



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (1)** Committee held on **Thursday 23rd March, 2017**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

Members Present: Councillors Angela Harvey (Chairman), Jan Prendergast and Shamim Talukder

1 MEMBERSHIP

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

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 HIPCHIPS, 49 OLD COMPTON STREET, W1

LICENSING SUB-COMMITTEE No. 1

Thursday 23rd March 2017

Membership: Councillor Angela Harvey (Chairman), Councillor Jan Prendergast and Councillor Shamim Talukder

Legal Adviser: Horatio Chance
Committee Officer: Tristan Fieldsend
Presenting Officer: Sumeet Anand-Patel

Relevant Representations: Environmental Health, Metropolitan Police, Westminster City Council Licensing Service and the Soho Society.

Present: Ms Heather Oliver (Barrister, Representing the Applicant), Ms Charlotte Edgeworth and Mr Scott Davies (representing the applicant company), Mr Maxwell Koduah (Environmental Health ('EH')), Mr Steven Rowe (Licensing Authority) and PC Bryan Lewis (The Metropolitan Police ("The Police")).

**Hipchips, 49 Old Compton Street, London, W1D 6HL
17/01079/LIPN**

1. Sale by Retail of Alcohol – On and Off Sales

Monday to Saturday: 12:00 to 21:00
Sunday: 12:00 to 20:00

Seasonal Variations/Non-Standard Timings:

Not applied for.

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 Hipchips Ltd for a new premises licence in respect of 49 Old Compton Street, London, W1D 6HL.

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

Ms Oliver, representing the applicant, introduced the concept of how the premises would provide “high-end crisps” served with sweet or savoury dips which had been fully prepared on site. The sale of alcohol would be ancillary to this food provision. It was stated that this food provision would not be a snack shop offering a ‘Walkers’ crisp offer but would be served in substantial portions accompanied with various elaborate dips. The portion sizes were significant with the medium portion proving the most popular. Details of the various size portions were provided to the Sub-Committee. The crisps were served in a paper wrapping and the dips were provided in lidded containers. It was effectively a tapas style offer with small plate service and had proven very popular as a pre-theatre meal and was listed on restaurant review websites.

Ms Oliver highlighted how there would be a focus on British produce with the aim of elevating a British food classic to a high-end level. The premises was designed as a restaurant and whilst there were no tablecloths it was a high-end well-conceived approach to a niche product. Even though the restaurant had a large floor area it was limited in space as a large portion of the space was taken up by the service counter. Details of the premises floor plan were shown to the Sub-Committee. At the back of the premises was a small capacity for fourteen people to sit. There were also tables adjacent to the counter which had no seats available and these would be excluded from the sale of alcohol. This was because the sale of alcohol would only be to those customers seated in order to ensure there was no vertical drinking. This would mean that there would be a total capacity of twenty customers at the premises at any one time. A condition requiring the number of persons permitted on the premises to not exceed twenty had been agreed following discussions with Environmental Health (EH) and the Police.

The Sub-Committee was advised that the applicants were very experienced operators and details of their backgrounds were provided. All staff were embedded within the company and had invested in the concept. It was stated that regular staff meetings were held to ensure systems in place worked well and never less than two members of staff would be working on the ground floor of the premises at any one time. This did not include staff working in the basement kitchen so a large number of staff was present at all times. It was a well-managed, responsible business which was sensitive to the local areas needs and which had a limited and prudent structure in place. The sale of alcohol would be ancillary to this food driven business which was not a bar with only a limited selection of cocktails, prosecco and bottled lagers being available. A large selection of non-alcoholic drinks was available and staff were encouraged to advise customers on which drinks would complement their food choices.

With the sanction of the Sub-Committee and the agreement of all parties Ms Oliver circulated photos of the premises. The fridge where the alcohol would be stored was highlighted as it was located behind the counter and could be screened off. Only one of the six fridges would contain alcohol which revealed the small alcohol provision available. During the operation of Temporary Event Notices (TENS) the Sub-Committee was advised that the sale of alcohol only constituted approximately 25% of all drink sales. The hours for the proposal of the sale of alcohol was limited ending at 21:00 Monday to Saturday and 20:00 on Sundays. This was considerably less than the core hours policy and was a prudent approach in a Cumulative Impact Area (CIA). Other conditions proposed included ensuring alcohol could only be served with food, it had to be by waiter/waitress service and subject to a Challenge 21 policy. No more than 15% of the retail area would be used for the sale of alcohol and any off sales would be served in a sealed container and would be ancillary to food. TENS had been successfully operated previously with no complaints arising. The other conditions proposed were very comprehensive including a CCTV condition, limiting the capacity, the implementation of an incident log, becoming a member of PubWatch and ensuring no sales of any super strength lager. A proposed condition requesting alcohol was served in polycarbonate drinking vessels could be met but soft drinks were often sold in glass bottles. Ms Oliver stated that the sale of alcohol would not increase levels of waste generated by the premises.

In response to a question from the Sub-Committee Ms Edgeworth, representing the applicant company, confirmed that the premises used two delivery service companies. Different delivery methods had been investigated including the use of bicycles in the local area but most customers requesting deliveries lived outside Soho and therefore the delivery companies usually used motor scooters. This type of delivery pick-up accounted for approximately 90% of deliveries with a small amount being undertaken on foot.

Ms Oliver recognised the premises was situated within a Cumulative Impact Area ("CIA") but the operation was limited in size, the sale of alcohol was ancillary to food, alcohol was served by waiter/waitress service and no off sales of alcohol would take place unless food was also purchased. Due to the limited hours the premises would not create any problems later in the evening.

Paragraph 2.4.20 of the City Council's Statement of Licensing Policy ("SLP") related to the type of premises HipChips was and how if the sale of alcohol during the day and early evening was ancillary to food it would not be likely to add to cumulative impact in the CIA. It was believed that the premises also met the stipulations in Paragraph 2.4.21 of the SLP which highlighted what was required for a premises not to add to cumulative impact in a CIA. This was because the conditions proposed were appropriate, the character of the premises would not involve heavy drinking with the only difference being permitting the sale of alcohol to 21:00 hours instead of 20:00 hours. The premises was within the scope of the Policy and would only have a marginal impact on the area.

Mr Rowe, representing the Licensing Authority, confirmed that the Sub-Committee had to be satisfied the application fell within RNT2 of the Licensing Policy and was not a bar. It needed to be satisfied that appropriate conditions had been attached to the licence and the sale of alcohol was ancillary to food. If it was considered that the premises was not either a bar or restaurant the suggested terminal hour for the sale of alcohol was 20:00. The applicant had to satisfy the Sub-Committee that the extra hour requested would not add to the cumulative impact in the area.

Mr Koduah, representing EH, advised that for the application not to be refused it had to be considered a restaurant. Paragraph 2.4.21 of the SLP mentioned the character of a premises, this was a specialist restaurant with a specific purpose in mind and that was why a condition had been proposed to ensure a licence could only be granted if the premises was operated as a specialist crisp shop. This would ensure the applicants intentions were confirmed and make it compatible with paragraph 2.4.21. Concern was expressed that a proposed condition preventing waste collections between 23:00 and 08:00 had not been agreed. It was acknowledged that currently waste collections took place at 06:00 and this had the potential to cause noise disturbance to local residents. Proposed Condition 13 on the licence was also queried as it mentioned the sale of alcohol to customers seated on chairs on the highway but no outside area had been included in the plan. Ms Oliver clarified that she did not think the applicant owned any of the outside area. EH had no concerns over the use of motor scooters for deliveries because of the terminal hour requested and it would not be likely to increase public nuisance.

PC Lewis, representing the Metropolitan Police, confirmed that their representation was maintained on policy grounds. The premises was not by definition a restaurant as it did not serve substantial portions of food. It was also confirmed that the proposed condition requiring all drinks to be served in a polycarbonate vessel would not necessarily be required due to the type of operation.

Ms Edgeworth informed the Sub-Committee that the premises had an agreement with a waste operator for the collection of waste and this could be amended.

In response to a question Ms Edgeworth clarified that motor scooters arriving at the premises to pick up deliveries parked in the bays slightly to the side of the

premises and did not use the public highway to park.

The Legal Adviser requested clarification on the capacity of the premises and was informed the proposed capacity of twenty persons excluded staff. The maximum number of staff at the premises at any one time was six. EH confirmed that it had no concerns with the capacity of the premises. In response to another question from the Legal Adviser Ms Oliver also confirmed the applicant would be willing to accept a condition limiting the types of alcohol to be served to lager, cocktails and prosecco.

The Sub-Committee carefully considered the application before it. It was acknowledged that the applicants had presented a clear case of why the concept was unique and in doing so had taken the Sub-Committee through its business model by outlining its aims and objectives and what exactly it wanted to offer to its customers should the Sub-Committee be minded to grant the application. The investment in the concept undertaken by the applicants was recognised through the work carried out with extremely experienced hospitality business people to create a 'non-Walkers' crisp offer and the desire to celebrate the great British potato at its peak and most hip. The City Council celebrated its evening and night-time economy and the Sub-Committee believed this offer sat well within this offer due to its concept and promoted the Licensing Objectives. As such the Sub-Committee granted the application accordingly. The Sub-Committee did recognise though that the premises was located in a CIA, however it was acknowledged that the measures the applicant was proposing to introduce, as detailed above, would lessen any impact in the CIA. To provide further reassurance a terminal hour of 20:00 for the sale of alcohol was introduced and the Sub-Committee added or amended the following conditions on the licence to ensure that it did not add to the cumulative impact in the CIA:

- Condition 13 be removed from the licence;
- Condition 18 be amended to read "The number of persons permitted in the premises at any one time shall not exceed 26, including staff."
- Condition 19 be amended to read "No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance."
- Condition 20 be removed from the licence.
- Condition 21 be amended to read "No deliveries shall take place between 23:00 and 08:00 hours."
- Condition 22 be removed from the licence.
- An additional condition be added to the licence to read "The sale of alcohol at the premises, at all time, shall be ancillary to the premises remaining a specialist crisps shop."
- An additional condition be added to the licence to read "There shall be no

bar area at any time at the premises.”

- An additional condition be added to the licence to read “There shall be no sale of draught beer at the premises.”
- An additional condition be added to the licence to read “No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.”
- An additional condition be added to the licence to read “No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.”
- An additional condition be added to the licence to read “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.”
- An additional condition be added to the licence to read “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.”
- An additional condition be added to the licence to read “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.”
- An additional condition be added to the licence to read “All drinking vessels used in the venue shall be polycarbonate. All alcohol in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served.”
- An additional condition be added to the licence to read “As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local PubWatch or other local crime reduction scheme approved by the police, and local radio scheme if available.”
- An additional condition be added to the licence to read “Sales of alcohol for consumption off the premises shall only be supplied in sealed containers with, and ancillary to a delivered or substantial take-away meal.”

It was felt these would minimise any public disturbance to residents and safeguard against any impact on public safety. Concern was expressed that

	<p>approximately 90% of deliveries were undertaken by motor scooter and the harmful environmental impact this could have on the local area. The Sub-Committee therefore requested that the applicants use their best endeavours in ensuring future deliveries were undertaken using environmentally friendly modes of transport. The Sub-Committee wished the applicants all the very best with their business operation.</p>
2.	<p>Hours Premises are Open to the Public</p> <p>Monday to Saturday: 12:00 to 23:00 Sunday: 12:00 to 20:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>Not applied for.</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, see reasons for decision in Section 1.</p>

Conditions attached to the Licence
<p><u>Mandatory Conditions</u></p> <ol style="list-style-type: none"> 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. <p>(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-</p> <ol style="list-style-type: none"> (a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to;

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

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

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

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

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

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

7. The responsible person must ensure that—

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

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

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

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

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

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

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

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

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

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

Where –

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

the premises in a capacity which enables the member or officer to prevent the supply in question; and

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

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

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

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

Conditions Consistent with the Operating Schedule

9. The 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. The supply of alcohol shall be by waiter or waitress service only.
12. Alcohol shall not be sold or supplied for consumption on the premises otherwise than by persons who are seated in the premises and where the consumption of alcohol by such persons is ancillary to food.
13. No more than 15% of the retail area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
14. Substantial food and non-intoxicating beverages, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
15. 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

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) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system, searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

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. The number of persons permitted in the premises at any one time shall not exceed 26, including staff.
18. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
19. No deliveries shall take place between 23:00 and 08:00 hours.
20. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and /or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
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. The sale of alcohol at the premises, at all time, shall be ancillary to the premises remaining a specialist crisps shop.
23. There shall be no bar area at any time at the premises.
24. There shall be no sale of draught beer at the premises.
25. 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.
26. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between **23.00** hours and **08.00** hours on the following day.
27. 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.

28. 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.
29. 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.
30. All drinking vessels used in the venue shall be polycarbonate. All alcohol in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served.
31. As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local PubWatch or other local crime reduction scheme approved by the police, and local radio scheme if available.
32. Sales of alcohol for consumption off the premises shall only be supplied in sealed containers with, and ancillary to a delivered or substantial take-away meal.

4 JEWEL OF LONDON - PASSENGER VESSEL, MILLBANK MILLENNIUM PIER, MILLBANK, SW1

LICENSING SUB-COMMITTEE No. 1

Thursday 23rd March 2017

Membership: Councillor Angela Harvey (Chairman), Councillor Jan Prendergast and Councillor Shamim Talukder

Legal Adviser: Horatio Chance
Committee Officer: Tristan Fieldsend
Presenting Officer: Sumeet Anand-Patel

Relevant Representations: The Metropolitan Police.

Present: Mr Gareth Hughes (Barrister, Representing the Applicant), Mr Robert Cairns and Mr John Williams (Applicants), PC Bryan Lewis (The Metropolitan Police ("The Police")).

**Jewell of London Passenger Vessel, Millbank Millennium Pier, Millbank,
London, SW1P 4QP
17/00773/LIPN**

1.	<p>Live Music – Indoors and Outdoors</p> <p>Monday to Sunday: 07:00 to 01:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>Not applied for.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee was due to consider an application by London Party Boats Ltd for a new premises licence in respect of the Jewel of London – Passenger Vessel, Millbank Millenium Pier, Millbank, London, SW1P 4QP.</p> <p>With the agreement of all parties it was decided to hear applications 17/00773/LIPN and 17/00570/LIPN at the same time as they related to the same applicant.</p> <p>The Sub-Committee was informed that additional information relating to both applications had been submitted by the Police. The applicant confirmed that he would like to address the Sub-Committee concerning the extra information submitted.</p> <p>Mr Hughes, representing the applicant, confirmed he had seen an email from the Police containing the additional information but was unaware of any further information submitted. Mr Hughes confirmed an incident had occurred on 22 March 2017 and the Sub-Committee could decide to adjourn the meeting to allow further information to be submitted. If the Sub-Committee was minded to adjourn it was requested that this be for a short period of time only as it could have potential damaging financial impact on the applicant, Mr Cairns' business. Mr Hughes explained that Mr Cairns was the joint owner of three boats, two were currently in dry dock and the Jewel of London was currently operating under Temporary Event Notices (TENS). This was the case as the boat had originally been licenced by Southwark London Borough Council for the previous fourteen years but the licence had recently been declared void as it related to an area outside Southwark.</p> <p>Mr Hughes informed the Sub-Committee that a cordon on a certain section of the River Thames had been implemented due to the Westminster terror attack on 22 March 2017. Mr Cairns' boat was moored within the cordon but he required his boat to undertake a booking and discussed his situation with the Police present on the river. Mr Cairns stated that the Police escorted him to his vessel and he then proceeded to manoeuvre it outside of the cordon, with the Police's permission, in order to reach Putney where the party who had booked the boat could embark.</p> <p>Mr Cairns confirmed that he was aware a cordon was in place from Vauxhall</p>

Bridge to Charing Cross Bridge and explained how the Police escorted him to his vessel at approximately 17:00 hours and gave him permission to pilot the vessel outside of the cordon. Once the party had embarked at Putney the boat travelled down to Vauxhall Bridge where the boat temporarily entered the Police cordon in order to turn around. He said it was believed this was allowed as boats were not permitted within the cordon to transit but Mr Cairns was simply turning his vessel around. The Sub-Committee was advised by Mr Cairns that this manoeuvre had to take place within the cordon for safety reasons as it was unsafe to do it elsewhere at this point of the river due to the tide. Mr Cairns confirmed that the passengers were still currently on-board at this point.

Mr Hughes stated that the passengers were then disembarked at Putney and Mr Cairns chose to return to Millbank Pier to disembark the crew. When Mr Cairns moored the vessel at Millbank the Police then radioed to ask why he had entered the cordoned off area. It was explained it was to allow staff to disembark and go home. The alternative would have been to leave the vessel afloat somewhere else outside the cordon as he had no prior permission to legally moor elsewhere. The Sub-Committee was informed that Mr Cairns would be unable to moor his vessel at another pier without being in attendance on the vessel. Mr Cairns stressed that as the Police were happy for him to pilot the vessel outside of the cordoned area he was of the opinion that they would not have a problem with him re-entering the same area to moor. After the Police had told him to leave the area he informed the Police that he was already moored and explained the situation to them following which Mr Cairns believed he had left them on good terms. In response to a question Mr Cairns explained that he did not think he needed to contact the Police before entering the cordoned off area due to having previously entered it to remove his vessel.

Mr Hughes informed the Sub-Committee that there were extenuating circumstances surrounding this incident.

PC Lewis, representing the Metropolitan Police, confirmed that there was currently limited information available regarding the incident and was awaiting the statement from the Police Officer concerned. With the agreement of all parties PC Lewis read out the email from the relevant officer confirming the nature of the incident.

Mr Hughes confirmed he had seen the email regarding the incident. The Sub-Committee noted that Mr Cairns allocation of TENS had been used up and if it was minded to adjourn the application it would have to be heard in the near future due to financial pressures for the business.

After careful consideration of the matter the Sub-Committee decided that it was in the public interest to adjourn the applications in accordance with regulations 11 and 12 of the Licensing Act 2003 (Hearing) Regulations 2005, pending further investigations. The Sub-Committee considered the evidence offered by the applicant as to his actions while a cordon was in place on the River Thames from Vauxhall Bridge to Charing Cross Bridge following the Westminster terrorist attack on 22 March 2017. The Sub-Committee confirmed that there was a safe place where he could have moored his vessel outside the cordon but chose to steer the vessel further down the River Thames despite this restriction being in

	<p>place for a fully justified purpose and reason. Further, the applicant had confirmed that he had made no voluntary contact with the Police prior to bringing his vessel back into the cordon area. The Sub-Committee also duly considered the financial implications on Mr Cairns business as a result of the adjournment, and therefore requested the City Council's Licensing team facilitate an early hearing date on either 4 April 2017 or 6 April 2017 so as not to prejudice the applicant by way of any unreasonable delay.</p>
2.	<p>Recorded Music – Indoors and Outdoors</p> <p>Monday to Sunday: 07:00 to 01:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>Not applied for.</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 meeting was adjourned (see reasons for decision in Section 1).</p>
3.	<p>Performance of Dance – Indoors and Outdoors</p> <p>Monday to Sunday: 07:00 to 01:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>Not applied for.</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 meeting was adjourned (see reasons for decision in Section 1).</p>
4.	<p>Anything of a Similar Description – Indoors and Outdoors</p> <p>Monday to Sunday: 07:00 to 01:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>Not applied for.</p>
	<p>Amendments to application advised at hearing:</p>

	None
	Decision (including reasons if different from those set out in report): The meeting was adjourned (see reasons for decision in Section 1).
5.	Late Night Refreshment – Indoors and Outdoors Monday to Sunday: 23:00 to 03:00 Seasonal Variations/Non-Standard Timings: Not applied for.
	Amendments to application advised at hearing: None
	Decision (including reasons if different from those set out in report): The meeting was adjourned (see reasons for decision in Section 1).
6.	Sales of Retail by Alcohol – On and Off Sales Monday to Sunday: 07:00 to 01:00 Seasonal Variations/Non-Standard Timings: Not applied for.
	Amendments to application advised at hearing: None
	Decision (including reasons if different from those set out in report): The meeting was adjourned (see reasons for decision in Section 1).
7.	Hours Premises are Open to the Public Monday to Sunday: 07:00 to 01:00 Seasonal Variations/Non-Standard Timings: Not applied for.
	Amendments to application advised at hearing: None

	Decision (including reasons if different from those set out in report): The meeting was adjourned (see reasons for decision in Section 1).
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5 PEARL OF LONDON - PASSENGER VESSEL, MILLBANK MILLENNIUM PIER, MILLBANK, SW1

LICENSING SUB-COMMITTEE No. 1
Thursday 23rd March 2017

Membership: Councillor Angela Harvey (Chairman), Councillor Jan Prendergast and Councillor Shamim Talukder

Legal Adviser: Horatio Chance
Committee Officer: Tristan Fieldsend
Presenting Officer: Sumeet Anand-Patel

Relevant Representations: The Metropolitan Police.

Present: Mr Gareth Hughes (Barrister, Representing the Applicant), Mr Robert Cairns and Mr John Williams (Applicants), PC Bryan Lewis (The Metropolitan Police ("The Police")).

Pearl of London Passenger Vessel, Millbank Millennium Pier, Millbank, London, SW1P 4QP 17/00570/LIPN	
1.	Live Music – Indoors and Outdoors Monday to Sunday: 07:00 to 01:00 Seasonal Variations/Non-Standard Timings: Not applied for.
	Amendments to application advised at hearing: None
	Decision (including reasons if different from those set out in report): The Sub-Committee was due to consider an application by London Party Boats Ltd for a new premises licence in respect of the Pearl of London – Passenger Vessel, Millbank Millenium Pier, Millbank, London, SW1P 4QP. With the agreement of all parties it was decided to hear applications 17/00773/LIPN and 17/00570/LIPN at the same time as they related to the same applicant.

The Sub-Committee was informed that additional information relating to both applications had been submitted by the Police. The applicant confirmed that he would like to address the Sub-Committee concerning the extra information submitted.

Mr Hughes, representing the applicant, confirmed he had seen an email from the Police containing the additional information but was unaware of any further information submitted. Mr Hughes confirmed an incident had occurred on 22 March 2017 and the Sub-Committee could decide to adjourn the meeting to allow further information to be submitted. If the Sub-Committee was minded to adjourn it was requested that this be for a short period of time only as it could have potential damaging financial effects on the applicants, Mr Cairns, business. Mr Hughes explained that Mr Cairns was the joint owner of three boats, two were currently in dry dock and the Jewel of London was currently operating under Temporary Event Notices (TENS). This was the case as the boat had originally been licenced by Southwark London Borough Council for the previous fourteen years but the licence had recently been declared void as it related to an area outside Southwark.

Mr Hughes informed the Sub-Committee that a cordon on a certain section of the River Thames had been implemented due to the Westminster terror attack on 22 March 2017. Mr Cairns's boat was moored within the cordon but he required his boat to undertake a booking and discussed his situation with the Police present on the river. The Sub-Committee was advised that the Police escorted Mr Cairns to his vessel and he then proceeded to manoeuvre it outside of the cordon, with the Police's permission, in order to reach Putney where the party who had booked the boat could embark.

Mr Cairns confirmed that he was aware a cordon was in place from Vauxhall Bridge to Charing Cross Bridge and explained how the Police escorted him to his vessel at approximately 17:00 hours and gave him permission to pilot the vessel outside of the cordon. Once the party had embarked at Putney the boat travelled down to Vauxhall Bridge where the boat temporarily entered the Police cordon in order to turn around. It was believed this was allowed as boats were not permitted within the cordon to transit but Mr Cairns was simply turning his vessel around. The Sub-Committee was advised by Mr Cairns that this manoeuvre had to take place within the cordon for safety reasons as it was unsafe to do it elsewhere at this point of the river due to the tide. Mr Cairns confirmed that the passengers were still currently on-board at this point.

Mr Hughes stated that the passengers were then disembarked at Putney and the vessel then had to return to Millbank Pier to disembark the crew. When Mr Cairns moored the vessel at Millbank the Police then radioed to ask why he had entered the cordoned off area. It was explained it was to allow staff to disembark and go home. The alternative would have been to leave the vessel afloat somewhere else outside the cordon as there was no permission to legally moor elsewhere. The Sub-Committee was informed that Mr Cairns would be unable to moor his vessel at another pier unattended. Mr Cairns stressed that as the Police were happy for him to pilot the vessel outside of the cordoned area he was of the opinion that they would not have a problem with him re-entering the same area to moor. After the Police had told him to leave the area he informed

	<p>the Police that he was already moored and explained the situation to them following which he was understood to have left them on good terms. In response to a question Mr Cairns explained that he did not think he needed to contact the Police before entering the cordoned off area due to having previously entered it to remove his vessel.</p> <p>Mr Hughes informed the Sub-Committee that there were extenuating circumstances surrounding this incident.</p> <p>PC Lewis, representing the Metropolitan Police, confirmed that there was currently limited information available regarding the incident and was awaiting the statement from the Police Officer concerned. With the agreement of all parties PC Lewis read out the email from the relevant officer confirming the nature of the incident.</p> <p>Mr Hughes confirmed he had seen the email regarding the incident. The Sub-Committee noted that Mr Cairns allocation of TENS had been used up and if it was minded to adjourn the application it would have to be heard in the near future due to financial pressures for the business.</p> <p>After careful consideration of the matter the Sub-Committee decided that it was in the public interest to adjourn the applications in accordance with regulations 11 and 12 of the Licensing Act 2003 (Hearing) Regulations 2005, pending further investigations. The Sub-Committee considered the evidence offered by the applicant as to his actions while a cordon was in place on the River Thames from Vauxhall Bridge to Charing Cross Bridge following the Westminster terrorist attack on 22 March 2017. The Sub-Committee confirmed that there was a safe place where he could have moored his vessel outside the cordon but chose to steer the vessel further up the River Thames despite this restriction being in place for a fully justified purpose and reason. Further, the applicant had confirmed that he had made no voluntary contact with the Police prior to bringing his vessel back into the cordon area. The Sub-Committee duly considered the financial implications on Mr Cairns business as a result of the adjournment, and therefore requested the City Council's Licensing team facilitate an early hearing date on either 4 April 2017 or 6 April 2017 so as not to prejudice the applicant by way of any unreasonable delay.</p>
<p>2.</p>	<p>Recorded Music – Indoors and Outdoors</p> <p>Monday to Sunday: 07:00 to 01:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>Not applied for.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>

	Decision (including reasons if different from those set out in report): The meeting was adjourned (see reasons for decision in Section 1).
3.	Performance of Dance – Indoors and Outdoors Monday to Sunday: 07:00 to 01:00 Seasonal Variations/Non-Standard Timings: Not applied for.
	Amendments to application advised at hearing: None
	Decision (including reasons if different from those set out in report): The meeting was adjourned (see reasons for decision in Section 1).
4.	Anything of a Similar Description – Indoors and Outdoors Monday to Sunday: 07:00 to 01:00 Seasonal Variations/Non-Standard Timings: Not applied for.
	Amendments to application advised at hearing: None
	Decision (including reasons if different from those set out in report): The meeting was adjourned (see reasons for decision in Section 1).
5.	Late Night Refreshment – Indoors and Outdoors Monday to Sunday: 23:00 to 03:00 Seasonal Variations/Non-Standard Timings: Not applied for.
	Amendments to application advised at hearing: None
	Decision (including reasons if different from those set out in report):

	The meeting was adjourned (see reasons for decision in Section 1).
6.	Sales of Retail by Alcohol – On and Off Sales Monday to Sunday: 07:00 to 01:00 Seasonal Variations/Non-Standard Timings: Not applied for.
	Amendments to application advised at hearing: None
	Decision (including reasons if different from those set out in report): The meeting was adjourned (see reasons for decision in Section 1).
7.	Hours Premises are Open to the Public Monday to Sunday: 07:00 to 01:00 Seasonal Variations/Non-Standard Timings: Not applied for.
	Amendments to application advised at hearing: None
	Decision (including reasons if different from those set out in report): The meeting was adjourned (see reasons for decision in Section 1).

6 BASEMENT AND GROUND FLOOR, 26 WELLINGTON STREET, WC2

LICENSING SUB-COMMITTEE No. 1

Thursday 23rd March 2017

Membership: Councillor Angela Harvey (Chairman), Councillor Jan Prendergast and Councillor Shamim Talukder

Legal Adviser: Horatio Chance
Committee Officer: Tristan Fieldsend
Presenting Officer: Sumeet Anand-Patel

Relevant Representations: Environmental Health, Metropolitan Police, six local residents, Florin House Management Ltd and the Covent Garden Community Association.

Present: Mr Jack Spiegler (Solicitor, representing the applicant), Ms Jackie Wilkinson (representing the applicant company), Mr Maxwell Koduah (Environmental Health ('EH'), PC Bryan Lewis (The Metropolitan Police ("The Police")), Mr Kaner (Covent Garden Community Association) and Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing two local residents and the Covent Garden Community Association).

Basement and Ground Floor, 26 Wellington Street, London, WC2E 7DD 16/14133/LIPN	
1.	<p>Late Night Refreshment – Indoors</p> <p>Monday to Thursday: 23:00 to 23:30 Friday to Saturday: 23:00 to 00:00</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>
	Amendments to application advised at hearing:
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by Shaftesbury Covent Garden Ltd for a new premises licence in respect of Basement and Ground Floor, 26 Wellington Street, London, WC2E 7DD.</p> <p>The Licensing Officer provided an outline of the application to the Sub-Committee and confirmed that all the parties were content to hear the application following its adjournment from 16 March 2017.</p> <p>Mr Spiegler, representing the applicant, explained that the application for the premises had been submitted by Shaftesbury following the granting of planning permission to develop two cafes into a single premises. It was confirmed that the building was listed. The marketing of the premises would begin shortly and it was hoped for it to be occupied by June 2017. It was envisaged for an independent operator to occupy the premises and operate a restaurant that complimented the local area. The premises would offer a limited range of hot food and would potentially focus primarily on providing a raw seafood or charcuterie offer that would be complimented with the provision of alcohol. No extract equipment would be installed and the applicant was content to work within the planning permission granted. The application was therefore made to secure a licence so the premises could be marketed and any potential operator would know the parameters they had to work within. Shaftesbury owned thirty properties in the immediate area and was very hands-on with their management of the properties in order to deal with any issues that arose. Most of the residential properties in the area were owned by Shaftesbury and they worked</p>

very closely with their tenants. The Sub-Committee's attention was drawn to the letters sent by the applicant to local residents agreeing to remove late night refreshment from the licence and reduce the terminal hour for the sale of alcohol to 23:00 hours. It was stated to the Sub-Committee that no responses had been received to the letters sent out. The Sub-Committee was invited to consider the application under Policy RNT2, the hours requested were within the core hours policy and it was of a limited capacity. The two previous premises had not been subject to the controls proposed and therefore there was no prospect the premises would add to the cumulative impact in the area. Mr Spiegler confirmed that the conditions proposed by Environmental Health (EH) had been agreed with the applicant. It was proposed however to replace EH's condition 18 with model condition 38 which required the sale of alcohol to a person taking a table meal as this would provide more flexibility for the operator

Mr Spiegler addressed concerns raised over the external seating area. Off sales of alcohol had been applied for for two reasons. Firstly it would allow the retail sale of alcohol in a sealed container, for example a sealed bottle of wine. Secondly, it would also allow the sale of alcohol to persons seated in the external seated area should external tables and chairs consent be granted by the City Council, this area would be controlled by condition 11. The Sub-Committee was not being asked to grant permission to use the external seated area; this would require a planning application and highways consent under the relevant legislation, however allowing off sales would allow the operator to sell alcohol to those people sat in this area. If the Sub-Committee considered it appropriate a condition similar to Model Condition 38 could be imposed on this area requiring the sale of alcohol to be ancillary to food. Mr Spiegler brought to the Sub-Committee's attention a schedule of other premises located in the immediate area and the permitted hours they had been granted for external seating. The majority allowed alcohol to be served in external seated areas until 23:00 which was evidence the 23:00 terminal hour requested for this area would be appropriate.

In terms of servicing at the premises the conditions proposed had been agreed but conditions proposed in the representations went beyond the usual requirements. Previously when the two cafes were in operation residents had to experience two sets of deliveries and waste collection each day whilst this proposal would result in a single set of servicing and waste collections therefore reducing any impact on local residents. The Sub-Committee was asked to consider the modest application before it for a premises with a limited capacity, limited hours and more restrictive conditions in place than were in place for the previous premises. With regards to the external seating the objectors were asking the Sub-Committee to restrict something that permission had not even been granted for yet. It was hoped the Sub-Committee and the residents would be reassured that the tables and chairs application would be properly scrutinised in due course.

Mr Koduah, representing Environmental Health (EH), confirmed that this was a low risk application but for it not to be refused the applicant had to demonstrate it met the requirements of RNT2 of the Statement of Licensing Policy ("SLP"). The applicant had proposed for Model Condition 38 to be added to the licence, ensuring the sale of alcohol was ancillary to a table meal. EH had also proposed

a condition requiring the supply of alcohol to be by waiter/waitress service but agreement had not been reached with the applicant on this. The residents' concerns had been investigated, especially with regards to the external area and it was proposed to add another Model Condition limiting the number of patrons who could temporarily leave the premises to smoke. It was suggested this number be limited to between five and eight patrons. It was also suggested Model Condition 57 be added to the licence to ensure patrons temporarily leaving the premises would not be permitted to take drinks with them thus reducing further any impact on residents. A safety concern was raised over public safety in the basement area and it was suggested the capacity be limited to sixty excluding staff.

PC Lewis, representing the Metropolitan Police, confirmed that their representation was maintained on policy grounds however no other concerns were raised.

Mr Brown, from Westminster Citizens Advice Bureau, advised the Sub-Committee that objections to the application had been raised by the residents living above the premises. The issues centred on the proximity of the premises to residents and the hours requested, the external seating area and the servicing of the premises. This was an entirely new premises licence being sought by the landlord who would then transfer it to an operator of which there was no clarity or known concept. Whilst the premises had been described as a restaurant it appeared to more closely resemble a café/delicatessen upon scrutinisation. The Sub-Committee's attention was drawn to PB2 of the SLP which raised concerns over the number of premises that served alcohol adding to cumulative impact and concerns over drinking outside. It was suggested that the premises did not fall within the definition of a restaurant and as such should not benefit in any relaxation of conditions. Model Condition 66 which sets out restrictions for a premises operating as a restaurant might be added to the licence ensuring the sale of alcohol was ancillary to a table meal. The terminal hour was also a cause for concern and it was suggested that this be restricted to 22:30 for the sale of alcohol and 23:00 as the terminal hour for closure of the premises.

In response to a query from Mr Brown over where any tables and chairs would be situated Mr Spiegler explained that it would be on both sides of the premises which were on the public highway. The previous premises consisted of five tables with two chairs situated at each. Mr Brown suggested that the impact on residents of people sitting outside drinking alcohol was much greater than if they were drinking coffee and as such would increase levels of noise nuisance. The relevance of the schedule which detailed the hours nearby premises could serve alcohol in external areas was questioned as most of these licences had been granted historically before the Licensing Act 2003 had been implemented. Attention was drawn to Policy PN1, prevention of public nuisance, which looked at potential nuisance from drinking outside and focused on the proximity of residents. The servicing of the premises was also a major concern and further limiting the hours for servicing, as suggested by the residents, was encouraged.

Mr Kaner, representing the Covent Garden Community Association, emphasised the negative impact deliveries and collection of waste could have on residents. As such it was suggested that they should only take place between 08:00 and

20:00 as this should be a sufficient timeframe for them to take place. With regards to the tables and chairs the residents felt it was appropriate to put a condition on the terminal hour for the external tables and chairs in order to prevent public nuisance being generated by their use.

Mr Brown confirmed that the residential properties were unable to install double glazing as it was a listed building.

After carefully considering the application the Sub-Committee understood it had been adjourned from the previous week as the applicant was unable to attend. However, it was not intended for the applicant to be the operator of the premises and the applicant was therefore not in a position to provide any details on what type of operation would be in place. As such due to the lack of information provided, the Sub-Committee expressed disappointment that the application could not have been heard by the previous Sub-Committee. It was accepted that the external tables and chairs did not form part of the application before it and had not been included in the plans submitted where licensable activities were to take place. Therefore this specific issue did not fall before the Sub-Committee and was not considered when making its overall decision in the matter. The Sub-Committee was of the opinion that the applicant was a responsible landlord and the conditions attached were restrictive enough to ensure the licensing objectives were upheld. It was considered that adding a restaurant condition to ensure the sale of alcohol was ancillary to a table meal and ensuring it was by waiter/waitress service only would safeguard residents with regards to the future operation of the premises. As little information was known about the nature of the operation and in order to protect nearby residents it was also considered appropriate to require all deliveries and waste collections to be undertaken between 08:00 and 20:00, limit the number of smokers outside to eight persons and prevent patrons temporarily leaving the premises from taking drinks with them. It was believed that with the addition of these conditions and the reduction in the terminal hour for the sale of alcohol to 23:00 hours the premises would not add to the cumulative impact in the area and would help minimise any public nuisance occurring. As such the Sub-Committee granted the application accordingly.

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

- Condition 11 be amended to read “All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.”
- Condition 15 be amended to read “No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20:00 and 08:00 hours on the following day.”
- Condition 17 be removed from the licence.
- Condition 21 be removed from the licence.

	<ul style="list-style-type: none"> • An additional condition be added to the licence to read “The supply of alcohol shall be by waiter or waitress service only.” • An additional condition be added to the licence to read “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.” • An additional condition be added to the licence to read “The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 60 persons.” • An additional condition be added to the licence to read “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.” • An additional condition be added to the licence to read “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.” • An additional condition be added to the licence to read “All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.” • An additional condition be added to the licence to read “All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.” • An additional condition be added to the licence to read “The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.” • Model Condition 22 be added to the licence. • Model Condition 57 be added to the licence.
<p>2.</p>	<p>Sale by Retail of Alcohol – On and Off Sales</p> <p>Monday to Thursday: 10:00 to 23:30 Friday to Saturday: 10:00 to 00:00 Sunday: 12:00 to 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>The Sub-Committee was advised that the terminal hour for the sale of alcohol had been reduced to 23:00 Monday to Saturday.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The application was granted, the reason for the decision is detailed in section 1.</p>
3.	<p>Hours Premises are Open to the Public</p> <p>Monday to Thursday: 09:00 to 00:00 Friday to Saturday: 09:00 to 00:30 Sunday: 09:00 to 23:00</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>The application was granted, the reason for the decision is detailed in section 1.</p>

Conditions attached to the Licence
<p><u>Mandatory Conditions</u></p> <ol style="list-style-type: none"> 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. With the exception of any external area licensed by Westminster City Council for the placing of tables and chairs, all sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

10. 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.

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

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

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

15. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20:00 and 08:00 hours on the following day.

16. 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 sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
17. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry 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.
18. 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.
19. 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.
20. Before the premises opens 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 LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority.
21. The Licence will have no effect until the works shown on the plans appended to the application (or subsequently substituted plans) have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
22. The supply of alcohol shall be by waiter or waitress service only.
23. 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.
24. The number of persons permitted in the premises at any one time (excluding

staff) shall not exceed 60 persons.

25. 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.

26. 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.

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

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

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

30. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 8 persons at any one time.

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

The Meeting ended at 4.00 pm

CHAIRMAN: _____

DATE _____