



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (3)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (3)** Committee held on **Thursday 22nd September, 2016**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

Members Present: Councillors Melvyn Caplan (Chairman), Heather Acton and Murad Gassanly

1 MEMBERSHIP

There were no changes to the Membership.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 PICTURE MARYLEBONE, BASEMENT AND GROUND FLOOR, 19 NEW CAVENDISH STREET, W1

LICENSING SUB-COMMITTEE No. 3 *Thursday 22nd September 2016*

Membership: Councillor Melvyn Caplan (Chairman), Councillor Heather Acton and Councillor Murad Gassanly

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

Relevant Representations: Environmental Health, 1 Ward Councillor and 4 local residents.

Present: Mr Tom Slegg and Mr Colin Kelly (Owners of Picture Marylebone), Mr Anil Drayan (Environmental Health) and Dr Nicholas Merthyr Day (local resident).

**Picture Marylebone, Basement and Ground Floor, 19 New Cavendish Street,
W1
16/07748/LIPV**

1. Sale by Retail of Alcohol (On and Off)

Current Hours

Monday to Wednesday 11:00 to 22:30
Thursday to Saturday 11:00 to 23:00
Sunday 11:00 to 22:30

Proposed Hours

Monday to Saturday 11:30 to 23:00
Sunday 11:00 to 22:30

Amendments to application advised at hearing:

None.

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

The Sub-Committee heard from Mr Slegg that he and his fellow owners of Picture Marylebone had originally intended to operate until midnight. However, they were now seeking to vary the licence to extend on and off sales by half an hour until 23:00 Mondays to Wednesdays. This was in keeping with the permitted hours on Thursdays to Saturdays. The owners were also keen to remove a condition on the existing premises licence that 'there shall be no outside tables and chairs at any time'. The Applicants had agreed conditions proposed by the Council's Environmental Health department that all tables and chairs would be removed from the outside private forecourt area or rendered unusable by 21:00 hours each day and that the number of tables and chairs in the outside private forecourt would be limited to 3 tables and 6 chairs. Mr Slegg confirmed to Members of the Sub-Committee that the tables and chairs were located on the premises' private forecourt and that alcohol sold to customers seated outside would be ancillary to substantial table meals as was the case inside the premises.

Mr Drayan advised the Sub-Committee that Environmental Health's concerns had been addressed. He had maintained his representation in order to assist the Sub-Committee. Members asked him a number of questions. He was able to confirm that all of his proposed conditions had been agreed by the Applicants. He was asked whether there had been any complaints to the Noise Team relating to the premises. Mr Drayan stated that there had been some complaints soon after the Applicants had become the operators in July. Windows and doors at the back of the premises had been left open at the rear of the premises which was in contravention of the conditions on the premises licence. The Applicants had been informed of the breach of the conditions and since then there had not been any further reported complaints. Mr Drayan added that some of the residents did not believe that the Applicants were fully adhering to the conditions. He advised that there was an issue which was not necessarily the

fault of the Applicant in that the premises had originally operated under Planning Use Class A1 but the landlord had rented the premises out as Class A3 and Planning department had not enforced against this. As a result there was a ten year exemption rule in place for the premises to operate with Class A3 use.

The Sub-Committee was addressed by Dr Day. He stated that his comments were not personal against the Applicant. He enjoyed eating at Picture Marylebone. He also made the point that as the application had been submitted in August there had been other local residents who had missed the opportunity to make representations because they had been on holiday. Dr Day commented that if doors or windows were opened at the premises in the evening he could hear noise from the kitchen and customers talking in the restaurant. He was still adversely affected, though it was not so loud, when the doors and windows were closed. A particular concern for him was noise emanating from the extractor fan being used at all hours. His neighbours were also concerned by the emptying of wine bottles into the recycling bin after 23:00. He believed there was general noise until midnight and that conditions had not been adhered to. Dr Day was of the opinion that all of these factors lead to public nuisance. Dr Day emphasised that the neighbourhood had changed in the last few years from an area where flats were rented out to tenants to the flats being owned. Consequently, he was of the view that more time was spent by owners in their properties.

Dr Day stated that other representations appeared to indicate that the residents above the premises were troubled by it. He believed that even if the restaurant was extending by half an hour Monday to Wednesday there would be noise until 23:00 followed by a clear up of the premises. The operators also had the option to operate on Sundays as well. Dr Day expressed the view that it was unsuitable for the establishment to be run as a restaurant at this location. In response to a question from the Sub-Committee as to his view on outside tables being introduced until 21:00, he replied that these would be located on the other side of the building and that other residents were more likely to be affected.

Mr Drayan responded to Dr Day's point on the extraction fan. It was his professional opinion that during the day the fan would not be so loud but that if it was being used late at night it was likely to be a problem. He suggested a condition that the extraction fan was turned off at 23:00. The extraction fan had been granted planning permission. Mr Slegg and Mr Kelly commented that the extraction system had been used by previous operators. It had always been their intention to cook during the night. The Sub-Committee and Mr Drayan made the point to the Applicants that not only was planning permission required to use the extraction fan during the night but that it was breaching the licensing condition that 'no noise shall emanate'. Mr Kelly replied that he had not been aware that the use of the extraction fan had been an issue for any of the local residents. Mr Day informed those present that the extraction fan was a nuisance to him at all times of the day.

This was an application to vary the licence to extend the time on and off sales can be sold and when Picture Marylebone was scheduled to close by half an hour on Mondays to Wednesdays until 23:00. These were the existing hours on the premises licence Thursday to Saturday. It was also proposed that the commencement time for on and off sales and in terms of opening would be half

an hour later on Monday to Saturday, commencing at 11:30. The Applicant was requesting that conditions were amended in order that tables and chairs were permitted outside on the private forecourt.

The Sub-Committee had carefully listened to the comments of the Applicants, Dr Day and Environmental Health and had also taken into account the written representations. Members in reaching a decision considered that they could only make a decision on the application before them. The Sub-Committee particularly could not take a view on the planning situation which had enabled a restaurant to operate at 19 New Cavendish Street when previously this had not been permitted. The application was for a limited extension of on and off sales on Monday to Wednesday evenings outside the cumulative impact areas and the establishment was subject to restaurant conditions, including the outside area. The Applicant had agreed conditions with Environmental Health (whose concerns had been addressed) that the three tables and six chairs outside would be removed or rendered unusable by 21:00 every day. There had been confusion with the existing premises licence as one condition on the licence had stipulated that 'alcohol consumed outside the premises building shall only be consumed by patrons seated at tables'. Another condition had set out that 'there shall be no outside tables and chairs at any time'. In granting the application this uncertainty had been removed.

The Sub-Committee advised the Applicant that it was not an option not to comply with any of the conditions on the premises licence. In the event that conditions were not complied with going forward, there was the potential for residents or the Responsible Authorities to submit a review of the premises licence. This included not only keeping all windows and external doors closed after 21:00 hours or bottles being discarded between 23:00 and 08:00 on the following day but turning off the extraction fan during the night to prevent noise nuisance. The Sub-Committee attached the updated model condition which took into account extraction fans and states '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'. It was noted that Environmental Health also had recourse to serve a noise abatement notice in respect of the extraction fan.

The Chairman stated that the Sub-Committee expected a greater dialogue in the future between the Applicants and the local residents. Such a dialogue would have made the Applicants more aware of issues arising such as the extraction fan.

2. Opening Hours

Current Hours

Proposed Hours

Monday to Wednesday 11:00 to 22:30
 Thursday to Saturday 11:00 to 23:00
 Sunday 11:00 to 22:30

Monday to Saturday 11:30 to 23:00
 Sunday 11:00 to 22:30

Amendments to application advised at hearing:

	None.				
	Decision (including reasons if different from those set out in report): Granted, subject to conditions as set out below (see reasons in Section 1)				
3.	Conditions being varied, added or removed				
	<table border="0"> <thead> <tr> <th><u>Condition on current premises licence</u></th> <th><u>Proposed Variation</u></th> </tr> </thead> <tbody> <tr> <td>25. There shall be no outside tables and chairs at any time.</td> <td>To be removed.</td> </tr> </tbody> </table>	<u>Condition on current premises licence</u>	<u>Proposed Variation</u>	25. There shall be no outside tables and chairs at any time.	To be removed.
<u>Condition on current premises licence</u>	<u>Proposed Variation</u>				
25. There shall be no outside tables and chairs at any time.	To be removed.				
	Amendments to application advised at hearing: None.				
	Decision (including reasons if different from those set out in report): The Sub-Committee granted the removal of the condition on the existing premises licence that 'there shall be no outside tables and chairs at any time'.				

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

consumption on the premises—

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

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

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

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

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

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

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

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

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

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

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

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

Where -

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

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

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

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

Additional Conditions

- 9. 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.
- 10. 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.
- 11. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
- 12. The sale and supply of alcohol for consumption off the premises shall be restricted to:
 - (i) alcohol consumed at the ground floor outside seating area shown on the licensed plan, shall be by waiter or waitress service served only to a person seated taking a substantial table meal there, and for consumption by such a person as ancillary to their meal; or

(ii) it shall be in a sealed container only, shall not be consumed on the premises and shall only be supplied with, and ancillary to a take-away meal.

13. 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.
14. Notices shall be prominently displayed at all exits and all areas used for smoking requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
15. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
16. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 2300 hours and 0800 hours on the following day.
17. The number of persons permitted in the premises at any one time (including staff) shall not exceed 90 persons.
18. No deliveries to the premises shall take place between 2300 hours and 0800 hours on the following day.
19. 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.
20. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
21. 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.
22. 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.

23. The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) where the supply of alcohol is by waiter or waitress service only, (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

Notwithstanding this condition, alcohol may be supplied and consumed prior to their meal by up to a maximum of 20 seated persons in the basement bar area (designated on the plan) dining at the premises at any one time.

24. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
25. There shall be no self service of alcohol.
26. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises are open.
27. 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.
28. All tables and chairs shall be removed from the outside private forecourt area or rendered unusable by 21:00 hours each day.
29. The number of tables and chairs in the outside private forecourt shall be limited to 3 tables and 6 chairs.
30. The premises licence holder shall ensure that any patrons using the outside tables and chairs and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
31. Staff shall not use the rear courtyard as a recreational place, such as for smoking, at any time.

4 GEORGIAN HOUSE HOTEL, 37 ST GEORGE'S DRIVE, SW1

LICENSING SUB-COMMITTEE No. 3

Thursday 22nd September 2016

Membership: Councillor Melvyn Caplan (Chairman), Councillor Heather Acton and Councillor Murad Gassanly

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

Relevant Representations: Environmental Health and 3 local residents.

Present: Mr Adam Rowledge (General Manager), Mr Maxwell Owusu Koduah (Environmental Health) and Mrs Jacqui Wilkinson (local resident).

Georgian House Hotel, 35-39 St George's Drive, SW1 15/11488/LIPN	
1.	Sale by Retail of Alcohol (On)
	Monday to Sunday 00:01 to 00:00
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): This was an application for a new premises licence to provide on sales at the Hotel at all times. The Applicant had agreed a number of conditions proposed by Environmental Health including that the sale of alcohol after 23:00 hours would only be for consumption by residents or their bona fide guests or to non-residents attending pre-booked events. The Sub-Committee asked for clarification on what private pre-booked events were envisaged and also what was planned for the external areas. Mr Rowledge replied that the basement had three sections which were used for breakfast. One of the sections was a bar area which was currently being used for afternoon teas and the middle one on the plans would be used for private pre-booked events. There was a large table in the room with 14 chairs used for private events. Typical private events would include parties involving afternoon teas to celebrate anniversaries, christenings or such other special events. Mr Rowledge stated it was intended, as agreed in a condition proposed by Environmental Health, that there would be drinks receptions taking place in the

early evening for a maximum of 60 people.

Mr Koduah, on behalf of the Council's Environmental Health department, referred to the significant proposed conditions that he had agreed with the Applicant, including that the public would not be able to purchase alcohol after 23:00 hours and that no noise would be permitted to emanate from Georgian House Hotel which gives rise to a nuisance. He advised that if the Applicant complied with the proposed conditions his immediate concerns would be addressed.

Councillor Jacqui Wilkinson had submitted a representation in her capacity as a local resident living in the vicinity of the premises rather than as a Member of the Council. She referred to the fact that whilst being on a main thoroughfare Georgian House Hotel is surrounded by residential streets. Councillor Wilkinson expressed concerns that the Applicant was applying to sell alcohol 24 hours a day, 7 days a week and that other licensed premises in the area might follow suit. Councillor Wilkinson believed there would potentially be anti-social behaviour and loss of amenity for residents and had since learned that Environmental Health had proposed conditions which she was in support of.

Councillor Wilkinson had visited Georgian House Hotel at 35-39 St George's Drive in February with another resident, Ms Dingle whose property in Cambridge Street backs onto the rear of the Hotel. Her observation was that the building had been regenerated with a view to attracting an upmarket clientele. Councillor Wilkinson informed Members that the Applicants had two further properties off-site, one was at 53 Cambridge Street which was labeled Georgian House, had self-contained flats and was referred to on the Hotel's website. Councillor Wilkinson advised the Sub-Committee that she had not found any mention of the purpose of use of 47 Alderney Street on the Hotel's website. Councillor Wilkinson added that it was not clear whether the sale of alcohol to residents applied to 35-39 St George's Drive only or the properties off-site as well.

Councillor Wilkinson drew some comfort from the fact that the Applicant was not intending to provide evening meals apart from snacks to hotel residents in their rooms. Also the small nature of the bar meant it was unlikely it would be used for major social activities. Recorded music had been withdrawn which was welcome, however, she still had some significant concerns. These included the potential for noise to the rear of the premises in Cambridge Street, particularly if there was use of the small courtyard outside. Also the room used in the basement for private events had a glass roof and 60 people in this area could cause nuisance or disruption. There had been lighting issues from this room which had caused issues for local residents. Councillor Wilkinson added that it had been clear that there had been incremental extensions to the hotel which had increased its size to the rear. She stated that a similar incremental activity in relation to the service of alcohol would not be welcome. Conditions, in the event that the application was granted, needed to be strictly adhered to.

The Sub-Committee asked a number of questions in respect of the application. Councillor Wilkinson was asked for her view on the proposed condition which had been agreed between Environmental Health and the Applicant that 'the sale of alcohol after 23:00 is only for consumption by residents or their bona-fide

guests or to non-residents attending pre-booked events'. She replied that it was acceptable in principle but that there needed to be a limit on the total number of guests in order to prevent the potential for public nuisance.

The Sub-Committee asked Mr Rowledge whether it would be acceptable to him if the number of bona-fide guests was limited to two per hotel resident. He replied that he had no difficulties with this. He also had no difficulties with the courtyard not being part of the licensed area or the doors to the courtyard being kept closed later in the evening.

Mr Rowledge stated that there would be no disturbance from the bar area. It was in the hotel's interest to ensure that hotel residents were not disturbed as there were beds were above the licensable area. He informed those present that the lighting issue had now been resolved by the contractor and was no longer a problem.

Mr Rowledge was also asked whether it was intended that the consumption of alcohol after 23:00 to residents would include those occupying 53 Cambridge Street and 47 Alderney Street. Mr Rowledge replied that he would be grateful if they were permitted to consume alcohol at 35-39 St George's Drive. Whilst they were separate premises, it was one business. Alcohol would not be served to those occupying 53 Cambridge Street or 47 Alderney Street outside of the licensed area in 35-39 St George's Drive. He would not expect to add residents from additional premises if the Applicant company made further purchases in addition to Cambridge Street and Alderney Street.

Mr Rowledge clarified that there were no plans to hold specific private pre-booked events after 23:00. The offer was afternoon teas and drinks receptions which would conclude earlier in the evening. He confirmed he was content with the proposed condition 22 being amended accordingly so that the reference to non-residents attending pre-booked events being able to consume alcohol after 23:00 was removed.

Members of the Sub-Committee, in reaching their decision, had no concerns regarding alcohol being sold at any time to hotel residents as had been applied for. Policy HOT1 states that 'subject to the effect on the promotion of the licensing objectives and other relevant policies in this Statement, premises licences for hotels will generally be granted so that...alcohol is permitted to be sold at any time to people staying in hotel rooms for consumption on the premises'. The Sub-Committee granted the application as they considered that measures could be taken which would minimise the potential for public nuisance in relation to the customers who purchased alcohol who were not staying at 35-39 St George's Drive. Members were very aware that this is a particularly residential area which was the reason why they had asked Mr Rowledge whether he was prepared to amend certain aspects of the application. Mr Rowledge had amended the application so that after 23:00 there would not be private pre-booked events, the outside area would not be used for the consumption of alcohol and the number of bona-fide guests was limited to two per hotel resident.

Members carefully considered Mr Rowledge's request that residents of

	<p>Cambridge Street and Alderney Street be included for the purposes of the application as 'residents' of Georgian House Hotel and have access to alcohol at all times. The Sub-Committee decided that 23:00 was a reasonable cut off point for the occupants of the Applicant's two other premises to have access to alcohol. After that time, in common with non-hotel residents, they would as they arrived or departed have the potential to disturb local residents in the vicinity of 35-39 St George's Drive.</p> <p>It was noted that the plans would need to be updated to take into account the fact that the outside courtyard was no longer included within the licensed area.</p>
<p>2. Opening Hours</p>	
	<p>Monday to Sunday 00:01 to 00:00.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below.</p>

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

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

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

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

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

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

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

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

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

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

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

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

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

Where -

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

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

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

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

Additional Conditions

9. There shall be no self-service of alcohol on the premises.
10. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open to non-residents.
11. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
12. The premises shall install and maintain a 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 officers throughout the preceding 31 day period.

13. 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 non-residents of the hotel. 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.
14. The number of persons permitted within the bar & dining rooms in the basement at any one time (excluding staff) shall not exceed 60 persons
15. 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.
16. Other than in the hotel bedrooms, 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.
17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and business and leave the area quietly.
18. Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby noise sensitive premises, Where appropriate the licensee or a suitable staff member will monitor patrons leaving at the closing time.
19. Contact numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi
20. Children under the age of 16 shall not be permitted to enter the premises after 21:00 unless dining with an adult or attending a pre booked function or resident in the hotel.
21. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
22. After 23:00, the sale and consumption of alcohol shall only be to and by residents of this premises and up to a maximum of two of their bona-fide guests.
23. 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.

24. 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
25. All exit doors on designated escape routes shall be available at all material times without the use of a key, code, card or similar means.
26. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 08.00 hours on the following day
27. 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.
28. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
29. There shall be no consumption of alcohol at the outside areas of the premises.
30. All external doors in the basement shall be kept closed after 23:00 hours, except for the immediate access and egress of persons.

5 FRANKIE & BENNY'S, 20-21 LEICESTER SQUARE, WC2

LICENSING SUB-COMMITTEE No. 3

Thursday 22nd September 2016

Membership: Councillor Melvyn Caplan (Chairman), Councillor Heather Acton and Councillor Murad Gassanly

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

**Frankie & Benny's, 20-21 Leicester Square, WC2
 16/07182/LIPN**

The application was adjourned at the request of the Applicant. The parties that had made representations did not object to the request for the adjournment.

6 CHIQUITOS, 20-21 LEICESTER SQUARE, WC2

LICENSING SUB-COMMITTEE No. 3

Thursday 22nd September 2016

Membership: Councillor Melvyn Caplan (Chairman), Councillor Heather Acton and Councillor Murad Gassanly

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

**Chiquitos, 20-21 Leicester Square, WC2
16/07199/LIPV**

The application was adjourned at the request of the Applicant. The parties that had made representations did not object to the request for the adjournment.

7 TAPE, BASEMENT, 17 HANOVER SQUARE, W1

LICENSING SUB-COMMITTEE No. 3

Thursday 22nd September 2016

Membership: Councillor Melvyn Caplan (Chairman), Councillor Heather Acton and Councillor Murad Gassanly

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

**Tape, Basement, 17 Hanover Square, W1
16/06722/LIPN**

The application was granted under delegated powers as all representations had been withdrawn.

8 BRITISH SEX SHOP, BASEMENT, 8 GREEN'S COURT, W1

LICENSING SUB-COMMITTEE No. 3

Thursday 22nd September 2016

Membership: Councillor Melvyn Caplan (Chairman), Councillor Heather Acton and Councillor Murad Gassanly

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

**British Sex Shop, Basement, 8 Green's Court, W1
16/05871/LISEXR**

The application was adjourned to a later meeting.