



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (5)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (5)** Committee held on **Thursday 21st April, 2016**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

**Members Present:** Councillors Angela Harvey (Chairman), Jan Prendergast and Rita Begum

#### 1 MEMBERSHIP

There were no changes to the Membership.

#### 2 DECLARATIONS OF INTEREST

Councillor Angela Harvey declared in respect of Private Members Club, Basement to First Floor, 1A Chesterfield Street, W1 that she had lived a number of years ago in a residence in Pimlico where Adam Goodison was the freeholder. He is the son of Sir Nicholas Goodison, an objector to the current application. Councillor Harvey informed those present that she had not discussed the nature of the application with either Sir Nicholas or Adam Goodison and that this occurrence would not affect her decision making when considering the application.

#### 3 BASEMENT TO FIRST FLOOR 1A CHESTERFIELD STREET W1

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

*Thursday 21<sup>st</sup> April 2016*

Membership: Councillor Angela Harvey (Chairman), Councillor Jan Prendergast and Councillor Rita Begum

Legal Adviser: Horatio Chance  
Policy Adviser: Chris Wroe  
Committee Officer: Jonathan Deacon  
Presenting Officer: Ola Owojori

Relevant Representations: Environmental Health, 5 x residents.

Present: Mr Stephen Walsh QC (representing the Applicant), Mr Jack Spiegler (Solicitor, on behalf of the Applicant), Mr Pierre-Charles Cros and Mr Romée de Goriainoff (Director, Applicant Company), Mr Dave Nevitt (Environmental Health), Mr Craig Baylis (Solicitor, representing local residents), Sir Nicholas Goodison, Mrs Valentina Gupta and Ms Elizabeth Philion (local residents).

Declaration: Councillor Angela Harvey declared that she had lived a number of years ago in a residence in Pimlico where Adam Goodison was the freeholder. He is the son of Sir Nicholas Goodison, an objector to the current application. Councillor Harvey informed those present that she had not discussed the nature of the application with either Sir Nicholas or Adam Goodison and that this occurrence would not affect her decision making when considering the application.

<b>Private Members Club, Basement to First Floor, 1A Chesterfield Street, W1 16/01480/LIPN</b>	
<b>1.</b>	<b>Regulated Entertainment (Recorded Music)</b>
	Monday to Saturday: 10:00 to 01:00 Sunday: 12:00 to 23:30
	Amendments to application advised at hearing:  None.
	Decision (including reasons if different from those set out in report):  Mr Walsh, representing the Applicant, made the point that his clients operated 16 licensed premises worldwide. These included the Experimental Cocktail Club in Gerrard Street and a French style restaurant in Neal's Yard. He confirmed that it was the case that the premises at Chesterfield Street had operated as a private members club under a Club Premises Certificate. It was proposed that the premises would now operate as a private proprietary members club. Mr Walsh stated that it was proposed that there would be more stringent conditions on this licence than the Club Premises Certificate. The hours would be the same as those on the Club Premises Certificate. He explained that the Club Premises Certificate had been suspended because the annual fee had not been paid in 2014. It could potentially be resurrected.  Mr Walsh addressed the Sub-Committee on the plans. The building was in a state of disrepair and it was intended to refurbish it so that it was sympathetic to the environment in Chesterfield Street. It was proposed that the basement area would be used for kitchen facilities and toilets and therefore excluded from any licensable activities. Mr Walsh advised the Sub-Committee that he had no difficulty with the basement not being part of the licensed area. Members of the

Club would be greeted in the lobby. A dining area was proposed on the ground floor which would be subject to the Council's model restaurant condition. There would also be a small bar area on the ground floor. The Sub-Committee was advised that there was a bar in existence already on the first floor and it was proposed to add a private dining area on the first floor.

Mr Walsh emphasised that there would not be a focus on sport or large screens as it was believed had been the case with the previous licence holder. In order that it was a bona fide members club it was proposed that there would be a condition on the premises licence that there would be a 24 hour delay period between applications for membership and an individual becoming a member. He added that it would not be a destination venue that the general public would be able to attend ad hoc. The Applicant was seeking pre-booked private functions which would have to be booked by members and managed in-house. There would be no external promoters.

Mr Nevitt on behalf of the Council's Environmental Health Department ("Environmental Health") stated that pre-application advice had been sought by the Applicant. He highlighted the fact that the premises had been closed for a couple of years and that Chesterfield Street is a quiet residential street. There was a risk that the re-opening of the premises would have an adverse impact on local residents. The benefit of the application was that the premises needed to be refurbished. Mr Nevitt drew the Sub-Committee's attention to the fact that the pre-application advice had recommended that the premises was run as a members club and that the hours of operation did not extend beyond the existing Club Premises Certificate. He commented that the Applicant had responded in accordance with the advice given. Environmental Health were maintaining their representation because the proposed hours of operations were beyond the Council's Core Hours policy. The capacity would be subject to a works condition but the expected maximum capacity of the premises was 120 to 150 with no more than 60 on the first floor and 50 in the dining area. Mr Nevitt also made the point that the Applicant had looked to address Appendix 11 of the Council's Statement of Licensing Policy. 1A Chesterfield Street was quite close to Curzon Street and the issue of whether the residents were impacted by the premises would largely depend on how the dispersal of the members was managed. He added that he did have some confidence in the Applicant's ability to manage the situation.

Mr Baylis, representing local residents, was given the opportunity to question the Applicant. In response to his question on the number of guests of members that was envisaged, Mr Walsh replied that his client was content with the Council's model condition which stipulated a maximum of four guests per member. Mr Baylis also asked what type of membership the Applicant was looking to attract. Mr Cros informed him that they were aiming to attract entrepreneurs and creative clientele of thirty years and over but would not discriminate. Mr Cros also confirmed that there would be a member of staff monitoring the entrance.

Mr Baylis on behalf of the residents expressed concerns regarding the application. He stated that Chesterfield Street is a very residential and quiet street. He had taken photographs which were shown to the Members of the Sub-Committee. He commented that these showed a very narrow pavement

width. A maximum of ten smokers outside, he believed, would potentially cause a public nuisance. There were high buildings in the narrow street which caused a canyon sound. He added that staff would be leaving after when the premises would close at 01:30. There was only one way out of the premises and he urged the Sub-Committee to grant Core Hours.

Local residents who had made representations addressed the Sub-Committee. Ms Gupta lives next door and expressed concerns regarding the potential for noise nuisance and the impact on her two young daughters. She stated that the buildings in the street had been built many years ago and it had been possible to hear music emanating when the premises had previously been open. She did not want to experience what had taken place at the premises before. The re-opening of the premises would ruin the essence of the street including the impact of intoxicated people.

Sir Nicholas Goodison stated that he was extremely concerned about the impact of the members club. He did not believe that the premises would necessarily be run in the same fashion as before which he added had been dreadful and had led him to write frequently to the Council about the operator's behaviour. Noise had emanated from the premises including as a result of music being played when windows were left open. Staff could be heard after closing time and residents' sleep had been adversely affected as a consequence. The premises had been let out for rowdy parties. He requested that further restrictions were placed on the premises licence and that cast iron assurances were given by the Applicant. He was concerned with issues at the location including vehicle congestion, access and also security in relation to the Saudi Embassy.

Ms Philion referred to the difficulties local residents had including that they could not install double glazing due to their properties being listed and in a conservation area. She queried what the other three storeys of the building would be used for that were not part of the application. She believed that the potential capacity of 150 people was too many in close proximity to residents. She echoed fellow residents' concerns regarding the application creating transport and parking problems in the street. Deliveries and collections she believed were likely to cause further noise and congestion.

The Sub-Committee asked a number of questions. In response Mr Walsh informed those present that the three floors above those featuring in the application were laid out for residential accommodation. They were not part of the application. In terms of the number of members of the club, Mr Cros stated that it was intended that there would be approximately 400-500 members. In response to concerns about the number of smokers permitted to be outside at any one time, Mr Walsh replied that the maximum of ten had been proposed by the Police prior to the withdrawal of their representation. However, his client was content with a smaller number such as a maximum of five. Mr Walsh referred to the fact that conditions had been agreed by the Applicant to limit the impact of litter and refuse collections, including no collections between 23:00 and 07:00. He re-iterated that there would be no external operators and that there would be a breach of the proposed condition if music emanated from the premises. If noise attenuation measures were required, the Applicant would carry these out.

Mr Walsh confirmed that there was no outside area within the demise of the premises and it was not intended to be part of the licensed area. The Embassy was at the back of the premises and there was plant equipment there. He stated that his client was content with the model condition being placed on the premises licence that there would be 48 hours' duration between an application for membership and an individual becoming a member. The Applicant was also content with the model condition being attached to the premises licence that gave a direct telephone number for the manager to local residents and businesses. Following a discussion on this point, Mr Walsh on behalf of his client agreed to commit to having the front entrance supervised at all times and to employ at least one SIA door supervisor at the entrance after 21:00 hours until after closing time and all the customers had dispersed.

Members of the Sub-Committee in reaching their decision were very aware of the special nature and character of the street and the fact it is highly residential. They were also conscious of the planning limitations in the conservation area that meant that residents were not able to mitigate any impact caused by a licensed establishment at this location,. Members considered carefully the conditions which were being attached to the licence in order to promote all four licensing objectives but with particular reference to the public nuisance objective. These included those that had been discussed at the hearing such as that after 21:00 hours, at least one SIA licensed door supervisor would be on duty at the entrance of the premises at all times whilst it is open for business and until customers disperse and that the maximum number of smokers outside at any one time would not exceed five. In the event that the robust conditions attached to the premises licence were not complied with, local residents would have the option to bring a review of the premises licence.

Despite some reservations about the location Members of the Sub Committee decided to grant the application accordingly. Although the Club Premises Certificate was currently suspended, it was noted that it could always be re-activated at any time and without the benefit of the conditions being imposed for the current application. Members decided to grant Core Hours as the application related to a proprietary members club rather than a Club Premises Certificate.

Other conditions attached by the Sub-Committee to the premises licence included there being a 48 hours interval between an application for membership and this being enacted. Also in the ground floor members' dining area marked on the plan, the supply of alcohol at the premises would only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal. The supply of alcohol in this area would be by waiter or waitress service only. The basement would not be used for licensable activities and a direct telephone number for the manager at the premises would be publicly available at all times the premises is open. This telephone number would be made readily available to residents and businesses in the vicinity.

It was agreed that Mr Walsh and Mr Baylis would meet after the hearing to discuss whether a suitable condition could be attached to the licence regarding there being no externally promoted events.

<b>2.</b>	<b>Sale by Retail of Alcohol (On and Off)</b>
	Monday to Saturday: 10:00 to 01:00 Sunday: 12:00 to 23:30
	Amendments to application advised at hearing:  None.
	Decision (including reasons if different from those set out in report):  The Sub-Committee granted Core Hours, subject to conditions as set out below (see reasons for decision in Section 1).
<b>3.</b>	<b>Late Night Refreshment (Indoors)</b>
	Monday to Saturday: 23:00 to 01:00 Sunday: 23:00 to 23:30
	Amendments to application advised at hearing:  None.
	Decision (including reasons if different from those set out in report):  The Sub-Committee granted Core Hours, subject to conditions as set out below (see reasons for decision in Section 1).
<b>4.</b>	<b>Seasonal Variations and Non Standard Timings</b>
	<u>Regulated Entertainment (recorded music), Sale by retail of alcohol, Late Night Refreshment (Indoors) and Opening Hours</u> <ul style="list-style-type: none"> <li>• From the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day.</li> <li>• Until 1am on Sundays immediately before Bank Holiday Mondays.</li> </ul>
	Amendments to application advised at hearing:

	None.
	Decision (including reasons if different from those set out in report):  The Sub-Committee granted Core Hours, subject to conditions as set out below (see reasons for decision in Section 1). Core Hours includes midnight on Sundays immediately prior to Bank Holiday Mondays.
<b>5.</b>	<b>Opening Hours</b>
	Monday to Saturday:                    10:00 to 01:30 Sunday:                                        12:00 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 Core Hours, subject to conditions as set out below (see reasons for decision in Section 1).

<b>Conditions attached to the Licence</b>	
<b><u>Mandatory Conditions</u></b>	
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. Alcohol may only be sold for consumption:

a) by members of a private club and their bona fide guests (not exceeding 4 guests per member). No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission

b) Persons attending a pre- booked and bona fide private function or event to which members of the public are not admitted. A register of persons attending the event shall be kept at the premises and made available for immediate inspection by police or an authorised officer of the Council.

10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
12. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
13. A Challenge 21 or Challenge 25 scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, passport or proof of age card with the PASS Hologram.
14. 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 regarding crime disorder
  - (d) any incidents of disorder
  - (e) any faults in the CCTV system
  - (f) any refusal of the sale of alcohol
  - (g) any visit by a relevant authority or emergency service.
15. 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.
16. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of the local residents and businesses and leave the area quietly.
17. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the need of local residents and use the area quietly.
18. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a

Sexual Entertainment Venue Licence.

11. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel; at its junction with the kerb edge, is swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
12. No collection of waste or recycling materials (including bottle) from the premises shall take place between 23:00 and 07:00 on the following day.
13. No deliveries to the premises shall take place between 23:00 and 07:00 on the following day.
14. All waste if to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. The licence shall have no effect until the works as set out in drawings appended to the application have been assessed as satisfactory by the Environmental Health Consultation Team, and this condition has been removed from the licence.
16. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.
17. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
18. No licensable activities shall be permitted in the basement of the premises.
19. In the ground floor members' dining area marked on the plan, the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
20. In the ground floor members' dining area marked on the plan, the supply of alcohol shall be by waiter or waitress service only.
21. 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.
22. After 21:00 hours, at least 1 SIA licensed door supervisor shall be on duty at the entrance of the premises at all times whilst it is open for business and until customers disperse.
23. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
24. **To be agreed between Stephen Walsh and Craig Baylis.**

**4 RAW AND BBQ BASEMENT AND PART GROUND FLOOR 11 BERKELEY STREET W1**

**LICENSING SUB-COMMITTEE No. 5**

*Thursday 21<sup>st</sup> April 2016*

Membership: Councillor Angela Harvey (Chairman), Councillor Jan Prendergast and Councillor Rita Begum

Legal Adviser: Horatio Chance  
Policy Adviser: Chris Wroe  
Committee Officer: Jonathan Deacon  
Presenting Officer: Ola Owojori

Relevant Representations: Letter in support from Heart of London Business Alliance, Environmental Health, 10 x residents objecting to application.

Present: Mr Stephen Walsh QC (representing the Applicant), Mr Alun Thomas (Solicitor, on behalf of the Applicant), Mr Keiran Terry (Operations Director, Samba Brands), Mr Adrian Studd (Independent Licensing Consultant), Mr Anil Drayan (Environmental Health), Mr Ned Westaway (Counsel, representing residents of 10 Berkeley Street), Mr Gordon Yeoman and Miss Irena Timofeeva (local residents of flats at 10 Berkeley Street), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project – on behalf of Mrs Jaleh Z and) and Mrs Jaleh Z and (local resident and Chairman of 17 Berkeley Street Residents Association).

<b>Raw And BBQ, Basement And Part Ground Floor, 11 Berkeley Street, W1 16/01829/LIPN</b>	
<b>1.</b>	<b>Regulated Entertainment (Recorded Music)</b>
	Monday to Saturday: 08:00 to 01:00 Sunday: 09:00 to 23:30
	Amendments to application advised at hearing:  None.
	Decision (including reasons if different from those set out in report):

The Sub-Committee initially heard from Mr Walsh, representing the Applicant. He stated that the application was for a fine dining restaurant which was in keeping with the Council's model restaurant condition, MC66. Customers would be met and greeted in the holding bar prior to being taken to their table. The main restaurant on the ground floor would be a raw meat and fish food bar. There would be a small service bar with some seating around the ground floor void area. It would be possible to look down through the void area to the basement area below where there was an open kitchen. The basement would consist of a seated servery with a more formal seating arrangement throughout the area. Mr Walsh explained that the Applicant was seeking to permit customers to have a drink in the holding bar prior to having a meal or after having the meal.

Mr Walsh referred to a document included in the report known as the 'Statement of Community Involvement' setting out the consultation process which had been undertaken at the instigation of the Applicant. Mr Walsh advised that there had been several meetings with stakeholders including residents' associations and a West End Ward councillor. A public exhibition with the proposals had been held over a two day period with twenty one attendees. Letters had been distributed to over 500 local residents and businesses. Mr Walsh commented that there had been broad support received for the proposals in the consultation process but that he appreciated that there were concerns set out in local residents' representations. He drew Members' attention to the acoustic report that had been commissioned and the Best Practice Management Plan which had informed the conditions which had been proposed and included the dispersal policy and the way the premises would be managed. The proposed conditions would include at least one SIA licensed door supervisor being on duty at the entrance of the premises at all times whilst it is open for business. Noise attenuation measures would include a double set of doors at the entrance. These would be self-closing and were designed to prevent internal noise escaping. Mr Walsh informed Members of the Sub-Committee that music would be played at a level suitable for a restaurant. There were conditions to restrict the hours for deliveries and collections and the overall maximum capacity for the basement and ground floor would not exceed 175 people.

Mr Walsh addressed the Sub-Committee on the Council's licensing policy. He referred to the fact that whilst 11 Berkeley Street was not in a designated cumulative impact area local residents did have concerns that the application would add to cumulative impact. He added that Ms Zand's representations had stated that "because Berkeley Street has all the characteristics of a CIPA, albeit one not officially designated, the stricter policy approach for areas of cumulative impact should be applied to this application". Mr Walsh accepted that a local resident could make the case that the cumulative impact was too great in an area and request that the application was refused. However, he wished to emphasise that it should not be the case that a 'stricter approach' should lead to a presumption to refuse the application as the Council had not included Berkeley Street in the designated cumulative impact areas in the current Statement of Licensing Policy published in January 2016. He commented that the application was for a restaurant outside Core Hours and should be considered accordingly on its own merits. The Statement of Licensing Policy sets out that restaurants

are less likely to be associated with crime and nuisance.

The Sub-Committee next heard from Mr Drayan on behalf of Environmental Health. Mr Drayan stated that the double doors to the entrance addressed his concerns regarding the potential for public nuisance. He had maintained his representation in order to assist the Sub-Committee and other parties at the hearing.

Mr Westaway set out the concerns of residents of 10 Berkeley Street. He stated that the question to consider was whether the granting of the application would have a negative impact on the licensing objectives. He expressed the view that it would. It was a substantial new premises for a capacity of 175 people on a street where residents were already experiencing significant issues. 11 Berkeley Street was not in a designated cumulative impact area but it was a 50 yard street saturated with licensed premises and it was a hotspot for problems in relation to crime and disorder, public nuisance created by patrons and traffic. Mr Westaway made the point that the granting of a new application would not only aggravate the issues which were already occurring in the street but would bring them a lot closer to the residents of 10 Berkeley Street. 11 Berkeley Street had previously been for office use. It was accepted by Mr Westaway that the Applicant had given some thought to the issues raised. However, he believed that Adrian Studd's report commissioned by the Applicant referred to very real issues with the area being very busy right through to 02:30 hours and noise, nuisance and disorder being observed in the area. He also drew Members' attention to the references in the Applicant's Management Plan to Berkeley Street 'currently experiencing some serious crimes as well as antisocial behaviour' and the problem of traffic being 'the cause of a lot of late night disturbance' including double and triple parking and illegal parking. Mr Westaway stated that in his opinion the Applicant putting forward measures would not be able to be effective in addressing or controlling any of the traffic issues.

Residents of 10 Berkeley Street addressed the Sub-Committee. Mr Yeoman stated that this was a street with four lanes. Two were used for parking and a further one was occupied by taxis later on in the week when the licensed premises were at their busiest. There was a massive traffic congestion issue when the one remaining lane was used by taxis. Mr Yeoman informed the Sub-Committee that there was continuous noise nuisance from horns being used from 22:00 onwards. This he said would be exacerbated when taxis collected or dropped off customers at 11 Berkeley Street. He expressed the view that up to another 175 people at any one time was more than Berkeley Street could bear.

Ms Timofeeva raised the point that the location of the premises was very near to the residents of 10 Berkeley Street. Several flats, including her residence, faced the windows of number 11. She had already been inconvenienced by construction works including during the early hours of the morning. She had concerns as to how the noise from the people at the bar and in the restaurant would be dealt with. The double doors at the entrance would assist but there were also other potential sources of noise including from the staff after the premises had closed. Ms Timofeeva queried whether with the various licensed premises in the street it was possible to limit the noise from people directly

outside including those smoking on the grounds of public nuisance.

Mr Westaway made the additional point that there would be noise from patrons leaving the premises again on the grounds of public nuisance. The restaurant would be located in a residential area and he added that he could not see any justification for the application to be granted beyond Core Hours.

In response to a question from Mr Westaway as to where smokers outside would be located, Mr Terry informed those present there was an area between two pillars outside the window bay. This was off the public highway. It was proposed that there would be a maximum of ten people in this area and this would be managed by the SIA doorman. Mr Terry also explained at this juncture that the proposed hours were sought for two sittings during the evening. One would be for diners between 19:00 and 20:00 which would conclude at 22:30 to 23:00. The second would be after 22:30 and 23:00. Mr Westaway commented that ten smokers was a lot. The combination of the smokers and the other people using the street would amplify the problems of noise and disorder. He also had concerns regarding people being able to see the bar from the street. Mr Terry advised that it was intended that the front window of the premises would be opaque. In response to a request for clarification by Mr Westaway as to whether the Applicant was still requesting the holding bar to be used both before and after a meal, Mr Walsh replied that the intention was to use it as a holding bar but that his client would like the flexibility of a customer having an aperitif before he or she leaves. He added that the concern could be addressed by the bar only being open within Core Hours.

Mr Walsh was asked to respond to the points made on behalf of the residents of 10 Berkeley Street in relation to parking. He commented that he believed that traffic lights did contribute to the congestion in the street. In terms of double parking, Mr Walsh stated that the Applicant was committed to having a member of staff outside to deal with this if it occurred. However, it was the Applicant's view that the nature of the establishment would not contribute to vehicular traffic in the same way as other premises in the street including the nightclub. Mr Terry added that a dedicated taxi company service was being offered to call a taxi for a customer should it be requested. The customer would be alerted straight away in order to limit the potential for congestion. Mr Westaway reiterated that it was the view of residents that the double parking and noise and nuisance of vehicles would not be practically addressed by the measures the Applicant proposed to take which would not be promote the public nuisance objective. Mr Drayan referred to the pre-application advice that he had given the Applicant including that they become part of the Berkeley Street monitoring scheme. It would take a combined effort to address issues outside the premises in the street. Mr Walsh confirmed that his client was content to play an active part in the monitoring scheme and contribute financially to it when deemed necessary by the participants.

Mr Brown addressed the Sub-Committee on behalf of Ms Zand, Chairman of 17 Berkeley Street Residents Association. He brought to Members' attention that Ms Zand had been instrumental in establishing the Berkeley Street Monitoring Group. The Group had been set up to respond to issues which residents and businesses had raised in respect of existing premises. Mr Brown stated that Ms



Zand's primary concern was the saturation of licensed premises and the resulting cumulative impact. This had led in her view to serious problems of crime and disorder and public nuisance. Ms Zand had included within her representation a table setting out the late night licences in Berkeley Street and its immediate vicinity. She had concluded that by her calculations the grant of licences or those coming back into use amounted to an increase of over 1000 people. Another licensed establishment, particularly one operating past 23:00 would undoubtedly exacerbate the existing problems.

Mr Brown stated that Ms Zand had made the point in her written representation that even though 11 Berkeley Street was not in the cumulative impact area, a stricter policy approach was required. He accepted that there should be no policy presumption against the application and this was particularly as even if the premises had been located in a designated cumulative impact area, it was a restaurant. Ms Zand was requesting that in keeping with 2.1.6 of the Statement of Licensing Policy, the effect of the grant of any licence or the variation of a licence would be considered in relation to evidence of cumulative impact on the licensing objectives. Mr Brown commented that whilst applications were considered on their merits, these included the local context. An application could not be judged purely in isolation. Cumulative impact was a negative impact on the licensing objectives by a large number of premises. Ms Zand was objecting to the grant of the application on the grounds that there would be an addition to cumulative impact regardless of the hours permitted. Mr Brown added that if Members were minded to grant the application the impact would be amplified after Core Hours. It would be easier for people to disperse via public transport within Core Hours. Mr Brown informed Members that Ms Zand also wanted to avoid customers migrating to other premises in Berkeley Street as part of a night out which would allow public nuisance to continue until later in the locality.

The Sub-Committee asked whether the Applicant would consider reducing the number of smokers from a maximum of ten outside the premises at any one time. Mr Walsh and Mr Thomas offered that after Core Hours this would be reduced to a maximum of five. Mr Terry added that the ropes and poles used to designate the smoking area would be easy to remove and put in as necessary.

Mr Wroe in his capacity as Policy Advisor clarified the position regarding the cumulative impact areas. The Council had revised its Statement of Licensing Policy, having consulted widely, and this had been published in January 2016 and was now in operation. It had been a two part process. The first part had been to bring it up to date in terms of its alignment with the changes which had taken place in terms of government guidance and physical changes within Westminster. These changes had concluded and been incorporated into the Statement. The second part of the review was to examine whether or not the existing cumulative impact area boundaries were appropriate and whether or not there were other areas of the borough where special policies should apply. That part of the revision is ongoing. No conclusion had been reached on whether this area in question was appropriate to be the subject of special policies.

The Sub-Committee noted the acceptance of all parties that there had been a

rise in public nuisance and anti-social behaviour in the neighbourhood which was linked to the already large concentration of premises in Berkeley Street. Whilst the application did not fall in one of the Council's designated cumulative impact areas and it was the case that there should be no presumption against the application, the Sub-Committee had carefully assessed the likely impact of granting the application on the licensing objectives. The application could not be considered purely in isolation and in the event that it was granted beyond Core Hours, there would be a greater impact from the premises at a location which was next door and in close proximity to a significant number of residents. There were clear problems in the street outside the premises as identified by the residents and their representatives in the written representations and at the hearing. Customers would be leaving at a similar time following the second sitting of the evening at the restaurant. The later they left or smoked outside the premises, the more likely it was that residents would be adversely affected and public nuisance would occur. The Sub-Committee felt that in the circumstances, it was therefore proportionate, appropriate and necessary to grant Core Hours for the application.

When informing those present of the conditions being attached to the premises licence, the Sub-Committee referred to the fact that the use of the bar area after a meal required an exception to the Council's policy. This had been permitted because of the application being granted to Core Hours. An amended condition was attached to the premises licence that a maximum of four customers at anyone time would be permitted to temporarily leave and then re-enter the premises, e.g. to smoke. Additional conditions attached to the licence included that patrons permitted to temporarily leave and then re-enter the premises to smoke would be restricted to the designated smoking area as defined on the licensed plan and that the front window to the premises would be opaque to prevent the potential for the bar to be seen from the street. The conditions proposed by the Berkeley Street Monitoring Group were attached to the licence, including as agreed to by the Applicant, support would be given to the Berkeley Street monitoring scheme that may exist including a material financial contribution to any paid for enforcement scheme. The Applicant was also content to have a dedicated taxi company service.

An amended plan would be submitted by the Applicant which would illustrate the double door at the front entrance, the 'meet and greet' area and the designated smoking area at the front of the premises. The Sub-Committee welcomed the fact that the Applicant had taken steps to consult the community as set out in the Statement of Community Involvement document and Members expressed the hope that the Applicant would continue to engage closely with residents in that dialogue.

**2. Late Night Refreshment (Indoors)**

Monday to Saturday:	23:00 to 01:15
Sunday:	23:00 to 23:30

Amendments to application advised at hearing:

	None.
	Decision (including reasons if different from those set out in report):  The Sub-Committee granted Core Hours for the application, subject to conditions as set out below (see reasons for decision in Section 1).
<b>3.</b>	<b>Sale by retail of alcohol (On and Off)</b>
	Monday to Saturday:                      08:00 to 01:00 Sunday:                                        09:00 to 23:30
	Amendments to application advised at hearing:  None.
	Decision (including reasons if different from those set out in report):  The Sub-Committee granted Core Hours for the application, subject to conditions as set out below (see reasons for decision in Section 1).
<b>4.</b>	<b>Seasonal Variations and Non Standard Timings</b>
	<u>Regulated Entertainment (recorded music), Sale by retail of alcohol and Opening Hours</u>  <ul style="list-style-type: none"> <li>• From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</li> <li>• 09:00 – 00:00 on Sunday before Bank Holiday Mondays.</li> </ul> <u>Late Night Refreshment (Indoors)</u>  <ul style="list-style-type: none"> <li>• From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</li> <li>• 23:00 – 00:00 on Sunday before Bank Holiday Mondays.</li> </ul>
	Amendments to application advised at hearing:  None.
	Decision (including reasons if different from those set out in report):  The Sub-Committee granted Core Hours for the application, subject to conditions as set out below.

<b>5.</b>	<b>Opening Hours</b>
	Monday to Saturday: 08:00 to 01:15 Sunday: 09:00 to 23:30
	Amendments to application advised at hearing:  None.
	Decision (including reasons if different from those set out in report):  The Sub-Committee granted Core Hours for the application, subject to conditions as set out below.

**Conditions attached to the Licence**

**Mandatory Conditions**

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

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
7. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for

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

- (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

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

Where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,

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

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

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

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

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

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

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

### **Additional Conditions**

10. The premises shall operate as a restaurant:

- i) In which customers are shown to their table
- ii) Where the supply of alcohol is by waiter or waitress service only,
- iii) Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
- iv) Which do not provide any take away service of food or drink for immediate consumption,
- v) Which do not provide any take away service of food or drink after 23:00, and
- vi) Where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking a substantial table meal there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

11. Notwithstanding condition 10 above, alcohol may be sold to and consumed by up to a maximum of 25 persons in the holding bar area hatched red on the plan, prior to and after their meal.
12. At least 1 SIA licensed door supervisor shall be on duty at the entrance of the premises at all times whilst it is open for business.
13. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
14. A staff member from the Premises who is conversant with the operation of the CCTV system shall be on the Premises at all times when the Premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
15. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
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. It must be completed within 24 hours of the incident and 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, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol any visit by a relevant authority or emergency service.
  - (h) any visit by a relevant authority or emergency service.
17. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered



without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

18. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
19. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
20. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
21. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 4 persons at any one time.
22. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke shall not be permitted to take drinks or glass containers with them.
23. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
24. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
25. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 08:00 hours on the following day.
26. Deliveries to the premises shall only take place between the hours of 07:30 and 12:00 (midday) Monday to Saturday and between 09:00 and 12:00 Sundays and Bank Holidays.
27. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises and that this area shall be swept and or washed and litter and sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
28. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
29. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow,

directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises. The distribution of leaflets or similar promotional material is also prohibited within the specified area.

For the purpose of this section,

'Directly' means:- employ, have control of or instruct.

'Indirectly' means allowing / permitting the service of or through a third party.

'Specified' Area' means the area encompassed within (insert name of boundary roads.)

30. The number of persons permitted within the premises at any one time (excluding staff) shall not exceed:
  - Basement [x – to be determined by the Environmental Health Consultation Team]
  - Ground floor [x – to be determined by the Environmental Health Consultation Team]Subject to an overall maximum of 175 persons at any one time.
31. The Licence will have no effect until the works shown on the plans appended to the application (or as subsequently amended) have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
32. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to the designated smoking area as defined on the licensed plan.
33. The front window of the premises shall be opaque.
34. Support shall be given to the Berkeley Street monitoring scheme that may exist including a material financial contribution to any paid for enforcement scheme.
35. The licence holder shall enter into an agreement with a hackney carriage and / or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
36. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity. If the manager changes then the name and contact number shall be distributed as soon as possible.
37. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
38. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area

where the premises are situated.

## 5 THE CLIFTON 96 CLIFTON HILL NW8

### LICENSING SUB-COMMITTEE No. 5

Thursday 21<sup>st</sup> April 2016

Membership: Councillor Angela Harvey (Chairman), Councillor Jan Prendergast and Councillor Rita Begum

Legal Adviser: Horatio Chance  
Policy Adviser: Chris Wroe  
Committee Officer: Jonathan Deacon  
Presenting Officer: Ola Owojori

Relevant Representations: In support – 52 x residents and representation from 72 interested parties

Objections - Environmental Health, 10 x residents (a copy of one of the representations was signed by 86 other residents).

Present: Mr Niall McCann (Solicitor, representing the Applicant), Mr Alun Thomas (Solicitor, on behalf of the Applicant), Mr Ben Robson and Mr Ed Robson (Applicant Company), Councillor Lindsey Hall (representing Mr Maxwell Owusu Koduah and Mr Anil Drayan (Environmental Health), Mr Andrew Woods (Counsel, representing residents objecting to application), Mr John Harrison, Mr Simon Aron and Mr Simon Blackford (local residents objecting to application)

<b>The Clifton, 96 Clifton Hill, NW8 16/01702/LIPN</b>	
<b>1.</b>	<b>Late Night Refreshment (Indoors)</b>
	Monday to Saturday: 23:00 to 23:30
	Amendments to application advised at hearing:  None.
	Decision (including reasons if different from those set out in report):  Prior to the hearing the Applicant's Representative, Mr McCann, produced a written statement of his clients' case. The Sub-Committee also received the

views of Mr McCann and Mr Woods, representing the Clifton Hill Residents Group (local residents who had particular concerns about the application). Mr McCann commented at the hearing that it was his understanding that the residents Mr Woods was representing were not requesting that the application was refused but that specific conditions were attached to the premises licence.

Mr McCann stated that there had been a pub at the premises for a very long time until it was closed in 2013. The current landlord had intended to achieve a change of planning use and develop the premises into a single dwelling house. The planning application was rejected and ultimately The Clifton was given Asset of Community Value status which protects the premises' use as a pub. He added that whilst good quality food would be served, the Robson brothers wished to run The Clifton as a pub and not a restaurant. The proposed hours of operation which were less than the Council's Core Hours policy were the same as those on the previous licence. He commented that it was possible when referring to the plans that the microbrewery concept would not be taken forward.

Mr McCann explained that the pub needed to be renovated. There would be an improvement in comparison with the previous incarnation of the premises in that there would be improved conditions on the premises licence, a superior layout and soundproofing. He also referred to the consultation that his clients had carried out with the local community. He made the point that there was significant support for the venture, as demonstrated in the many representations in favour. He appreciated that there were some concerns but ultimately the Robsons were keen that local residents were patrons of The Clifton.

In terms of the proposed conditions, Mr McCann stated that a number of proposed conditions had been agreed with Environmental Health in the event that the Sub-Committee was minded to grant the application. The Applicant was seeking that deliveries and waste collections take place between 23:00 and 08:00 on each day of the week. Mr McCann expressed the view that he could understand if the residents wanted more flexibility on Sundays in terms of these hours. Mr McCann made the point that a condition had been agreed with Environmental Health that alcohol would not be consumed in the beer garden after 22:00. He added that he was not aware of issues at the premises previously when it had been the case that there had been no restrictive condition on the licence. The Applicant wished to avoid the patrons in the beer garden having to be seated and served by waiter or waitress as requested by the Clifton Hill Residents Group. This would increase staff costs and would be akin to a restaurant.

Mr McCann wished to emphasise that certain conditions proposed by Clifton Hill Residents Group such as that there would be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises suggested that the premises would be a nightclub. He stated this was not the case as the Applicant was not proposing to have regulated music. Windows and doors would be closed after 21:00. He added that his clients would not be bringing in people en masse from Lords. The Applicants did not consider that there was a requirement for a door supervisor when a major sporting event was taking place at Lords Cricket Ground although they would be content to undertake a risk assessment in that respect. They also requested that a blanket

ban was not put on cooking outside.

Councillor Hall addressed the Sub-Committee on behalf of the St John's Wood Society. She referred to the history of the premises and the significant community support for the premises remaining a pub. The Council had found in favour of the premises becoming an Asset of Community Value. She stated that there was support for the Robson brothers as premises licence holders as they had a good track record, were enthusiastic and had consulted residents. The Application was for less than Core Hours and Councillor Hall concurred with Mr McCann's view that it was important not to put such restrictive conditions on the premises licence that it would affect the viable running of The Clifton.

Mr Koduah and Mr Drayan for Environmental Health confirmed that the premises had to operate as a pub and that they had agreed a number of conditions with the Applicant including collection and delivery times. Environmental Health had not agreed the proposed conditions of the Clifton Hill Residents Group that 'flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties and any lighting will be low level lighting' as there were concerns about how practical it was to enforce it and there were other provisions to assess whether it was a statutory nuisance or not. Environmental Health had also not agreed the Residents Group's noise limiter condition as only background music would be played at The Clifton. Mr Drayan stated that Environmental Health did not believe that a SIA door supervisor was needed on the grounds that The Clifton was not that close to Lords and there had been no recorded complaints of public nuisance. Officers were of the view that it was not proportionate to require food and drink in the outside area to be served by waiter or waitress only or to prevent food being cooked in the outside area of the premises. It was possible that if a barbeque was held outside every day during the Summer it could cause nuisance. However, it was possible to re-heat pre-cooked food in the outside area without this causing a nuisance to local residents. The Applicant would need to ensure that if there was cooking outside it was done in such a way that it did not cause issues to local residents as amplified in those particular objections.

Mr Woods on behalf of the Clifton Hill Residents Group stated that he was representing the residents that were most likely to be affected by the application. He emphasised that the area was exceptionally residential and that Clifton Hill is a very quiet road. Residents' particular concern was the use of the outside area at The Clifton and deliveries. He added that it had been the case that local residents had complained to the previous landlord and landlady, including issues at the front of the property. It was correct to state that there had been no formal complaints to the Noise Team. Mr Woods confirmed that residents did not want to prevent a pub operating at 96 Clifton Hill but wanted appropriate conditions attached to the premises licence.

Mr Woods on behalf of the Clifton Hill Residents Group commented that the description of the front of the premises as a beer garden was incorrect. It was more appropriate to call it a "front patio". Residents were concerned that they would hear talking from patrons in the front area in their houses. It had been used by the previous operators and had adversely affected residents. Mr Woods in addition to requesting that the front area was not used after 21:00, asked that

patrons were seated in order to limit the number of patrons and the potential for public nuisance. He also requested that the food and drink was served by waiter or waitress. Mr McCann wished to make the point at this juncture that the beer garden was hidden behind bushes and there would be tables and chairs in this area.

Mr Woods stated that noise from collections and deliveries or removal of waste would be easily heard by residents and they would be disturbed if these took place as late as 23:00 hours or as early as 08:00. The residents were seeking no collections of waste or recycling materials and no deliveries between 21:00 and 09:00 on the following day and between 21:00 and 10:00 on Saturdays, Sundays and Bank Holidays. Mr Woods, when addressing Members on the remaining conditions, clarified that he did believe there should be a 'no advertisements promoting the establishment' condition and also a 'no payment to any person for bringing customers to the premises' condition because there was the potential for patrons to be brought to The Clifton from Lords Cricket Ground. He informed Members that it was not a vital condition but residents did seek SIA registered door staff to be on duty when there was a major sporting event at Lords. Mr Woods added that he was sure his clients would have good relations with the Robsons but that it should not be necessary for residents to have to complain in the event of being inconvenienced by noise.

The Sub-Committee also heard from the local residents being represented by Mr Woods. Mr Harrison referred to Clifton Hill being a quiet, residential area. He did not object to the idea of a pub. However, the previous operation had created issues. It had been a destination area for patrons from Lords and it needed to be supervised and properly managed. There had been a problem with outside cooking by the previous operators. Congestion was caused in a narrow street by delivery vehicles and those driving to The Clifton. Mr Harrison had been concerned at the lack of consultation from the current Applicant but wished the Robson brothers well with running the pub.

Mr Aron described in some detail patrons speaking outside the pub as a canyon effect. Patrons could not be seen behind the bushes but they could be heard. He had found it necessary to complain to the landlord. A large number of patrons came to the pub on event days at Lords and Mr Aron expressed the view that a SIA security person was therefore required. The previous operators had carried out outside cooking and brought large screens outside. Residents were content with the outside area being used until 21:00.

Mr Blackford informed Members that he supported Mr Jaspert's representation that his young daughter would be affected by use of the premises late in the evening. His biggest concern was the numbers outside in the front area. Collections of bottles would, he believed, also be noisy. Larger vehicles would be a particular issue in the evenings, potentially giving rise to public nuisance.

Mr Drayan, having heard the comments made, stated that Environmental Health tended to agree a terminal hour for the use of the outside area until 23:00. Where residents lived close by, officers tended to advise an earlier time which had led to the agreement with the Applicant of 22:00. He believed that 21:00 was more appropriate given that he had become aware that residents had made

complaints in the past. He advised that if the microbrewery was operated it would need to comply with the condition that no fumes, steam or odours would be permitted to be emitted from the licensed premises so as to cause a nuisance to residents in the area.

Mr McCann responded to some of the points that had been made by residents and also on their behalf. There would be no TVs or outside screens in the outside area. This area would be regularly patrolled and managed. The Applicant had agreed a terminal hour of 22:00 for the outside area with Environmental Health when there had been no condition on the previous licence for the premises. He expressed the view that it was down to management of the area by staff because there were appropriate numbers to be able to do so. If there was a problem the Applicant would voluntarily lessen its hours of use outside and if not would expect to face a review of the premises licence. There would be no leafleting relating to the pub when events took place at Lords.

A designated smoking area was discussed. It had not been designated when the previous licence had been in operation. There were some residents who were concerned that a smoking area to the rear of the premises would adversely affect them and others who were concerned that smokers at the front of the premises would adversely affect them. The Sub-Committee was advised by the Applicants that if a rear area for smoking was used it would mean walking through the conservatory and residents were worried about noise escape when this happened. Environmental Health recommended limiting the smokers to five later in the evening. Mr McCann requested that a maximum of 10 smokers later in the evening was permitted.

The Sub-Committee gave careful consideration to all the points made on behalf of the various parties who had made representations both in writing and at the hearing. Members of the Sub-Committee in reaching their decision, noted that The Clifton had been designated an Asset of Community Value as a pub. They also noted that representations were not seeking the refusal of the application. In assessing how The Clifton would impact on the neighbourhood, Members took into consideration that the Applicant had sought less than Core Hours and that it was not located in a designated cumulative impact area. In granting the application, it was important to impose conditions that created a balance ensuring the successful operation of the pub but also being mindful of the fact that local residents could suffer public nuisance as a consequence.

The Sub-Committee considered that management had to be given the opportunity to run the premises properly in accordance with the promotion of the four licensing objectives. . The Applicant would be required to ensure that staff did in particular monitor the outside area effectively so that a public nuisance was not caused. Should management fail to do so, then local residents would have the ability to request a review of the premises licence. The Applicant had, in discussions with Environmental Health, agreed conditions which had not been on the previous premises licence for The Clifton. These included a terminal hour for the use of the beer garden by customers of 22:00. This had been a compromise based on a recognition that residents are in close proximity to the pub and it was considered that 22:00 was a suitable cut off time for licensable activities to cease in that area. The Sub-Committee whilst noting Environmental

	<p>Health's subsequent advice considered that 22:00 was an appropriate terminal hour for licensable activities in the outside area. The Sub-Committee decided that patrons permitted to temporarily leave and then re-enter the premises building after 22:00 hours to smoke would be restricted to a designated smoking area defined as being immediately outside the lobby entrance to the premises as far as the building line. This would be limited to a maximum of five people. This was with the purpose of minimising the impact on residents. Members did not consider it proportionate to require the Applicant to have patrons seated and served by waiter or waitress in the outside area. With the ability to run the premises as a pub, however, came a responsibility to promote the licensing objectives and manage the patrons effectively. A condition was not imposed requiring a door supervisor when events were held at Lords. The Applicant would be expected to be responsible in terms of any outside cooking as recommended by Environmental Health.</p> <p>The Sub-Committee also gave careful consideration to timings for deliveries and collections. Members considered that it was appropriate and proportionate for these not to take place from Monday to Friday between 22:00 hours and 08:00 hours the day following. There would be additional respite for residents on Saturdays, Sundays and Bank Holidays when deliveries and collections would not take place between 22:00 hours and 09:00 hours the day following.</p> <p>The Sub-Committee did not impose any conditions relating to music inside the premises, as recommended by Environmental Health, as recorded music had not been applied for. The Applicant had agreed a condition proposed by Clifton Hill Residents Group that 'recorded music, live music, radio, television or other form of noise-producing device or noise producing activity or entertainment whatsoever shall be permitted in the outside area' and this was attached to the premises licence.</p>				
<b>2.</b>	<b>Sale by retail of alcohol (On and Off)</b>				
	<table> <tr> <td>Monday to Saturday:</td> <td>10:00 to 23:00</td> </tr> <tr> <td>Sunday:</td> <td>12:00 to 22:30</td> </tr> </table>	Monday to Saturday:	10:00 to 23:00	Sunday:	12:00 to 22:30
Monday to Saturday:	10:00 to 23:00				
Sunday:	12:00 to 22:30				
	<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 the application, subject to conditions. The use of the beer garden at the front of the premises was permitted until 22:00 (see reasons for decision in Section 1).</p>				
<b>3.</b>	<b>Opening Hours</b>				
	<table> <tr> <td>Monday to Saturday:</td> <td>10:00 to 23:30</td> </tr> <tr> <td>Sunday:</td> <td>12:00 to 23:00</td> </tr> </table>	Monday to Saturday:	10:00 to 23:30	Sunday:	12:00 to 23:00
Monday to Saturday:	10:00 to 23:30				
Sunday:	12:00 to 23:00				



	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>

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

#### **Mandatory Conditions**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;

- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

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

Where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which

there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

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

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

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

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

#### **Additional Conditions**

9. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

10. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly

12. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS hologram.

13. 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.

14. No rubbish, including bottles, shall be moved, removed or placed in outside areas on Monday to Friday between 22:00 hours and 08:00 hours the day following and on Saturdays, Sundays and Bank Holidays between 22:00 hours and 09:00 hours the day following.

15. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

16. 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 and the outside area will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

17. 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.
18. 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.
19. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
  - a. all crimes reported to the venue
  - b. all ejections of patrons
  - c. any complaints received concerning crime and disorder
  - d. any incidents of disorder
  - e. all seizures of drugs or offensive weapons
  - f. any faults in the CCTV system or searching equipment or scanning equipment
  - g. any refusal of the sale of alcohol
  - h. any visit by a relevant authority or emergency service.
20. There shall be no self-service of alcohol.
21. There shall be no striptease or nudity, and all persons shall be decently attired at all times unless the premises are operating under the authority of a Sexual Entertainment Venue Licence.
22. During the hours of operation of the premises, the licence holder shall each day ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
23. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
24. The Beer Garden shall not be permitted to be used by customers after 22:00

hours.

25. The windows at the front of the premises shall not be used as a hatch for the serving of food or drinks.
26. All windows and external doors shall be kept closed after 21:00 hours except for the immediate access and egress of persons.
27. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
28. After 22.00 hours patrons permitted to temporarily leave and then re-enter the premises building, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
29. After 22:00 hours patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.
30. Patrons permitted to temporarily leave and then re-enter the premises building after 22:00 hours to smoke shall be restricted to a designated smoking area defined as being immediately outside the lobby entrance to the premises as far as the building line.
31. During the hours of operation of the premises, the licence holder shall each day ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
32. No collections of waste or recycling materials (including bottles) from the premises shall take place on Monday to Friday between 22:00 hours and 08:00 hours the day following and on Saturdays, Sundays and Bank Holidays between 22:00 hours and 09:00 hours the day following.
33. No deliveries to the premises shall take place on Monday to Friday between 22:00 hours and 08:00 hours the day following and on Saturdays, Sundays and Bank Holidays between 22:00 hours and 09:00 hours the day following.
34. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
35. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
36. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.

37. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
38. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
39. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
40. No licensable activities shall take place at the premises until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and at which time this condition has been shall be removed from the Licence by the Licensing Authority.
41. Before the premises open to the public, the plans as 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 during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
42. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the Police or an authorised officer of the City Council at all times whilst the premises is open.
43. No recorded music, live music, radio, television or other form of noise-producing device or noise producing activity or entertainment whatsoever shall be permitted in the outside area.

## **6 LADBROKES 25 ARGYLL STREET, W1**

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

*Thursday 21<sup>st</sup> April 2016*

Membership: Councillor Angela Harvey (Chairman), Councillor Jan Prendergast and Councillor Rita Begum

Legal Adviser: Horatio Chance  
Policy Adviser: Chris Wroe  
Committee Officer: Jonathan Deacon

**Ladbrokes, 28 Argyll Street, W1  
16/00086/LIREVG**

**The application was adjourned.**

