



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (5)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (5)** Committee held on **Thursday 15th December, 2016**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

Members Present: Councillors Angela Harvey (Chairman), Peter Freeman and Louise Hyams

1 MEMBERSHIP

There were no changes to the Membership.

2 DECLARATIONS OF INTEREST

In respect of the application for Paddington Bowling & Sports Club, Councillor Harvey and Councillor Hyams declared that they know Mr Gilchrist in his capacity as a former employee of Westminster City Council. This did not affect their ability to consider the application with an open mind.

3 PADDINGTON BOWLING & SPORTS CLUB, CASTELLAIN ROAD, W9

LICENSING SUB-COMMITTEE No. 5

Thursday 15th December 2016

Membership: Councillor Angela Harvey (Chairman), Councillor Peter Freeman and Councillor Louise Hyams

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

Relevant Representations: Environmental Health, 1 Ward Councillor and 31 local residents.

Present: Mr Richard Bradley (Solicitor, representing the Applicant), Mr Alastair Gilchrist (Chairman, Paddington Sports Club), Mr Stephen Cornford

(Paddington Sports Club Treasurer and Committee member), Mr Ian Watson (Environmental Health), Councillor Jan Prendergast (representing local residents), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project – representing Mr Robin Francis, local resident), Mr Robin Francis, Mr Anthony Enraght-Moony, Mr Spencer Gold and Mr Sean Beck (local residents).

Declaration: Councillor Harvey and Councillor Hyams declared that they know Mr Gilchrist in his capacity as a former employee of Westminster City Council. This did not affect their ability to consider the application with an open mind.

Paddington Bowling & Sports Club, Castellain Road, W9 16/10999/LICV					
1.	Supply of alcohol to members or guests (On & Off)				
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	<p>Amendments to application advised at hearing:</p> <p>The Applicant submitted additional information prior to the hearing. This included an amendment to the proposed terminal hours for on and off sales Monday to Thursday. The hours proposed were as follows:</p> <p>Monday to Thursday 11:00 to 23:00 Friday to Saturday 11:00 to 00:00 Sunday 12:00 to 22:30</p>				
	<p>Decision (including reasons if different from those set out in report):</p> <p>As included in the additional information submitted by the Applicant and in Ms Lawrance’s presentation of the item, the Applicant had offered additional conditions to those included in the report. These included that ‘the use of external areas by members and guests shall cease at 23:00 Monday to Saturday and 22:30 on Sundays save for use by smokers’.</p> <p>In order to assist those present, Mr Panto set out the differences between a variation of a club premises certificate and a variation of a premises licence. In respect of the club premises certificate, the licensable activities or qualifying club activities are restricted to the membership, guests and associated membership (an example of the associated membership in this case was Hampstead & Westminster Hockey Club). It was not generally an authorisation that enabled the public to attend the premises. The organisation had to be a non-profit organisation. There were fewer restrictions than for a premises licence,</p>				

including the fact that late night refreshment did not need to be applied for. There was not a requirement for a Designated Premises Supervisor or a personal licence holder.

The Sub-Committee heard from Mr Bradley, representing the Applicant. He stated that the premises had been operating at the site for over a century. There had been relatively few issues raised in relation to the premises over recent years. He appreciated that a number of residents had raised concerns in their representations but felt that these had been addressed following a public meeting and in the updated proposals.

Mr Bradley explained that the application was essentially in three parts. These were firstly continued licensable activities through the afternoon rather than there being a period between 15:00 and 17:30 Monday to Saturday when the Club would not be open to the public. Secondly, he believed there was an anomaly in terms of what was an on and off sale in respect of club premises certificates. His client wished to include the immediate external area on the premises plans to rectify this. Mr Bradley made the additional point that this would place controls over the outside area. Thirdly, the Applicant was requesting an extension of the terminal hour for the sale of alcohol on Friday and Saturday evenings. He commented that the purpose of this was to enable flexibility to the Club, potentially limiting the use of Temporary Event Notices ('TENs') and giving the Responsible Authorities the opportunity to attach conditions from the certificate on to any TENs that were applied for.

Mr Bradley added that his client had listened closely to the residents' concerns regarding their view that the application could cause nuisance later at night. Following the meeting between the Applicant and the residents on 4 December 2016, the former had decided to withdraw the additional proposed hours on Mondays to Thursdays. Additional conditions had also been proposed. Mr Gilchrist clarified in response to a question from the Sub-Committee that the Applicant applied on average for four or five TENs a year.

The Sub-Committee next heard from Mr Watson, on behalf of Environmental Health. He stated that the Club was in a sensitive location. The record of noise related complaints to the Council's Noise Team over the past two years had been included in his representation in the report. Mr Watson referred to the last complaint received having been on 24 July 2016 at two minutes past midnight. There had been a TEN submitted for that date for an annual ladies' tennis tournament for 100 people until 01:00 hours. Mr Watson advised those present that there had been fifteen TENs applied for over the last three years, with one further event due on New Year's Eve. The 24 July 2016 event had been the only one where a complaint had been received.

Mr Watson explained that based on the number of public nuisance complaints received by the Noise Team he had not made a representation in respect of the proposed hours sought by the Applicant for opening hours or on and off sales of alcohol. He had also not objected to the proposed continuation of the hours during the day Monday to Saturday. He had made a representation in relation to the Applicant wishing to licence the external area immediately in front of the clubhouse. Mr Watson was aware that the club premises certificate permitted

regulated entertainment. However, it had been agreed that the outside area would only be used for the consumption of alcohol. He had also been keen that the hours outside should not mirror the terminal hour of midnight being sought on Friday and Saturday nights. The Applicant had now agreed not to use the external areas for members and guests after 23:00 Monday to Saturday and 22:30 on Sundays save for use by smokers. Mr Watson added that the Applicant had agreed all of the conditions he had proposed.

Mr Watson was asked by the Sub-Committee whether he felt that 23:00 was an acceptable terminal hour for consumption of alcohol in the outside terrace and garden. He replied that the Applicant/licence holder was able to sell alcohol to patrons in the clubhouse and for off sales until 23:00. He had been keen to ensure that alcohol was not consumed outside later than 23:00. Mr Watson was also asked whether noise travelled from the outside area to the neighbouring mansion blocks. He replied that it is a sports club located in an enclosed area. The mansion blocks are four storeys high and they are hard surfaces. Any noise, especially loud speaking or shouting, reverberated around the area.

The Sub-Committee was addressed by Mr Brown, representing Mr Francis. Mr Francis lives on the first floor just opposite the garden area. Mr Brown stated that Mr Francis was concerned at the outside area being licensed at all, the proposed terminal hour increase on Friday and Saturday evenings and the potential for all day drinking. Mr Francis had two children who needed to do their homework at the back of his flat which faced the outside area. Mr Brown wished to emphasise that having permission for off-sales as the licence holder currently had was very different from increasing the licensable area to include the outside terrace and garden. Off-sales could only be provided in sealed containers and could only be provided to members of the Club. The implication of the application was to widen the permissions. Mr Brown did not accept Mr Bradley's case that an anomaly existed which needed to be corrected.

Mr Brown made the point that this was not a case where the Sub-Committee was required to look at the likely effect of the application in the absence of any actual effect. He was of the view that the written representations, including that of Mr Francis, Mr Speed and Miss Tikhomirova, provided ample evidence of what happens currently and that the use of the outside area did on occasions cause nuisance. He added that this would be exacerbated by what was proposed. Mr Brown endorsed the view based on the representations that noise did reverberate around the area. It was also the case that to access the clubhouse it was necessary to go along a path that went along by the side of Castellain Mansions. He believed that people leaving the premises late at night, particularly until midnight on Friday and Saturday evenings, were likely to cause nuisance as they walked past residents' homes. Mr Brown referred to paragraphs 2.2.11 to 2.2.13 of the Council's Statement of Licensing Policy in terms of people dispersing from the premises late at night and the use of the outside area.

Mr Brown commented that the evidence relating to the complaint to the Council's Noise Team on 24 July 2016 when a Temporary Event Notice had been in force until past midnight, demonstrated the impact of late night use at the premises. He added there was additional evidence in relation to 26 November 2016,

submitted by Mr Francis, that a neighbour who preferred to remain anonymous had recorded that there was noise between 23:35 and 23:59. She was routinely woken up, especially on weekends. This evidence was also submitted in the form of an email from Mrs Stannard.

Mr Brown stated that the overarching worry for Mr Francis was the intensification of use of the premises. The private members' club was changing into a Club which was focusing significantly more on private and corporate events. He explained that the concept of the Club Premises Certificate was that because it involves a private premises there was no need for a Designated Premises Supervisor, the Police have more restrictive rights of entry. If the Certificate was watered down, the benefits of the Certificate then became an issue. Mr Brown believed the bar receipts being 20% of the total turnover as stated by Mr Gilchrist was relatively high given that there were a large number of members who paid a fee. It had increased by 43% in the last year which was potentially the impact of the Hampstead & Westminster Hockey Club. He also made the point that the Applicant had been able to apply for TENs without the need to extend the hours throughout the year. Mr Brown informed Members that it was a concern of Mr Francis that the entrance gate had used to be locked and could only be accessed with the use of a fob. It was now routinely open and the grounds were in effect open to the public which it was proposed were part of the licensed area.

Mr Brown concluded with the point that there was a fundamental difference between the use of the premises by members who were required to adhere to a code of conduct and their guests and the use for external events. If there was no DPS it was questionable as to who was in charge of the bar area how noise from patrons at external events would be controlled and therefore whether the licensable objectives could be promoted.

The Sub-Committee heard from Mr Francis. He confirmed that it was his experience that it is an enclosed residential area around the Club and that sound appeared to bounce off the walls. Many of the flats were only a tennis court away from the Club's garden. Mr Francis had found that when there were a number of drinkers on the terrace were above fifteen in number, the noise became a nuisance. The types of groups that caused the nuisance were tennis members or those from the hockey club drinking in the garden. A real issue for Mr Francis was when these groups held a party or a corporate event when the number of attendees could be over 100. He also experienced nuisance in the summer when doors in the clubhouse were left open due to poor ventilation during an event and noise or music emanated. Mr Francis stated that one of the reasons that Environmental Health had not received many complaints was that he did not know that he was able to complain. He would look at this option in the future if he was inconvenienced by nuisance.

Mr Francis explained that he was already inconvenienced by nuisance from the terrace so to licence this area was a concern to him. He was particularly concerned by its use for weddings and corporate events, the numbers which could feasibly use it and whether it was open to public use. He believed that his family, including his young children, had the right to some peace and quiet including during the weekend. They would have their sleep potentially disrupted

as a result of the proposals and if the application was granted, it could potentially impact on his ability to run his business. He often worked from home.

Mr Enraght-Moony informed the Sub-Committee that in addition to being a local resident, he is a member of the Club who plays tennis there. He had attended the meeting between the Applicant and the residents on 4 December 2016. Matters which had been discussed included issues of control at the premises and residents' concerns about 23:00 as a cut-off point for the external area due to the sensitivity of the residential area late at night. Mr Enraght-Moony believed that it had been indicated at the meeting that the Club Committee would look at making the cut-off time earlier. However, this had not been taken forward. He had concerns that his son needed to do his homework and sleep and was of the view that 23:00 for use of the external area to consume alcohol was too late due to the impact on residents. It was Mr Enraght-Moony's experience that club nights on Wednesday and Friday evenings tended to end at 22:00 and that play had ended outside. He did not understand why there was a need to use the external area after this time. There needed to be a distinction between the outside area and the use of the clubhouse. He believed that the activities in the clubhouse could carry on until later provided sound could not emanate from it. There needed to be a balance and residents and the Club needed to be able to co-exist.

Mr Beck stated that his fiancée, Miss Tikhomirova, who had also submitted a representation, is a member of the tennis club at the premises. He commented that what was being proposed now was contrary to Mr Gilchrist's point in his Chairman's Statement that the Club's original purpose was to encourage improved wellbeing for residents in the surrounding areas. Mr Beck drew Members' attention to the point that whilst Mr Gilchrist had referred to two noise complaints he had personally attempted to contact the Club by telephone on three occasions. After working hours the office was unmanned and there was no answerphone where a message could be left. It was therefore impossible to lodge a complaint. Mr Beck added that he had phoned the Council's Noise Team phone number and he was querying whether his calls had been logged. He was of the view that there should not be a reliance on people leaving the premises adhering to the dispersal policy. Mr Watson was able to confirm later in the hearing that any call to the action line should be recorded and should be added to the system. All the information in the report was that set out in the system. He would ask the relevant officer to get in touch with the contact centre to make sure that all calls are recorded at the correct address.

Mr Gold addressed the Sub-Committee. He stated that he lived in the same block as Mr Francis and had been aware that the Club was there when he started living there in 2010. He did not wish to be particularly critical about what was currently taking place at the Club although he was of the view that it was occasionally disruptive, particularly when people were outside the premises. It was his experience that tennis stopped at 21:30 or 22:00 at the latest. He believed there was a significant difference between the noise from a game of tennis and allowing the use of the outside area to consume alcohol up until 23:00. There were plenty of pubs in the area. Many of the windows in his flat faced the premises' external area and he described the surrounding area as an 'echo chamber'. Mr Gold believed there was a shift from the premises being a

members' club to corporate hospitality. There was the potential in the summer for the Club to have people making noise in the outside area next to his flat all day long until 23:00. This he believed was unacceptable in a residential area. Mr Gold added there was a certain level of acceptance amongst residents as this was a sports club. However, noise from outside including from the premises throughout the day and evening was an issue. He had started a petition which had obtained nearly 60 signatures. This was attached to the report to the Sub-Committee at pages 37 to 41.

The Sub-Committee also heard from Councillor Jan Prendergast who had been asked by local residents to speak on their behalf. She stated that the number of written representations and the residents who had taken the time to appear at the hearing reflected the strength of opinion regarding the application. Councillor Prendergast referred to the amount of goodwill that there was from residents towards the Club and that they had tried to put up with any issues that had arisen. She made the point that she knows the Club very well. She informed Members that the petition in the report specifically referred to concerns from residents of Castellain Mansions West. However, there were hundreds of residents in the mansion blocks including those facing Castellain West and also those in Delaware Mansions which were also troubled by people dispersing from the Club. There was a long walk to the exit of the grounds past residents' windows and when they did exit it was near to other residents' blocks. Cars of members, guests and those attending events coming and going also disturbed residents in what was currently a particularly quiet area.

Councillor Prendergast considered that the intensification of activities at the Club had been a lot to bear for residents. They had known the Club was there when they had moved to the area but in her view what was being applied for was an unacceptable increase in activities. She expressed the view that the Chairman and the Committee appeared to be unaware of the problems the Club was causing residents and this was demonstrated in what was being sought in the application. She was concerned that it had not been possible for residents to register their complaints to the premises after the office was closed. She believed that the Applicant should be required to improve aspects such as preventing noise breakout and making sure that they were able to respond to any telephone complaints in order to prove to residents that they had taken their concerns on board.

The Sub-Committee asked the residents a number of questions. The residents were asked if there was a consensus on 22:00 as the terminal hour for the outside area being licensed. Residents advised that there wasn't. They also felt that it was not possible for them to accurately reflect the views of all of the residents who had provided written representations. Mr Enraght-Moony felt 22:00 was acceptable. Mr Gold made the point that he accepted that there may be some noise from a tennis match but he did not see why he should be disturbed by people drinking outside or in high spirits on the terrace. This was a point that Mr Francis agreed with. Mr Beck stated he would be fairly relaxed about outside drinking until 21:00. Councillor Prendergast advised that of the residents she had been asked to represent, they had requested that the use of the external area for the consumption of alcohol was not permitted.

The residents were asked by Members whether the volume of noise from the Club had increased over time. Mr Enraght-Moony replied that he had only been affected by noise occasionally, usually when TENs had been applied for. He believed that it had been fairly consistent whilst he had been a resident in the area. Mr Gold stated that it had been fairly consistent although there were more events. Licensing the outside area would cause nuisance. Mr Francis expressed the view that there had been some increase in the noise and that he believed that this had been at least in part due to the involvement of the hockey club members. Mr Beck had lived in his property for two years and he believed that noise levels had picked up in the second year.

Mr Gilchrist responded to the representations which had been made. He stated that he had been disappointed to hear some of the representations. He had particular concerns regarding the telephone number being used by residents as he had been assured that this was being answered at all times. The representations had been a surprise to the Applicant. Complaints had not been received from anyone who had made either written representations or oral representations at the hearing. He did not recognise that the Club was rowdy and he wished the Club to be seen as good neighbours.

The Applicant was asked whether drinking had previously taken place outside, including on the terrace. Mr Bradley re-iterated that it was an anomaly for a Club Premises Certificate as the sale of alcohol could be made. Drinking was able to take place outside as an off-sale. He stated that the application was not adding to licensable activities. It had the effect of controlling the consumption of alcohol outside. Mr Panto asked Mr Bradley for his interpretation of the mandatory conditions attached to the Club Premises Certificate, including that alcohol supplied for consumption off the premises must be in a sealed container. The concept of this was that alcohol was being taken away from the premises in a sealed container. Mr Bradley responded that at the moment, the outside area was not part of the premises. The Sub-Committee asked whether people were taking alcohol outside in a sealed container and consuming it there. Mr Gilchrist replied that there had been occasions when alcohol had been sold at the bar and had been consumed outside. The Applicant recognised that there had been a misunderstanding of the conditions and hence there was a requirement to regularise the situation.

Mr Cornford clarified that the first floor balcony was not used for drinking. Mr Gilchrist provided the information that there was a veranda area downstairs which had seats on it and was part of the existing licensed area.

The Sub-Committee asked the Applicant about private events. Mr Gilchrist replied that private events were rare at the Club. Most events were associated with the membership. More corporate events were being held and these were typically held during the day. Businesses used the boardroom area. There had been a couple of parties which involved members and staff. Mr Gilchrist did not recall any weddings being held at the Club and they were not advertised.

The Applicant was asked about the claim that poor ventilation had led to doors in the clubhouse being open during the summer with noise emanating and whether consideration had been given to improving this. Mr Gilchrist accepted that it did

get hot in the Club and that the internal ventilation needed to be improved. Under a previous management arrangement the rear doors had been opened which had led to noise escaping. The doors were now being kept closed. The terrace doors were not kept open when they were used.

Mr Gilchrist, when asked by the Sub-Committee, stated that he did believe the Club were good neighbours, being open, welcoming, friendly and approachable. They were looking to bring more members in, including juniors. The Club's membership mostly comprised of Westminster residents, many of them local.

The Sub-Committee, in reaching a decision, carefully considered the written and oral comments of the respective parties. Members had perceived that it was apparent that the Applicant had not created a feeling of good neighbourliness amongst local residents and this was of concern to them. It was hoped that the Club Committee would improve its communications with local residents in the future, including ensuring that if issues arose, a telephone number would be provided that residents could use and obtain a response. In the event that nuisance was caused to the surrounding area from the Club, residents had the ability to apply for a review of the premises licence.

The Sub-Committee also considered that Paddington Bowling & Sports Club is located in a very residential area. Members had heard about the impact that the Club has on residents currently, particularly those residents closest to it and were able to assess what the impact was likely to be if the application was granted in full. The Sub-Committee decided based on the evidence to grant the application in part. The Applicant would be permitted to sell alcohol during the day. There would no longer be the requirement to stop selling alcohol in the clubhouse between 15:00 and 17:30 Monday to Saturday. Members also decided to increase the licensable area to include the outside terrace and garden and for this area to be permitted to be used until 21:00. After this time, the Sub-Committee took the view that alcohol being consumed in the outside area would have a greater impact on the residents. Members did not accept the argument that off-sales were an anomaly and that this permitted those involved with the Club to consume alcohol outside until 23:00 Monday to Saturday and 22:30 on Sunday. It was expected that off-sales of alcohol would be purchased and then taken away from the Club, including its grounds, in a sealed container. The Sub-Committee attached the condition that 'any alcohol supplied for consumption off the premises shall not be consumed anywhere on the Club property'.

Members were concerned that the later use of the premises had led to residents being disturbed by noise. They had also heard that due to the layout of the premises, residents were likely to be disturbed by members, guests or the public dispersing from the Club. Given that the Club is located in a very residential area, the Sub-Committee decided not to increase the terminal hour for on and off-sales of alcohol beyond 23:00 on Fridays and Saturdays in the clubhouse. Members also did not extend the terminal hours on Sundays immediately before a Bank Holiday.

The amended hours for the supply of alcohol to members and guests would also be reflected in an amendment to the condition setting out the permitted hours

	<p>(see condition 9 below).</p> <p>During the course of the hearing there seemed to be some confusion on the part of the applicants as to exactly what they were permitted to do pursuant to the Club Premises Certificate. For the record, the Members also wanted it to be noted that the Club Premises Certificate operates in such a way as to grant concessions to genuine private members clubs that have to operate pursuant to specific requirements set out in Part 4 of the Licensing Act 2003. There was a suggestion that the club premises might have been considered for hiring out for private events that have no connection with the club itself. The members wanted the club to be on notice that such events that involve the provision of licensable activities would be unlawful unless authorised by a premises licence or a temporary event notice.</p>				
2.	Hours premises are open to members and guests				
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	<p>Amendments to application advised at hearing:</p> <p>The Applicant submitted additional information prior to the hearing. This included a reduction to the proposed opening hours throughout the week. The hours proposed were as follows:</p> <p>Monday to Thursday 11:00 to 23:00 Friday to Saturday 11:00 to 00:00 Sunday 12:00 to 22:30.</p>				
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted this aspect of the application in part. The Applicant would be permitted to open the club premises for members and guests during the day. There would no longer be the requirement to close the clubhouse between 15:00 and 17:30 Monday to Saturday. However, extended opening hours would not be permitted on Fridays and Saturdays when the premises would still be required to close at 23.00 (see reasons for the decision in Section 1).</p>				
3.	Seasonal variations / Non-standard timings:				
	<p><u>Supply of alcohol to members and guests (On & off sales)</u> Sundays immediately before a Bank Holiday 12.00 until 00:00.</p> <p><u>Hours premises are open to the public</u></p>				

	<p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>Sundays immediately before a Bank Holiday 12.00 until 00:00.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee refused the application to extend the hours for the supply of alcohol to members and guests and the opening hours of the premises on Sundays immediately before bank holidays (see reasons for the decision in Section 1).</p> <p>It was noted that the existing Club Premises Certificate already permitted an extension to the hours when alcohol could be supplied from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. In those circumstances it would not be appropriate to refuse the extension of the opening hours for the same hours.</p>

Conditions attached to the Licence

Mandatory Conditions

1. The supply of alcohol for consumption off the premises must be made at a time when the premises are open for the purposes of supplying alcohol to members of the club for consumption on the premises.
2. Any alcohol supplied for consumption off the premises must be in a sealed container.
3. Any alcohol supplied for consumption off the premises must be made to a member of the club in person.
4. (1)The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2)In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children –

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

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

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or 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.

5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

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

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

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

8. The responsible person shall ensure that:

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

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

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

Additional Conditions

9. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours mean:

(a) Monday to Saturday:

11:00 until 23:00 and Sunday 12:00 until 22:30.

(b) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

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

11. The entrance door and any windows shall be closed at 23:00 hours or at all times regulated entertainment is provided, except for the immediate access and egress of patrons.

12. Members should at all times show consideration to local residents by keeping noise down to tolerable levels when playing, participating in activities in the Clubhouse and leaving the car park.

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

14. Patrons permitted to temporarily leave and re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

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

16. External areas shall be regularly monitored by premises management and staff members.

17. The Club will implement and adhere to a dispersal policy.

18. 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.

19. There shall be no consumption of alcohol in the outside terrace and garden area hatched on the premises licence plan after 21:00 hours.

20. Any alcohol supplied for consumption off the premises shall not be consumed

anywhere on the Club property.

4 THE SEASHELL RESTAURANT, GROUND FLOOR, 49-51 LISSON GROVE, NW1

LICENSING SUB-COMMITTEE No. 5

Thursday 15th December 2016

Membership: Councillor Angela Harvey (Chairman), Councillor Peter Freeman and Councillor Louise Hyams

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

Relevant Representations: 4 local residents.

Present: Mr Nick Herridge (Applicant Company), Ms C Kasman and Mr Chris Barley (local residents).

The Seashell Restaurant, Ground Floor, 49-51 Lisson Grove, NW1 16/11829/LIPV	
1.	To extend the licensable area to include the private pavement in Lisson Grove
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee heard from Mr Herridge. He stated that the premises building at 49-51 Lisson Grove is licensed for the sale of alcohol as is the Applicant's private pavement at Shroton Street. He was now seeking to sell alcohol to customers sitting at the three to four chairs per table at four tables on the private forecourt in Lisson Grove. Mr Herridge clarified in response to the residents' written representations that there were no proposed changes to the hours of operation. He was not aware of any concerns regarding the operation of the outside area in Shroton Street. He did not believe that issues would arise as a result of extending the licensable area to include the private pavement in Lisson Grove. If there were likely to be any problems he was keen to address these. There would continue to be rubbish collections on a regular basis. The Sub-Committee was addressed by Ms Kasman, a local resident who lives in the building immediately next to the restaurant. She commented that the takeaway service has a very limited seating capacity. Customers congregated outside and as there were only four tables they used the pavement area in front of where she lived, 53-55 Lisson Grove, to consume food. The customers in

front of 53-55 Lisson Grove talked loudly or shouted. They also made a loud noise from banging into the railings in front of the property, often with their bikes. Smokers threw their cigarettes into the basement of the building Ms Kasman informed the Sub-Committee that she has a small child whose bedtime is the peak time for the Seashell takeaway service and she was scared by the various noises. All of the bedrooms in the family flat faced towards Lisson Grove. She did not believe that there would be any complaints regarding the operation of the outside area in Shroton Street as there was no noise inside or outside in this particular area.

Ms Kasman stated that she did not have any issues with the cleanliness of the takeaway service or the way in which the outside area was cleaned. Any issues were due to the behaviour of some of the customers outside and their response to the limited seating capacity. She was concerned that if the Applicant was permitted to sell alcohol to customers who would consume it on the private pavement in Lisson Grove, there would be a similar scenario to The Globe pub where the pavement was blocked by patrons. It was she believed also more likely to create increased vehicular traffic at this location.

The Sub-Committee also heard from Mr Barley who also lives in the building next to the restaurant, in the top floor flat. He concurred with the comments of Ms Kasman. He believed that the key issues in respect of the application were noise and pollution/litter. In terms of noise, Mr Barley expressed the view that there would be an increase in activity at the premises from the serving of alcohol to customers who would consume it on the private pavement in Lisson Grove. He had perceived that there was a culture of patrons drinking on the pavement at The Globe which could potentially spread to The Seashell takeaway area and The Seashell's service would potentially be more attractive to The Globe's patrons with the extra noise and nuisance that would result.

Mr Barley stated that residents of 53-55 Lisson Grove could just about tolerate the level of noise currently. A number of the bedrooms in the flats faced Lisson Grove. He was concerned that the road outside the takeaway service is a convenient place for drivers to park their cars and that the traffic and the resultant noise and car pollution would increase, causing disturbance to the residents.

In response to questions from the Sub-Committee Mr Herridge clarified that it was envisaged that the tables and chairs on the private pavement in Lisson Grove could be used by customers of the restaurant or the takeaway. The application was simply to allow them to provide alcohol in this area. Alcohol could only be served ancillary to a table meal. He also informed Members that planning permission restricted the use of the kitchen to 23:00. Last orders at The Seashell were at 22:30. Staff, particularly on Thursdays, Fridays and Saturdays evenings, took orders within the takeaway area to speed the process up and restrict any queuing that took place.

Mr Herridge was asked what he could do to improve the situation for local residents. He replied that he was willing to ask customers not to smoke in the outside areas. The outside areas would be kept clean as was currently the case and there would be a management presence outside, particularly in the event of

any rowdy behaviour. He would look at whether the style of bins provided could be improved, including in order to contain cigarettes rather than them being discarded on the floor.

Ms Kasman stated that she would have no issue with the application if customers could only use the four tables on the private forecourt at Lisson Grove. The problem was that customers could consume the takeaway from the boxes wherever they wanted, including on the pavement in front of 53-55 Lisson Grove. The Sub-Committee asked Mr Herridge that if it was required that customers were restricted to the tables and chairs, how would they know if they were going to get a seat prior to ordering their meal? Mr Herridge replied that it was the intention that there was a waiter or waitress who would take the orders at the external tables. This would be separate from the takeaway.

Mr Barley asked whether Mr Herridge's plans for the business would mean that customers would remain longer at the tables, consuming alcohol. Currently the tables were not all in use at any one time. If all the tables were in use then the utilisation of the pavement area was likely to increase and also the noise levels.

The Sub-Committee, having carefully read and heard all the submissions, considered that it was appropriate to grant the application. The Applicant was already able to provide a takeaway service and a table meal to customers on the private pavement in Lisson Grove. What the Applicant was now proposing to do was sell alcohol to seated customers in this area which was ancillary to a table meal. There were no changes to the proposed hours of operation at the premises. The Sub-Committee decided that in order to minimise any impact on residents, it was appropriate to attach additional conditions to the premises licence which could be applied to promote the licensing objectives. These specifically referred to the alcohol being served on the private forecourt in Lisson Grove. Mr Herridge had already advised that it was his intention to have a waiter or waitress who would take orders at the external tables. The Sub-Committee therefore attached the condition that 'the supply of alcohol to the area outside the premises building shall be by waiter or waitress service only'. In order to prevent the residents' concerns of the pavement in Lisson Grove being used as an outside drinking area and it being blocked, the Sub-Committee attached the condition that 'alcohol consumed outside the premises building shall only be consumed by patrons seated at tables'. The Sub-Committee also required that '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' and that 'all outside tables and chairs shall be rendered unusable by 23.00 each day'.

The Chairman made the point to residents that if the licensing objectives were not being promoted at The Globe then they had the option to contact the Licensing Service and potentially submit a review of the premises licence. Patrons of the pub should not be blocking the pavement. In respect of the railings, residents could look at placing a notice to dissuade cyclists from using them or replacing them so that they did not create so much noise. Members noted that Mr Herridge had offered to look at the design of the bins.

Conditions attached to the Licence

Mandatory Conditions

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

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

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

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

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

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

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

7. The responsible person must ensure that—

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

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

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

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

(2) The permitted price which would apply on the first day applies to sales

or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Additional Conditions

9. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.
10. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises.
11. Alcohol may be sold or supplied:
 - (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10:00 to 00:00.
 - (b) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12:00 to 23:30.
 - (c) On Christmas Day: 12:00 to 22:30;
 - (d) On New Year's Eve, except on a Sunday, 10:00. to 23:00.
 - (e) On New Year's Eve on a Sunday, 12:00 to 22:30.
 - (f) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (b) 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;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) 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;
- (g) the taking of alcohol from the premises by a person residing there;

- (h) 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;
- (i) 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. Alcohol shall not be sold or supplied unless the premises have been structurally and bona fide used, or intended to be used, for the purposes of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises.
- 13. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.
- 14. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
- 15. All outside tables and chairs shall be rendered unusable by 23.00 each day.
- 16. 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.
- 17. The supply of alcohol to the area outside the premises building shall be by waiter or waitress service only.

5 130 EDGWARE ROAD, W2

LICENSING SUB-COMMITTEE No. 5

Thursday 15th December 2016

Membership: Councillor Angela Harvey (Chairman), Councillor Peter Freeman and Councillor Louise Hyams

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

Relevant Representations: Environmental Health and Metropolitan Police.

Present: Mr Sajad Al-Hairi (Architectural Planner and Agent, representing Applicant), Ms Nicola Curtis and Mr Ian Watson (Environmental Health) and PC Reaz Guerra (Metropolitan Police).

130 Edgware Road, W2 16/08273/LIPN	
1.	Late Night Refreshment (Indoors)
	Monday to Sunday 23:00 to 03:00
	Amendments to application advised at hearing: Al-Hairi stated that the Applicant was seeking a terminal hour of 01:00 for late night refreshment (indoors).
	Decision (including reasons if different from those set out in report): As set out in the report and in Ms Lawrance's presentation of the item, there is an existing licence for the premises which permitted on and off sales, late night refreshment and performance of dance and live music to Core Hours. A new application had been submitted on behalf of the Applicant, Mr Shadi Al Said Ahmad requesting late night refreshment to 03:00 Monday to Sunday with the opening hours applied for being until 23:00. The Sub-Committee requested clarification on what proposed hours the Applicant was seeking. Mr Al-Hairi, representing the Applicant, stated that the Applicant was seeking a terminal hour of 01:00 for late night refreshment (indoors). He accepted that there had been an error on the application form and the Applicant was now seeking a closing time to the public of 01:00. He confirmed that the Applicant did not want to sell alcohol at the premises. The Sub-Committee expressed concerns that there had been a consultation on the basis of the hours applied for. It was possible that the lack of representations from residents or businesses had resulted from the incorrect opening hours set out on the application form. It was also the case that the Sub-Committee did not tend to grant hours, including the hours premises are open to the public, in excess of those applied for. Ms Lawrance advised that the existing premises licence had not been surrendered and no application for transfer had been submitted. Mr Panto informed the Sub-Committee that the Director of the existing licence holder company was Mr Sherwani. Mr Al-Hairi provided the information that his client Mr Shadi Al Said Ahmad had been a sous chef when the premises had operated under the existing premises licence. He was now a manager and wanted to be a licence holder at the premises. The existing premises licence holder had moved to the north of Iraq. The Sub-Committee explored possible legal options with Mr Panto. Mr Panto

	<p>confirmed in relation to a possible transfer of the existing premises licence that such an application could be submitted but this could only proceed if the current licence holder gives consent. Mr Panto added that if the Sub-Committee was minded to grant the application, it was not possible to demand the surrender of a licence in another person's name and there would be two premises licences in place which were contradictory with different hours and different conditions. Displaying the two very different licences would cause considerable confusion.</p> <p>Mr Al-Hairi during the hearing was critical of the Licensing Service in that he felt that the various options had not been set out for him when the application had been submitted. Ms Lawrance informed the Sub-Committee that she was the case officer for the application. She had attempted to contact Mr Al-Hairi on a number of occasions and it had been very confusing to establish exactly what was being applied for.</p> <p>Having received legal advice, the Sub-Committee made the point to Mr Al-Hairi that his client could operate until 23:00 without a licence for late night refreshment. The Applicant was not seeking to sell alcohol. The Chairman reiterated the Sub-Committee's concerns that the consultation in respect of the application had stated that the premises would only be open to 23:00. One option open to the Applicant was to withdraw the current application. The Applicant could attempt to make contact with the existing licence holder at the premises to request a transfer of his licence. Following the transfer of the licence, the Applicant could then submit a variation application until 01:00.</p> <p>Mr Al-Hairi responded that he was not willing to withdraw the application as his client was not able to contact the existing premises licence holder for the premises. The Sub-Committee considered that in these circumstances it was appropriate to refuse the application as it was crucial that those being consulted, including local residents and businesses should receive the correct information in terms of what was being applied for. In any event, the application as drafted for late night refreshment, even until 01:00, was contrary to policy as there was the potential to operate as a fast food premises after 23:00 in the cumulative impact area. Mr Panto advised that Mr Al-Hairi or his client now had the option to submit a new application at 130 Edgware Road which correctly set out the hours the Applicant was seeking.</p>
2.	Hours premises are open to the public
	<p>Monday to Saturday 09:00 to 23:00 Sunday 12:00 to 23:00</p>
	<p>Amendments to application advised at hearing:</p> <p>Mr Al-Hairi accepted that there had been an error on the application form and the Applicant was seeking a closing time to the public of 01:00.</p>
	<p>Decision (including reasons if different from those set out in report):</p>

The application was refused (see reasons for decision in Section 1).

6 MUSE SOHO, 23 FRITH STREET, W1 (TEMPORARY EVENT NOTICE)

LICENSING SUB-COMMITTEE No. 5

Thursday 15th December 2016

Membership: Councillor Angela Harvey (Chairman), Councillor Peter Freeman and Councillor Louise Hyams

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

Also Present: Ms Nicola Curtis (Environmental Health).

Muse Soho, 23 Frith Street, W1 16/13402/LITENP

The Premises User had submitted a Temporary Event Notice ('TEN') for sale by retail of alcohol (on sales), supply of alcohol, provision of regulated entertainment and provision of late night refreshment from 20:00 on 20 December 2016 to 04:00 on 21 December 2016. The Police and Environmental Health had objected. The Police's concerns had been addressed as a result of an agreement with the Premises User that the conditions on the premises licence 15/03256/LIPCHT would apply for the period of the Temporary Event Notice.

The Premises User, Mr Rai and the Police were not in attendance at the hearing. Ms Curtis advised the Sub-Committee that she had maintained her objection to the TEN. Condition 14 on the current premises licence stated that 'the number of persons accommodated at the premises shall be 60 persons excluding staff'. However, the Premises User was applying for a capacity of 110 persons including staff. She informed the Sub-Committee that there had been examples of the Premises User requesting increased capacities for TENs including for the Pride event in June 2016 and these had not been objected to. However, 110 persons including staff had not been requested before. Ms Curtis considered she could not remove her objection without the Premises User reducing the proposed capacity or supplying a Fire Risk assessment demonstrating that 110 persons can be safely accommodated and able to access and egress the premises. She added that two late TENs had been received from the Premises User and there had not been sufficient time to propose modifications. Counter notices had therefore been issued in response to the late TENs.

The Legal Adviser to the Sub-Committee, Mr Panto, also pointed out that the "agreement" reached between the Police and the Premises User had no legal effect as such a modification of the TEN could only be achieved by agreement between all

the parties, including Environmental Health. However, he pointed out that the Licensing Sub-Committee could itself attach the conditions to the TEN if it considered it appropriate to do so and that could be a means of securing a reduction in capacity as the lesser capacity on the licence would have to override the larger capacity indicated on the TEN itself.

Ms Curtis stated that she had attempted on a number of occasions to contact Mr Rai but he had not responded to any of her communications following his agreement of the Police's terms. Ms Curtis was asked by the Sub-Committee whether if all the conditions on the premises licence 15/03256/LIPCHT were attached to the premises licence, including that "the number of persons accommodated at the premises shall be 60 persons excluding staff" this would address her concerns. She replied that it would. She commented that it would be the intention for the Environmental Health Consultation Team to visit the premises.

The Sub-Committee decided that the event would be permitted to proceed and that it was appropriate to attach all the conditions on the premises licence 15/03256/LIPCHT to the TEN. For the avoidance of doubt, it was stressed that the attachment of these conditions meant that the capacity for the duration of the event period would be 60 persons including staff rather than the larger capacity of 110 set out in the TEN itself. Members of the Sub-Committee considered that it was appropriate to take Environmental Health's concerns into account that there was a question mark over the safety of a capacity of 110. This reduced capacity was not inconsistent with the TEN which only stated the maximum number of people the Premises User intended to allow to be present. They supported Ms Curtis' suggestion that Environmental Health should visit the premises. They believed that this should take place ideally prior to the TEN being used on 20 December.

Members of the Sub-Committee were disappointed with the Premises User's lack of communication with Environmental Health in respect of the TEN and that he had not come in person to address the Sub-Committee. The Sub-Committee noted that Mr Rai had offered to have three SIA door staff available at all times for the event on 20 December and this commitment was welcomed by the Members.

Conditions on premises licence 15/03256/LIPCHT applied to the Temporary Event Notice 16/13402/LITENP

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

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

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

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

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

Additional Conditions

10. On any day when regulated entertainment is being provided in accordance with this licence there shall be a minimum of 2 SIA staff on duty when regulated entertainment takes place. For avoidance of doubt, when no regulated entertainment is being provided no SIA staff are required.

11. The supply of alcohol shall be by waiter or waitress service only, save for the designated bar area.

12. Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

13. There shall be no sales of alcohol for consumption off the premises.

14. The number of persons accommodated at the premises shall be 60 persons excluding staff.

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

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

17. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
18. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
19. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
20. 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.
21. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
22. A noise limiter located in a separate and remote lockable cabinet from the volume control 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 Department 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 to the satisfaction of officers from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the applicant only, and shall not be accessed by any other person.
23. 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.
24. A daily log is to be maintained to ensure that any capacity limit set for the basement is recorded hourly and can be properly monitored. Information regarding the capacity will be given to an authorised officer or Police Officer on request.
25. 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.
26. 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.
27. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
28. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.

29. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
30. 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 on 10 days prior notice being given to the Licensing Authority 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.
31. 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.
32. The premises shall only operate as a restaurant:-
- (i) in which customers are shown to their table,
 - (ii) 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,
 - (iii) which do not provide any take away service of food or drink for immediate consumption, and
 - (iv) where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals.
33. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

34. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
35. 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 ejections of patrons
 - (b) any faults in the CCTV system
 - (c) any refusal of the sale of alcohol
 - (d) any visit by a relevant authority or emergency service.
36. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to (15) persons at any one time.
37. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
38. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
39. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
40. Regulated entertainment at the premises shall only be provided ancillary to its use as a restaurant.
41. When regulated entertainment is being provided, a register will be kept in reception.
42. Notwithstanding condition 33, alcohol may be supplied and consumed prior to a meal in the designated bar area, by up to a maximum at any one time, of 10 persons dining at the premises.
43. Late Night refreshment shall be permitted from 23:00 on New Year's Eve until 05:00 on New Year's Day.
44. The hours for sale of alcohol and opening hours may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
45. Notwithstanding condition 10, there shall be a minimum of 1 SIA licensed door supervisor on duty from midnight to the close of premises Monday to Saturday

when the premises are operating.

46. The licence holder shall enter into an agreement with a Hackney Carriage and/or private carriage firm to provide transport to customers, with contact numbers made readily available to customers who will be encouraged to use such services.
47.
 - a) After 1am on the days following Monday to Saturday only i) members and up to 2 bona fide guests of the premises as detailed in b) to f) below and/or (ii) up to 5 bona fide guests of the proprietor shall be permitted on the premises.
 - b) No person shall be admitted to membership of the private club operating at the premises or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.
 - c) There shall be no admittance or re-admittance to the premises, except for persons temporarily leaving the premises to smoke, after 02:30 on the days following Monday to Saturday.
 - d) A legible list of members and guests who have attended will be kept at reception for 31 days and shall be available for inspection by any of the relevant authorities. It shall be a requirement of membership that Members shall be able to identify their bona fide guests by name at all times and names of guests shall be able to be provided to the responsible authorities within reasonable time of any request for details being given to the premises.
 - e) A copy of the club rules will be lodged with both the Police and Environmental Health. Any substantial changes to the said rules will be subject to approval from the Police and Environmental Health.
 - f) Membership of the private club shall be restricted to members of the Lesbian, Bi-sexual, Gay, Transgender and Queer community.