



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 13th October, 2016**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

**Members Present:** Councillors Melvyn Caplan (Chairman), Nick Evans and Shamim Talukder

#### 1 MEMBERSHIP

There were no changes to the Membership.

#### 2 DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 3 CAFE ITALIA, 326 VAUXHALL BRIDGE ROAD, SW1

#### LICENSING SUB-COMMITTEE No. 3

*Thursday 13th October 2016*

Membership: Councillor Melvyn Caplan (Chairman), Councillor Nick Evans and Councillor Shamim Talukder

Legal Adviser: Barry Panto  
Policy Adviser: Chris Wroe  
Committee Officer: Jonathan Deacon  
Presenting Officer: David Sycamore

Relevant Representations: Environmental Health, 5 x local residents and 1 Residents Association.

Present: Mr Derek Evans (W.D Evans Building Services, representing Applicant), Mr Ian Watson (Environmental Health), Mr Pascal Bates (Chairman, Evelyn Mansions Residents' Association) and Mr Richard Lund (local resident).

**Café Italia, 326 Vauxhall Bridge Road, SW1  
16/06647/LIPN**

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

Monday to Saturday: 23:00 to 23:30

Amendments to application advised at hearing:

None.

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

There was an existing premises licence at 326 Vauxhall Bridge Road for on and off sales Monday to Saturday 10:00 to 23:30 and Sunday 12:00 to 22:30 and also late night refreshment: indoors Monday to Saturday 23:00 to 23:30. The Applicant had applied for a new premises licence for on and off-sales Monday to Saturday 10:30 to 23:30 and Sunday 10:30 to 22:30 and late night refreshment: indoors Monday to Saturday 23:00 to 23:30. Mr Evans, representing the Applicant confirmed that there had been improvements to the mezzanine area. His client, as a result of expanding the layout to include the mezzanine floor in addition to the ground floor where the premises had operated to date, was seeking an increase in capacity from 16 to 30 persons. Mr Evans informed Members of the Sub-Committee that he had agreed all of Environmental Health's and the Police's proposed conditions. This included a condition that all outside tables and chairs would be rendered unusable by 21:00 each day. The Police had now withdrawn their representation.

Mr Watson for Environmental Health referred to the fact that there was an existing premises licence for the ground floor area which had been granted by the Sub-Committee in May 2013. The new application had been submitted to take into account works that had taken place in the mezzanine area. He advised that Café Italia is a café and that it does not have planning permission to operate as a restaurant. There was no full height extract ventilation. The food available included pastas and cold meat. Mr Watson stated that the Applicant had agreed with the Police a new condition which was not on the existing premises licence that alcohol was ancillary to a seated customer having a table meal. A further condition the Applicant had agreed with the Police was that off-sales of alcohol would be ancillary to a take-away meal. He confirmed that the Applicant had agreed all of his proposed conditions, including the maximum capacity including staff of 30 persons. Mr Watson added that since 2013 there had been no complaints relating to the premises. The only visit carried out by inspectors was in relation to the licensing of tables and chairs outside.

In response to a question from the Sub-Committee, Mr Watson clarified that the tables and chairs on the public highway were being included on the plan as part of the licensable area. Mr Panto and the Chairman recommended that in the event the application was granted, a new plan was submitted where the red line

was drawn around the premises building as the licensable area should not include the Council's own public highway. There was a separate licence for tables and chairs on the highway. Alcohol consumed in the outside area would be deemed to constitute an off-sale.

The Sub-Committee was addressed by Mr Bates, Chairman of the Evelyn Mansions Residents' Association ('EMRA'). He stated there were 40 flats in Evelyn Mansions and many of those who had made representations objecting to the application were involved with EMRA. Members of the Sub-Committee confirmed that they had received his additional letter which was not in the report.

Mr Bates expressed concerns regarding the lateness of the hours applied for. He had observed a significant change in the layout of the premises, not only in the mezzanine area. When the Sub-Committee had considered the application in 2013, the premises had been a snack bar with limited ancillary seating. Mr Bates accepted that there had not been any problems following the grant of the application. However, he did not believe that this was a precedent for granting the current application. The previous operator had not kept the premises open to the public later in the evening. Mr Bates therefore took the view that the conditions had not been tested later in the evening.

Mr Bates said that the previous operator had ceased trading during 2015 and at some point during that year a planning application had been submitted for a change of planning use to a restaurant. This application had been predicated on the assumption that there had been ten years' use as a restaurant. The application had not been successful as the evidence did not show that. The premises had then been closed and works had taken place. The plans over a period of time had, Mr Bates stated, enabled eight people to be seated downstairs and twenty two upstairs. He appreciated the planning implications were not for the Sub-Committee to consider but described this as a 'transfer by stealth' of a not very busy daytime snack bar into a fully trading restaurant. He believed this would test the ability of the Applicant to manage the amenity and prevent disorder. Mr Bates added that he was proposing that the premises was permitted to open up to 22:00 Sundays and 23:00 other days, on-sales of alcohol were permitted until 21:30 on Sundays and 22:30 other days and off-sales of alcohol were permitted until 18:00 on all days of the week.

Mr Lund made the additional points that a local resident, Mrs Stonehouse had an adjoining party wall and there were problems with late night drinking and public nuisance in the Victoria area. He had concerns that when the Apollo Theatre emptied at 22:30 a large number of people would cross the road to buy alcohol or a takeaway or have a meal and leave late at night. This was, he believed, unreasonable for residents living in Evelyn Mansions.

Mr Evans was given the opportunity to respond to the comments of the objectors. He refuted that Café Italia was a restaurant. He described it as a small takeaway / sit down / eat snacks premises. He believed there were larger premises adjacent to Café Italia. He also referred to the tables being removed at 21:00. Drinkers were more likely to go to a pub in the Victoria area. Mr Evans confirmed that he was content for the existing premises licence to be surrendered if the current application was granted.

Mr Bates stated it was misleading for the impression to be given that 326 Vauxhall Bridge Road was in the middle of a restaurant area. This was part of the Westminster Cathedral Conservation Area. The nearest restaurant was some distance away. This was Wrap City at 318 Vauxhall Bridge Road which sold snack food.

The Sub-Committee carefully considered all the representations which had been made. Members appreciated the residents' fears as to what the premises could become but were not prepared to speculate that they would actually undermine the licensing objectives. It was also clear that planning enforcement was not a matter for the Sub-Committee. The review mechanism was available to residents should the premises not operate in accordance with the conditions on the premises licence. The Chairman recommended that the Applicant and the residents maintained a dialogue.

The Sub-Committee granted the application. Members took into account the Applicant's agreement of the Police's and Environmental Health's proposed conditions which had been put forward in order to promote the licensing objectives. These included that tables and chairs were not used after 21:00 hours, no noise would be permitted to emanate from the premises which gives rise to a nuisance, on-sales of alcohol would be ancillary to a table meal and off-sales would be ancillary to a take-away meal. Taking into account Mr Watson's representation, the Sub-Committee attached a condition that there would be no primary cooking on the premises. A condition was also attached to the premises licence surrendering the existing licence.

The Sub-Committee in reaching a decision also noted that the proposed hours were in keeping with those on the existing premises licence. Members did not consider that there had been such an extensive change to Café Italia since 2013 that the Applicant would not be able to manage the premises or comply with the conditions on the licence. It may have been the case that the premises had not previously been operated until the permitted terminal hours on the existing premises licence but there were not sufficient grounds to consider granting less hours for the current Applicant.

<b>2.</b>	<b>Sale by retail of alcohol (On and Off)</b>				
	<table> <tr> <td data-bbox="252 1563 555 1599">Monday to Saturday:</td> <td data-bbox="863 1563 1070 1599">10:30 to 23:30</td> </tr> <tr> <td data-bbox="252 1599 379 1635">Sunday:</td> <td data-bbox="863 1599 1070 1635">10:30 to 22:30</td> </tr> </table>	Monday to Saturday:	10:30 to 23:30	Sunday:	10:30 to 22:30
Monday to Saturday:	10:30 to 23:30				
Sunday:	10:30 to 22:30				
	<p>Amendments to application advised at hearing:</p> <p>None.</p>				
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>				

<b>3.</b>	<b>Hours premises are open to the public</b>
	Monday to Saturday: 07:00 to 23:30 Sunday: 08:00 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.

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

- (ii) supply alcohol), or  
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. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. 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. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
- a) all crimes reported to the venue



- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

13. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
14. 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.
15. All sales of alcohol for consumption off the premises shall be restricted to (i) sales of alcohol in a sealed container ancillary to a takeaway meal or (ii) sales of alcohol for consumption by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway and bona fide taking a table meal there and where the consumption of alcohol by such a person is ancillary to taking such a meal.
16. There shall be no sales of alcohol for consumption off the premises after 23:00.
17. All outside tables and chairs shall be rendered unusable by 21:00 each day.
18. There shall be no self-service of alcohol on the premises.
19. After 21:00 hours all children will be accompanied by a person who is 18 or over.
20. The maximum number of persons permitted in the premises at any one time (including staff) shall not exceed 30 persons.
21. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
22. There shall be no sales of hot food or hot drink for consumption 'Off' the premises after 23.00 hours.
23. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
24. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
25. The entrance door shall be kept closed after 21:00 hours except for the immediate access and egress of persons.
26. Notices shall be prominently displayed at all exits requesting patrons to respect

the needs of local residents and businesses and leave the area quietly.

27. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
28. 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.
29. 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.
30. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
31. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
32. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.
33. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day.
34. No licensable activities shall take place at the premises until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority.
35. No primary cooking shall be permitted on the premises.
36. No licensable activities shall take place at the premises until premises licence 16/03312/LIPDPS (or such other number subsequently issued for the premises) has been surrendered and is incapable of resurrection.

#### **4 DUKE OF YORK, 45 HARROWBY STREET, W1**

##### **LICENSING SUB-COMMITTEE No. 3**

*Thursday 13th October 2016*

Membership: Councillor Melvyn Caplan (Chairman), Councillor Nick Evans  
and Councillor Shamim Talukder

Legal Adviser: Barry Panto

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

Relevant Representations: Environmental Health and 1 local resident.

Present: Mr Andrew Grimsey (Solicitor, representing the Applicant), Mr Paul Milner (Director, Applicant Company), Mr James Grimes (Chartered Surveyor) and Mr Dave Nevitt (Environmental Health).

<b>Duke of York, 45 Harrowby Street, W1 16/08637/LIPN</b>	
<b>1.</b>	<b>Late Night Refreshment (Indoors)</b>
	Monday to Saturday: 23:00 to 23:30
	Amendments to application advised at hearing:  None.
	Decision (including reasons if different from those set out in report):  As referred to by Mr Sycamore in his presentation, this was an application by the landlord to replace a previous licence which lapsed when the premises licence holder went into liquidation. The landlord was applying for the same hours for licensable activities except for recorded music which was previously unrestricted. Mr Grimsey, representing the Applicant, informed the Sub-Committee that prior to 2015 his client, the landlord had not had anything to do with Duke of York. The previous licence holder had it was believed been tenants at the premises since 2011. Mr Grimsey stated that it soon became clear that the previous licence holder was not an ideal tenant and within a few months the landlord had issued possession proceedings against the tenant. The Duke of York was in a state of disrepair and rent payments had not been made. Mr Grimsey added that the landlord had been given a possession order which was appealed by the tenant and the landlord had won the appeal. The Applicant sympathised with the local residents who had made representations as the performance of the tenant had left a lot to be desired. The tenant's company had gone into liquidation as a result of a restructuring and the implications had not been thought through which had led to the previous licence lapsing. The Sub-Committee asked the Applicant a number of questions in respect of the outside area. Mr Grimsey confirmed that the area to the front and the side of the Duke of York was private land and that the tables and chairs were therefore on land owned by the landlord. He appreciated that there was a need to reduce the width of the benches. He also confirmed that one of the residents who had originally objected to the application, Mrs Lloyd, had now withdrawn her representation as a result of it having been agreed that the tables and chairs would not be used after 22:00 rather than the 23:00 previously proposed. Mr

Grimes stated that the landlord company wanted as little noise outside as possible. The company was currently in discussions with leaseholders about the proposed operation. The Chairman emphasised the importance of the tables and chairs being rendered unusable at 22:00, whether it was with fold-up furniture or benches being covered up.

The Sub-Committee heard from Mr Nevitt for Environmental Health. He had maintained his representation as there had been representations from residents and there had been complaints that had related to a previous operator. He advised that he was aware the Applicant was considering changing the layout. He was therefore keen to have a works conditions attached to the premises licence in the event the Sub-Committee was minded to grant the application. This would enable Environmental Health to inspect the premises and clear the works before it opened. Mr Nevitt was also seeking the Council's model capacity condition being attached to the licence. The capacity would be decided in response to the works that were carried out.

A discussion ensued as to what were the premises in this instance. Mr Grimsey stated that he was of the view that it was the demise as a whole.

The Sub-Committee granted the application, subject to conditions as set out below. Members noted that the proposed hours for licensable activities were within the Council's Core Hours policy, though it was also noted that the terminal closing hour on a Sunday was 30 minutes beyond core hours. The Applicant had shown some flexibility in responding to Mrs Lloyd's concerns and prohibiting the use of the tables and chairs outside after 22:00. The incidents which had previously occurred at the premises were as a result of poor management by the previous tenants and were not the fault of the landlord, the current Applicant. The Sub-Committee attached the Council's model capacity and works conditions in order that Environmental Health would be able to inspect and assess the premises following the works being undertaken.

Mr Wroe made the additional point that the Sub-Committee was satisfied that everything included as part of the plans was the premises. This would include the outside area and the toilets. This was consistent with the conditions being attached to the premises licence and what was understood by the objectors in their representations.

<b>2.</b>	<b>Sale by retail of alcohol (On and Off)</b>				
	<table> <tr> <td data-bbox="252 1637 858 1675">Monday to Saturday:</td> <td data-bbox="858 1637 1417 1675">10:00 to 23:00</td> </tr> <tr> <td data-bbox="252 1675 858 1713">Sunday:</td> <td data-bbox="858 1675 1417 1713">12:00 to 22:30</td> </tr> </table>	Monday to Saturday:	10:00 to 23:00	Sunday:	12:00 to 22:30
Monday to Saturday:	10:00 to 23:00				
Sunday:	12:00 to 22:30				
	<p>Amendments to application advised at hearing:</p> <p>None.</p>				
	Decision (including reasons if different from those set out in report):				

	Granted, subject to conditions as set out below (see reasons for decision in Section 1).
<b>3.</b>	<b>Recorded Music (Indoors)</b>
	Monday to Saturday: 10:00 to 23:00 Sunday: 12:00 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 for decision in Section 1).
<b>4.</b>	<b>Hours premises are open to the public</b>
	Monday to Saturday: 10:00 to 23:30 Sunday: 12:00 to 23:00
	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.
<b>5.</b>	<b>Seasonal variations / Non-standard timings</b>
	<b><u>Late Night Refreshment (Indoors), Sale by retail of alcohol (On and Off), Recorded Music (Indoors), Hours premises are open to the public</u></b>  From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
	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.

### **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. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
10. All outside tables and chairs shall be rendered unusable by 22.00 each day.
11. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
12. A risk assessment will be carried out to determine the maximum occupancy figure for the first floor in agreement with the Council's Environmental Health Officer. This risk assessment will be updated upon the granting of any works to this floor.
13. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
14. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. 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.
15. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram. Challenge 21
16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
- (a) all crimes reported to the venue
  - (b) all ejections of patrons

- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

17. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
18. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23.00 hours and 08.00 hours.
19. No deliveries to the premises shall take place between 23.00 hours and 08.00 hours
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. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
22. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

## **5 KEBAB CENTRE, 368 HARROW ROAD, W9**

### **LICENSING SUB-COMMITTEE No. 3**

*Thursday 13th October 2016*

Membership: Councillor Melvyn Caplan (Chairman), Councillor Nick Evans and Councillor Shamim Talukder

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Jonathan Deacon

Presenting Officer: Yolanda Wade

Relevant Representations: Environmental Health and 3 x local residents.

Present: Mr Anthony Bowhill (Planning and Property Consultant, representing Applicant), Mr Bashir Jafari (Applicant), Mr Maxwell Koduah

(Environmental Health), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project – on behalf of Ms Diana Carrasco Vime) and Mrs Diana Carrasco Vime (local resident).

<b>Kebab Centre, 368 Harrow Road, W9 16/07884/LIPN</b>	
<b>1.</b>	<b>Late Night Refreshment (Indoors and Outdoors)</b>
	<p>Monday to Thursday:                    23:00 to 01:30  Friday to Saturday:                    23:00 to 02:00  Sunday:                                        23:00 to 01:30</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>This was a new application for late night refreshment Monday to Thursday 23:00 to 01:30, Friday to Saturday 23:00 to 02:00 and Sunday 23:00 to 01:30. The Applicant's Representative, Mr Bowhill, addressed the Sub-Committee regarding the premises. There was the main shop unit which was used for the preparation and the cooking of the food, the basement where the food was stored and to the rear, the garden or yard area which was now excluded from the premises. The private forecourt between the shop and the public highway was included as part of the licensed area. Mr Bowhill confirmed there would be no external seating there. Mr Bowhill had been concerned that if this had not been included in the licensed area, there would be a gap between the highway and the public entering the premises. The Sub-Committee reassured Mr Bowhill that since there were no licensable activities in the private forecourt it did not need to be part of the licensed area.</p> <p>Mr Bowhill referred to the residences in Chippenham Mews where the three residents had objected to the application starting approximately 20 to 30 feet beyond the garden / yard area. He asked his client, Mr Jafari, to explain the operation of the premises. Mr Jafari informed those present that the rear garden/yard was only used for storage purposes. He expressed the view that there was no noise except the air conditioning fan. There were five chairs and two tables inside the premises where people could sit and eat. He estimated that approximately 10% of customers consumed food or non-alcoholic drinks at the seating area, 30% had takeaways and 60% received deliveries from the premises. He had worked at the premises since 2009.</p> <p>The Sub-Committee asked Mr Jafari about the nature of the deliveries. He replied that the company used its own car and motorbike to deliver the food. The deliveries started during the afternoon. He was looking at employing a delivery company to assist. In response to further questions from the Sub-</p>

Committee, Mr Jafari stated that currently staff smoked in the rear garden/yard during the daytime and the pavement outside during the evening. He confirmed it was possible to lock the back door and for staff not to use the rear area for smoking. It was not an emergency exit. He had agreed a condition proposed by Environmental Health that no customers would be permitted to use the rear garden/yard after 23:00. Mr Bowhill when asked agreed that his client would be content that this area would not be used by customers at any time.

Mr Koduah on behalf of Environmental Health referred to paragraph 4.2 of the Applicant's 'comments on representations made by members of the public relating to proposed late night licence' which had been included in the report. He questioned the view expressed there that the opening hours were 'considered fair and reasonable having regard to the location of the premises on a busy thoroughfare with a residential hinterland'. He had spoken to operators of premises within a 20 metre radius of the Kebab Centre who were not operating after 21:00 because Harrow Road was quiet. He believed that if the Kebab Centre was permitted to operate until 02:00 noise from equipment and machinery was likely to be perceived by local residents. Mr Koduah stated that this was why he had proposed conditions that there would be no hot food or hot drink sales after midnight Sunday to Thursday and 01:00 Friday and Saturday and no home deliveries after midnight Sunday to Thursday and 02:00 Friday and Saturday.

Mr Brown, representing Ms Carrasco Vime, commented that many of the aspects of the application had already been touched on but one that had not was the concerns as to what would happen in Chippenham Mews itself if the application was granted. He described it as a quiet mews which runs parallel to Harrow Road. It has some business use during the daytime but is largely residential. Mr Brown added that Harrow Road and particularly the side streets become quieter later during the evening.

Mr Brown referred to four potential issues occurring if the application was granted, as set out in Ms Carrasco Vime's representation. These were noise nuisance from customers loitering in the Mews when eating their food, anti-social behaviour from customers loitering in the Mews when eating their food, residents feeling intimidated returning to their homes in the late evening or in the early hours if customers are gathering around the premises and litter and packaging being left in the Mews. Mr Brown drew Members' attention to paragraphs 2.5.18 and 2.5.19 of the Council's Statement of Licensing Policy and in particular the point that fast food premises opening late at night can act as a 'honeypot' bringing customers to the area who might not otherwise have any reason to be there. These were particularly attractive to people who had been drinking and added to the risk of public nuisance. Mr Brown stated that the situation would be exacerbated by the very late hour sought by the Applicant. He had found that similar premises in the area either had earlier terminal hours or, like PJ's Pizza at 358 Harrow Road, after a certain hour they were restricted by conditions on their premises licences to provide home deliveries only (after 23:00 in the case of PJ's Pizza). He added that deliveries were not such an issue for residents as the actual premises operating although there were issues raised in the residents' written representations regarding the likelihood of noise and smells from the use of the plant equipment later in the evening. Mr Brown

welcomed that customers would not be permitted to use the garden/yard area.

The Sub-Committee heard from Mrs Carrasco Vime. She referred to a photograph of the garden/yard taken from her son's nursery window at the back of her property. She stated that the only disturbance that the family had late at night was coming from the Applicant's premises. This was from people talking outside, including when smoking and also the air conditioning unit. She had concerns as to how the prevention of staff and customers in the garden/yard area late at night would be policed. Ms Carrasco Vime also made the point that she had experience of customers coming to Chippenham Mews to consume their fast food. She believed other residents had complained about the premises. She had lived in the area since February 2016.

The Sub-Committee asked Mr Brown what his view was on the acceptable hours for the premises, particularly deliveries. Mr Brown replied that in relation to the deliveries, as long as they did not take place from the Mews, they would not be an issue apart from the cooking of food.

The Applicant was given the opportunity to respond to the points made by the objectors. Mr Bowhill commented that he had visited the premises twice after 21:00 and had not experienced the Harrow Road area becoming quiet. Mr Jafari made the point that Pars Restaurant at 370 Harrow Road was open until 00:30 and PJ's Pizza was open until late. There was a fish bar near Chippenham Mews which he believed would have contributed to issues there. He added that customers of the Kebab Centre always parked on the main road or used night buses. He believed that the noise came from his neighbours. He did not want staff smoking in the garden or using it later at night. In response to a question on the operation of the plant equipment, Mr Jafari advised that he took steps to clean the filters approximately every six months to a year and had changed the fan.

Mr Bowhill wished to bring to Members' attention that in the list of noise complaints set out in Environmental Health's representation no further action had been taken when visits had taken place. He expressed the view that since 2009 his client had done his best to run a tight ship and it was not within his control once customers left the premises with food. It was difficult to prove how many of his customers headed to Chippenham Mews to eat. He informed Members that he had not agreed Environmental Health's proposed conditions reducing the proposed hours for sales of hot food and hot drink for consumption on the premises or off the premises either in the form of takeaway or delivery.

Mr Koduah stated that there may have not been any complaints to date about the plant equipment but then no premises were operating in the area after 23:00. Mr Brown referred Members to Policy FFP1 (fast food premises outside the cumulative impact areas) that 'applications will only be granted if it can be demonstrated that the proposal meets relevant criteria in Policies CD1, PS1, PN1 and CH1'.

The Sub-Committee decided that there was a significant difference between the Applicant operating at the premises until the early hours of the morning and providing home deliveries. Members considered that in line with the Council's

	<p>policy and as referred to by Mr Brown, late night refreshment does attract people to an area. Hot fast food and hot drink is attractive to people who have been drinking and who are more likely to be involved in anti-social behaviour. This behaviour can take a number of forms including patrons congregating and talking loudly or discarding litter. The Sub-Committee granted the hours for the supply of late night refreshment that had been agreed with Environmental Health in respect of home deliveries which is 60% of the Applicant's business but decided that it was an appropriate balance of the requirements of the Applicant and the residents to restrict the terminal hours for sales to customers attending the premises (including for takeaways). The hours granted for home deliveries were midnight on Sunday to Thursday and 02.00 on the days following Friday and Saturday. The hours granted for sales that were not deliveries were 23:00 on Sunday, 23:30 Monday to Thursday and midnight Friday and Saturday.</p> <p>The Sub-Committee attached the condition to the premises licence, which was agreed by the Applicant, that there would be no customers permitted to use the rear garden at any time. Staff would not be able to use it after 21:00 and all external doors and windows to this area would be closed at this time. The Applicant was required to amend the plans so that the private forecourt between the shop and the public highway was not included as part of the licensed area.</p>						
<b>2.</b>	<b>Hours premises are open to the public</b>						
	<table> <tr> <td>Monday to Thursday:</td> <td>10:00 to 01:30</td> </tr> <tr> <td>Friday to Saturday:</td> <td>10:00 to 02:00</td> </tr> <tr> <td>Sunday:</td> <td>10:00 to 01:30</td> </tr> </table>	Monday to Thursday:	10:00 to 01:30	Friday to Saturday:	10:00 to 02:00	Sunday:	10:00 to 01:30
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Sunday:	10:00 to 01:30						
	<p>Amendments to application advised at hearing:</p> <p>None.</p>						
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee permitted the premises to be open to the public until 23:00 on Sunday, 23:30 Monday to Thursday and midnight Friday and Saturday (see reasons for decision in Section 1).</p>						

<b>Conditions attached to the Licence</b>	
<b><u>Conditions</u></b>	<ol style="list-style-type: none"> <li data-bbox="223 1912 1370 2016">1. Prominent signage indicating the permitted hours for walk-in service and home delivery services shall be displayed so as to be visible before entering the premises and at the point of sale</li> </ol>

2. There shall be no sales to persons actually attending the premises of hot food or hot drink for consumption “on” or “off” the premises after 23.00 hours on Sundays, after 23:30 hours Monday to Thursday and after 00.00 hour (midnight) Friday and Saturday
3. There shall be no sales of hot food or hot drink for home delivery after 00.00 hour (midnight) Sunday to Thursday and on Friday and Saturday after 02:00 hours on the following day.
4. The menu board lights in the customer service area shall be turned off at 23.00 hours on Sundays, at 23:30 hours Monday to Thursday and at 00.00 hour (midnight) Friday and Saturday
5. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 12 persons
6. Notices shall be prominently displayed at the exit requesting patrons to respect the needs of local residents and businesses and leave the area quietly
7. No customers shall be permitted to use the garden at the rear of the premises at any time. The garden at the rear shall not be used by staff after 21.00 hours.
8. After 21:00 hours all external doors and windows to the rear garden shall be kept closed except for use in an emergency.
9. No noise generated on the premises, or by its associated plant or equipment or delivery cars/motorbikes, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance
10. All windows and external doors shall be kept closed after 23:00 hours except for the immediate access and egress of persons
11. There shall be no queuing outside the premises at any time.
12. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
13. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas including rear garden between 23.00 hour and 08.00 hour on the following day.
14. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 hour and 08.00 hour on the following day.
15. No deliveries to the premises shall take place between 23.00 hour and 08.00 hour on the following 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. 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.
18. 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.
19. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
20. 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.
21. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed as soon as possible and in any event within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) any faults in the CCTV system
  - (f) any visit by a relevant authority or emergency service.

## **6 DRAMA, 35 HERTFORD STREET, W1**

### **LICENSING SUB-COMMITTEE No. 3**

*Thursday 13th October 2016*

Membership: Councillor Melvyn Caplan (Chairman), Councillor Nick Evans and Councillor Shamim Talukder

Legal Adviser: Barry Panto



Policy Adviser: Chris Wroe  
 Committee Officer: Jonathan Deacon  
 Presenting Officer: Yolanda Wade

Relevant Representations: Environmental Health and 1 local resident.

Present: Mr David Roberts (Solicitor, representing Applicant), Mr Mauro Pisano (Manager of Premises), Mr Raiarshi Ganguly (Food and Beverage Manager, Applicant Company), Mr Michael Watson (Licensing Consultant) and Mr Ian Watson (Environmental Health).

<b>Drama, 35 Hertford Street, W1 16/08072/LIPV</b>					
<b>1.</b>	<b>Regulated Entertainment – Exhibition of films, Performance of Dance, Performance of Live Music</b>				
	<table border="0"> <tr> <td style="text-align: center;"><u><b>Current Hours</b></u></td> <td style="text-align: center;"><u><b>Proposed Hours</b></u></td> </tr> <tr> <td style="text-align: center;">Monday to Sunday 10:00 to 03:00</td> <td style="text-align: center;">Monday to Sunday 10:00 to 04:00</td> </tr> </table>	<u><b>Current Hours</b></u>	<u><b>Proposed Hours</b></u>	Monday to Sunday 10:00 to 03:00	Monday to Sunday 10:00 to 04:00
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Monday to Sunday 10:00 to 03:00	Monday to Sunday 10:00 to 04:00				
	<p>Amendments to application advised at hearing:</p> <p>None.</p>				
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee initially heard from Mr Roberts, representing the Applicant Hilton Worldwide Limited. He stated that his client operated the Drama nightclub alongside the Hilton Park Lane Hotel. All the staff were employed by Hilton. He believed there was good evidence to suggest that the premises had been very well run over the last couple of years. There had been no complaints brought to the Applicant’s attention by either the Police or Environmental Health. The premises had been refurbished internally, was a high end establishment and his clients worked well in partnership with the hotel.</p> <p>Mr Roberts said that the application had been submitted in order to provide a bit more flexibility in terms of the operating hours. The premises tended to open from 23:00 onwards when the clientele began to arrive. His client sought an additional hour on the last entry time in order to avoid a peak time influx of patrons arriving at 01:00. It was felt that a 02:00 last entry time for those who had not pre-booked would result in customers not all arriving at the same time. The Applicant was also of the view that in the event the Sub-Committee was minded to grant a terminal hour of 04:00 for the sale of alcohol and a closing time of 04:30, it would enable customers to disperse more gradually during the later hours. Mr Roberts added that currently customers were staying until 03:30</p>				

at Drama nightclub and they all left at the same time.

Mr Roberts made the point that his client was proactive in terms of managing queuing. It was the Applicant's belief that Ms Haiat who had submitted a representation was writing on behalf of the management company for the residential block at the corner of Hertford Street / Down Street rather than being a local resident. He disputed the suggestion made in her representation that there were long queues heading towards the residential block. It was his assertion that the controlled queuing was actually towards Park Lane and that dispersal of customers was actively managed so that they left towards Park Lane. The Applicant was keen that there was a good relationship with neighbours and to avoid any nuisance being caused to hotel residents. Mr Ganguly had written to Ms Haiat in order to allay any concerns that she had set out in her written representation and to provide his contact details and that of Mr Pisano.

Mr Roberts referred to Mr Watson's written representation. He stated that the issues relating to the management of the smoking area which had been brought to the Applicant's attention by the licensing inspectors and searches at the venue following their visits in September 2016 had been addressed by Mr Pisano. Feedback had been given to staff so the matter was dealt with on an ongoing basis. Mr Roberts commented that he had not proposed any further conditions as there were already 70 on the existing premises licence and they outlined the standards the Applicant expected to meet at 04:30 in the same way as was the case for the premises operating at 03:30. He explained that the proactive relationship between Drama and the Hilton Park Lane Hotel included a weekly meeting at the hotel which was attended by Mr Michael Watson as a third party consultant, Mr Pisano and senior management of the hotel.

Mr Watson for Environmental Health confirmed that there had been no recorded complaints relating to the premises. He stated that in respect of the visits by the licensing inspectors, there had been two areas of concern. One was the management of the smoking area and how it was impacting on the emergency escape. The other was the level of searches of customers prior to entering the venue. Mr Watson advised that the smoking area should not be positioned in front of the emergency door. However, when customers had sought shelter, the inspector had attempted to open the emergency door and there was an obstruction. Mr Watson drew Members' attention to the premises changing from two rooms to a single room with the capacity moving from 220 to 300. The escapes were therefore of critical importance and the smoking area had to be well managed. It was possible either that there would be more observations of the area and/or the smoking area would need to be moved further away from the emergency door.

In relation to searches of patrons prior to entry, Mr Watson informed Members that conditions relating to scanning and searching were not placed on the premises licence as a result of the Whisky Mist review but because of Police concerns a few years previously. He recommended that searches took place on entry and re-entry. Mr Watson stated he did not have any specific evidence that moving the terminal hour for the sale of alcohol from 03:00 to 04:00 would add to public nuisance. He expressed the view however that to move the last entry

time to an hour later would make it a destination venue and more people were likely to arrive at the premises at the later time. Mr Watson also advised of an amendment to an existing condition that had been agreed between the Police and the Applicant. This was that rather than 40 customers, there would be 30 customers per night who would be admitted to the premises at the managers' discretion without ID being scanned and recorded. He was also concerned there was no limit in terms of the number of people who were able to pre-book tables.

In summary, Mr Watson stated he was proposing that the Council and the Applicant take another look at the smoking area and move it further away from the emergency exit. He was also proposing that the last entry time was not extended so that it did not become more of a destination venue and also look at limiting the number of people who could come to the premises after 01:00 who had pre-booked tables.

Mr Roberts responded to some of the points raised by Mr Watson. He made the point that there had been an agreement with the Police that as a compromise last entry time for both customers who had pre-booked and not pre-booked would be 02:00. It was a compromise as most customers pre-booked tables and this was not being extended. Mr Roberts also addressed Members on the scanning of ID. The Police had considered that 40 customers being admitted to the premises without being scanned was on the high side and had requested 30. All customers except the 30 would be scanned. The Sub-Committee emphasised the importance of customers being checked on re-entry and asked whether the Applicant was content for the smoking area to be moved. Mr Roberts responded that his client had no issues with re-designating the smoking area. There would be discussions with Mr Watson of Environmental Health in relation to this and an amended plan would be submitted.

Mr Roberts was asked by the Sub-Committee why he believed the additional hour would promote the licensing objectives. Mr Roberts replied that in addition to the premises being well run with a good management structure, a number of Temporary Event Notices had been used earlier in 2016 until 04:00 and there had been no issues raised by local residents or Responsible Authorities. There were a significant number of door supervisors given the size of the premises. The additional hour would also assist with the dispersal of customers.

Mr Watson clarified that he was not looking for customers who had been scanned to be re-scanned, especially if there was a hand stamp. He was recommending that there was a necessary level of searching of customers.

The Sub-Committee considered that the Applicants were able to manage the premises so that if patrons remained there for an extra hour until 04:30 and licensable activities were extended by an hour the licensing objectives would not be undermined. Members therefore were content for conditions 48 and 49 on the existing premises licence to be amended. The Sub-Committee however shared Mr Watson's concerns that if members of the public were able to arrive and enter the premises at 02:00 it would result in Drama being more of a destination venue. The Sub-Committee did not believe there was sufficient evidence to suggest that at 01:00 patrons all arrived at the same time but that if

Drama was open to 02:00 there would be less of an influx of patrons. There was the potential for the patrons who had not pre-booked to spend the evening at other licensed premises consuming significant levels of alcohol and then move on to Drama as a destination venue to consume further alcohol. If a customer wanted the option to enter the premises between 01:00 and 02:00 he or she could always pre-book with the premises. The Sub-Committee therefore decided not to amend condition 50 on the existing premises licence.

The Sub-Committee attached the amended condition agreed between the Applicant and the Police that save for private corporate events all customers entering the premises would have their ID scanned on entry except for a maximum number of 30 guests per night who may be admitted at the managers' discretion without ID being scanned or recorded. Members had originally decided that the customers who did need to be scanned would be required to do so both when entering and re-entering. However, Mr Pisano informed them that a hand stamp was used so there was proof that patrons had already been scanned. The Sub-Committee did require all customers to be searched upon entry and re-entry and likewise required all bags being carried by customers to be hand searched upon entry and re-entry to the premises at all times. Condition 16 was amended accordingly.

The Sub-Committee also took the opportunity to update conditions which still referred to the former name of the premises 'Whisky Mist'. These references were replaced with 'the premises'.

**2. Playing of Recorded Music**

**Current Hours**

**Proposed Hours**

Monday to Sunday 10:00 to 03:15

Monday to Sunday 10:00 to 04:15

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 for decision in Section 1).

**3. Late night refreshment (Indoors)**

**Current Hours**

**Proposed Hours**

Monday to Sunday 23:00 to 03:30

Monday to Sunday 23:00 to 04:30

	<p>Amendments to application advised at hearing:</p> <p>None.</p>				
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>				
<b>4.</b>	<b>Sale by retail of alcohol (On)</b>				
	<table> <thead> <tr> <th><u>Current Hours</u></th> <th><u>Proposed Hours</u></th> </tr> </thead> <tbody> <tr> <td>Monday to Sunday 10:00 to 03:00</td> <td>Monday to Sunday 10:00 to 04:00</td> </tr> </tbody> </table>	<u>Current Hours</u>	<u>Proposed Hours</u>	Monday to Sunday 10:00 to 03:00	Monday to Sunday 10:00 to 04:00
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Monday to Sunday 10:00 to 03:00	Monday to Sunday 10:00 to 04:00				
	<p>Amendments to application advised at hearing:</p> <p>None.</p>				
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>				
<b>5.</b>	<b>Hours premises are open to the public</b>				
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<u>Current Hours</u>	<u>Proposed Hours</u>				
Monday to Sunday 10:00 to 03:30	Monday to Sunday 10:00 to 04:30				
	<p>Amendments to application advised at hearing:</p> <p>None.</p>				
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>				
<b>6.</b>	<b>Conditions being varied, added or removed</b>				

Condition	Proposed variation
<p><b>48 which reads:</b> 'All licensable activities must end no later than 03:00 hrs save that the playing of recorded music and dancing must end no later than 03:15 hrs and the provision of late night refreshment must end no later than 03:30 hrs'.</p>	<p><b>Amended to read:</b> 'All licensable activities must end no later than 04:00 hrs save that the playing of recorded music and dancing must end no later than 04:15 hrs and the provision of late night refreshment must end no later than 04:30 hrs'.</p>
<p><b>49 which reads:</b> 'The premises must close to the public no later than 03:30 hrs'.</p>	<p><b>Amended to read:</b> 'The premises must close to the public no later than 04:30 hrs'.</p>
<p><b>50 which reads:</b> 'No customers may enter or re-enter the premises after 01:00 hrs (save for customers who have temporarily left the premises to smoke tobacco products) with the exception that customers who have pre-booked entry prior to midnight and whose names are on a list may enter between 01:00 – 02:00 hrs. This list must be kept at the premises and made available to police and local authority officers on demand'.</p>	<p><b>Amended to read:</b> 'No customers may enter or re-enter the premises after 02:00 hrs (save for customers who have temporarily left the premises to smoke tobacco products) with the exception that customers who have pre-booked entry prior to 01:00 and whose names are on a list may enter between 02:00 – 03:00 hrs. This list must be kept at the premises and made available to police and local authority officers on demand'.</p>
<p>Amendments to application advised at hearing:</p> <p>The Applicant and the Police had agreed an amendment to condition 50 on the existing premises licence so that it was proposed that both those who had pre-booked and those who had not pre-booked would be able to enter prior to 02:00.</p>	
<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the amendments to conditions 48 and 49 but refused the revised condition 50 (see reasons for decision in Section 1).</p>	

## Conditions attached to the Licence

### **Mandatory Conditions**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance

by reason of a disability).

5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
7. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

8(i) A relevant person shall ensure that no alcohol is sold or supplied for



consumption on or off the premises for a price which is less than the permitted price.

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.
10. 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**

11. (a) All drinking vessels used in the venue shall be polycarbonate. All drinks in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served, with the exception of champagne or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables, or mixers served in cans. Staff shall clear all empty champagne and spirit bottles, and empty cans from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.  
  
(b) Notwithstanding condition a) above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the lounge/club area.
12. Save for private corporate events are taking place (when a full detailed list of attendees will be kept on the premises for 31 days after the event), when the premises are open, and save for when a Biometric Scanning System is in place (when fingerprint scanning will be required for all customers who have previously shown identification at the premises) all customers entering the premises will have their ID scanned on entry save for a maximum number of 30 guests per night who may be admitted at the managers discretion without ID being scanned and recorded, and that a legible record of these people's names shall be retained on the premises for inspection by the licensing authority and police for a period of 31 days. The name of the manager authorising the entrance without scanning will also be recorded.
13. On entry staff will actively promote to patrons the facility for the storage of handbags, free of charge, in the cloakroom.
14. Save for private corporate events, when the premises are open a nominated member of staff shall be present outside the premises at all times that the premises are in use under this licence to monitor the area outside the premises to ensure that there is proper supervision of door staff, valet staff and mini-cab staff and that any potential disturbance is addressed.
15. All door supervisors employed at the entrance or outside the venue shall wear yellow high visibility jackets or vests.
16. Save for persons attending private corporate events when the premises are open, all customers entering or re-entering the premises must be searched

(pat-down of outer garments as a minimum). All bags being carried by customers upon entry or re-entry to the premises must be hand searched at all times.

17. The premises will operate a Management Committee to ensure licensing compliance.
18. The Committee will meet on a weekly basis, a record of which will be available on request to the Police or Local Authority and retained for a period of 12 months.
19. The number of persons accommodated at any one time (excluding staff) shall not exceed 300 and when the retractable curtains are in use to reduce the operational area the number of persons accommodated at any one time (excluding staff) shall not exceed 240.
20. The entrance doors and inner lobby doors shall be kept closed at all times except for the immediate access and egress of patrons.
21. The door on Hertford Street shall be maintained closed at all times except in the case of emergency.
22. A designated area reserved for smokers shall be agreed with the Licensing Authorities Environmental Health Consultation team. No more than 20 persons shall be in the designated smoking area at any one time.
  - (a). Whenever in use, the designated smoking area shall be clearly defined by ropes and stanchions or similar and under the constant supervision of a licensed door supervisor wearing a high visibility coat.
23. The emergency exit doors on Hertford Street shall be soundproofed so that no music is reasonably audible at one metre from the facade of the premises.
24. At least 6 door supervisors are to be employed at the premises whilst it is open to the public, except Fridays and Saturdays when a minimum of 8 door supervisors (including 1 female) shall be employed at the premises and Sundays when a minimum of 8 shall be employed at the premises. From 22:00 hrs a minimum of 2 door supervisors shall be permanently positioned at the entrance to the premises.
25. A door supervisor will be positioned in front of the retractable curtains when they are in use and fully drawn to reduce the operational area of the premises to prevent unauthorised access to the part of the premises not open to the public at that time.
26. This Licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
27. Substantial food and suitable non-intoxicating beverages, including drinking

water, shall be available throughout the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.

28. After 22.00 hours the sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
29. No drinks shall be consumed outside the premises nor glasses/bottles removed from the premises by patrons when leaving.
30. The provision of films shall be incidental to other licensable activities and there shall be no cinema style showing of films.
31. Curtains and hangings shall be arranged so as not to obstruct any emergency signs or exits, save the fire exit from the premises leading into the neighbouring hotel shall not be regarded as a fire exit when the retractable curtains shown on the Premises Licence plans are in use and fully drawn to reduce the operational area of the premises.
32. All fabrics, curtains, drapes and similar features shall be either non-combustible or be durably or inherently flame-retarded fabric.
33. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
34. 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.
35. The premises shall install and maintain a comprehensive digital CCTV system as per the minimum requirement of the Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered and the street environment where queues and smokers may gather. The CCTV system must enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open for licensable activities and the recordings shall be kept available for a minimum of 31 days with time and date stamping. Digital recordings shall be made immediately available to an authorised officer of the City Council or a police officer together with facilities for viewing throughout the following 31 day period.
36. A diary log shall be maintained to ensure that the capacity limit set for the premises is recorded hourly from when the premises open to closing time. This log must show the number of persons having entered the premises and left the premises within the hour and the running total. Both the head door supervisor and manager shall sign the records hourly to verify the running totals. Information regarding the capacity shall be given to an authorised officer of Westminster Council or Police Officer on request.
37. An attendant shall be stationed in the cloakroom during the whole time it is in use.

38. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used when 10 days prior notice is given to the Licensing Authority and written consent is provided from the EH Consultation Team (where consent has not previously been given);
- o dry ice and cryogenic fog
  - o smoke machines and fog generators
  - o pyrotechnics including fire works
  - o firearms
  - o lasers
  - o explosives and highly flammable substances
  - o real flame
  - o strobe lighting
39. A noise limiter located in a separate and remote lockable cabinet from the volume control must be fitted to all musical amplification systems. Music volumes must be set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Community Protection 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. The limiter shall not be altered without prior agreement with the Environmental Health Service.
40. No alteration or modification to any existing sound system(s) should be effected without the prior knowledge of an authorised Officer of the Environmental Health Service.
41. No additional sound generating equipment shall be used without being routed through the sound limiter device.
42. No loudspeakers shall be located in or near the entrance lobby.
43. Noise from acoustic or amplified music shall not be audible at or in occupied premises in the vicinity at any time.
44. Notices shall be prominently displayed at the exit requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
45. A member of the management team shall ensure that queuing by patrons outside the premises is conducted in a quiet and orderly manner so as not to cause nuisance.
46. All licensable activities must end no later than 04:00 hrs save that the playing of recorded music and dancing must end no later than 04:15 hrs and the provision of late night refreshment must end no later than 04:30 hrs.
47. The premises must close to the public no later than 04:30 hrs.

48. No customers may enter or re-enter the premises after 01:00 hrs (save for customers who have temporarily left the premises to smoke tobacco products) with the exception that customers who have pre-booked entry prior to midnight and whose names are on a list may enter between 01:00 - 02:00 hrs. This list must be kept at the premises and made available to police and local authority officers on demand.
49. Mr Michael Charles Shepherd is not to have any control or involvement in the operational management of the premises.
50. There shall be a personal licence holder on duty at the premises at all times when the premises are open to the public.
51. Security at the premises must be supplied by an independent company to that of the Hilton Hotel's in-house security. All incident management and recording shall be the responsibility of the Duty Management at the premises. The Hilton Hotel's security shall have no involvement in the management or reporting of incidents at the premises.
52. A drinks policy as set out in the attached premises Action Plan will be operated. All staff shall be trained on this policy and new members of staff shall have training on induction. A signed record shall be kept of all persons so trained and stored for a minimum of 12 months.
53. There shall be no promotional sales of alcohol at the premises where alcohol is sold at a price lower than that at which the same or similar alcoholic drinks are sold, or usually sold, on the premises.
54. There shall be no complimentary alcoholic drinks for customers, save for bona fide guests of the Duty Manager. A list of all those receiving complimentary drinks shall be maintained at the premises. The list shall be signed by the manager and made readily available for inspection by a Police Officer upon request.
55. A staff member who is conversant with the operation of the CCTV system shall be available to be in the premises without delay at all times when the premises is open to the public. The staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
56. The premises must be operated in strict accordance with the contents of the premises Action Plan as attached or any subsequent agreed amended document between the licence holder and the Metropolitan Police Services.
57. A dedicated member of staff shall monitor the customers behaviour and report any customers who behave in a suspicious manner or show signs of drunkenness to the Duty Manager and the Duty Manager shall take the necessary action to prevent any incident occurring. A record will be maintained in the daily incident log of the premises, detailing the above information.
58. All front of house staff shall receive refresher training regarding the Licensing Act 2003 at least twice yearly.

59. A daily incident log shall be correctly maintained at the premises and signed at the end of each day by the Duty Manager. The log shall be made available upon request to an authorised Officer of the Council or the Police, which will record the following:-
- a) All crimes reported to the venue
  - b) All ejections of patrons
  - c) Any complaints
  - d) Any incidents of disorder
  - e) Seizure of drugs or weapons
  - f) Any faults in the CCTV system or searching equipment or scanning equipment
  - g) Any refusal of the sale of alcohol
  - h) Any visit by a relevant authority or Emergency Service
60. A daily Door Supervisor log shall be correctly maintained at the premises and signed at the end of each day by the Duty Manager. This will include: The printed name of the Door Supervisor/ Badge number/Expiry date of SIA Licence and a signature of the Door Supervisor.
61. If any event at the premises includes the services of an external promoter or external DJ, performer or other similar artist, then at least 14 days before that event the premises must complete and submit to the Clubs and Vice Unit of the Metropolitan Police a Metropolitan Police Risk Assessment Form (Form 696).
62. Promoters used by the premises (whether internal or external) must follow the Code of Conduct for Promoters (as attached).
63. All bottled beers are to be decanted into polycarbonate vessels. No glass bottles of beer may be provided to customers.
64. To monitor the behaviour of patrons leaving the premises and if behaviour is not appropriate to ban such persons from using the premises.
65. To continue liaison with the relevant authorities in order to reduce/remove the problems of illegal parking and illegal taxi operations in Hertford Street.
66. No persons under 18 years of age will be admitted at any time.
67. 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.
68. The reception area shall be kept clear of all equipment other than a small reception desk and a computer/till for payment.