



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (1)** held on **Thursday 11th July, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Heather Acton (Chairman), Jim Glen and Aziz Toki

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

1 ODEON CINEMA, 24 - 27 LEICESTER SQUARE, LONDON, WC2H 7LE

LICENSING SUB-COMMITTEE No. 1

Thursday 11th July 2019

Membership: Councillor Heather Acton (Chairman), Councillor Jim Glen and Councillor Aziz Toki

Legal Adviser: Barry Panto

Policy Adviser: Aaron Hardy

Committee Officer: Tristan Fieldsend

Presenting Officer: Michelle Steward

Relevant Representations: The Licensing Authority (objecting) and the Heart of London Business Alliance (supporting)

Present: Ms Suzanne Davies (Solicitor, representing the Applicant), Ms Tessa Street (Manager, representing the applicant company) and Ms Karyn Abbot and Miss Daisy Gadd (Licensing Authority)

**Odeon Cinema, 24-27 Leicester Square, London, WC2H 7LE (“The Premises”)
19/05567/LIPV**

1. Sale by Retail of Alcohol

Current:

On Sales.

Monday to Sunday: 09:00 to 00:00

Proposed:

Application seeks to allow off sales to be permitted exclusively for the consumption of alcohol in the area allocated for the provision of tables and chairs at the front of the premises.

Monday to Sunday: 09:00 to 00:00

Amendments to application advised at hearing:

The applicant advised the Sub-Committee that the hours for the provision of off sales of alcohol would be reduced to between 10:00 and 22:00 hours.

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

The Sub-Committee considered an application by Odeon Cinemas Ltd for a variation of a premises licence in respect of Odeon Cinema, 24-27 Leicester Square, London, WC2H 7LE.

Ms Davies, representing the applicant, explained that the application before the Sub-Committee was seeking to allow the consumption of alcohol in a designated external area situated at the front of the Premises. The Sub-Committee was advised that planning permission had been granted for the use of this external area for tables and chairs. It was already in operation and currently was used to provide food and non-intoxicating beverages to customers sat outside. It was advised that whilst this area had been utilised no concerns over its operation had been raised. The cinema had reopened in December 2018 following an extensive refurbishment which had updated the venue and also significantly reduced its capacity. This reduction had resulted in approximately 1000 less customers being present at the cinema at its terminal hour. What the application was seeking was simply to allow customers to drink alcohol in an external area, like other premises in close proximity were already permitted to do.

The Sub-Committee was informed by Ms Davies that the application would also help facilitate the customer service operation at the Premises. Currently, resources were having to be used to ensure customers did not take alcohol outside, therefore permitting the application would ensure these resources could be utilised elsewhere. It was confirmed that anyone consuming alcohol in the external area would have to purchase a ticket for the cinema beforehand. The hours when alcohol could be supplied in this area had also been reduced to within core hours following discussions with the Police and Environmental Health (EH). All external furniture would be taken inside the cinema after 22:00 hours. A condition had also been agreed with the Police whereby no glass vessels would

be permitted to be used in the external area; reusable plastic vessels would be used instead. In terms of the staffing arrangements in place for the external area the Sub-Committee was advised that this would be significant. Staff were currently trained to monitor the area, remove litter and carry out general clearing up duties. A waiter/waitress service was also in operation and this all ensured there was an extensive level of staffing in place. A further level of supervision was provided by 'Experience Directors' who patrolled the entrance to the venue. They wore very distinctive clothing and their role was to patrol this area whilst providing a personal service to customers.

Ms Davies then highlighted additional elements to the application. This included a CCTV provision, a requirement for guests to be seated in the external area to prevent any vertical drinking and the availability of a food provision. The Sub-Committee was also informed that the Odeon was already a member of the Best Bar None scheme. Following the refurbishment of the cinema it was advised that no issues regarding the current provision of alcohol permitted inside the Premises had arisen. The Police had no concerns over the application and following the agreement of conditions they had withdrawn their representation. In conclusion, the Sub-Committee was informed that there would be high levels of staffing in place with the provision of alcohol being ancillary to the Premises operating as a cinema. Guests had to purchase a ticket to the cinema before they could be served alcohol and the Police and EH had withdrawn their representations following the agreement of conditions with the applicant.

Following questions from the Sub-Committee the applicant confirmed that the external area would be bordered by a mixture of barriers and planters. It was acknowledged that the boundary of the external area would be permeable, however high levels of staff supervision would ensure that only customers of the Premises could use the area.

Ms Abbot, representing the Licensing Authority, confirmed that their representation was maintained as the Premises was situated within a Cumulative Impact Area (CIA). It was recognised that the applicant had reduced the hours for off sales to within core hours and a waiter/waitress service would be in operation. It was also noted that conditions had been agreed with the Police. Their representation was maintained however as the proposed outdoor area was located in a CIA and the applicant had to demonstrate how it would not add to cumulative impact.

In response to questions from the Council's Legal Adviser the applicant confirmed that if the Sub-Committee was minded to grant the application they were content for conditions relating to the provision of food being available and a requirement to be a member of the Best Bar None scheme could be added to the licence.

The Sub-Committee carefully considered the application. It was noted that the Premises was located in a CIA and that there was no requirement for any food to be consumed by customers using the external tables. The applicant therefore had to demonstrate that the additional provision of off-sales of alcohol to this area would not add to cumulative impact. The Sub-Committee noted that the external area was already in operation to provide food and non-alcoholic

beverages to customers and no reported issues had arisen. The high level of staff supervision of the outside tables and chairs was welcomed in conjunction with the CCTV provision and this provided reassurance that it would be suitably controlled. The requirement that only customers purchasing a cinema ticket could consume alcohol in the external area and would have to be seated would ensure there was no vertical drinking or that it had the potential to operate as a bar. The provision of a waiter/waitress service, the requirement for food to be available and the condition for the applicant to be a member of the Best Bar None scheme all provided reassurance that allowing the consumption of alcohol in the external area was unlikely to add to cumulative impact in the local area. The reduction in the hours permitting off sales of alcohol to between 10:00 and 22:00 was welcomed and it was noted that the Police and EH had withdrawn their representations following the agreement of conditions with the applicant. The Sub-Committee also had regard to the fact that the Heart of London Business Alliance had submitted a representation in support of the application. Therefore, even though the Premises was located within a CIA the proposed conditions and the nature of the operation were restrictive enough to ensure that the Premises would not add to cumulative impact in the CIA, was suitable for the local area and ultimately promoted the licensing objectives. The Sub-Committee therefore granted the application accordingly.

Conditions attached to the Licence

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell

or supply alcohol), or
(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

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

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

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

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

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

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

7. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a

securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

Where -

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

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

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

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

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

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

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

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 relating to regulated entertainment:

11. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001

12. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).

13. Notwithstanding the provisions of Rule of Management No. 6 the premises may be kept open for the purposes of this licence from 00:00 midnight on each of the days Sunday to Saturday to 03:00 on the days following.

14. The topmost fifth floor of the tower shall not be used for any purpose: the third

and fourth floors shall not be used except for the storage of incombustible materials and the other rooms in the tower (except the battery room) shall not be used otherwise than as storerooms.

Conditions for Sale of Alcohol

15. The primary use of the premises shall remain as a cinema otherwise the licence shall cease to have effect.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments

16. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):
- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
 - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
 - (c) to take all other reasonable precautions for the safety of the children.
17. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.
18. Live music, performance of dance and anything similar to live music, recorded music or performance of dance is ancillary to exhibition of films.
19. No sale of intoxicating liquor shall be made except to:
- (a) persons admitted to the premises by purchasing a ticket, or
 - (b) employees and bona fide guests of Odeon Cinemas Limited, or
 - (c) persons for whose admittance payment has been made.
20. No unaccompanied children under the age of 12 years to be admitted to film performances commencing after 20:00 hours.
21. No unaccompanied children under the age of 15 to be admitted to film performances commencing after 22:00.
22. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards such as a diving licence or passport.
23. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of

staff who refused the sale. The log 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 are open.

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 external terrace area appropriately authorised for the use of tables and chairs on the highway shall also be covered. 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.
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 to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested
26. Alcohol shall not be sold, supplied or consumed in the premises except during permitted hours.

In this condition, permitted hours means:
 - (a) Monday to Sunday from 09:00 to 00:00
 - (b) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
27. Performance of Plays shall take place in the main auditorium only and plays ancillary to films elsewhere from 00:00 to 23:59.
28. On not more than 12 occasions per year films may be exhibited between the hours of 03:00 and 09:00 hours. On those occasions at least ten working days notice shall be given to the City Council's Environmental Health Consultation Team and the Borough Police Licensing Unit.
29. On the 12 occasions when films are exhibited between the hours of 03:00 and 09:00 hours Late Night Refreshment may be provided from 03:00 to 05:00 hours.
30. The sale of alcohol for consumption off the premises shall be restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway.
31. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.

32. All tables and chairs shall be removed from the outside area at 22.00 each day.
33. Waiter/waitress service shall be available in the area appropriately authorised for the use of tables and chairs on the highway.
34. Drinks for consumption in the area appropriately authorised for the use of tables and chairs on the highway shall be served in non-glass vessels.
35. The sale of alcohol for consumption off the premises is only permitted between 10:00 and 22:00 on each day of the week.
36. The SIA security requirement for the external area, will be risk assessed and signed off by a senior member of the management on a weekly basis. A written record will be kept and shall be provided to the Responsible Authorities upon request.
37. The licence holder shall actively participate in the Best Bar None scheme.
38. 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 either on the premises or off the premises in the extended seating area to the front.

2 22 GREAT CHAPEL STREET, LONDON, W1F 8FR

LICENSING SUB-COMMITTEE No. 1

Thursday 11th July 2019

Membership: Councillor Heather Acton (Chairman), Councillor Jim Glen and Councillor Aziz Toki

Legal Adviser: Barry Panto

Policy Adviser: Aaron Hardy

Committee Officer: Tristan Fieldsend

Presenting Officer: Michelle Steward

Relevant Representations: Licensing Authority and Environmental Health

Present: Mr Gary Grant (Counsel, representing the Applicant), Mr Andrew Wong (Solicitor, representing the Applicant), Mr Charlie Gilkes and Mr Duncan Stirling (Applicants), Mr Maxwell Koduah (Environmental Health) and Ms Karyn Abbot and Miss Daisy Gadd (Licensing Authority)

**22 Great Chapel Street, London, W1F 8FR (“The Premises”)
19/04311/LIPN**

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

Monday to Thursday: 10:00 to 23:30

Friday to Saturday: 10:00 to 00:00

	<p>Sunday: 12:00 to 22:30</p> <p>Seasonal Variations / Non-Standard Timings:</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>On Sundays prior to bank holidays/public holidays 12:00 to 00:00.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by Cake and Tea Ltd ("The Applicant") for a new premises licence in respect of 22 Great Chapel Street, London, W1F 8FR.</p> <p>The Licensing officer introduced the application and confirmed that the Metropolitan Police had withdrawn their representation following the agreement of conditions with the applicant.</p> <p>Mr Grant, representing the applicant, advised the Sub-Committee that until its recent closure, there had been an alcohol-led licensed premises at 22 Great Chapel Street since 1790. The applicant was now seeking a way to try and reopen the venue as a member of the Inception Group. The Inception Group was a collection of establishments operating under the Mr Fogg's theme. Mr Grant provided an overview of the history of the Premises and detailed how until recently it had operated as a gin bar on the ground floor with a restaurant and café located in the basement. The application before the Sub-Committee was proposing for it to continue primarily as an alcohol led establishment. Network Rail had been working directly opposite the Premises on the Crossrail development for several years and Mr Grant advised that it was this disturbance which had effectively led to the closure of the business. The Sub-Committee was informed that the current landlord had expressed approval for the Inception Group operating the Premises. One of the main reasons for this approval was Mr Fogg's expertise in gin which was welcomed as the Premises had formerly traded as the London Gin Club. If the Sub-Committee was minded to grant the licence the applicant would redesign the Premises in the style of its other Mr Fogg's establishments.</p> <p>Mr Grant explained that the hours applied for were consistent with the other Mr Fogg's premises and were only a slight extension on what was currently permitted. The hours for the sale by retail of alcohol were within core hours, however an additional 30 minutes to allow the Premises to open was requested to assist with dispersal. It was Mr Grant's position that the application was effectively a variation of the current licence within core hours. These variations were generally granted under section CIP1 of the Council's Licensing Policy, although it was acknowledged that the terminal hour was 30 minutes beyond core hours. In order to mitigate this additional time in a Cumulative Impact Area</p>

(CIA) a wide range of modern conditions would be attached to the licence that exerted a far greater degree of control over the licence than what was currently permitted. If the Sub-Committee granted the application the current licence would be surrendered with the agreement of the landlord. It was suggested by Mr Grant that the proposed licence would provide an improvement in the CIA. This would be achieved through reducing the hours for recorded music from an unrestricted basis to core hours in conjunction with surrendering the current provision for private entertainment. Mr Grant then provided a detailed overview of the proposed conditions which it was suggested would mitigate any impact of the slight extension in hours sought. These conditions included:

- Various no noise nuisance conditions;
- A CCTV provision;
- The implementation of an incident log;
- The requirement for at least 1 SIA licensed door supervisor to be on duty on Thursday, Friday and Saturday evenings from 20:00 until 30 minutes after the last customer has left the Premises;
- No off sales of alcohol after 23:00, this was currently unrestricted;
- The supply of alcohol in the basement would be to persons taking a table meal only;
- The supply of alcohol in the basement would be by waiter/waitress service only;

Mr Grant also confirmed that conditions had been agreed with Environmental Health (EH) and this included prohibiting any sales of hot food or hot drink for consumption off the Premises after 23:00 hours. EH's proposed capacity condition was noted but Mr Grant suggested it be amended so that the number of persons permitted in the basement at any one time (excluding staff) should not exceed 60 persons subject to a lower figure set by EH. Currently there was no capacity limit imposed on the Premises.

The Sub-Committee was informed by Mr Grant that it was sought to open the Premises from 07:00 hours in order to cater for corporate breakfasts. Alcohol would not be available until 10:00 hours and this was in line with the other Mr Fogg's premises. The various awards given to the Inception Group were detailed. It was expected that the proposals would benefit the area and were simply trying to attract the post-theatre crowd in the evening. The application would provide a more modern licence with more restrictive conditions in place than what was currently permitted. The hours for sale by retail of alcohol were within core hours and this would all mitigate the additional 30-minute opening hour sought, which would assist with dispersal, in a cumulative impact area. In response to a question from the Sub-Committee regarding corporate breakfasts the applicant confirmed that the opening hour on Sundays could be amended to 10:00 hours. It was also confirmed by the applicant that the provision for late night refreshment off the Premises would be withdrawn.

Mr Koduah, representing Environmental Health, explained that a series of proposed conditions had been agreed with the applicant. Currently, the only point of departure related to the capacity of the basement. The applicant had suggested imposing a maximum capacity of 60 persons in the basement,

excluding staff. EH was not yet in a position to determine the capacity and therefore it was suggested that any specific number should not be imposed. A possible duplication of conditions regarding waiter/waitress service was also highlighted and Mr Grant advised that proposed condition 37 could be deleted accordingly. Overall, EH advised that aside from the capacity condition the Premises was not considered a cause for concern and was content with the application.

Ms Abbot, representing the Licensing Authority, confirmed that the Premises was located in a CIA and as it was proposing to operate as a restaurant/bar had to be considered under policy PB2. It was recognised that the hours requested for licensable activities were within core hours and the application therefore had to be judged on its merits. The applicant had to demonstrate that the operation of the Premises would not add to cumulative impact in the CIA. The Sub-Committee had to be satisfied that exceptional circumstances had been demonstrated to allow a departure from policy.

In response to EH's concern over the capacity condition Mr Grant advised that the applicant's proposed condition was more restrictive than what was proposed by EH. What the applicant was suggesting was that the capacity of the basement would be limited to a maximum of 60 persons or a lower figure as determined by EH.

The Sub-Committee was interested to learn how it was proposed to ensure there was adequate control over the external area as there was concern over the impact of people stood outside drinking. The applicant explained that they very carefully controlled any external drinking at their other premises' through the implementation of appropriate operating procedures and the employment of SIA and street marshal staff. In the future it was expected that an application for an external tables and chairs licence at the Premises would be submitted. Mr Grant advised that there currently was no restriction in place regarding customers drinking outside. It had always historically occurred at the Premises and this was not something the applicant wished to restrict, but to provide reassurance this could be limited to 23:00 hours if considered necessary. Operationally, the external area would be conditioned so that there was a requirement for SIA staff to be on duty on Friday and Saturday evenings from 21:00 hours. Street marshals would also be employed to control the external area and the applicant was content for this to be conditioned accordingly. The applicant advised that at their other establishments regular contact was maintained with local residents and businesses in order to ensure there was no issues with outside drinking. Their commitments to the local area were taken very seriously. Mr Grant offered another additional condition which would require the implementation of an outdoor management policy in consultation with EH and the Licensing Authority.

After careful consideration the Sub-Committee agreed to grant the application. The application would ensure there was a far greater degree of control over the Premises through the implementation of more appropriate and restrictive conditions. The Sub-Committee also welcomed that the applicant had agreed to restrict the provision of late-night refreshment to inside the Premises with the unrestricted recorded music element of the licence being withdrawn. To provide

further protection on Sundays the applicant's agreement to reduce the opening hours on Sundays to 10:00 was also noted. The applicant was recognised as a responsible operator who was very experienced in ensuring their establishments were suitable for the areas they were located in and worked well within local communities.

Concern had been raised over any potential nuisance caused by customers drinking in external areas. However, a condition requiring an SIA door supervisor to be on duty Thursday, Friday and Saturday from 20:00 until 30 minutes after the last customer had left the Premises was welcomed. In addition, the Sub-Committee was also pleased that a condition had been agreed with the applicant for street marshals to be present to control the external area on Friday and Saturday evenings. In conjunction with a requirement that an outdoor management policy be introduced within a reasonable time in consultation with EH and the Licensing Authority and the applicant's agreement to restrict the use of the external area to 23:00, the Sub-Committee considered there were sufficient controls in place to ensure that the use of the outside area would be managed appropriately and not become a source of disturbance. A slight extension in hours to core hours for licensable activities had been requested, with an additional 30 minutes permitted for the opening hours. The Sub-Committee carefully considered this extension but was of the opinion that the additional controls to be imposed on the licence and the inclusion of modernised conditions would mitigate any potential impact it may have. The Sub-Committee noted the discussions that had taken place in regard to imposing a capacity limit on the Premises and deemed that limiting the basement area to 60 persons, excluding staff, subject to any lower figure imposed by EH was appropriate and proportionate in the circumstances. It was also noted that EH would determine an appropriate capacity for the ground floor of the premises which would continue to operate as a gin bar. Bearing in mind that there was no existing capacity for the gin bar and that a significant number of additional conditions had also been agreed for inclusion on the licence, it was considered that the ability to keep the premises open for 30 minutes beyond core hours would not have an overall impact of adding to cumulative impact in the area.

Therefore, even though the Premises was located within a CIA, the operator was considered very experienced and with the proposed conditions agreed restrictive enough to ensure that the Premises would not add to cumulative impact in the CIA. Bearing in mind the history of the Premises the Sub-Committee was of the opinion that the application was suitable for the local area and would promote the licensing objectives. The Sub-Committee therefore granted the application accordingly.

The Sub-Committee wished the applicant well in operating such an historic Premises, especially considering the extensive nearby works being undertaken in relation to the Crossrail Development. It was also suggested that the applicant contact the Council regarding how it could benefit through the local Business Improvement District (BID).

<p>2.</p>	<p>Late Night Refreshment – Indoors and Outdoors</p> <p>Monday to Thursday: 23:00 to 23:30 Friday to Saturday: 23:00 to 00:00</p> <p>Seasonal Variations / Non-Standard Timings:</p> <p>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>On Sundays prior to bank holidays/public holidays 12:00 to 00:00.</p>
	<p>Amendments to application advised at hearing:</p> <p>The applicant advised the Sub-Committee that a condition had been agreed with Environmental Health that there would be no late-night refreshment provision off the Premises.</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>Recorded Music – Indoors and Outdoors</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>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>On Sundays prior to bank holidays/public holidays 12:00 to 00:00.</p> <p>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit – Unrestricted.</p>
	<p>Amendments to application advised at hearing:</p> <p>It was confirmed by the applicant that recorded music would only take place inside the Premises. The request for unrestricted private entertainment was completely removed from the application.</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>

4.	<p>Hours Premises are Open to the Public</p> <p>Monday to Thursday: 07:00 to 00:00 Friday to Saturday: 07:00 to 00:30 Sunday: 07:00 to 23:00</p> <p>Seasonal Variations / Non-Standard Timings:</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>On Sundays prior to bank holidays/public holidays 10:00 to 00:30.</p>
	<p>Amendments to application advised at hearing:</p> <p>The applicant advised that the opening hour on Sundays would be amended 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	
<u>Mandatory Conditions</u>	
1.	No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2.	No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3.	Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.	<p>(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.</p> <p>(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;</p>

- (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. 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

10. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

11. The supply of alcohol throughout the premises shall be by waiter/waitress service only.

12. During the hours of operation, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

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

14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before collection times.
15. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
16. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
17. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
18. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental health Services and access shall only be by persons authorised by the Premises Licence Holder. The limiter shall not be altered without prior agreement with the Environmental health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
19. No fumes, steam or odours shall be emitted from the licenced premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
20. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
21. A staff member from the premises who is conversant with the operation of the CCTV shall be on the premises at all times when the premises are 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.
22. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police, which will record the following:

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

23. There shall be no striptease or nudity and all persons shall be decently attired at all times unless the premises are operating under the provisions of a Sexual Entertainment Licence.
24. A challenge 21 proof of age scheme shall be operated at the premise where the only acceptable forms of identification are recognised photographic identification cards such as a driving licence, passport or proof of age card with the PASS hologram.
25. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
26. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
27. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
28. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
29. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
30. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
31. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
32. Before the premises open to the public, the plans as deposited will be checked by the Environmental health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

33. At least 1 SIA licensed door supervisor shall be on duty at the premises on Thursday, Friday and Saturday from 20:00 hours until 30 minutes after the last member of the public has left. Additional security will be provided on a risk assessed basis.
34. There shall be no sales of alcohol for consumption off the premises after 23.00.
35. In the basement of the premises the supply of alcohol shall only be to a persons taking a table meal there and for consumption by such a person as ancillary to their meal.
36. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours
37. No licensable activities shall take place at the premises until the capacity of the basement has been determined by the Environmental Health Consultation Team and the Licensing Authority has replaced this condition on the licence with a condition detailing the capacity so determined. In any event the maximum capacity in the basement shall not exceed 60 persons (excluding staff).
38. 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 after 23:00 hours.
39. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons
40. No deliveries to the premises shall take place between 23.00 hours and 08.00 hours on the following day
41. No licensable activities shall take place at the premises until premises licence 19/01244/LIPVM has been surrendered and is incapable of resurrection.
42. On Friday and Saturday from 21:00 hours there shall be a street marshal to control the outside area of the premises, in addition to any SIA provision referred to in condition 33.
43. The premises licence holder shall prepare an outdoor management policy in consultation with Environmental Health, the Police and the Licensing Authority.

3 ESSENTIALS, GROUND FLOOR UNIT G2, THE LONDON PAVILLION, 1 PICCADILLY, LONDON, W1

LICENSING SUB-COMMITTEE No. 1
Thursday 11th July 2019

Membership: Councillor Heather Acton (Chairman), Councillor Jim Glen and Councillor Aziz Toki

Legal Adviser: Barry Panto
Policy Adviser: Aaron Hardy
Committee Officer: Tristan Fieldsend
Presenting Officer: Michelle Steward

Relevant Representations: Metropolitan Police and the Licensing Authority

Present: Ms Lisa Sharkey (Solicitor, representing the Applicant), Hadi Ahmad (Applicant) PC Reaz Guerra (Metropolitan Police) and Ms Angela Seaward (Licensing Authority)

**Essentials, Ground Floor Unit G2, The London Pavilion, 1 Piccadilly, London (“The Premises”)
19/05805/LIPN**

1. Sale by Retail of Alcohol – Off Sales

Monday to Saturday: 08:00 to 23:00
Sunday: 10:00 to 22:30

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 Global Vips Ltd (“The Applicant”) for a new premises licence in respect of Essentials, Ground Floor Unit G2, The London Pavilion, 1 Piccadilly, London.

The Licensing Officer introduced the application to the Sub-Committee.

Ms Sharkey, representing the applicant, explained that the applicant already operated a number of convenience stores, four of which were located within Westminster. One of these was situated in Coventry Street and another in Leicester Square tube station. These two premises had both been granted licences which permitted off sales of alcohol from the Coventry Street location and late-night refreshment on Fridays and Saturdays from the Leicester Square premises. The conditions offered in the application before it mirrored those agreed on the other two licences mentioned. The Sub-Committee noted that the applicant had been operating the Leicester Square premises for 30 years.

Ms Sharkey drew the Sub-Committee’s attention to the plans and highlighted how the Premises operated over two levels. On the ground floor access to the Premises was at street level with the entrance of the store situated very close to the entrance to Piccadilly tube station. The lower ground floor level was situated entirely within the tube station itself. It was confirmed that there was no customer access between the two floors. The application for the sale of alcohol

was in accordance with what was granted at the Coventry Street premises. The hours requested were within core hours, no issues at the other premises operated by the applicant had been reported with regard to the sale of alcohol and the alcohol offer proposed for the application was considered very restricted. Licensable activities would be ancillary to the Premises operating as a convenience store, only a maximum of 15% of the shop's floor space could be used to display alcohol with the sale price considered high in comparison to supermarkets. It was suggested that the clientele would mainly consist of tourists.

The Police representation was noted by the applicant and Ms Sharkey highlighted how it had not been made in relation to the sale of alcohol. The main concern stated related to the provision of late-night refreshment. The Sub-Committee was informed that late night refreshment had only been applied for on Fridays and Saturdays and was being sought to cater for those using the late-night tube. A high level of security was in place at Piccadilly tube station during the night. The food provision consisted mainly of items such as sausage rolls and samosas which staff would heat up in a microwave. There would be no self-service of hot food or drink. Currently, the provision of hot food and drink ceased at 23:00 even though the Premises traded for 24 hours. The applicant had operated Temporary Event Notices (TENS) for late night refreshment previously with no reported adverse impact on the local area. The Sub-Committee was advised that the majority of customers were in the tube station going home therefore leaving the Cumulative Impact Area (CIA). This, in conjunction with the suggestion that a convenience store did not attract people into a CIA, could make the application an exception to policy.

Ms Sharkey confirmed that alcohol would be available for sale on both floors of the Premises and it had also been applied to provide late night refreshment over the two levels. The Sub-Committee was advised that people did not congregate in the area but if there were concerns then the applicant would be content to restrict the provision of late-night refreshment to the lower ground floor only.

PC Guerra, representing the Metropolitan Police, clarified that they had no objections to the alcohol element of the application. The hours for the sale of alcohol were within core hours and sufficient conditions had been offered to ensure the licensing objectives would be promoted. The provision of late-night refreshment was the main area of concern as the hours sought were in excess of core hours. The applicant had suggested restricting it to the basement level and it was confirmed this would alleviate some of the concerns raised. PC Guerra stated that the ground floor level was located in a very busy area where people often did congregate. It was suggested that providing hot food and drink in this area had the potential to retain people in the CIA. The applicant had previously operated TENS from the Premises and during these no significant instances of crime and disorder had been reported. In response to a question from the Sub-Committee regarding the layout of the store, PC Guerra explained that the public would perceive the two levels of the Premises as being completely separate.

Ms Seaward, representing the Licensing Authority, confirmed that the Premises

was located within a CIA and as such policies OS2 and FFPO2 had to be considered. It was acknowledged that the applicant had offered conditions which would help mitigate the potential adverse effects on the licensing objectives. However, under paragraph 2.5.29 of the Council's licensing policy granting off sales raised serious concerns over problems of street drinking or late-night disorder. Therefore, consideration had to be given to restricting the number, type and hours for the sale of alcohol for consumption off the Premises. The applicant needed to demonstrate how the application would not add to cumulative impact in the CIA. Paragraph 2.5.28 also stated that premises which open after 23:00 can attract large groups of customers, many of which may have been consuming alcohol and therefore more likely to be involved in anti-social behaviour. Exceptional circumstances had to be shown by the applicant therefore that granting the provision of late-night refreshment in a CIA would not add to cumulative impact in the area.

The Sub-Committee carefully considered the application noting that the Premises was located in a CIA. However, the operator was very experienced and there were no reported issues arising from this, or the applicant's other premises, as confirmed by the Police. Concerns raised over the application were not primarily related to the provision of alcohol and the Police had also stated that they had no concerns over this aspect of the application. The main concerns highlighted related to late night refreshment and whether this had the potential to give rise to any potential disturbance. In particular, the licensing policy was to refuse applications for fast food premises that might have the effect of retaining customers in the CIA, especially after 23.00 hours. Although the fast food offer at this Premises was very limited, the offer was still there and this had to be taken into consideration.

With regards to the lower ground floor level of the Premises located within the tube station, the high level of security in place provided reassurance that it would not be a source of any issues. The Sub-Committee was also of the opinion that customers purchasing late night refreshment in the lower ground floor level at the hours requested were likely to be leaving the CIA rather than entering it. The nature of the hot food available was unlikely to attract people into the area and therefore not add to cumulative impact. Concern still existed however over providing hot food and drink to the hours requested on the ground floor level of the Premises. The Police had detailed that the area was very busy with people tending to congregate in the vicinity. The Sub-Committee felt that allowing late night refreshment on this level had the potential to keep people who had been drinking in the CIA, which could give rise to anti-social behaviour. The Sub-Committee therefore welcomed the applicant's suggestion to withdraw late night refreshment from the ground floor level and felt this would be necessary to ensure the application did not add to cumulative impact. Due to the layout of the Premises it was also felt necessary to impose a condition on the licence preventing the advertisement on the ground floor of the availability of late-night refreshment on the lower ground floor. This was considered important by the Sub-Committee in striking the right balance to ensure the application did not add to cumulative impact. It was also noted that a series of conditions had been agreed between the Police and the applicant regarding the sale of alcohol on the day of London Pride. Overall, the Sub-Committee considered the proposed conditions were appropriate and proportionate for the local area and

	would ensure that the licensing objectives were promoted. Restricting late night refreshment to the lower ground floor level also provided reassurance to the Sub-Committee that it would not add to cumulative impact in the local area and could be considered an exception to policy. The Sub-Committee therefore granted the application accordingly.
2.	Late Night Refreshment – Indoors and Outdoors Friday to Saturday: 23:00 to 05:00 on the day following
	Amendments to application advised at hearing: The applicant advised that if the Sub-Committee was minded to grant the application, the provision of late night refreshment from the ground floor level of the Premises could be withdrawn.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted the application (see reasons for decision in Section 1), subject to the provision of late-night refreshment being prohibited from the ground floor level of the Premises.
3.	Hours premises are open to the public Monday to Sunday: 00:00 to 24:00
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted the application (see reasons for decision in Section 1)

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

4. (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 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. Licensable activities shall at all times be ancillary to the main function of the premises as a convenience store.
7. 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.
8. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
9. All sales of alcohol for consumption 'Off' the premises shall be in sealed containers only, and shall not be consumed on the premises.
10. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
11. 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.

12. 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.

13. 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.

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

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

16. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed within the premises.

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, proof of age card with the PASS Hologram and military ID cards.

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:

- all crimes reported to the venue
- all ejections of patrons
- any complaints received concerning crime and disorder
- any incidents of disorder
- all seizures of drugs or offensive weapons
- any faults in the CCTV system
- any refusal of the sale of alcohol
- any visit by a relevant authority

19. 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 emergency service.

20. 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.

21. There shall be no primary cooking and late-night refreshment food shall be limited to food reheated in a microwave or Panini grill operated by staff behind

the counter.

22. On the day of London Pride:

- i) Alcohol sales in respect of cans of beer or cider are limited to no more than 4 cans per person.
- ii) The premises will not externally advertise local promotions of alcohol.
- iii) No sales of alcohol in bottles or glass containers are made during this period.
- (iv) Upon the direction of a Police Officer, using the grounds of the prevention of crime and disorder or public safety, the premises will immediately cease to sell alcohol until further directed by the Police.

23. The provision of late-night refreshment is restricted to the lower ground floor of the premises that is only accessible from the underground station.

24. The provision of late-night refreshment in the lower ground floor of the premises shall not be advertised in the ground floor of the premises.

4 63 - 64 FRITH STREET, LONDON, W1D 3JW

LICENSING SUB-COMMITTEE No. 1

Thursday 11th July 2019

Membership: Councillor Heather Acton (Chairman), Councillor Jim Glen and Councillor Aziz Toki

Legal Adviser: Barry Panto
Policy Adviser: Aaron Hardy
Committee Officer: Tristan Fieldsend
Presenting Officer: Michelle Steward

Relevant Representations: Licensing Authority and Environmental Health

Present: Mr Jack Spielger (Solicitor, representing the Applicant), Mr Richard Gladwin and Mr Oliver Gladwin (Applicants), Mrs Sally Fabbriatore (Environmental Health) and Ms Karyn Abbot and Miss Daisy Gadd (Licensing Authority)

**63-64 Frith Street, London, W1D 3JW ("The Premises")
19/04820/LIPN**

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

Monday to Saturday: 10:00 to 00:00
Sunday: 12:00 to 23:30

Specific details restricting the sale and consumption of alcohol:

1. The permitted hours for the sale of alcohol are as follows:

	<p>(a) On weekdays, other than Christmas Day and Good Friday, 10.00 to 23.00.</p> <p>(b) On Sundays, other than Christmas Day, 12.00 noon to 22.30.</p> <p>(c) On Good Friday, 12.00 to 22.30.</p> <p>(d) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30.</p> <p>(e) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).</p> <p>2. Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve), and on Christmas Day, between 15.00 and 19.00, to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.</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 Gladwin Brothers Enterprises Ltd ("The Applicant") for a new premises licence in respect of 63-64 Frith Street, London, W1D 3JW.</p> <p>The Licensing Officer introduced the application and confirmed that the proposed hours sought for the provision of recorded music had been reduced to between 10:00 to 00:00.</p> <p>Mr Spiegler, representing the applicant, highlighted that that the establishment had benefitted from a previous premises licence. It was explained that condition 9 on this licence prohibited any intoxicating liquor from being sold or supplied in the area marked as the restaurant other than to persons taking a table meal. The Sub-Committee was advised that the original plans did not identify a designated restaurant area. It was therefore considered that this condition was unenforceable and one of the aims of the application before the Sub-Committee was to tidy up this anomaly and increase the level of control over the Premises. The existing licence had very few conditions attached to it and the applicant had only recently been made aware that it had actually lapsed under section 27 of the Licensing Act, as the existing licence holder had recently been dissolved.</p> <p>The application being submitted had originally been made on the same terms as the previous licence, subject to some slight changes to the layout of the Premises. The proposed changes included the introduction of a show kitchen/coffee bar at the rear of the ground floor and a chef's table in the basement for up to 20 persons. The new application had been submitted due to these layout changes and also as the applicant was aware that the current licence was at risk. The application had subsequently been amended and a new</p>

set of conditions were proposed which were more restrictive than those previously imposed, and which provided a greater level of control over the establishment. It included a number of the Council's model licensing conditions, including model condition 38 which would be imposed throughout the Premises except for the hatched area designated on the new plans. Even in this hatched area however the Sub-Committee was informed that anyone consuming alcohol would have to be seated in order to prevent any vertical drinking from taking place. Mr Spiegler also confirmed that the proposed hours permitting the provision of recorded music had been scaled back to between 10:00 and 22:00 hours.

The applicants addressed the Sub-Committee and highlighted that aside from the last year, the Premises had operated as a high-quality restaurant. The application before it was seeking to bring back the high-quality nature of the establishment. The Sub-Committee noted that the applicants already operated 3 premises throughout London and were informed of the nature of these venues.

Mr Spiegler commented that no representations had been received from the Police or local residents and advised that those received by the Licensing Authority and Environmental Health (EH) were mainly based on policy issues. Paragraph 2.4.8 of the Council's Statement of Licensing Policy recognised that applications for new licences to replace licences which had lapsed due to insolvency could be considered as a possible exception to policy. Another possible exception was set out in paragraph 2.4.7 with the substitution of a licence with one which would have less impact on the area. Mr Spiegler advised that the proposed new licence would see a reduction in the hours for some licensable activities with no changes to the capacity of the Premises. Model conditions would be imposed on the licence, the hours permitting recorded music had been reduced and this was likely to result in the Premises having less impact in the Cumulative Impact Area (CIA). All conditions had been agreed with EH aside from four which related to the timings of deliveries and servicing. It was advised that this was because no such restrictions had been placed on the old licence and the applicant was not aware of any residents having raised these issues as areas of concern. It was also felt that imposing such conditions could have the effect of impacting on the delivery of fresh food to the Premises in the mornings.

Mrs Fabbricatore, representing Environmental Health, confirmed that the main outstanding issue centred on the four conditions proposed by EH regarding servicing and deliveries. There were no concerns with regards to public safety from the proposals and the applicant's suggested conditions addressed how the Premises would operate. The servicing and deliveries conditions were the ones usually added to a new licence and this was why they had been suggested. No complaints had been submitted to EH with regards to the Premises previously and therefore it was a matter for the Sub-Committee whether to grant the application or not.

Ms Abbot, representing the Licensing Authority, confirmed that the Premises was located in a CIA and would operate as a restaurant with a bar area. Paragraph 2.5.3 of the Council's Licensing Policy was referred to as it stated

concerns that restaurants located in the CIA should not come to operate, even in part, as bars. The policy had particular concerns over vertical drinking and therefore the proposed condition requiring all customers to be seated was welcomed. The hatched area of the plans would have to be considered under policy PB2 which advised that the grant of new licences for pubs/bars in a CIA should be limited to exceptional circumstances. The Licensing Authority noted that the previous licence had lapsed on 9 July 2019, however it was emphasised that there was still a 28-day period for an interim authority notice to be submitted to the Licensing Authority to resurrect the licence. It was confirmed that as yet, no applications had been submitted. Therefore, in conclusion, the applicant had to demonstrate that the Premises would not add to cumulative impact and the Sub-Committee had to be satisfied that exceptional circumstances had been shown.

The Council's Legal Adviser advised the Sub-Committee of potential policy considerations that needed to be taken into account because of the new application. Previously, under the old licence, the establishment was drink-led until 23:00 hours Monday to Saturday and 22:30 hours on Sundays. An additional hour was then permitted in addition to those hours for those customers then taking a table meal. There was therefore concern that for the additional hour the Premises could now be drink-led in the hatched area which was a provision which went beyond what was previously permitted. This was contrary to policy and different to the original licence. In response Mr Spiegler commented that it was his opinion that the ambiguity on the old licence allowed the Premises to be a drink-led establishment. The new licence was more tightly controlled however and would require all customers in the Premises to be seated whether they were drinking alcohol or not. Mr Spiegler suggested that if the Sub-Committee interpreted condition 9 on the old licence as permitting the Premises to be drink-led before 23:00 then the application before it would ensure that overall there was no addition to cumulative impact in the local area.

The Council's legal adviser indicated that, irrespective of the enforceability of condition 9 on the previous licence, there was still the overriding requirement in condition 17 that alcohol could only be sold after 23.00 on weekdays (including Saturday) and after 22.30 on Sundays to persons taking a table meal and that concession only applied to an area set apart for that purpose, which was an area that had to be identified by the licence holder. The new proposal would allow a drink led element to take place within the hatched area beyond those hours. However, it was correct to recognise that the current application (as amended) did require the sale and consumption of alcohol to be ancillary to a table meal throughout most of the Premises throughout the day. The current licence allowed the Premises to be drink led throughout until 23.00 and 22.30 on Sundays.

In response to questions from the Sub-Committee Mr Spiegler advised that if the Sub-Committee was minded to grant the application there was no intention from the landlord to reinstate the old licence. In terms of the four servicing and deliveries conditions suggested by EH the applicants advised that it was envisaged that the deliveries of fresh produce required would take place between 04:00 and 06:00 hours. The Sub-Committee noted that deliveries

	<p>would be consolidated so that there should only be one per day and they would use their best endeavours to ensure they were undertaken by electric vehicles. In terms of waste collections these would be undertaken by the Council's waste collection services to the hours they operated to. Mrs Fabbriatore advised that the consolidation of deliveries and the use of electric vehicles was likely to minimise any potential disturbance to residents. It was recognised that EH's proposed waste collection condition could not be complied with due to the Council's waste collection times and therefore did not have to be considered by the Sub-Committee. Finally, the applicant confirmed that there would not be any takeaway food provision provided from the Premises.</p> <p>The Sub-Committee carefully considered the application. It was noted that the Premises was located within a CIA and therefore exceptional circumstances had to be shown by the applicant as to why the application should be granted. The Premises would operate primarily as a restaurant and even though the hatched area would be drink-led, all customers in the Premises would have to be seated at all times. This provided reassurance that there would not be any vertical drinking at the Premises or that it would become a destination bar. The hours sought would permit an additional hour for customers to consume alcohol without food. However, this had to be weighed against the fact that the sale and consumption of alcohol for all parts of the premises apart from the hatched area had to be ancillary to a table meal throughout the day and this was a more restrictive requirement than the current licence. It was considered that the primary restaurant use of the premises during the day and the restrictive conditions to be placed on the licence would ensure that the overall use did not add to cumulative impact. The Sub-Committee was pleased to note that a condition was to be added to the licence requiring all outside tables and chairs to be rendered unusable by 23:00 hours each day. This offered further protection to residents in ensuring they didn't experience any disturbance from the operation of the Premises. The agreement by the applicant to reduce the hours for the provision of recorded music to between 10:00 and 00:00 was also welcomed.</p> <p>Regard was given to the fact that no residential representations had been received and the applicant's agreement to consolidate deliveries and to try and undertake them using electric vehicles was welcomed. The waste conditions proposed by EH were considered, however they were not deemed appropriate for the application and therefore were not imposed on the licence. The conditions proposed by the applicant were considered appropriate and proportionate and provided a much tighter control over the Premises than was permitted on the previous licence. The conditions would ensure the licensing objectives were promoted and that local residents would not be adversely impacted by the proposed operation. No vertical drinking would be permitted, and the supply of alcohol would be to seated customers only. The overall proposal provided reassurance to the Sub-Committee that it would not add to cumulative impact in the local area and could be considered an exception to policy. The Sub-Committee therefore granted the application accordingly.</p>
<p>2.</p>	<p>Late Night Refreshment – Indoors</p> <p>Monday to Saturday: 23:00 to 00:30</p>

	<p>Sunday: 23:00 to 00:00</p> <p>Seasonal Variations / Non-Standard Timings:</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
	<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>
3.	<p>Recorded Music – Indoors</p> <p>Monday to Sunday: 00:00 to 00:00</p>
	<p>Amendments to application advised at hearing:</p> <p>The Sub-Committee was advised by the applicant that the proposed hours sought for the provision of recorded music had been reduced to between 10:00 to 00:00.</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>
4.	<p>Hours Premises are Open to the Public</p> <p>Monday to Saturday: 10:00 to 00:30 Sunday: 12:00 to 00:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application (see reasons for decision in Section 1).</p>

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

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (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. Except for the area hatched black on the licence plan, the supply of alcohol at the premises shall be to a person seated taking a table meal there and for consumption by such person as ancillary to their meal.
10. Except for the area hatched black on the licence plan, the supply of alcohol shall be waiter or waitress service only.
11. In the hatched area the supply of alcohol will be to seated customers only.
12. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
13. All outside tables and chairs shall be rendered unusable by 23.00 hours each day.
14. 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.
15. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
16. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
17. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
18. All entrance doors and windows to be kept closed after 23:00hours or when regulated entertainment is taking place except for immediate access and egress of persons.
19. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
20. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
21. 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.
22. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card

with the PASS Hologram.

23. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
24. 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 unless within an authorised external area.
25. The number of seated persons (excluding staff) permitted in the basement shall not exceed 20.
26. Before the premises open to the public, the plans as deposited will be checked by the Environmental health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
27. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

The Meeting ended at 2.00 pm

CHAIRMAN: _____

DATE _____