



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (6)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (6)** Committee held on **Thursday 13th July, 2017**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Jean Paul Floru (Chairman), Heather Acton and Aziz Toki

1 MEMBERSHIP

There were no changes to the membership.

2 DECLARATIONS OF INTEREST

In respect of application 9, 11 Great Cumberland Place, Councillor Heather Acton declared that she lives reasonably close to the premises (not close enough to be able to see the premises from her residence) and occasionally uses the shop. She did not believe that what was proposed would impact on her personally and it therefore did not affect her ability to consider the application impartially.

3 CAFE BAKU LTD, 22-24 LANSDOWNE ROW, W1

LICENSING SUB-COMMITTEE No. 6

Thursday 13th July 2017

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Heather Acton and Councillor Aziz Toki

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Jonathan Deacon

Presenting Officer: Yolanda Wade

Relevant Representations: Environmental Health.

Present: Ms Miriam Hogg (Solicitor, Representing the Applicant), Mr Erfan Zargarian (Applicant) and Mr Ian Watson (Environmental Health).

**Café Baku Ltd, 22-24 Lansdowne Row, W1
17/04644/STTCV**

Application determined under Section 21 of the City of Westminster Act 1999.

Application to vary the existing temporary licence, increasing the hours when the tables and chairs can be used from 23:00 to midnight every day of the week.

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

The Sub-Committee heard from Ms Hogg, representing the Applicant in respect of the application. Ms Hogg referred to the premises at 22-24 Lansdowne Row having planning permission for the use of the pavement for the placing of tables and chairs until midnight for the temporary period until 30 April 2018. She stated that this would have taken into account considerations such as those relating to amenity and potential disturbance to residents. She stated that she was aware that it is rare for the Council to allow the public highway to be used after 23:00 for placing tables and chairs. The exceptions for later external seating were in central Westminster locations such as Leicester Square and Heddon Street. Ms Hogg expressed the view that there were exceptional grounds for varying the existing temporary tables and chairs licence and permitting their use until midnight.

The exceptional grounds given by Ms Hogg included that there was a limited number of residents in the locality that she believed were impacted by customers sitting outside the premises until midnight. It was her view that any noise would be contained in Lansdowne Row. She referred to the nearest residents living in Curzon Street on the western side and Berkeley Street on the eastern side whilst the southern side of Lansdowne Row was occupied by a hotel and the northern side of Lansdowne Row by offices. In terms of the dispersal of customers, Ms Hogg commented that with traffic and ambient noise at this location including from other premises, up to a maximum of 26 people leaving from the outside area would have a minimal impact on residents.

Another reason given by Ms Hogg as to why the temporary tables and chairs licence should be extended to midnight was the profile of the customers being different from other premises. This was because the style of the offering was centred around shisha, imported from Azerbaijan. She described this as being relatively expensive (about £50 per hour to customers to partake) and was traditionally enjoyed during the evening and after dinner. Alcohol sold at the premises was responsible for approximately 10% of sales and consumption was very low. Ms Hogg added that customers leaving the premises at midnight were likely not to be intoxicated or be having loud conversations.

Ms Hogg stated that the additional hour was sought because customers finished their dinners at around 22:00. If they were told to leave at 22:30 in order that the tables and chairs condition could be complied with, they would be reluctant to partake in the shisha. She believed that the restrictions on the hours for the tables and chairs deprived customers from being able to enjoy the hours for the licensable activities on

the existing premises licence which were permitted in terms of late night refreshment and sale by retail of alcohol until 23:30 Monday to Thursday and midnight Friday to Saturday and on Sundays prior to Bank Holidays.

The Sub-Committee heard from Mr Watson. He advised that Environmental Health was supporting the policy to remove tables and chairs from the public highway at 23:00 in order to promote the licensing objective of preventing public nuisance. He made the point that the intention of the policy was that at 23:00 noise from street activities would be substantially reduced and that licensed premises would then either trade inside or close if they did not operate longer hours than what was permitted externally.

Mr Watson informed the Sub-Committee that the tables and chairs at Baku were enclosed in the external area because historically they had been subject to enforcement. It had been necessary to ensure they were compliant with the Health Act 2006 with regard to shisha smoking. There had been complaints at the end of 2014 / beginning of 2015 relating to the use of hot coals for the purposes of shisha smoking and also loud music. Mr Watson stated that some of the complaints had been received from residents. There were indeed residents who live in a block in Lansdowne Row, close to the premises. He added that there had been no recent complaints received in 2016/2017.

The Applicant was asked whether he was using electric firing for the purposes of shisha smoking rather than hot coals. He replied that he was not because it was more complicated. He would however look at the electric firing method. He was advised that he needed to avoid using hot coals inside which had implications in terms of creating carbon monoxide.

Mr Zargarian confirmed that he did provide hot food inside the premises.

The Sub-Committee did not consider that there were valid reasons for extending the use of the tables and chairs outside on the public highway beyond 23:00 and refused the application. Café Baku is not situated in central locations such as Leicester Square or Heddon Street. The “exceptional” reasons given on behalf of the Applicant, included that residents would not be affected by the outside area of the premises being operated until midnight. However, Environmental Health had advised that there were residents who live in close proximity to the premises. They had made complaints before and it was reasonable to believe that there was the potential for them to be adversely impacted by people sitting outside the premises smoking shisha (and possibly engaging in licensable activities) until midnight and then dispersing.

The Sub-Committee also advised the Applicant and his Representative when announcing the decision that there was no reason as to why customers were being told to leave the outside area at 22:30. This area could be used until 23:00. Members noted that the Applicant was still using the inside of the premises until the terminal hours for the permitted licensing activities to sell hot and cold food and alcohol. Customers were therefore not being prevented from being able to enjoy the hours for the licensable activities on the existing premises licence inside the premises.

4 SERPENTINE GALLERY, KENSINGTON GARDENS, EXHIBITION ROAD, W2

LICENSING SUB-COMMITTEE No. 4

Thursday 13th July 2017

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Heather Acton and Councillor Aziz Toki

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

Serpentine Gallery, Kensington Gallery, Kensington Gardens, Exhibition Road, W2
17/05302/LIPV

Application adjourned to a future Licensing Sub-Committee meeting at the Applicant's request.

5 THE SERPENTINE SECKER GALLERY & THE MAGAZINE, SERPENTINE GALLERY, KENSINGTON GARDENS, EXHIBITION ROAD, W2

LICENSING SUB-COMMITTEE No. 4

Thursday 13th July 2017

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Heather Acton and Councillor Aziz Toki

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

The Serpentine Secker Gallery & The Magazine, Serpentine Gallery, Kensington Gardens, Exhibition Road, W2
17/05352/LIPV

Application adjourned to a future Licensing Sub-Committee meeting at the Applicant's request.

6 32 HENRIETTA STREET, WC2

LICENSING SUB-COMMITTEE No. 6

Thursday 13th July 2017

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Heather Acton and Councillor Aziz Toki

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

Relevant Representations: Environmental Health, Licensing Authority and 2 local residents.

Present: Mr Stephen Walsh QC (Representing the Applicant), Ms Lisa Inzani (Solicitor, on behalf of the Applicant), Mr Matt Lovell and Mr Rob Hampton (Directors, Applicant Company), Mr Ian Watson (Environmental Health), Mr David Sycamore (Licensing Authority) and Mrs Linda Campin (local resident).

32 Henrietta Street, WC2 17/05529/LIPN	
1.	Late Night Refreshment (Indoors and Outdoors)
	Monday to Thursday: 23:00 to 23:30 Friday to Saturday: 23:00 to 00:00
	Amendments to application advised at hearing: Mr Walsh, representing the Applicant Company, advised the Sub-Committee that the application had been amended so that there would be no takeaway after 23:00.
	Decision (including reasons if different from those set out in report): The Sub-Committee heard from Mr Walsh, representing the Applicant Company. He described the premises as a high quality seafood restaurant. The establishment was currently operating with the benefit of Temporary Event Notices. Mr Walsh stated that he believed the proposed conditions had been agreed with the Responsible Authorities, including the Council's model restaurant condition, MC66. It was also his understanding that the Responsible Authorities no longer objected to the application. The Applicant was now proposing hours that were in keeping with the Council's Core Hours policy except for a commencement hour of 10:00 on Sunday in order to provide a brunch option. Mr Walsh explained that the area of difference between the Applicant and Mrs Campin, local resident, was that Mrs Campin was requesting that the premises would close at 22:30 or at least that licensable activities ceased at this hour.

This was on the basis that other licensed premises in the vicinity trade until this time. Mr Walsh wished to clarify that whilst premises such as Bella Italia in the area may only trade until 22:30, they were permitted to trade to Core Hours. It was possible that the seafood restaurant might not trade until the proposed terminal hour every night in the event the application was granted but the Applicant wished to have some flexibility. There was a capacity of 26. Mr Walsh added that the Applicant would work closely with Mrs Campin and be a good neighbour.

The Sub-Committee asked Mr Walsh whether he was content for the hours the premises are open to the public to be in keeping with Core Hours in order to comply with the Core Hours policy. Mr Walsh confirmed that his client was content with this subject to retaining the 10:00 opening hour on Sunday.

Mr Watson on behalf of Environmental Health advised that he had visited the premises to clear the works ten days previously. There was therefore no need for works conditions to be attached to the premises licence in the event it was granted. 32 Henrietta Street was a 26 capacity restaurant which was currently trading under Temporary Event Notices. He confirmed that he was content with the application, particularly following the amendment of the proposed hours to Core Hours except for the Sunday commencement hour. He also drew Members' attention to the fact that tables and chairs had not been applied for as yet outside the premises but in the event they were permitted there was a proposed condition that they would not be used in the external area after 22:00.

Mr Sycamore on behalf of the Licensing Authority stated that he had no objections following the Applicant's amendment of the proposed hours, the set capacity and that the Council's model restaurant condition MC66 had now been offered.

The Sub-Committee was addressed by Mrs Camplin. She stated that she lives above Natwest which was two doors down from the premises and she has windows overlooking Henrietta Street and the Piazza. She made the point that the seafood restaurant's predecessor, Masters, was a sandwich shop which closed at 17:00. There had not been a restaurant at this location previously. Mrs Camplin referred to issues with people sitting on the stairs at the front outside her flat. There had been discussions with the Applicant that smokers using the seafood restaurant would be directed away from her flat and did not sit outside her front door.

Mrs Camplin commented that Mr Walsh's representation had referred to Bella Italia but this had been permitted the longest licensable hours in the street. There were three quality restaurants in the road which she said were closing at 22:30. The Ivy Market Grill restaurant (towards Southampton Street and the Piazza) and All Bar One (further down Henrietta Street) were able to operate until midnight but they were further away. The street was quiet after 23:00. She made the point that The Ivy was very well managed. Mrs Camplin was concerned that if a restaurant was permitted a later licence then there would be progressively later licences applied for in the street. She questioned whether there was a need for a later licence and also expressed concerns about the lack of room on the street for tables and chairs outside.

	<p>Mrs Camplin had referred to a lack of consultation from the Applicants prior to her objection to the application. Mr Walsh responded that there had been a pre-consultation with the Responsible Authorities and the Chairman of the local residents' association. As soon as Mrs Camplin's concerns had been raised, the Applicants had contacted her and had spoken at length with her. Mr Walsh stated that if the Applicants were minded to apply for a 'tables and chairs' licence they would consult Mrs Camplin before formally applying. He re-iterated that the premises in the local area were able to operate until Core Hours whether they chose to do so or not.</p> <p>The Sub-Committee granted the amended application, subject to conditions as set out below. The Sub-Committee took into account that the application was for a restaurant premises with the Council's model restaurant condition being proposed. The proposed hours except for Sundays when the Applicant wished to serve alcohol with brunch from 10:00 were within the Council's Core Hours policy. The Council's policy is that 'new restaurant premises will generally be granted the core hours (for premises that serve alcohol for consumption on the premises) in line with Policy HRS1'.</p> <p>The Sub-Committee noted Mrs Camplin's concerns but did not consider that there was any evidence that the Applicants would not promote the licensing objectives with the operation of the restaurant. They had additionally offered to continue to liaise with Mrs Camplin. There was also no evidence that the hours applied for were out of keeping with the hours permitted for other licensed premises in the locality, even if the operators chose not to operate until the terminal hours permitted.</p> <p>The Sub-Committee advised the Applicants that the Council is very concerned about the impact of noisy deliveries. In the event that they were minded to provide a delivery service, it was requested that they provide the deliveries via bicycle, on foot or electric vehicles.</p>						
2.	Sale by retail of alcohol (On and Off)						
	<table> <tr> <td>Monday to Thursday:</td><td>10:00 to 23:30</td></tr> <tr> <td>Friday to Saturday:</td><td>10:00 to 00:00</td></tr> <tr> <td>Sunday:</td><td>10:00 to 22:30</td></tr> </table>	Monday to Thursday:	10:00 to 23:30	Friday to Saturday:	10:00 to 00:00	Sunday:	10:00 to 22:30
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Friday to Saturday:	10:00 to 00:00						
Sunday:	10:00 to 22:30						
	<p>Amendments to application advised at hearing:</p> <p>None.</p>						
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>						

3.	Hours premises are open to the public
	Monday to Thursday: 08:00 to 00:00 Friday to Saturday: 08:00 to 00:30 Sunday: 08:00 to 23:00
	<p>Amendments to application advised at hearing:</p> <p>Following a query from the Sub-Committee as to whether he was willing to amend the closing times to within Core Hours in order to comply with the policy, Mr Walsh confirmed that the closing times would be in keeping with Core Hours (23:30 Monday to Thursday, midnight Friday and Saturday and 22:30 on Sunday). The opening hours would also be in accordance with core hours apart from seeking a 10.00 commencement hour on Sunday.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The amended application was granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>
4.	Seasonal variations / Non-standard timings
	<p><u>Late Night Refreshment (Indoors and Outdoors)</u></p> <p>Sunday immediately prior to a Bank Holiday 23:00 to 00:00</p> <p><u>Sale by retail of alcohol (On and Off)</u></p> <p>Sunday immediately prior to a Bank Holiday 12:00 to 00:00</p> <p><u>Hours premises are open to the public</u></p> <p>Sunday immediately prior to a Bank Holiday 08:00 to 00:30</p> <p><u>Late Night Refreshment (Indoors and Outdoors), Sale by retail of alcohol (On and Off) & Hours premises are open to the public</u></p> <p>New Year's Eve all activities are permitted throughout the night until the start of permitted hours on New Year's Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>Mr Walsh, representing the Applicant, advised the Sub-Committee that the proposed hours were being amended in keeping with the Council's Core Hours. Following a query from the Sub-Committee as to whether he was willing to amend the closing times to within Core Hours in order to comply with the policy, Mr Walsh confirmed that the closing times would be in keeping with Core Hours. This amends the hours premises are open to the public on a Sunday</p>

	immediately prior to a Bank Holiday to 00:00.
	<p>Decision (including reasons if different from those set out in report):</p> <p>The amended application was granted, subject to conditions as set out below.</p>

Conditions attached to the Licence	
<u>Mandatory Conditions</u>	
1.	No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2.	No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3.	Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.	<p>(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> <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> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;</p> <p>(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</p> <p>(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</p> <p>(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;</p>

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
- (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

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

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

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

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

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

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

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

Where -

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

- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Additional Conditions

9. The premises shall only operate as a restaurant
- (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery or chopsticks,
 - (iv) which do not provide any take away service of food or drink for immediate consumption,
 - (v) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

10. There shall be no sales of hot food or hot drink for consumption 'Off' the premises after 23.00 hours.
11. The maximum number of persons permitted in the premises at any one time (excluding staff) shall not exceed:-
Ground Floor – 26.
12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
13. 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 are 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.

14. 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.
15. Where the provision of food and/or drink includes delivery to the customer, the licence holder shall ensure that specific procedures are in place and that the activity does not cause nuisance at or near to the premises.
16. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
17. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
18. All windows and external doors shall be kept closed after 22:00 hours except for the immediate access and egress of persons.
19. All tables and chairs outside the premises shall be rendered unusable by 22:00 each day.
20. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
21. No rubbish, including bottles, shall be removed or placed in an outside area between 23:00 hours to 07:00 hours, Monday to Friday, and 23:00 hours to 08:00 hours, Saturday and Sunday.
22. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before collection time.
23. 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.
24. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
25. 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.

26. 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.
27. 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.

7 SKETCH, 9 CONDUIT STREET, W1

LICENSING SUB-COMMITTEE No. 6

Thursday 13th July 2017

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Heather Acton and Councillor Aziz Toki

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

Relevant Representations: Environmental Health, Licensing Authority and Metropolitan Police.

Present: Mr Thomas O'Maoileoin (Solicitor, representing the Applicant), Ms Melosie (Operations Director, Applicant Company), Mr Dave Nevitt (Environmental Health) and Mr David Sycamore (Licensing Authority).

Sketch, 9 Conduit Street, W1 17/04660/LIPV					
1.	Sale by retail of alcohol (On and Off)				
	<table> <tr> <th><u>From</u></th><th><u>To</u></th></tr> <tr> <td>Sunday 12:00 to 00:30</td><td>Sunday 12:00 to 01:00</td></tr> </table>	<u>From</u>	<u>To</u>	Sunday 12:00 to 00:30	Sunday 12:00 to 01:00
<u>From</u>	<u>To</u>				
Sunday 12:00 to 00:30	Sunday 12:00 to 01:00				
	<p>Amendments to application advised at hearing:</p> <p>None.</p>				

	<p>Decision (including reasons if different from those set out in report):</p> <p>Mr O'Maoileoin, representing the Applicant, explained that the main intention of the application for the variation of the premises licence was to extend the terminal hour by half an hour on Sundays for the sale of alcohol in the downstairs restaurant to the rear of the premises to 01:00. The application only applied to the restaurant area which has 120 covers. He commented that there would not be 120 people leaving the restaurant on Monday morning at 01:00.</p> <p>Mr O'Maoileoin advised he was also seeking to remove out of date conditions on the licence following discussions with Environmental Health and add a couple of new conditions. One of the new conditions was that after 23:00 the supply of alcohol in the restaurant would be ancillary to seated customers consuming a table meal. He was content for the alcohol to be served by waiter or waitress (this was not included in the proposed conditions).</p> <p>The Sub-Committee had concerns regarding the proposed removal of condition 20 (i) (c) which set out that 'the sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment'. This was because if the sale of alcohol was not ancillary to substantial refreshment then the premises could be drink led. Mr O'Maoileoin responded that he was content for the sale of alcohol to be ancillary to the use of the premises for substantial refreshment. He was not seeking for the premises to be drink led.</p> <p>The Sub-Committee heard from Mr Nevitt on behalf of Environmental Health. He advised that the advantage of the application was greater clarity in respect of the conditions on the premises licence. Some of the conditions on the existing premises licence were being amended with improved wording, including in some cases the Council's model conditions. He emphasised that it was important not to change the nature of the premises. The application was restricted to the restaurant area. Mr Nevitt stated that balanced against the improved conditions was the proposed extension of the terminal hour for the sale of alcohol on Sundays with up to 120 people leaving the premises later. He added that he had maintained his representation because of the later terminal hour for the sale of alcohol on Sundays in the West End Cumulative Impact Area.</p> <p>The Sub-Committee was addressed by Mr Sycamore, on behalf of the Licensing Authority. He concurred with Mr Nevitt's comments, including that there would be improved, more concise conditions on the licence if the amendments to the conditions were made. However, he had also maintained his representation because of the later terminal hour for the sale of alcohol on Sundays in the West End Cumulative Impact Area. Mr Sycamore referred to paragraph 2.3.3 of the Council's Statement of Licensing Authority with regard to Sundays. It states that the Council is 'prepared generally to grant premises licences for hours that will provide for longer hours at the end of the week but that still enable people to travel home relatively easily by tube, train, bus, and taxi, while retaining opportunities for residents to have an additional respite on Sunday'. It was the</p>

view of the Licensing Authority that Sunday hours in particular should be in keeping with Core Hours.

Mr O'Maoileoin made the additional points that to his knowledge there were no residents in close proximity to the premises and that the operators had not had any complaints from residents and the operators had been at the premises since 2002. Mr Nevitt agreed with Mr O'Maoileoin that he was not aware of any nearby residents who would be directly affected by the premises. He confirmed that the Council had not received any complaints in relation to the operation of the premises.

There was a further discussion between Mr O'Maoileoin and the Sub-Committee regarding condition 20. It had become apparent to Mr O'Maoileoin that if 20 (i) (c) was amended so that the sale of alcohol was ancillary to the use of the premises for substantial refreshment only this would also restrict the use of the lounge bar area at the front of the premises as well as the downstairs restaurant to the rear of the premises. As stated by Mr Panto, the Sub-Committee had believed that Mr O'Maoileoin had been offering a concession as part of the application that for the whole premises alcohol would be ancillary to the use of the premises for substantial refreshment. Mr Panto added that certainly if condition 20 on the existing premises licence was removed it would have the effect of making the whole premises drink led.

Mr O'Maoileoin made it clear at this point that it was not being proposed that alcohol would be ancillary to substantial refreshment throughout the premises. He was however offering the Council's model restaurant condition, MC66 for the downstairs restaurant which had not been included on the existing premises licence. He proposed to keep condition 20 on the licence in its entirety so that the whole premises would not be drink led.

The Sub-Committee decided to grant the application. Members considered that with condition 20 on the existing premises licence being retained, the application was for the extension of the sale of the alcohol in the restaurant on Sundays where alcohol would be ancillary to a substantial table meal. There was therefore no policy presumption against the extension of the sale of alcohol in the restaurant area.

The Sub-Committee varied, added or removed the conditions requested by the Applicant in the application apart from removing condition 20. The Sub-Committee considered that the improved conditions such as the addition of the model restaurant condition and the replacement of outdated conditions being replaced with the Council's model conditions did mitigate against any additional cumulative impact created by alcohol being available in the restaurant for an additional thirty minutes on Sundays.

The Sub-Committee took the view that the licensing objectives were likely to be promoted by the application. There did not appear to be any residents that would be adversely affected by the application.

Members noted the Licensing Authority's recommendation that as suggested in the Council's policy there should be a rest bite on Sundays. However, it was

	necessary to take into account that the premises licence holder was already able to sell alcohol at the premises on a Sunday until 00:30 when not prior to Bank Holidays and until 02:00 when prior to a Bank Holiday.								
2.	Late Night Refreshment (Indoors)								
	To remove Sundays before Bank Holidays 09:00 until 02:00 (inconsistent with normal Sunday hours to 05:00).								
	Amendments to application advised at hearing: None.								
	Decision (including reasons if different from those set out in report): Granted, subject to conditions as set out below (see reasons for decision in Section 1).								
3.	Conditions varied, added or removed								
	<table border="1"> <thead> <tr> <th><u>Condition</u></th><th><u>Proposed Variation</u></th></tr> </thead> <tbody> <tr> <td> <u>Condition 11</u> This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001. </td><td>To be deleted</td></tr> <tr> <td> <u>Condition 12</u> On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day). </td><td> To be deleted and replaced with model Condition 38 The premises may remain open for the sale of alcohol, regulated entertainment, and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day </td></tr> <tr> <td><u>Condition 13</u></td><td>To be deleted</td></tr> </tbody> </table>	<u>Condition</u>	<u>Proposed Variation</u>	<u>Condition 11</u> This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.	To be deleted	<u>Condition 12</u> On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).	To be deleted and replaced with model Condition 38 The premises may remain open for the sale of alcohol, regulated entertainment, and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day	<u>Condition 13</u>	To be deleted
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	Notwithstanding the provisions of Rule of Management No.6 the premises may remain open for the purposes of this licence from 11pm on each of the days Monday to Saturday to 2am on the day following.	
	<u>Condition 14</u> The entertainment to be provided under this licence shall be limited to "World music", cabaret and dancing by patrons.	To be deleted
	<u>Condition 15</u> The entertainment to be provided under this licence shall remain purely ancillary to the main / lawful planning use of the premises (i.e. Class A3 - food and drink)	To be deleted
	<u>Condition 16</u> The music systems shall be fitted with sound limiting devices to be set, sealed and maintained at a level to the satisfaction of the Council's Environmental Health Officer.	To be deleted and replaced with Model Condition 11 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.
	<u>Condition 17</u> The pavement outside sketch will be	To be deleted and replaced with Model Condition 42:

washed down daily.	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.
<p><u>Condition 18</u></p> <p>The number of persons accommodated (excluding staff) at the premises shall not exceed: Ground Floor - 300 First Floor - 150.</p>	<p>To be amended:</p> <p>The number of persons accommodated (excluding staff) at the premises shall not exceed: Ground Floor – 300 First Floor – 150. After 0030 hours on Sunday in the area hatched green: 120</p>
<p><u>Condition 20 (i) (a)</u></p> <p>(i) Monday to Saturday</p> <p>(a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 (12.00 on Christmas Day and Good Friday) and extend until 02.00 on the morning following, except that -</p> <p>(i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and</p> <p>(ii) on any day that music and dancing end between 00.00 midnight and 02.00, the permitted hours shall end when the music and dancing end;</p>	<p>To be deleted</p>
<p><u>Condition 20 (i) (b)</u></p> <p>(i) Monday to Saturday</p> <p>(b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-</p> <p>(i) with the substitution of references to 03.00 for references to 02.00.</p>	<p>To be deleted and replaced with Model Condition 84</p> <p>On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for</p>

	the premises ends after 01.00.
<p><u>Condition 20 (i) (c) and (d)</u></p> <p>(c) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.</p> <p>(d) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00.00 on New Year's Eve.</p>	To be deleted
<p><u>Condition 20 (ii) and (iii)</u></p> <p>(ii) Sunday</p> <p>Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.</p> <p>In this condition, permitted hours means:</p> <p>(a) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30;</p> <p>(b) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30;</p> <p>(c) On New Year's Eve on a Sunday, 12.00 to 22.30;</p> <p>(d) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).</p> <p>(ii) Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve), and on Christmas Day, between 15.00 and 19.00, to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for</p>	To be deleted

	<p>consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.</p> <p>(iii)</p> <p>(a) Alcohol may be sold or supplied until 00.30 a.m. in the morning following Sundays (other than Christmas Day) and 00.30 in the morning following Good Friday to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by that person in that part of the premises as an ancillary to his meal.</p> <p>(b) That part of the premises must also be used for the provision of entertainment by persons present and performing to which the sale or supply of alcohol is also ancillary.</p> <p>(c) The alcohol must be sold or supplied at a time before</p> <p>(i) the provision of entertainment by persons present and performing or</p> <p>(ii) the provision of substantial refreshment, has ended. For other purposes or in other parts of the premises the hours set out above shall continue to apply.</p> <p>(d) This condition does not authorise any sale or supply to any person admitted to the premises either after 23.00 on Sunday or less than half an hour before the entertainment is due to end, except in accordance with condition number 20(ii) above.</p> <p>NOTE - The above restrictions do not prohibit:</p> <p>(a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;</p> <p>(b) during the first twenty minutes</p>	
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	<p>after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;</p> <p>(c) during the first thirty minutes on a Sunday after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;</p> <p>(d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;</p> <p>(e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;</p> <p>(f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;</p> <p>(g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of her Majesty's naval, military or air forces;</p> <p>(h) the taking of alcohol from the premises by a person residing there;</p> <p>(i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;</p> <p>(j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the</p>	
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	<p>consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.</p> <p>In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.</p>	
	<p><u>Condition 21</u></p> <p>No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:</p> <p>(a) He is the child of the holder of the premises licence.</p> <p>(b) He resides in the premises, but is not employed there.</p> <p>(c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.</p> <p>(d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.</p> <p>In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.</p>	<p>To be deleted</p>
	<p><u>Condition 22</u></p> <p>If any entertainment is provided for children or if an entertainment is</p>	<p>To be deleted</p>

	<p>provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):</p> <p>(a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate;</p> <p>(b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof; and</p> <p>(c) to take all other reasonable precautions for the safety of the children.</p>	
	<p><u>Condition 23</u></p> <p>This licence (or certificate) will be subject to any restrictions imposed on the use of the premises by any of the provisions contained in the former Cinematograph (Safety) Regulations 1955 as amended by the Cinematograph (Safety) Regulations 1958, the Cinematograph (Safety) Regulations 1965, the Cinematograph (Safety) (Amendment) Regulations 1976, the Cinematograph (Safety) (Amendment) Regulations 1982 and the Cinematograph (Safety) (Amendment) Regulations 2002.</p>	To be deleted
	<p><u>Condition 24</u></p> <p>The premises shall install and maintain a comprehensive CCTV system. 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</p>	<p>To be deleted and replaced with Model Condition 01</p> <p>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</p>

	<p>is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.</p>	<p>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.</p>
	<p><u>Condition 25</u></p> <p>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 Police or authorised Council Officer copies of recent CCTV images or data with the absolute minimum of delay when requested.</p>	<p>To be deleted and replaced with Model Condition 02</p> <p>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.</p>
	<p><u>Condition 29</u></p> <p>All patrons shall have left the premises no later than 45 minutes after the permitted terminal hour for the sale of alcohol.</p>	<p>To be amended:</p> <p>All patrons shall have left the premises no later than 30 minutes after licensable activities have ended.</p>
		<p>Condition to be added:</p> <p>The following apply to the area hatched green on the plan:</p> <p>There shall be no entry or re-entry save for smokers to the area hatched green on the plan after 23:00 hours on Sundays.</p>
		<p>Condition to be added:</p> <p>The following apply to the area hatched green on the plan:</p> <p>After 23:00 hours on Sundays the supply of alcohol in the area hatched green on the plan shall only be to a person seated taking a table meal</p>

		there and for consumption by such a person as ancillary to their meal.
	Amendments to application advised at hearing:	
	<p>Later in the hearing it was proposed by Mr O'Maoileoin that condition 20 was retained. Mr O'Maoileoin also confirmed that he was content to have the Council's model restaurant condition MC66 replace the proposed condition that after 23:00 hours on Sundays the supply of alcohol in the area hatched green on the plan shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.</p>	
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the two amendments offered by Mr O'Maoileoin above. The Sub-Committee also granted the remaining variations, additions or removals of conditions as originally applied for by the Applicant. See reasons for decision in Section 1.</p>	

Conditions attached to the Licence	
<u>Mandatory Conditions</u>	
1.	No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2.	No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3.	Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.	<p>(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> <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> <p>(a) games or other activities which require or encourage, or are designed to</p>

require or encourage, individuals to;

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

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

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

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

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

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

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

7. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which

there is in force a premises licence -

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

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

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

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

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

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

Additional Conditions

11. The premises may remain open for the sale of alcohol, regulated entertainment, and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day

12. 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.

13. 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.
14. The number of persons accommodated (excluding staff) at the premises shall not exceed:
Ground Floor – 300
First Floor – 150.
After 0030 hours on Sunday in the area hatched green: 120
15. The exhibition of a film is restricted to films not involving the use of real film (e.g. video) where exhibition are incidental or subsidiary to the main use of the premises.
16. (i) Monday to Saturday
 - (a) Subject to the following paragraphs, the permitted hours for the sale of alcohol on weekdays shall commence at 10.00 (12.00 on Christmas Day and Good Friday) and extend until 02.00 on the morning following, except that -
 - (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
 - (ii) on any day that music and dancing end between 00.00 midnight and 02.00, the permitted hours shall end when the music and dancing end;
 - (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
 - (i) with the substitution of references to 03.00 for references to 02.00.
 - (c) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
 - (d) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00.00 on New Year's Eve.

(ii) Sunday

Subject to conditions 25 and 26, alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30;
 - (b) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30;
 - (c) On New Year's Eve on a Sunday, 12.00 to 22.30;
 - (d) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).
- (iii) Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve), and on Christmas Day, between 15.00 and 19.00, to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.
- (iv)(a) Alcohol may be sold or supplied until 00.30 a.m. in the morning following Sundays (other than Christmas Day) and 00.30 in the morning following Good Friday to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by that person in that part of the premises as an ancillary to his meal.
- (b) That part of the premises must also be used for the provision of entertainment by persons present and performing to which the sale or supply of alcohol is also ancillary.
- (c) The alcohol must be sold or supplied at a time before (i) the provision of entertainment by persons present and performing or (ii) the provision of substantial refreshment, has ended. For other purposes or in other parts of the premises the hours set out above shall continue to apply.
- (d) This condition does not authorise any sale or supply to any person admitted to the premises either after 23.00 on Sunday or less than half an hour before the entertainment is due to end, except in accordance with condition number 16(ii) above.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes on a Sunday after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

- 17. 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.
- 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. At least one door supervisor licensed by the Security Industry Authority shall be on duty at the entrance of the premises after 21:00 hours.
- 20. An incident log shall be kept at the premises and made available on request to an authorised office 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 or searching equipment or scanning equipment;
 - (g) any refusal of the sale of alcohol;
 - (h) any visit by a relevant authority or emergency service.

21. A daily Door Supervisor Log shall be maintained at the premises and signed at the end of each day by the Duty Manager. Details will include:
- (i) the printed name of the door supervisor
 - (ii) their badge number
 - (iii) expiry date of their SIA Licence and
 - (iv) their signature
22. All patrons shall have left the premises no later than 30 minutes after licensable activities have ended.
23. A personal licence holder shall be on duty at the premises after 21:00 hours.

The following apply to the area hatched green on the plan and are in addition to the conditions that apply to the sale of alcohol on a Sunday as set out at condition 16 above.

24. There shall be no entry or re-entry save for smokers to the area hatched green on the plan after 23:00 hours on Sundays.
25. After 23:00 on Sundays, the premises shall only operate as a restaurant
- (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - (iv) which do not provide any take away service of food or drink for immediate consumption,
 - (v) which do not provide any take away service of food or drink after 23.00, and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

26. Notwithstanding condition 16(ii) above, alcohol may be sold in the ground floor restaurant shown hatched green on the plan until 01.00 on Monday morning.

**8 RESTAURANT, GROUND FLOOR, STRAND PALACE HOTEL, 372
STRAND, WC2**

LICENSING SUB-COMMITTEE No. 6

Thursday 13th July 2017

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Heather Acton and Councillor Aziz Toki

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

Relevant Representations: Environmental Health and Licensing Authority.

Present: Mr Stephen Walsh QC (Representing the Applicant), Ms Lisa Inzani (Solicitor, on behalf of the Applicant), Ms Debbie Fellows (Designated Premises Supervisor), Mr Ian Watson (Environmental Health) and Mr David Sycamore (Licensing Authority).

Restaurant, Ground Floor, Strand Palace Hotel, 372 Strand, WC2 17/05581/LIPN	
1.	Late Night Refreshment (Indoors and Outdoors)
	Monday to Saturday: 23:00 to 00:30 Sunday: 23:00 to 00:00
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee proposed that the two applications for Restaurant, Ground Floor, Strand Palace Hotel, 372 Strand (17/05581/LIPN) and Bar, Ground Floor, Strand Palace Hotel, 372 Strand (17/05624/LIPN) would be heard together. There were no objections from any of the parties who had made representations regarding this approach. The Sub-Committee when determining the two applications considered the applications separately. Mr Walsh, representing the Applicant Company, explained that Joe Allen the American restaurant had traded at 13 Exeter Street from 1979 until 2017. 13 Exeter Street was being redeveloped as a hotel and the Joe Allen operation was being moved to the Strand Palace Hotel. The areas sought to be licensed were included within the current licence for the Strand Palace Hotel (16/04629/LIPVM). In the event that the two applications for the restaurant and bar were granted by the Sub-Committee at the Strand Palace Hotel, the Hotel would de-licence the ground floor areas via a minor variation application. Mr Walsh made the additional point that his client was content for a condition to be attached to the licence that no licensable activities would take place at the premises until the minor variation application had come into effect and the Hotel

premises licence had been de-licensed.

Mr Walsh acknowledged that slightly longer hours for the sale of alcohol (half an hour extra Monday to Thursday, an hour extra on Sundays that did not precede Bank Holidays and half an hour extra on Sundays that did precede Bank Holidays) were being applied for in respect of the bar area that was the subject of the new application than for the bar area on the existing Strand Palace Hotel premises licence. He said that the reason for this was that whilst the Joe Allen restaurant was physically separate from the bar, the bar was complementary to the restaurant and had the same management team. The Applicant was seeking to mirror the hours of the two areas. The hours sought for the sale of alcohol for the Joe Allen restaurant were identical to those permitted for the restaurant area within the existing hotel premises licence. Mr Walsh made the point that in discussions with the Applicant the Police had recommended that the restaurant and bar operating hours should be the same in order that it was easier from an enforcement point of view.

Mr Walsh believed it was necessary when considering whether the application added to cumulative impact in the West End Cumulative Impact Area to take into account the changes sought for other licensable activities from the existing hotel premises licence. Firstly, late night refreshment was permitted until 01:30 Monday to Saturday on the existing hotel premises licence. The Applicant was seeking an hour less than this on these days for the Joe Allen restaurant and bar applications. Secondly, for the playing of recorded music, the existing hotel premises licence permitted this until 01:00 during the week and the two new applications were seeking half an hour less than this during the week. The Applicant was however asking for recorded music until midnight on Sunday on the two new applications. There had been no recorded music permitted on Sundays on the existing hotel premises licence. Thirdly, Mr Walsh referred to the existing hotel premises licence permitting 24 hour a day sales of alcohol to residents and their bona fide guests. The two new licences did not contain these provisions.

Mr Walsh expressed the view that as a result of the proposed reductions, it was not unreasonable to request slightly longer hours for the sale of alcohol in the bar area to match the hours of the restaurant. It was also the case that the two new applications had updated proposed conditions which were in contrast to the limited conditions on the existing hotel premises licence. For instance, the restaurant area application included the Council's model restaurant condition MC66 which was not included on the hotel premises licence. The existing licence also did not set out any capacities. The capacity for the bar area would be 100 with minimum seating for 80 people. At the request of the Police, customers would not be able to take glasses from the bar area into the street when smoking. There was nothing which prevented this on the hotel premises licence.

The Sub-Committee sought clarification from Mr Walsh on access to the Joe Allen bar. Mr Walsh replied that the restaurant could be accessed via the hotel entrance. There was also an entrance to the restaurant and bar from Burleigh Street.

The Sub-Committee was addressed by Mr Watson, on behalf of Environmental

Health. Mr Watson confirmed points that had been made by Mr Walsh. These included that there were a lack of meaningful conditions on the existing hotel licence, including no restaurant condition and no capacity for the ground floor. For the two new applications, it was being proposed that there would be a capacity of 150 for the restaurant and 100 in the bar with seating for 80 in the bar area. The restaurant could be accessed via the hotel entrance and there was also an entrance to the restaurant and bar from Burleigh Street. A proposed condition for the new bar application was that customers who left the premises to smoke could not take drinks with them.

Mr Watson informed Members of the Sub-Committee that there had not been any complaints from residents in relation to the operation of the hotel premises licence. He believed that this was likely to be due to the lack of residents in the area. Mr Watson also referred to the proposed reduction in hours for recorded music and late night refreshment whilst there was a proposed extension of the hours for the sale of alcohol in the bar area.

The Sub-Committee asked Mr Watson whether he was of the view that the tightening of conditions for the new restaurant and bar applications in comparison with the existing hotel premises licence compensated for the proposed extension of the hours for the sale of alcohol in the bar area. Mr Watson replied that the positive aspect of the application was that it had been possible to propose some of the Council's model conditions which related to preventing public nuisance and promoting public safety. There were no complaints in relation to the existing licence but that was to be expected as it was part of a hotel operation. Given that there were offices in the immediate vicinity, any complaints were likely to be from hotel residents and be made to the hotel staff rather than to the Council.

The Sub-Committee heard from Mr Sycamore on behalf of the Licensing Authority. Mr Sycamore commented that whilst the hotel operated with a generous premises licence currently, this did not mean there was a presumption that the Sub-Committee should grant the two current applications for the restaurant and the bar. They were new applications and there was a presumption against granting an application for a new premises licence for a bar in the West End Cumulative Impact Area.

Mr Wroe assisted the Sub-Committee in terms of clarifying the policy position. It was the case that these were new applications judged on their own merits. The policy was to refuse the application for a new premises licence for a bar in the West End Cumulative Impact Area unless the Sub-Committee considered that it could be granted as an exception to policy. It was the case that there had been instances in the past that Members of the Sub-Committee had taken the view the replacement of an existing premises licence with similar terms and conditions would not add to cumulative impact. He advised that what needed to be taken into account was that on one hand the application was to extend the hours for the new bar in comparison with the existing hotel licence. In itself this could not be said to be an exact replacement of the existing premises licence. However, on the other hand there were a number of improvements and restrictions proposed for the new applications by way of conditions which might be perceived as mitigating against any additional cumulative impact. This was a

	<p>judgement for the Sub-Committee to make.</p> <p>Mr Sycamore added that the stated capacities would go some way to alleviating his concerns. However, there was an increase in the hours for the sale of alcohol in the bar which went further beyond the Core Hours. He expressed the concern that the new Joe Allen bar with its worldwide brand could attract more people to use it than the existing hotel bar.</p> <p>The Sub-Committee decided to grant the application for the restaurant as applied for, subject to conditions as set out below. The Council's policy for restaurants within the cumulative impact areas is that 'applications will be granted subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas'. Members of the Sub-Committee were satisfied that the application would promote the licensing objectives. As advised by Mr Watson, there had not been any complaints received by the Council in respect of the Indian restaurant which had been operating at the premises. There was no reason to believe that there would be any subsequent issues in respect of the Joe Allen restaurant. The immediate vicinity of the premises was not residential in nature and the Joe Allen operators would need to ensure that hotel residents were not adversely affected. The Applicant had also offered a number of beneficial conditions for the new restaurant application, including some of the Council's model conditions such as the restaurant condition MC66.</p> <p>Members of the Sub-Committee were also satisfied that the restaurant application would not add to cumulative impact. They noted that there is an existing premises licence for the hotel which included identical hours for the sale of alcohol as those sought by the Applicant for the restaurant application. The new restaurant application was therefore effectively replacing the aspect of the hotel premises licence which related to the restaurant. However, the Council's model restaurant condition had been agreed which ensured that alcohol was now served by waiter or waitress to seated customers and was ancillary to substantial table meals and the capacity was limited to 150 persons. The Sub-Committee attached the condition that 'no licensable activities shall take place at the premises until the area edged in red on the plan attached to this licence has been removed from premises licence 16/04629/LIVPM via a minor variation application at which time this condition shall be removed from the licence by the Licensing Authority'.</p> <p>The Sub-Committee advised the Applicants that the Council is very concerned about the impact of noisy deliveries. In the event that they were minded to provide a delivery service, it was requested that they provide the deliveries via bicycle, on foot or electric vehicles.</p>				
2.	Recorded Music (Indoors)				
	<table> <tr> <td>Monday to Saturday:</td><td>09:00 to 00:30</td></tr> <tr> <td>Sunday:</td><td>09:00 to 00:00</td></tr> </table>	Monday to Saturday:	09:00 to 00:30	Sunday:	09:00 to 00:00
Monday to Saturday:	09:00 to 00:30				
Sunday:	09:00 to 00:00				
	Amendments to application advised at hearing:				

	None.
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>
3.	Sale by retail of alcohol (On and Off)
	<p>Monday to Saturday: 10:00 to 00:00</p> <p>Sunday: 10:00 to 23:30</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>
4.	Hours premises are open to the public
	<p>Monday to Saturday: 09:00 to 00:30</p> <p>Sunday: 09:00 to 00:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>
5.	Seasonal variations / Non-standard timings
	<p><u>Late Night Refreshment (Indoors and Outdoors)</u></p> <p>Sunday immediately prior to a Bank Holiday 23:00 to 00:30</p> <p><u>Recorded Music (Indoors)</u></p> <p>Sunday immediately prior to a Bank Holiday 09:00 to 00:30</p>

	<p><u>Sale by retail of alcohol (On and Off)</u></p> <p>Sunday immediately prior to a Bank Holiday 10:00 to 00:00</p> <p><u>Hours premises are open to the public</u></p> <p>Sunday immediately prior to a Bank Holiday 09:00 to 00:30</p> <p><u>Recorded Music (Indoors), Sale by retail of alcohol (On and Off) & Hours premises are open to the public</u></p> <p>From the end of permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>

Conditions attached to the Licence	
<u>Mandatory Conditions</u>	
1.	No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2.	No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3.	Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.	<p>(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> <p>(2) In this paragraph, an irresponsible promotion means any one or more of</p>

the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

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

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

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

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

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

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

7. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the

alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

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

- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Additional Conditions

9. The premises shall only operate as a restaurant
- (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery or chopsticks,
 - (iv) which do not provide any take away service of food or drink for immediate consumption,
 - (v) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

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. The number of persons accommodated at any one time, (excluding staff) shall not exceed:

Restaurant - 150 persons.
12. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
13. There shall be no sales of alcohol for consumption off the premises after 23 .00 hours
14. 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.
15. 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.
16. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
17. 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.
18. All sales of alcohol for consumption 'Off' the premises shall be in sealed containers only, and shall not be consumed on the premises.
19. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
20. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council

officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

21. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, 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.
22. 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.
23. 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.
24. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
25. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
26. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
27. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
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. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
30. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.
31. 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.

32. No licensable activities shall take place at the premises until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority.
33. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
34. No licensable activities shall take place at the premises until the area edged in red on the plan attached to this licence has been removed from premises licence 16/04629/LIVPM via a minor variation application at which time this condition shall be removed from the licence by the Licensing Authority.

9 BAR, GROUND FLOOR, STRAND PALACE HOTEL, 372 STRAND, WC2

LICENSING SUB-COMMITTEE No. 6

Thursday 13th July 2017

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Heather Acton and Councillor Aziz Toki

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

Relevant Representations: Environmental Health and Licensing Authority.

Present: Mr Stephen Walsh QC (Representing the Applicant Company), Ms Lisa Inzani (Solicitor, on behalf of the Applicant), Mr Lawrence Hartley (Director, Applicant Company), Ms Debbie Fellows (Designated Premises Supervisor), Mr Ian Watson (Environmental Health) and Mr David Sycamore (Licensing Authority).

Bar, Ground Floor, Strand Palace Hotel, 372 Strand, WC2 17/05624/LIPN	
1.	Late Night Refreshment (Indoors and Outdoors)
	Monday to Saturday: 23:00 to 00:30 Sunday: 23:00 to 00:00

	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee proposed that the two applications for Restaurant, Ground Floor, Strand Palace Hotel, 372 Strand (17/05581/LIPN) and Bar, Ground Floor, Strand Palace Hotel, 372 Strand (17/05624/LIPN) would be heard together. There were no objections from any of the parties who had made representations regarding this approach. The Sub-Committee when determining the two applications considered the applications separately.</p> <p>Mr Walsh, representing the Applicant Company, explained that Joe Allen the American restaurant had traded at 13 Exeter Street from 1979 until 2017. 13 Exeter Street was being redeveloped as a hotel and the Joe Allen operation was being moved to the Strand Palace Hotel. The areas sought to be licensed were included within the current licence for the Strand Palace Hotel (16/04629/LIPVM). In the event that the two applications for the restaurant and bar were granted by the Sub-Committee at the Strand Palace Hotel, the Hotel would de-licence the ground floor areas via a minor variation application. Mr Walsh made the additional point that his client was content for a condition to be attached to the licence that no licensable activities would take place at the premises until the minor variation application had come into effect and the Hotel premises licence had been de-licensed.</p> <p>Mr Walsh acknowledged that slightly longer hours for the sale of alcohol (half an hour extra Monday to Thursday, an hour extra on Sundays that did not precede Bank Holidays and half an hour extra on Sundays that did precede Bank Holidays) were being applied for in respect of the bar area that was the subject of the new application than for the bar area on the existing Strand Palace Hotel premises licence. He said that the reason for this was that whilst the Joe Allen restaurant was physically separate from the bar, the bar was complementary to the restaurant and had the same management team. The Applicant was seeking to mirror the hours of the two areas. The hours sought for the sale of alcohol for the Joe Allen restaurant were identical to those permitted for the restaurant area within the existing hotel premises licence. Mr Walsh made the point that in discussions with the Applicant the Police had recommended that the restaurant and bar operating hours should be the same in order that it was easier from an enforcement point of view.</p> <p>Mr Walsh believed it was necessary when considering whether the application added to cumulative impact in the West End Cumulative Impact Area to take into account the changes sought for other licensable activities from the existing hotel premises licence. Firstly, late night refreshment was permitted until 01:30 Monday to Saturday on the existing hotel premises licence. The Applicant was seeking an hour less than this on these days for the Joe Allen restaurant and bar applications. Secondly, for the playing of recorded music, the existing hotel</p>

premises licence permitted this until 01:00 during the week and the two new applications were seeking half an hour less than this during the week. The Applicant was however asking for recorded music until midnight on Sunday on the two new applications. There had been no recorded music permitted on Sundays on the existing hotel premises licence. Thirdly, Mr Walsh referred to the existing hotel premises licence permitting 24 hour a day sales of alcohol to residents and their bona fide guests. The two new licences did not contain these provisions.

Mr Walsh expressed the view that as a result of the proposed reductions, it was not unreasonable to request slightly longer hours for the sale of alcohol in the bar area to match the hours of the restaurant. It was also the case that the two new applications had updated proposed conditions which were in contrast to the limited conditions on the existing hotel premises licence. For instance, the restaurant area application included the Council's model restaurant condition MC66 which was not included on the hotel premises licence. The existing licence also did not set out any capacities. The capacity for the bar area would be 100 with minimum seating for 80 people. At the request of the Police, customers would not be able to take glasses from the bar area into the street when smoking. There was nothing which prevented this on the hotel premises licence.

The Sub-Committee sought clarification from Mr Walsh on access to the Joe Allen bar. Mr Walsh replied that the restaurant could be accessed via the hotel entrance. There was also an entrance to the restaurant and bar from Burleigh Street.

The Sub-Committee was addressed by Mr Watson, on behalf of Environmental Health. Mr Watson confirmed points that had been made by Mr Walsh. These included that there were a lack of meaningful conditions on the existing hotel licence, including no restaurant condition and no capacity for the ground floor. For the two new applications, it was being proposed that there would be a capacity of 150 for the restaurant and 100 in the bar with seating for 80 in the bar area. The restaurant could be accessed via the hotel entrance and that there was also an entrance to the restaurant and bar from Burleigh Street. A proposed condition for the new bar application was that customers who left the premises to smoke could not take drinks with them.

Mr Watson informed Members of the Sub-Committee that there had not been any complaints from residents in relation to the operation of the hotel premises licence. He believed that this was likely to be due to the lack of residents in the area. Mr Watson also referred to the proposed reduction in hours for recorded music and late night refreshment whilst there was a proposed extension of the hours for the sale of alcohol in the bar area.

The Sub-Committee asked Mr Watson whether he was of the view that the tightening of conditions for the new restaurant and bar applications in comparison with the existing hotel premises licence compensated for the proposed extension of the hours for the sale of alcohol in the bar area. Mr Watson replied that the positive aspect of the application was that it had been possible to propose some of the Council's model conditions which related to

preventing public nuisance and promoting public safety. There were no complaints in relation to the existing licence but that was to be expected as it was part of a hotel operation. Given that there were offices in the immediate vicinity, any complaints were likely to be from hotel residents and be made to the hotel staff rather than to the Council.

The Sub-Committee heard from Mr Sycamore on behalf of the Licensing Authority. Mr Sycamore commented that whilst the hotel operated with a generous premises licence currently, this did not mean there was a presumption that the Sub-Committee should grant the two current applications for the restaurant and the bar. They were new applications and there was a presumption against granting an application for a new premises licence for a bar in the West End Cumulative Impact Area.

Mr Wroe assisted the Sub-Committee in terms of clarifying the policy position. It was the case that these were new applications judged on their own merits. The policy was to refuse the application for a new premises licence for a bar in the West End Cumulative Impact Area unless the Sub-Committee considered that it could be granted as an exception to policy. It was the case that there had been instances in the past that Members of the Sub-Committee had taken the view the replacement of an existing premises licence with similar terms and conditions would not add to cumulative impact. He advised that what needed to be taken into account was that on one hand the application was to extend the hours for the new bar in comparison with the existing hotel licence. In itself this could not be said to be an exact replacement of the existing premises licence. However, on the other hand there were a number of improvements and restrictions proposed for the new applications by way of conditions which might be perceived as mitigating against any additional cumulative impact. This was a judgement for the Sub-Committee to make.

Mr Sycamore added that the stated capacities would go some way to alleviating his concerns. However, there was an increase in the hours for the sale of alcohol in the bar which went further beyond the Core Hours. He expressed the concern that the new Joe Allen bar with its worldwide brand could attract more people to use it than the existing hotel bar.

The Sub-Committee decided to grant the application for the bar as applied for, subject to conditions as set out below. The Council's policy is to refuse applications in the Cumulative Impact Areas for bars other than applications to vary hours within the Core Hours, unless there are genuinely exceptional reasons. The Sub-Committee considered that in respect of this new application there were exceptional reasons for it to be granted. A key aspect was that there was an existing bar which was included in the hotel premises licence which would be replaced by the new Joe Allen bar. The Sub-Committee attached the condition that 'no licensable activities shall take place at the premises until the area edged in red on the plan attached to this licence has been removed from premises licence 16/04629/LIVPM via a minor variation application at which time this condition shall be removed from the licence by the Licensing Authority'.

The Sub-Committee noted that overall the proposed hours for the sale of alcohol in the bar (which the Applicant wished to mirror the operation of the restaurant)

	<p>were a slight extension beyond those on the existing hotel premises licence on Monday to Thursday and Sunday nights. However, the Sub-Committee considered that the overall package of measures offered by the Applicant including the improved conditions such as the set capacity of 100 including 80 being seated and patrons not being able to take drinks outside did mitigate against any additional cumulative impact. It was important to note that there had not been any set capacity for the bar area on the hotel premises licence.</p> <p>Members of the Sub-Committee were satisfied that the application would promote the licensing objectives. As advised by Mr Watson, there had not been any complaints received by the Council in respect of the bar which had been operating at the premises. There was no reason to believe that there would be any subsequent issues in respect of the Joe Allen bar. The immediate vicinity of the premises was not residential in nature and the Joe Allen operators would need to ensure that hotel residents were not adversely affected.</p> <p>The Sub-Committee advised the Applicants that the Council is very concerned about the impact of noisy deliveries. In the event that they were minded to provide a delivery service, it was requested that they provide the deliveries via bicycle, on foot or electric vehicles.</p>
2.	Films / Recorded Music (Indoors)
	<p>Monday to Saturday: 09:00 to 00:30</p> <p>Sunday: 09:00 to 00:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>
3.	Sale by retail of alcohol (On and Off)
	<p>Monday to Saturday: 10:00 to 00:00</p> <p>Sunday: 10:00 to 23:30</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p>

	Granted, subject to conditions as set out below (see reasons for decision in Section 1).
4.	Hours premises are open to the public
	<p>Monday to Saturday: 09:00 to 00:30</p> <p>Sunday: 09:00 to 00:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>
5.	Seasonal variations / Non-standard timings
	<p><u>Late Night Refreshment (Indoors and Outdoors)</u></p> <p>Sunday immediately prior to a Bank Holiday 23:00 to 00:30</p> <p><u>Films / Recorded Music (Indoors)</u></p> <p>Sunday immediately prior to a Bank Holiday 09:00 to 00:30</p> <p><u>Sale by retail of alcohol (On and Off)</u></p> <p>Sunday immediately prior to a Bank Holiday 10:00 to 00:30</p> <p><u>Hours premises are open to the public</u></p> <p>Sunday immediately prior to a Bank Holiday 09:00 to 00:30</p> <p><u>Late Night Refreshment (Indoors and Outdoors), Films / Recorded Music (Indoors), Sale by retail of alcohol (On and Off) & Hours premises are open to the public</u></p> <p>From the end of permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>

	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>
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Conditions attached to the Licence	
<u>Mandatory Conditions</u>	
1.	No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2.	No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3.	Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.	<p>(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> <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> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;</p> <p>(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</p> <p>(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</p> <p>(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;</p> <p>(c) provision of free or discounted alcohol or any other thing as a prize to</p>

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.

Additional Conditions

10. A minimum of 80 seats shall be provided within the premises at all times.
11. 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.
12. The number of persons accommodated at any one time, (excluding staff) shall not exceed:
- Bar- 100 persons.
13. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
14. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
15. 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.
16. The entrance door shall be kept closed after 22.00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
17. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
18. 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.

19. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
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. All sales of alcohol for consumption 'Off' the premises shall be in sealed containers only, and shall not be consumed on the premises.
22. 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.
23. 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 are 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.
24. 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.
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. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
31. 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.
32. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
33. 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.
34. No licensable activities shall take place at the premises until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority.
35. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
36. No licensable activities shall take place at the premises until the area edged in red on the plan attached to this licence has been removed from premises licence 16/04629/LIVPM via a minor variation application at which time this condition shall be removed from the licence by the Licensing Authority.

10 VICTORY HOUSE, 14 LEICESTER PLACE, WC2

LICENSING SUB-COMMITTEE No. 6

Thursday 13th July 2017

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Heather Acton and Councillor Aziz Toki

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Jonathan Deacon

Presenting Officer: Yolanda Wade

Relevant Representations: Environmental Health and Licensing Authority.

Present: Ms Lisa Sharkey (Solicitor, representing the Applicant), Mr Jamie Poulton (Managing Director, Randall and Aubin), Mr Amit Jailty (Hotel General Manager), Mr Ian Watson (Environmental Health) and Mr David Sycamore (Licensing Authority).

Victory House, 14 Leicester Place, WC2 17/05429/LIPN	
1.	Late Night Refreshment (Indoors and Outdoors)
	Monday to Sunday: 23:00 to 01:00
	Amendments to application advised at hearing: None.
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee heard from Ms Sharkey, representing the Applicant. She referred to the premises being formally licensed up until a couple of years ago and that it had been an on licence operating until 01:00 on the ground floor, first floor and mezzanine. She stated that an area her client was seeking the terminal hour of 01:00 for was the bar and restaurant on the ground floor. The proposed footprint was slightly less in size than the ground floor area used previously as the hotel reception for Victory House was included there. Ms Sharkey also provided the information that the outside area had been used by the previous operator as well.</p> <p>Ms Sharkey referred to some of the proposed conditions discussed with the Responsible Authorities (the Police had withdrawn their representation). The Applicant had amended condition 10 of the proposed conditions so that the premises would now operate as a restaurant after 20:00 save for hotel residents and four bona fide guests and persons attending a pre-booked private or corporate function. The time when the premises would become a restaurant as set out in the Council's model condition MC66 had been reduced from 21:00 in order to bring it into line with Council policy. Ms Sharkey also proposed a limit of 20 people for the pre-booked private or corporate functions. She added that she did not envisage many private or corporate functions to be booked because they would take place where the hotel/bar reception was located. They would most likely occur during the daytime.</p> <p>Ms Sharkey explained that condition 12 of the proposed conditions was also being amended following discussions with the Police so that a SIA licensed door</p>

supervisor would now be on duty from midday each day rather than the 20:00 previously offered. The door supervisor would be on duty until the last non-resident had left the restaurant. She made the point that there was no physical bar due to lack of space and it therefore could not be seen from the street. The style of the operation would be a French brasserie. There would be no external advertising of bar facilities. People would see customers sat down and served by waiter or waitress. There were 50 covers internally and 32 covers externally.

Ms Sharkey was asked by the Sub-Committee to provide additional information on the external area. She replied that the Applicant had a 'tables and chairs' licence for this area. It would be laid out for breakfast initially during the day and then it would be an area until 20:00 where customers could have a drink or dine or both. After 20:00 the external area would be subject to the model restaurant condition where alcohol would be ancillary to a substantial table meal and customers would be seated and served by waiter or waitress.

The Sub-Committee heard from Mr Watson on behalf of Environmental Health. He advised that all floors above the public area on the ground floor contained hotel bedrooms. He requested that the proposed condition 20 referred to a specific shaded area on the plan which indicated the internal ground floor bar and restaurant area. The maximum capacity of 50 in this area had been set on public safety grounds. He made the point that capacities were not generally set for hotel reception areas because numbers in these areas could change significantly throughout the day. Mr Watson confirmed that there had been a previous licence for the premises which had been surrendered in July 2014.

Mr Wroe was asked for advice on the effectiveness of the proposed conditions. He gave the advice that the outside area was not currently included in the requirement for the premises to operate as a restaurant after 20:00. Mr Wroe drew Members' attention to the fact that whilst the Applicant had included the external area as part of the premises in the plans, there were references in the proposed conditions to off sales being provided in this area. He recommended that a note was set out on the plans that the outside seating area was not part of the premises.

Ms Sharkey responded that she was content for condition 10 to be reworded so that the external area would be subject to the model restaurant condition after 20:00. There was a discussion about the use of the outside area. Ms Sharkey explained that planning permission had been given for the external tables and chairs to be used until 01:00. This is, as confirmed by Mr Watson, because it is in a designated al-fresco area which includes central locations such as Leicester Square and the adjoining streets. The Sub-Committee was advised that shisha smoking would not take place at this location.

There was also a discussion regarding access to the premises. Ms Sharkey and Mr Watson stated that there was a proposed condition that all doors and windows would be closed after 23:00. There would only be access via the hotel entrance after this time. There would be a security person outside after midday.

The Sub-Committee was addressed by Mr Sycamore, on behalf of the Licensing Authority. He had agreed with the Applicant that alcohol would be ancillary to a

	<p>substantial table meal after 20:00 in keeping with the Council's policy. He had also asked for clarification on the number of private or corporate events and the Applicant had offered a maximum of 20. He stated that the Licensing Authority still had concerns about the operation of the new bar in the West End Cumulative Impact Area. It was for the Sub-Committee to consider whether the application after 20:00, when the premises operated as a restaurant, added to cumulative impact. It had been some time since the premises had been previously licensed. The Licensing Authority did not have concerns about the use of the hotel by hotel residents and their bona fide guests as the proposals were in keeping with the Council's hotel policy.</p> <p>The Sub-Committee granted the application as applied for. Members considered that the application would promote the licensing objectives. Proposed conditions had been agreed between the Applicants and the Responsible Authorities to prevent public nuisance and crime and disorder, ensure public safety and protect children from harm. The Applicant had agreed to operate the ground floor and the external area as a restaurant after 20:00 and had agreed a condition that a SIA door supervisor would be outside the premises from midday until the premises closes. The Sub-Committee considered that the use of the outside area was in keeping with other premises within the designated al-fresco area which includes central locations such as Leicester Square and the adjoining streets. As was the case with the other al-fresco premises in the locality, it was unlikely that dispersal of members of the public from Victory House would impact on residents. The Sub-Committee noted that there were no representations objecting to the application from local residents. It was for the Applicant to ensure that the conditions would be complied with and that hotel residents were not adversely affected by the operation of the restaurant until 01:00.</p>
2.	Live Music / Recorded Music / Performance of Dance (Indoors)
	Monday to Sunday: 10:00 to 01:00
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>
3.	Sale by retail of alcohol (On and Off)
	Monday to Sunday: 10:00 to 01:00
	Amendments to application advised at hearing:

	None.
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>
4.	Hours premises are open to the public
	Monday to Sunday: 00:00 to 00:00
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below. The hours set out above in respect of those the premises are open relates to the hotel operation.</p>
5.	Seasonal variations / Non-standard timings
	<p><u>Late Night Refreshment (Indoors and Outdoors)</u></p> <p>00:00 to 00:00 for residents and up to a maximum of 4 bona fide guests.</p> <p><u>Sale by retail of alcohol (On and Off)</u></p> <p>Off sales of alcohol to be limited to supplies to residents and guests, and to supplies to the external area shown upon the deposited plan.</p> <p>For residents and guests (maximum of 4), the supply of alcohol will be permissible 24 hours a day.</p> <p>The service of alcohol to members of the public in the ground floor bar and restaurant to be restricted to 21:00 hours each day without a substantial table meal.</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 Applicant had amended proposed condition 10 so that members of the</p>

public would not be able to purchase alcohol after 20:00 without it being ancillary to a substantial table meal. The Sub-Committee considered that this is in keeping with policy. Members also considered that it is in keeping with the hotel policy that late night refreshment and alcohol should be available to hotel residents and up to four bona fide guests at all times.

Conditions attached to the Licence

Mandatory Conditions

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

encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

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

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

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

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

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

7. The responsible person must ensure that—

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

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

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

(c) where a customer does not in relation to a sale of alcohol specify the

quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from

this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Additional Conditions

9. Licensable activities authorised under this licence shall remain ancillary to the main use of the premises as a hotel.
10. Save at all times for residents and their bona fide guests (maximum of 4); and to members of the public up to 20:00 hours each day; and to persons attending a pre-booked private or corporate function (not exceeding 20 per calendar year), the area hatched green together with any external area on the ground floor shall operate as a restaurant
- (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - (iv) which do not provide any take away service of food or drink for immediate consumption save for the external seated area shown upon the deposited plan,
 - (v) which do not provide any take away service of food or drink after 23.00 save for the external seated area shown upon the deposited plan; and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

11. With the exception of residents and guests, no alcohol shall be consumed more than 30 minutes after the permitted terminal hour for the supply of alcohol on the ground floor.
12. At least 1 SIA licensed door supervisor shall be on duty from 12:00 hours (noon) each day and shall remain on duty until the last non-resident (excluding bona fide guests of a resident) have left the bar/restaurant. The need for additional door supervisors shall be subject to risk assessment by management.

13. There shall be no external advertising of the bar facilities within the premises nor the availability of alcohol for sale to members of the public without food.
14. 'Off sales of alcohol shall only be to persons seated in the external area appropriately authorised for the use of tables and chairs on the highway (as shown cross hatched on the plan) by waiter or waitress service, and to hotel residents.
15. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
16. 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.
17. 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 premise is open for licensable activities. 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.
18. 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) any faults in the CCTV system
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service.
19. 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.
20. The number of persons permitted in the internal ground floor bar and restaurant area hatched green on the plan at any one time (excluding staff) shall not exceed 50 persons.
21. 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 other than to the external seated area shown upon the deposited plan.

22. 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.
23. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
24. All windows shall be kept closed after 23:00 hours.
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. 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.
31. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
32. 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.
33. No licensable activities shall take place at the premises until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority.
34. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the

Environmental Health Consultation Team and the Licensing Authority.

35. All outside tables and chairs shall be rendered unusable by 01:00 hours each day.

11 11 GREAT CUMBERLAND PLACE W1

LICENSING SUB-COMMITTEE No. 6

Thursday 13th July 2017

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Heather Acton and Councillor Aziz Toki

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

Relevant Persons Objecting: Metropolitan Police.

Present: Mr Thomas O'Maoileoin (Solicitor, representing Premises User), Mr Salim Shah (Owner of premises) and PC Bryan Lewis (Metropolitan Police).

Declaration: Councillor Heather Acton declared that she lives reasonably close to the premises (not close enough to be able to see the premises from her residence) and occasionally uses the shop. She did not believe that what was proposed would impact on her personally and it therefore did not affect her ability to consider the application impartially.

11 Great Cumberland Place, W1 17/06445/LITENP & 17/06451/LITENP (Temporary Event Notices)

Proposal: The sale by retail of alcohol (off)

Event Period: **17/06445/LITENP**
 23:00 on 28 July 2017 to 23:59 on 28 July 2017
 23:00 on 29 July 2017 to 23:59 on 29 July 2017

 17/06451/LITENP
 23:00 on 5 August 2017 to 23.59 on 5 August 2017

Amendments to application advised at hearing:

Mr O'Maoileoin advised the Sub-Committee that the Temporary Event Notice 17/06451/LITENP had been withdrawn for the proposed event on 5 August.

Decision:

Following Councillor Acton's declaration, Mr O'Maoileoin was asked whether he or his client had any objection to her considering the application. He replied that they had no objection whatsoever to her considering the application.

Mr O'Maoileoin explained when withdrawing the Temporary Event Notice ('TEN') for 5 August 2017 (17/06451/LITENP) that his client was mindful of the concerns of the Metropolitan Police. The Premises User had originally applied for 13 TENs in 21 days. He was now seeking the additional hour from 23:00 on Friday 28 and Saturday 29 July. Mr O'Maoileoin advised that whilst off-sales of alcohol ceased at 23:00, the premises operated 24 hours a day. If the application was granted, the conditions on the premises licence would be attached to the TENs. There were seven personal licence holders working at the shop at different times of the day and all staff members were trained. There were 16 CCTV cameras at the shop.

Mr O'Maoileoin stated that the Police's concerns were due to there being potential flashpoints at Marble Arch late into the evening. For this reason, the Premises User was offering to have a SIA registered security person outside the premises for the two evenings applied for. He confirmed in response to the Police's written representation in the report that there had been an incident at the premises on 19 July 2016. Thugs had moved on from another incident in McDonalds in Marble Arch, some of whom had wielded knives. That evening a Police Officer had been stabbed in the Hyde Park area. From the CCTV footage at 11 Great Cumberland Place it had become apparent that a member of staff had been involved in an altercation. Mr O'Maoileoin commented that the member of staff no longer worked at the premises. He wished to make the point however that it was not unreasonable that when confronted by thugs a member of staff might seek to defend the property against them. It was not a case of a member of staff assaulting a 'victim / customer'.

Mr O'Maoileoin explained that one issue had been that the hard drive of the CCTV had been taken away by the Police from 11 Great Cumberland Place in order to review the evidence of the 19 July 2016 incident. The shop had been without CCTV for what Mr O'Maoileoin described as a short period of time whilst those involved with the premises had waited for it to be returned. However, new CCTV had then been installed after it had been moved from one of the owner's other premises. The old CCTV was re-installed approximately three or four months later.

Mr O'Maoileoin added that the operators had a good track record at the premises with no recorded incidents since 19 July 2016. The customers of the shop tended to be local residents and residents of local hotels, particularly as a bottle of wine was cheaper than the local hotels. In response to a question from the Sub-Committee as to whether the TEN was to cater for crowds leaving Hyde Park following a concert, he replied that concert goers were moved by stewards to the nearest transport, such as the underground stations. Therefore there was limited opportunity for them to visit the shop later in the evening. Occasionally concert goers visited the premises prior to the event taking place. In response to a further question from the Sub-Committee as to why the Premises User was requesting this particular weekend on 28 and 29 July and not the others originally applied for, Mr O'Maoileoin responded that this had been the first of the series of TENs that had been applied for.

The Sub-Committee heard from PC Lewis, on behalf of the Metropolitan Police. He stated that the Police had concerns about off sales at a late hour throughout Westminster. However, in this case there were serious concerns as the location is considered by the Police to be a very high risk area.

PC Lewis believed that the TENs were ground work for a variation of the premises licence for off-sales beyond 23:00 as pre-application advice had been sought from Environmental Health regarding these hours. He had concerns about later hours for TENs being permitted at the premises, including following events where people consumed alcohol such as at Hyde Park and also that 11 Great Cumberland Place would become a destination venue. PC Lewis advised that people who visited the premises after 23:00 would in many cases already be intoxicated. The shop was a cheap source of alcohol and had the potential to encourage customers such as street drinkers or young people to hang around the premises later at night and drink or move on to Marble Arch and do so. There was the potential for anti-social behaviour such as urination or for causing public nuisance. It was not possible for the Police to monitor off-sales once the customers had left the premises and there were a lack of Police resources to handle any issues that arose.

PC Lewis referred to the serious incidents which had taken place in the area on 19 July 2016. He confirmed that fighting had taken place in the Hyde Park area and had spread to the shop. It had required significant Police resources and a Police officer had been stabbed at Hyde Park. He wished to clarify that he did not blame the operator at 11 Great Cumberland Place for the evening's events although it was possible that one member of staff had over-reacted in response to the thugs showing up at the shop. Rather than seeking to criticise the conduct of the staff, PC Lewis made the point that the incident was an example which highlighted just how high risk the location is. He was also concerned that if later hours for off-sales were applied for via TENs it might prompt other shops in the area to seek to sell alcohol later.

PC Lewis expressed concerns that there had not been a CCTV back up system in place after it had been necessary for the Police to seize the hard drive because a member of staff had been involved in the July 2016 incident. Without it, the operators at 11 Great Cumberland Place were not able to comply with conditions. He noted Mr O'Maoileoin's representations on this point but it had, he added, still been over four months later that the Police had been notified that there was the required CCTV system in place. Mr O'Maoileoin believed that the new CCTV system had been introduced approximately a week after the hard drive had been seized. PC Lewis had he believed visited the premises about a week later and the new system had not been introduced at that time.

PC Lewis also raised the issue that the Premises User had not been properly risk assessing the TENs having not originally offered a SIA registered doorman outside for this and other TENs applied for prior to the Police objecting. The Premises User had also originally applied for a TEN throughout New Year's Eve into New Year's Day without offering a SIA doorman prior to Police objecting. Mr O'Maoileoin responded on this point that it had been stated in the TEN by the Premises User that all the conditions on the existing premises licence would be adhered to. There had been correspondence with PC Janes offering additional conditions and reducing the number of TENs sought when he had initially made his objections.

Mr O'Maoileoin was asked when the SIA registered doorman would be employed. He stated that it was necessary to employ the doorman for a period of three hours so he was proposing 22:00 to 01:00. It was agreed that in the event the Sub-Committee was minded to permit the TEN taking place, the requirement for the doorman would be in the form of an undertaking as there was no such requirement in respect of the conditions on the existing premises licence.

The Sub-Committee decided that the TEN (17/06445/LITENP) should not take place and that the Licensing Authority should issue a counter notice to the Premises User, in accordance with Section 105 of the Licensing Act 2003. This decision was due to the strong evidence of the Police. The Sub-Committee noted what had been offered by the Premises User in terms of a SIA registered doorman later in the evening but considered that PC Lewis had clearly explained why the premises is in a high risk area and why it was not appropriate for the premises to be providing off-sales late at night (after 23:00). The Sub-Committee shared the Police's concerns that it was not only what took place in the shop itself with there being the potential for an incident as shown in July 2016 but also what happened after the off-sales were purchased. As advised by PC Lewis, the shop would be a cheap source of alcohol and had the potential to encourage customers such as street drinkers or young people to hang around the premises later at night and drink or move on to Marble Arch and do so. The customers may already be intoxicated. There was the potential for anti-social behaviour such as urination or for causing public nuisance. PC Lewis had also advised that it was not possible for the Police to monitor off-sales once the customers had left the premises and there were a lack of Police resources to handle any issues that arose.