



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (2)** Committee held on **Friday 16th March, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Tim Mitchell (Chairman), Julia Alexander and Karen Scarborough

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

1 19A CRAVEN ROAD, W2

LICENSING SUB-COMMITTEE No. 2

Friday 16th March 2018

Membership: Councillor Tim Mitchell (Chairman), Councillor Julia Alexander and Councillor Karen Scarborough

Legal Adviser: Horatio Chance
Committee Officer: Tristan Fieldsend
Presenting Officers: Simone Murray
Heidi Lawrance

Relevant Representations: The South East Bayswater Residents' Association and one local resident.

Present: Mr Graham Hopkins and Ms Linda Potter (GT Licensing Consultants, representing the Applicant), Mr and Mrs Velalakan (Applicants), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project – representing The South East Bayswater Residents Association) and Mr John Zamit (The South East Bayswater Residents Association).

**19A Craven Road, London, W2 3BP (“The Premises”)
18/00975/LIPN**

1. Sale by Retail of Alcohol – Off Sales

Monday to Saturday: 08:00 to 23:00
Sunday: 10:00 to 23:00

Amendments to application advised at hearing:

None.

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

The Sub-Committee considered an application by Mrs Praveena Velalakan for a new premises licence in respect of 19A Craven Road, London, W2 3BP.

The Licensing Officer provided an outline of the application to the Sub-Committee and confirmed that the Metropolitan Police and Environmental Health (EH) had withdrawn their representations following the agreement of conditions with the applicant.

Mr Hopkins, representing the Applicant, explained that the Premises was a tourist shop that sold tourist related goods. It was submitted that the Applicant was an experienced operator who had held a personal licence for some ten years at a shop situated opposite the Premises. She was also a local resident and was aware of the issues surrounding street drinking in the local area.

Mr Hopkins advised that following constructive discussions with the Police and EH agreement on appropriate conditions had been reached and subsequently they had withdrawn their representations. The Premises would operate to core hours, two members of staff would be present at the Premises at all times, CCTV would be installed and a condition not to sell super-strength beer, lagers, ciders or spirit mixtures of 5.5 ABV or above, except for premium beers, had been agreed. The representation from The South East Bayswater Residents Association (“SEBRA”) had requested that the private forecourt at the front of the Premises be conditioned to prevent customers drinking alcohol in this area. Mr Hopkins highlighted that there would be no tables and chairs on the forecourt and therefore adding a condition would not be appropriate or proportionate. This area was beyond the applicant’s control and reassurance was provided that no alcohol would be sold in open containers.

Following discussions with SEBRA Mr Hopkins advised that agreement had been reached that no miniature bottles of spirits of 20 cl or below would be sold at the Premises. The only matter in dispute related to the display area. SEBRA had requested that alcohol be restricted to a maximum of 15% of the Premises display area, whilst the applicant maintained that this be 20%.

Mr Brown from the Westminster Citizens Advice Bureau, representing SEBRA addressed the Sub-Committee. He advised that concern still existed over several conditions. Firstly, the restriction on the sale of super strength beers and

cidars was welcomed however; concern was expressed over the exception for premium beers. Concern also centred on the request for 20% of the shops display area to be used for the sale and exposure of alcohol. No reason as to why the Police and EH had agreed this condition had been submitted and it was requested that this be restricted to 15% as stated in the Council's model condition. In terms of the private forecourt, concern was raised that in the shop window of the Premises there was a cafe sign. Customers could potentially purchase alcohol, leave the Premises and then consume it directly outside. The entrance/exit to the Premises did not lead directly on to the street and therefore it was not beyond the control of the licence holder to ensure no drinking of alcohol took place in this area. Adding a condition to prevent this would be sensible and appropriate. Finally, proposed condition 15 stated that notices would be displayed prominently at the entry/exit door and at the point of sale but there were no details of what these notices would state.

Mr Zamit, representing SEBRA, was pleased with the constructive dialogue that had taken place with the applicant. It was stated that the local area did experience high levels of street drinking and rough sleeping and this was why it was hoped all sales of alcohol would be restricted to a maximum of 5.5% ABV. Concern over the private forecourt remained and the Sub-Committee was advised that this should be conditioned to ensure no consumption of alcohol could take place in this area. It was hoped the display area for alcohol could also be restricted to 15%. Agreement on the other conditions had been reached however and the applicant was wished all the best with their future business.

Mr Hopkins reassured the Sub-Committee that a café sign was not in the shop window and this related to the Premises previous operation not its current operation as a tourist shop. Notices would be prominently displayed at the Premises and these would advise customers that:

- CCTV was in operation,
- a Challenge 25 procedure was in operation,
- no unaccompanied children were allowed in the Premises after 21:00 hours,
- no alcohol could be opened and consumed at the Premises,
- no loitering was allowed on the street; and
- no alcohol to be consumed on the street.

It was still requested that the forecourt area not be conditioned, as there was concern that someone could purchase alcohol at a different premises, drink it in the forecourt and then the applicant would be in breach of the licence conditions. Instead, the applicant would be satisfied for a no tables and chairs condition on the forecourt area to be added to the licence. This along with with the condition ensuring staff would actively discourage drinking in the area provided reassurance that these restrictions would be sufficient to control the area and promote the licensing objectives. The Sub-Committee was also requested to retain the condition permitting 20% of the Premises display area to be for alcohol as the Police and EH had both found it acceptable.

In response to a question from the Council's Legal Adviser Mr Hopkins

	<p>explained that it was appropriate for 20% of the display area to be used for the sale and exposure of alcohol in order to ensure the financial viability of the business. The increase in this display area would increase turnover and provide greater operational flexibility.</p> <p>In order to address the concerns raised over allowing the sale of premium beers of 6.5% ABV or above the applicant agreed to amend this condition. Therefore, it was now proposed that there would be no sales of any alcohol over 5.5% ABV at the Premises.</p> <p>After careful consideration, the Sub-Committee agreed to grant the application. It was recognised that the Applicant was a very experienced licence holder who understood the nature of the area and the challenges it presented. The withdrawal of the representations submitted by the Police and EH following the agreement of conditions was noted. The Sub-Committee were also pleased to note that the Applicant had agreed to a condition prohibiting any sales of alcohol over 5.5% ABV. With regards to the forecourt the Sub-Committee was reassured that adding a condition onto the licence preventing any tables or chairs being located in the area, allied with the condition where staff would actively discourage the drinking of alcohol in this area, was deemed appropriate to provide reassurance that people would not loiter in the forecourt and consume alcohol. The Premises would operate within core hours and the style of operation would help ensure the Premises did not become a source of disturbance or crime or disorder. The Sub-Committee did not agree however with the proposal that 20% of the display area be used for the sale and exposure of alcohol. The Council's model condition suggested 15% and this was considered appropriate due to the high levels of street drinking in the area. The Applicant had cited financial viability as the reason for this area to be 20% however, the Sub-Committee did not consider financial viability an appropriate or justifiable reason to potentially jeopardise the promotion of the licensing objectives to merit such a departure of its policy in this respect.</p> <p>The Sub-Committee did have careful regard to the concerns expressed by SEBRA and the local resident but considered the conditions proposed to be appropriate and proportionate in the circumstances so as not to undermine the licensing objectives. After careful consideration the Sub-Committee was satisfied that, the Premises would promote the licensing objectives and therefore granted the application accordingly.</p>
<p>2.</p>	<p>Hours Premises Are Open to the Public</p> <p>Monday to Saturday: 08:00 to 23:00 Sunday: 10:00 to 23:00</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>The Sub-Committee granted the application (see reasons for decision in Section</p>

1).

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 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.
 - 5 (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.
 - 5 (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.

5 (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 subparagraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

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

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

Conditions Consistent with the Operating Schedule

6. If at any time the CCTV is not fully operational the licensing authority must be informed and a competent CCTV engineer called as soon as possible. Full details of any faults with the CCTV, inspections and repairs carried out shall be recorded in the appropriate part of the incident book.

7. All staff will be trained for their role on induction and at regular intervals of six months thereafter. Training will include identifying persons under 25, making a challenge, acceptable proof of age & checking it, making and recording a refusal, proxy sales, avoiding sales to intoxicated persons, avoiding conflict, responsible alcohol retailing and safeguarding children. Staff will also be trained in the operation of the CCTV system, checking it and downloading images for police or authorised officers. A written training record will be kept for each member of staff and be made available to police or authorised officers on request.

8. A minimum of 2 trained staff shall be on duty in the shop at all times the shop is open to the public.

9. All spirits shall be kept behind the counter and all other alcohol displays shall be in line of sight of the counter or covered by CCTV. Any alcohol not on display must be kept in a lockable store room.

10. A copy of the invoices for all alcohol or tobacco goods shall be kept on the premises for at least six months from the date of receipt.

11. Notices will be prominently displayed by the entry/ exit door and point of sale (as appropriate) advising customers that:

- a) CCTV is in operation;
- b) Challenge 25 is in operation as the proof of age policy;
- c) Advising customers of the relevant provisions of the licensing act including re underage & proxy sales;
- d) That no unaccompanied children are permitted in the premises after 21.00;
- e) The permitted (licensed) hours & opening times of the premises;
- f) That no alcohol may be opened inside or consumed in the shop,
- g) To respect residents, leave quietly, not to loiter outside & to dispose of litter legally,
- h) Not to drink in the street.

12. A fire risk assessment & emergency plan will be prepared and regularly reviewed. Staff will receive appropriate fire safety training.

13. Management & staff will proactively discourage customers from loitering or drinking outside the premises politely that asking people do to leave the shop frontage & area.

14. The shop front will be kept tidy at all times and swept at close of business.

15. 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.

16. 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.

17. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

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. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

20. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

21. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.

22. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.

23. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.

24. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.

25. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.

26. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.

27. 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.

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

29. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 hours and 08.00 hours on the following day.

30. 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.

31. No deliveries to the premises shall take place between 23.00 hours and 08.00 hours on the following day.

32. 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.

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. No miniature bottles of spirits of 20 cl or below shall be sold from the premises.

35. There shall be no tables and chairs placed on the private forecourt at any time.

2 PREMIER INN, BASEMENT TO ELEVENTH FLOOR, 1 NEATHOUSE PLACE, SW1

LICENSING SUB-COMMITTEE No. 2

Friday 16th March 2018

Membership: Councillor Tim Mitchell (Chairman), Councillor Julia Alexander and Councillor Karen Scarborough

Legal Adviser: Horatio Chance
Committee Officer: Tristan Fieldsend
Presenting Officers: Simone Murray
Heidi Lawrance

Relevant Representations: One local resident.

Present: Mr Tim Shield (Solicitor, representing the Applicant) and Ms Jacqui Allum (Representing the Applicant Company)

**Premier Inn, Basement to Eleventh Floor, 1 Neathouse Place, London, SW1V 4LU ("The Premises")
18/00957/LIPN**

1. Late Night Refreshment

Monday to Thursday: 23:00 to 23:30
Friday to Saturday: 23:00 to 00:00

Seasonal Variations/Non-Standard Timings:

When hours for sale of alcohol are extended hereunder these hours are also extended.

Amendments to application advised at hearing:

None.

	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by Whitbread Group PLC for a new premises licence in respect of Premier Inn, Basement to Eleventh Floor, 1 Neathouse Place, London, SW1V 4LU.</p> <p>The Licensing Officer provided an outline of the application to the Sub-Committee and confirmed that the Metropolitan Police and Environmental Health (EH) had withdrawn their representations following the agreement of conditions with the applicant.</p> <p>Mr Shield, representing the applicant, advised the Sub-Committee that Premier Inn operated over two hundred hotels throughout the UK. Eighty of these were situated within London comprising of approximately eleven thousand rooms. Many of these were located in busy, difficult areas, often near train stations, which it was recognised experienced various issues. The Sub-Committee noted that there were already five Premier Inns located in Westminster, several within Cumulative Impact Areas, and a sixth one was due to be opened shortly. This highlighted the applicant's experience in operating such premises and ensuring they operated successfully in often challenging locations.</p> <p>Mr Shield advised the Sub-Committee that the application before them was due to a single representation that had been received from a local resident. Within the representation, the resident had cited disturbance created by other licensed premises in the local area but had provided no evidence that the proposed operation of the Premises would do the same. Mr Shield highlighted that other options were available to the resident if they were experiencing disturbance from existing premises. Concerns had been raised over plant and machinery but reassurances were provided that it would be acoustically enclosed to ensure there was no noise disturbance. The Sub-Committee also noted that the two entrances to the Premises would be supervised twenty-four hours a day. It was noted that no issues had been reported regarding Premier Inn's existing operations within Westminster and it was suggested that the addition of this Premises to the area, with its increased level of external supervision, would help improve the local area further.</p> <p>The proposed licenced area was front facing and would operate as a restaurant with a small area permitting the sale of alcohol to those not taking a meal. The non-restaurant area consisted of a maximum of one hundred covers and did not permit vertical drinking. Concerning off sales of alcohol this was simply being sought as the hotel rooms were not licenced and this would permit hotel residents to take drinks to their rooms. No other off sales of alcohol would be offered. The Sub-Committee was interested to learn how the applicant would prevent customers from taking any drinks outside for consumption. Mr Shield advised that conditions were proposed to prevent customers from taking glass containers outside with them when leaving the Premises and that no alcoholic drinks could be removed from the Premises save for consumption in the hotel bedrooms. Ms Allam, representing the applicant company, confirmed that if a</p>

	<p>customer wanted to purchase an alcoholic drink to take to their hotel bedroom staff were trained to ensure they displayed a hotel key card first.</p> <p>After considering all the evidence, the Sub-Committee agreed to grant the application. The applicant had a proven track record of successfully operating similar premises, several of which were situated within Westminster. The area where the application was situated was recognised to experience various issues such as rough sleeping. However, with the proposals to ensure supervision of the Premises entrance and exits twenty-four hours a day, the Sub-Committee was of the opinion the application would help improve the local area. The proposed hours were within core hours and were considered appropriate and proportionate. Reassurances were received that any plant and machinery would be acoustically enclosed so as not to create any noise disturbance to local residents. The main licenced area would operate as a restaurant with a small area, which would permit customers to drink alcohol without a meal. This area was limited to a capacity of one hundred customers who would be seated and this provided reassurance that there would be no vertical drinking. Concern had initially been raised regarding off sales but the controls put in place by the applicant would ensure that this would be to hotel residents only taking a drink to their hotel bedroom.</p> <p>The Sub-Committee did have careful regard to the concerns expressed in the representation submitted by a local resident but considered the conditions proposed to be appropriate and proportionate that would promote the licensing objectives. After careful consideration the Sub-Committee was satisfied that the Premises would promote the licensing objectives and therefore granted the application accordingly.</p>
2.	<p>Sale by Retail of Alcohol – On and Off Sales</p> <p>Monday to Thursday: 10:00 to 23:30 Friday to Saturday: 10:00 to 00:00 Sunday: 12:00 to 22:30</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>To extend the proposed hours as identified on New Year’s Eve until New Year’s Day – terminal hour as proposed being 00:30 on 2 January.</p> <p>The premises shall remain open to permit the sale of alcohol to hotel residents 24 hours a day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application (see reasons for decision in Section 1).</p>

<p>3.</p>	<p>Hours Premises Are Open to the Public</p> <p>Monday to Sunday: 07:00 to 00:30</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>The premises shall remain open to permit the sale of alcohol to hotel residents 24 hours a day.</p> <p>For non-residents, the premises will close 30 minutes after the end of the non-standard timings identified for the sale of alcohol.</p> <p>Adult Entertainment:</p> <p>None, save for the presence of AWP machines the use of which is not permitted by persons under the age of 18.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application (see reasons for decision in Section 1).</p>

Conditions attached to the Licence
<p><u>Mandatory Conditions</u></p> <ol style="list-style-type: none"> 1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence. 2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended. 3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence. 4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. <p>(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;</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
- (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 subparagraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

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

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

Conditions Consistent with the Operating Schedule

9. The use of door staff will be risk assessed on an ongoing basis by the licence holder of premises supervisor. Where engaged, door staff shall be licensed by the Security Industry Authority.

10. Alcoholic and other drinks may not be removed from the premises save for consumption in the hotel bedrooms.

11. Staff will receive training on matters concerning underage sales, drugs policies and operating procedures to include safety, evacuation and use of emergency equipment as required.

12. There shall be a zero tolerance policy in relation to drugs at the premises and there shall be regular checks by management to prevent the use of drugs by patrons. Drugs seized shall be stored securely and handed to the police.

13. The premises shall operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 21 years.

14. The management of the premises will liaise with police on issues of local concern or disorder.

15. The premises shall install and maintain a CCTV system as per the minimum requirements of 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 at 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 proper request of Police or authorised Officers during the preceding 31-day period.

16. A staff member who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to non-residents of the hotel. The staff member must be able to provide a Police or authority Council Officer copies of recent CCTV images or data with the absolute minimum of delay when properly requested.

17. The food and beverage area shall be substantially laid out with tables and chairs as indicated on the licensing drawings.

18. 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.

19. There shall be no striptease or nudity in the public licensed area 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 advertisements of any kind that advertise or promotes the establishment, its premises or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, upon any building, structure, works, street furniture, tree or any other property or be distributed to the public.

21. There shall be no drinks promotions at the premises which are inconsistent with the need to promote responsible drinking.

22. There shall be no self-service of alcohol on the premises.

23. A record shall be kept detailing all refused sales of alcohol. The record shall include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the Police or an authorised officer of the City Council at all times when the premises are open to non-residents.

24. To comply with the reasonable requirements of the fire officer from time to time.

25. The premises will have adequate safety and fire fighting equipment, and such equipment will be maintained in good operational order.

26. Spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff.

27. Toughened glasses will be used in the premises where appropriate.

28. Fire Exits and means of escape shall be kept clear and in good operational condition.

29. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.

30. Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby noise sensitive premises, Where appropriate the licensee or a suitable staff member will monitor patrons leaving at the closing time.

31. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.

32. Contact numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi.

33. No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.

34. Children under the age of 16 shall not be permitted to enter the premises after

21:00 unless dining with an adult or attending a pre booked function or resident in the hotel.

35. There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years.

36. The premises supervisor or appointed staff member shall ensure that when children are admitted to the premises their presence is not inconsistent with the style of operation of the premises at that time and the licensable activities that are being carried out.

37. Policies in relation to children shall be adequately communicated to patrons by staff or through appropriate signage.

39. 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
- (f) any visit by a relevant authority or emergency service.

40. 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.

3 147 EBURY STREET, SW1

LICENSING SUB-COMMITTEE No. 2

Friday 16th March 2018

Membership: Councillor Tim Mitchell (Chairman), Councillor Julia Alexander and Councillor Karen Scarborough

Legal Adviser: Horatio Chance
Committee Officer: Tristan Fieldsend
Presenting Officer: Simone Murray
Heidi Lawrance

Relevant Representations: One local resident.

Present: Mr Philip Day (Solicitor, representing the Applicant) and Ms Lauren Williams (Operations Director of the Applicant Company)

**147 Ebury Street, London, SW1W 9QN ("The Premises")
18/01050/LIPN**

1.	<p>Sale by Retail of Alcohol – On Sales</p> <p>Monday to Wednesday: 09:00 to 21:30 Thursday to Friday: 09:00 to 22:30 Saturday: 09:00 to 20:30 Sunday: 09:00 to 16:30</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>Christmas Eve and New Year’s Eve 09:00 until 23:00 hours. Christmas Day and New Year’s Day – closed.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by London Grace Ltd for a new premises licence in respect of 147 Ebury Street, London, SW1W 9QN.</p> <p>The Licensing Officer provided an outline of the application to the Sub-Committee and confirmed that the Metropolitan Police and Environmental Health (EH) had withdrawn their representations following the agreement of conditions with the Applicant. The Sub-Committee was also informed that the Applicant had submitted supplementary information after the deadline and it was at the Sub-Committee’s discretion whether they wanted to view the documents in the interests of fairness and transparency and usually with the consent of the parties.</p> <p>Mr Day, representing the Applicant, advised the Sub-Committee that the Applicant had attempted to contact the sole resident who had submitted a representation regarding the application. A letter had been written to the resident providing further information on the type of operation intended for the Premises and what services it provided however, no response had been received. The Premises was described as an up-market nail bar with successful branches already operating throughout London. It was stated that the Applicant used environmentally friendly products with its unique selling point being the ability to provide customers with a glass of wine whilst undertaking treatments. The Premises would primarily cater to wedding parties where alcohol could only be supplied to a customer and a maximum of one guest.</p> <p>Mr Day advised that there was an error in the report regarding the opening hours on Saturdays and these should have in fact stated 09:00 to 21:00 hours. The opening hours were often shorter than those applied for, however the proposed hours had been requested as they matched the opening hours for the other two salons currently operating in Westminster. The Sub-Committee noted that the opening hours for the sale of alcohol were earlier than core hours and Mr Day was happy to change this to 10:00 hours if the Sub-Committee considered it appropriate.</p>

	<p>One objection to the application had been received which appeared to relate to other licenced premises in the vicinity rather than the application before the Sub-Committee. Mr Day was of the opinion that the resident had potentially misconstrued the application and as such, an invite had been sent out offering a visit to another salon to experience how it would operate. No reply from the local resident had been received. The sale of alcohol only consisted of a small part of the business but an important one as it provided the salon with its unique selling point.</p> <p>Mr Day highlighted that the Police and EH had withdrawn their representations following the agreement of conditions. These included preventing any plant or equipment noise emanating from the Premises, preventing customers from being able to temporarily leave the Premises with a glass container, ensuring the supply of alcohol was to a maximum of fifteen people in the basement with other conditions restricting servicing and deliveries. Mr Day also highlighted several duplicate conditions on the licence, which could be deleted as appropriate.</p> <p>The Sub-Committee noted that a planning application had also been submitted to change the use of the Premises. Informal indications were that the permission would be granted and it was hoped to open the salon by June or July 2018. The Sub-Committee agreed to view the late submission by the applicant, which provided a broad overview of how the business would operate.</p> <p>The Sub-Committee was advised that another branch of the salon was due to open shortly within Westminster and the Sub-Committee inquired why it would operate to different hours. Mr Day explained that the hours proposed for the application before it were slightly longer but the applicant would accept reducing them so that the Premises would open at 10:00 hours and close on a Saturday at 21:00 hours.</p> <p>The Sub-Committee considered all the evidence and agreed to grant the application. The conditions agreed between the applicant, the Police and EH were considered appropriate and would ensure that the licensing objectives were upheld. Of particular importance was the condition requiring the sale of alcohol to be to customers receiving treatments limited only to no more than one other person. The customers also had to be seated and this provided reassurance that the Premises would not be alcohol-led. The hours proposed were considered acceptable, however the Sub-Committee restricted the terminal hour on Saturdays to 21:00 hours and the opening hours on Sundays to 10:00 hours. This was to ensure that residents did not experience any disturbance over the weekend.</p> <p>The Sub-Committee did have careful regard to the concerns expressed in the representation submitted by a local resident but considered the conditions proposed to be appropriate and proportionate. After careful consideration the Sub-Committee was satisfied that the Premises would promote the licensing objectives and therefore granted the application accordingly.</p>
<p>2.</p>	<p>Hours Premises Are Open to the Public</p> <p>Monday to Wednesday: 09:00 to 22:00</p>

	<p>Thursday to Saturday: 09:00 to 23:00 Sunday: 09:00 to 17:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>Christmas Eve and New Year's Eve 09:00 until 23:00 hours. Christmas Day and New Year's Day – closed.</p>
	<p>Amendments to application advised at hearing:</p> <p>The Sub-Committee permitted the hours requested aside from restricting the terminal hour on Saturdays to 21:00 hours and the opening hours on Sundays to 10:00 hours.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application (see reasons for decision in Section 1).</p>

Conditions attached to the Licence
<p><u>Mandatory Conditions</u></p> <ol style="list-style-type: none"> 1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence. 2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended. 3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence. 4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. <p>(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—</p> <ol style="list-style-type: none"> (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to; <ol style="list-style-type: none"> (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 subparagraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

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

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

Conditions Consistent with the Operating Schedule

9. No beers or ciders shall be stocked, sold or supplied.
10. Alcohol shall only be sold or supplied to customers who are receiving nail or other cosmetic beauty treatments and to no more than one other person accompanying each such customer.
11. The capacity of the premises shall be restricted to a maximum of 40 customers.
12. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
13. The premises will operate a Challenge 25 policy whereby any person who appears to be under the age of 25 will be required to produce a photographic proof of age in one or other of the forms specified by the mandatory conditions, before being sold or supplied with alcohol. Notices advertising the policy shall be displayed at the entrance to the premises and at the servery.
14. All staff involved in the sale or supply of alcohol shall receive training regarding the law relating to the sale of alcohol to children and persons who are drunk, before they commence their duties. Refresher training shall take place at least once every 12 months. A written record of staff training shall be kept on the premises and made available for inspection by police and other authorised officers on request.
15. Customers shall not be permitted to bring their own alcoholic drinks into the premises.
16. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
17. A direct telephone number for the manager or supervisor at the premises shall be publicly available at all times the premises is open.
18. No waste and recyclable materials (including bottles) shall be moved, removed from or placed in outside areas between 23:00 and 08:00 on the following day.
19. No deliveries to the premises shall take place between 23:00 hours and 08:00 hours the following day.
20. Customers leaving the premises temporarily (e.g. to smoke) shall not be permitted to take drinks or glasses with them.
21. 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.
22. There shall be no self-service of alcohol.

23. An Incident Log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:

- a) All crimes reported to the venue
- b) All ejections of patrons
- c) Any complaints received concerning crime and disorder
- d) Any incidents of disorder
- e) All seizures of drugs or offensive weapons
- f) Any faults in the CCTV system, searching equipment or scanning equipment
- g) Any refusal of the sale of alcohol
- h) Any visit by a relevant authority or emergency service

24. 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. Viewings of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

25. 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.

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

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

29. The supply of alcohol in the basement shall be to no more than fifteen persons at one any one time.

30. The supply of alcohol at the premises shall be to seated persons.

31. 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.

The application was granted under delegated authority.

The Meeting ended at 12.17 pm

CHAIRMAN: _____

DATE _____