



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (3)**

Meeting Date: **Wednesday 5th July, 2017**

Time: **1.00 pm**

Venue: **Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR**

Members: **Councillors:**

Melvyn Caplan (Chairman)
Peter Freeman
Shamim Talukder



Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda.

Admission to the public gallery is by ticket, issued from the ground floor reception from 9.30am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Jonathan Deacon.

**Email: jdeacon@westminster.gov.uk Tel: 020 7641 2783
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of any personal or prejudicial interests in matters on this agenda.

Licensing Applications for Determination

1. MORTIMER HOUSE, 37-41 MORTIMER STREET, W1

(Pages 1 - 30)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	West End Ward / not in cumulative impact area	Mortimer House, 37-41 Mortimer Street, W1	New Premises Licence	17/03516/LIPN

Charlie Parker
Chief Executive
29 June 2017

In considering applications for premises licences under the Licensing Act 2003, the sub-committee is advised of the following:

POLICY CONSIDERATIONS

The City of Westminster statement of licensing policy applies to all applications where relevant representations have been made. The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy and the guidance issued by the Secretary of state under Section 182 of the Licensing Act 2003.

GUIDANCE CONSIDERATIONS

The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES (As set out in the Council's Statement of Licensing Policy 2011)

- For premises for the supply of alcohol for consumption on the premises:

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

Monday to Thursday: 10:00 to 23:30.

- For premises for the supply of alcohol for consumption off the premises:

Monday to Saturday: 08:00 to 23:00

Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight

Sundays immediately prior to Bank Holidays: 09.00 to midnight

Other Sundays: 09.00 to 22.30

Monday to Thursday: 09.00 to 23.30.

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Item No:	
Date:	5 th July 2017
Licensing Ref No:	17/03516/LIPN - New Premises Licence
Title of Report:	Mortimer House 37-41 Mortimer Street London W1T 3JH
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	3 April 2017		
Applicant:	37-41 Mortiner Opcp Ltd		
Premises:			
Premises address:	Mortimer House 37-41 Mortimer Street London W1T 3JH	Ward:	West End
		Cumulative Impact Area:	None.
Premises description:	<p>The premises will have a gym located in the basement and restaurant with ancillary bar.</p> <p>Office spaces occupy floors 1 to 4 with a business lounge on the 5th floor and events space on 6th floor.</p>		
Premises licence history:	<p>This is an application for a new premises and therefore no history exists.</p> <p>This application was considered by Licensing Sub-Committee on 15th June 2017.</p> <p>The Committee requested that the application be adjourned to allow for the applicant and other parties to compile a comprehensive list of proposed conditions.</p> <p>These conditions can be found at Appendix 4 of the report.</p>		
Applicant submissions:	None submitted.		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	01:30	01:30	01:30	01:30	01:30	01:30	01:30
Seasonal variations/ Non-standard timings:	Supply of Late Night Refreshment to members of the public in the restaurant until 00:00 only (23:30 on Sundays).						

	<p>Supply of Late Night Refreshment to members and their guests and at private pre-booked events as shown.</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>
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Plays:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	01:30	01:30	01:30	01:30	01:30	01:30	01:30
Seasonal variations/ Non-standard timings:		<p>Plays for members and guest or private pre-booked events on 6th Floor.</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year' Day.</p>					

Films:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	01:30	01:30	01:30	01:30	01:30	01:30	01:30
Seasonal variations/ Non-standard timings:		<p>Plays for members and guest or private pre-booked events on 6th Floor.</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year' Day.</p>					

Live Music:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	01:30	01:30	01:30	01:30	01:30	01:30	01:30
Seasonal variations/ Non-standard timings:		<p>Plays for members and guest or private pre-booked events throughout.</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year' Day.</p>					

Recorded Music:				Indoors, outdoors or both			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	01:30	01:30	01:30	01:30	01:30	01:30	01:30
Seasonal variations/ Non-		Plays for members and guest or private pre-booked					

standard timings:	events throughout. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year' Day.
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Sale by retail of alcohol				On or off sales or both:			On Sales
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	01:30	01:30	01:30	01:30	01:30	01:30	01:30
Seasonal variations/ Non-standard timings:	<p>Supply of alcohol to members of the public in the restaurant until 00:00 only (23:00 on Sundays).</p> <p>Supply of alcohol to members and their guests and at private pre-booked events as shown.</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>						

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:	The building will be open to members and their guests and for private pre-brooked events 24 hours a day. The restaurants will be open to members of the public from 07:00 to 00:00 Monday to Saturdays and from 07:00 to 23:30 on Sundays.						
Adult Entertainment:	Not applicable.						

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Mr Anil Drayan
Received:	28 th April 2017
<p>The following plans have been submitted in support of the application:</p> <ul style="list-style-type: none"> • Basement Level, drawing no 1762W SK B 7 00 rev D, dated 2017.3.22 • Ground Floor, drawing no 1762W SK G 7 00 rev D, dated 2017.3.22 • First Floor, drawing no 1762W SK 1 7 00 rev D, dated 2017.3.22 • Second Floor , drawing no 1762W SK 2 7 00 rev D, dated 2017.3.22 	

- Third Floor , drawing no 1762W SK 3 7 00 rev D, dated 2017.3.22
- Fourth Floor , drawing no 1762W SK 4 7 00 rev D, dated 2017.3.22
- Fifth Floor , drawing no 1762W SK 5 7 00 rev D, dated 2017.3.22
- Sixth Floor , drawing no 1762W SK 6 7 00 rev D, dated 2017.3.22

The applicant is seeking the following licensable activities:

1. Performance of the following Regulated Entertainments, Monday to Sunday from 07:00 to 01:30 hours:
 - Live Music 'Indoors'
 - Plays 'Indoors'
 - Films 'Indoors'
 - Recorded Music 'Indoors and Outdoors'
2. Late Night Refreshment 'Indoors', Monday to Sunday from 23:30 to 01:30 hours
3. Sale by Retail of Alcohol 'On' the premises, Monday to Sunday from 07:00 to 01:30 hours:
4. For all of the above licensing activities non – standard hours of ' From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day'

I wish to make the following representations based on the plans and operating schedule submitted:

1. Provision of the proposed Regulated Entertainments and for the hours requested may have the effect of increasing Public Nuisance in the area and may impact on Public Safety
2. Provision of Late Night Refreshment may have the effect of increasing Public Nuisance in the area.
3. The Supply of Alcohol and for the hours requested may have the effect of increasing Public Nuisance in the area and may impact on Public Safety.
4. The non- standard hours requested for the licensing activities may have the effect of increasing Public Nuisance in the area and may impact on Public Safety

The applicant has submitted an extensive list of conditions in the operating schedule which are under consideration.

It is noted that the hours requested are beyond 'core hours' and clarification is sought on request for recorded music to be provided 'outdoors' as well.

The applicant is advised to contact the undersigned to discuss this after which Environmental Health may require additional conditions to allay its concerns.

Nevertheless the applicant is also advised that even if all conditions are agreed Environmental Health is likely to request that any decision to grant may be a matter for Licensing sub-Committee particularly in relation to the requested hours for licensable activities

Responsible Authority:	Metropolitan Police Service
Representative:	PC Toby Janes
Received:	18 th April 2017

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application.

It is our belief that if granted the application would undermine the licensing objectives in relation to the prevention of crime and disorder as there are insufficient conditions within the operating schedule.

We have concerns that this application will cause further policing problems in an already demanding area.

The Metropolitan Police have withdrawn their representations following discussions with the applicant.

2-B Other Persons	
Name:	Mr John Forde
Address and/or Residents Association:	9 / 129 Grosvenor Road London SW1V 3JY
Received:	30 th April 2017

From the Churchwarden and Vice-Chairman of the Parochial Church Council All Saints Margaret Street:

The Churchwardens of All Saints are particularly concerned about the effect of late night noise and disturbance on our clergy who reside adjacent to the church as a condition of office as well as other tenants of church property.

Wells Street and adjoining Margaret Street may appear to be just another commercial area but there are many peoples' homes here including St Andrews Chambers on Wells Street, at the Buddhist temple 84 Margaret Street, at the Jesus Army 82 Margaret Street and at All Saints Church 6, 7 & 8 Margaret Street. Residents already experience many broken nights, particularly in summer, when people leaving clubs and restaurants in the area return to their parked cars in the early hours of the morning. While it is good to see a local building being put to new use, and refurbished to a high enough level to retain internal noise, it is inevitable that the management will have no control of users once they have left the premises. The increased foot-fall and car-parking will be detrimental to the well being of local residents. While users of the building may enjoy an occasional evening out the locals are being asked to sustain an every-night undue increase in disturbance from cars, their music, doors slamming, loud conversations and arguments followed by mornings of the smell of urine and increased mess thrown from cars. Limiting the licensing hours to end no later than midnight would at least limit

disturbance to local residents.

We trust that the City Council as licensing authority will give due weight to the long established residential usage associated with All Saints Church in considering the application.

Name:	Mr Ian Lyon
Address and/or Residents Association:	6 Margaret St LONDON W1W 8RQ
Received:	1 st May 2017

Wells St and the east end of Margaret St may not look like residential areas but there are homes on Wells St, at the Buddhist temple, at the Jesus Army and at All Saints church. Residents here already experience many broken nights, particularly in summer, when people leaving clubs and restaurants in the area return to their parked cars in the early hours of the morning. While it is good to see a local building being put to new use, and refurbished to a high enough level to retain internal noise, it is inevitable that the management will have no control of users once they have left the premises. The increased foot-fall and car-parking will be detrimental to the well-being of local residents. While users of the building may enjoy an occasional evening out the locals are being asked to sustain an every-night undue increase in disturbance from cars, their music, doors slamming, loud conversations and arguments followed by mornings of the smell of urine and increased mess thrown from cars. Limiting the licensing hours to end at midnight would be a compromise that reflects the proposed new use of the building while being considerate to local residents.

Name:	Mr Alan Moses
Address and/or Residents Association:	All Saints Vicarage 7 Margaret Street London W1W 8JG
Received:	30 th April 2017

I write as the Vicar of the parish of All Saints, Margaret Street and a local resident. The church and vicarage and assistant priest's house are situated at the east end of Margaret Street (nos. 6,7 & 8). In spite of being relatively close neighbours of the premises, we only learned of this application by chance.

Those of us who live in the area already have to cope with considerable levels of disturbance from people leaving clubs in the area and returning to their cars parked in the area in the early hours of the morning. Conversations and arguments, fueled by alcohol and drugs, are at best noisy, at worst violent. To this is added the unpleasantness of urination and vomiting in the street.

It is, therefore, alarming to see that another establishment is to be open seven days a week until 1.30am. The proposed closing time means in reality that it will be at least 2am before people have dispersed. Most of the local restaurants close around 11pm and this would seem a more reasonable hour for most people.

Much of the east side of Wells Street, north and south of Mortimer House, as well as the

area to the north is residential. At the east end of Margaret Street there are three religious bodies, All Saints, the Jesus Army and the Buddhist Temple which serve those who live and work in the area. Each of us have resident clergy, religious and lay workers.

I note the good intentions of the applicants is asking their members to respect local residents. However, the idea that people who have been drinking for several hours will have much regard for such notices seems naively unrealistic. Many of those who come into the city for entertainment seem to have no idea that people live here or assume that we should simply put up with the disruption they cause.

Name:	Mr Martin Woolley
Address and/or Residents Association:	8 Margaret Street London W1W 8RA
Received:	30 th April 2017

I am a local resident who has to spend more time than I would like on the phone to the council noise line.

The licensed activity proposed in this application is precisely of the sort which will lead to regular and unacceptable street noise - and possibly street violence - in this extensively residential area. I therefore oppose the granting of the licence in the strongest possible terms.

Name:	Mrs Theresa Moses
Address and/or Residents Association:	7 Margaret Street London W1W 8JG
Received:	30 th April 2017

Wells St and the east end of Margaret St may not look like residential areas but there are homes on Wells St, at the Buddhist temple, at the Jesus Army and at All Saints church. Residents here already experience many broken nights, particularly in summer, when people leaving clubs and restaurants in the area return to their parked cars in the early hours of the morning. While it is good to see a local building being put to new use, and refurbished to a high enough level to retain internal noise, it is inevitable that the management will have no control of users once they have left the premises. The increased foot-fall and car-parking will be detrimental to the well being of local residents. While users of the building may enjoy an occasional evening out the locals are being asked to sustain an every-night undue increase in disturbance from cars, their music, doors slamming, loud conversations and arguments followed by mornings of the smell of urine and increased mess thrown from cars. Limiting the licensing hours to end at midnight would be a compromise that reflects the proposed new use of the building while being considerate to local residents.

Name:	Mr Fitzrovia Neighbourhood Association
Address and/or Residents Association:	Fitzrovia Neighbourhood Centre 39 Tottenham street London W1T 4RX
Received:	1 st May 2017
Our association objects to this licence application as it would likely cause noise nuisance to nearby residents. We are particularly concerned about the late hours applied for.	
Name:	Miss Joanna Moses
Address and/or Residents Association:	All Saints Vicarage 7 Margaret Street London W1W 8JG
Received:	30 th April 2017
<p>I am resident in Margaret Street which is generally overlooked as a residential area. Along with the residents of three religious organisations and those who live on the adjoining Wells Street.</p> <p>We already experience many issues which result in disrupted sleep and the need to raise issues with the authorities regarding antisocial behaviour.</p> <p>I am fully supportive of generating business and making the neighbourhood successful however this cannot be to the further detriment of current residents and places of worship.</p> <p>We already experience serious issues where drivers return to cars in the early hours of the morning as well as cabs which pick up and often idle / congregate on Margaret Street. The use of Margaret Street as a public toilet / meeting point / area to sell or buy illegal substances will not be managed by the management of the proposed establishment. Yet again it will rely on the residents who will not be assured of any safety and will have disruption 7 days per week.</p> <p>Limiting the licensing hours to end at midnight would seem to be a fair compromise which would allow the business to operate but also the current and future residents to live peacefully and safely.</p>	

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
Policy PB1 applies:	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

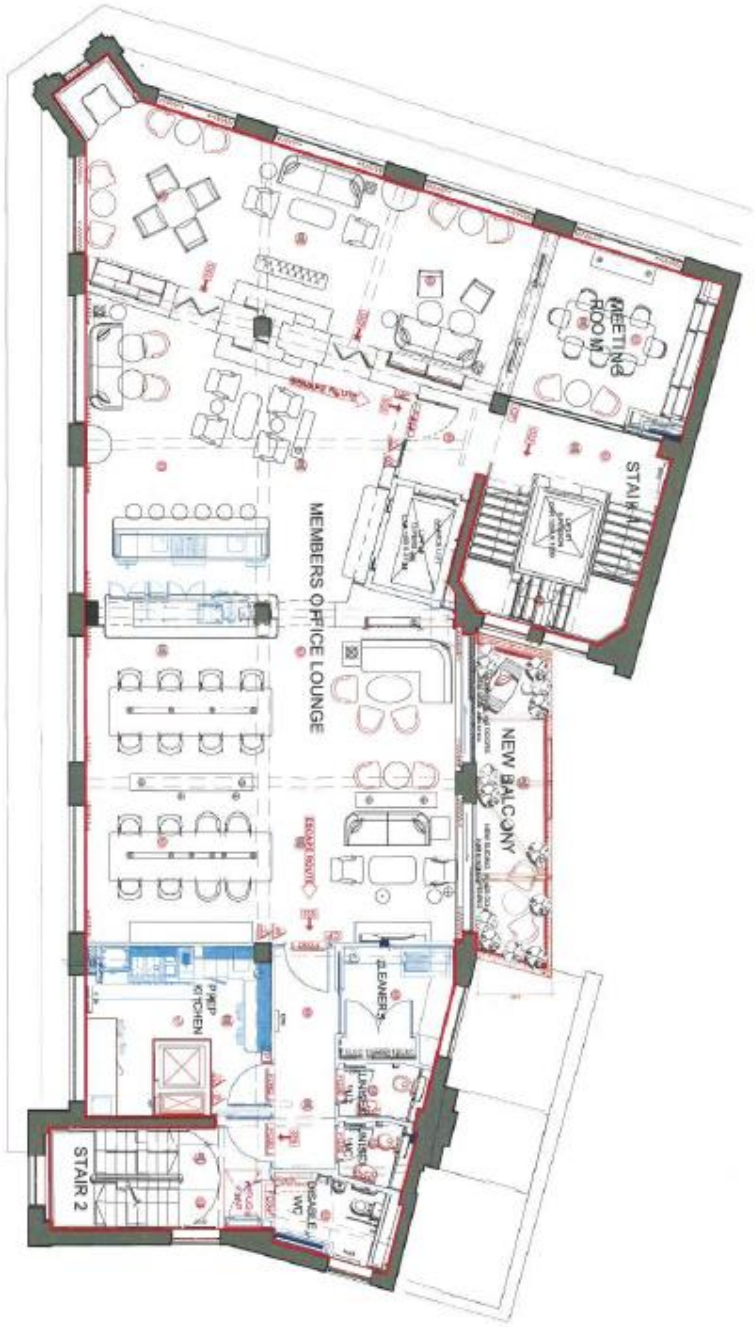
Report author:	Miss Heidi Lawrance Senior Licensing Officer
Contact:	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	3 rd April 2017
5	Representation – Environmental Health	28 th April 2017
6	Representation – Metropolitan Police Service	18 th April 2017
7	Representation – Mr John Forde	30 th April 2017
8	Representation – Mr Ian Lyon	1 st May 2017
9	Representation – Mr Alan Moses	30 th April 2017
10	Representation – Martin Woolley	30 th April 2017
11	Representation – Theresa Moses	30 th April 2017
12	Representation – Joanne Moses	30 th April 2017
13	Representation – Fitzrovia Neighbourhood Association	1 st May 2017

1. LICENSABLE ACTIVITIES MAY TAKE PLACE ANYWHERE WITHIN THE LICENSED PREMISES.
2. ANY DETAIL SHOWN WHICH IS NOT REQUIRED BY REGULATION IS FOR INFORMATION ONLY AND SUBJECT TO CHANGE AT ANY TIME.
3. THE LOCATIONS OF FIRE SAFETY EQUIPMENT ARE INDICATIVE ONLY AND ARE SUBJECT TO CHANGE IN ACCORDANCE WITH ANY FIRE RISK ASSESSMENT AND IN LINE WITH THE REQUIREMENTS OF THE FIRE OFFICER.



NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT FIRE SAFETY REGULATIONS.
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT HEALTH AND SAFETY REGULATIONS.
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT ENVIRONMENTAL REGULATIONS.
5. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT PLANNING REGULATIONS.
6. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT TAX REGULATIONS.
7. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT EMPLOYMENT REGULATIONS.
8. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT SOCIAL SECURITY REGULATIONS.
9. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT PENSION REGULATIONS.
10. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT TAX REGULATIONS.

- FIRE SAFETY (GEN)**
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FOR COMMENT

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FOR COMMENT

- LICENSEABLE ACTIVITIES MAY TAKE PLACE ANYWHERE WITHIN THE LICENSED PREMISES.
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- FIRE SAFETY EQUIPMENT
- FIRE EXTINGUISHER
- FIRE BLANKET
- FIRE ALARM CALL POINT
- FIRE ESCAPE ROUTE

NO.	DESCRIPTION	LOCATION
1	Fire Extinguisher	...
2	Fire Blanket	...
3	Fire Alarm Call Point	...
4	Fire Escape Route	...

FIRE SAFETY LEGEND

- 1. FIRE EXTINGUISHER
- 2. FIRE BLANKET
- 3. FIRE ALARM CALL POINT
- 4. FIRE ESCAPE ROUTE
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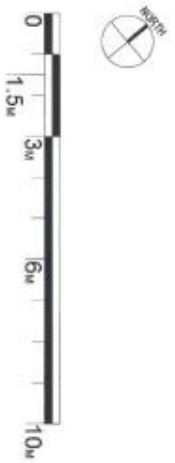
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FOR COMMENT

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1. LICENSABLE ACTIVITIES MAY TAKE PLACE ANYWHERE WITHIN THE LICENSED PREMISES.
2. ANY DETAIL SHOWN WHICH IS NOT REQUIRED BY REGULATION IS FOR INFORMATION ONLY AND SUBJECT TO CHANGE AT ANY TIME.
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NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE BUILDING REGULATIONS 2010.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE FIRE SAFETY REGULATIONS 2012.
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE ELECTRICAL REGULATIONS 2018.
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE GAS SAFETY REGULATIONS 2009.
5. ALL WORK SHALL BE IN ACCORDANCE WITH THE WATER SUPPLY REGULATIONS 2016.
6. ALL WORK SHALL BE IN ACCORDANCE WITH THE ENVIRONMENTAL REGULATIONS 2015.
7. ALL WORK SHALL BE IN ACCORDANCE WITH THE PLANNING REGULATIONS 2017.
8. ALL WORK SHALL BE IN ACCORDANCE WITH THE HIGHWAYS REGULATIONS 2018.
9. ALL WORK SHALL BE IN ACCORDANCE WITH THE TRANSPORT REGULATIONS 2019.
10. ALL WORK SHALL BE IN ACCORDANCE WITH THE HEALTH AND SAFETY REGULATIONS 2014.
11. ALL WORK SHALL BE IN ACCORDANCE WITH THE ENVIRONMENTAL PROTECTION REGULATIONS 2016.
12. ALL WORK SHALL BE IN ACCORDANCE WITH THE WASTE MANAGEMENT REGULATIONS 2017.
13. ALL WORK SHALL BE IN ACCORDANCE WITH THE REUSE OF MATERIALS REGULATIONS 2018.
14. ALL WORK SHALL BE IN ACCORDANCE WITH THE ENERGY EFFICIENCY REGULATIONS 2019.
15. ALL WORK SHALL BE IN ACCORDANCE WITH THE CLIMATE CHANGE REGULATIONS 2020.

- FIRE SAFETY LEGEND**
- 1. FIRE EXITS
 - 2. FIRE EXITS WITH DOORS
 - 3. FIRE EXITS WITH WINDOWS
 - 4. FIRE EXITS WITH BALCONIES
 - 5. FIRE EXITS WITH TERRACES
 - 6. FIRE EXITS WITH ROOFS
 - 7. FIRE EXITS WITH STAIRS
 - 8. FIRE EXITS WITH LIFTS
 - 9. FIRE EXITS WITH ESCALATORS
 - 10. FIRE EXITS WITH RAMPWAYS
 - 11. FIRE EXITS WITH PLATFORMS
 - 12. FIRE EXITS WITH CANOPIES
 - 13. FIRE EXITS WITH PORCHES
 - 14. FIRE EXITS WITH PATIOS
 - 15. FIRE EXITS WITH BALCONIES
 - 16. FIRE EXITS WITH TERRACES
 - 17. FIRE EXITS WITH ROOFS
 - 18. FIRE EXITS WITH STAIRS
 - 19. FIRE EXITS WITH LIFTS
 - 20. FIRE EXITS WITH ESCALATORS
 - 21. FIRE EXITS WITH RAMPWAYS
 - 22. FIRE EXITS WITH PLATFORMS
 - 23. FIRE EXITS WITH CANOPIES
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 - 25. FIRE EXITS WITH PATIOS
 - 26. FIRE EXITS WITH BALCONIES
 - 27. FIRE EXITS WITH TERRACES
 - 28. FIRE EXITS WITH ROOFS
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 - 30. FIRE EXITS WITH LIFTS
 - 31. FIRE EXITS WITH ESCALATORS
 - 32. FIRE EXITS WITH RAMPWAYS
 - 33. FIRE EXITS WITH PLATFORMS
 - 34. FIRE EXITS WITH CANOPIES
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 - 36. FIRE EXITS WITH PATIOS
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 - 95. FIRE EXITS WITH STAIRS
 - 96. FIRE EXITS WITH LIFTS
 - 97. FIRE EXITS WITH ESCALATORS
 - 98. FIRE EXITS WITH RAMPWAYS
 - 99. FIRE EXITS WITH PLATFORMS
 - 100. FIRE EXITS WITH CANOPIES

MODUS:

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FOR COMMENT

Applicant Supporting Documents

None submitted.

Premises History

There is no licence or appeal history for the premises.

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

Mandatory Conditions

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

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

Proposed conditions agreed by the applicant and Environmental Health:

10. Save for the ground floor (and part of the basement), which will operate as a restaurant bar, the building will consist of premium office space with ancillary accommodation.
11. There will be no licensable activities in the basement.
12. Other than to the restaurant bar on the ground floor all admissions to the premises shall be via the Member's lobby with access to the rest of the building restricted by electronic means such as key cards.
13. The supply of alcohol on floors 1 to 6 is restricted to bona fide guests of the management, Members and their bona fide guests and the supply of alcohol may also be permitted in the 5th and 6th floors to persons attending pre-booked and bona fide private functions and where:
 - i. There shall be no self-service of alcohol
 - ii. Bona fide guests of the management shall be limited to maximum of 30 persons at any one time. A list of such guests shall be produced on demand for inspection by the police or authorised officers of the Council.
14. There shall be rules of membership and a copy of such rules shall be kept at the premises and made available for inspection by the police or authorised officers of the Council. Such rules shall include the following requirements:
 - i. No person shall be admitted to membership or be entitled to take advantage of any of the privileges of membership without an interval of at least 24 hours
 - ii. Bona fide guests per Member shall not exceed 8 at any one time
 - iii. A list of the names and addresses of Members shall be kept on the premises at all times together with a book/digital file showing the names and dates of attendance of any guests introduced by Members. Both the list and the book/digital file shall be produced on demand for inspection by the Police or authorised officers of the Council.
15. Pre-booked and bona fide private functions held on the 5th and/or 6th floors can only be staged under the following circumstances:
 - i. The function is booked at least 24 hours in advance
 - ii. Prior to a function starting an event management plan shall be produced and shall include, amongst other matters, assessments of the security arrangements and the provision of non-glass drinking vessels
 - iii. The event management plan and a register of persons attending shall be kept at the premises and made available for immediate inspection by Police or an authorised officer of the Council and thereafter kept for at least 31 days for viewing

- iv. There shall be no admittance or re-admittance to persons attending a pre-booked function after 01:00 except for patrons permitted for temporarily leave the premises to smoke
16. Save for up to a maximum of 40 persons at any one time, the ground floor of the premises shall operate as a restaurant bar where the supply of alcohol shall be by waiter or waitress service only to persons seated taking table meals and for consumption by such persons as ancillary to their meals
17. Between the hours 07:00 until 10:00 daily the supply of alcohol on all floors shall be by waiter or waitress service only, to persons seated taking table meals and for consumption by such persons as ancillary to their meals.
18. There shall be no off-sales from 00:00 to 10:00 the day following
19. 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
20. 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
21. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device
22. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
23. 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 business in the vicinity.
24. 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
25. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff

who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open

26. 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
 - g. any refusal of the sale of alcohol
 - h. any visit by a relevant authority or emergency service
27. After 23:00 patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them
28. There shall be no admittance or re-admittance to the restaurant after 23:30 to members of the public except for patrons permitted to temporarily leave the premises to smoke
29. Tables and chairs situated outside, shall be removed or rendered unusable after 23:00.
30. 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 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.
31. 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 the recent CCTV images or data with the absolute minimum delay when requested.
32. The premises shall not operate as a commercial cinema.
33. The licence holder shall enter into an agreement with a hackney carriage and/or private hire firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
34. During the hours of operation 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.

35. Waste or recyclable materials, including bottles, can only be moved, removed or placed in outside areas between the hours 08:00 and 23:00 or as specified on the Council's website for Commercial Waste collection times for the street.

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

37. Except by hand deliveries, all deliveries to the premises must be made between the hours of 08:00 and 23:00.

38. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.

- dry ice and cryogenic fog
- smoke machines and fog generators
- pyrotechnics including fireworks
- firearms
- lasers
- explosives and highly flammable substances.
- real flame.
- strobe lighting.

39. The certificates listed below shall be submitted to the Licensing Authority upon written request:

- a) Any emergency lighting battery or system
- b) Any electrical installation
- c) Any emergency warning system

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

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

42. Curtains and hangings shall be arranged so as not to obstruct emergency signs.

43. 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.

44. 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.

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

46. The number of persons accommodated at the premises (excluding staff) shall not exceed [600] for the building as a whole with the following local restrictions for each floor:

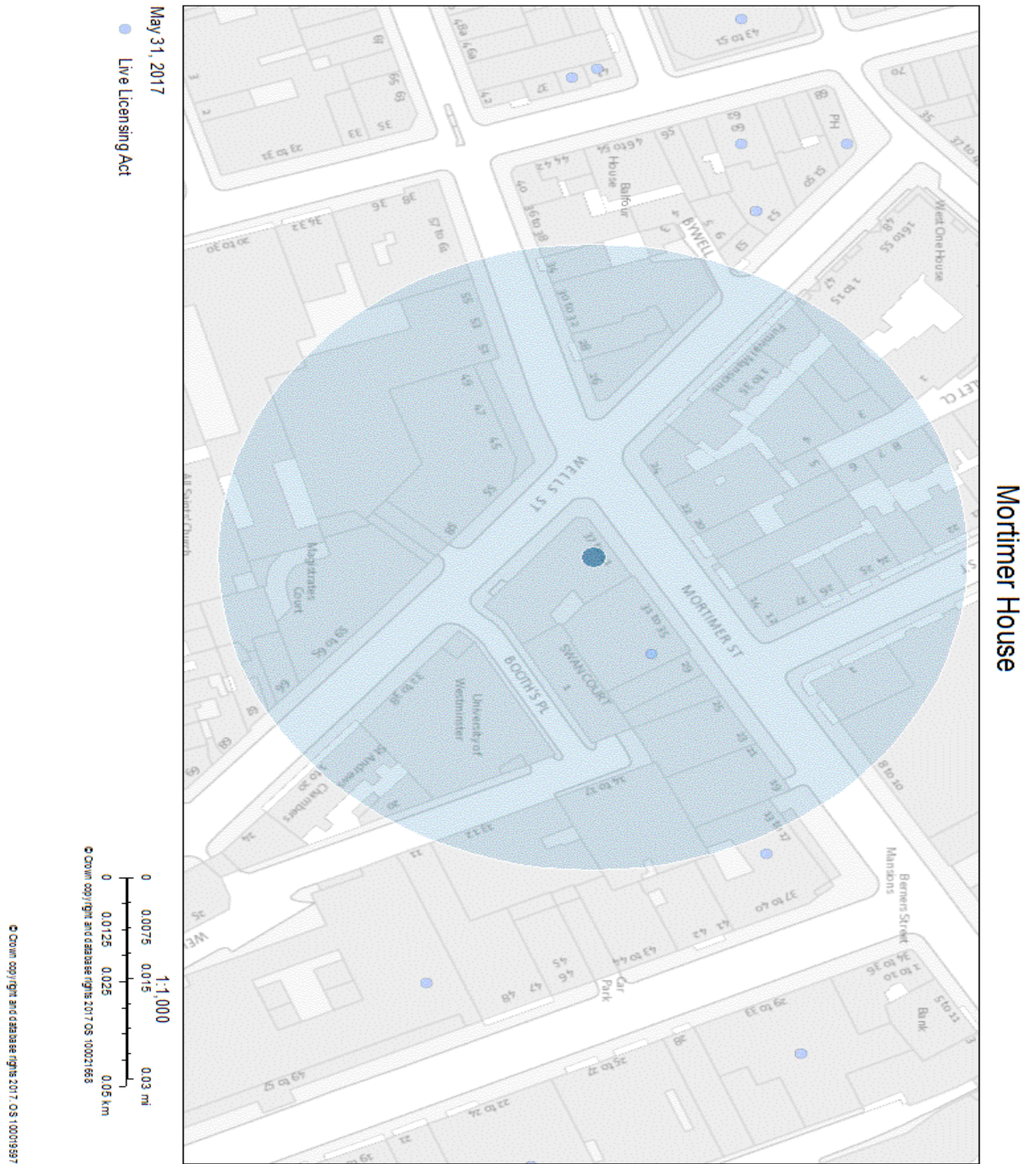
- Basement (*to be determined*)
- Ground floor restaurant – 125
- 1st floor (*to be determined*)
- 2nd floor (*to be determined*)
- 3rd floor (*to be determined*)
- 4th floor (*to be determined*)
- 5th floor (*to be determined*)
- 6th floor (*to be determined*)

The licence will have no effect until the capacity of the premises has been assessed by the Environmental Health Consultation Team and a condition detailing the agreed capacity for each floor has replaced this condition on the Licence.

47. 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 Premises Licence by the Licensing Authority

48. 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 as constructed. Where there are minor changes to the layout of the premises during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority and shall be attached to this licence in substitution of the existing plans, at which time this condition shall be removed from the license.

Residential Map and List of Premises in the Vicinity



Resident Count : 135