



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (2)** Committee held on **Thursday 9th March, 2017**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

Members Present: Councillors Tim Mitchell (Chairman), Louise Hyams and Karen Scarborough

1 MEMBERSHIP

There were no changes to the Membership.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

1 COMPTOIR CAFE & WINE, 21-22 WEIGHHOUSE STREET, W1

LICENSING SUB-COMMITTEE No. 2

Thursday 9th March 2017

Membership: Councillor Tim Mitchell (Chairman), Councillor Louise Hyams and Councillor Karen Scarborough

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Heidi Lawrance

Relevant Representations: Environmental Health, Residents Society of Mayfair & St James's and one local resident.

Present: Mr Alun Thomas (Solicitor, Representing the Applicant), Mr Xavier Rousset (representing the applicant company), Mr Peter Hamilton (Grosvenor Estates), Ms Ayesha Bolton (Environmental Health) and Mr David Brookfield and Mrs Liz Mckie (Residents Society of Mayfair & St James's).

**Comptoir Café & Wine, 21-22 Weighthouse Street, London, W1K 5LY
17/00358/LIPN**

1. Late Night Refreshment - Indoors

Standard days and times not applied for.

Seasonal Variations/Non-Standard Timings:

From 23:00 hours on New Year's Eve to 05:00 hours on New Year's Day.

Amendments to application advised at hearing:

None

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

The Sub-Committee considered an application by Comptoir WS Ltd for a new premises licence in respect of 21-22 Weighthouse Street, London, W1K 5LY.

The Licensing Officer provided an outline of the application to the Sub-Committee and confirmed that following the agreement of conditions the Police and the Grosvenor Mayfair Residents Association had withdrawn their representations.

Following a request for clarification from the Council's Legal Adviser Mr Thomas, representing the applicant, confirmed that the premises opening hours would be 08:00 to 23:00 Monday to Saturday and 08:00 to 22:30 on Sundays.

Mr Thomas explained that Mr Rousset had significant experience in operating licensed premises within Westminster. He had founded the 28/50 chain of wine shops which were notable for being considered an exception to policy in Cumulative Impact Areas (CIA) as they contained holding bars. He was also a founder of the restaurant Texture which had been awarded a Michelin star. Mr Rousset was already operating a Comptoir restaurant in Marylebone which was of a similar concept.

Mr Rousset described the concept of the premises and how during the day it would operate as a place providing primarily coffee and snacks and then evolving into a wine bar in the evenings. The premises would have a large wine collection and it was considered this would be a unique offer in this particular area. The food offering would mainly consist of toasties, soups and salads with an area available for wine tastings to take place. It was confirmed that all the customers would be seated within the premises except when a wine tasting session was taking place in the basement out of view from the street.

Mr Thomas confirmed that there would be forty covers provided inside the premises and eight located externally. It was recognised that residents had objected to the application and it was felt this was partly because it was located within an area seriously affected by the Crossrail development. Residents had experienced severe disruption because of it and it was hoped this premises

would help benefit the local area. It was not located within a CIA and the applicant had been sensitive with the proposed hours, which were well within core hours, and small capacity requested.

In response to a question over where the external seated area was located Mr Thomas explained that under the Council's Licensing Policy there was an expectation not to include external seating within the licensed area as this would be dealt with through a tables and chairs licence. The Sub-Committee was informed that a tables and chairs application had been submitted to the Council, the outcome of which was expected shortly. External seating would only be provided on Weighhouse Street for a total of eight chairs. Mr Thomas suggested that the applicant would be willing to accept conditions on this area to ensure it was controlled appropriately. It was considered that the further conditions suggested in the representations were not necessary as their concerns could be addressed through the proposed conditions and also through those conditions agreed with the Planning Department. Mr Thomas showed the Sub-Committee a revised plan which highlighted where the external seating area would be located.

Ms Bolton, representing Environmental Health, confirmed that she had visited the premises and held meetings with the applicant to discuss the application in detail. There were no concerns over the hours requested and the conditions proposed would ensure the premises was appropriately managed and satisfactorily addressed any concerns raised. It was confirmed that a works condition had been proposed to be included on the licence.

The Sub-Committee queried how it was proposed to dispose of wine bottles at the premises. Mr Rousset explained that a wine bottle compactor was too large for this small premises and therefore empty bottles would be stored in the premises overnight and then properly presented and placed out for collection no earlier than thirty minutes before the scheduled collection times.

Mr Brookfield representing the Grosvenor Mayfair Residents Association expressed concern that the premises would be located within a highly residential area. Residential properties were located to either side and also at the front and back of the premises and these would potentially be affected by any noise disturbance generated. It was currently unknown what kind of drinking establishment the premises aimed to be and the proposal to have external seating would also create extra noise disturbance for residents. It was proposed that if the application was granted stringent conditions should be attached to the external area. Concern was also expressed that private gardens belonging to local residents were not lockable and allowing off sales of alcohol would result in them being used by customers leaving the premises to dispose of their empty glasses and rubbish. The introduction of Crossrail would increase the footfall in the area and it could be expected that the bar would attract more people drinking alcohol into the local vicinity. Mr Brookfield also expressed concerns over how the air conditioning units and waste disposal area would be located within the premises due to its small size. Other concerns relating to how the collection of rubbish would be achieved without affecting residents and how the premises could potentially attract pedi-cabs into the area were also detailed.

The Licensing Officer explained that Mrs Mckie had not submitted a representation for this application but with the agreement of all parties present was allowed to address the Sub-Committee. Mrs Mckie raised significant concerns over the residential nature of the area which housed lots of elderly and infirm people.

Mr Thomas confirmed that Mr Rousset would be happy to meet with local residents to address any concerns they may have. He had experience of operating premises in a sensitive manner in areas very similar and would circulate his contact number to residents. Grosvenor Estates who owned the building was recognised as a very responsible landlord. They owned the residential property above and had very carefully gone through the process with these residents to ensure any impact to them was minimised. The application had gone through the planning process and had been carefully examined with any concerns raised addressed. In terms of the concerns over pedi-cabs it was suggested that the type of clientele who frequented the premises were unlikely to use pedi-cabs which were primarily used by tourists. Public transport was readily available nearby at both Oxford Street and Bond Street.

Mr Brookfield questioned if customers would be able to purchase alcohol in a sealed container from the premises and then consume it across the street. Mr Thomas accepted that this was a possibility but in his experience this had never occurred with this type of premises.

The Sub-Committee requested clarification on what the main purpose of the premises was? In response Mr Thomas confirmed it was a small premises whose primary purpose was to operate as a restaurant/café/delicatessen. It was not located within a CIA and the following safeguards were in place to ensure it would not create any disturbance to local residents. Firstly, the residents would be able to apply for a review of the premises licence if it did create a public nuisance. Secondly, Grosvenor Estates was a responsible landlord who would deal with any problem tenants through the terms of the lease. Finally, the applicant would work with Grosvenor Estates to ensure any potential noise issues would be resolved.

Mr Rousset explained that it was in his interests to be a responsible neighbour to the local residents and all staff would be trained accordingly to ensure any disruption was minimised. Mr Thomas clarified to the Sub-Committee that in terms of waste disposal the applicant would be happy to adopt the relevant model conditions.

The Sub-Committee carefully considered the application and recognised that even though the premises was located within a highly residential area it was not situated in a CIA and therefore there was no policy presumption against granting the application. The Sub-Committee noted that the Police and the Grosvenor Mayfair Residents Association had withdrawn their representations based on the conditions agreed with the applicant. It was also acknowledged that the hours applied for the sale of alcohol were within core hours. It was therefore decided to grant the application subject to the following additional conditions to ensure any disruption to local residents was minimised. The Sub-Committee resolved that the sale of alcohol had to be ancillary to the premises operating as a

delicatessen/café/restaurant and alcohol could only be served to those customers seated, except if they were partaking in tasting sessions located in the basement. This would provide safeguards to residents about the nature of the premises and ensure it did not become a destination venue for the drinking of alcohol only. The Sub-Committee recognised it was unable to restrict the use of any external tables and chairs up to 23:00 hours each day but it was decided to limit the sale of alcohol in the external area to 21:00 hours each day. It was felt this would ease residents' concerns over late night noise disturbance. The Sub-Committee was of the opinion that the additional conditions would ensure the premises would be appropriate for the local area and provide minimal disruption to residents.

The Sub-Committee agreed to amend the following conditions on the licence in order to update the licence:

- Condition 10 be amended to read “The number of persons accommodated at the premises (excluding staff) shall not exceed 40.”
- Condition 26 be amended to read “The supply of alcohol for consumption on the premises shall be by way of waiter/waitress service only to persons, who save for organised wine tasting events in the basement, shall be seated.”. This now appears as condition 11 below.
- An amended model condition 70A be added to the licence to replace conditions 11 and 12: “The supply of alcohol for consumption off the premises shall be restricted:
 - a) To alcohol consumed prior to 21:00 by up to 8 persons who are seated in an area of Weighthouse Street appropriately authorised for the use of tables and chairs on the highway where the supply of alcohol is by waiter/waitress service only; or
 - b) Shall be supplied in sealed containers only and not consumed in the vicinity of the premises.This now appears as condition 12 below.
- Model condition 65 be added to the licence in an amended form to also include collections so as to read “No deliveries to the premises or collections of waste or recycling materials (including bottles) from the premises shall take place between 20:00 and 08:00 on the following day.” This now appears as condition 27 below.
- Model condition 60 be added to the licence to read “The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers with contact numbers made readily available to customers who will be encouraged to use such services.” This now appears as condition 28 below.
- Model condition 57 be added to the licence to read “Patrons permitted to temporarily leave and then re-enter the premises, for example to smoke, shall not be permitted to take drinks or glass containers with them.” This now appears as condition 29 below.
- An additional condition be added to the licence to read “Licensable activities shall only be provided ancillary to the premises being used as a deli/café/restaurant.” This now appears as condition 30 below.

	<ul style="list-style-type: none"> An additional condition be added to the licence to read “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.” This now appears as condition 31 below.
2.	<p>Sales by Retail of Alcohol – On and Off Sales</p> <p>Monday to Saturday: 10:00 – 23:00 Sunday: 12:00 – 22:30</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>From the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below.</p>
3.	<p>Hours Premises are Open to the Public</p> <p>Monday to Saturday: 08:00 – 23:00 Sunday: 08:00 – 22:30</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>From the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>Mr Thomas, representing the applicant confirmed that the hours the premises were proposed to be open to the public were as set out above rather than the hours set out in the report and in his own application summary:</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below.</p>

Conditions attached to the Licence
<u>Mandatory Conditions</u>
1. No supply of alcohol may be made at a time when there is no designated

premises supervisor in respect of this licence.

2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-

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

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

6. (1) The premises licence holder or club premises certificate holder must

ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

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

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

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

7. The responsible person must ensure that—

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

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

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

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

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

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

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

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

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

Where –

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

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

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

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

Conditions Consistent with the Operating Schedule

9. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
10. The number of persons accommodated at the premises (excluding staff) shall not exceed 40.

11. The supply of alcohol for consumption on the premises shall be by way of waiter/waitress service only to persons, who save for organised wine tasting events in the basement, shall be seated.
12. The supply of alcohol for consumption off the premises shall be restricted:
 - a) To alcohol consumed prior to 21:00 by up to 8 persons who are seated in an area of Weighhouse Street appropriately authorised for the use of tables and chairs on the highway where the supply of alcohol is by waiter/waitress service only; or
 - b) To alcohol supplied in sealed containers only and not consumed in the vicinity of the premises.
13. All outside tables and chairs shall be rendered unusable by 23:00 each day.
14. 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.
15. 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.
16. 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.
17. A record shall be kept detailing all refused sales of alcohol. The record shall include the date and time of the refused and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
18. An incident log shall be kept on the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record:
 - (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

19. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

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

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

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

23. No waste or recyclable materials, including bottles, shall be moved from or placed in outside areas between 23:00 hours and 08:00 hours on the following day.

24. 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.

25. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction, new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

26. A direct telephone number for the manager at the premises shall be publically available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

26.

27. No deliveries to the premises or collections of waste or recycling materials (including bottles) from the premises shall take place between 20:00 and 08:00 on the following day.

28. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers with contact numbers made readily available to customers who will be encouraged to use such services.

29. Patrons permitted to temporarily leave and then re-enter the premises, for example to smoke, shall not be permitted to take drinks or glass containers with them.
30. Licensable activities shall only be provided ancillary to the premises being used as a deli/café/restaurant.
31. 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.”

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

LICENSING SUB-COMMITTEE No. 2

Thursday 9th March 2017

Membership: Councillor Tim Mitchell (Chairman), Councillor Louise Hyams and Councillor Karen Scarborough

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

Relevant Representations: One local resident.

Present: Mr Ian Peacock (Counsel, representing the Applicant), Mr Philip Doyle (Licensing Consultant), Mr Nigel Moon (Applicant), Mr Alfred Boyega (Manager of the Premises) and two local residents (Objectors).

British Sex Shop, 8 Green's Court, London, W1F 0HH 16/05871/LISEXR	
1.	Renewal of a Sexual Entertainment Venue Premises Licence
	The application was to renew the sexual entertainment venue premises licence made by Mr Nigel Moon for the sex shop at British Sex Shop, 8 Green's Court, London, W1F 0HH.
	Amendments to application advised at hearing: None
	Decision (including reasons if different from those set out in report): The Sub-Committee considered an application by Mr Nigel Moon for a renewal of a sexual entertainment venue premises licence in respect of British Sex Shop,

8 Green's Court, London, W1F 0HH.

The Licensing Officer provided an outline of the application to the Sub-Committee and advised that the premises had been licensed since 2011. An objection to the renewal of the licence had been received which related to an increase in noise in the local area. The Sub-Committee noted that the premises was located on the ground floor and the City Inspector comments related to a separate operation in the basement of the premises which had been used as an unlicensed sex shop and subject to enforcement visits. It was confirmed that the premises before the Sub-Committee today was not linked to the premises situated in the basement.

Mr Peacock, representing the applicant, explained that the application was for a renewal of a sex shop licence granted to Mr Moon in 2015. Clarification was provided that the premises located in the basement of the property was completely separate to the premises on the ground floor which was before the Sub-Committee today. No representations had been received from the responsible authorities and the one objection received related to an increase in noise levels outside the premises permitted hours. Mr Peacock highlighted that several of the times provided by the objector when the increase in noise occurred were during the premises permitted hours. It was suggested that the cause of some of the disturbance originated from the premises located in the basement. The applicant denied causing any noise disturbance and confirmed he only operated during the premises operating hours as required by the conditions on the licence. Mr Peacock was of the opinion that if it had been operating outside of its permitted hours the Licensing Authority would have been made aware. Constructive discussions had been held with the objector following which the objector had recognised that the noise levels had reduced. The applicant had also provided the objector with his telephone number in order that they can contact him if any disturbance was caused and he would then be able to take appropriate action.

Mr Moon, the applicant, confirmed that he had seen the letter of objection. He advised that situated in front of the premises was a busy thoroughfare where his employees had been known to smoke. The current staff levels included two part-time staff and one casual member of staff with one present at any given time. None of the staff slept at the shop as described in the objection letter and he personally visited the premises at least three times a week.

Mr Boyega, the manager of the premises, advised that he was present at the shop most mornings and some evenings. He confirmed that he had seen the letter of objection and explained that staff members often talked to the employees of the barber shop opposite. This only ever consisted of one member of staff at a time though and they had all subsequently been informed to smoke further along the thoroughfare in non-residential areas.

The objector addressed the Sub-Committee and stressed that members of staff talking outside the premises were often very loud and this created a disturbance to the residents living opposite. It was conceded however that recently it had become much quieter and they had no other issues with the premises.

Mr Peacock confirmed that staff had been instructed to smoke at the end of the Court away from the local residents. The Chairman advised that the objector would be written to by the Licensing Authority explaining who to call at the Council to make a complaint if noise disturbance persisted.

The objector did assert that people were sleeping in the shop as the front door shutter was often open and closed during the night. Mr Peacock confirmed that no one slept at the premises but it did share a common entrance with the basement premises. The objectors concerns were noted however.

After considering the application the Sub-Committee agreed to renew the sexual entertainment venue licence. The Sub-Committee was of the opinion that the premises was separate from the basement premises. The main cause for concern raised related to members of staff smoking and talking outside the shop causing noise disturbance to local residents. The objector however had stated this had not been an issue in the last two months following staff being instructed to smoke at the end of the Court away from the residential area. Since this main area of concern had now been addressed and because of a lack of representations from the responsible authorities the Sub-Committee subsequently granted the application. It was agreed with the applicant that in future the licence would specify that the premises was located on the ground floor in order to avoid confusion with any basement premises.

The Licence was renewed subject to the Standard Conditions applicable to licences for sex establishments in Westminster as prescribed by the Council pursuant to Paragraph 13 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

3 LONDON COCKTAIL CLUB, BASEMENT, PORTLAND HOUSE, 4 GREAT PORTLAND STREET, W1

LICENSING SUB-COMMITTEE No. 2

Thursday 9th March 2017

Membership: Councillor Tim Mitchell (Chairman), Councillor Louise Hyams and Councillor Karen Scarborough

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Heidi Lawrance

Relevant Representations: The Metropolitan Police and Environmental Health.

Present: Ms Lana Tricker (Solicitor, Representing the Applicant), Ms Ayesha Bolton (Environmental Health), PC Bryan Lewis (The Metropolitan Police) and Michelle Hall and James Hopkins (representing the applicant company).

**London Cocktail Club, Basement, Portland House, 4 Great Portland Street,
London, W1W 8QJ
17/00601/LIPV**

1.	<p>Exhibition of Films</p> <table border="0" data-bbox="252 331 1385 555"> <tr> <td data-bbox="252 331 794 376"><u>Current:</u></td> <td data-bbox="810 331 1385 376"><u>Proposed:</u></td> </tr> <tr> <td data-bbox="252 407 794 452">Monday to Thursday: 10:00 to 23:30</td> <td data-bbox="810 407 1385 452">Monday to Wednesday: 10:00 to 23:30</td> </tr> <tr> <td data-bbox="252 452 794 497">Friday to Saturday: 10:00 to 00:00</td> <td data-bbox="810 452 1385 497">Thursday: 10:00 to 01:00</td> </tr> <tr> <td data-bbox="252 497 794 542">Sunday: 12:00 to 22:30</td> <td data-bbox="810 497 1385 542">Friday to Saturday: 10:00 to 02:00</td> </tr> <tr> <td></td> <td data-bbox="810 542 1385 586">Sunday: 12:00 to 22:30</td> </tr> </table> <p>Seasonal Variations/Non-Standard Timings:</p> <table border="0" data-bbox="252 667 1385 1294"> <tr> <td data-bbox="252 667 794 712"><u>Current:</u></td> <td data-bbox="810 667 1385 712"><u>Proposed:</u></td> </tr> <tr> <td data-bbox="252 779 794 1003">The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.</td> <td data-bbox="810 779 1385 958">The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.</td> </tr> <tr> <td></td> <td data-bbox="810 1003 1385 1294">On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00.</td> </tr> </table>		<u>Current:</u>	<u>Proposed:</u>	Monday to Thursday: 10:00 to 23:30	Monday to Wednesday: 10:00 to 23:30	Friday to Saturday: 10:00 to 00:00	Thursday: 10:00 to 01:00	Sunday: 12:00 to 22:30	Friday to Saturday: 10:00 to 02:00		Sunday: 12:00 to 22:30	<u>Current:</u>	<u>Proposed:</u>	The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.	The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.		On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00.
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	<p>Amendments to application advised at hearing:</p> <p>None</p>																	
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by The London Cocktail Club Limited for a variation of a premises licence in respect of The London Cocktail Club, Basement, Portland House, 4 Great Portland Street, London, W1W 8QJ.</p> <p>The Licensing Officer provided an outline of the application to the Sub-Committee.</p> <p>Ms Tricker, representing the applicant, advised the Sub-Committee that the proposals relating to live music had now been withdrawn from the application.</p> <p>Ms Tricker detailed how the application intended to extend the terminal hour on the licence for all licensable activities and for the opening hours to 01:00 on Thursdays and 02:00 on Fridays and Saturdays. The London Cocktail Club was a</p>																	

brand which currently operated seven premises within London with one opening at the end of March. They opened in the afternoons and traded through the evening and predominantly catered for small groups. The application was not seeking to attract additional people to the premises and the extension in hours only sought to extend the experience for its clientele. Trading had occurred with the proposed hours for a seven month period on the old licence and there was no evidence this had added to the cumulative impact in the area. No noise complaints had been received relating to the premises and the conditions already in place on the licence limited the nature of the operation. It was not sought to change these. Numerous Temporary Event Notices (TENS) had been issued previously and these predominantly allowed the premises to open until 03:00. No complaints or objections had been received regarding these. The Sub-Committee was also informed that a previous change in the licence allowing it to operate as a cocktail bar instead of a champagne bar had not resulted in any negative impact on the local area. The Police had requested the addition of a condition requiring two SIA Security staff on Fridays and Saturdays and the applicant was content to agree with this. There would be a fifteen minute wind down period in operation which already occurred. No consumption of alcohol would be allowed outside the premises and the applicant would accept the adoption of the relevant model condition.

Ms Tricker explained that the operation was well-established and well-run and the applicant had no wish to jeopardise this. It would operate as a cocktail lounge where patrons would experience how cocktails were made. The lounge would be situated in the basement area which had no visible presence from street level. All customers would be greeted by a member of staff and shown to their relevant area. Over 80% of customers pre-booked to enter the premises and it had a capacity of seating for one hundred and seventy. It was highlighted though that the applicant would not want a condition imposed requiring all customers to be seated whilst consuming alcohol as part of the customer experience was allowing them to observe how cocktails were made at the bar. It was confirmed however that seating would be available for all customers. A condition requiring service throughout the premises to be by waiter/waitress service was already in place. Significant support for the application had also been received from local businesses. There were only a small number of residential properties in the immediate vicinity and whilst it was recognised the premises was located in a Cumulative Impact Area (CIA) it was based on the outer edge of this area. Lots of public transport options existed nearby. No objections had been received from any local residents and those representations received were all based on policy grounds.

Mr Hopkins, representing the applicant company, explained how the business had grown based on offering an enhanced cocktail experience. A training development programme for staff had been introduced to help develop and retain staff members. Cocktail master classes were offered to customers, usually earlier in the day, and customers would then tend to remain at the premises. In response to a question Mr Hopkins confirmed that the average cost of a cocktail was £10.

Ms Tricker stated that there was empirical evidence that the applicant had traded to the later hours by way of the previous licence for a period of seven months and had not added to the cumulative impact in the area. TENS had been successfully

operated on numerous occasions and the licence was already heavily conditioned. A food offer was available, the numbers for taxi services would be available to customers, seating would be provided for all patrons, CCTV was in operation and there would be no off sales of alcohol.

In response to a question over its location in a CIA Ms Hall explained that its customers would be less likely to enter further into this area. It did not act as a feeder bar and its patrons all wanted to remain in the secure environment provided by the premises. This would result in no further impact being generated by the premises.

Mr Hopkins provided details on how the operation was advertised through a dedicated marketing and reservation team. A membership scheme was also in place to which email communications were sent. The type of clientele frequenting the premises was usually in their mid-20s to mid-40s and often worked in the local area.

Ms Bolton, representing Environmental Health, maintained the representation submitted as the increase in the terminal hours applied for was beyond the core hours policy. The increase in the hours had the potential to increase levels of nuisance and disturbance to residents and businesses in the local area. The premises was a drink led cocktail bar which allowed vertical drinking and as it was located in a CIA was therefore contrary to policy CIP1. No potential conditions had been proposed to be added to the licence as it was considered that none would satisfy the concerns raised. It was suggested the application should therefore be rejected. Concern was also expressed over the proposed condition to reduce capacity on Fridays and Saturdays to one hundred and fifty after 00:30 and how this would be achieved. In response to a question Ms Bolton stated that even if residents did not live directly opposite the premises the extended hours would add to the cumulative impact in the area. The application as proposed had the potential for an extra one hundred and fifty people to be leaving the premises, which was situated within a CIA, at 02:00. This would exacerbate the problems already experienced in the area.

PC Bryan Lewis, representing the Metropolitan Police, explained that the representation made was maintained as the application was contrary to policy. It was confirmed however that the premises had not been a source of crime and disorder and proposed conditions had been agreed with the applicant if the Sub-Committee was minded to grant the application.

In terms of the capacity concern raised, Ms Tricker explained the reduction after 00:30 was based on evidence and was achievable. Also with last entry time being the existing terminal hour there would not be additional people leaving and it would allow a filtering out of people during the course of the evening. The licence was appropriately conditioned in terms of the type of operation that could take place. There was empirical evidence that the premises did not cause issues and no complaints or reports of crime and disorder had been received. The London Cocktail Club was a successful style of operation, the lack of objectors and the fact it had traded to 01:00 and 02:00 for seven months without any issues was evidence the application would not add to the cumulative impact in the area.

The Council's Legal Adviser expressed concern over the term empirical evidence which had been used to support the application. It was recognised that whilst it was not a problem premises this did not relate to the cumulative impact policy which recognised that problems did arise in the entire area. It would therefore be impossible to state that there was evidence that the premises, whilst operating its previous hours, had not added to the cumulative impact in the area. Customers leaving the premises could enter further into the CIA and the question was why would this not add to the cumulative impact?

Mr Tricker replied that customers had informed the applicant that they would prefer to stay at the premises providing those who stayed with a secure environment. No complaints had been received over the dispersal of its customers and there were lots of public transport options available. It was suggested the change in hours contained within the application would assist in the dispersal of customers and ensure there was no additional impact in the CIA.

The Council's Legal Adviser contended that if all licenced premises situated within the CIA submitted similar applications the result would have to be an increase in the cumulative impact in the area. The Sub-Committee's attention was also drawn to the previous application made in 2014 which had been considered an exception to policy as it had scaled back its hours to core hours to compensate for an increase in capacity from 100 persons to 200 persons. It was considered that this concession made to appease concerns raised at the time was now being proposed to be included back on the licence therefore reversing the decision previously taken. However, a corresponding reduction in capacity was not being offered apart from a reduction to 150 persons after midnight on Thursdays and after 00.30 on Saturday and Sunday mornings.

Ms Tricker recognised that the history of the premises was important, it was proposed to reduce the capacity of the premises, it was already heavily conditioned and the operating style of the business had proven to be very successful.

The Sub-Committee carefully considered the application, including the detailed submissions from Miss Tricker, and was of the opinion that the premises did operate in a professional and successful manner. Concern was expressed however that granting the application would create the potential for one hundred and fifty customers to leave the premises at 02:00 in a CIA. The Council's Licensing Policy position was clear in stating that there was a presumption against granting such applications unless the applicant could clearly demonstrate that the application could be granted as an exception to policy. The members of the Licensing Sub-Committee did not think that the applicants had demonstrated that there were exceptional circumstances in relation to their application and felt that it would in all likelihood increase the cumulative impact in the area. Despite the premises being a well-run establishment the Policy did not address this and rather addressed the overall impact such an application would have on the CIA late at night. In this case no evidence had been provided that customers leaving the premises would not enter further into the CIA which would result in the potential for an increase in public nuisance and crime and disorder. The Sub-Committee therefore resolved that the application should be refused.

<p>2.</p>	<p>Performance of Live Music</p> <p><u>Current:</u> Monday to Thursday: 23:00 to 23:30 Friday to Sunday: 23:00 to 00:00</p> <p><u>Proposed:</u> Monday to Wednesday: 23:00 to 23:30 Thursday: 23:00 to 01:00 Friday to Saturday: 23:00 to 02:00 Sunday: 23.00 to 00.00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p><u>Current:</u> The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.</p> <p><u>Proposed:</u> The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00.</p>
	<p>Amendments to application advised at hearing: This aspect of the application was withdrawn by the applicant.</p>
	<p>Decision (including reasons if different from those set out in report): There was no need to consider this part of the application as it had been withdrawn.</p>
<p>3.</p>	<p>Playing of Recorded Music</p> <p><u>Current:</u> Monday to Thursday: 10:00 to 23:30 Friday to Saturday: 10:00 to 00:00 Sunday: 12:00 to 22:30</p> <p><u>Proposed:</u> Monday to Wednesday: 10:00 to 23:30 Thursday: 10:00 to 01:00 Friday to Saturday: 10:00 to 02:00 Sunday: 12.00 to 22:30</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p><u>Current:</u></p> <p><u>Proposed:</u></p>

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	<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 application was refused for the reasons set out in section 1.</p>								
<p>4. Late Night Refreshment</p>	<table data-bbox="252 1146 1385 1370"> <tr> <td data-bbox="252 1146 794 1191"><u>Current:</u></td> <td data-bbox="810 1146 1385 1191"><u>Proposed:</u></td> </tr> <tr> <td data-bbox="252 1223 794 1294">Monday to Thursday: 23:00 to 23:30 Friday to Sunday: 23:00 to 00:00</td> <td data-bbox="810 1223 1385 1370">Monday to Wednesday: 23:00 to 23:30 Thursday: 23:00 to 01:00 Friday to Saturday: 23:00 to 02:00 Sunday: 23:00 to 00:00</td> </tr> </table> <p>Seasonal Variations/Non-Standard Timings:</p> <table data-bbox="252 1482 1385 1697"> <tr> <td data-bbox="252 1482 794 1527"><u>Current:</u></td> <td data-bbox="810 1482 1385 1527"><u>Proposed:</u></td> </tr> <tr> <td data-bbox="252 1559 794 1697">The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.</td> <td data-bbox="810 1559 1385 1697">The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.</td> </tr> </table> <p>On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00.</p>	<u>Current:</u>	<u>Proposed:</u>	Monday to Thursday: 23:00 to 23:30 Friday to Sunday: 23:00 to 00:00	Monday to Wednesday: 23:00 to 23:30 Thursday: 23:00 to 01:00 Friday to Saturday: 23:00 to 02:00 Sunday: 23:00 to 00:00	<u>Current:</u>	<u>Proposed:</u>	The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.	The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.
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	<p>Decision (including reasons if different from those set out in report):</p> <p>The application was refused for the reasons set out in section 1.</p>				
<p>5.</p>	<p>Sales By Retail of Alcohol – On Sales</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><u>Current:</u></p> <p>Monday to Thursday: 10:00 to 23:30 Friday to Saturday: 10:00 to 00:00 Sunday: 10:00 to 22:30</p> </td> <td style="width: 50%; vertical-align: top;"> <p><u>Proposed:</u></p> <p>Monday to Wednesday: 10:00 to 23:30 Thursday: 10:00 to 01:00 Friday to Saturday: 10:00 to 02:00 Sunday: 10:00 to 22:30</p> </td> </tr> </table> <p>Seasonal Variations/Non-Standard Timings:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><u>Current:</u></p> <p>The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.</p> </td> <td style="width: 50%; vertical-align: top;"> <p><u>Proposed:</u></p> <p>The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.</p> <p>On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00.</p> </td> </tr> </table>	<p><u>Current:</u></p> <p>Monday to Thursday: 10:00 to 23:30 Friday to Saturday: 10:00 to 00:00 Sunday: 10:00 to 22:30</p>	<p><u>Proposed:</u></p> <p>Monday to Wednesday: 10:00 to 23:30 Thursday: 10:00 to 01:00 Friday to Saturday: 10:00 to 02:00 Sunday: 10:00 to 22:30</p>	<p><u>Current:</u></p> <p>The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.</p>	<p><u>Proposed:</u></p> <p>The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.</p> <p>On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00.</p>
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	<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 application was refused for the reasons set out in section 1.</p>				
<p>6.</p>	<p>Hours Premises Are Open to the Public</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><u>Current:</u></p> <p>Monday to Thursday: 10:00 to 23:30 Friday to Saturday: 10:00 to 00:00 Sunday: 10:00 to 22:30</p> </td> <td style="width: 50%; vertical-align: top;"> <p><u>Proposed:</u></p> <p>Monday to Wednesday: 10:00 to 23:30 Thursday: 10:00 to 01:00 Friday to Saturday: 10:00 to 02:00 Sunday: 12:00 to 22:30</p> </td> </tr> </table> <p>Seasonal Variations/Non-Standard Timings:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><u>Current:</u></p> <p>The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.</p> </td> <td style="width: 50%; vertical-align: top;"> <p><u>Proposed:</u></p> <p>The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.</p> <p>On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00.</p> </td> </tr> </table>	<p><u>Current:</u></p> <p>Monday to Thursday: 10:00 to 23:30 Friday to Saturday: 10:00 to 00:00 Sunday: 10:00 to 22:30</p>	<p><u>Proposed:</u></p> <p>Monday to Wednesday: 10:00 to 23:30 Thursday: 10:00 to 01:00 Friday to Saturday: 10:00 to 02:00 Sunday: 12:00 to 22:30</p>	<p><u>Current:</u></p> <p>The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.</p>	<p><u>Proposed:</u></p> <p>The hours for regulated entertainment, sale of alcohol and opening shall be permitted from the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.</p> <p>On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01:00.</p>
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	<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 application was refused for the reasons set out in section 1.</p>				
<p>7.</p>	<p>Conditions Being Varied, Added or Removed</p>				

	Condition	Proposed Variation
	To be added to the premise licence:	<p><u>Condition 37:</u></p> <p>On Thursdays there shall be no admittance or re-admittance to the premises after 00:00 except for patrons permitted to temporarily leave the premises to smoke.</p>
	To be added to the premise licence:	<p><u>Condition 38:</u></p> <p>On Fridays and Saturdays there shall be no admittance or re-admittance to the premises after 01:00 except for patrons permitted to temporarily leave the premises to smoke.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>	
	<p>Decision (including reasons if different from those set out in report):</p> <p>The application was refused for the reasons set out in section 1.</p>	

The Meeting ended at 12.40 pm

CHAIRMAN: _____

DATE _____