



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (4)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** Committee held on **Thursday 24th November, 2016**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

**Members Present:** Councillors Jean Paul Floru (Chairman), Nick Evans and Murad Gassanly

#### 1 MEMBERSHIP

It was noted that there were no changes to the membership.

#### 2 DECLARATIONS OF INTEREST

There were no declarations of interests.

#### 3 ROYAL SOCIETY OF ARTS, 8 JOHN ADAM STREET, WC2

#### LICENSING SUB-COMMITTEE No. 4

*Thursday 24th November 2016*

Membership: Councillor Jean Paul Floru (Chairman), Councillor Nick Evans and Councillor Murad Gassanly

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Heidi Lawrence

Relevant Representations: Environmental Health, the Trustees of Alan Tallentire, Little Adelphi Freehold Company Ltd and seven local residents.

Present: Mr Robert Morris (Barrister, Representing the Applicant), Ms Shirley Gibson (Applicant), Ms Ayesha Bolton (Environmental Health), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing three local residents) and Ms Cynthia Clarry (local resident).

**Royal Society of Arts, 8 John Adam Street, London, WC2N 6EZ  
16/08844/LIPV**

**1. Sales of Retail by Alcohol – On Sales**

Current

Monday to Saturday: 10:00 – 00:00  
Sunday: 12:00 – 23:30

Proposed

Monday to Saturday: 10:00 – 00:00  
Sunday: 12:00 – 00:00

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 The Royal Society Of Arts for a variation of a premises licence in respect of the Royal Society of Arts, 8 John Adam Street, London, WC2N 6EZ.

The Licensing Officer provided an outline of the application to the Sub-Committee.

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 Morris, representing the applicant, explained that it was not the intention of the application to allow members of the public to enter the premises and consume alcohol. It was proposed to keep condition 10 on the licence which would limit the sale of alcohol to either i) fellows, officers or staff of the Royal Society of Arts (RSA), or ii) those attending a private, pre-booked function. The application was modest and its main aim was to make the hours for selling alcohol consistent by extending Sunday hours to 00:00. It was also proposed to amend and delete various conditions on the licence as a purely tidying up exercise.

In response to a query the Council's Legal Adviser provided clarification on the hours requested for the sale of alcohol. The hours listed on the licence and those stated in condition 12 were consistent as paragraph ii of condition 12 allowed alcohol to be sold or supplied for one hour following the hours detailed in paragraph i to those persons taking table meals.

Mr Morris recognised that concerns had been raised over the deletion of condition 19, which ensured clients had to provide a guest list in advance and visitors requiring to be registered. It was highlighted though that this was preceded by condition 18 which required all events to be private and by invitation only. Mr Morris explained how the RSA was made up of two parts, the first was a charitable organisation and the second was business related with profits from private events being utilised to support good works. Requiring a guest list and registering every person created an administrative hurdle and it

was proposed to replace this through ensuring all events were invite only with close monitoring undertaken by staff. All functions would be private and the licensed facilities available would not be advertised.

Mr Morris drew the Sub-Committee's attention to the fact no fundamental changes to the conditions had been proposed and Environmental Health had agreed nearly all of the proposed amendments. The applicant understood it had a responsibility to be a good neighbour and to address concerns SIA registered door supervisors would be employed to avoid loitering by patrons outside the premises.

Mr Morris explained that the condition detailing the capacity of the premises had simply been amended to reflect the different function rooms available. In response to a question the applicant confirmed that it was their practice to ensure only a maximum of two or three events would be held at any one time. This was a sensible, pragmatic approach to ensuring there were enough facilities for all guests and subsequently Environmental Health had not raised any concerns regarding capacity. Environmental Health confirmed that the venue had adequate facilities to potentially accommodate 1,150 guests and there were no concerns over public nuisance or public safety.

Mr Brown, from Westminster Citizens Advice Bureau, advised that the hours requested on Sundays for the sale of alcohol were beyond core hours and therefore not appropriate. There was no justification for such an increase on Sundays which the Council's Licensing Policy stated should provide a respite for residents'. Concern was expressed over condition 15 which increased the number of musicians allowed in a live band. It was felt that this created the potential for noise to escape and create a disturbance to residents. As such the Sub-Committee was asked to consider adding a noise limiter to this particular condition. It was requested that condition 19 remain so that only registered visitors attended events thus ensuring no members of the public could enter from the street and consume alcohol. Concern was also expressed about the potentially large capacity of the venue. Finally, it was suggested that to avoid patrons loitering outside the premises condition 41 should be altered to ensure an SIA was employed to direct guests from the Durham House Street and John Adam Street exits. Mr Brown emphasised that conditions could be added to the licence in an attempt to address concerns but the residents were of the opinion that the application should be refused as it would increase public disturbance in the locality.

Ms Clarry, a local resident, advised that the noise and smoke emanating from patrons standing outside the premises during the proposed extended hours would have a significant impact on residents' amenity in the local area.

Mr Morris advised the Sub-Committee that one of the main aims of the application was simply to ensure there was no duplication of conditions on the licence. Residents' concerns had been addressed by ensuring an SIA would be in attendance to make sure guests leaved quietly and that smokers would not provide a nuisance. The condition regarding the capacity of the venue was just to provide clarity on the capacity of each individual room. The SRA was a large building that could function well with a large number of guests and

Environmental Health had raised no concerns over this matter. Finally, the increase in hours on Sundays was a response to the increase in demand for weddings on this day and the extension to 00:00 hours was very modest. Mr Morris assured the Sub-Committee that no members of the public would be able to come off the street and consume alcohol.

The Sub-Committee carefully considered the application and agreed to grant the application in part.

It was felt that the proposed extension in hours on Sundays for the sale of alcohol would create unacceptable disturbance for local residents. The reason given for the increase in hours was an increase in demand for weddings on a Sunday but one residential objector complained about weddings currently held on a Saturday. Whilst the increase in hours sought was described as modest by the applicant, the fact remained that 30 additional minutes on a Sunday night where the existing hours were well beyond core hours may well be a concern in a highly residential area and especially one where the ambient noise levels were generally very low. Noise disturbance and smoke emanating from patrons outside the premises potentially until 00:00 on Sundays was not considered acceptable and the Sub-Committee was not satisfied that these concerns had been adequately addressed by the applicant. For these reasons the Sub-Committee refused the application to extend the hours for serving alcohol until 00:00 on Sundays.

The Sub-Committee did agree to amend or delete the following conditions on the licence to update the licence and avoid any duplication:

- Condition 10 a) (a) be amended to read “Or any person, corporate or incorporate body, firm or other organisation to whom the RSA has granted permission to use the licensed premises for one or more of the aforesaid purposes and their bona fide guests pursuant to this sub-condition.”;
- Removal of Condition 11 from the premises licence;
- Removal of Condition 13 from the premises licence;
- Condition 15 be amended to read “The regulated entertainment in the form of Live Music is restricted to background music to events and wedding ceremonies performed by up to 6 musicians and for occasional use for private parties and wedding celebrations.”;
- Removal of Condition 21 from the premises licence;
- Removal of Condition 22 from the premises licence;
- Condition 24 be amended to read “Provision of licensable activities shall only be to persons attending a private pre-booked or ticketed event except in The Gerard Bar and The Vaults Restaurants for use by persons who are fellows, officers or staff of the RSA for consumption by themselves or their bona fide guests.”;
- Removal of Condition 26 from the premises licence;
- Condition 27 be amended to read “The maximum number of persons accommodated at the premises at any one time (excluding staff) shall not exceed:
  - Level 0 Tavern Room – 60 persons

	<ul style="list-style-type: none"> <li>• Basement Level -3 Vault 1 – 100 persons</li> <li>• Basement Level -3 Vault 2 – 60 persons</li> <li>• Basement Level -3 Vault 4 – 60 persons</li> <li>• Vaults 1 to 4 220 capacity</li> <li>• Gerard Bar/Café 45 capacity</li> <li>• Benjamin Franklin Room 150 capacity</li> <li>• Great Room 200 capacity</li> <li>• Tavern Room 60 capacity</li> <li>• Prince Philip Room 60 capacity</li> <li>• Romney Room 40 capacity</li> <li>• Shipley Room 14 capacity</li> <li>• Folkestone Room 14 capacity</li> <li>• Drawing Room 20 capacity</li> <li>• Durham Street Auditorium 70 capacity;</li> <li>• Removal of Conditions 30 and 31 from the premises licence and replaced with Model Condition 44;</li> <li>• Condition 35 be amended to read “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.”;</li> <li>• Condition 36 be amended to read “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 for licensable activities. This staff member must be able to show a Police or authorised Council Officer recent data or footage with the absolute minimum of delay when requested.”;</li> <li>• Condition 41 be amended to read “A SIA qualified steward shall be employed to direct guests to The Strand from the Durham House Street exit and the John Adam Street exit.”;</li> <li>• Removal of Condition 55 from the premises licence;</li> </ul>				
<b>2.</b>	<p><b>Performance of Live Music - Indoors</b></p> <table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;"><u>Current</u></th> <th style="text-align: left;"><u>Proposed</u></th> </tr> </thead> <tbody> <tr> <td>Monday to Saturday: 10:00 – 00:00 Sunday: 12:00 – 23:30</td> <td>Monday to Saturday: 10:00 – 00:00 Sunday: 12:00 – 00:00</td> </tr> </tbody> </table>	<u>Current</u>	<u>Proposed</u>	Monday to Saturday: 10:00 – 00:00 Sunday: 12:00 – 23:30	Monday to Saturday: 10:00 – 00:00 Sunday: 12:00 – 00:00
<u>Current</u>	<u>Proposed</u>				
Monday to Saturday: 10:00 – 00:00 Sunday: 12:00 – 23:30	Monday to Saturday: 10:00 – 00:00 Sunday: 12:00 – 00:00				
	<p>Amendments to application advised at hearing:</p> <p>None</p>				

	<p>Decision (including reasons if different from those set out in report):</p> <p>The extended hours were refused (see reasons for decision in Section 1).</p>							
<p><b>3.</b></p>	<p><b>Hours Premises are Open to the Public</b></p> <table border="0" data-bbox="268 376 1385 524"> <tr> <td data-bbox="268 376 826 412"><u>Current</u></td> <td data-bbox="826 376 1385 412"><u>Proposed</u></td> </tr> <tr> <td data-bbox="268 448 826 483">Monday to Saturday: 10:00 – 00:30</td> <td data-bbox="826 448 1385 483">Monday to Saturday: 10:00 – 00:30</td> </tr> <tr> <td data-bbox="268 483 826 524">Sunday: 12:00 – 00:00</td> <td data-bbox="826 483 1385 524">Sunday: 12:00 – 00:30</td> </tr> </table>		<u>Current</u>	<u>Proposed</u>	Monday to Saturday: 10:00 – 00:30	Monday to Saturday: 10:00 – 00:30	Sunday: 12:00 – 00:00	Sunday: 12:00 – 00:30
<u>Current</u>	<u>Proposed</u>							
Monday to Saturday: 10:00 – 00:30	Monday to Saturday: 10:00 – 00:30							
Sunday: 12:00 – 00:00	Sunday: 12:00 – 00:30							
	<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 extended hours were refused (see reasons for decision in Section 1).</p>							
<p><b>4.</b></p>	<p><b>Conditions Being Varied, Added or Removed</b></p>							
	<table border="1" data-bbox="252 987 1401 2016"> <tr> <td data-bbox="252 987 826 2016"> <p><b>Current:</b></p> <p><b>Condition 12 (i)</b></p> <p>Alcohol may be sold or supplied:</p> <ul style="list-style-type: none"> <li>(a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00;</li> <li>(b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30;</li> <li>(c) On Good Friday, 12:00 to 22:30;</li> <li>(d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30;</li> <li>(e) On New Year's Eve, except on a Sunday, 10:00 to 23:00;</li> <li>(f) On New Year's Eve on a Sunday, 12:00 to 22:30;</li> <li>(g) On New Year's Eve from the</li> </ul> </td> <td data-bbox="826 987 1401 2016"> <p><b>Proposed:</b></p> <p><b>Condition 12 (i)</b></p> <p>Alcohol may be sold or supplied:</p> <ul style="list-style-type: none"> <li>(a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 00:00;</li> <li>(b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 00:00;</li> <li>(c) On Good Friday, 12:00 to 00:00;</li> <li>(d) On Christmas Day, 12:00 to 15:00 and 19:00 to 00:00;</li> <li>(e) On New Year's Eve, except on a Sunday, 10:00 to 00:00;</li> <li>(f) On New Year's Eve on a Sunday, 12:00 to 00:00;</li> <li>(g) On New Year's Eve from the end of permitted hours on New</li> </ul> </td> </tr> </table>		<p><b>Current:</b></p> <p><b>Condition 12 (i)</b></p> <p>Alcohol may be sold or supplied:</p> <ul style="list-style-type: none"> <li>(a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00;</li> <li>(b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30;</li> <li>(c) On Good Friday, 12:00 to 22:30;</li> <li>(d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30;</li> <li>(e) On New Year's Eve, except on a Sunday, 10:00 to 23:00;</li> <li>(f) On New Year's Eve on a Sunday, 12:00 to 22:30;</li> <li>(g) On New Year's Eve from the</li> </ul>	<p><b>Proposed:</b></p> <p><b>Condition 12 (i)</b></p> <p>Alcohol may be sold or supplied:</p> <ul style="list-style-type: none"> <li>(a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 00:00;</li> <li>(b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 00:00;</li> <li>(c) On Good Friday, 12:00 to 00:00;</li> <li>(d) On Christmas Day, 12:00 to 15:00 and 19:00 to 00:00;</li> <li>(e) On New Year's Eve, except on a Sunday, 10:00 to 00:00;</li> <li>(f) On New Year's Eve on a Sunday, 12:00 to 00:00;</li> <li>(g) On New Year's Eve from the end of permitted hours on New</li> </ul>				
<p><b>Current:</b></p> <p><b>Condition 12 (i)</b></p> <p>Alcohol may be sold or supplied:</p> <ul style="list-style-type: none"> <li>(a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00;</li> <li>(b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30;</li> <li>(c) On Good Friday, 12:00 to 22:30;</li> <li>(d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30;</li> <li>(e) On New Year's Eve, except on a Sunday, 10:00 to 23:00;</li> <li>(f) On New Year's Eve on a Sunday, 12:00 to 22:30;</li> <li>(g) On New Year's Eve from the</li> </ul>	<p><b>Proposed:</b></p> <p><b>Condition 12 (i)</b></p> <p>Alcohol may be sold or supplied:</p> <ul style="list-style-type: none"> <li>(a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 00:00;</li> <li>(b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 00:00;</li> <li>(c) On Good Friday, 12:00 to 00:00;</li> <li>(d) On Christmas Day, 12:00 to 15:00 and 19:00 to 00:00;</li> <li>(e) On New Year's Eve, except on a Sunday, 10:00 to 00:00;</li> <li>(f) On New Year's Eve on a Sunday, 12:00 to 00:00;</li> <li>(g) On New Year's Eve from the end of permitted hours on New</li> </ul>							

<p>end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p>	<p>Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p>
<p><b>Condition 15</b> The regulated entertainment in the form of Live Music is restricted to background music to events and wedding ceremonies performed by up to 4 musicians and for occasional use for private parties and wedding celebrations.</p>	<p><b>Condition 15</b> The regulated entertainment in the form of Live Music is restricted to background music to events and wedding ceremonies performed by up to 6 musicians and for occasional use for private parties and wedding celebrations.</p>
<p><b>Condition 19</b> Clients shall provide a guest list in advance and all visitors shall be registered on arrival.</p>	<p><b>Condition 19</b> To be removed.</p>
<p><b>Condition 21 and 22</b> 21. In agreement with the neighbouring residential block, the entrance at Durham House St closed at 22:00, except for emergency egress. After this time, all guests shall leave by either the No 8 or No 6 John Adam Street Doors.</p> <p>22. After 22:00, the Durham Street exit shall be used to guest to depart. Guests shall be informed to leave the premises quietly and a SIA registered door supervisor shall be located in the cul de sac to direct guests quietly to the Strand.</p>	<p><b>Condition 21 and 22</b> To be deleted – duplicated with condition 40 and 41.</p>
<p><b>Condition 24</b> Provision of licensable activities shall only be to persons attending a private pre-booked or ticketed event.</p>	<p><b>Condition 24</b> To be removed – some areas of the premises are used by members of the public such as The Gerard Bar and The Vaults Restaurant.</p>
<p><b>Condition 26</b> There shall be no draught sales of alcohol on the premises.</p>	<p><b>Condition 26</b> To be removed.</p>
<p><b>Condition 27</b></p>	<p><b>Condition 27</b></p>

	<p>The maximum number of persons accommodated at the premises at any one time (excluding staff) shall not exceed:</p> <p>Level 0 Tavern Room - 60 persons</p> <p>Basement Level -3 Vault 1 - 100 persons</p> <p>Basement Level -3 Vault 2 - 60 persons</p> <p>Basement Level -3 Vault 4 - 60 persons</p>	<p>The maximum number of persons accommodated at the premises at any one time (excluding staff) shall not exceed:</p> <p>Level 0 Tavern Room - 60 persons</p> <p>Basement Level -3 Vault 1 - 100 persons</p> <p>Basement Level -3 Vault 2 - 60 persons</p> <p>Basement Level -3 Vault 4 - 60 persons</p> <p>Vaults 1 to 4 220 capacity</p> <p>Gerard Bar/Cafe 45 capacity</p> <p>Benjamin Franklin Room 150 capacity</p> <p>Great Room 200 capacity</p> <p>Tavern Room 60 capacity</p> <p>Prince Philip Room 60 capacity</p> <p>Romney Room 40 capacity</p> <p>Shipley Room 14 capacity</p> <p>Folkestone Room 14 capacity</p> <p>Drawing Room 20 capacity</p> <p>Durham Street Auditorium 70 capacity</p>
	<p><b>Condition 55</b> Any special effects or mechanical installations shall be arranged and stored so as to minimize any risk to the safety of those using the premises. The following special effects will only be used when 7 days prior notice is given to the Licensing Authority and written consent is provided from the EH Consultation Team:</p> <ul style="list-style-type: none"> <li>• dry ice and cryogenic fog</li> </ul>	<p><b>Condition 55</b> To be removed.</p>

	<ul style="list-style-type: none"> <li>• smoke machines and fog generators</li> <li>• pyrotechnics including fireworks</li> <li>• firearms</li> <li>• lasers</li> <li>• explosives and highly flammable substances</li> <li>• real flame</li> <li>• strobe lighting</li> </ul>	
	Amendments to application advised at hearing:  None	
	Decision (including reasons if different from those set out in report):  The decision was part granted for the reasons detailed in section 1 and subject to the conditions below.	

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

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 subparagraph 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.

**Conditions Consistent with the Operating Schedule**

10. Intoxicating liquor shall not be supplied other than to:
- a) Persons who are fellows, officers or staff of the RSA for consumption by themselves or their bona fide guests.
  - b) Persons attending meetings, lectures, conferences, seminars, parties, dinners, dances, receptions, celebrations or other events or functions being the persons mentioned in (a). Or any person, corporate or incorporate body, firm or other organisation to whom the RSA has granted permission to use the licensed premises for one or more of the aforesaid purposes and their bona fide guests pursuant to this sub-condition (b) and to whom prior invitation has been given.
- 11 (i). Alcohol may be sold or supplied:
- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00
  - (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30
  - (c) On Good Friday, 12:00 to 22:30
  - (d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30
  - (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00
  - (f) On New Year's Eve on a Sunday, 12:00 to 22:30
  - (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
- (ii). Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve), and on Christmas Day, between 15.00 and 19.00, to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty 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. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

13. The regulated entertainment in the form of Live Music is restricted to background music to events and wedding ceremonies performed by up to 6 musicians and for occasional use for private parties and wedding celebrations.

14. The regulated entertainment in the form of Recorded Music is restricted to background music to events and wedding ceremonies for re: disco music at private evening parties and for occasional use for private parties and wedding celebrations only.

15. Facilities for Dancing is restricted to small discos in basement level minus three and the Tavern Room on Level 0 using amplified music at private parties and wedding celebrations with a capacity of 40 people excluding staff in basement level minus three and 60 people in the Tavern Room excluding staff.

16. All events shall be private and by invitation only.

17. Clients shall provide a guest list in advance and all visitors shall be registered on arrival.

18. There shall be no external advertising of events taking place at the premises.

19. The supply of alcohol shall be by waiter or waitress service only.

20. Provision of licensable activities shall only be to persons attending a private pre-booked or ticketed event except in The Gerard Bar and The Vaults Restaurants which may additionally be used by persons who are fellows, officers or staff of the RSA for consumption by themselves or their bona fide guests.

21. Substantial food and non-intoxicating beverages, including drinking water, shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

22. The maximum number of persons accommodated at the premises at any one time (excluding staff) shall not exceed:

- Level 0 Tavern Room - 60 persons
- Basement Level -3 Vault 1 - 100 persons
- Basement Level -3 Vault 2 - 60 persons
- Basement Level -3 Vault 4 - 60 persons
- Vaults 1 to 4 220 capacity
- Gerard Bar/Cafe 45 capacity
- Benjamin Franklin Room 150 capacity
- Great Room 200 capacity
- Tavern Room 60 capacity
- Prince Philip Room 60 capacity
- Romney Room 40 capacity
- Shipley Room 14 capacity
- Folkestone Room 14 capacity
- Drawing Room 20 capacity
- Durham Street Auditorium 70 capacity

23. The operators of the business and/or the licensees shall ensure that any capacity limits set for the premises is properly monitored at all times. Information regarding the capacity shall be given to an authorised officer or Police Officer on request.

24. Dancing and facilities for dancing shall be restricted to the Tavern Room on Level 0 and the Basement Level.

25. 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.

26. All entrance doors shall be kept closed, when regulated entertainment is taking place and in any event after 21:00 hours, except for immediate access and egress of persons.

27. A personal licence holder shall be on duty at the premises at all times when licensable activities are taking place.

28. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

29. 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.

30. 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 for licensable activities. This staff member must be able to show a Police or authorised Council Officer recent data or footage with the absolute minimum of delay when requested.

31. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

32. 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.

33. 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.

34. The entrance at Durham House Street shall be closed at 22:00, except for emergency egress. After this time all guests shall leave by either No. 8 or No. 6 John Adam Street doors.

35. A SIA qualified steward shall be employed to direct guests to The Strand from the Durham House Street exit and the John Adams Street exit.

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

37. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23.00 hours and 08.00 hours.

38. 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.

39. A Challenge 21 proof of age scheme shall be operated at the premises. The only acceptable forms of identification are recognised forms of photographic identification cards, such as a driving licence or passport.

40. No person shall give at the premises any exhibition, demonstration or

performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

41. 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.

42. 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.

43. All exit doors shall be available at all material times without the use of a key, code, card or similar means.

44. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.

45. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

46. Curtains and hangings shall be arranged so as not to obstruct emergency signs.

47. All fabrics, curtains, drapes and similar features should be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes, other than foyers, entertainment areas or function rooms, should be non-combustible.

48. The certificates listed below shall be submitted to the Licensing Authority upon written request.

- Any emergency lighting battery or system
- Any electrical installation
- Any emergency installation

49. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).

#### **4 30 UPPER GROSVENOR STREET, W1**

#### **LICENSING SUB-COMMITTEE No. 4**

*Thursday 24th November 2016*

Membership: Councillor Jean Paul Floru (Chairman), Councillor Nick Evans and Councillor Murad Gassanly

Legal Adviser: Barry Panto  
 Policy Adviser: Chris Wroe  
 Committee Officer: Tristan Fieldsend  
 Presenting Officer: Heidi Lawrence

Relevant Representations: Environmental Health and one local resident.

Present: Mr Gary Grant (Barrister, Representing the Applicant) and Mr Andrew Wong (representing the applicant) and Mr MPS Puri (Applicant).

<p><b>30 Upper Grosvenor Street, London, W1K 7PH</b>  <b>16/08836/LIPN</b></p>	
<p><b>1.</b></p>	<p><b>Late Night Refreshment – Indoors and Outdoors</b></p> <p>Monday to Saturday: 23:00 – 01:00          Sunday: 23:00 – 00:00</p> <p><b>Seasonal Variations/Non-Standard Timings:</b></p> <p>On the day of commencement of British Summer Time the terminal hour will be an additional hour to the one stated.</p> <p>From the end of the permitted hours on New Year’s Eve to the start of the permitted hours on New Year’s day. No restriction to the provision of licensable activities to hotel guests and their bona fide guests.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by Restaurant Craft Limited for a new premises licence in respect of 30 Upper Grosvenor Street, London, W1K 7PH.</p> <p>The Licensing Officer provided an outline of the application to the Sub-Committee and advised that following dialogue with the applicant and the agreement to a number of proposed conditions, the Police had now withdrawn their representation. Two representations remained, one from Environmental Health and one from a local resident who did not attend the hearing.</p> <p>In response to a question from the Sub-Committee Mr Grant, representing the applicant, confirmed that the provision to sell alcohol from 11:00 on Sunday’s had been requested primarily to form part of a brunch offer.</p> <p>The Council’s Legal Adviser brought to the Sub-Committee’s attention that the proposed terminal hour on Sunday was 00:30 and not 00:00 as stated in the report.</p>

	<p>The Sub-Committee noted that the objection received was from a resident who did not live in the immediate vicinity of the premises.</p> <p>The Sub-Committee noted and considered the representation received from Environmental Health.</p> <p>Having considered the application the Sub-Committee was satisfied that the conditions attached to the licence would ensure that the licensing objectives were upheld and promoted. As such the Sub-Committee granted the application.</p>
<b>2.</b>	<p><b>On and Off Sales by retail of Alcohol</b></p> <p>Monday to Saturday: 10:00 – 01:00 Sunday: 11:00 – 00:00</p> <p><b>Seasonal Variations/Non-Standard Timings:</b></p> <p>On the day of commencement of British Summer Time the terminal hour will be an additional hour to the one stated.</p> <p>From the end of the permitted hours on New Year’s Eve to the start of the permitted hours on New Year’s day. No restriction to the provision of licensable activities to hotel guests and their bona fide guests.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application, see reasons for decision in Section 1.</p>
<b>3.</b>	<p><b>Provision of Film – Indoors</b></p> <p>Monday to Saturday: 10:00 – 01:00 Sunday: 11:00 to 00:00</p> <p><b>Seasonal Variations/Non-Standard Timings:</b></p> <p>On the day of commencement of British Summer Time the terminal hour will be an additional hour to the one stated.</p> <p>From the end of the permitted hours on New Year’s Eve to the start of the permitted hours on New Year’s day. No restriction to the provision of licensable activities to hotel guests and their bona fide guests.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>

	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application, see reasons for decision in Section 1.</p>
<b>4.</b>	<p><b>Provision of Recorded Music – Indoors</b></p> <p>Monday to Saturday: 10:00 – 01:00  Sunday: 11:00 to 00:00</p> <p><b>Seasonal Variations/Non-Standard Timings:</b></p> <p>On the day of commencement of British Summer Time the terminal hour will be an additional hour to the one stated.</p> <p>From the end of the permitted hours on New Year’s Eve to the start of the permitted hours on New Year’s day. No restriction to the provision of licensable activities to hotel guests and their bona fide guests.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application, see reasons for decision in Section 1.</p>
<b>5.</b>	<p><b>Hours Premises are Open to the Public</b></p> <p>Monday to Saturday: 07:00 – 01:30  Sunday: 07:00 – 00:30</p> <p><b>Seasonal Variations/Non-Standard Timings:</b></p> <p>On the day of commencement of British Summer Time the terminal hour will be an additional hour to the one stated.</p> <p>From the end of the permitted hours on New Year’s Eve to the start of the permitted hours on New Year’s day. No restriction to the provision of licensable activities to hotel guests and their bona fide guests.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application, see reasons for decision in Section</p>

1.
----

### Conditions attached to the Licence

#### **Mandatory Conditions**

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

(e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

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

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

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

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

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

7. The responsible person must ensure that—

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

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

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

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

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

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

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

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

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

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

Where –

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

**Conditions Consistent with the Operating Schedule**

9. The supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.
10. Notwithstanding condition 9 above, between 10am and midnight within the lounge area hatched black on the plan, persons may consume alcohol without it being ancillary to table meals.
11. The supply of alcohol shall be by waiter/waitress service only to persons seated, except for persons in the bar areas as defined by cross hatching on the deposited plans.
12. With the exception of residents and their bona fide guests, no alcohol shall be consumed more than 30 minutes after the permitted terminal hour for the supply of alcohol.
13. The supply of alcohol for consumption off the premises shall be in sealed containers only save for in a designated area owned by the premises or in an area appropriately authorised for the use of tables and chairs on the highway where such supply of alcohol will be:
  - By waiter or waitress service only
  - To customers who are seated, and
  - All tables and chairs are removed or rendered unusable by 11pm
14. During the hours of operation the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
15. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
16. A staff member from the premises who is conversant with the operation of the CCTV shall be on the premises at all times when the premises are 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.
17. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police, which will record the following:

- a) All crimes reported to the venue;
- b) All ejections of patrons;
- c) Any complaints received concerning crime and disorder;
- d) Any incidents of disorder;
- e) All seizures of drugs or offensive weapons;
- f) Any refusal of sale of alcohol.

18. There shall be no sales of hot food or hot drink for consumption off the premises after 23:00 hours except to hotel residents for room service.
19. 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.
20. The number of persons permitted on the premises at any one time (excluding staff) shall not exceed 240.
21. There shall be no cinema style showing of films.
22. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and to leave the area quietly.
23. 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 Services 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.
24. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
25. No fumes, steam or odours shall be emitted from the licenced premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
26. All entrance doors and windows to be kept closed after 23:00 hours except for immediate access and egress of persons.
27. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before collection times.
28. Loudspeakers shall not be located in the entrance lobby or outside the premise building.

29. 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.
30. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
31. 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 unless seated in an authorised external area.
32. The premises licence holder shall ensure that any patrons smoking outside the premises do so on an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
33. A direct telephone number for the manager at the premises shall be publically available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
34. A challenge 21 proof of age scheme shall be operated at the premise where the only acceptable forms of identification are recognised photographic identification cards such as a driving licence, passport or proof of age card with the PASS hologram.
35. There shall be no striptease or nudity and all persons shall be decently attired at all times unless the premises are operating under the provisions of a Sexual Entertainment Licence.
36. Licensable activities and opening hours shall be permitted from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
37. An additional hour to the terminal hour on all licensable activities and opening hours shall be permitted on the day British Summertime commences.
38. The licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the licence.
39. 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 there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

## LICENSING SUB-COMMITTEE No. 4

Thursday 24th November 2016

Membership: Councillor Jean Paul Floru (Chairman), Councillor Nick Evans and Councillor Murad Gassanly

Legal Adviser: Barry Panto  
Policy Adviser: Chris Wroe  
Committee Officer: Tristan Fieldsend  
Presenting Officer: Heidi Lawrence

Relevant Representations: Environmental Health, seventeen local residents and Citizens Advice Westminster representing five local residents.

Present: Ms Claire Eames and Helen Cardy (Solicitors, Representing the Applicant), Mr Radoslaw Ciula and Mr Oliver Sweetman (representing the applicant company), Mr Ian Watson (Environmental Health), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing four local residents) and Mr Kevin Hastings, Mr Raymond Gubbay CBE, Mr Nick Chism, Mr David Alker and Mrs Angela Milligan (local residents).

### Slug and Lettuce, Ground Floor, 17-19 Artillery Row, London, Sw1P 1RH 16/08839/LIPV

#### 1. Exhibition of Films – Indoors

##### Current

Monday to Saturday: 09:00 – 23:45  
Sunday: 09.00 – 22.45

##### Proposed

Monday to Wednesday: 07:00 – 23:45  
Thursday to Friday: 07:00 – 00:30  
Saturday: 07:00 – 23:45  
Sunday: 07.00 – 22.45

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 Stonegate Pub Company Limited for a variation of a premises licence in respect of Slug and Lettuce, Ground Floor, 17-19 Artillery Row, London, SW1P 1RH.

The Licensing Officer provided an outline of the application to the Sub-Committee.

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.

Ms Eames, on behalf of the applicant, explained that the application before the Sub-Committee had altered slightly as the applicant had taken steps to allay concerns raised in the representations received. It was highlighted that Artillery Row was a relatively new residential area and the premises had a complex licensing history. It was recognised that under previous operators the premises did not have a favourable reputation. The applicant had purchased the premises in 2011 and the current Designated Premises Supervisor (DPS) was experienced in working in Westminster. Also in 2015 significant investment of £300,000 had been spent on the property. The premises was very food orientated with sales of food and soft drinks accounting for over half of their sales. It was not located in a cumulative impact area and all the Council's policy considerations had been taken on-board. Endeavours had been made to actively engage with the licensing authorities and local residents to ensure the application was appropriate for the area.

Ms Eames highlighted that the application was not a review of the premises licence and had been submitted to simply extend the hours and improve the conditions on the licence. Since the applicant had been operating the premises there had been no history of complaints. Concerns had been raised by residents over the extended hours and following consultation the proposal to extend on Saturdays had now been removed from the application. The extension of hours sought on Thursday and Friday had also been reduced from 75 minutes to 45 minutes. The objective of the application was to improve the customer experience whilst also ensuring it had no impact on the local community.

The Sub-Committee was informed that it was proposed to extend the hours for exhibiting films simply as the premises opened at 07:00 and it was common practice to show moving images on the screens. Applying for these extended hours was simply to ensure they had the appropriate permissions in place. It was stressed that the amendments to the other conditions was an attempt to clear up the licence and make the operating schedule more meaningful.

In response to questions from the Sub-Committee Ms Eames provided clarification regarding the proposed variations to the following conditions:

Condition 19 – It was proposed to remove the condition regarding sound limiting devices as this had been placed on the licence in 2002 before the current operator had purchased the premises. The premises was operated very differently now and music was not a major factor in the operation of the business. The DPS confirmed that music levels were regulated by management and no live music was provided, only recorded music. There was however a DJ on Friday evenings but no noise complaints had been received regarding this. Ms Eames explained that if the extension in hours was granted it would accept the retention of the condition.

Condition 20 – The Sub-Committee felt it would be important to ensure there was no unauthorised external advertisement and as such the applicant explained that it could retain the condition.

Condition 41 – Members discussed if allowing special effects would introduce a nightclub feel to the premises and were informed that if they felt it necessary this

condition could remain on the licence.

Condition 42 – Ms Eames explained that the entrance and exit to the premises had two sets of doors. Rather than keep both sets closed at all times it was considered only the inner doors should be kept closed after 21:00. Having the outside doors closed could give the impression that the premises was closed.

Condition 50 – It was hoped to have a substantial food offer available until 22:00 instead of during all hours of operation as after 22:00 it was found the demand for food reduced significantly. Therefore the desire was to either close the kitchen after 22:00 or provide a reduced offer.

The Sub-Committee considered that individually the amendments to some of the conditions were not of concern but taken together raised concerns that the nature of the premises could change. Ms Eames explained that these conditions had been placed on the licence historically when it was a different premises. There was no intention to change the style of operation and it was a case of updating the conditions to ensure they promoted the licensing objectives. It was believed the local residents would be better served by the updated conditions and would not be impacted by the modest increase in hours.

Mr Watson, representing Environmental Health, confirmed that under previous operators the premises had historically caused problems. Since the current operator had managed the premises though the Council had only received one noise complaint. A history of compliance inspections to the premises was provided. Environmental Health had also provided pre-application advice to the applicant and held discussions with them centring on modifying conditions, extending the hours and allowing the exhibition of films. In response to the applicant's request to keep one set of the double lobby doors open it was explained that they were kept closed so that noise escape was minimised, and that allowing one set of doors to be locked open undermined their purpose. One particular area of concern highlighted though involved the dispersal of patrons from the premises. Conditions had been suggested to minimise the impact on residents and the Sub-Committee had to decide if these were sufficiently adequate.

Mr Brown, from Westminster Citizens Advice Bureau, advised that the proposed extension to the premises terminal hour was a major concern for residents of Artillery Row. They already suffered noise disturbance and extending the hours beyond 00:00 on Thursdays and Fridays would only exacerbate the problem. The effect of noise was much greater late at night than in the early evening due to the lower ambient street noise levels. Complaints had been made to the operator about the noise disturbance emanating from the premises and this would explain why the Council had no record of recent complaints. Patrons often congregated outside the premises, which had a narrow pavement, for significant periods of time late at night ensuring the residents were exposed to a prolonged period of disturbance. Dispersal of patrons not only created a noise disturbance but large amounts of litter and broken glass were also commonplace in the mornings.

Mr Brown brought to the Sub-Committee's attention several of the changes to

the conditions and explained that they would actually weaken the operating schedule. The additional proposed conditions by the applicant were welcomed but they did not address the key concerns raised.

Mr David Alker, a local resident, addressed the Sub-Committee and highlighted his reasons for objecting to the application. The level of disturbance already created by the premises was unacceptable. The amount of smoking by patrons outside the premises and levels of shouting whilst dispersing were unacceptable and caused a disturbance to many families late at night. Extending the hours on Thursday night would exacerbate this problem especially when they had to get up early for work on Friday mornings. Significant amounts of urination and vomiting occurred in the residential doorways opposite the premises and had personally witnessed this from customers of the Slug and Lettuce. These issues occurred despite door supervisors being in attendance. It was felt that the application submitted failed to address some of these key concerns and the additional conditions did not provide confidence that the premises would be better controlled. Mr Alker agreed with the Sub-Committee's concerns that removing a number of conditions from the licence could potentially alter the nature of the premises. In particular, he thought that the desire to remove tables and chairs from the premises and the sound limiting device suggested that the premises might be more like a nightclub, similar to the "Slug" premises described on the applicant's website.

Mr Raymond Gubbay CBE, a local resident, informed the Sub-Committee that removing the condition to ensure all entrance and exit doors should remain closed after 21:00, except for entrance and exit, would only increase the noise disturbance already experienced. Due to the location of the flats affected it was expected that there would be some noise in the area, however the levels of disturbance currently experienced was not reasonable.

Mr Kevin Hastings, a local resident, advised members that the demographic of the area had changed with more families now living locally.

Mrs Angela Milligan, a local resident, explained that residents did have to get up early for work and due to the layout of the area any noise created from the premises was amplified causing significant disturbance.

Ms Eames confirmed that the DPS, Mr Ciula, had met with Mr Acker twice to discuss noise emanating from the premises. Pre-consultations when submitting the application had taken place with the Licensing Authority and the Police to obtain advice with regards to the variation to the licence. She also drew the Sub-Committee's attention to the fact that the applicant had invested £300,000 in upgrading the premises. The application had been made in good faith and during the process endeavours had been made to actively engage with local residents who had not raised these concerns previously. The removal of certain conditions did not mean that the applicant would change the nature of the premises and it was only an exercise in updating the licence. The updating of the conditions provided an opportunity for both parties to improve the current situation. She added that there could be no consumption of alcohol outside the premises after 21.30 hours and that her client could accept a last entry condition of 23.00 if the application was granted. She also proposed that a limit could also

be placed on the number of customers who could smoke outside the premises.

The Sub-Committee carefully considered the application and the points raised by all parties, including the detailed submissions from the applicant and the written and oral submissions from the local residents. In determining the matter the Sub-Committee considered the amended and additional conditions proposed by the applicant, however it was felt these did not overcome the key issue of the extension in hours. Based on the representations received from local residents it was not believed that the conditions offered would alleviate the current noise disturbance experienced locally and indeed the extension in hours would exacerbate the problems.

This was not an application within a cumulative impact area but that simply meant that there was no policy to refuse the application. The application, even as amended, had to be considered on its individual merits. It was acknowledged that there had been serious problems with a previous operator of the premises but the current operator had been in place since 2011. Despite an assertion that there had been no problems with the current operator, the application led to 17 local residents objecting to the application, a number of whom attended the hearing and spoke eloquently about their concerns. They stressed that the immediate area was predominantly residential with five blocks of flats and they explained the issues that they did have with the current operation, including noise escape, customers smoking and gathering on the street outside the premises and problems with dispersal of customers. There was also evidence of customers urinating and vomiting outside the premises. Whilst it was acknowledged that some of those problems might be caused by customers from the nearby Greencoat Boy Public House, there was evidence that some of the problems were caused by customers of the Slug and Lettuce.

Photographs had been produced to the Sub-Committee which clearly showed the propensity for customers to gather outside the Slug and Lettuce. A number of local residents clearly expressed the view that they could just about tolerate the nuisance cause to them by the current operation but that they were very concerned about any application to extend the hours for licensable activities. They thought that this was acknowledged by the applicant proposing to have additional security staff after midnight. There was also concern that customers from the Greencoat Boy would simply leave those premises when they closed and would then move across the road to the Slug and Lettuce. Ultimately, the concern was that the operator simply did not have the means to control how customers behaved outside the premises and how they dispersed once they had left the premises. The new set of proposed conditions was laudable and a number of them would have been welcomed by the Sub-Committee but they did not overcome the substantial issues and concerns that had been raised by the local residents. The Sub-Committee was therefore of the opinion that the extended hours applied for on Thursday and Friday evenings be rejected. The Sub-Committee was of the opinion that the application to extend the hours and amend conditions was linked, at least in part, and whilst some of the proposed conditions might have been acceptable variations to existing conditions the sub-committee considered that it would be unfair on the applicant to refuse the extension in hours but impose further restrictive conditions on the licence, and it therefore refused the application in its entirety. In doing so the sub-committee

	noted that proposals to remove a number of conditions had been dropped during the hearing and thought that it would be more appropriate to consider proposals to amend the conditions as a whole through the mechanism of a further application, in light of the decision on the hours it had made today.	
<b>2.</b>	<b>Performance of Live Music – Indoors</b>	
	<u>Current</u>	<u>Proposed</u>
	Monday to Saturday: 09:00 – 23:45 Sunday: 09:00 – 22:45	Monday to Wednesday: 09:00 – 23:45 Thursday to Friday: 09:00 – 00:30 Saturday: 09:00 – 23:45 Sunday: 09.00 – 22.45
	Amendments to application advised at hearing:  None	
	Decision (including reasons if different from those set out in report):  The Sub-Committee refused the application, see reasons for decision in Section 1.	
<b>3.</b>	<b>Performance of Dance – Indoors</b>	
	<u>Current</u>	<u>Proposed</u>
	Monday to Saturday: 09:00 – 23:45 Sunday: 09:00 – 22:45	Monday to Wednesday: 09:00 – 23:45 Thursday to Friday: 09:00 – 00:30 Saturday: 09:00 – 23:45 Sunday: 09.00 – 22.45
	Amendments to application advised at hearing:  None	
	Decision (including reasons if different from those set out in report):  The Sub-Committee refused the application, see reasons for decision in Section 1.	
<b>4.</b>	<b>Anything of a Similar Description to Live Music, Recorded Music or Performance of Dance - Indoors</b>	
	<u>Current</u>	<u>Proposed</u>
	Monday to Saturday: 09:00 – 23:45 Sunday: N/A	Monday to Wednesday: 09:00 – 23:45 Thursday to Friday: 09:00 – 00:30 Saturday: 09:00 – 23:45 Sunday: N/A

	<p>Amendments to application advised at hearing:</p> <p>None</p>				
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee refused the application, see reasons for decision in Section 1.</p>				
<b>5.</b>	<p><b>Late Night Refreshment - Indoors</b></p> <table> <thead> <tr> <th><u>Current</u></th> <th><u>Proposed</u></th> </tr> </thead> <tbody> <tr> <td>Monday to Saturday: 23:00 – 23:45 Sunday: N/A</td> <td>Monday to Wednesday: 23:00 – 23:45 Thursday to Friday: 23:00 – 00:30 Saturday: 23:00 – 23:45 Sunday: N/A</td> </tr> </tbody> </table>	<u>Current</u>	<u>Proposed</u>	Monday to Saturday: 23:00 – 23:45 Sunday: N/A	Monday to Wednesday: 23:00 – 23:45 Thursday to Friday: 23:00 – 00:30 Saturday: 23:00 – 23:45 Sunday: N/A
<u>Current</u>	<u>Proposed</u>				
Monday to Saturday: 23:00 – 23:45 Sunday: N/A	Monday to Wednesday: 23:00 – 23:45 Thursday to Friday: 23:00 – 00:30 Saturday: 23:00 – 23:45 Sunday: N/A				
	<p>Amendments to application advised at hearing:</p> <p>None</p>				
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee refused the application, see reasons for decision in Section 1.</p>				
<b>6.</b>	<p><b>Sales of Retail by Alcohol – On and Off sales</b></p> <table> <thead> <tr> <th><u>Current</u></th> <th><u>Proposed</u></th> </tr> </thead> <tbody> <tr> <td>Monday to Saturday: 09:00 – 23:45 Sunday: 09:00 – 22:30</td> <td>Monday to Wednesday: 09:00 – 23:45 Thursday to Friday: 09:00 – 00:30 Saturday: 09:00 – 23:45 Sunday: 09:00 – 22:30</td> </tr> </tbody> </table>	<u>Current</u>	<u>Proposed</u>	Monday to Saturday: 09:00 – 23:45 Sunday: 09:00 – 22:30	Monday to Wednesday: 09:00 – 23:45 Thursday to Friday: 09:00 – 00:30 Saturday: 09:00 – 23:45 Sunday: 09:00 – 22:30
<u>Current</u>	<u>Proposed</u>				
Monday to Saturday: 09:00 – 23:45 Sunday: 09:00 – 22:30	Monday to Wednesday: 09:00 – 23:45 Thursday to Friday: 09:00 – 00:30 Saturday: 09:00 – 23:45 Sunday: 09:00 – 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 refused the application, see reasons for decision in Section 1.</p>				
<b>7.</b>	<p><b>Hours Premises Are Open to the Public</b></p>				

	<u>Current</u> Monday to Saturday: 07:00 – 00:00 Sunday: 07:00 – 23:00	<u>Proposed</u> Monday to Wednesday: 07:00 – 00:00 Thursday to Friday: 07:00 – 01:00 Saturday: 07:00 – 00:00 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 refused the application, see reasons for decision in Section 1.	
<b>1.</b>	<b>Conditions Being Varied, Added or Removed</b>  The applicant proposes to remove all conditions in Annex 2 and Annex 3 to the current premises licence 15/05243/LIPVM and replace them with the proposed conditions below.	
	<b>Condition</b>	<b>Proposed Variation</b>
	11. Children are not to be permitted in the immediate vicinity of the bar and are to vacate the premises by 21:30.	To be <b>removed</b> from the licence
	12. The hours for licensable activities may be extended on New Year's Eve until the end of permitted hours on New Year's Day.	To remain in effect, although the applicant has not proposed this as a licence condition
	13. The premises will maintain a comprehensive CCTV system that ensures all areas of the licensed premises are monitored including all entry and exit points, and the street environment and which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping. (ii) Tape Recordings shall be made available to an authorised officer or police officer together with facilities for viewing. (iii) The recordings of the preceding two days shall be made available immediately on request. Recordings	To be <b>varied</b> to read:  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 recording shall be stored for a minimum period of 31 days with the date and time stamping. Viewing of recordings shall be made available immediately upon the

<p>outside this period shall be made available on 24 hours notice. (Subject to the Data Protection Act)</p>	<p>request of Police or authorised officers throughout the entire 31 day period. 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.</p>
<p>14. The capacity of the premises shall not exceed 410 persons (excluding staff).</p>	<p>To <b>remain</b> on the licence</p>
<p>15. Arrangements will be made to ensure that any capacity limit set for the premises can be properly monitored. Information regarding the capacity should be given to an authorised officer on request.</p>	<p>To <b>remain</b> on the licence</p>
<p>16. The areas hatched black on the deposited plan shall be permanently laid out with tables and chairs and the said areas shall not be altered except with prior consent of the Licensing Authority.</p>	<p>To be <b>removed</b> from the licence</p>
<p>17. The doors of the premises shall not remain open after 23.00 hours such that there will be no admission to the premises after 23.00 hours.</p>	<p>To be <b>removed</b> from the licence</p>
<p>18. Door supervisors will be instructed to stay at the premises for an additional 15 minutes after closing to ensure that any potential lewd or unruly behaviour is deterred.</p>	<p>To be <b>varied</b> to read:  Whenever the premises are operating the sale of alcohol beyond midnight, the premises shall employ a minimum of two door supervisors. The start times of the door supervisors shall be subject of a risk assessment. At all other times, the need for door supervisors will be assessed by way of risk assessment and cognisance will be taken of Police advice. Where used, door supervisors shall remain at the premises for a minimum of 15</p>

	minutes after licensable activities have ceased to ensure the safe and quiet dispersal of patrons.
19. The sound limiting devices at the premises shall be set and maintained at a level to be decided upon by the Environmental Health Officer, including one limiting the noise output during the provision of live entertainment.	To be <b>removed</b> from the licence
20. No unauthorised advertisement of any kind (including poster, flyer, sticker, picture, letter, sign or other mark) is inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree or any other property, or is distributed on the street to the public that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.	To be <b>removed</b> from the licence
21. All refuse will be paid, properly presented and placed on the street 30 minutes before any agreed collection time. Every endeavour will be made to prevent refuse being left on the street for more than 2.5 hours (insofar as it is in the licensee's control).	To <b>remain</b> on the licence
22. The licensee will do all in its power to co-operate with any arrangement made by Council for collection of refuse on the highway between 0800 hours and 2300 hours.	To <b>remain</b> on the licence
23. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.	To be <b>removed</b> from the licence

<p>NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2 (1A) and 5 of the Hypnotism Act 1952.</p>	
<p>24. The operators will not organise, nor permit the organisation of, any adult entertainment without first obtaining the consent of the Police and the Council. At least 10 days' notice of the proposal, with brief details, will be given to the Police. Any such entertainment that is permitted will not take place before 1900 hours and will be restricted to the raised area at the rear of the premises.</p>	<p>To be <b>varied</b> to read:</p> <p>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.</p>
<p>25. The approved arrangements at the premises, including means of escape provisions, fire warning and fire fighting equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.</p>	<p>To be <b>varied</b> to read:</p> <p>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.</p>
<p>26. The certificates listed below shall be submitted to the Council annually.</p> <p>(a) Any emergency lighting battery or system  (b) Any electrical installation  (c) Any fire alarm system</p>	<p>To be <b>varied</b> to read:</p> <p>The certificates listed below shall be submitted to the Licensing Authority upon written request;</p> <p>(a) Any permanent or temporary emergency lighting battery or system  (b) Any permanent or temporary electrical installation  (c) Any permanent or temporary emergency warning system</p>
<p>27. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately and clearly identified in accordance with the plans provided.</p>	<p>To be <b>varied</b> to read:</p> <p>The means of escape for the premises shall be maintained unobstructed, free of trip hazards, be immediately and clearly identified in accordance with the plans provided.</p>
<p>28. No changes shall be made to the approved layout of the premises</p>	<p>To be <b>removed</b> from the licence</p>

	without the consent of the Council.	
	29. All exit doors shall be available at all material times without the use of a key, code, card or similar means.	To be <b>varied</b> to read:  All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
	30. All fire doors shall be maintained effectively self-closing and not held open other than by an approved device.	To be <b>varied</b> to read: All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
	31. Fire resisting doors to ducts, service shafts and cupboards shall be kept locked shut.	To <b>remain</b> on the licence
	32. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.	To <b>remain</b> on the licence
	33. Only hangings, curtains, upholstery and temporary decorations, complying with the relevant British (or where appropriate European) Standard shall be used. Where necessary these shall be periodically tested for flame resistance and re-treated as necessary.	To <b>remain</b> on the licence
	34. Curtains and hangings shall be arranged so as not to obstruct fire safety signs, fire extinguishers or other fire fighting equipment.	To be <b>varied</b> to read:  Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
	35. Staff with specific responsibilities in the event of fire or other emergency, together with deputies, shall receive training and written instruction appropriate to their role.	To be <b>removed</b> from the licence
	36. The flue of any boiler or heating appliance shall be professionally cleaned at intervals not less than the minimum recommended by the	To be <b>removed</b> from the licence

appliance manufacturer.	
37. Ventilation ducting and shafts generally shall be maintained in a clean condition.	To be <b>removed</b> from the licence
38 Ventilation air filters shall be cleaned or changed for new filters periodically as may be necessary to maintain a satisfactory flow of air supply.	To be <b>removed</b> from the licence
39. All interior surfaces of extract ventilation ducting serving kitchens and serveries shall be regularly cleaned e.g. weekly.	To be <b>removed</b> from the licence
40. Grease filters in extract ventilation hoods in kitchens and serveries shall be regularly cleaned e.g. weekly.	To be <b>removed</b> from the licence
41. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 7 days prior notice being given to the Council where consent has not previously been given. - dry ice and cryogenic fog - smoke machines and fog generators - pyrotechnics including fire works - firearms - lasers - explosives and highly flammable - substances - real flame - Strobe lighting	To be <b>removed</b> from the licence
42. All entrance and exit doors shall remain closed after 9pm except for the immediate access and egress of patrons.	To be <b>varied</b> to read:  The inner doors of the premises shall be kept closed after 21.00hrs except for the immediate access and egress of persons.
43 All persons under 18 will not be allowed to remain on the premises after 1900 hours or when Happy	To be <b>removed</b> from the licence

Hours or similar promotions are in operation.	
44. All children are to be restricted to the raised seated areas of the premises.	To be <b>removed</b> from the licence
45. No notices or posters shall be displayed at the premises that advertise adult entertainment when persons under 18 are in the premises.	To be <b>removed</b> from the licence
46. Noise and vibration will not be allowed to emanate from the premises so as to cause a nuisance to nearby properties.	To be <b>varied</b> to read:  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.
47. Notices will be prominently displayed at exits requesting the public to respect the needs of the local residents and to leave the premises and the area quietly.	To be <b>varied</b> to read: Notices will be prominently displayed at exits requesting the public to respect the needs of local residents and leave the premises quietly.
48. No rubbish including bottles will be moved, removed or placed in outside areas between 2300 hours and 0800 hours.	To <b>remain</b> on the licence
49. Flashing or particularly bright lights on or outside the premises will not be permitted to cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).	To <b>remain</b> on the licence
50. Substantial food will be available at all times during the hours of operation.	To be <b>varied</b> to read:  Substantial food will be available at the premises until 10pm.
51. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be permitted after 11pm.	To be <b>removed</b> from the licence
52. The operators will not organise, nor permit the organisation of, any	<b>Duplicate</b> of Condition 24 – see above for proposed replacement

<p>adult entertainment without first obtaining the consent of the Police and the Council. At least 10 days' notice of the proposal, with brief details, will be given to the Police. Any such entertainment that is permitted will not take place before 19:00 hours and will be restricted to the raised area at the rear of the premises.</p>	<p>condition.</p>
	<p>To be added to the licence:</p> <p>After 21.30hrs, patrons who have temporarily left the premises and then re-entered the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.</p>
	<p>To be added to the licence:</p> <p>Where the premises are trading for the sale of alcohol beyond midnight, there shall be no new admissions to the premises beyond 23:30hrs.</p>
	<p>To be added to the licence:</p> <p>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;</p> <ul style="list-style-type: none"> <li>a. All crimes reported to the venue</li> <li>b. All ejections of patrons</li> <li>c. Any complaints received concerning crime and disorder</li> <li>d. Any incidents of disorder</li> <li>e. Any faults from the CCTV system or searching equipment or scanning equipment</li> <li>f. Any refusal in the sale of alcohol</li> <li>g. Any visit by a relevant authority or emergency service</li> </ul>
	<p>To be added to the licence:</p> <p>Where Pubwatch exists covering the area of which the premises is situated, then the DPS or other</p>

	<p>nominated employees shall participate in Pubwatch.</p>
	<p>To be added to the licence:</p> <p>The premises shall maintain a written drugs policy, which shall be made available to the Police or an authorised officer of the Council upon request.</p>
	<p>To be added to the licence:</p> <p>The premises shall maintain a written dispersal policy which shall be made available to the Police or an authorised officer of the Council upon request.</p>
	<p>To be added to the licence:</p> <p>A proof of age scheme such as Challenge 21 will be operated at the premises where the only acceptable forms of identification are photographic identification cards such as a driving licence or passport.</p>
	<p>To be added to the licence:</p> <p>A log (which may be electronic) shall be kept detailing all refused sales of alcohol. The log shall include the date and time of the refusal and the name of the member of staff who refused the sale. A copy of the log or electronic report shall be made available to an authorised police officer and licensing authority officer upon request.</p>
	<p>To be added to the licence:</p> <p>All bar staff to receive appropriate training in relation to alcohol sales prior to commencing their duties. This will include the premise licence conditions, underage sales policy and other relevant licensing matters. Training documents (which may be in</p>

	an electronic format) shall be made available to an authorised police officer and licensing authority officer upon request.
	Amendments to application advised at hearing: None
	Decision (including reasons if different from those set out in report): The Sub-Committee refused the application, see reasons for decision in Section 1.

**6 NO. 4 MAYFAIR, FIRST FLOOR, 4 MILL STREET, W1**

**LICENSING SUB-COMMITTEE No. 4**  
*Thursday 29th September 2016*

Membership: Councillor Jean Paul Floru (Chairman), Councillor Nick Evans and Councillor Murad Gassanly

Legal Adviser: Barry Panto  
Policy Adviser: Chris Wroe  
Committee Officer: Tristan Fieldsend  
Presenting Officer: Heidi Lawrence

Relevant Representations: One local business objecting to the application and one local resident supporting the application.

Present: Ms Lana Tricker (Solicitor representing the Applicant)

<b>No.4 Mayfair, first Floor, 4 Mill Street, London, W1S 2AX</b>	
<b>1.</b>	<b>Renewal of a Sexual Entertainment Venue Premises Licence</b>
	The application was to renew the sexual entertainment venue premises licence to provide striptease and hostess services involving full nudity between the hours of 09:00 on each of the days Monday to Saturday to 05.00 on the following days and 12:00 to 22:30 on Sundays.
	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 Leaserise Ltd for a renewal of a sexual entertainment venue premises licence in respect of No.4 Mayfair, First Floor, 4 Mill Street, London, W1S 2AX.

The Licensing Officer provided an outline of the application to the Sub-Committee.

The Sub-Committee considered all the information provided by the applicant and the two representations received in respect of the application (one objecting to the application and the other in support). The representation objecting to the application was repeating an objection that had previously been made in 2012 suggesting that the business was inappropriate in the area. However, it was noted that the premises have actually been operating in a discrete fashion since 2007 and had therefore been operating when the objector moved in to the area. It was also noted that the alleged incident on 28 October 2016 had nothing to do with these premises, despite the assertion to that effect by the objector. As there was no history or record of the premises causing any nuisance or disturbance the Sub-Committee had no concerns over the application and therefore granted the application in full.

**Sexual Entertainment Venue Licence - Standard Conditions:**

1. Whilst Relevant Entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice to that effect shall be displayed at the entrance in a prominent position so that it can be easily read by persons entering the premises.
2. Whenever persons under the age of 18 are admitted to the premises there will be no promotional or other material on display within the premises which depicts nudity or partial nudity.
3. The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.
4. No provision of relevant entertainment, or material depicting nudity or relevant entertainment, shall be visible from outside the premises.
5. Menus and drinks price lists shall be clearly displayed at the front entrance of the club, reception area, tables and bar at such a position and size as to be easily read by customers. This price list shall show all consumable items and any minimum tariff including charges and fees applicable to Performers.
6. Except with the consent of the Licensing Authority, no advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) shall be inscribed or affixed at the premises, on the surface of the highway or on any building, structure, works, street furniture, tree or any other property or be distributed in the street to the public that advertises or promotes the relevant entertainment at the premises.

7. The licence holder or other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting, nor enter into any agreement with a third party to do so.
8. Adequate toilets, washing and changing facilities for use by the Performers shall be provided.
9. Either the licence holder or a named responsible person shall be present throughout the time the Relevant Entertainment takes place.
10. The premises will install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer that ensures all areas of the licensed premises are monitored including all entry and exit points will be covered enabling frontal identification of every person entering any light condition. All cameras 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period together with facilities for viewing.
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 is open to the public and this staff member should be able to show Police recent data and footage with the absolute minimum of delay of the request.
12. An incident log shall be kept at the premises, and made available on request to the Licensing Authority or the Police, which will record the following:
- (a) all crimes reported to the venue;
  - (b) all ejections of patrons;
  - (c) any complaints received;
  - (d) any incidents of disorder;
  - (e) 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;
  - (i) any breach of licence conditions reported by a Performer.
13. The licence holder shall produce a Code of Conduct setting out rules and obligations between the licence holder and performers whilst performing. All Performers shall sign the Code of Conduct in their proper name acknowledging that they have read, understood and are prepared to abide by the said Code of Conduct, and a copy so signed shall be retained by the licence holder and shall be readily available for inspection by the Police and/or authorised persons upon reasonable request.
14. Individual records shall be kept at the premises of the real names, stage names and addresses of all Performers working at the premises. The record will include either a copy of their birth certificate, current passport, EU driving licence or national

identity card and shall be made immediately available for inspection by the Police and/or the Licensing Authority upon request.

15. Details of all work permits and/or immigration status relating to persons working at the premises shall be retained by the licence holder and be readily available for inspection by the Licensing Authority, a Police Officer or Immigration Officer.

16. Relevant Entertainment shall be given only by Performers and the audience shall not be permitted to participate in the relevant entertainment.

17. There shall be no physical contact between Performers whilst performing.

18. Performers will not request or give out any telephone number, address or any other contact information from or to any customer. Any such information given by a customer shall be surrendered to the premises manager as soon as is practicable.

19. Relevant Entertainment shall take place only in the designated areas approved by the Licensing Authority as shown on the licence plan. Arrangements for access to the dressing room shall be maintained at all times whilst Relevant Entertainment is taking place and immediately thereafter.

20. Customers must remain fully clothed at all times. The Performer must not remove any of the customer's clothing at any time.

21. Where Relevant Entertainment is provided in booths, or other areas of the premises where private performances are provided, the booth or area shall not have a door or other similar closure, the area shall be constantly monitored by CCTV, and access to the booth or other area shall be adequately supervised.

22. Whenever Relevant Entertainment is being provided there shall be no physical contact between Performers and customers or between customers and Performers except for the exchanging of money or tokens at the beginning or conclusion of the performance and only for the purpose of that performance. Clearly legible notices to this effect shall clearly be displayed in each private booth and in any performance area.

23. Performers must redress fully immediately after each performance.

**Additional Conditions:**

24. External windows shall be rendered opaque when relevant entertainment takes place.

25. No Relevant Entertainment shall take place at the premises until a wash basin is provided in the staff room to the satisfaction of the Environmental Health Consultation Team.

26. The maximum number of persons accommodated at any one time (excluding staff) shall not exceed 30 persons. On a Monday to Friday after 03.00 hours (the following morning) the maximum number of persons shall be 20 persons (excluding staff).

27. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
28. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
29. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
30. 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.
31. 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.
32. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
33. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
- i. pyrotechnics including fire works
  - ii. firearms
  - iii. lasers
  - iv. explosives and highly flammable substances.
  - v. real flame.
  - vi. strobe lighting.
34. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

The Meeting ended at 12.40 pm

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

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