



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (1)** Committee held on **Thursday 9th June, 2016**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

Members Present: Councillors Tim Mitchell (Chairman), Nick Evans and Murad Gassanly

1 MEMBERSHIP

There were no changes to the membership.

2 DECLARATIONS OF INTEREST

There were no declarations of interests.

3 SAINSBURYS SUPERMARKETS LIMITED, GROVE HOUSE, 88-94 WESTBOURNE GROVE, W2

LICENSING SUB-COMMITTEE No. 1

Thursday 9th June 2016

Membership: Councillor Tim Mitchell (Chairman), Councillor Nick Evans and Councillor Murad Gassanly

Legal Adviser: Horatio Chance
Policy Adviser: Chris Wroe
Committee Officer: Tristan Fieldsend
Presenting Officer: David Sycamore

Relevant Representations: Environmental Health, Metropolitan Police, one local resident and the South East Bayswater Residents Association.

Present: Mr Robert Botkai (Solicitor, Representing the Applicant), Joanne Surguy (Licensing Manager, Representing the Applicant), Mr Dave Nevitt (Environmental Health) Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing a local resident), PC Brian Lewis (Metropolitan Police) and Mr John Zamit

**Sainsburys Supermarkets Limited, Grove House, 88-94 Westbourne Grove
16/03507/LIPN**

1. Off Sale by Retail of Alcohol

Monday to Sunday: 07:00 – 23:00

2. Hours Premises are Open to the Public

Monday to Sunday: 07:00 – 23:00

Amendments to application advised at hearing:

None

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

The Sub-Committee considered an application by Sainsburys Supermarkets Limited for a new premises licence in respect of a Sainsburys Supermarket located at 88-94 Westbourne Grove.

The Licensing Officer provided an outline of the application to the Sub-Committee. It was explained that the existing Sainsburys store would be demolished and this application was intended to replace the current licence.

All parties were invited to make representations to the Sub-Committee in relation to the application. The parties responded to members' questions and were given an opportunity to ask questions of each other.

Mr Botkai, representing the applicant, advised the Sub-Committee that this was an application for a new licence and whilst the hours for the sale of alcohol were outside core hours it would only replicate what was on the current licence. It was proposed to also add extra conditions to the licence in order to make it more restrictive than it currently was. It was noted that the landlord had obtained planning permission to redevelop the building and the existing store would close in three months' time for approximately two years. The new store would be similar in size with no increase in retail space and the redevelopment would provide a more modern experience for customers.

It was explained that three conditions relating to an age verification policy and staff training were not in the report before the Sub-Committee and it was proposed to include these in a new licence along with extra conditions agreed with the Police regarding the Notting Hill Carnival.

It was recognised that the premises was located in a cumulative impact area and Mr Botkai drew the Sub-Committee's attention to paragraph 2.4.6 of Westminster City Council's Statement of Licensing Policy ("SLP"). This described circumstances where exceptions may be granted and it was felt this application fitted into that criteria.

Representations had been received from local residents and it was suggested some of these had arisen through a misunderstanding regarding various planning conditions imposed on the new building. It was explained that these conditions did not apply to the current licence but would have to be complied with when the new licence came into operation. The applicant was aware that better communication with the local residents was required and it was hoped this could be achieved in the following three months going forward. The Sub-Committee was also advised that there had been no evidence of breaches on the current licence.

In response to a question Mr Botkai explained that it was applying for sales of alcohol outside of the core hours as its current licence already permitted it to do so and it would like to replicate this on the new licence. Only small amounts of alcohol were sold outside of core hours but it was proposed to continue to provide it otherwise sections of the premises would have to be closed off whilst the premises was still trading, leading to logistical problems.

PC Brian Lewis of the Metropolitan Police ("The Police") addressed the Sub-Committee and highlighted that they were seeking core hours to be imposed on the licence as this was not an exception to policy and therefore paragraph 2.4.6 of the SLP did not apply. It was suggested no evidence had been provided showing that granting the new licence would lessen the impact in a cumulative impact area.

The Police also advanced the argument that selling alcohol at 07:00 hours could potentially encourage problem drinkers to frequent the premises and exacerbate any existing social issues in the area.

Mr Chris Wroe, Licensing Policy Officer, provided the Sub-Committee with clarification regarding paragraph 2.4.6 of the SLP. It was advised that it did not apply to off licences and therefore there was no requirement for applications to prove against the policy and as such there was no presumption against granting a licence. Generally core hours were granted and anything beyond this would be judged on its merits.

Mr Dave Nevitt confirmed that Environmental Health's representation was maintained due to the residents' concerns over deliveries to the premises. It was recognised that the application was similar to the current licence in operation for which there had been no reported problems to date. The applicant had agreed the conditions recommended regarding the Notting Hill Carnival and Environmental Health's minor concerns related to deliveries and the noise disturbance this caused residents.

Mr Brown of the Citizens Advice Bureau advised that a local resident's property overlooked the area where deliveries to the premises took place and was particularly affected by the noise disturbance. The Sub-Committee was shown photographs of deliveries taking place in the early hours of the morning. It was requested that if the Sub-Committee was minded to implement conditions on the licence they did not mirror the planning conditions imposed already as the planning regime was separate to licensing. It was also highlighted that selling alcohol at 07:00 hours was very early for a premises in a cumulative impact

area.

Mr John Zamit, Chairman of the South East Bayswater Residents Association, explained the premises had offices located above it, residential properties to the left and right of it and currently a large forecourt to the front. The forecourt was used for deliveries and the collection of waste and recycling and it was these operations which caused considerable noise nuisance to residents. The redevelopment of the building would result in the loss of the large forecourt therefore considerably decreasing the size of the delivery area and potentially exacerbating the existing problem. Sainsburys had not contacted any residents regarding the application for a new licence and it was hoped better channels of communication could be established in the future. Regarding the hours for the sale of alcohol it was suggested other premises did not sell alcohol from as early as 07:00 and allowing Sainsburys to do so could potentially set a precedent in the area. Therefore, it was suggested alcohol be sold from 08:00 to 23:00 Monday to Saturday and from 10:00 to 22:30 on Sundays.

Mr Botkai commented that with regards to paragraph 2.4.6 of the SLP whilst it did not apply to off licences it was still a helpful reference point. Residents were encouraged to contact Sainsburys if they had any issues but it was highlighted that only one resident had objected to the application. The Sub-Committee was reminded that no conditions had been breached on the current licence and efforts would be made to address the concerns raised.

The Sub-Committee confirmed that it had considered in detail the two main issues concerning the new application, namely the hours relating to the sale of alcohol and the issues over deliveries and collections to the premises. It was recognised that the application was in a cumulative impact area, however the SLP highlighted that as it was for off sales of alcohol there was no presumption against granting the licence. The Sub-Committee also felt that there had been no evidence provided to suggest that the existing hours for the sale of alcohol were creating any issues and as such it was advised that these would be granted as proposed.

The servicing of the store was a concern to the Sub-Committee though and there was evidence that it was causing noise disturbance to local residents. It was felt that the reduction in the size of the forecourt through the redevelopment of the premises had the potential to exacerbate the issues already existing for the delivery of goods and the collection of refuse and recyclables. As such the Sub-Committee felt it was appropriate and proportionate to include three model conditions limiting when servicing of the store could take place. Additional conditions concerning the Notting Hill Carnival agreed between the applicant, the licensing team and the Police were also deemed appropriate and proportionate.

For these reasons, and with the addition of extra conditions addressing the concerns raised, the Sub-Committee therefore granted the application.

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.

Conditions Consistent with the Operating Schedule

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of

recent CCTV images or data with the absolute minimum of delay when requested.

11. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the trading area of the premises (and for the avoidance of doubt this does not include the alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by customers.

12. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.

13. There shall be no self-service of spirits except for spirit mixtures with an ABV not exceeding 5.5% ABV

14. There shall be no sale of beer, lager or cider with an ABV content of 5.5% ABV or above save for premium products which have been agreed with the police (email authority will suffice).

15. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) any complaints received concerning crime and disorder
- (c) any incidents of disorder
- (d) any faults in the CCTV system
- (e) any refusal of the sale of alcohol
- (f) any visit by a relevant authority or emergency service.

16. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

17. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

18. The premises licence holder will at all times maintain adequate levels of staff and security. Such staff and security will be disclosed, on request, to the licensing authority and police.

19. Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.

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

Conditions Attached After a Hearing by the Licensing Authority

21. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or a photo card driving licence bearing a holographic mark or other form of identification bearing the customer's photograph, date of birth and the Proof of Age Standards Scheme (or similarly accredited scheme) hologram or other form of identification that complies with any mandatory condition that may apply to this licence.

22. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:

- Induction Training which must be completed and documented prior to the sale of alcohol by the staff member.
- Refresher/reinforcement training at intervals of no more than 6 months.

Training records will be kept at the premises available for inspection by the police or authorised officer on request.

23. All cashiers shall be trained to record refusals of sales of alcohol in a refusals register. The register will contain:

- Details of the time and date the refusal was made.
- The identity of the staff member refusing the sale.
- Details of the alcohol the person attempted to purchase.

The register will be made available for inspection at the premises by the police or an authorised officer of the licensing authority at all times when the premises are open.

24. On the Sunday and Monday of the Notting Hill Carnival:

- (a) There will be no sale of alcohol in glass vessels from the premises;
 - (b) there will be no external advertisement of alcohol promotions at the premises;
- and
- (c) There shall be no sale of alcohol from the premises after 20:00 hours.

25. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 22.00 hours and 0700 hours on the following day Monday to Saturday and between 1600 and 0700 on the following day on Sunday.

26. No collections of waste or recycling materials (including bottles) from the premises shall take place between 22.00 hours and 0700 hours on the following day Monday to Saturday and between 1600 and 0700 on the following day on Sunday.

27. No deliveries (save for newspapers and magazines) to the premises shall take place between 22.00 hours and 0700 hours on the following day Monday to Saturday and between 1600 and 0700 on the following day on Sunday.

28. No licensable activities shall take place at the premises until premises licence

15/00554/LIPDPS (or such other number subsequently issued for the premises) has been surrendered and is incapable of resurrection.

4 THE WINDSOR CASTLE PUBLIC HOUSE, 98 PARK ROAD, NW1

LICENSING SUB-COMMITTEE No. 1

Thursday 9th June 2016

Membership: Councillor Tim Mitchell (Chairman), Councillor Nick Evans and Councillor Murad Gassanly

Legal Adviser: Horatio Chance
Policy Adviser: Chris Wroe
Committee Officer: Tristan Fieldsend
Presenting Officer: Mr Darren O'Leary

Representations: Environmental Health, three local residents supporting the review and twenty-seven letters in support of the premises.

Present: Mr Jon Payne (Solicitor, Representing the Licensee), Mr Vic Chhabria (Licence Holder), Mr Reinaldo Bispo (Designated Premises Supervisor), Mr Neil Packer and Ms Richelle Wilder (Local Residents), Mr Dave Nevitt (Environmental Health), Councillor Robert Rigby (Ward Councillor) and Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project).

The Windsor Castle Public House, 98 Park Road, London, NW1 4SH 15/12075/LIREVP

An application was submitted by Mr Neil Packer and Miss Richelle Wilder for a review of the premises on 23 December 2016 on the grounds of Prevention of Public Nuisance. Their concerns related to noise emanating into residential accommodation including children's bedrooms from music within the premises, noise from customers smoking outside the premises and noise from customers dispersing late at night. The Environmental Health Service supported the review application in regards to the Prevention of Public Nuisance licensing objective.

Decision:

The Sub-Committee carefully considered all of the material received from the parties involved. The Sub-Committee also heard submissions and evidence at the hearing prior to Members retiring to reach a decision.

Mr Brown of the Citizens Advice Bureau explained that the review of the premises had been sought on the grounds of public nuisance relating to:

- i) Noise generated outside the premises until late into the evening from large numbers of customers drinking and smoking in the outside area;

- ii) Noisy dispersal of customers from the premises after closing; and
- iii) Noise emanating from inside the premises by customers and music.

The noise was so intrusive that residents were often unable to relax at home, work from home or even open windows due to the noise generated. It was recognised that the current licence had been appropriate for when the premises had been operated in the past. However, since 2013 when the current management had operated the premises the clientele had changed and it was now appropriate and proportionate to alter the conditions on the licence to address the number of issues raised in the review application. The layout of the opposite residential block, Rossmore Court, was detailed especially with regard to how noise reflected around the courtyard area.

Councillor Robert Rigby, representing local residents living opposite the premises addressed the Sub-Committee in support of the review. The premise was situated in a residential area and was currently creating noise disturbance to the residents living opposite. It was very popular with students studying at the nearby London Business School and it also attracted patrons from sporting clubs operating out of Regent's Park. Events being held at Lords Cricket Ground also attracted a large number of customers and these caused substantial noise disturbance. It was highlighted that the current licence was not appropriate and required changing to address the issues raised. Numerous attempts had been made to engage with the licence holder and the London Business School but the issues still persisted. Residents had so far tolerated the noise disturbance but felt that the following conditions needed attaching to the licence to alleviate the problems raised in the application for review:

- i) Drinking only be permitted in the outside area until 21:00 hours;
- ii) The number of customers using the outside area be restricted; and
- iii) Customers drinking in the outside area to be supervised by members of staff.

Mr Brown explained that the review application had been submitted in December 2015 and during that time the Licence Holder had not entered into any meaningful engagement with local residents. The Sub-Committee's attention was drawn to Appendix 5 which detailed a chronology of issues recorded by residents and several particular events were discussed in detail. It was explained that it was not the applicants' intention to have the premises licence revoked but rather for conditions to be imposed on the licence so as to limit any further noise disturbance in the future. The Sub-Committee noted that the representations in support for the premises were mainly from students studying at the London Business School and very few had been received from local residents.

The Sub-Committee was shown video evidence taken by residents showing footage of the noise generated from customers drinking in the outside area of the premises. The evidence revealed customers spilling out onto the street and preventing members of the public from using the pavement area.

Mr Neil Packer, a local resident, explained that he had lived in the property opposite since 2006 and knew the local area well. The pub had always had links with the London Business School but since the change in management in 2013 the clientele had changed to predominantly students and members of local sports clubs. The number of customers had subsequently increased and therefore noise emanating from the property had also increased. Even when customers drinking outside were required to move inside the premises at 22:00, the windows were often open and

significant levels of noise were still experienced. The layout of the building meant the noise generated from the premises was amplified and reflected around the courtyard area. Mr Packer worked from home, the noise disturbance he experienced was very intrusive and he requested that it be managed in a responsible and effective way.

Ms Richelle Wilder, a long term local resident, recognised that pubs were a valuable element of a community. The discordant noise emanating from the premises though on a regular basis affected residents especially as it often took the form of loud singing and shouting. It was important that restrictions on the number of customers allowed outside were introduced as she currently had to wear earplugs on a regular basis and it was suggested customers could leave the premises via the rear entrance.

Mr Brown remarked that conditions on the licence should be introduced to limit the hours customers could drink outside to 21:00 hours, an assessment of the current management arrangements in place whilst cricket matches were scheduled at Lords should take place and a reduction in the hours when music could be played implemented.

Mr Dave Nevitt confirmed that Environmental Health's representation was maintained due to the significant impact the noise disturbance was having on local residents. Prior to 2013. The Premises had been a quiet pub, but since the change in management noise issues had been reported and subsequently the addition of extra conditions on the licence was supported. Presently there appeared to be a lack of control and effective management over customers drinking in the outside area and as there was nothing designating the premises boundary customers often spilled onto the surrounding pavement and road thereby causing a public nuisance. The lack of measures in place to control and manage the behaviour of patrons and the subsequent noise generated was an area of concern and required addressing.

Mr Vic Chhabria, the premises owner, addressed the Sub-Committee and informed them that all the information presented had been accurate and he was sorry for any inconvenience caused to residents. The reasons for the issues reported were due to the failings of the previous management and new management had since been installed to ensure there was no disturbance in the future. The previous management did not understand the owners' concept and ideals and had instead continued to attract student customers. It was submitted that the new management were in the process of attracting a different profile of customer who was more mature and responsible. Mr Chhabria stated to the Sub-Committee that unsociable behaviour would not be tolerated by the management and anyone seen being unruly would be asked to leave. The Sub-Committee was advised that a new chef had just been employed and it was planned to increase the food offer available so as to change the atmosphere of the premises into one which was friendly, cosy and more family orientated.

The Sub-Committee was advised that the summer months were the busiest for the premises and it was important from an economic viewpoint to allow customers to drink outside until 22:00 hours. To address some of the concerns raised regarding the outside area Mr Chhabria reported that portable furniture had now been installed to prevent drinking outside after 22:00 hours. Security staff had also been employed to ensure there was better control over the outside area and to help with customer

dispersal. It was considered that this approach would resolve the issue with regard to managing crowd control and congestion at the front of the premises where most of the noise seemed to emanate from.

Mr Chhabria asked that no restrictions or punishments be imposed on the operation of the Premises and instead it be embraced as part of the local community.

Mr Reinaldo Bispo, the Designated Premises Supervisor provided the Sub-Committee with an overview of the premises background. It was explained that since his appointment as manager in December 2015 various changes had been implemented, due to the previous lack of management control in place. New staff had been employed, the food offer had been changed and it was stressed that the operation of the pub was taken very seriously. An issue relating to noise disturbance following a London Business School Rugby Club event at the premises was regrettable and a letter had been sent to the organisation explaining that such behaviour would not be tolerated in future and a ban would be enforced on them if there was any reoccurrence. It was hoped to work alongside the local community and it had been noted that there had recently been an increase in the number of local residents frequenting the premises. Extra staff had been employed to provide door security on the two busiest nights of the week, Thursday and Friday, and it was hoped these measures would help provide an improved pub for the local community, promote the licensing objectives and give some comfort to local residents.

Mr Jon Payne, representing the licensee, informed the Sub-Committee that the parties involved in the review were very close to reaching an agreement on a way forward on to address the issues raised, including adding extra conditions to the licence. Mr Payne highlighted several conditions which the licensee would include on the licence. In response to a question it was agreed that a copy of the dispersal policy would be provided to the Council in due course. It was felt that the proposals to control customer behaviour were sufficient to prevent problems arising in the future and that the licensee would be diligent in ensuring there would be no more shouting or singing from customers which was accepted as causing a nuisance and disturbance. The licensee was more than happy to engage in conversations with residents to ensure there were clearer lines of communication and this would help, along with the introduction of additional conditions, ensure the issues raised were addressed.

Following a question from the Sub-Committee there was a discussion concerning the floor plan of the premises.

The Sub-Committee was interested in what experience the licensee had in running a licensed premises. Mr Chhabria explained that he did not have a background in the running of licensed premises, however, when he took over the premises he relied heavily upon the knowledge, skills and experience of the previous management and it was due to their failure in promoting the licensing objectives the management practices adopted at that time were called into question, by local residents raising the various issues complained of in the review application. Mr Bispo had now been appointed as the current manager tasked with improving the running of the premises so that the premises was operating in a professional manner promoting the licensing objectives.

Mr Brown addressed the Sub-Committee and expressed the residents' views that despite the change in management the same noise disturbance problems had still been encountered and were thus affecting the lives of local residents. It was still an on-going issue and it was questioned whether the premises had been turned around as stated. What the residents wanted was a well-run drinking establishment that fitted into the community and did not create a noise disturbance. To help achieve this it was suggested that conditions prohibiting drinkers from using the outside area until 21:00 hours and limiting the number of people allowed outside to smoke would help alleviate the current noise disturbance and public nuisance.

In response to a question Mr Chhabria informed the Sub-Committee that the seated capacity outside was eighteen. It was also explained that it was wished to maintain the 22:00 hour's curfew for outside drinking as reducing this would have a significant impact on the viability of the business. Mr Brown clarified that the applicants were not seeking a revocation of the licence and the issue of the business's financial viability should not have any bearing on the decision.

The Sub-Committee recognised that the premises was an historic public house and since the change in management in 2013 problems had arisen with the residents in Rossmore Court opposite the premises. The issues involved noise disturbance caused by customers drinking outside the front of the premises, customers drinking inside the building and customers blocking the pavement in front of the premises leading to public nuisance concerns. The Sub-Committee had been provided with photographic, video and witness statement evidence supporting the residents' claims of noise disturbance. All the options available to the Sub-Committee had been considered and it had reached the decision that imposing conditions on the licence was the most proportionate and appropriate step to take. As several of the conditions referred to the outside area in front of the premises the licensee was invited to submit a plan defining the outside area where customers would be allowed to consume alcohol in front of the premises. All parties accepted and agreed to the submission of the plan and that it would be attached to the conditions. As such a new condition would be added restricting customers to only drink outside the front of the premises in the area designated on the plan.

The conditions sought by the applicant were agreed although the time allowing customers outside with a glass container and the time when outside tables and chairs would be rendered unusable was altered to 22:00. Those customers drinking outside between 21:00 and 22:00 would be limited to a maximum of twenty people at any one time and they had to be seated. It would also be a requirement for a minimum of one SIA licensed door supervisor to be on duty from 18:00 on Thursday and Friday evenings along with the implementation of a dispersal policy which would be made available on request. Conditions ensuring no noise emanated from the premises so as not to cause a nuisance and requiring all windows to be closed by 21:00 hours were also imposed.

The Sub-Committee was of the opinion that there had been a lack of effective management control at the premises which had caused noise disturbance to the residents living opposite the premises. Through implementing conditions which would limit numbers of customers allowed outside the front of the premises, ensure they were all seated and ensure a dispersal policy was in place would all help uphold the licensing objectives.



Conditions attached to the Licence

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who hold a personal licence.
4. (1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or

- (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters or fly on, or in the vicinity of, the premises which can reasonably be considered condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

5. The responsible person shall ensure that no alcohol is dispensed 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).

6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) 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 a holographic mark.

8. The responsible person shall ensure that;

8. The responsible person shall 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; and

(b) customers are made aware of the availability of these measures.

A responsible person in relation to a licensed premises means the holder of the premises 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.

Conditions Which Reproduce the Effect of any Restriction Imposed on the Use of the Premises by Specified Enactment

9. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

(a) He is the child of the holder of the premises licence.

- (b) He resides in the premises, but is not employed there.
- (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

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

- 10. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Conditions Consistent with the Operating Schedule

- 11. Alcohol may be sold or supplied:
 - (a) On weekdays, 11:00 to 00:00
 - (b) On Sundays, 12:00 to 22:30
 - (c) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

- (h) the taking of alcohol from the premises by a person residing there;
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

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

12. To join and take an active role in Pub Watch Schemes and Westminster /Police initiatives.
13. The outside area is to be cleaned on a daily basis.
14. Children must be accompanied by a person over the age of 18 and are only permitted in the dining room and outside areas of the premises.

Conditions Attached After a Hearing by the Licensing Authority

15. Persons permitted to drink outside the front of the premises building shall be restricted to the area indicated on the attached plan.
16. No customer shall be permitted to be outside the premises building with a drink or a glass container after 22:00.
17. Outside tables and chairs shall be rendered unusable by 22:00 each day.
18. Between 21:00 and 22:00, customers permitted to drink and/or smoke outside the front of the premises building shall be limited to 20 persons at any one time and shall be seated.
19. After 22:00, patrons permitted to temporarily leave and then re-enter the premises building, e.g. to smoke, should not be permitted to do so outside the front of the premises building.
20. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
21. Notice shall be clearly and prominently displayed both outside and inside the premises informing customers that this is a residential area and requesting customers to leave the premises quietly and not to loiter outside the premises.

22. A minimum of one SIA licenced door supervisor shall be on duty at the premises from 18:00 until all customers leave the premises on Thursday and Friday evenings, and at other times on a risk-assessed basis. The door supervisor's duties shall include monitoring the behaviour of customers drinking or smoking outside the premises and ensuring that the pavement remains clear for pedestrians.
23. The premises licence holder shall designate named staff members whose duty it is to manage dispersal from the premises so as to ensure that no public nuisance is caused. At least one staff member shall be on duty outside the premises after 22:00 to manage dispersal.
24. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open to the public. This telephone number is to be made available to residents in the vicinity of the premises.
25. The licence holder shall produce and implement a dispersal policy with particular responsibility to a designated member of staff to manage the departure of patrons from premises effectively. The policy should be reviewed at least annually and shall be immediately available on request by an authorised council officer or police officer.
26. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises so as to cause a nuisance.
27. All windows and external doors to the front of the premises shall be kept closed after 21:00, or at any time when regulated entertainment takes place, except for the immediate access and egress of customers.

The Meeting ended at 1.28 pm

CHAIRMAN: _____

DATE _____