground floor seating area or of alcohol in sealed containers. Environmental Health's proposed condition set out that the external seating area would have customers seated at tables and served by waiter or waitress only. Environmental Health and the Applicant had agreed a condition that between 07:00 and 08:00 off sales would be limited to the external tables and chairs only. The Applicant had concerns that a works condition and a condition setting the capacity for all of the premises would be attached to the premises licences. Mr Bark added that it was likely that the individual operators would submit minor variations in relation to the layouts in the plans.

The Sub-Committee asked Mr Bark to comment specifically on the proposed hours on Sundays which were significantly beyond Core Hours. Mr Bark responded that whilst he understood the concept of Sundays being different from other days of the week the client wanted as much flexibility as possible and there were significant safeguards in relation to the applications. Local residents were not concerned and whilst planning was a different regime, various amenity aspects had been taken into account there and the hours being sought for the licensing applications would mirror what had been granted for planning.

The Sub-Committee noted that the Applicant had applied for recorded music for Unit 5. Mr Wroe asked Mr Bark about the nature of the music that the tenants would play. Mr Bark referred to the hours between 08:00 and 23:00 being deregulated. He also informed those present that most of the tenants would play what he described as 'borderline background music'. Some would play slightly louder music and doors and windows would be closed accordingly. The Applicant had agreed a condition that no noise would be permitted to emanate from the premises. The tenants would be aware that the area would be overseen by management and security guards via radio link.

Mr Bark confirmed in respect of Unit 5 that the Applicant was withdrawing the non-standard timings for New Year's Eve and Christmas Eve.

The Sub-Committee next heard from Environmental Health. Ms Thomas stated that whilst the Nova Development was not located in the designated cumulative impact areas, Environmental Health's representations for the twelve applications had been maintained as the commencement and terminal hours were in excess of the Council's Core Hours policy. Environmental Health was conscious of the residents of the Nova building who had not moved in yet. In terms of Environmental Health's proposed conditions, she did believe it to be important that the hours between 07:00 and 10:00 were ancillary to food. This did not mean substantial table meals. There was the potential for some of the premises to be rented out during these hours. Overall, there were areas that were edged and hatched in blue on the attached plans for some of the premises where alcohol was not served by waiter or waitress to seated customers but these were limited in size. Ms Thomas referred to the fact that recorded music was only regulated prior to 08:00 and after 23:00 hours so Environmental Health was content that windows and external doors were kept closed at these times except for the immediate access and egress of persons. She added that the planning process had looked at aspects such as the potential for noise escape in the building and permission had been granted. The Applicant had agreed the Model Condition 12. Environmental Health would want a say over the capacities for each of the premises via a works condition and to be able to consider matters such as means of escape and toilet provision.

Mr Nevitt referred to the extensive discussions with the Applicant. He commented that the landlord had a good track record of managing sites and had a very integrated management plan for the applications including in terms of security and servicing. Mr Nevitt made the point that Environmental Health were objecting to the start times and the finish times, including the late finish on Sundays. It was his perception that the applications could raise some issues in particular. One was that there were pubs in the Victoria area who wanted to open early in the morning and they had been advised that alcohol would have to be strictly ancillary to food. Secondly the local premises would potentially seek later hours in the evening. Thirdly, it was a question of whether a midnight terminal hour on each night of the week would have implications for transport as several hundred people would potentially need to disperse late at night. Mr Nevitt re-iterated Ms Thomas' request for the capacity condition as it would enable Environmental Health to set the figure for each of the distinctive units. It was accepted that some vertical drinking in a more controlled environment within

the Nova Development would potentially take some pressure off the pubs in the local area.

Mr Bark responded to some of the points raised by Environmental Health. He offered on behalf of his clients that the hatched areas would not be in use prior to 10:00 hours. Customers would have to be seated and served by waiter or waitress. Some flexibility was requested prior to 10:00 in case one person in a group wanted a bucks fizz. Mr Ridgwell envisaged a scenario that those in the office areas were working international hours and might want to buy a bottle of champagne. Mr Bark made the additional point that not all units would be open at 07:00 hours. All customers would have to be off the premises by midnight and licensable activities would therefore be concluded a number of minutes before.

Mr Panto referred the parties present to four conditions which he was putting forward as alternatives to the Applicant's and Environmental Health's conditions which dealt with the consumption of alcohol in addition to the sale. The first set out that 'other than in the area(s) edged and hatched in blue on the attached plan, alcohol shall not be sold or supplied otherwise than by waiter or waitress service for consumption by persons who are seated at tables'. The second set out that 'all sales of alcohol for consumption off the premises shall be in sealed containers only, save for alcohol served by a waiter or waitress to customers who are seated at tables within the designated external seating area(s) shown on the attached plan edged and cross-hatched in green'. The third was an alternative to the wording of Environmental Health's condition so that 'between 07:00 and 08:00 the sale of alcohol for consumption off the premises shall be limited to alcohol served to customers who are seated at tables within the designated external seating area(s) shown on the attached plan'. The fourth was also an alternative to the wording of Environmental Health's wording and stated that 'between 07:00 and 10:00 the sale of alcohol for consumption on the premises or in the designated external seating area(s) shall be limited to pre-booked private functions or to consumption of alcohol that is ancillary to food.

The Sub-Committee had two specific concerns in relation to the application. One was the hours proposed on Sundays and the other was alcohol not being ancillary to food prior to 10:00 hours. Members considered that Sundays are different and noted the reference in the Council's Statement of Licensing Policy that the Council 'is prepared generally to grant premises licences for hours that will provide for longer hours at the end of the week but that still enable people to travel home relatively easily by tube, train, bus, and taxi, while retaining opportunities for residents to have an additional respite on Sunday'. The transport arrangements were not as straight forward on Sundays. The Sub-Committee took into account that the Applicant had requested an additional thirty minutes beyond the Council's Core Hours policy Monday to Thursday and the same additional amount of time was granted on Sundays. The terminal hour would therefore be 11:00 except for Sundays prior to Bank Holidays when the midnight terminal hour applied for was permitted. There was the potential for individual operators to put forward a case for a later terminal hour on Sunday should they apply for a variation of the premises licence. The Sub-Committee noted that the current Applicant had requested flexibility so that the Council's model restaurant condition had not been attached to the premises licences.

The Sub-Committee considered that 07:00 was a particularly early commencement hour on every day of the week. Members noted that a commencement hour of 07:00 on Sundays was five hours prior to the time set out in the Core Hours policy. Members were prepared to grant the 07:00 commencement hour applied for on every day of the week but decided that between 07:00 and 10:00 the sale of alcohol would be required to be ancillary to pre-booked private functions or food as proposed by Environmental Health.

The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 11:00 for licensable activities and the opening hours with an extension until midnight for Sundays immediately prior to a bank holiday. Members had some confidence in the safeguards put forward by the Applicant, including the security and servicing arrangements. The Applicant had given significant thought to ensuring that noise would not emanate either from or through the premises and had agreed Model Condition 12 which was attached to the licence. Members decided for Unit 5 that it was appropriate to grant the hours applied for Monday to Saturday, with some flexibility in the conditions attached to the licence. The Sub-Committee did not require alcohol to be ancillary to food after 10:00 hours. The area(s) edged and hatched in blue on the attached plan, would permit customers to have alcohol which was not provided by waiter or waitress service and consumed by persons who are seated at tables. As with many of the premises licences that were granted, the Sub-Committee permitted tables and chairs within the dedicated ground floor external seating area to be used until 23:00 hours.

The Sub-Committee also attached the four conditions which had been put forward by Mr Panto as alternative wording to Environmental Health and the Applicant's proposed conditions. The works condition sought by Environmental Health was attached to the premises licence. As agreed between the Applicant and Environmental Health, a condition was attached that all windows and external doors would be kept closed before 08:00 and after 23:00 hours except for immediate access and egress of persons.

2. Recorded Music (Indoors)

Monday to Sunday: 07:00 to 00:00

Non-standard timings:

- On New Year's Eve, recorded music may be provided until the commencement of licensable activities on 1st January on the day following.
- On Christmas Eve, recorded music may be provided until 2am on the following day.

Amendments to application advised at hearing:

The Sub-Committee was informed that the Applicant was withdrawing the non-standard timings from this aspect of the application.

	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 23:00 for recorded music (indoors) with an extension until midnight for Sundays immediately prior to a bank holiday, subject to conditions as set out below (see reasons for decision in Section 1). The Sub-Committee was not required to consider the non-standard timings as they had been withdrawn.</p>
3.	Sale by retail of alcohol (On and Off)
	Monday to Sunday: 07:00 to 00:00
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 23:00 (with an extension until midnight for Sundays immediately prior to a bank holiday), subject to conditions as set out below (see reasons for decision in Section 1).</p>
4.	Opening Hours
	Monday to Sunday: 07:00 to 00:00
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 23:00 (with an extension until midnight for Sundays immediately prior to a bank holiday), subject to conditions as set out below (see reasons for decision in Section 1).</p>

Conditions attached to the Licence

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The 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 records 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. 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.
12. Other than in the area(s) edged and hatched in blue on the attached plan, alcohol shall not be sold or supplied otherwise than by waiter or waitress service for consumption by persons who are seated at tables.
13. All sales of alcohol for consumption off the premises shall be in sealed containers only, save for alcohol served by a waiter or waitress to customers who are seated at tables within the designated external seating area(s) shown on the attached plan edged and cross-hatched in green.
14. All outside tables and chairs within the dedicated ground floor outside seating area shall be rendered unusable by 23:00 hours each day.
15. Patrons permitted to temporarily leave and then re-enter the premises and any dedicated outside ground floor seating area, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
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:
 - 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; and
 - h) any visit by a relevant authority or emergency service

17. Notices shall be displayed at the exit of the premises requesting customers leaving the premises to respect the needs of local residents and business and leave the area quietly.
18. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable form of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS hologram.
19. Other than where deliveries take place in accordance with the NOVA development delivery arrangements allowing delivery to the dedicated basement delivery area, no deliveries to the premises shall take place between 23:00 and 08:00 on the following day.
20. Other than where refuse is disposed of and collected in accordance with the NOVA refuse collection arrangements allowing collections from the dedicated basement area, all waste shall be properly present and placed out for collection no earlier than 30 minutes before the scheduled collection times.
21. This Premises Licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
22. Before the premises are open to the public, the plans deposited will be checked by the Environmental Health consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed a variation application may be required.
23. 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.
24. All windows and external doors shall be kept closed before 08:00 and after 23:00 hours, except for the immediate access and egress of persons.
25. Between 07:00 and 10:00 hours the sale of alcohol for consumption on the premises or in the designated external seating area(s) shall be limited to pre-booked private functions or to consumption of alcohol that is ancillary to food.
26. Between 07:00 and 08:00 the sale of alcohol for consumption off the premises shall be limited to alcohol served to customers who are seated at tables within the designated external seating area(s) shown on the attached plan.
27. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

7 BARBEOA, UNIT 8, NOVA DEVELOPMENT, VICTORIA STREET

LICENSING SUB-COMMITTEE No. 1

Thursday 7th April 2016

Membership: Councillor Melvyn Caplan (Chairman), Councillor Heather Acton and Councillor Peter Freeman

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

Relevant Representations: Environmental Health.

Present: Mr Jeremy Bark (Solicitor, Representing the Applicant), Ms Caroline Rodgers (NOVA Director), Mr Justin Black (Development Director), Mr Ben Ridgwell (Portfolio Director, Land Securities) and Ms Sally Thomas and Mr Dave Nevitt (Environmental Health)

Barbecoa, Unit 8, Nova Development, Victoria Street, London 16/01770/LIPN	
1.	Late Night Refreshment (Indoors and Outdoors)
	Monday to Sunday: 23:00 to 00:00
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): Unit 8 was one of twelve applications for new premises licences at the Nova Development considered by the Licensing Sub-Committee at the 7 April hearing. The Sub-Committee was informed by Mr Bark, representing the Applicant that the Nova Development would be a mixed use development, comprising of office, retail, residential and leisure uses. The Sub-Committee was advised that Barbecoa in Unit 8 was owned by Jamie Oliver and was a well-known meat/charcuterie based offer. This would be located in the Nova North building and was unique amongst the 12 applications as it was the only one that included a terrace on the first floor. There would be no waiter or waitress service to this terrace but customers would also have to be seated apart from areas hatched in pink. The approximate capacity for the entire premises, which would need to be agreed with Environmental Health, would be 200 to 250 people. Mr Bark provided Members with some information on the Nova Development as

a whole. He stated that the safeguards included the experienced landlord, who also own Cardinal Place nearby and the New Street Square and One New Change developments in the City of London. It chose and managed its tenants well. Outside the majority of the units at the Nova Development that were the subject of applications for new premises licences there would be a dedicated seating area. The tenants would not only have a lease for the inside of the premises but also a lease for the outside of the premises. If there were issues with the outside area, the Landlord, Land Securities, would be able to consider whether this should be removed from the tenant. Mr Bark explained that there would be a dedicated management team on site who would manage day to day operations. There would be a security office within the basement which would include a room from which CCTV would be monitored 24 hours 7 days a week. There would be 184 CCTV cameras throughout the Nova Development. The security team employed by Land Securities (which worked for them elsewhere) would comprise of between 30 to 35 individuals. It was anticipated that there would be two shifts when operatives would be working (16 operatives from 07:00 to 19:00 hours and 12 operatives from 19:00 to 07:00).

Mr Bark also explained the servicing arrangements. Considerable thought had been given to minimising the impact of deliveries with a large loading bay area which could contain up to eight vehicles being located within the basement of the premises. The access would be from Bressenden Place and this would be well away from residents. Any sounds in the basement would be acoustically contained and the goods travelled from the basement to the stores via staircases or lifts in the internal core of the building. They would not need to be collected by the tenants externally. It was proposed in the form of a condition that provided tenants' deliveries took place in accordance with the NOVA development delivery arrangements allowing delivery to the dedicated basement delivery area, there would be no time restrictions. If tenants did not operate in accordance with the arrangements, then no deliveries would be permitted to take place between 23:00 and 08:00 on the following day. Refuse was kept in storage areas in the basement. In the event that tenants did not operate in accordance with the NOVA refuse collection arrangements allowing collections from the dedicated basement area, all waste would have to be placed out for collection no earlier than 30 minutes before the scheduled collection times.

Mr Bark stated that there would be three entrances for the 170 residential units in the Nova building. There would be a 24/7 concierge system that was manned at all times. It was covered by CCTV and there was a radio link from the concierge to the security and management control room. He added that one of the attractions for the residents of the Nova building was the food quarter and licensed premises. In terms of local residents who lived in the vicinity of the building, the Applicant had liaised closely with them, including explaining the application at a residents' meeting. There had been no objections from residents in respect of the current applications.

Mr Bark also addressed the Sub-Committee on the Council's policy. He made the point that it was proposed that many of the operations within the twelve units would be food led. However, some flexibility was sought for the tenants and the Applicant was requesting that a condition was not attached to the premises licences that alcohol would be ancillary to food. Mr Bark commented that the

Nova Development is not located in one of the Council's designated cumulative impact areas and any proposed hours outside the Council's Core Hours policy would be considered on their merits. He emphasised that there were some premises within 150 metres of the Nova Development which operated within Core Hours and others that did not. He expressed the view that the overall development could be managed well and not adversely affect anyone in the area. Discussions with the Police prior to the withdrawal of their representation and also Environmental Health had resulted in café/bar conditions being proposed with the sale or supply of alcohol being via waiter or waitress service to seated customers. It was proposed that there would be limited areas where alcohol could be consumed in a bar area and this was hatched on the plans.

Seven specific conditions had been proposed for all of the premises licences by Environmental Health and prior to the hearing the Sub-Committee received the response from the Applicant to the conditions. Mr Bark confirmed at the hearing that his clients were content with model condition 12 (no noise generated on the premises being able to emanate from the premises) being attached to the premises licences as requested by Environmental Health. Environmental Health had agreed an amended condition put forward by the Applicant that all windows and external doors would be kept closed before 08:00 and after 23:00 except for immediate access and egress of persons. Mr Bark requested that Environmental Health's proposed condition that on sales and alcohol consumed in the outside areas be limited to pre-booked and private functions or for consumption ancillary to food only was not attached to the premises licences. Mr Bark made the case that there were sufficient safeguards and that there were quality operators that would ensure there were no issues. Environmental Health had proposed alternative wording to the Applicant's condition that there would be no off sales of alcohol other than to any dedicated ground floor seating area or of alcohol in sealed containers. Environmental Health's proposed condition set out that the external seating area would have customers seated at tables and served by waiter or waitress only. Environmental Health and the Applicant had agreed a condition that between 07:00 and 08:00 off sales would be limited to the external tables and chairs only. The Applicant had concerns that a works condition and a condition setting the capacity for all of the premises would be attached to the premises licences. Mr Bark added that it was likely that the individual operators would submit minor variations in relation to the layouts in the plans.

The Sub-Committee asked Mr Bark to comment specifically on the proposed hours on Sundays which were significantly beyond Core Hours. Mr Bark responded that whilst he understood the concept of Sundays being different from other days of the week the client wanted as much flexibility as possible and there were significant safeguards in relation to the applications. Local residents were not concerned and whilst planning was a different regime, various amenity aspects had been taken into account there and the hours being sought for the licensing applications would mirror what had been granted for planning.

Mr Wroe asked Mr Bark about the nature of the music that the tenants would play. Mr Bark referred to the hours between 08:00 and 23:00 being deregulated. He also informed those present that most of the tenants would play what he described as 'borderline background music'. Some would play slightly louder

music and doors and windows would be closed accordingly. The Applicant had agreed a condition that no noise would be permitted to emanate from the premises. The tenants would be aware that the area would be overseen by management and security guards via radio link.

Mr Bark stated in respect of Unit 8 it was envisaged that there was an area where those drinking would not be required to be seated internally on the first floor. This would be a bar and holding area for before and after a meal. On the first floor terrace area there would be dedicated bar dispensers and the Applicant was seeking to have two areas there where drinking without being seated could take place. He emphasised that there was no external access to the terrace (customers would have to go through the building). Phase 3 of the development would provide effective screening. It was proposed that the use of the terrace would conclude at 23:00 hours as was permitted for planning. There would be a capacity of 80 people on the terrace. Smoking was not permitted in the Development as a whole and this included the terrace.

The Sub-Committee next heard from Environmental Health. Ms Thomas stated that whilst the Nova Development was not located in the designated cumulative impact areas, Environmental Health's representations for the twelve applications had been maintained as the commencement and terminal hours were in excess of the Council's Core Hours policy. Environmental Health was conscious of the residents of the Nova building who had not moved in yet. In terms of Environmental Health's proposed conditions, she did believe it to be important that the hours between 07:00 and 10:00 were ancillary to food. This did not mean substantial table meals. There was the potential for some of the premises to be rented out during these hours. Overall, there were areas that were edged and hatched in blue on the attached plans for some of the premises where alcohol was not served by waiter or waitress to seated customers but these were limited in size. Ms Thomas referred to the fact that recorded music was only regulated prior to 08:00 and after 23:00 hours so Environmental Health was content that windows and external doors were kept closed at these times except for the immediate access and egress of persons. She added that the planning process had looked at aspects such as the potential for noise escape in the building and permission had been granted. The Applicant had agreed the Model Condition 12. Environmental Health would want a say over the capacities for each of the premises via a works condition and to be able to consider matters such as means of escape and toilet provision.

Mr Nevitt referred to the extensive discussions with the Applicant. He commented that the landlord had a good track record of managing sites and had a very integrated management plan for the applications including in terms of security and servicing. Mr Nevitt made the point that Environmental Health were objecting to the start times and the finish times, including the late finish on Sundays. It was his perception that the applications could raise some issues in particular. One was that there were pubs in the Victoria area who wanted to open early in the morning and they had been advised that alcohol would have to be strictly ancillary to food. Secondly the local premises would potentially seek later hours in the evening. Thirdly, it was a question of whether a midnight terminal hour on each night of the week would have implications for transport as several hundred people would potentially need to disperse late at night. Mr

Nevitt re-iterated Ms Thomas' request for the capacity condition as it would enable Environmental Health to set the figure for each of the distinctive units. It was accepted that some vertical drinking in a more controlled environment within the Nova Development would potentially take some pressure off the pubs in the local area.

Mr Bark responded to some of the points raised by Environmental Health. He offered on behalf of his clients that the hatched areas would not be in use prior to 10:00 hours. Customers would have to be seated and served by waiter or waitress. Some flexibility was requested prior to 10:00 in case one person in a group wanted a bucks fizz. Mr Ridgwell envisaged a scenario that those in the office areas were working international hours and might want to buy a bottle of champagne. Mr Bark made the additional point that not all units would be open at 07:00 hours. All customers would have to be off the premises by midnight and licensable activities would therefore be concluded a number of minutes before.

Mr Panto referred the parties present to four conditions which he was putting forward as alternatives to the Applicant's and Environmental Health's conditions which dealt with the consumption of alcohol in addition to the sale. The first set out that 'other than in the area(s) edged and hatched in blue on the attached plan, alcohol shall not be sold or supplied otherwise than by waiter or waitress service for consumption by persons who are seated at tables'. The second set out that 'all sales of alcohol for consumption off the premises shall be in sealed containers only, save for alcohol served by a waiter or waitress to customers who are seated at tables within the designated external seating area(s) shown on the attached plan edged and cross-hatched in green'. The third was an alternative to the wording of Environmental Health's condition so that 'between 07:00 and 08:00 the sale of alcohol for consumption off the premises shall be limited to alcohol served to customers who are seated at tables within the designated external seating area(s) shown on the attached plan'. The fourth was also an alternative to the wording of Environmental Health's wording and stated that 'between 07:00 and 10:00 the sale of alcohol for consumption on the premises or in the designated external seating area(s) shall be limited to pre-booked private functions or to consumption of alcohol that is ancillary to food.

The Sub-Committee had two specific concerns in relation to the application. One was the hours proposed on Sundays and the other was alcohol not being ancillary to food prior to 10:00 hours. Members considered that Sundays are different and noted the reference in the Council's Statement of Licensing Policy that the Council 'is prepared generally to grant premises licences for hours that will provide for longer hours at the end of the week but that still enable people to travel home relatively easily by tube, train, bus, and taxi, while retaining opportunities for residents to have an additional respite on Sunday'. The transport arrangements were not as straight forward on Sundays. The Sub-Committee took into account that the Applicant had requested an additional thirty minutes beyond the Council's Core Hours policy Monday to Thursday and the same additional amount of time was granted on Sundays. The terminal hour would therefore be 11:00 except for Sundays prior to Bank Holidays when the midnight terminal hour applied for was permitted. There was the potential for individual operators to put forward a case for a later terminal hour on Sunday

should they apply for a variation of the premises licence. The Sub-Committee noted that the current Applicant had requested flexibility so that the Council's model restaurant condition had not been attached to the premises licences.

The Sub-Committee considered that 07:00 was a particularly early commencement hour on every day of the week. Members noted that a commencement hour of 07:00 on Sundays was five hours prior to the time set out in the Core Hours policy. Members were prepared to grant the 07:00 commencement hour applied for on every day of the week but decided that between 07:00 and 10:00 the sale of alcohol would be required to be ancillary to pre-booked private functions or food as proposed by Environmental Health.

The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 11:00 for licensable activities and the opening hours with an extension until midnight for Sundays immediately prior to a bank holiday. Members had some confidence in the safeguards put forward by the Applicant, including the security and servicing arrangements. The Applicant had given significant thought to ensuring that noise would not emanate either from or through the premises and had agreed Model Condition 12 which was attached to the licence. Members decided for Unit 8 that it was appropriate to grant the hours applied for Monday to Saturday, with some flexibility in the conditions attached to the licence. The Sub-Committee did not require alcohol to be ancillary to food after 10:00 hours. Use of the terrace area would be permitted until 23:00 as was use of the two areas by customers who were drinking without being seated around the dispensers. The area(s) edged and hatched in blue on the attached plan, would permit customers to have alcohol which was not provided by waiter or waitress service and consumed by persons who are seated at tables. As with many of the premises licences that were granted, the Sub-Committee permitted tables and chairs within the dedicated ground floor external seating area to be used until 23:00 hours.

The Sub-Committee also attached the four conditions which had been put forward by Mr Panto as alternative wording to Environmental Health and the Applicant's proposed conditions. One of these was amended to take account of the different arrangements on the first floor terrace where there would be no waiter or waitress service. The works condition sought by Environmental Health was attached to the premises licence. As agreed between the Applicant and Environmental Health, a condition was attached that all windows and external doors would be kept closed before 08:00 and after 23:00 hours except for immediate access and egress of persons.

2. Recorded Music (Indoors)

Monday to Sunday: 07:00 to 00:00

Amendments to application advised at hearing:

None.

	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 23:00 (with an extension until midnight for Sundays immediately prior to a bank holiday), subject to conditions as set out below (see reasons for decision in Section 1).</p>
3.	Sale by retail of alcohol (On and Off)
	Monday to Sunday: 07:00 to 00:00
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 23:00 (with an extension until midnight for Sundays immediately prior to a bank holiday), subject to conditions as set out below (see reasons for decision in Section 1).</p>
4.	Opening Hours
	Monday to Sunday: 07:00 to 00:00
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 23:00 (with an extension until midnight for Sundays immediately prior to a bank holiday), subject to conditions as set out below (see reasons for decision in Section 1).</p>

Conditions attached to the Licence

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The 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 records 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. 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.
12. Other than in the area(s) edged and hatched in blue on the attached plan, alcohol shall not be sold or supplied otherwise than by waiter or waitress service for consumption by persons who are seated at tables, subject to condition 13 below.
13. In relation to the first floor external terrace area no licensable activities shall be provided and no consumption of alcohol shall be allowed within this area after 11pm. In addition, within the first floor terrace area this condition shall apply in place of condition 12 and other than within the areas edged and hatched in pink the sale and supply of alcohol shall only be for consumption by persons who are seated
14. All sales of alcohol for consumption off the premises shall be in sealed containers only, save for alcohol served by a waiter or waitress to customers who are seated at tables within the designated external seating area(s) shown on the attached plan edged and cross-hatched in green.
15. All outside tables and chairs within the dedicated ground floor outside seating area shall be rendered unusable by 23:00 hours each day.
16. Patrons permitted to temporarily leave and then re-enter the premises and any dedicated outside ground floor seating area, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
17. An incident log shall be kept at the premises, and made available on requires 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; and
 - h) any visit by a relevant authority or emergency service
18. Notices shall be displayed at the exit of the premises requesting customers leaving the premises to respect the needs of local residents and business and leave the area quietly.
19. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable form of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS hologram.
20. Other than where deliveries take place in accordance with the NOVA development delivery arrangements allowing delivery to the dedicated basement delivery area, no deliveries to the premises shall take place between 23:00 and 08:00 on the following day.
21. Other than where refuse is disposed of and collected in accordance with the NOVA refuse collection arrangements allowing collections from the dedicated basement area, all waste shall be properly present and placed out for collection no earlier than 30 minutes before the scheduled collection times.
22. This Premises Licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
23. Before the premises are open to the public, the plans deposited will be checked by the Environmental Health consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed a variation application may be required.
24. 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.
25. All windows and external doors shall be kept closed before 08:00 and after 23:00 hours, except for the immediate access and egress of persons.
26. Between 07:00 and 10:00 hours the sale of alcohol for consumption on the premises or in the designated external seating area(s) shall be limited to pre-booked private functions or to consumption of alcohol that is ancillary to food.
27. Between 07:00 and 08:00 the sale of alcohol for consumption off the premises shall be limited to alcohol served to customers who are seated at tables within the designated external seating area(s) shown on the attached plan.
28. No licensable activities shall take at the premises until the capacity of the

premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

8 FRANCO MANCA, UNIT 9, NOVA DEVELOPMENT, VICTORIA STREET

LICENSING SUB-COMMITTEE No. 1

Thursday 7th April 2016

Membership: Councillor Melvyn Caplan (Chairman), Councillor Heather Acton and Councillor Peter Freeman

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

Relevant Representations: Environmental Health.

Present: Mr Jeremy Bark (Solicitor, Representing the Applicant), Ms Caroline Rodgers (NOVA Director), Mr Justin Black (Development Director), Mr Ben Ridgwell (Portfolio Director, Land Securities) and Ms Sally Thomas and Mr Dave Nevitt (Environmental Health)

Franco Manca, Unit 9, Nova Development, Victoria Street, London 16/00473/LIPN	
1.	Late Night Refreshment (Indoors and Outdoors)
	Monday to Sunday: 23:00 to 00:00
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): Unit 9 was one of twelve applications for new premises licences at the Nova Development considered by the Licensing Sub-Committee at the 7 April hearing. The Sub-Committee was informed by Mr Bark, representing the Applicant that the Nova Development would be a mixed use development, comprising of office, retail, residential and leisure uses. The Sub-Committee was advised that Unit 9 would have a sour dough pizza based offer which was popular with families. This is located in the Nova North building. The approximate capacity, which

would need to be agreed with Environmental Health, would be 100 people.

Mr Bark provided Members with some information on the Nova Development as a whole. He stated that the safeguards included the experienced landlord, who also own Cardinal Place nearby and the New Street Square and One New Change developments in the City of London. It chose and managed its tenants well. Outside the majority of the units at the Nova Development that were the subject of applications for new premises licences there would be a dedicated seating area. The tenants would not only have a lease for the inside of the premises but also a lease for the outside of the premises. If there were issues with the outside area, the Landlord, Land Securities, would be able to consider whether this should be removed from the tenant. Mr Bark explained that there would be a dedicated management team on site who would manage day to day operations. There would be a security office within the basement which would include a room from which CCTV would be monitored 24 hours 7 days a week. There would be 184 CCTV cameras throughout the Nova Development. The security team employed by Land Securities (which worked for them elsewhere) would comprise of between 30 to 35 individuals. It was anticipated that there would be two shifts when operatives would be working (16 operatives from 07:00 to 19:00 hours and 12 operatives from 19:00 to 07:00).

Mr Bark also explained the servicing arrangements. Considerable thought had been given to minimising the impact of deliveries with a large loading bay area which could contain up to eight vehicles being located within the basement of the premises. The access would be from Bressenden Place and this would be well away from residents. Any sounds in the basement would be acoustically contained and the goods travelled from the basement to the stores via staircases or lifts in the internal core of the building. They would not need to be collected by the tenants externally. It was proposed in the form of a condition that provided tenants' deliveries took place in accordance with the NOVA development delivery arrangements allowing delivery to the dedicated basement delivery area, there would be no time restrictions. If tenants did not operate in accordance with the arrangements, then no deliveries would be permitted to take place between 23:00 and 08:00 on the following day. Refuse was kept in storage areas in the basement. In the event that tenants did not operate in accordance with the NOVA refuse collection arrangements allowing collections from the dedicated basement area, all waste would have to be placed out for collection no earlier than 30 minutes before the scheduled collection times.

Mr Bark stated that there would be three entrances for the 170 residential units in the Nova building. There would be a 24/7 concierge system that was manned at all times. It was covered by CCTV and there was a radio link from the concierge to the security and management control room. He added that one of the attractions for the residents of the Nova building was the food quarter and licensed premises. In terms of local residents who lived in the vicinity of the building, the Applicant had liaised closely with them, including explaining the application at a residents' meeting. There had been no objections from residents in respect of the current applications.

Mr Bark also addressed the Sub-Committee on the Council's policy. He made the point that it was proposed that many of the operations within the twelve units

would be food led. However, some flexibility was sought for the tenants and the Applicant was requesting that a condition was not attached to the premises licences that alcohol would be ancillary to food. Mr Bark commented that the Nova Development is not located in one of the Council's designated cumulative impact areas and any proposed hours outside the Council's Core Hours policy would be considered on their merits. He emphasised that there were some premises within 150 metres of the Nova Development which operated within Core Hours and others that did not. He expressed the view that the overall development could be managed well and not adversely affect anyone in the area. Discussions with the Police prior to the withdrawal of their representation and also Environmental Health had resulted in café/bar conditions being proposed with the sale or supply of alcohol being via waiter or waitress service to seated customers. It was proposed that there would be limited areas where alcohol could be consumed in a bar area and this was hatched on the plans.

Seven specific conditions had been proposed for all of the premises licences by Environmental Health and prior to the hearing the Sub-Committee received the response from the Applicant to the conditions. Mr Bark confirmed at the hearing that his clients were content with model condition 12 (no noise generated on the premises being able to emanate from the premises) being attached to the premises licences as requested by Environmental Health. Environmental Health had agreed an amended condition put forward by the Applicant that all windows and external doors would be kept closed before 08:00 and after 23:00 except for immediate access and egress of persons. Mr Bark requested that Environmental Health's proposed condition that on sales and alcohol consumed in the outside areas be limited to pre-booked and private functions or for consumption ancillary to food only was not attached to the premises licences. Mr Bark made the case that there were sufficient safeguards and that there were quality operators that would ensure there were no issues. Environmental Health had proposed alternative wording to the Applicant's condition that there would be no off sales of alcohol other than to any dedicated ground floor seating area or of alcohol in sealed containers. Environmental Health's proposed condition set out that the external seating area would have customers seated at tables and served by waiter or waitress only. Environmental Health and the Applicant had agreed a condition that between 07:00 and 08:00 off sales would be limited to the external tables and chairs only. The Applicant had concerns that a works condition and a condition setting the capacity for all of the premises would be attached to the premises licences. Mr Bark added that it was likely that the individual operators would submit minor variations in relation to the layouts in the plans.

The Sub-Committee asked Mr Bark to comment specifically on the proposed hours on Sundays which were significantly beyond Core Hours. Mr Bark responded that whilst he understood the concept of Sundays being different from other days of the week the client wanted as much flexibility as possible and there were significant safeguards in relation to the applications. Local residents were not concerned and whilst planning was a different regime, various amenity aspects had been taken into account there and the hours being sought for the licensing applications would mirror what had been granted for planning.

Mr Wroe asked Mr Bark about the nature of the music that the tenants would

play. Mr Bark referred to the hours between 08:00 and 23:00 being deregulated. He also informed those present that most of the tenants would play what he described as 'borderline background music'. Some would play slightly louder music and doors and windows would be closed accordingly. The Applicant had agreed a condition that no noise would be permitted to emanate from the premises. The tenants would be aware that the area would be overseen by management and security guards via radio link.

Mr Bark stated specifically in respect of Unit 9 that it would be a café/bar operation with waiter or waitress service. There would be no vertical drinking.

The Sub-Committee next heard from Environmental Health. Ms Thomas stated that whilst the Nova Development was not located in the designated cumulative impact areas, Environmental Health's representations for the twelve applications had been maintained as the commencement and terminal hours were in excess of the Council's Core Hours policy. Environmental Health was conscious of the residents of the Nova building who had not moved in yet. In terms of Environmental Health's proposed conditions, she did believe it to be important that the hours between 07:00 and 10:00 were ancillary to food. This did not mean substantial table meals. There was the potential for some of the premises to be rented out during these hours. Overall, there were areas that were edged and hatched in blue on the attached plans for some of the premises where alcohol was not served by waiter or waitress to seated customers but these were limited in size. Ms Thomas referred to the fact that recorded music was only regulated prior to 08:00 and after 23:00 hours so Environmental Health was content that windows and external doors were kept closed at these times except for the immediate access and egress of persons. She added that the planning process had looked at aspects such as the potential for noise escape in the building and permission had been granted. The Applicant had agreed the Model Condition 12. Environmental Health would want a say over the capacities for each of the premises via a works condition and to be able to consider matters such as means of escape and toilet provision.

Mr Nevitt referred to the extensive discussions with the Applicant. He commented that the landlord had a good track record of managing sites and had a very integrated management plan for the applications including in terms of security and servicing. Mr Nevitt made the point that Environmental Health were objecting to the start times and the finish times, including the late finish on Sundays. It was his perception that the applications could raise some issues in particular. One was that there were pubs in the Victoria area who wanted to open early in the morning and they had been advised that alcohol would have to be strictly ancillary to food. Secondly the local premises would potentially seek later hours in the evening. Thirdly, it was a question of whether a midnight terminal hour on each night of the week would have implications for transport as several hundred people would potentially need to disperse late at night. Mr Nevitt re-iterated Ms Thomas' request for the capacity condition as it would enable Environmental Health to set the figure for each of the distinctive units. It was accepted that some vertical drinking in a more controlled environment within the Nova Development would potentially take some pressure off the pubs in the local area.

Mr Bark responded to some of the points raised by Environmental Health. Some flexibility was requested prior to 10:00 in case one person in a group wanted a bucks fizz. Mr Ridgwell envisaged a scenario that those in the office areas were working international hours and might want to buy a bottle of champagne. Mr Bark made the additional point that not all units would be open at 07:00 hours. All customers would have to be off the premises by midnight and licensable activities would therefore be concluded a number of minutes before.

Mr Panto referred the parties present to four conditions which he was putting forward as alternatives to the Applicant's and Environmental Health's conditions which dealt with the consumption of alcohol in addition to the sale. The first set out that 'other than in the area(s) edged and hatched in blue on the attached plan, alcohol shall not be sold or supplied otherwise than by waiter or waitress service for consumption by persons who are seated at tables'. The second set out that 'all sales of alcohol for consumption off the premises shall be in sealed containers only, save for alcohol served by a waiter or waitress to customers who are seated at tables within the designated external seating area(s) shown on the attached plan edged and cross-hatched in green'. The third was an alternative to the wording of Environmental Health's condition so that 'between 07:00 and 08:00 the sale of alcohol for consumption off the premises shall be limited to alcohol served to customers who are seated at tables within the designated external seating area(s) shown on the attached plan'. The fourth was also an alternative to the wording of Environmental Health's wording and stated that 'between 07:00 and 10:00 the sale of alcohol for consumption on the premises or in the designated external seating area(s) shall be limited to pre-booked private functions or to consumption of alcohol that is ancillary to food.

The Sub-Committee had two specific concerns in relation to the application. One was the hours proposed on Sundays and the other was alcohol not being ancillary to food prior to 10:00 hours. Members considered that Sundays are different and noted the reference in the Council's Statement of Licensing Policy that the Council 'is prepared generally to grant premises licences for hours that will provide for longer hours at the end of the week but that still enable people to travel home relatively easily by tube, train, bus, and taxi, while retaining opportunities for residents to have an additional respite on Sunday'. The transport arrangements were not as straight forward on Sundays. The Sub-Committee took into account that the Applicant had requested an additional thirty minutes beyond the Council's Core Hours policy Monday to Thursday and the same additional amount of time was granted on Sundays. The terminal hour would therefore be 11:00 except for Sundays prior to Bank Holidays when the midnight terminal hour applied for was permitted. There was the potential for individual operators to put forward a case for a later terminal hour on Sunday should they apply for a variation of the premises licence. The Sub-Committee noted that the current Applicant had requested flexibility so that the Council's model restaurant condition had not been attached to the premises licences.

The Sub-Committee considered that 07:00 was a particularly early commencement hour on every day of the week. Members noted that a commencement hour of 07:00 on Sundays was five hours prior to the time set out in the Core Hours policy. Members were prepared to grant the 07:00

	<p>commencement hour applied for on every day of the week but decided that between 07:00 and 10:00 the sale of alcohol would be required to be ancillary to food as proposed by Environmental Health.</p> <p>The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 11:00 for licensable activities and the opening hours with an extension until midnight for Sundays immediately prior to a bank holiday. Members had some confidence in the safeguards put forward by the Applicant, including the security and servicing arrangements. The Applicant had given significant thought to ensuring that noise would not emanate either from or through the premises and had agreed Model Condition 12 which was attached to the licence. Members decided for Unit 9 that it was appropriate to grant the hours applied for Monday to Saturday, with some flexibility in the conditions attached to the licence. The Sub-Committee did not require alcohol to be ancillary to food after 10:00 hours. As with many of the premises licences that were granted, the Sub-Committee permitted tables and chairs within the dedicated ground floor external seating area to be used until 23:00 hours. Alcohol would not be sold or supplied otherwise than by waiter or waitress service for consumption by persons who are seated at tables.</p> <p>The Sub-Committee also attached the four conditions which had been put forward by Mr Panto as alternative wording to Environmental Health and the Applicant's proposed conditions. The works condition sought by Environmental Health was attached to the premises licence. As agreed between the Applicant and Environmental Health, a condition was attached that all windows and external doors would be kept closed before 08:00 and after 23:00 hours except for immediate access and egress of persons.</p>
2.	Recorded Music (Indoors)
	<p>Monday to Sunday: 07:00 to 00:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 23:00 (with an extension until midnight for Sundays immediately prior to a bank holiday), subject to conditions as set out below (see reasons for decision in Section 1).</p>
3.	Sale by retail of alcohol (On and Off)
	<p>Monday to Sunday: 07:00 to 00:00</p>

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 records 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. 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.
12. Alcohol shall not be sold or supplied otherwise than by waiter or waitress service for consumption by persons who are seated at tables.
13. All sales of alcohol for consumption off the premises shall be in sealed containers only, save for alcohol served by a waiter or waitress to customers who are seated at tables within the designated external seating area(s) shown on the attached plan edged and cross-hatched in green.
14. All outside tables and chairs within the dedicated ground floor outside seating area shall be rendered unusable by 23:00 hours each day.
15. Patrons permitted to temporarily leave and then re-enter the premises and any dedicated outside ground floor seating area, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
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:
 - 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; and
 - h) any visit by a relevant authority or emergency service
17. Notices shall be displayed at the exit of the premises requesting customers leaving the premises to respect the needs of local residents and business and leave the area quietly.
18. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable form of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS hologram.
19. Other than where deliveries take place in accordance with the NOVA development delivery arrangements allowing delivery to the dedicated basement delivery area, no deliveries to the premises shall take place between 23:00 and 08:00 on the following day.

20. Other than where refuse is disposed of and collected in accordance with the NOVA refuse collection arrangements allowing collections from the dedicated basement area, all waste shall be properly present and placed out for collection no earlier than 30 minutes before the scheduled collection times.
21. This Premises Licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
22. Before the premises are open to the public, the plans deposited will be checked by the Environmental Health consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed a variation application may be required.
23. 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.
24. All windows and external doors shall be kept closed before 08:00 and after 23:00 hours, except for the immediate access and egress of persons.
25. Between 07:00 and 10:00 hours the sale of alcohol for consumption on the premises or in the designated external seating area(s) shall be limited to pre-booked private functions or to consumption of alcohol that is ancillary to food.
26. Between 07:00 and 08:00 the sale of alcohol for consumption off the premises shall be limited to alcohol served to customers who are seated at tables within the designated external seating area(s) shown on the attached plan.
27. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

9 VILLAGE LONDON, UNIT 10, NOVA DEVELOPMENT, VICTORIA STREET

LICENSING SUB-COMMITTEE No. 1

Thursday 7th April 2016

Membership: Councillor Melvyn Caplan (Chairman), Councillor Heather Acton and Councillor Peter Freeman

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

Relevant Representations: Environmental Health.

Present: Mr Jeremy Bark (Solicitor, Representing the Applicant), Ms Caroline Rodgers (NOVA Director), Mr Justin Black (Development Director), Mr Ben Ridgwell (Portfolio Director, Land Securities) and Ms Sally Thomas and Mr Dave Nevitt (Environmental Health)

Village London, Unit 10, Nova Development, Victoria Street, London 16/00508/LIPN	
1.	Late Night Refreshment (Indoors and Outdoors)
	Monday to Sunday: 23:00 to 00:00
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): Unit 10 was one of twelve applications for new premises licences at the Nova Development considered by the Licensing Sub-Committee at the 7 April hearing. The Sub-Committee was advised by Mr Bark, representing the Applicant that the Nova Development would be a mixed use development, comprising of office, retail, residential and leisure uses. The Sub-Committee was informed that Unit 10 is leased to Village London/Riding House Café. This is located in the Nova North building. It was proposed that the premises would operate as a restaurant, café and bar. The approximate capacity, which would need to be agreed with Environmental Health, would be 150 to 180 people. Mr Bark provided Members with some information on the Nova Development as a whole. He stated that the safeguards included the experienced landlord, who also own Cardinal Place nearby and the New Street Square and One New Change developments in the City of London. It chose and managed its tenants well. Outside the majority of the units at the Nova Development that were the subject of applications for new premises licences there would be a dedicated seating area. The tenants would not only have a lease for the inside of the premises but also a lease for the outside of the premises. If there were issues with the outside area, the Landlord, Land Securities, would be able to consider whether this should be removed from the tenant. Mr Bark explained that there would be a dedicated management team on site who would manage day to day operations. There would be a security office within the basement which would include a room from which CCTV would be monitored 24 hours 7 days a week. There would be 184 CCTV cameras throughout the Nova Development. The security team employed by Land Securities (which worked for them elsewhere) would comprise of between 30 to 35 individuals. It was anticipated that there

would be two shifts when operatives would be working (16 operatives from 07:00 to 19:00 hours and 12 operatives from 19:00 to 07:00).

Mr Bark also explained the servicing arrangements. Considerable thought had been given to minimising the impact of deliveries with a large loading bay area which could contain up to eight vehicles being located within the basement of the premises. The access would be from Bressenden Place and this would be well away from residents. Any sounds in the basement would be acoustically contained and the goods travelled from the basement to the stores via staircases or lifts in the internal core of the building. They would not need to be collected by the tenants externally. It was proposed in the form of a condition that provided tenants' deliveries took place in accordance with the NOVA development delivery arrangements allowing delivery to the dedicated basement delivery area, there would be no time restrictions. If tenants did not operate in accordance with the arrangements, then no deliveries would be permitted to take place between 23:00 and 08:00 on the following day. Refuse was kept in storage areas in the basement. In the event that tenants did not operate in accordance with the NOVA refuse collection arrangements allowing collections from the dedicated basement area, all waste would have to be placed out for collection no earlier than 30 minutes before the scheduled collection times.

Mr Bark stated that there would be three entrances for the 170 residential units in the Nova building. There would be a 24/7 concierge system that was manned at all times. It was covered by CCTV and there was a radio link from the concierge to the security and management control room. He added that one of the attractions for the residents of the Nova building was the food quarter and licensed premises. In terms of local residents who lived in the vicinity of the building, the Applicant had liaised closely with them, including explaining the application at a residents' meeting. There had been no objections from residents in respect of the current applications.

Mr Bark also addressed the Sub-Committee on the Council's policy. He made the point that it was proposed that many of the operations within the twelve units would be food led. However, some flexibility was sought for the tenants and the Applicant was requesting that a condition was not attached to the premises licences that alcohol would be ancillary to food. Mr Bark commented that the Nova Development is not located in one of the Council's designated cumulative impact areas and any proposed hours outside the Council's Core Hours policy would be considered on their merits. He emphasised that there were some premises within 150 metres of the Nova Development which operated within Core Hours and others that did not. He expressed the view that the overall development could be managed well and not adversely affect anyone in the area. Discussions with the Police prior to the withdrawal of their representation and also Environmental Health had resulted in café/bar conditions being proposed with the sale or supply of alcohol being via waiter or waitress service to seated customers. It was proposed that there would be limited areas where alcohol could be consumed in a bar area and this was hatched on the plans.

Seven specific conditions had been proposed for all of the premises licences by Environmental Health and prior to the hearing the Sub-Committee received the response from the Applicant to the conditions. Mr Bark confirmed at the hearing

that his clients were content with model condition 12 (no noise generated on the premises being able to emanate from the premises) being attached to the premises licences as requested by Environmental Health. Environmental Health had agreed an amended condition put forward by the Applicant that all windows and external doors would be kept closed before 08:00 and after 23:00 except for immediate access and egress of persons. Mr Bark requested that Environmental Health's proposed condition that on sales and alcohol consumed in the outside areas be limited to pre-booked and private functions or for consumption ancillary to food only was not attached to the premises licences. Mr Bark made the case that there were sufficient safeguards and that there were quality operators that would ensure there were no issues. Environmental Health had proposed alternative wording to the Applicant's condition that there would be no off sales of alcohol other than to any dedicated ground floor seating area or of alcohol in sealed containers. Environmental Health's proposed condition set out that the external seating area would have customers seated at tables and served by waiter or waitress only. Environmental Health and the Applicant had agreed a condition that between 07:00 and 08:00 off sales would be limited to the external tables and chairs only. The Applicant had concerns that a works condition and a condition setting the capacity for all of the premises would be attached to the premises licences. Mr Bark added that it was likely that the individual operators would submit minor variations in relation to the layouts in the plans.

The Sub-Committee asked Mr Bark to comment specifically on the proposed hours on Sundays which were significantly beyond Core Hours. Mr Bark responded that whilst he understood the concept of Sundays being different from other days of the week the client wanted as much flexibility as possible and there were significant safeguards in relation to the applications. Local residents were not concerned and whilst planning was a different regime, various amenity aspects had been taken into account there and the hours being sought for the licensing applications would mirror what had been granted for planning.

Mr Wroe asked Mr Bark about the nature of the music that the tenants would play. Mr Bark referred to the hours between 08:00 and 23:00 being deregulated. He also informed those present that most of the tenants would play what he described as 'borderline background music'. Some would play slightly louder music and doors and windows would be closed accordingly. The Applicant had agreed a condition that no noise would be permitted to emanate from the premises. The tenants would be aware that the area would be overseen by management and security guards via radio link.

Mr Bark confirmed specifically in respect of Unit 10 that there was an incorrect reference in the plans on page 139 of the report to vertical drinking taking place in the external areas.

The Sub-Committee next heard from Environmental Health. Ms Thomas stated that whilst the Nova Development was not located in the designated cumulative impact areas, Environmental Health's representations for the twelve applications had been maintained as the commencement and terminal hours were in excess of the Council's Core Hours policy. Environmental Health was conscious of the residents of the Nova building who had not moved in yet. In terms of

Environmental Health's proposed conditions, she did believe it to be important that the hours between 07:00 and 10:00 were ancillary to food. This did not mean substantial table meals. There was the potential for some of the premises to be rented out during these hours. Overall, there were areas that were edged and hatched in blue on the attached plans for some of the premises where alcohol was not served by waiter or waitress to seated customers but these were limited in size. Ms Thomas referred to the fact that recorded music was only regulated prior to 08:00 and after 23:00 hours so Environmental Health was content that windows and external doors were kept closed at these times except for the immediate access and egress of persons. She added that the planning process had looked at aspects such as the potential for noise escape in the building and permission had been granted. The Applicant had agreed the Model Condition 12. Environmental Health would want a say over the capacities for each of the premises via a works condition and to be able to consider matters such as means of escape and toilet provision.

Mr Nevitt referred to the extensive discussions with the Applicant. He commented that the landlord had a good track record of managing sites and had a very integrated management plan for the applications including in terms of security and servicing. Mr Nevitt made the point that Environmental Health were objecting to the start times and the finish times, including the late finish on Sundays. It was his perception that the applications could raise some issues in particular. One was that there were pubs in the Victoria area who wanted to open early in the morning and they had been advised that alcohol would have to be strictly ancillary to food. Secondly the local premises would potentially seek later hours in the evening. Thirdly, it was a question of whether a midnight terminal hour on each night of the week would have implications for transport as several hundred people would potentially need to disperse late at night. Mr Nevitt re-iterated Ms Thomas' request for the capacity condition as it would enable Environmental Health to set the figure for each of the distinctive units. It was accepted that some vertical drinking in a more controlled environment within the Nova Development would potentially take some pressure off the pubs in the local area.

Mr Bark responded to some of the points raised by Environmental Health. He offered on behalf of his clients that the hatched areas would not be in use prior to 10:00 hours. Customers would have to be seated and served by waiter or waitress. Some flexibility was requested prior to 10:00 in case one person in a group wanted a bucks fizz. Mr Ridgwell envisaged a scenario that those in the office areas were working international hours and might want to buy a bottle of champagne. Mr Bark made the additional point that not all units would be open at 07:00 hours. All customers would have to be off the premises by midnight and licensable activities would therefore be concluded a number of minutes before.

Mr Panto referred the parties present to four conditions which he was putting forward as alternatives to the Applicant's and Environmental Health's conditions which dealt with the consumption of alcohol in addition to the sale. The first set out that 'other than in the area(s) edged and hatched in blue on the attached plan, alcohol shall not be sold or supplied otherwise than by waiter or waitress service for consumption by persons who are seated at tables'. The second set

out that 'all sales of alcohol for consumption off the premises shall be in sealed containers only, save for alcohol served by a waiter or waitress to customers who are seated at tables within the designated external seating area(s) shown on the attached plan edged and cross-hatched in green'. The third was an alternative to the wording of Environmental Health's condition so that 'between 07:00 and 08:00 the sale of alcohol for consumption off the premises shall be limited to alcohol served to customers who are seated at tables within the designated external seating area(s) shown on the attached plan'. The fourth was also an alternative to the wording of Environmental Health's wording and stated that 'between 07:00 and 10:00 the sale of alcohol for consumption on the premises or in the designated external seating area(s) shall be limited to pre-booked private functions or to consumption of alcohol that is ancillary to food.

The Sub-Committee had two specific concerns in relation to the application. One was the hours proposed on Sundays and the other was alcohol not being ancillary to food prior to 10:00 hours. Members considered that Sundays are different and noted the reference in the Council's Statement of Licensing Policy that the Council 'is prepared generally to grant premises licences for hours that will provide for longer hours at the end of the week but that still enable people to travel home relatively easily by tube, train, bus, and taxi, while retaining opportunities for residents to have an additional respite on Sunday'. The transport arrangements were not as straight forward on Sundays. The Sub-Committee took into account that the Applicant had requested an additional thirty minutes beyond the Council's Core Hours policy Monday to Thursday and the same additional amount of time was granted on Sundays. The terminal hour would therefore be 11:00 except for Sundays prior to Bank Holidays when the midnight terminal hour applied for was permitted. There was the potential for individual operators to put forward a case for a later terminal hour on Sunday should they apply for a variation of the premises licence. The Sub-Committee noted that the current Applicant had requested flexibility so that the Council's model restaurant condition had not been attached to the premises licences.

The Sub-Committee considered that 07:00 was a particularly early commencement hour on every day of the week. Members noted that a commencement hour of 07:00 on Sundays was five hours prior to the time set out in the Core Hours policy. Members were prepared to grant the 07:00 commencement hour applied for on every day of the week but decided that between 07:00 and 10:00 the sale of alcohol would be required to be ancillary to pre-booked private functions or food as proposed by Environmental Health.

The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 11:00 for licensable activities and the opening hours with an extension until midnight for Sundays immediately prior to a bank holiday. Members had some confidence in the safeguards put forward by the Applicant, including the security and servicing arrangements. The Applicant had given significant thought to ensuring that noise would not emanate either from or through the premises and had agreed Model Condition 12 which was attached to the licence. Members decided for Unit 10 that it was appropriate to grant the hours applied for Monday to Saturday, with some flexibility in the conditions attached to the licence. The Sub-Committee did not require alcohol to be ancillary to food after 10:00 hours. The area(s) edged and hatched in blue on the attached plan,

	<p>would permit customers to have alcohol which was not provided by waiter or waitress service and consumed by persons who are seated at tables. As with many of the premises licences that were granted, the Sub-Committee permitted tables and chairs within the dedicated ground floor external seating area to be used until 23:00 hours.</p> <p>The Sub-Committee also attached the four conditions which had been put forward by Mr Panto as alternative wording to Environmental Health and the Applicant's proposed conditions. The works condition sought by Environmental Health was attached to the premises licence. As agreed between the Applicant and Environmental Health, a condition was attached that all windows and external doors would be kept closed before 08:00 and after 23:00 hours except for immediate access and egress of persons.</p>
2.	Recorded Music (Indoors)
	Monday to Sunday: 07:00 to 00:00
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 23:00 (with an extension until midnight for Sundays immediately prior to a bank holiday), subject to conditions as set out below (see reasons for decision in Section 1).
3.	Sale by retail of alcohol (On and Off)
	Monday to Sunday: 07:00 to 00:00
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 23:00 (with an extension until midnight for Sundays immediately prior to a bank holiday), subject to conditions as set out below (see reasons for decision in Section 1).
4.	Opening Hours

	Monday to Sunday: 07:00 to 00:00
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 23:00 (with an extension until midnight for Sundays immediately prior to a bank holiday), subject to conditions as set out below (see reasons for decision in Section 1).

Conditions attached to the Licence

Mandatory Conditions

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

12. Other than in the area(s) edged and hatched in blue on the attached plan, alcohol shall not be sold or supplied otherwise than by waiter or waitress service for consumption by persons who are seated at tables.

13. All sales of alcohol for consumption off the premises shall be in sealed

containers only, save for alcohol served by a waiter or waitress to customers who are seated at tables within the designated external seating area(s) shown on the attached plan edged and cross-hatched in green.

14. All outside tables and chairs within the dedicated ground floor outside seating area shall be rendered unusable by 23:00 hours each day.
15. Patrons permitted to temporarily leave and then re-enter the premises and any dedicated outside ground floor seating area, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
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:
 - 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; and
 - h) any visit by a relevant authority or emergency service
17. Notices shall be displayed at the exit of the premises requesting customers leaving the premises to respect the needs of local residents and business and leave the area quietly.
18. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable form of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS hologram.
19. Other than where deliveries take place in accordance with the NOVA development delivery arrangements allowing delivery to the dedicated basement delivery area, no deliveries to the premises shall take place between 23:00 and 08:00 on the following day.
20. Other than where refuse is disposed of and collected in accordance with the NOVA refuse collection arrangements allowing collections from the dedicated basement area, all waste shall be properly present and placed out for collection no earlier than 30 minutes before the scheduled collection times.
21. This Premises Licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
22. Before the premises are open to the public, the plans deposited will be checked by the Environmental Health consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed

a variation application may be required.

23. 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.
24. All windows and external doors shall be kept closed before 08:00 and after 23:00 hours, except for the immediate access and egress of persons.
25. Between 07:00 and 10:00 hours the sale of alcohol for consumption on the premises or in the designated external seating area(s) shall be limited to pre-booked private functions or to consumption of alcohol that is ancillary to food.
26. Between 07:00 and 08:00 the sale of alcohol for consumption off the premises shall be limited to alcohol served to customers who are seated at tables within the designated external seating area(s) shown on the attached plan.
27. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

10 BONE DADDIES, UNIT 11, NOVA DEVELOPMENT, VICTORIA STREET

LICENSING SUB-COMMITTEE No. 1

Thursday 7th April 2016

Membership: Councillor Melvyn Caplan (Chairman), Councillor Heather Acton and Councillor Peter Freeman

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

Relevant Representations: Environmental Health.

Present: Mr Jeremy Bark (Solicitor, Representing the Applicant), Ms Caroline Rodgers (NOVA Director), Mr Justin Black (Development Director), Mr Ben Ridgwell (Portfolio Director, Land Securities) and Ms Sally Thomas and Mr Dave Nevitt (Environmental Health)

**Bone Daddies, Unit 11, Nova Development, Victoria Street, London
16/00480/LIPN**

1. Late Night Refreshment (Indoors and Outdoors)

Monday to Sunday: 23:00 to 00:00

	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Unit 11 was one of twelve applications for new premises licences at the Nova Development considered by the Licensing Sub-Committee at the 7 April hearing. The Sub-Committee was informed by Mr Bark, representing the Applicant that the Nova Development would be a mixed use development, comprising of office, retail, residential and leisure uses. The Sub-Committee was informed that Unit 11 is a Ramen Noodle based offer. Bone Daddies would be located in the Nova North building. It was proposed that the premises would operate as a restaurant, café and bar. The approximate capacity, which would need to be agreed with Environmental Health, would be 150 to 180 people.</p> <p>Mr Bark provided Members with some information on the Nova Development as a whole. He stated that the safeguards included the experienced landlord, who also own Cardinal Place nearby and the New Street Square and One New Change developments in the City of London. It chose and managed its tenants well. Outside the majority of the units at the Nova Development that were the subject of applications for new premises licences there would be a dedicated seating area. The tenants would not only have a lease for the inside of the premises but also a lease for the outside of the premises. If there were issues with the outside area, the Landlord, Land Securities, would be able to consider whether this should be removed from the tenant. Mr Bark explained that there would be a dedicated management team on site who would manage day to day operations. There would be a security office within the basement which would include a room from which CCTV would be monitored 24 hours 7 days a week. There would be 184 CCTV cameras throughout the Nova Development. The security team employed by Land Securities (which worked for them elsewhere) would comprise of between 30 to 35 individuals. It was anticipated that there would be two shifts when operatives would be working (16 operatives from 07:00 to 19:00 hours and 12 operatives from 19:00 to 07:00).</p> <p>Mr Bark also explained the servicing arrangements. Considerable thought had been given to minimising the impact of deliveries with a large loading bay area which could contain up to eight vehicles being located within the basement of the premises. The access would be from Bressenden Place and this would be well away from residents. Any sounds in the basement would be acoustically contained and the goods travelled from the basement to the stores via staircases or lifts in the internal core of the building. They would not need to be collected by the tenants externally. It was proposed in the form of a condition that provided tenants' deliveries took place in accordance with the NOVA development delivery arrangements allowing delivery to the dedicated basement delivery area, there would be no time restrictions. If tenants did not operate in</p>

accordance with the arrangements, then no deliveries would be permitted to take place between 23:00 and 08:00 on the following day. Refuse was kept in storage areas in the basement. In the event that tenants did not operate in accordance with the NOVA refuse collection arrangements allowing collections from the dedicated basement area, all waste would have to be placed out for collection no earlier than 30 minutes before the scheduled collection times.

Mr Bark stated that there would be three entrances for the 170 residential units in the Nova building. There would be a 24/7 concierge system that was manned at all times. It was covered by CCTV and there was a radio link from the concierge to the security and management control room. He added that one of the attractions for the residents of the Nova building was the food quarter and licensed premises. In terms of local residents who lived in the vicinity of the building, the Applicant had liaised closely with them, including explaining the application at a residents' meeting. There had been no objections from residents in respect of the current applications.

Mr Bark also addressed the Sub-Committee on the Council's policy. He made the point that it was proposed that many of the operations within the twelve units would be food led. However, some flexibility was sought for the tenants and the Applicant was requesting that a condition was not attached to the premises licences that alcohol would be ancillary to food. Mr Bark commented that the Nova Development is not located in one of the Council's designated cumulative impact areas and any proposed hours outside the Council's Core Hours policy would be considered on their merits. He emphasised that there were some premises within 150 metres of the Nova Development which operated within Core Hours and others that did not. He expressed the view that the overall development could be managed well and not adversely affect anyone in the area. Discussions with the Police prior to the withdrawal of their representation and also Environmental Health had resulted in café/bar conditions being proposed with the sale or supply of alcohol being via waiter or waitress service to seated customers. It was proposed that there would be limited areas where alcohol could be consumed in a bar area and this was hatched on the plans.

Seven specific conditions had been proposed for all of the premises licences by Environmental Health and prior to the hearing the Sub-Committee received the response from the Applicant to the conditions. Mr Bark confirmed at the hearing that his clients were content with model condition 12 (no noise generated on the premises being able to emanate from the premises) being attached to the premises licences as requested by Environmental Health. Environmental Health had agreed an amended condition put forward by the Applicant that all windows and external doors would be kept closed before 08:00 and after 23:00 except for immediate access and egress of persons. Mr Bark requested that Environmental Health's proposed condition that on sales and alcohol consumed in the outside areas be limited to pre-booked and private functions or for consumption ancillary to food only was not attached to the premises licences. Mr Bark made the case that there were sufficient safeguards and that there were quality operators that would ensure there were no issues. Environmental Health had proposed alternative wording to the Applicant's condition that there would be no off sales of alcohol other than to any dedicated ground floor seating area or of alcohol in sealed containers. Environmental Health's proposed condition

set out that the external seating area would have customers seated at tables and served by waiter or waitress only. Environmental Health and the Applicant had agreed a condition that between 07:00 and 08:00 off sales would be limited to the external tables and chairs only. The Applicant had concerns that a works condition and a condition setting the capacity for all of the premises would be attached to the premises licences. Mr Bark added that it was likely that the individual operators would submit minor variations in relation to the layouts in the plans.

The Sub-Committee asked Mr Bark to comment specifically on the proposed hours on Sundays which were significantly beyond Core Hours. Mr Bark responded that whilst he understood the concept of Sundays being different from other days of the week the client wanted as much flexibility as possible and there were significant safeguards in relation to the applications. Local residents were not concerned and whilst planning was a different regime, various amenity aspects had been taken into account there and the hours being sought for the licensing applications would mirror what had been granted for planning.

Mr Wroe asked Mr Bark about the nature of the music that the tenants would play. Mr Bark referred to the hours between 08:00 and 23:00 being deregulated. He also informed those present that most of the tenants would play what he described as 'borderline background music'. Some would play slightly louder music and doors and windows would be closed accordingly. The Applicant had agreed a condition that no noise would be permitted to emanate from the premises. The tenants would be aware that the area would be overseen by management and security guards via radio link.

Mr Bark explained that the area shown edged and hatched in blue on the first floor plan was incorrectly annotated as a seating area. This would be amended.

The Sub-Committee next heard from Environmental Health. Ms Thomas stated that whilst the Nova Development was not located in the designated cumulative impact areas, Environmental Health's representations for the twelve applications had been maintained as the commencement and terminal hours were in excess of the Council's Core Hours policy. Environmental Health was conscious of the residents of the Nova building who had not moved in yet. In terms of Environmental Health's proposed conditions, she did believe it to be important that the hours between 07:00 and 10:00 were ancillary to food. This did not mean substantial table meals. There was the potential for some of the premises to be rented out during these hours. Overall, there were areas that were edged and hatched in blue on the attached plans for some of the premises where alcohol was not served by waiter or waitress to seated customers but these were limited in size. Ms Thomas referred to the fact that recorded music was only regulated prior to 08:00 and after 23:00 hours so Environmental Health was content that windows and external doors were kept closed at these times except for the immediate access and egress of persons. She added that the planning process had looked at aspects such as the potential for noise escape in the building and permission had been granted. The Applicant had agreed the Model Condition 12. Environmental Health would want a say over the capacities for each of the premises via a works condition and to be able to consider matters such as means of escape and toilet provision.

Mr Nevitt referred to the extensive discussions with the Applicant. He commented that the landlord had a good track record of managing sites and had a very integrated management plan for the applications including in terms of security and servicing. Mr Nevitt made the point that Environmental Health were objecting to the start times and the finish times, including the late finish on Sundays. It was his perception that the applications could raise some issues in particular. One was that there were pubs in the Victoria area who wanted to open early in the morning and they had been advised that alcohol would have to be strictly ancillary to food. Secondly the local premises would potentially seek later hours in the evening. Thirdly, it was a question of whether a midnight terminal hour on each night of the week would have implications for transport as several hundred people would potentially need to disperse late at night. Mr Nevitt re-iterated Ms Thomas' request for the capacity condition as it would enable Environmental Health to set the figure for each of the distinctive units. It was accepted that some vertical drinking in a more controlled environment within the Nova Development would potentially take some pressure off the pubs in the local area.

Mr Bark responded to some of the points raised by Environmental Health. He offered on behalf of his clients that the hatched areas would not be in use prior to 10:00 hours. Customers would have to be seated and served by waiter or waitress. Some flexibility was requested prior to 10:00 in case one person in a group wanted a bucks fizz. Mr Ridgwell envisaged a scenario that those in the office areas were working international hours and might want to buy a bottle of champagne. Mr Bark made the additional point that not all units would be open at 07:00 hours. All customers would have to be off the premises by midnight and licensable activities would therefore be concluded a number of minutes before.

Mr Panto referred the parties present to four conditions which he was putting forward as alternatives to the Applicant's and Environmental Health's conditions which dealt with the consumption of alcohol in addition to the sale. The first set out that 'other than in the area(s) edged and hatched in blue on the attached plan, alcohol shall not be sold or supplied otherwise than by waiter or waitress service for consumption by persons who are seated at tables'. The second set out that 'all sales of alcohol for consumption off the premises shall be in sealed containers only, save for alcohol served by a waiter or waitress to customers who are seated at tables within the designated external seating area(s) shown on the attached plan edged and cross-hatched in green'. The third was an alternative to the wording of Environmental Health's condition so that 'between 07:00 and 08:00 the sale of alcohol for consumption off the premises shall be limited to alcohol served to customers who are seated at tables within the designated external seating area(s) shown on the attached plan'. The fourth was also an alternative to the wording of Environmental Health's wording and stated that 'between 07:00 and 10:00 the sale of alcohol for consumption on the premises or in the designated external seating area(s) shall be limited to pre-booked private functions or to consumption of alcohol that is ancillary to food.

The Sub-Committee had two specific concerns in relation to the application. One was the hours proposed on Sundays and the other was alcohol not being

ancillary to food prior to 10:00 hours. Members considered that Sundays are different and noted the reference in the Council's Statement of Licensing Policy that the Council 'is prepared generally to grant premises licences for hours that will provide for longer hours at the end of the week but that still enable people to travel home relatively easily by tube, train, bus, and taxi, while retaining opportunities for residents to have an additional respite on Sunday'. The transport arrangements were not as straight forward on Sundays. The Sub-Committee took into account that the Applicant had requested an additional thirty minutes beyond the Council's Core Hours policy Monday to Thursday and the same additional amount of time was granted on Sundays. The terminal hour would therefore be 11:00 except for Sundays prior to Bank Holidays when the midnight terminal hour applied for was permitted. There was the potential for individual operators to put forward a case for a later terminal hour on Sunday should they apply for a variation of the premises licence. The Sub-Committee noted that the current Applicant had requested flexibility so that the Council's model restaurant condition had not been attached to the premises licences.

The Sub-Committee considered that 07:00 was a particularly early commencement hour on every day of the week. Members noted that a commencement hour of 07:00 on Sundays was five hours prior to the time set out in the Core Hours policy. Members were prepared to grant the 07:00 commencement hour applied for on every day of the week but decided that between 07:00 and 10:00 the sale of alcohol would be required to be ancillary to pre-booked private functions or food as proposed by Environmental Health.

The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 11:00 for licensable activities and the opening hours with an extension until midnight for Sundays immediately prior to a bank holiday. Members had some confidence in the safeguards put forward by the Applicant, including the security and servicing arrangements. The Applicant had given significant thought to ensuring that noise would not emanate either from or through the premises and had agreed Model Condition 12 which was attached to the licence. Members decided for Unit 11 that it was appropriate to grant the hours applied for Monday to Saturday, with some flexibility in the conditions attached to the licence. The Sub-Committee did not require alcohol to be ancillary to food after 10:00 hours. The area(s) edged and hatched in blue on the attached plan, would permit customers to have alcohol which was not provided by waiter or waitress service and consumed by persons who are seated at tables. As with many of the premises licences that were granted, the Sub-Committee permitted tables and chairs within the dedicated ground floor external seating area to be used until 23:00 hours.

The Sub-Committee also attached the four conditions which had been put forward by Mr Panto as alternative wording to Environmental Health and the Applicant's proposed conditions. The works condition sought by Environmental Health was attached to the premises licence. As agreed between the Applicant and Environmental Health, a condition was attached that all windows and external doors would be kept closed before 08:00 and after 23:00 hours except for immediate access and egress of persons.

2.	Recorded Music (Indoors)
	Monday to Sunday: 07:00 to 00:00
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 23:00 (with an extension until midnight for Sundays immediately prior to a bank holiday), subject to conditions as set out below (see reasons for decision in Section 1).
3.	Sale by retail of alcohol (On and Off)
	Monday to Sunday: 07:00 to 00:00
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 23:00 (with an extension until midnight for Sundays immediately prior to a bank holiday), subject to conditions as set out below (see reasons for decision in Section 1).
4.	Opening Hours
	Monday to Sunday: 07:00 to 00:00
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 23:00 (with an extension until midnight for Sundays immediately prior to

a bank holiday), subject to conditions as set out below (see reasons for decision in Section 1).

Conditions attached to the Licence

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person 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 records 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. 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.
12. Other than in the area(s) edged and hatched in blue on the attached plan, alcohol shall not be sold or supplied otherwise than by waiter or waitress service for consumption by persons who are seated at tables.
13. All sales of alcohol for consumption off the premises shall be in sealed containers only, save for alcohol served by a waiter or waitress to customers who are seated at tables within the designated external seating area(s) shown on the attached plan edged and cross-hatched in green.
14. All outside tables and chairs within the dedicated ground floor outside seating area shall be rendered unusable by 23:00 hours each day.
15. Patrons permitted to temporarily leave and then re-enter the premises and any dedicated outside ground floor seating area, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
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:
- 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; and
- h) any visit by a relevant authority or emergency service

17. Notices shall be displayed at the exit of the premises requesting customers leaving the premises to respect the needs of local residents and business and leave the area quietly.
18. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable form of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS hologram.
19. Other than where deliveries take place in accordance with the NOVA development delivery arrangements allowing delivery to the dedicated basement delivery area, no deliveries to the premises shall take place between 23:00 and 08:00 on the following day.
20. Other than where refuse is disposed of and collected in accordance with the NOVA refuse collection arrangements allowing collections from the dedicated basement area, all waste shall be properly present and placed out for collection no earlier than 30 minutes before the scheduled collection times.
21. This Premises Licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
22. Before the premises are open to the public, the plans deposited will be checked by the Environmental Health consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed a variation application may be required.
23. 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.
24. All windows and external doors shall be kept closed before 08:00 and after 23:00 hours, except for the immediate access and egress of persons.
25. Between 07:00 and 10:00 hours the sale of alcohol for consumption on the premises or in the designated external seating area(s) shall be limited to pre-booked private functions or to consumption of alcohol that is ancillary to food.
26. Between 07:00 and 08:00 the sale of alcohol for consumption off the premises shall be limited to alcohol served to customers who are seated at tables within

the designated external seating area(s) shown on the attached plan.

27. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

11 SHAKE SHACK, UNIT 13, NOVA DEVELOPMENT, VICTORIA STREET

LICENSING SUB-COMMITTEE No. 1

Thursday 7th April 2016

Membership: Councillor Melvyn Caplan (Chairman), Councillor Heather Acton and Councillor Peter Freeman

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

Relevant Representations: Environmental Health.

Present: Mr Jeremy Bark (Solicitor, Representing the Applicant), Ms Caroline Rodgers (NOVA Director), Mr Justin Black (Development Director), Mr Ben Ridgwell (Portfolio Director, Land Securities) and Ms Sally Thomas and Mr Dave Nevitt (Environmental Health)

Shake Shack, Unit 13, Nova Development, Victoria Street, London 16/00536/LIPN	
1.	Late Night Refreshment (Indoors and Outdoors)
	Monday to Sunday: 23:00 to 00:00
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): Unit 13 was one of twelve applications for new premises licences at the Nova Development considered by the Licensing Sub-Committee at the 7 April hearing. The Sub-Committee was informed by Mr Bark, representing the Applicant that the Nova Development would be a mixed use development, comprising of office, retail, residential and leisure uses. Mr Bark explained that Unit 13 is an

American diner providing a premium burger product. This would be located in the Nova Building. The approximate capacity, which would need to be agreed with Environmental Health, would be 240 people.

Mr Bark provided Members with some information on the Nova Development as a whole. He stated that the safeguards included the experienced landlord, who also own Cardinal Place nearby and the New Street Square and One New Change developments in the City of London. It chose and managed its tenants well. Outside the majority of the units at the Nova Development that were the subject of applications for new premises licences there would be a dedicated seating area. The tenants would not only have a lease for the inside of the premises but also a lease for the outside of the premises. If there were issues with the outside area, the Landlord, Land Securities, would be able to consider whether this should be removed from the tenant. Mr Bark explained that there would be a dedicated management team on site who would manage day to day operations. There would be a security office within the basement which would include a room from which CCTV would be monitored 24 hours 7 days a week. There would be 184 CCTV cameras throughout the Nova Development. The security team employed by Land Securities (which worked for them elsewhere) would comprise of between 30 to 35 individuals. It was anticipated that there would be two shifts when operatives would be working (16 operatives from 07:00 to 19:00 hours and 12 operatives from 19:00 to 07:00).

Mr Bark also explained the servicing arrangements. Considerable thought had been given to minimising the impact of deliveries with a large loading bay area which could contain up to eight vehicles being located within the basement of the premises. The access would be from Bressenden Place and this would be well away from residents. Any sounds in the basement would be acoustically contained and the goods travelled from the basement to the stores via staircases or lifts in the internal core of the building. They would not need to be collected by the tenants externally. It was proposed in the form of a condition that provided tenants' deliveries took place in accordance with the NOVA development delivery arrangements allowing delivery to the dedicated basement delivery area, there would be no time restrictions. If tenants did not operate in accordance with the arrangements, then no deliveries would be permitted to take place between 23:00 and 08:00 on the following day. Refuse was kept in storage areas in the basement. In the event that tenants did not operate in accordance with the NOVA refuse collection arrangements allowing collections from the dedicated basement area, all waste would have to be placed out for collection no earlier than 30 minutes before the scheduled collection times.

Mr Bark stated that there would be three entrances for the 170 residential units in the Nova building. There would be a 24/7 concierge system that was manned at all times. It was covered by CCTV and there was a radio link from the concierge to the security and management control room. He added that one of the attractions for the residents of the Nova building was the food quarter and licensed premises. In terms of local residents who lived in the vicinity of the building, the Applicant had liaised closely with them, including explaining the application at a residents' meeting. There had been no objections from residents in respect of the current applications.

Mr Bark also addressed the Sub-Committee on the Council's policy. He made the point that it was proposed that many of the operations within the twelve units would be food led. However, some flexibility was sought for the tenants and the Applicant was requesting that a condition was not attached to the premises licences that alcohol would be ancillary to food. Mr Bark commented that the Nova Development is not located in one of the Council's designated cumulative impact areas and any proposed hours outside the Council's Core Hours policy would be considered on their merits. He emphasised that there were some premises within 150 metres of the Nova Development which operated within Core Hours and others that did not. He expressed the view that the overall development could be managed well and not adversely affect anyone in the area. Discussions with the Police prior to the withdrawal of their representation and also Environmental Health had resulted in café/bar conditions being proposed with the sale or supply of alcohol being via waiter or waitress service to seated customers. It was proposed that there would be limited areas where alcohol could be consumed in a bar area and this was hatched on the plans.

Seven specific conditions had been proposed for all of the premises licences by Environmental Health and prior to the hearing the Sub-Committee received the response from the Applicant to the conditions. It was noted that a number of the proposed conditions relating to off-sales of alcohol were not relevant to this particular application. Mr Bark confirmed at the hearing that his clients were content with model condition 12 (no noise generated on the premises being able to emanate from the premises) being attached to the premises licences as requested by Environmental Health. Environmental Health had agreed an amended condition put forward by the Applicant that all windows and external doors would be kept closed before 08:00 and after 23:00 except for immediate access and egress of persons. Mr Bark requested that Environmental Health's proposed condition that on sales of alcohol be limited to pre-booked and private functions or for consumption ancillary to food only was not attached to the premises licences. Mr Bark made the case that there were sufficient safeguards and that there were quality operators that would ensure there were no issues. The Applicant had concerns that a works condition and a condition setting the capacity for all of the premises would be attached to the premises licences. Mr Bark added that it was likely that the individual operators would submit minor variations in relation to the layouts in the plans.

The Sub-Committee asked Mr Bark to comment specifically on the proposed hours on Sundays which were significantly beyond Core Hours. Mr Bark responded that whilst he understood the concept of Sundays being different from other days of the week the client wanted as much flexibility as possible and there were significant safeguards in relation to the applications. Local residents were not concerned and whilst planning was a different regime, various amenity aspects had been taken into account there and the hours being sought for the licensing applications would mirror what had been granted for planning.

Mr Wroe asked Mr Bark about the nature of the music that the tenants would play. Mr Bark referred to the hours between 08:00 and 23:00 being deregulated. He also informed those present that most of the tenants would play what he described as 'borderline background music'. Some would play slightly louder music and doors and windows would be closed accordingly. The Applicant had

agreed a condition that no noise would be permitted to emanate from the premises. The tenants would be aware that the area would be overseen by management and security guards via radio link.

Mr Bark stated specifically in respect of Unit 13 that there were no proposed vertical drinking areas. Alcohol could only be consumed at tables inside the premises. There would be no alcohol provided in the external seating area. In response to a question from the Sub-Committee, he advised that there would be sufficient staff to supervise the area so that customers did not take drinks to the outside seating area.

The Sub-Committee next heard from Environmental Health. Ms Thomas stated that whilst the Nova Development was not located in the designated cumulative impact areas, Environmental Health's representations for the twelve applications had been maintained as the commencement and terminal hours were in excess of the Council's Core Hours policy. Environmental Health was conscious of the residents of the Nova building who had not moved in yet. In terms of Environmental Health's proposed conditions, she did believe it to be important that the hours between 07:00 and 10:00 were ancillary to food. This did not mean substantial table meals. There was the potential for some of the premises to be rented out during these hours. Overall, there were areas that were edged and hatched in blue on the attached plans for some of the premises where alcohol was not served by waiter or waitress to seated customers but these were limited in size. Ms Thomas referred to the fact that recorded music was only regulated prior to 08:00 and after 23:00 hours so Environmental Health was content that windows and external doors were kept closed at these times except for the immediate access and egress of persons. She added that the planning process had looked at aspects such as the potential for noise escape in the building and permission had been granted. The Applicant had agreed the Model Condition 12. Environmental Health would want a say over the capacities for each of the premises via a works condition and to be able to consider matters such as means of escape and toilet provision.

Mr Nevitt referred to the extensive discussions with the Applicant. He commented that the landlord had a good track record of managing sites and had a very integrated management plan for the applications including in terms of security and servicing. Mr Nevitt made the point that Environmental Health were objecting to the start times and the finish times, including the late finish on Sundays. It was his perception that the applications could raise some issues in particular. One was that there were pubs in the Victoria area who wanted to open early in the morning and they had been advised that alcohol would have to be strictly ancillary to food. Secondly the local premises would potentially seek later hours in the evening. Thirdly, it was a question of whether a midnight terminal hour on each night of the week would have implications for transport as several hundred people would potentially need to disperse late at night. Mr Nevitt re-iterated Ms Thomas' request for the capacity condition as it would enable Environmental Health to set the figure for each of the distinctive units. It was accepted that some vertical drinking in a more controlled environment within the Nova Development would potentially take some pressure off the pubs in the local area.

Mr Bark responded to some of the points raised by Environmental Health. Customers who wanted to consume alcohol would have to be seated inside the premises but the style of operation was such that they would not be served by waiter or waitress. Some flexibility was requested prior to 10:00 in case one person in a group wanted a bucks fizz. Mr Ridgwell envisaged a scenario that those in the office areas were working international hours and might want to buy a bottle of champagne. Mr Bark made the additional point that not all units would be open at 07:00 hours. All customers would have to be off the premises by midnight and licensable activities would therefore be concluded a number of minutes before.

Mr Panto referred the parties present to conditions which he was putting forward as alternatives to the Applicant's and Environmental Health's conditions which dealt with the consumption of alcohol in addition to the sale. Only one was applicable to Shake Shack in Unit 13. This was an alternative to the wording of Environmental Health's condition and stated that 'Between 07:00 and 10:00 hours the sale of alcohol for consumption on the premises shall be limited to pre-booked private functions or to consumption of alcohol that is ancillary to food.'

The Sub-Committee had two specific concerns in relation to the application. One was the hours proposed on Sundays and the other was alcohol not being ancillary to food prior to 10:00 hours. Members considered that Sundays are different and noted the reference in the Council's Statement of Licensing Policy that the Council 'is prepared generally to grant premises licences for hours that will provide for longer hours at the end of the week but that still enable people to travel home relatively easily by tube, train, bus, and taxi, while retaining opportunities for residents to have an additional respite on Sunday'. The transport arrangements were not as straight forward on Sundays. The Sub-Committee took into account that the Applicant had requested an additional thirty minutes beyond the Council's Core Hours policy Monday to Thursday and the same additional amount of time was granted on Sundays. The terminal hour would therefore be 11:00 except for Sundays prior to Bank Holidays when the midnight terminal hour applied for was permitted. There was the potential for individual operators to put forward a case for a later terminal hour on Sunday should they apply for a variation of the premises licence. The Sub-Committee noted that the current Applicant had requested flexibility so that the Council's model restaurant condition had not been attached to the premises licences.

The Sub-Committee considered that 07:00 was a particularly early commencement hour on every day of the week. Members noted that a commencement hour of 07:00 on Sundays was five hours prior to the time set out in the Core Hours policy. Members were prepared to grant the 07:00 commencement hour applied for on every day of the week but decided that between 07:00 and 10:00 the sale of alcohol would be required to be ancillary to food as proposed by Environmental Health.

The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 11:00 for licensable activities and the opening hours with an extension until midnight for Sundays immediately prior to a bank holiday. Members had some confidence in the safeguards put forward by the Applicant, including the security and servicing arrangements. The Applicant had given significant

	The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 23:00 (with an extension until midnight for Sundays immediately prior to a bank holiday), subject to conditions as set out below (see reasons for decision in Section 1).
4. Opening Hours	
Monday to Sunday:	07:00 to 00:00
Amendments to application advised at hearing:	None.
Decision (including reasons if different from those set out in report):	The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 23:00 (with an extension until midnight for Sundays immediately prior to a bank holiday), subject to conditions as set out below (see reasons for decision in Section 1).

Conditions attached to the Licence

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person 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 records 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. 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.

12. The sales of alcohol for consumption on the premises shall be to persons who will only be permitted to consume such alcohol when seated at tables.
13. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises. Off sales of alcohol shall not be permitted to be consumed at any outside seating area.
14. All outside tables and chairs within the dedicated ground floor outside seating area shall be rendered unusable by 23:00 hours each day.
15. Patrons permitted to temporarily leave and then re-enter the premises and any dedicated outside ground floor seating area, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
16. An incident log shall be kept at the premises, and made available on requires 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; and
 - h) any visit by a relevant authority or emergency service
17. Notices shall be displayed at the exit of the premises requesting customers leaving the premises to respect the needs of local residents and business and leave the area quietly.
18. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable form of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS hologram.
19. Other than where deliveries take place in accordance with the NOVA development delivery arrangements allowing delivery to the dedicated basement delivery area, no deliveries to the premises shall take place between 23:00 and 08:00 on the following day.
20. Other than where refuse is disposed of and collected in accordance with the NOVA refusal collection arrangements allowing collections from the dedicated basement area, all waste shall be properly present and placed out for collection no earlier than 30 minutes before the scheduled collection times.
21. This Premises Licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the reasonable requirements of Westminster Environmental Health Consultation

Team, at which time this condition will be removed from the Licence.

22. Before the premises are open to the public, the plans deposited will be checked by the Environmental Health consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed a variation application may be required.
23. 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.
24. All windows and external doors shall be kept closed before 08:00 and after 23:00 hours, except for the immediate access and egress of persons.
25. Between 07:00 and 10:00 hours the sale of alcohol for consumption on the premises shall be limited to pre-booked private functions or to consumption of alcohol that is ancillary to food.
26. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

12 SOURCED MARKET, UNIT 14, NOVA DEVELOPMENT, VICTORIA STREET

LICENSING SUB-COMMITTEE No. 1

Thursday 7th April 2016

Membership: Councillor Melvyn Caplan (Chairman), Councillor Heather Acton and Councillor Peter Freeman

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

Relevant Representations: Environmental Health.

Present: Mr Jeremy Bark (Solicitor, Representing the Applicant), Ms Caroline Rodgers (NOVA Director), Mr Justin Black (Development Director), Mr Ben Ridgwell (Portfolio Director, Land Securities) and Ms Sally Thomas and Mr Dave Nevitt (Environmental Health)

**Sourced Market, Unit 14, Nova Development, Victoria Street, London
16/00488/LIPN**

1.	Late Night Refreshment (Indoors and Outdoors)
	Monday to Sunday: 23:00 to 00:00
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Unit 14 was one of twelve applications for new premises licences at the Nova Development considered by the Licensing Sub-Committee at the 7 April hearing. The Sub-Committee was informed by Mr Bark, representing the Applicant that the Nova Development would be a mixed use development, comprising of office, retail, residential and leisure uses. Mr Bark explained that Unit 14 would be an organic produce based shop similar to a delicatessen or supermarket and it sold predominantly British artisan sourced products. This would be located in the Nova Building. The approximate capacity, which would need to be agreed with Environmental Health, would be 40 to 50 people.</p> <p>Mr Bark provided Members with some information on the Nova Development as a whole. He stated that the safeguards included the experienced landlord, who also own Cardinal Place nearby and the New Street Square and One New Change developments in the City of London. It chose and managed its tenants well. Outside the majority of the units at the Nova Development that were the subject of applications for new premises licences there would be a dedicated seating area. The tenants would not only have a lease for the inside of the premises but also a lease for the outside of the premises. If there were issues with the outside area, the Landlord, Land Securities, would be able to consider whether this should be removed from the tenant. Mr Bark explained that there would be a dedicated management team on site who would manage day to day operations. There would be a security office within the basement which would include a room from which CCTV would be monitored 24 hours 7 days a week. There would be 184 CCTV cameras throughout the Nova Development. The security team employed by Land Securities (which worked for them elsewhere) would comprise of between 30 to 35 individuals. It was anticipated that there would be two shifts when operatives would be working (16 operatives from 07:00 to 19:00 hours and 12 operatives from 19:00 to 07:00).</p> <p>Mr Bark also explained the servicing arrangements. Considerable thought had been given to minimising the impact of deliveries with a large loading bay area which could contain up to eight vehicles being located within the basement of the premises. The access would be from Bressenden Place and this would be well away from residents. Any sounds in the basement would be acoustically contained and the goods travelled from the basement to the stores via staircases or lifts in the internal core of the building. They would not need to be collected by the tenants externally. It was proposed in the form of a condition</p>

that provided tenants' deliveries took place in accordance with the NOVA development delivery arrangements allowing delivery to the dedicated basement delivery area, there would be no time restrictions. If tenants did not operate in accordance with the arrangements, then no deliveries would be permitted to take place between 23:00 and 08:00 on the following day. Refuse was kept in storage areas in the basement. In the event that tenants did not operate in accordance with the NOVA refuse collection arrangements allowing collections from the dedicated basement area, all waste would have to be placed out for collection no earlier than 30 minutes before the scheduled collection times.

Mr Bark stated that there would be three entrances for the 170 residential units in the Nova building. There would be a 24/7 concierge system that was manned at all times. It was covered by CCTV and there was a radio link from the concierge to the security and management control room. He added that one of the attractions for the residents of the Nova building was the food quarter and licensed premises. In terms of local residents who lived in the vicinity of the building, the Applicant had liaised closely with them, including explaining the application at a residents' meeting. There had been no objections from residents in respect of the current applications.

Mr Bark also addressed the Sub-Committee on the Council's policy. He made the point that it was proposed that many of the operations within the twelve units would be food led. However, some flexibility was sought for the tenants and the Applicant was requesting that a condition was not attached to the premises licences that alcohol would be ancillary to food. Mr Bark commented that the Nova Development is not located in one of the Council's designated cumulative impact areas and any proposed hours outside the Council's Core Hours policy would be considered on their merits. He emphasised that there were some premises within 150 metres of the Nova Development which operated within Core Hours and others that did not. He expressed the view that the overall development could be managed well and not adversely affect anyone in the area. Discussions with the Police prior to the withdrawal of their representation and also Environmental Health had resulted in café/bar conditions being proposed with the sale or supply of alcohol being via waiter or waitress service to seated customers. It was proposed that there would be limited areas where alcohol could be consumed in a bar area and this was hatched on the plans.

Seven specific conditions had been proposed for all of the premises licences by Environmental Health and prior to the hearing the Sub-Committee received the response from the Applicant to the conditions. Mr Bark confirmed at the hearing that his clients were content with model condition 12 (no noise generated on the premises being able to emanate from the premises) being attached to the premises licences as requested by Environmental Health. Environmental Health had agreed an amended condition put forward by the Applicant that all windows and external doors would be kept closed before 08:00 and after 23:00 except for immediate access and egress of persons. Mr Bark requested that Environmental Health's proposed condition that on sales and alcohol consumed in the outside areas be limited to pre-booked and private functions or for consumption ancillary to food only was not attached to the premises licences. Mr Bark made the case that there were sufficient safeguards and that there were quality operators that would ensure there were no issues. Environmental Health

had proposed alternative wording to the Applicant's condition that there would be no off sales of alcohol other than to any dedicated ground floor seating area or of alcohol in sealed containers. Environmental Health's proposed condition set out that the external seating area would have customers seated at tables and served by waiter or waitress only. Environmental Health and the Applicant had agreed a condition that between 07:00 and 08:00 off sales would be limited to the external tables and chairs only. The Applicant had concerns that a works condition and a condition setting the capacity for all of the premises would be attached to the premises licences. Mr Bark added that it was likely that the individual operators would submit minor variations in relation to the layouts in the plans.

The Sub-Committee asked Mr Bark to comment specifically on the proposed hours on Sundays which were significantly beyond Core Hours. Mr Bark responded that whilst he understood the concept of Sundays being different from other days of the week the client wanted as much flexibility as possible and there were significant safeguards in relation to the applications. Local residents were not concerned and whilst planning was a different regime, various amenity aspects had been taken into account there and the hours being sought for the licensing applications would mirror what had been granted for planning.

Mr Wroe asked Mr Bark about the nature of the music that the tenants would play. Mr Bark referred to the hours between 08:00 and 23:00 being deregulated. He also informed those present that most of the tenants would play what he described as 'borderline background music'. Some would play slightly louder music and doors and windows would be closed accordingly. The Applicant had agreed a condition that no noise would be permitted to emanate from the premises. The tenants would be aware that the area would be overseen by management and security guards via radio link.

Mr Bark stated specifically in respect of Unit 14 that it would be an organic produce based shop that would predominantly sell alcohol for consumption off the premises. Sourced Market was based already in Marylebone and St Pancras. There were on-sales as there was a café at the premises. A condition was proposed that 'the premises will operate primarily as a supermarket/delicatessen but with a café bar operation. Within the areas used as a café bar and the external seating area alcohol may be consumed provided that the sale and supply of alcohol shall only be to persons seated at the tables and by way of waiter/waitress service other than in relation to the areas shown on the layout drawings hatched in blue'.

The Sub-Committee next heard from Environmental Health. Ms Thomas stated that whilst the Nova Development was not located in the designated cumulative impact areas, Environmental Health's representations for the twelve applications had been maintained as the commencement and terminal hours were in excess of the Council's Core Hours policy. Environmental Health was conscious of the residents of the Nova building who had not moved in yet. In terms of Environmental Health's proposed conditions, she did believe it to be important that the hours between 07:00 and 10:00 were ancillary to food. This did not mean substantial table meals. There was the potential for some of the premises to be rented out during these hours. Overall, there were areas that were edged

and hatched in blue on the attached plans for some of the premises where alcohol was not served by waiter or waitress to seated customers but these were limited in size. Ms Thomas referred to the fact that recorded music was only regulated prior to 08:00 and after 23:00 hours so Environmental Health was content that windows and external doors were kept closed at these times except for the immediate access and egress of persons. She added that the planning process had looked at aspects such as the potential for noise escape in the building and permission had been granted. The Applicant had agreed the Model Condition 12. Environmental Health would want a say over the capacities for each of the premises via a works condition and to be able to consider matters such as means of escape and toilet provision.

Mr Nevitt referred to the extensive discussions with the Applicant. He commented that the landlord had a good track record of managing sites and had a very integrated management plan for the applications including in terms of security and servicing. Mr Nevitt made the point that Environmental Health were objecting to the start times and the finish times, including the late finish on Sundays. It was his perception that the applications could raise some issues in particular. One was that there were pubs in the Victoria area who wanted to open early in the morning and they had been advised that alcohol would have to be strictly ancillary to food. Secondly the local premises would potentially seek later hours in the evening. Thirdly, it was a question of whether a midnight terminal hour on each night of the week would have implications for transport as several hundred people would potentially need to disperse late at night. Mr Nevitt re-iterated Ms Thomas' request for the capacity condition as it would enable Environmental Health to set the figure for each of the distinctive units. It was accepted that some vertical drinking in a more controlled environment within the Nova Development would potentially take some pressure off the pubs in the local area.

Mr Bark responded to some of the points raised by Environmental Health. He offered on behalf of his clients that the hatched areas would not be in use prior to 10:00 hours. Customers would have to be seated and served by waiter or waitress. Some flexibility was requested prior to 10:00 in case one person in a group wanted a bucks fizz. Mr Ridgwell envisaged a scenario that those in the office areas were working international hours and might want to buy a bottle of champagne. Mr Bark made the additional point that not all units would be open at 07:00 hours. All customers would have to be off the premises by midnight and licensable activities would therefore be concluded a number of minutes before.

Mr Panto referred the parties present to four conditions which he was putting forward as alternatives to the Applicant's and Environmental Health's conditions which dealt with the consumption of alcohol in addition to the sale. The first set out that 'other than in the area(s) edged and hatched in blue on the attached plan, alcohol shall not be sold or supplied otherwise than by waiter or waitress service for consumption by persons who are seated at tables'. The second set out that 'all sales of alcohol for consumption off the premises shall be in sealed containers only, save for alcohol served by a waiter or waitress to customers who are seated at tables within the designated external seating area(s) shown on the attached plan edged and cross-hatched in green'. The third was an

alternative to the wording of Environmental Health's condition so that 'between 07:00 and 08:00 the sale of alcohol for consumption off the premises shall be limited to alcohol served to customers who are seated at tables within the designated external seating area(s) shown on the attached plan'. The fourth was also an alternative to the wording of Environmental Health's wording and stated that 'between 07:00 and 10:00 the sale of alcohol for consumption on the premises or in the designated external seating area(s) shall be limited to pre-booked private functions or to consumption of alcohol that is ancillary to food.

The Sub-Committee had two specific concerns in relation to the application. One was the hours proposed on Sundays and the other was alcohol not being ancillary to food prior to 10:00 hours. Members considered that Sundays are different and noted the reference in the Council's Statement of Licensing Policy that the Council 'is prepared generally to grant premises licences for hours that will provide for longer hours at the end of the week but that still enable people to travel home relatively easily by tube, train, bus, and taxi, while retaining opportunities for residents to have an additional respite on Sunday'. The transport arrangements were not as straight forward on Sundays. The Sub-Committee took into account that the Applicant had requested an additional thirty minutes beyond the Council's Core Hours policy Monday to Thursday and the same additional amount of time was granted on Sundays. The terminal hour would therefore be 11:00 except for Sundays prior to Bank Holidays when the midnight terminal hour applied for was permitted. There was the potential for individual operators to put forward a case for a later terminal hour on Sunday should they apply for a variation of the premises licence. The Sub-Committee noted that the current Applicant had requested flexibility so that the Council's model restaurant condition had not been attached to the premises licences.

The Sub-Committee considered that 07:00 was a particularly early commencement hour on every day of the week. Members noted that a commencement hour of 07:00 on Sundays was five hours prior to the time set out in the Core Hours policy. Members were prepared to grant the 07:00 commencement hour applied for on every day of the week but decided that between 07:00 and 10:00 the sale of alcohol would be required to be ancillary to pre-booked private functions or food as proposed by Environmental Health.

The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 11:00 for licensable activities and the opening hours with an extension until midnight for Sundays immediately prior to a bank holiday. Members had some confidence in the safeguards put forward by the Applicant, including the security and servicing arrangements. The Applicant had given significant thought to ensuring that noise would not emanate either from or through the premises and had agreed Model Condition 12 which was attached to the licence. Members decided for Unit 15 that it was appropriate to grant the hours applied for Monday to Saturday, with some flexibility in the conditions attached to the licence. The Sub-Committee did not require alcohol to be ancillary to food after 10:00 hours. The Sub-Committee attached the condition that the premises will operate primarily as a supermarket/delicatessen but with a café bar operation. Within the areas used as a café bar and the external seating area alcohol may be consumed provided that the sale and supply of alcohol shall only be to persons seated at the tables and by way of waiter/waitress service other than in

	<p>relation to the areas shown on the layout drawings hatched in blue'. The area(s) edged and hatched in blue on the attached plan, would permit customers to have alcohol which was not provided by waiter or waitress service and consumed by persons who are seated at tables. As with many of the premises licences that were granted, the Sub-Committee permitted tables and chairs within the dedicated ground floor external seating area to be used until 23:00 hours.</p> <p>The Sub-Committee also attached the four conditions which had been put forward by Mr Panto as alternative wording to Environmental Health and the Applicant's proposed conditions. The works condition sought by Environmental Health was attached to the premises licence. As agreed between the Applicant and Environmental Health, a condition was attached that all windows and external doors would be kept closed before 08:00 and after 23:00 hours except for immediate access and egress of persons.</p>
2.	Recorded Music (Indoors)
	<p>Monday to Sunday: 07:00 to 00:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 23:00 (with an extension until midnight for Sundays immediately prior to a bank holiday), subject to conditions as set out below (see reasons for decision in Section 1).</p>
3.	Sale by retail of alcohol (On and Off)
	<p>Monday to Sunday: 07:00 to 00:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 23:00 (with an extension until midnight for Sundays immediately prior to a bank holiday), subject to conditions as set out below (see reasons for decision in Section 1).</p>

4. Opening Hours	
Monday to Sunday:	07:00 to 00:00
Amendments to application advised at hearing:	None.
Decision (including reasons if different from those set out in report):	The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 23:00 (with an extension until midnight for Sundays immediately prior to a bank holiday), subject to conditions as set out below (see reasons for decision in Section 1).

Conditions attached to the Licence	
<u>Mandatory Conditions</u>	
1.	No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2.	No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3.	Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.	(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
	(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
	(a) games or other activities which require or encourage, or are designed to

require or encourage, individuals to;

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

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

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

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

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

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

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

7. The responsible person must ensure that—

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

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

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

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

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) "relevant person" means, in relation to premises in respect of which

there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

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

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

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

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

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

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 records 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. 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.

12. The premises will operate primarily as a supermarket/delicatessen but with a café bar operation. Within the areas used as a café bar and the external seating area alcohol may be consumed provided that the sale and supply of alcohol shall only be to persons seated at the tables and by way of waiter/waitress service other than in relation to the areas shown on the layout drawings hatched in blue.
13. All sales of alcohol for consumption off the premises shall be in sealed containers only, save for alcohol served by a waiter or waitress to customers who are seated at tables within the designated external seating area(s) shown on the attached plan edged and cross-hatched in green.
14. All outside tables and chairs within the dedicated ground floor outside seating area shall be rendered unusable by 23:00 hours each day.
15. Patrons permitted to temporarily leave and then re-enter the premises and any dedicated outside ground floor seating area, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
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:
 - 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; and
 - h) any visit by a relevant authority or emergency service
17. Notices shall be displayed at the exit of the premises requesting customers leaving the premises to respect the needs of local residents and business and leave the area quietly.
18. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable form of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS hologram.
19. Other than where deliveries take place in accordance with the NOVA development delivery arrangements allowing delivery to the dedicated basement delivery area, no deliveries to the premises shall take place between 23:00 and 08:00 on the following day.
20. Other than where refuse is disposed of and collected in accordance with the NOVA refuse collection arrangements allowing collections from the dedicated basement area, all waste shall be properly present and placed out for collection no earlier than 30 minutes before the scheduled collection times.

21. This Premises Licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
22. Before the premises are open to the public, the plans deposited will be checked by the Environmental Health consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed a variation application may be required.
23. 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.
24. All windows and external doors shall be kept closed before 08:00 and after 23:00 hours, except for the immediate access and egress of persons.
25. Between 07:00 and 10:00 hours the sale of alcohol for consumption on the premises or in the designated external seating area(s) shall be limited to pre-booked private functions or to consumption of alcohol that is ancillary to food.
26. Between 07:00 and 08:00 the sale of alcohol for consumption off the premises shall be limited to alcohol served to customers who are seated at tables within the designated external seating area(s) shown on the attached plan.
27. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

13 RICKER RESTAURANTS, UNIT 15, NOVA DEVELOPMENT, VICTORIA STREET

LICENSING SUB-COMMITTEE No. 1

Thursday 7th April 2016

Membership: Councillor Melvyn Caplan (Chairman), Councillor Heather Acton and Councillor Peter Freeman

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

Relevant Representations: Environmental Health.

Present: Mr Jeremy Bark (Solicitor, Representing the Applicant), Ms Caroline Rodgers (NOVA Director), Mr Justin Black (Development Director), Mr Ben

Ricker Restaurants, Unit 15, Nova Development, Victoria Street, London 16/00485/LIPN	
1.	Late Night Refreshment (Indoors and Outdoors)
	Monday to Sunday: 23:00 to 00:00
	Amendments to application advised at hearing: None.
	<p>Decision (including reasons if different from those set out in report):</p> <p>Unit 15 was one of twelve applications for new premises licences at the Nova Development considered by the Licensing Sub-Committee at the 7 April hearing. The Sub-Committee was informed by Mr Bark, representing the Applicant that the Nova Development would be a mixed use development, comprising of office, retail, residential and leisure uses. Mr Bark explained that Unit 15 is leased to Will Ricker who has a number of existing premises in London and had introduced fine casual dining. This would be located in the Nova Building. It was proposed that the premises would operate as a restaurant, café and bar. The approximate capacity, which would need to be agreed with Environmental Health, would be 140 people.</p> <p>Mr Bark provided Members with some information on the Nova Development as a whole. He stated that the safeguards included the experienced landlord, who also own Cardinal Place nearby and the New Street Square and One New Change developments in the City of London. It chose and managed its tenants well. Outside the majority of the units at the Nova Development that were the subject of applications for new premises licences there would be a dedicated seating area. The tenants would not only have a lease for the inside of the premises but also a lease for the outside of the premises. If there were issues with the outside area, the Landlord, Land Securities, would be able to consider whether this should be removed from the tenant. Mr Bark explained that there would be a dedicated management team on site who would manage day to day operations. There would be a security office within the basement which would include a room from which CCTV would be monitored 24 hours 7 days a week. There would be 184 CCTV cameras throughout the Nova Development. The security team employed by Land Securities (which worked for them elsewhere) would comprise of between 30 to 35 individuals. It was anticipated that there would be two shifts when operatives would be working (16 operatives from 07:00 to 19:00 hours and 12 operatives from 19:00 to 07:00).</p> <p>Mr Bark also explained the servicing arrangements. Considerable thought had</p>

been given to minimising the impact of deliveries with a large loading bay area which could contain up to eight vehicles being located within the basement of the premises. The access would be from Bressenden Place and this would be well away from residents. Any sounds in the basement would be acoustically contained and the goods travelled from the basement to the stores via staircases or lifts in the internal core of the building. They would not need to be collected by the tenants externally. It was proposed in the form of a condition that provided tenants' deliveries took place in accordance with the NOVA development delivery arrangements allowing delivery to the dedicated basement delivery area, there would be no time restrictions. If tenants did not operate in accordance with the arrangements, then no deliveries would be permitted to take place between 23:00 and 08:00 on the following day. Refuse was kept in storage areas in the basement. In the event that tenants did not operate in accordance with the NOVA refuse collection arrangements allowing collections from the dedicated basement area, all waste would have to be placed out for collection no earlier than 30 minutes before the scheduled collection times.

Mr Bark stated that there would be three entrances for the 170 residential units in the Nova building. There would be a 24/7 concierge system that was manned at all times. It was covered by CCTV and there was a radio link from the concierge to the security and management control room. He added that one of the attractions for the residents of the Nova building was the food quarter and licensed premises. In terms of local residents who lived in the vicinity of the building, the Applicant had liaised closely with them, including explaining the application at a residents' meeting. There had been no objections from residents in respect of the current applications.

Mr Bark also addressed the Sub-Committee on the Council's policy. He made the point that it was proposed that many of the operations within the twelve units would be food led. However, some flexibility was sought for the tenants and the Applicant was requesting that a condition was not attached to the premises licences that alcohol would be ancillary to food. Mr Bark commented that the Nova Development is not located in one of the Council's designated cumulative impact areas and any proposed hours outside the Council's Core Hours policy would be considered on their merits. He emphasised that there were some premises within 150 metres of the Nova Development which operated within Core Hours and others that did not. He expressed the view that the overall development could be managed well and not adversely affect anyone in the area. Discussions with the Police prior to the withdrawal of their representation and also Environmental Health had resulted in café/bar conditions being proposed with the sale or supply of alcohol being via waiter or waitress service to seated customers. It was proposed that there would be limited areas where alcohol could be consumed in a bar area and this was hatched on the plans.

Seven specific conditions had been proposed for all of the premises licences by Environmental Health and prior to the hearing the Sub-Committee received the response from the Applicant to the conditions. Mr Bark confirmed at the hearing that his clients were content with model condition 12 (no noise generated on the premises being able to emanate from the premises) being attached to the premises licences as requested by Environmental Health. Environmental Health had agreed an amended condition put forward by the Applicant that all windows

and external doors would be kept closed before 08:00 and after 23:00 except for immediate access and egress of persons. Mr Bark requested that Environmental Health's proposed condition that on sales and alcohol consumed in the outside areas be limited to pre-booked and private functions or for consumption ancillary to food only was not attached to the premises licences. Mr Bark made the case that there were sufficient safeguards and that there were quality operators that would ensure there were no issues. Environmental Health had proposed alternative wording to the Applicant's condition that there would be no off sales of alcohol other than to any dedicated ground floor seating area or of alcohol in sealed containers. Environmental Health's proposed condition set out that the external seating area would have customers seated at tables and served by waiter or waitress only. Environmental Health and the Applicant had agreed a condition that between 07:00 and 08:00 off sales would be limited to the external tables and chairs only. The Applicant had concerns that a works condition and a condition setting the capacity for all of the premises would be attached to the premises licences. Mr Bark added that it was likely that the individual operators would submit minor variations in relation to the layouts in the plans.

The Sub-Committee asked Mr Bark to comment specifically on the proposed hours on Sundays which were significantly beyond Core Hours. Mr Bark responded that whilst he understood the concept of Sundays being different from other days of the week the client wanted as much flexibility as possible and there were significant safeguards in relation to the applications. Local residents were not concerned and whilst planning was a different regime, various amenity aspects had been taken into account there and the hours being sought for the licensing applications would mirror what had been granted for planning.

Mr Wroe asked Mr Bark about the nature of the music that the tenants would play. Mr Bark referred to the hours between 08:00 and 23:00 being deregulated. He also informed those present that most of the tenants would play what he described as 'borderline background music'. Some would play slightly louder music and doors and windows would be closed accordingly. The Applicant had agreed a condition that no noise would be permitted to emanate from the premises. The tenants would be aware that the area would be overseen by management and security guards via radio link.

Mr Bark stated specifically in respect of Unit 15 that there would be an area where some vertical drinking would take place but that there would be bar stools available.

The Sub-Committee next heard from Environmental Health. Ms Thomas stated that whilst the Nova Development was not located in the designated cumulative impact areas, Environmental Health's representations for the twelve applications had been maintained as the commencement and terminal hours were in excess of the Council's Core Hours policy. Environmental Health was conscious of the residents of the Nova building who had not moved in yet. In terms of Environmental Health's proposed conditions, she did believe it to be important that the hours between 07:00 and 10:00 were ancillary to food. This did not mean substantial table meals. There was the potential for some of the premises to be rented out during these hours. Overall, there were areas that were edged

and hatched in blue on the attached plans for some of the premises where alcohol was not served by waiter or waitress to seated customers but these were limited in size. Ms Thomas referred to the fact that recorded music was only regulated prior to 08:00 and after 23:00 hours so Environmental Health was content that windows and external doors were kept closed at these times except for the immediate access and egress of persons. She added that the planning process had looked at aspects such as the potential for noise escape in the building and permission had been granted. The Applicant had agreed the Model Condition 12. Environmental Health would want a say over the capacities for each of the premises via a works condition and to be able to consider matters such as means of escape and toilet provision.

Mr Nevitt referred to the extensive discussions with the Applicant. He commented that the landlord had a good track record of managing sites and had a very integrated management plan for the applications including in terms of security and servicing. Mr Nevitt made the point that Environmental Health were objecting to the start times and the finish times, including the late finish on Sundays. It was his perception that the applications could raise some issues in particular. One was that there were pubs in the Victoria area who wanted to open early in the morning and they had been advised that alcohol would have to be strictly ancillary to food. Secondly the local premises would potentially seek later hours in the evening. Thirdly, it was a question of whether a midnight terminal hour on each night of the week would have implications for transport as several hundred people would potentially need to disperse late at night. Mr Nevitt re-iterated Ms Thomas' request for the capacity condition as it would enable Environmental Health to set the figure for each of the distinctive units. It was accepted that some vertical drinking in a more controlled environment within the Nova Development would potentially take some pressure off the pubs in the local area.

Mr Bark responded to some of the points raised by Environmental Health. He offered on behalf of his clients that the hatched areas would not be in use prior to 10:00 hours. Customers would have to be seated and served by waiter or waitress. Some flexibility was requested prior to 10:00 in case one person in a group wanted a bucks fizz. Mr Ridgwell envisaged a scenario that those in the office areas were working international hours and might want to buy a bottle of champagne. Mr Bark made the additional point that not all units would be open at 07:00 hours. All customers would have to be off the premises by midnight and licensable activities would therefore be concluded a number of minutes before.

Mr Panto referred the parties present to four conditions which he was putting forward as alternatives to the Applicant's and Environmental Health's conditions which dealt with the consumption of alcohol in addition to the sale. The first set out that 'other than in the area(s) edged and hatched in blue on the attached plan, alcohol shall not be sold or supplied otherwise than by waiter or waitress service for consumption by persons who are seated at tables'. The second set out that 'all sales of alcohol for consumption off the premises shall be in sealed containers only, save for alcohol served by a waiter or waitress to customers who are seated at tables within the designated external seating area(s) shown on the attached plan edged and cross-hatched in green'. The third was an

alternative to the wording of Environmental Health's condition so that 'between 07:00 and 08:00 the sale of alcohol for consumption off the premises shall be limited to alcohol served to customers who are seated at tables within the designated external seating area(s) shown on the attached plan'. The fourth was also an alternative to the wording of Environmental Health's wording and stated that 'between 07:00 and 10:00 the sale of alcohol for consumption on the premises or in the designated external seating area(s) shall be limited to pre-booked private functions or to consumption of alcohol that is ancillary to food.

The Sub-Committee had two specific concerns in relation to the application. One was the hours proposed on Sundays and the other was alcohol not being ancillary to food prior to 10:00 hours. Members considered that Sundays are different and noted the reference in the Council's Statement of Licensing Policy that the Council 'is prepared generally to grant premises licences for hours that will provide for longer hours at the end of the week but that still enable people to travel home relatively easily by tube, train, bus, and taxi, while retaining opportunities for residents to have an additional respite on Sunday'. The transport arrangements were not as straight forward on Sundays. The Sub-Committee took into account that the Applicant had requested an additional thirty minutes beyond the Council's Core Hours policy Monday to Thursday and the same additional amount of time was granted on Sundays. The terminal hour would therefore be 11:00 except for Sundays prior to Bank Holidays when the midnight terminal hour applied for was permitted. There was the potential for individual operators to put forward a case for a later terminal hour on Sunday should they apply for a variation of the premises licence. The Sub-Committee noted that the current Applicant had requested flexibility so that the Council's model restaurant condition had not been attached to the premises licences.

The Sub-Committee considered that 07:00 was a particularly early commencement hour on every day of the week. Members noted that a commencement hour of 07:00 on Sundays was five hours prior to the time set out in the Core Hours policy. Members were prepared to grant the 07:00 commencement hour applied for on every day of the week but decided that between 07:00 and 10:00 the sale of alcohol would be required to be ancillary to pre-booked private functions or food as proposed by Environmental Health.

The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 11:00 for licensable activities and the opening hours with an extension until midnight for Sundays immediately prior to a bank holiday. Members had some confidence in the safeguards put forward by the Applicant, including the security and servicing arrangements. The Applicant had given significant thought to ensuring that noise would not emanate either from or through the premises and had agreed Model Condition 12 which was attached to the licence. Members decided for Unit 15 that it was appropriate to grant the hours applied for Monday to Saturday, with some flexibility in the conditions attached to the licence. The Sub-Committee did not require alcohol to be ancillary to food after 10:00 hours. The area(s) edged and hatched in blue on the attached plan, would permit customers to have alcohol which was not provided by waiter or waitress service and consumed by persons who are seated at tables. As with many of the premises licences that were granted, the Sub-Committee permitted tables and chairs within the dedicated ground floor external seating area to be

	<p>used until 23:00 hours.</p> <p>The Sub-Committee also attached the four conditions which had been put forward by Mr Panto as alternative wording to Environmental Health and the Applicant's proposed conditions. The works condition sought by Environmental Health was attached to the premises licence. As agreed between the Applicant and Environmental Health, a condition was attached that all windows and external doors would be kept closed before 08:00 and after 23:00 hours except for immediate access and egress of persons.</p>
2.	Recorded Music (Indoors)
	Monday to Sunday: 07:00 to 00:00
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 23:00 (with an extension until midnight for Sundays immediately prior to a bank holiday), subject to conditions as set out below (see reasons for decision in Section 1).
3.	Sale by retail of alcohol (On and Off)
	Monday to Sunday: 07:00 to 00:00
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 23:00 (with an extension until midnight for Sundays immediately prior to a bank holiday), subject to conditions as set out below (see reasons for decision in Section 1).
4.	Opening Hours
	Monday to Sunday: 07:00 to 00:00
	Amendments to application advised at hearing:

	None.
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 23:00 (with an extension until midnight for Sundays immediately prior to a bank holiday), subject to conditions as set out below (see reasons for decision in Section 1).</p>

Conditions attached to the Licence	
<u>Mandatory Conditions</u>	
1.	No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2.	No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3.	Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.	<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 style="padding-left: 40px;">(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 style="padding-left: 40px;">(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</p>

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 records 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. 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.
12. Other than in the area(s) edged and hatched in blue on the attached plan, alcohol shall not be sold or supplied otherwise than by waiter or waitress service for consumption by persons who are seated at tables.
13. All sales of alcohol for consumption off the premises shall be in sealed containers only, save for alcohol served by a waiter or waitress to customers who are seated at tables within the designated external seating area(s) shown on the attached plan edged and cross-hatched in green.
14. All outside tables and chairs within the dedicated ground floor outside seating area shall be rendered unusable by 23:00 hours each day.

15. Patrons permitted to temporarily leave and then re-enter the premises and any dedicated outside ground floor seating area, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
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:
 - 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; and
 - h) any visit by a relevant authority or emergency service
17. Notices shall be displayed at the exit of the premises requesting customers leaving the premises to respect the needs of local residents and business and leave the area quietly.
18. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable form of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS hologram.
19. Other than where deliveries take place in accordance with the NOVA development delivery arrangements allowing delivery to the dedicated basement delivery area, no deliveries to the premises shall take place between 23:00 and 08:00 on the following day.
20. Other than where refuse is disposed of and collected in accordance with the NOVA refuse collection arrangements allowing collections from the dedicated basement area, all waste shall be properly present and placed out for collection no earlier than 30 minutes before the scheduled collection times.
21. This Premises Licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
22. Before the premises are open to the public, the plans deposited will be checked by the Environmental Health consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed a variation application may be required.
23. 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.
24. All windows and external doors shall be kept closed before 08:00 and after

23:00 hours, except for the immediate access and egress of persons.

25. Between 07:00 and 10:00 hours the sale of alcohol for consumption on the premises or in the designated external seating area(s) shall be limited to pre-booked private functions or to consumption of alcohol that is ancillary to food.
26. Between 07:00 and 08:00 the sale of alcohol for consumption off the premises shall be limited to alcohol served to customers who are seated at tables within the designated external seating area(s) shown on the attached plan.
27. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

14 DAISY GREEN, UNIT 18, NOVA DEVELOPMENT, VICTORIA STREET

LICENSING SUB-COMMITTEE No. 1

Thursday 7th April 2016

Membership: Councillor Melvyn Caplan (Chairman), Councillor Heather Acton and Councillor Peter Freeman

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

Relevant Representations: Environmental Health.

Present: Mr Jeremy Bark (Solicitor, Representing the Applicant), Ms Caroline Rodgers (NOVA Director), Mr Justin Black (Development Director), Mr Ben Ridgwell (Portfolio Director, Land Securities) and Ms Sally Thomas and Mr Dave Nevitt (Environmental Health)

Daisy Green, Unit 18, Nova Development, Victoria Street, London 16/00476/LIPN	
1.	Late Night Refreshment (Indoors and Outdoors)
	Monday to Sunday: 23:00 to 00:00
	Amendments to application advised at hearing: None.

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

Unit 18 was one of twelve applications for new premises licences at the Nova Development considered by the Licensing Sub-Committee at the 7 April hearing. The Sub-Committee was informed by Mr Bark, representing the Applicant that the Nova Development would be a mixed use development, comprising of office, retail, residential and leisure uses. Mr Bark explained that Unit 18 is leased to Daisy Green which is a café and salad/lighter meals based offer. This would be located at the north end of the Nova Building. The approximate capacity, which would need to be agreed with Environmental Health, would be 50 to 60 people.

Mr Bark provided Members with some information on the Nova Development as a whole. He stated that the safeguards included the experienced landlord, who also own Cardinal Place nearby and the New Street Square and One New Change developments in the City of London. It chose and managed its tenants well. Outside the majority of the units at the Nova Development that were the subject of applications for new premises licences there would be a dedicated seating area. The tenants would not only have a lease for the inside of the premises but also a lease for the outside of the premises. If there were issues with the outside area, the Landlord, Land Securities, would be able to consider whether this should be removed from the tenant. Mr Bark explained that there would be a dedicated management team on site who would manage day to day operations. There would be a security office within the basement which would include a room from which CCTV would be monitored 24 hours 7 days a week. There would be 184 CCTV cameras throughout the Nova Development. The security team employed by Land Securities (which worked for them elsewhere) would comprise of between 30 to 35 individuals. It was anticipated that there would be two shifts when operatives would be working (16 operatives from 07:00 to 19:00 hours and 12 operatives from 19:00 to 07:00).

Mr Bark also explained the servicing arrangements. Considerable thought had been given to minimising the impact of deliveries with a large loading bay area which could contain up to eight vehicles being located within the basement of the premises. The access would be from Bressenden Place and this would be well away from residents. Any sounds in the basement would be acoustically contained and the goods travelled from the basement to the stores via staircases or lifts in the internal core of the building. They would not need to be collected by the tenants externally. It was proposed in the form of a condition that provided tenants' deliveries took place in accordance with the NOVA development delivery arrangements allowing delivery to the dedicated basement delivery area, there would be no time restrictions. If tenants did not operate in accordance with the arrangements, then no deliveries would be permitted to take place between 23:00 and 08:00 on the following day. Refuse was kept in storage areas in the basement. In the event that tenants did not operate in accordance with the NOVA refuse collection arrangements allowing collections from the dedicated basement area, all waste would have to be placed out for collection no earlier than 30 minutes before the scheduled collection times.

Mr Bark stated that there would be three entrances for the 170 residential units in the Nova building. There would be a 24/7 concierge system that was manned

at all times. It was covered by CCTV and there was a radio link from the concierge to the security and management control room. He added that one of the attractions for the residents of the Nova building was the food quarter and licensed premises. In terms of local residents who lived in the vicinity of the building, the Applicant had liaised closely with them, including explaining the application at a residents' meeting. There had been no objections from residents in respect of the current applications.

Mr Bark also addressed the Sub-Committee on the Council's policy. He made the point that it was proposed that many of the operations within the twelve units would be food led. However, some flexibility was sought for the tenants and the Applicant was requesting that a condition was not attached to the premises licences that alcohol would be ancillary to food. Mr Bark commented that the Nova Development is not located in one of the Council's designated cumulative impact areas and any proposed hours outside the Council's Core Hours policy would be considered on their merits. He emphasised that there were some premises within 150 metres of the Nova Development which operated within Core Hours and others that did not. He expressed the view that the overall development could be managed well and not adversely affect anyone in the area. Discussions with the Police prior to the withdrawal of their representation and also Environmental Health had resulted in café/bar conditions being proposed with the sale or supply of alcohol being via waiter or waitress service to seated customers. It was proposed that there would be limited areas where alcohol could be consumed in a bar area and this was hatched on the plans.

Seven specific conditions had been proposed for all of the premises licences by Environmental Health and prior to the hearing the Sub-Committee received the response from the Applicant to the conditions. Mr Bark confirmed at the hearing that his clients were content with model condition 12 (no noise generated on the premises being able to emanate from the premises) being attached to the premises licences as requested by Environmental Health. Environmental Health had agreed an amended condition put forward by the Applicant that all windows and external doors would be kept closed before 08:00 and after 23:00 except for immediate access and egress of persons. Mr Bark requested that Environmental Health's proposed condition that on sales and alcohol consumed in the outside areas be limited to pre-booked and private functions or for consumption ancillary to food only was not attached to the premises licences. Mr Bark made the case that there were sufficient safeguards and that there were quality operators that would ensure there were no issues. Environmental Health had proposed alternative wording to the Applicant's condition that there would be no off sales of alcohol other than to any dedicated ground floor seating area or of alcohol in sealed containers. Environmental Health's proposed condition set out that the external seating area would have customers seated at tables and served by waiter or waitress only. Environmental Health and the Applicant had agreed a condition that between 07:00 and 08:00 off sales would be limited to the external tables and chairs only. The Applicant had concerns that a works condition and a condition setting the capacity for all of the premises would be attached to the premises licences. Mr Bark added that it was likely that the individual operators would submit minor variations in relation to the layouts in the plans.

The Sub-Committee asked Mr Bark to comment specifically on the proposed hours on Sundays which were significantly beyond Core Hours. Mr Bark responded that whilst he understood the concept of Sundays being different from other days of the week the client wanted as much flexibility as possible and there were significant safeguards in relation to the applications. Local residents were not concerned and whilst planning was a different regime, various amenity aspects had been taken into account there and the hours being sought for the licensing applications would mirror what had been granted for planning.

Mr Wroe asked Mr Bark about the nature of the music that the tenants would play. Mr Bark referred to the hours between 08:00 and 23:00 being deregulated. He also informed those present that most of the tenants would play what he described as 'borderline background music'. Some would play slightly louder music and doors and windows would be closed accordingly. The Applicant had agreed a condition that no noise would be permitted to emanate from the premises. The tenants would be aware that the area would be overseen by management and security guards via radio link.

Mr Bark stated specifically in respect of Unit 18 that he expected Daisy Green to submit a variation in respect of the layout.

The Sub-Committee next heard from Environmental Health. Ms Thomas stated that whilst the Nova Development was not located in the designated cumulative impact areas, Environmental Health's representations for the twelve applications had been maintained as the commencement and terminal hours were in excess of the Council's Core Hours policy. Environmental Health was conscious of the residents of the Nova building who had not moved in yet. In terms of Environmental Health's proposed conditions, she did believe it to be important that the hours between 07:00 and 10:00 were ancillary to food. This did not mean substantial table meals. There was the potential for some of the premises to be rented out during these hours. Overall, there were areas that were edged and hatched in blue on the attached plans for some of the premises where alcohol was not served by waiter or waitress to seated customers but these were limited in size. Ms Thomas referred to the fact that recorded music was only regulated prior to 08:00 and after 23:00 hours so Environmental Health was content that windows and external doors were kept closed at these times except for the immediate access and egress of persons. She added that the planning process had looked at aspects such as the potential for noise escape in the building and permission had been granted. The Applicant had agreed the Model Condition 12. Environmental Health would want a say over the capacities for each of the premises via a works condition and to be able to consider matters such as means of escape and toilet provision.

Mr Nevitt referred to the extensive discussions with the Applicant. He commented that the landlord had a good track record of managing sites and had a very integrated management plan for the applications including in terms of security and servicing. Mr Nevitt made the point that Environmental Health were objecting to the start times and the finish times, including the late finish on Sundays. It was his perception that the applications could raise some issues in particular. One was that there were pubs in the Victoria area who wanted to open early in the morning and they had been advised that alcohol would have to

be strictly ancillary to food. Secondly the local premises would potentially seek later hours in the evening. Thirdly, it was a question of whether a midnight terminal hour on each night of the week would have implications for transport as several hundred people would potentially need to disperse late at night. Mr Nevitt re-iterated Ms Thomas' request for the capacity condition as it would enable Environmental Health to set the figure for each of the distinctive units. It was accepted that some vertical drinking in a more controlled environment within the Nova Development would potentially take some pressure off the pubs in the local area.

Mr Bark responded to some of the points raised by Environmental Health. He offered on behalf of his clients that the hatched areas would not be in use prior to 10:00 hours. Customers would have to be seated and served by waiter or waitress. Some flexibility was requested prior to 10:00 in case one person in a group wanted a bucks fizz. Mr Ridgwell envisaged a scenario that those in the office areas were working international hours and might want to buy a bottle of champagne. Mr Bark made the additional point that not all units would be open at 07:00 hours. All customers would have to be off the premises by midnight and licensable activities would therefore be concluded a number of minutes before.

Mr Panto referred the parties present to four conditions which he was putting forward as alternatives to the Applicant's and Environmental Health's conditions which dealt with the consumption of alcohol in addition to the sale. The first set out that 'other than in the area(s) edged and hatched in blue on the attached plan, alcohol shall not be sold or supplied otherwise than by waiter or waitress service for consumption by persons who are seated at tables'. The second set out that 'all sales of alcohol for consumption off the premises shall be in sealed containers only, save for alcohol served by a waiter or waitress to customers who are seated at tables within the designated external seating area(s) shown on the attached plan edged and cross-hatched in green'. The third was an alternative to the wording of Environmental Health's condition so that 'between 07:00 and 08:00 the sale of alcohol for consumption off the premises shall be limited to alcohol served to customers who are seated at tables within the designated external seating area(s) shown on the attached plan'. The fourth was also an alternative to the wording of Environmental Health's wording and stated that 'between 07:00 and 10:00 the sale of alcohol for consumption on the premises or in the designated external seating area(s) shall be limited to pre-booked private functions or to consumption of alcohol that is ancillary to food'.

The Sub-Committee had two specific concerns in relation to the application. One was the hours proposed on Sundays and the other was alcohol not being ancillary to food prior to 10:00 hours. Members considered that Sundays are different and noted the reference in the Council's Statement of Licensing Policy that the Council 'is prepared generally to grant premises licences for hours that will provide for longer hours at the end of the week but that still enable people to travel home relatively easily by tube, train, bus, and taxi, while retaining opportunities for residents to have an additional respite on Sunday'. The transport arrangements were not as straight forward on Sundays. The Sub-Committee took into account that the Applicant had requested an additional thirty minutes beyond the Council's Core Hours policy Monday to Thursday and

the same additional amount of time was granted on Sundays. The terminal hour would therefore be 11:00 except for Sundays prior to Bank Holidays when the midnight terminal hour applied for was permitted. There was the potential for individual operators to put forward a case for a later terminal hour on Sunday should they apply for a variation of the premises licence. The Sub-Committee noted that the current Applicant had requested flexibility so that the Council's model restaurant condition had not been attached to the premises licences.

The Sub-Committee considered that 07:00 was a particularly early commencement hour on every day of the week. Members noted that a commencement hour of 07:00 on Sundays was five hours prior to the time set out in the Core Hours policy. Members were prepared to grant the 07:00 commencement hour applied for on every day of the week but decided that between 07:00 and 10:00 the sale of alcohol would be required to be ancillary to pre-booked private functions or food as proposed by Environmental Health.

The Sub-Committee granted Monday to Saturday 07:00 to 00:00 and Sunday 07:00 to 11:00 for licensable activities and the opening hours with an extension until midnight for Sundays immediately prior to a bank holiday. Members had some confidence in the safeguards put forward by the Applicant, including the security and servicing arrangements. The Applicant had given significant thought to ensuring that noise would not emanate either from or through the premises and had agreed Model Condition 12 which was attached to the licence. Members decided for Unit 18 that it was appropriate to grant the hours applied for Monday to Saturday, with some flexibility in the conditions attached to the licence. The Sub-Committee did not require alcohol to be ancillary to food after 10:00 hours. The area(s) edged and hatched in blue on the attached plan, would permit customers to have alcohol which was not provided by waiter or waitress service and consumed by persons who are seated at tables. As with many of the premises licences that were granted, the Sub-Committee permitted tables and chairs within the dedicated ground floor external seating area to be used until 23:00 hours.

The Sub-Committee also attached the four conditions which had been put forward by Mr Panto as alternative wording to Environmental Health and the Applicant's proposed conditions. The works condition sought by Environmental Health was attached to the premises licence. As agreed between the Applicant and Environmental Health, a condition was attached that all windows and external doors would be kept closed before 08:00 and after 23:00 hours except for immediate access and egress of persons.

2. Recorded Music (Indoors)

Monday to Sunday: 07:00 to 00:00

Amendments to application advised at hearing:

None.

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. 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 records 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. 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.
12. Other than in the area(s) edged and hatched in blue on the attached plan, alcohol shall not be sold or supplied otherwise than by waiter or waitress service for consumption by persons who are seated at tables.
13. All sales of alcohol for consumption off the premises shall be in sealed containers only, save for alcohol served by a waiter or waitress to customers who are seated at tables within the designated external seating area(s) shown on the attached plan edged and cross-hatched in green.
14. All outside tables and chairs within the dedicated ground floor outside seating area shall be rendered unusable by 23:00 hours each day.
15. Patrons permitted to temporarily leave and then re-enter the premises and any dedicated outside ground floor seating area, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
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:
 - 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; and
 - h) any visit by a relevant authority or emergency service
17. Notices shall be displayed at the exit of the premises requesting customers

leaving the premises to respect the needs of local residents and business and leave the area quietly.

18. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable form of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS hologram.
19. Other than where deliveries take place in accordance with the NOVA development delivery arrangements allowing delivery to the dedicated basement delivery area, no deliveries to the premises shall take place between 23:00 and 08:00 on the following day.
20. Other than where refuse is disposed of and collected in accordance with the NOVA refusal collection arrangements allowing collections from the dedicated basement area, all waste shall be properly present and placed out for collection no earlier than 30 minutes before the scheduled collection times.
21. This Premises Licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
22. Before the premises are open to the public, the plans deposited will be checked by the Environmental Health consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed a variation application may be required.
23. 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.
24. All windows and external doors shall be kept closed before 08:00 and after 23:00 hours, except for the immediate access and egress of persons.
25. Between 07:00 and 10:00 hours the sale of alcohol for consumption on the premises or in the designated external seating area(s) shall be limited to pre-booked private functions or to consumption of alcohol that is ancillary to food.
26. Between 07:00 and 08:00 the sale of alcohol for consumption off the premises shall be limited to alcohol served to customers who are seated at tables within the designated external seating area(s) shown on the attached plan.
27. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.