



**CITY OF WESTMINSTER**

# **MINUTES**

## **Licensing Sub-Committee (4)**

### **MINUTES OF PROCEEDINGS**

Minutes of a meeting of the **Licensing Sub-Committee (4)** held on **Thursday 12th July, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

**Members Present:** Councillors Karen Scarborough, Louise Hyams and Aziz Toki

**Also Present:** Councillors

**Apologies for Absence:**

**1 MEMBERSHIP**

**2 DECLARATIONS OF INTEREST**

**1 141 PARK LANE LOUNGE CLUB, 141 PARK LANE, LONDON, W1K 2AA**

#### **LICENSING SUB-COMMITTEE No.4**

*Thursday 12<sup>th</sup> July 2018*

**Membership:** Councillor Karen Scarborough (Chairman) and Councillor Louise Hyams and Councillor Aziz Toki

**Legal Adviser:** Barry Panto  
**Committee Officer:** Kisi Smith-Charlemagne  
**Presenting Officer:** Shannon Pring

**Relevant Representations:** Metropolitan Police, Environmental Health, 8 local residents and one local business representation

**Present:** Mr Gary Grant (Counsel, representing the Applicant Marble Arch Clubs Limited), Mr John Phillips (on behalf of the Applicant company), Mr Ian Smith (Shield Associates expert witness), PC Bryan Lewis (Metropolitan Police), Dave Nevitt (Environmental Health), Richard Brown (CAB Project Officer representing Alec Jones and Mike Dunn), James Measures (representing Stephen Moonen, General manager of the Marriott Hotel) and Mr Nouhad Nassar (local resident)

**141 Park Lane Lounge Club, 141 Park Lane, London, W1K 2AA (“The Premises”) 18/03209/LIPN (West End Ward/ not in Cumulative Impact Area)**

**1. Regulated Entertainment (Indoors)**

- Exhibitions of films**
- Performance of live music**
- Playing of recorded music**
- Performance of Dance**
- Anything of a similar description**

Monday to Sunday: 09:00 to 06:00

**Seasonal variations / Non-Standard Timings:**

All licensable activities shall be extended from the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day.

An additional hour to the standard and non-standard times on the day when British Summertime commences.

Hotel residents and their guests shall be unrestricted.

Amendments to application advised at hearing:

Reference to Hotel residents and their guests being unrestricted, shall be removed

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

The Sub-Committee considered an application by Marble Arch Clubs Limited for a new premises licence in respect of 41 Park Lane Lounge Club, 141 Park Lane, London, W1K 2AA (“The Premises”). The Licensing Officer provided an outline of the application to the Sub-Committee, confirming that the Metropolitan Police and Environmental Health had maintained their objections. It was also confirmed that Richard Brown would be representing local residents and James Measures would be representing the Marriott Hotel who also objected to the application.

Mr Grant described the iconic and central location of the premises, then advised the Sub-Committee that it had before them an application for a new premises licence, for a premises proposing to operate as an exclusive late night venue. The clientele are predominantly members of the Middle-Eastern and Arabic community. Mr Grant advised that the Applicant intends to replace the current premises licence; whereby the applicant had applied to extend the terminal hours and reduce the capacity of the premises. The Applicant sought Regulated Entertainment (Performance of Dance, Exhibition of a Film, Performance of Live Music, Playing of recorded music and Anything of a similar description) from Monday to Sunday 09:00 - 06:00; Late Night Refreshment from Monday to Sunday 23:00 - 05:00; and Sale by Retail of Alcohol from Monday to Sunday 09:00-06:00.

Mr Grant advised that this was not a traditional night club, although the premises currently has a licence until 03:30, the premises does not have a dance floor, because this does not represent the nature of the premises. In exchange for extended hours of licensable activities to 06:00, the Applicant will future proof the premises so as to ensure that it will never be a nightclub in the future, with those types of nightclub associations. Mr Grant explained that the Applicant took over the ownership of the venue in 2015 and it is now a smart, civilised lounge bar. The clientele was described as being mainly from the Arabic and Middle Eastern communities, who live and spend a lot of time working in London.

Mr Grant advised the Sub-Committee that the Applicant's clientele, conducted a significant amount of their business and socialising in the very late hours; one of the places where this took place, was at 141 Park Lane. Mr Grant explained that unfortunately the Applicant could not provide the service his clientele expected in a leading capital city, because at 03:00 they are asked to leave before the night is finished. That clientele do not just go home, they simply go to one of the other later venues, which are likely to be in one of the cumulative (CIA) or high pressured areas.

Mr Grant advised that his client had offered a last entry time of a 04:00. Mr Grant asked the Sub-Committee to consider the concessions that his client will make and to ask itself if the overall impact will be more or less, if the Sub-Committee is minded to grant application. Mr Grant advised the Sub-Committee that the current license allowed the premises to operate as a full nightclub, which was not his client's intention. However, the conditions that his client was proposing, it was felt, was a fair balance for extending terminal hours to 06:00. Mr Grant advised the Sub-Committee that the conditions had been heavily revised to reflect the representations that they had received from the local community. Mr Grant then read out the new conditions proposed:

- Condition 11, capacity reduction (page 68). The existing capacity is 350 customers and what was being proposed was 200 clients for the entire period up until 03:00, that being a reduction of 43%. From 03:00 there will be a further reduction to 150 clients, an overall 57% reduction on the existing capacity. Mr Grant felt that this condition showed his client was intending to host clients who would behave responsibly and at a much reduced capacity.
- Condition 60 (page 72). The proposal was to operate the premises as a private members lounge bar from 23:00. The premises would operate as a restaurant during the day as his client did not want to discriminate against families who use the premises for lunch, dinner and other family celebrations before 23:00.
- Condition 56, last entry time 04:00 (page 71).
- Condition 12 (page 68). The supply of alcohol would be to seated persons only so as to prevent the premises from operating as a vertical drinking establishment.

- Supervision Staff - Condition 25, 46, and 47 (pages 69 and 71). These proposed 5 SIA door supervisors on Friday and Saturday nights with 3 door supervisors as a minimum on Thursday night. There would also be 3 Street Marshalls, Thursday to Saturday including on North Row.

Mr Grant advised the Sub-Committee that his client does intend to have cabaret acts perform on occasion at the premises, and this is why his client has applied for regulated entertainment. Mr Grant took the sub-committee through more of the proposed conditions drawing the Sub-Committee's attention to conditions relating to no dancefloor, no queueing outside the premises, and the fact that the premises had operated a number of TEN's.

Mr Grant then addressed the objections that had been raised regarding the premises licence application. He referred to the Marriot hotel and its location above the premises. Mr Grant advised that he understood the concerns and then advised the Sub-Committee that the hotel enjoyed a 24hr license and Marble Arch is a busy area. Mr Grant advised that his client was concerned as the Marriot operate a 24-hour lounge bar and some of the objections raised by the Marriott, may be in part competition related. Aside from the Marriot there are 38 residential units within a 75m radius, but not one single objector lives within that 75m radius from the venue. Mr Grant summarised the local representations and complaints regarding the application to be generally noise related to the natural hustle and bustle of Marble Arch. Mr Grant argued that there would be less people and more control with supervising staff. He said that there had been no concerns from the police and Environmental Health had not reported any complaints being made to their service. Mr Grant advised that they would remove the proposal in the application which would have allowed licensable activities to be provide to Marriot hotel residents and guests on a 24 hour basis.

Mr Ian Smith gave expert evidence for the applicant. He had carried out an impact assessment and describe the premises as not being a typical nightclub. Mr Smith provided an Impact assessment report (set out at page 21 of the Licensing Sub-Committee report) and concluded that impact from the venue as minimal. He advised that most of the noise from around the area was from vehicles and traffic. Mr Smith advised the Sub-Committee that the premises was well managed, well run and attracted a different type of clientele. Mr Grant made reference to a number of paragraphs in the report, including paragraphs 5.2 (parking area), 5.4 (smoking area), 5.5 (dispersal) and 5.6 (no incidences of criminal behaviour) and he then summarised the conclusion of the impact assessment. Mr Smith made reference to his conclusion at paragraph 5.10 in which he stated that the general noise and pedestrian traffic in the area was not affected in any way by those leaving the venue as the streets were busy and background noise levels were relatively high. The Sub-Committee inquired as to whether the Applicant would consider surrendering the current premises license. Mr Grant agreed and advised that was the intention of his client.

The premises was not currently operating as a private members club, however they do have a list of exclusive clients, including members of middle

eastern royal families and government officials who do not want to be seen in public. The Sub-Committee sought further clarification regarding the management of the premises. Mr John Phillips representing the premises licence holder explained that the applicant operated a very exclusive place, for clients who conduct business and civilised activities; these are not loud, intoxicated, argumentative people. Mr Phillips advised that the premises tends to have lone female clientele and families during the day. The lounge does not get 150 people most of the time as it is not a busy establishment. Mr Phillips explained that he was able to manage dispersing clients from the premises by providing the bills and politely asking them to leave.

The Sub-committee made inquiries as to the number of private chauffeurs and taxi drop offs outside the premises and advised that patrons should not impact on local residents and should not wait on North Row. The Sub-Committee asked the Applicant if they would consider a last entry time of 03:00. Mr Grant advised that his client would consider a last entry time of 03:30.

The Sub-Committee then heard from the Police. PC Bryan Lewis advised the Sub-Committee that the Police maintained their objection to the unusually late hour of the sale of alcohol. PC Lewis confirmed that he generally had little concern regarding the premises and it would actually be a lot safer for patrons to leave at 06:00 as opposed to 03:00. However felt that the premises needed to have night club or private members club conditions; and was uncomfortable with the fact that the original application was conditioned as neither. PC Lewis confirmed that there had been only one incident since the Applicant took over the premises, whereas the Police had many concerns with the previous tenant.

The Sub-Committee then heard from Environmental Health Office Dave Nevitt. Mr Nevitt confirmed that there had been many EH concerns regarding the previous tenants, however over the last three years there have been no complaints. The Applicant has operated a number of TEN's with no cause for concern. It was advised that the change in clientele and culture has been an advantage and it was noted that the premises had good acoustic integrity with no noise breakout. Mr Nevitt was however concerned with dispersal and the possible impact caused on North Row. Mr Nevitt was comforted by the further conditions proposed in relation to the application, specifically the reduction in capacity. Mr Nevitt asked the Sub-Committee to consider if the Applicant had offered sufficient conditions that will continue to work in the future. Mr Nevitt confirmed that he had visited the premises early in the morning and found no issues. He also mentioned that he was aware of concerns about the use of supercars at other premises but did not think that there was a problem of that kind with these premises.

The Sub-Committee sought clarification on how the Applicant would ensure that food was a part of their offer and how the Applicant managed pre-booked functions and membership. Mr Phillips responded and advised that a mezze is provided to all clientele and was therefore of the view that all customers are provided with substantial food. Pre-booked functions are managed internally, there are no outside promoters and there is a 48 hour waiting period for

membership. However, the full membership structure has not been decided yet.

Mr Richard Brown representing Mr Jones and Mr Dunn advised the Sub-Committee that Mr Dunn would speak. Mr Dunn stressed the residential nature of the area to the east of Marble Arch and its residential streets. Mr Dunn felt that any disturbance caused on North Row would affect the surrounding streets and approximately 120 residents. Mr Dunn felt that the application had changed and he could see that the Applicant had removed some of the conditions that could cause problems. However, he still felt that there were some outstanding concerns. Mr Dunn specifically referred to the 23:00 change over to a private members club and how this would operate, the capacity reduction to 150 persons at 03.00 and the 04:00 last entry time. He was also concerned that the granting of this application might create a precedent.

Mr Richard Brown representing Mr Jones and Mr Dunn advised the Sub-Committee that the elevation of the quality of the service over quantity could be achieved by letting in fewer people and charging more. This application was about extending the hours to 06:00 in exchange for a reduction in capacity. In 2013 there was an application for these premises which sought to increase the capacity of the premises due to queuing in the street from 220 to 350 and now the reverse was being proposed. In any event, this application also involved an increase in capacity from 0 to 150 after 3 am. Mr Brown referred to the distance of the residents from the premises and advised that this was not only about direct noise emanation, but also about the impact of the dispersal in the wider community. Mr Brown advised the Sub-Committee that there were no limits on the members guests and that other premises mentioned in the vicinity such as Hotels and Casinos are not similar in nature to the Applicant's premises. Mr Brown drew the Sub-Committee's attention to pages 30 and 31 of its Statement of Licensing Policy and the criteria that are taken into consideration when dealing with extension of hours. He referred to the bar chart produced at page 130 and pointed out that a terminal hour of 6 am was very unusual in Westminster.

Mr James Measures represented Mr Stephen Moonen, the General Manager of the London Marriott Park Lane Hotel. He asserted that the noise and nuisance from 03:00 to 06:00 would affect their guests as there are rooms directly above the premises entrance. It was felt that late arrivals from other establishments and cars will park up in the loading bays. Mr Measures also sought clarification regarding reference to hotel and guests referred to in the application. Mr Stephen Moonen advised the Sub-Committee that there had been a large number of complaints by hotel guests, relating to sound emanating from the premises straight up through the hotel. There were also complaints regarding parking and groups of clientele from the Applicant's premises gathering outside.

Mr Nassar, a local resident addressed the Sub-Committee. Mr Nassar explained that the premises was in the same building where he lived and his property was above the hotel. He has lived in his home for over sixteen years. Mr Nassar advised that he had called the Council a number of times to

investigate noise complaints, however since the Applicant took over he has been dealing directly with them. Mr Nassar advised the Sub-Committee that he had several text messages where he was communicating with the premises. Mr Nassar referred to hearing drumming sounds travelling through the building via the electricity pipes and air conditioning ducts.

Mr Grant sought clarification from the Marriott regarding the escalation of complaints. Mr Moonen confirmed that he had not recently reported any issues or complaints to the management of the premises and he only became Manger in September 2017. There was a brief discussion with Applicant's solicitor and the Marriott regarding TEN's and an alleged breach of License which was not reported. Mr Grant advised that regardless of the outcome of the application, if the Marriott or Mr Nassar have any concerns that they should contact Mr Phillips. The Sub-Committee sought clarification from the Marriott regarding the operating times of the Hotel's Lounge Bar and its location in relation to the private residents. Mr Moonen confirmed that the Hotel Lounge ceased operating at 00:00, as it was important that Hotel guests were not disturbed. Mr Nassar confirmed that there is little noise that emulates from the Hotel Lounge and that there was no comparison with the Applicant's premises.

Mr Grant summarised the application and advised that there will be a maximum of 4 guests per member. Mr Grant also suggested that an acoustic report should be carried out to ensure that no noise nuisance is caused to persons occupying the building or any adjoining buildings. Mr Nevitt from EH advised that he was surprised to hear about the noise complaints, as the last issue was reported in 2014. The Legal Adviser, Mr Barry Panto, clarified that the details of the complaints from the hotel was new information that had not been mentioned in any of the representations. Mr Panto advised that there was a process for submitting representations and it was difficult for the applicant to respond to details of complaints that had not been raised in advance. Mr Panto suggested that model condition 12 might be appropriate in relation to noise that might be generated from the licensed premises. Mr Grant agreed model condition 12 and advised that if there are problems, there is the power of review.

The Sub-Committee had regard to residents' concerns relating to the potential for anti-social behaviour by people leaving the club and the increased hours of operation. It was also recognised that, although there was a reduction in capacity until 3 am there was a corresponding increase in capacity after 3 am. . However, it was also noted that neither the Police nor Environmental Health had any serious concerns about the current operation of the premises and that detailed conditions had been agreed to promote the licensing objectives. These included the requirement to operate as a private club; a requirement that all private pre booked functions will be by invitation only and will be directly managed and operated by the premises licence holder, who will retain overall responsibility and control for the functions; a requirement to carry out an acoustic survey to ensure that no noise nuisance is caused together with a condition that 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.

	<p>It was also agreed that there shall be no dance floor at the premises, there shall be no queuing outside the premises and there shall be a last entry time of 03:30 hours other than for persons temporarily leaving the premises to smoke. The Sub-Committee was pleased to note that the applicant had removed that part of the application which had sought 24 hour access to licensable activities for hotel residents and their guests. Issues had been raised by the General Manager of the Marriott Hotel concerning noise nuisance that may have been caused by the operation of the Club but those issues had not been identified in advance of the hearing and the Licensing Sub-Committee was not in a position to conclude that the club was responsible. It was noted that the Environmental Health Service had not received any complaints in recent years.</p> <p>Having regard to all of the above matters, the Licensing Sub-Committee was of the view that the application would promote the licensing objectives and granted the application accordingly. It was hoped that any outstanding issues about the potential for noise nuisance would be resolved amicably between the parties but if local residents or the Marriott Hotel had any concerns in that regard which could not be resolved, there was always the potential to review the licence.</p>
<p><b>2.</b></p>	<p><b>Late Night Refreshment (Indoors and outdoors)</b></p> <p>Monday to Sunday: 23:00 to 05:00</p> <p><b>Seasonal variations / Non-Standard Timings:</b></p> <p>All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>An additional hour to the standard and non-standard times on the day when British Summertime commences.</p> <p>Hotel residents and their guests shall be unrestricted.</p>
	<p>Amendments to application advised at hearing:</p> <p>Reference to Hotel residents and their guests being unrestricted, shall be removed</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application as amended (for reasons see section 1).</p>
<p><b>3.</b></p>	<p><b>Sale by retail of Alcohol (On and Off sales)</b></p> <p>Monday to Sunday: 09:00 to 06:00</p> <p><b>Seasonal variations / Non-Standard Timings:</b></p>



	<p>All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>An additional hour to the standard and non-standard times on the day when British Summertime commences.</p> <p>Hotel residents and their guests shall be unrestricted.</p>
	<p>Amendments to application advised at hearing:</p> <p>Reference to Hotel residents and their guests being unrestricted, shall be removed</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application as amended (for reasons see section 1).</p>
<b>4.</b>	<p><b>Hours premises are open to the public</b></p> <p>Monday to Sunday: 09:00 to 06:30</p> <p><b>Seasonal variations / Non-Standard Timings:</b></p> <p>All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>An additional hour to the standard and non-standard times on the day when British Summertime commences.</p> <p>Hotel residents and their guests shall be unrestricted.</p>
	<p>Amendments to application advised at hearing:</p> <p>Reference to Hotel residents and their guests being unrestricted, shall be removed</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application as amended (for reasons see section 1).</p>

<b>Conditions attached to the Licence</b>
<b><u>Mandatory Conditions</u></b>

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.

7. The responsible person must ensure that—

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

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

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

- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) "permitted price" is the price found by applying the formula -
 
$$P = D + (D \times V)$$
 Where -
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification

or recommended by this licensing authority as appropriate.

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.

**Conditions Consistent with the Operating Schedule**

11. The maximum capacity of the premises shall be 200 customers from 09:00-03:00hrs the following day and further reduced to 150 customers from 03:00hrs until 06:30hrs (in so far as the terminal hour on the premises licence permits the premises to operate).
12. The supply of alcohol shall be to seated persons only.
13. A noise limiting device located in a separate and remote lockable cabinet from the volume control 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's Community Protection Department so as to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officers from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the applicant only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
14. 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.
15. Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.
16. 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.
17. An acoustic survey must be carried out and any sound mitigation must be implemented to ensure that no noise nuisance is caused to persons occupying the building or any adjoining buildings.
18. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) are to be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree or any other property nor are they to be distributed on street to the public that advertises or promotes the establishment, its premises or any of its events, facilities, goods or services except by way of direct mail, newspapers or magazines.
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 and outside area 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 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 is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
21. Any speakers located in the entrance lobby or staircase area will play background music only. Any music played from speakers in the entrance lobby staircase area shall not be audible in any noise sensitive premises.
22. When payment is made via credit card, the customer is to be presented with an itemised bill showing the details of all alcoholic drinks purchased.
23. The provision of Films shall be incidental to other licensable activities.
24. Substantial food and non-intoxicating beverages (including drinking water) shall be provided during the whole of the permitted hours in all parts of the premises where alcohol is consumed.
25. Waiter and waitress service shall be available throughout the premises
26. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
27. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.
28. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
29. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
30. 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.
31. Unless the premises are operating under the benefit of a Sexual Entertainment Venue licence there shall be no striptease, no nudity and all persons to be decently attired at all times

32. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
33. Any special effects or mechanical installations shall be arranged and stored so as to minimize any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
- o Dry ice and cryogenic fog
  - o Smoke machines and fog generators
  - o Pyrotechnics including fire works
  - o Firearms
  - o Lasers
  - o Explosives and highly flammable substances
  - o Real flame
  - o Strobe lighting
34. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other persons any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.
- NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.
35. 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.
36. 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.
37. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
38. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
39. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
40. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
41. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing should be either non-combustible or be durably or inherently flame- retarded fabric. Any fabrics used in escape routes, other

than foyers, entertainment areas or function rooms, should be non-combustible.

42. The certificates listed below shall be submitted to the Licensing Authority upon written request.
  - o Any emergency lighting battery or system
  - o Any electrical installation
  - o Any emergency warning system
43. The licence holder shall ensure that taxis are advised that parking is not permitted in North Row. It shall be a condition of membership that vehicles taking or collecting members to or from the club, shall not be permitted to park in North Row or the loading bay directly outside the premises.
44. There shall be no queuing outside the premises.
45. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be limited to 25 persons at any one time and must be contained within a designated cordoned smoking area directly outside the premises.
46. After 22:00 on every day of the week there shall be at least 3 street marshals on duty at the entrance of the premises at all times whilst it is open for business, at least 1 of which will be stationed near North Row.
47. On Thursday, Friday and Saturday nights there shall be at least 5 SIA door supervisors on duty after 22:00, at least 3 of whom shall be on duty the entrance at the premises at all times whilst open for business.
48. All staff engaged outside the entrance to the premises shall wear high visibility yellow jackets or vests.
49. When the hours authorised by the licence extend to a time later than 1am, then in relation to the morning in which British Summer Time begins, the hours will extend to one hour after that authorised by the licence.
50. The hours for all licensable activities may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
51. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
52. An attendant shall be on duty in the cloakroom during the whole time that it is in use.
53. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
54. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact



numbers made readily available to customers who will be encouraged to use such services.

55. There shall be a last entry time of 03:30 hours other than for persons temporarily leaving the premises to smoke.
56. Security staff shall have their Security Industry Authority licenses on display at all times when they are on duty.
57. A Challenge 21 or 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.
58. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service
59. Between 23:00hrs and 06:00 hrs the following day, the premises shall operate as a Private Members Club for use by members and their bona fide guests (not exceeding 4 guests per member) and for private pre-booked functions only. There shall be rules of the Club for admission to membership. A list of all the names and addresses of members of the club shall be kept on the premises together with a book showing the names of any guests and their contact details, introduced by members and shall be produced on demand for inspection by any authorised officer or Police Officer. Details of members and their guests, who have attended the premises, shall be retained for a minimum period of 31 days. There shall be a period of 48 hours after registration of membership in person, before entry is permitted to the premises as a member. Guests shall not be allowed to remain on the premises without the club members they entered with on that occasion.
60. All private pre booked functions will be by invitation only and will be directly managed and operated by the premises licence holder, who will retain overall responsibility and control for the functions.
61. There shall be no dance floor at the premises.
62. No licensable activities shall take place at the premises until premises licence 17/09767/LIPDPS (or such other number subsequently issued for the premises) has been surrendered [and is incapable of resurrection].

**2 GROUND FLOOR AND BASEMENT, 92 YORK STREET, LONDON, W1H 1QY**

**LICENSING SUB-COMMITTEE No.4**

*Thursday 12<sup>th</sup> July 2018*

Membership: Councillor Karen Scarborough (Chairman) and Councillor Louise Hyams. Councillor Aziz Toki stood down for this item as he was unwell).

Legal Adviser: Barry Panto  
Committee Officer: Kisi Smith-Charlemagne  
Presenting Officer: Shannon Pring

Relevant Representations: One local resident

Present: Mr Igor Stopnikov (Director) Greg Lawniczak (General Store Manager)

<b>Ground Floor and Basement 92 York Street, London, W1H 1QY (“The Premises”) 18/04281/LIPN (Bryanston and Dorset Square Ward/ not in Cumulative Impact Area)</b>	
<b>1.</b>	<b>Sale by retail of Alcohol (Off sales)</b>  Monday to Saturday: 09:00 to 21:00 Sunday: 10:00 to 21:00  <b>Seasonal variations / Non-Standard Timings:</b>  None
	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 Attilus Services Limited for a new premises licence in respect of Ground Floor and Basement 92 York Street, London, W1H 1QY (“The Premises”). The Licensing Officer provided an outline of the application to the Sub-Committee, confirming that Environmental Health had not made a representation due to the applicant accepting all of their proposed conditions. The Licensing officer also explained that the local resident objector was not in attendance.  Mr Igor Stopnikov advised that the Sub-Committee had before it an application for a new premises licence for a premises that it took ownership of in June 2017. The premises has been refurbished and will operate as a shop with eating area on ground floor and a small office in the basement. It is intended that the shop will sell Caviar and other food items. Mr Stopnikov

	<p>informed the Sub-Committee the he wished to supplement food sales with the sale of alcohol off the premises, of champagne, premium bottled beer, and possibly Russian vodka.</p> <p>Mr Stopnikov advised that the ground floor has an area of 350 square feet and the basement is exactly the same size. Mr Stopnikov sought sale by retail of alcohol Monday to Saturday 09:00-21:00 and Sunday 10:00-21:00. The nature of the premises is fish farming and fish distribution, specialising in caviar, farmed in European and distributed in Europe and the UK. He explained that the company traded online and this premises was the first shop in London. Mr Greg Lawniczak explained that there would be 3 small tables and 9-10 chairs situated within the ground floor retail area but there would be no sale of alcohol for consumption on the premises.</p> <p>The Sub-Committee clarified that all the Environmental Health conditions regarding off sales after 10:00 had been agreed. Mr Stopnikov confirmed that this was correct and advised that they will also be selling non-alcoholic drinks such as coffee and water. Mr Stopnikov advised that he was considering the possibility of selling specialty wines in the future.</p> <p>The Sub-Committee noted that proposed operating hours for these premises was well within core hours and that conditions had been agreed with environmental health which had satisfied their concerns. However, the Sub-Committee also had regard to the resident's concerns relating to the prevention of public nuisance, advising the Sub-Committee that there are already several establishments with an alcohol license in the immediate vicinity, some of which already cause noise and disruption.</p> <p>The Licensing Sub-Committee was of the view that the conditions proposed by both the applicant and Environmental Health were appropriate and proportionate in the circumstances and that the application would promote the licensing objectives. It did not think that these premises were likely to contribute further to any nuisance that the local resident was allegedly experiencing from other establishments in the area and did not think that the hours proposed were outside the sociable hours for this type of premises. The Sub-Committee therefore granted the application accordingly.</p>
<p><b>2.</b></p>	<p><b>Hours Premises are open to the public</b></p> <p>Monday to Sunday: 09:00 to 21:00</p> <p><b>Seasonal variations / Non-Standard Timings:</b></p> <p>None</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>

	Decision (including reasons if different from those set out in report):  The Sub-Committee granted the application (for reasons see section 1).
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<b>Conditions attached to the Licence</b>	
<b><u>Mandatory Conditions</u></b>	
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 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.</p> <p>(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.</p> <p>(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—</p> <p style="margin-left: 40px;">(a) a holographic mark, or</p> <p style="margin-left: 40px;">(b) an ultraviolet feature.</p>
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 5(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 5(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.
- 5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(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. 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.

7. 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.
8. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
9. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
10. No more than 10% or 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
11. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
12. A Challenge 21 or 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.
13. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
14. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.

**3 PICPOUL, GROUND FLOOR AND BASEMENT, 12 NEW QUEBEC STREET, LONDON, W1H 7RF**

**LICENSING SUB-COMMITTEE No.4**

*Thursday 12<sup>th</sup> July 2018*

Membership: Councillor Karen Scarborough (Chairman) and Councillor Louise Hyams. Councillor Aziz Toki stood down for this item as he was unwell).

Legal Adviser: Barry Panto  
Committee Officer: Kisi Smith-Charlemagne

Presenting Officer: Shannon Pring

Relevant Representations: Environmental Health and one local resident

Present: Ms Maria Guida (Solicitor, representing the Applicant); Ms Sylvia Kontek (on behalf of the Applicant company) and Anil Drayan (Environmental Health)

<b>Picpoul, Ground Floor and Basement, 12 New Quebec Street, London, W1H 7RF ("The Premises") 18/05043/LIPN (Bryanston and Dorset Square / not in Cumulative Impact Area)</b>	
<b>1.</b>	<b>Regulated Entertainment Playing of recorded music (indoors)</b>  Monday to Friday: 07:00 to 23:30 Saturday: 08:00 to 00:00 Sunday: 08:00 to 22:30  <b>Seasonal variations / Non-Standard Timings:</b>  None
	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 Margaux Ltd for a new premises licence in respect of Ground Floor and Basement, 12 New Quebec Street, London, W1H 7RF ("The Premises"). The Licensing Officer provided an outline of the application to the Sub-Committee, confirming that the Environmental Health had maintained its objections. One resident representation had been made, however the resident was not in attendance.  Ms Guida, advised the Sub-Committee that it had before it an application for a new premises licence for a premises proposing to operate as a high-class seafood inspired all day brasserie and oyster bar with 93 covers. The Applicant currently has two successful restaurants in Kensington and Chelsea. The premises had previously operated as a restaurant with a premises licence, the existing premises licence was suspended on 26 August 2015 for non-payment of the annual fee.  Ms Guida discussed the local resident representation, highlighting her concern about the noise from existing restaurants. Ms Guida advised the Sub-Committee that this may emanate from the outside seating areas, but mentioned that a proposed condition for this licence was that the outside table and chairs are rendered unusable after 22:30. It was felt that this might go some way to alleviating some of the resident's concerns. The Sub-

	<p>Committee sought clarification on the ownership of the forecourt. It was confirmed by Ms Guida that this was privately owned.</p> <p>Ms Guida confirmed that the Applicant had accepted the Environmental Health conditions, subject to deliveries being allowed to take place from 06:30 in small vans. Capacity figures of 100 has been agreed with no more than 16 seated in the external area. The Sub-Committee then heard from Mr Anil Drayan from Environmental Health, who had concerns regarding condition 16. Mr Drayan asked that the condition be amended to reflect an x and “to be determined on completion” for the capacity in the basement area. There was a brief discussion on the size of the small delivery vans and the number of daily deliveries.</p> <p>The Sub-Committee noted that the applicant had agreed to operate as a restaurant in accordance with the Council’s model condition 66 and had agreed most of the conditions proposed by the police and the environmental health service. The hours for the sale of alcohol were well within core hours apart from the commencement hour on Sunday. The Licensing Sub-Committee had regard to the representation from the local resident and noted her concerns relating to noise that she thought would be created, primarily at night, by those departing the restaurant. However, the Sub-Committee was of the view that the application was a proportionate one in the circumstances and was satisfied that the conditions agreed would promote the licensing objectives. The application was accordingly granted.</p>
<p><b>2.</b></p>	<p><b>Late Night Refreshment (Indoors)</b></p> <p>Monday to Saturday: 23:00 to 00:00</p> <p><b>Seasonal variations / Non-Standard Timings:</b></p> <p>The premises may remain open for the sale of alcohol 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.</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 as amended (see reasons for decision in Section 1).</p>
<p><b>3.</b></p>	<p><b>Sale by retail of Alcohol (On and off sales)</b></p> <p>Monday to Saturday: 10:00 to 22:30  Sunday: 10:00 to 22:00</p> <p><b>Seasonal variations / Non-Standard Timings:</b></p>



	The premises may remain open for the sale of alcohol 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.
	Amendments to application advised at hearing:  None
	Decision (including reasons if different from those set out in report):  The Sub-Committee granted the application as amended (see reasons for decision in Section 1).
<b>4.</b>	<p><b>Hours Premises are open to the public</b></p> <p>Monday to Friday: 07:00 to 00:00  Saturday: 08:00 to 00:00  Sunday: 08:00 to 22:30</p> <p><b>Seasonal variations / Non-Standard Timings:</b></p> <p>The premises may remain open for the sale of alcohol 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.</p>
	Amendments to application advised at hearing:  None
	Decision (including reasons if different from those set out in report):  The Sub-Committee granted the application as amended (see reasons for decision in Section 1).

<b>Conditions attached to the Licence</b>	
<b><u>Mandatory Conditions</u></b>	
1.	No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2.	No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3.	Every supply of alcohol under this licence must be made or authorised by a

person who holds a personal licence.

4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

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

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

7. The responsible person must ensure that—

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

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

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

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

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

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

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

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

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

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

Where -

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

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

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

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

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

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

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

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

#### **Conditions Consistent with the Operating Schedule**

9. The premises may remain open for the sale of alcohol 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.

10. 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.

11. 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.
12. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
13. 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.
14. The number of persons permitted at the premises at any one time (excluding staff) shall not exceed 100 persons with a local restriction of:
  - X in the basement (to be determined on completion when the condition shall be appropriately amended by the Licensing Authority)
  - 16 seated in the external area
15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
16. All outside tables and chairs shall be rendered unusable by 22.30 each day.
17. 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.
18. 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.
19. 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 22.30 Monday-Saturday and 22.00hrs on Sundays, 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.

20. Notwithstanding condition 19, alcohol may be supplied and consumed prior to their meal in the area on the ground floor shown hatched on the plan, by up to a maximum at any one time, of 16 persons dining at the premises.
21. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
22. 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.
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
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
24. Save for customers who are seated within the outside area, 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.
25. There shall be no self-service of alcohol.
26. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
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) shall take place between 23:00 hours and 08:00 hours on the following day, unless the collection is permitted in accordance with the times specified on the Council's website for Commercial Waste collection.
30. No deliveries to the premises shall take place between 23:00 and 06:30 on the following day.
31. All deliveries to the premises that take place between 06:30 and 08:30 shall be in small vehicles not exceeding the size of a transit van.
32. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
33. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Premises Licence by the Licensing Authority. If there are minor changes to the layout during the course of construction new plans shall be submitted when requesting removal of this condition.

**4 SUSHI MURASAKI, 12 LAUDERDALE PARADE, LAUDERDALE ROAD, LONDON, W9 1LU**

GRANTED UNDER DELEGATED AUTHORITY

The Meeting ended at 2.13 pm

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_