



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (4)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** held on **Thursday 27th February, 2020**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Karen Scarborough (Chairman), Margot Bright and Rita Begum

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

1 ROSSO ITALIANO, 2-3 IRVING STREET, LONDON, WC2H 7AT

The application was withdrawn.

2 UNIT 2, 15 BEDFORD STREET, LONDON, WC2E 9HE

LICENSING SUB-COMMITTEE No. 4

Thursday 27th February 2020

Membership: Councillor Karen Scarborough (Chairman), Councillor Margot Bright and Councillor Rita Begum

Legal Adviser: Barry Panto

Policy Adviser: Kerry Simpkin

Committee Officer: Tristan Fieldsend

Presenting Officer: Michelle Steward

Relevant Representations: Environmental Health, Licensing Authority, Covent Garden Community Association and 9 residents (objecting)

Present: Mr Niall McCann (Solicitor, representing the Applicant), Mr Mark O'Mullane, Mr Gordon Ker and Mr Sam Dagger (Representing the Applicant company), Mr Ian Watson (Environmental Health), Ms Angela Seaward (Licensing Authority), Mr John Walsgrove (Solicitor, representing two local residents – objecting to the application) and Ms Lesley Maguire (local resident – objecting to the application)

Unit 2, 15 Bedford Street, London, WC2E 9HE ("The Premises") 19/08907/LIPN	
1.	<p>Sale by Retail of Alcohol – On and Off Sales</p> <p>Monday to Thursday: 10:00 to 23:30 Friday to Saturday: 10:00 to 00:00 Sunday: 12:00 to 22:30</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>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>Amendments to application advised at hearing:</p> <p>It was noted that the applicant had amended the hours for the sale by retail of alcohol to:</p> <p>Monday to Thursday: 10:00 to 23:00 Friday to Saturday: 10:00 to 23:30 Sunday: 12:00 to 22:00</p> <p>The Sub-Committee was also informed by the applicant that the provision of off-sales had been withdrawn from the application.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by the Lothbury Property Trust Ltd ("The Applicant") for a new premises licence in respect of Unit 2, 15 Bedford Street, London, WC2E 9HE.</p> <p>The Licensing officer introduced the application.</p> <p>Mr McCann, representing the applicant, explained that the entrance to the Premises would be situated to the side of the building on Bedford Court and not on Bedford Street. The Sub-Committee was taken through the proposed layout plans of the Premises. The ground floor consisted solely of a foyer where customers would be met by a meeter and greeter. They would then be directed down the stairs to the restaurant area. If any customers had not made a booking they would be guided to a holding bar area where they could consume a drink before taking a meal. The applicant would also be using a specific table booking app which informed potential customers when a table became available</p>

therefore preventing any queuing from taking place outside the Premises. Mr McCann then provided an overview of the current status of the application. When the application had first been made planning permission had yet to be granted. Planning permission had subsequently been granted with conditions imposed. Further conditions had then been offered by the applicant and following discussions with the Covent Garden Community Association, Environmental Health (EH) and local residents even further conditions had been agreed and amended. Mr McCann highlighted that since the initial application was made it had moved on quite significantly.

Mr McCann took the Sub-Committee through the proposed list of 34 conditions which he had circulated the day before the meeting and made the following comments:

- A holding bar condition had been applied for to permit a maximum of 20 customers to consume alcohol prior to their meal in order to prevent queuing;
- The proposed waste condition had been strengthened preventing the removal of any waste between the hours of 22:00 and 08:00 Monday to Friday and 20:00 to 10:00 on Saturday and Sunday;
- A requirement to install an internal bottle crusher;
- The requirement to prominently display signs requesting patrons smoking to respect the needs of local residents and leave the area quietly;
- The condition requiring smokers outside the Premises to be supervised by staff had been strengthened so that they had to be located on Bedford Street with a member of staff to be located at the entrance area at all times from 19:00 to ensure patrons did not disperse through Bedford Court;
- The applicant was content for a condition to be imposed requiring a noise limiter to be installed but confirmed that there would be no recorded music permitted at the Premises;
- Conditions relating to external tables and chairs could be deleted as there would be none at the Premises;
- The applicant was content for the maximum capacity of the Premises to be conditioned at 140 persons. The planning permission allowed a maximum of 125 but the additional 15 persons would permit any future rearranging of the seating in the venue. In reality the Premises would currently be operating to a capacity of 125 persons;
- A condition would be imposed requiring the formulation of an operational management plan with all staff trained in its implementation;

- A last admittance condition would not be required as the Premises would operate to core hours;
- It was confirmed that the address of the Premises would be listed as 16A Bedford Street and not Bedford Court;
- Various waste and delivery conditions to protect local residents were proposed; and
- A takeaway condition was proposed preventing any delivery vehicles from using the Bedford Court area to collect deliveries or even wait in this area.

Mr McCann expressed his hope that the reduced hours for the application and the stringent conditions to be imposed on the licence would help ease any concerns raised by local residents. Mr McCann considered this a detailed application with some very strict conditions on the licence and advised of the responsible nature of the operator

In response to a question from the Sub-Committee Mr McCann asserted that the application would not add to cumulative impact. The proposed conditions on the licence were very stringent with any concerns over the Bedford Court area addressed by the requirement of a member of staff to be present at the entrance after 19:00 to prevent dispersal into this area. In addition, the specific times for deliveries and waste collections, in conjunction with the installation of a bottle crusher, had been designed to protect residents from any noise disturbance. Also, any taxis collecting customers would be required to wait on Bedford Street. The Premises would operate as a high-quality restaurant which the Council's Statement of Licensing Policy recognised as not being associated with crime and disorder and would be operated by a highly reputable applicant. Following a subsequent concern raised over off sales of alcohol Mr McCann confirmed that this aspect of the application would be withdrawn.

Mr Watson, representing Environmental Health, confirmed that he had visited the Premises and provided pre-application advice. He confirmed that the Premises was located in a noise sensitive area with residential blocks situated in close proximity to Bedford Court. This area was used for deliveries which had the potential to impact on residents and there was concern that it also lent itself as an easy area for takeaway delivery vehicles to wait, although it was acknowledged there was now a condition to prevent this. A requirement for deliveries and collections to take place from Bedford Street would be welcomed and help reduce any potential impact on residents. In terms of capacity the proposed figure of 140 was considered acceptable following an assessment of the facilities at the Premises. Mr Watson welcomed the proposed conditions in relation to a member of staff being located at the entrance from 19:00, the address of the Premises to be confirmed as Bedford Street, the reduction in hours for the sale of alcohol and the prohibiting of any loud speakers to be placed in the entrance lobby. Residents had expressed concern over potential noise nuisance, but the delivery and collection conditions proposed were considered appropriate and therefore EH was content with the application.

In relation to a query over the address of the Premises, Mr O'Mullane confirmed that a planning consent application had been submitted to create a new address for the Premises which would be 16A Bedford Street.

Ms Seaward, representing the Licensing Authority, confirmed that the Premises was situated within a Cumulative Impact Area (CIA) and therefore policy points CIP1, HRS1, RNT2 and PB2 had to be considered. However, having inspected the proposed conditions the Licensing Authority was satisfied that the holding bar could only be used by customers prior to them taking a meal and therefore PB2 was no longer relevant. The applicant had reduced the proposed hours to core hours and the restaurant model condition, MC66, would be imposed therefore bringing it in line with RNT2. As such, it was for the applicant to demonstrate that the proposals would not add to cumulative impact.

Mr Walsgrove, representing two local residents, explained that their main concerns over the application related to potential noise nuisance created through either customers dispersing from the Premises or the collection of waste/deliveries. It was recognised that the application had evolved significantly since it was first submitted and the residents he was representing were pleased with the applicant's efforts to address their concerns. However, there were a couple of conditions which still required addressing. In terms of the capacity it had been asked that this be limited to 125 persons, however following discussions with EH the capacity of 140 was now deemed acceptable. Regarding smoking, the conditions requiring significant signage to be in place and the presence of a member of staff at the entrance addressed these concerns. Concerning waste, a bottle crusher condition had been requested which the applicant had accepted. It was suggested however that the waste collection condition be amended, which the applicant agreed to, so as to ensure any waste put out on the public highway for collection could not be added to. Overall, Mr Wallsgrove advised that the residents he represented were grateful for the work done by the applicant to ease their concerns and were content with the proposed conditions. However, they would leave the final decision to the Sub-Committee.

Ms Maguire, a local resident, informed the Sub-Committee that she lived in Duvall Court which was located in close proximity to Bedford Court. Her flat was situated on the first floor with her bedrooms facing Bedford Court. Ms Maguire expressed her appreciation to the applicant for all their good will and intentions of the application to minimise any disruption to residents. In terms of potential conditions the applicant could place on the licence, they had probably done as much as they possibly could. Ms Maguire's main concern though related to how enforceable in reality all the proposed conditions actually were. For example, it was questioned how a condition preventing any takeaway vehicles from using Bedford Court could actually be enforced. It was an easy to access area which would be convenient for delivery vehicles to use and having a member of staff situated at the entrance of the Premises would not prevent them from using it. In addition it was queried how a member of staff would prevent patrons dispersing down Bedford Court later in the evening after they had consumed alcohol. It was also envisaged that taxis would use Bedford Court to pick up patrons and the idling of engines was likely to cause disturbance to residents.

	<p>Ms Maguire understood the applicant's goodwill to neighbours but reiterated her concerns that many of the proposed conditions on the licence were simply unenforceable.</p> <p>In response, Mr McCann suggested that no licences would be granted if decisions were based on how conditions could potentially be breached. The applicant took the conditions on a licence very seriously and any breaches would constitute a criminal offence. Most of the conditions were very specific and if they were breached it would be easy to take enforcement action. With regard to takeaways it was not proposed to provide this service as it did not suit the proposed style of operation, however it was requested in order to future proof the licence if required in the future. Also, it was expected that a member of staff would be able to prevent patrons exiting down Bedford Court as this was a high-end restaurant operation and not that of a pub or bar. The applicant was proposing a maximum capacity of 140, subject to EH's assessment, so the capacity could actually be set at a lower level but not any higher. In addition, the applicant confirmed they were content for additional wording to be added to the waste condition to prevent any extra waste being added to that already presented for collection. Mr McCann reiterated that the Licensing Authority and EH were satisfied with the application. A condition was proposed requiring the implementation of an operational management plan and this would help ensure that all the conditions on the licence would be adhered to and enforced.</p> <p>Following discussions with the applicant Mr McCann confirmed that to address residential concerns the provision of takeaway could be withdrawn and an additional condition prohibiting any queuing also implemented.</p> <p>The Sub-Committee carefully considered the application and noted that the applicant had proposed a number of conditions which it was hoped would mitigate the Premises being located within a CIA. These included the requirement to have the full model restaurant (MC66) on the licence making it compliant with policy RNT2, a staff member located at the entrance to prevent dispersal down Bedford Court, various restrictions on the collection of waste and the prevention of delivery vehicles using Bedford Court. In addition, conditions had been agreed preventing any queuing outside the Premises and the obligation by the applicant to provide a direct telephone number for the manager to residents and businesses in the vicinity. It was also recognised that the ancillary bar area could only be used by customers prior to taking a meal at the Premises and would not become a drink-led destination bar. It was considered that this would limit any potential nuisance in Bedford Court. These conditions were considered appropriate for the area, addressed concerns raised and would help minimise any potential impact on local residents. It was therefore deemed that the applicant had demonstrated that the application would not add to cumulative impact in the CIA. The Sub-Committee also welcomed the proposals to reduce the hours for licensable activities, the withdrawal of the provision of off-sales from the application and an undertaking by the operator that no takeaway or delivery services would be provided from the Premises.</p> <p>Having taken into account all the evidence (with consideration being given to the representations received from all local residents and the additional</p>
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	<p>conditions suggested by them), the Sub-Committee was satisfied that the application was suitable for the local area and had addressed the concerns raised concerning the CIA. The applicant had demonstrated that the application was appropriate, with the conditions proposed restrictive enough to ensure that it would not add to cumulative impact and promoted the licensing objectives. The Sub-Committee therefore granted the application accordingly.</p> <p>The Sub-Committee welcomed the constructive discussions which had taken place between all parties. However, it was also recognised that clear concerns, highlighted in the representations, had emerged with regards to the proposed operation of the Premises. These concerns had been raised and it was expected that the operator would ensure that they did not become an issue. If the conditions agreed upon were not suitably adhered to residents did have the option of bringing review proceedings if they considered it to be appropriate.</p>
2.	<p>Late Night Refreshment – Indoor and Outdoor</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>Amendments to application advised at hearing:</p> <p>The Sub-Committee was informed the hours sought for late night refreshment had been amended to the following:</p> <p>Friday to Saturday: 23:00 to 23:30</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 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>Amendments to application advised at hearing:</p> <p>The Sub-Committee was informed by the applicant the provision of recorded</p>

	music had been withdrawn from the application.
	<p>Decision (including reasons if different from those set out in report):</p> <p>There was no need for the Sub-Committee to determine this part of the application as it had been withdrawn.</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>Amendments to application advised at hearing:</p> <p>The Sub-Committee was informed by the applicant that the Premises opening hours had been amended to the following:</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>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. The premises shall only operate as a restaurant

- (i) in which customers are shown to their table,
- (ii) where the supply of alcohol is by waiter or waitress service only,
- (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery (except chopsticks),
- (iv) which do not provide any take away service of food or drink for immediate consumption,
- (v) which do not provide any take away service of food or drink after 23.00, and
- (vi) where alcohol shall not be sold or supplied, otherwise than for

consumption by persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

10. Notwithstanding condition 9, alcohol may be supplied and consumed prior to their meal in the bar area by up to a maximum at any one time, of 20 persons dining at the premises.
11. Substantial food and non-intoxicating beverages, including water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
12. The premises will operate the business in accordance with the Operational Management Plan (OMP) approved as part of the planning consent for the property (Ref: 19/05768/FULL) and all staff will be trained to adhere to it. Any material changes will require a variation application.
13. A staff member shall be positioned at the entrance to the premises from 19.00 hours to close of business to manage patrons wishing to smoke and persons arriving and leaving, including staff, to ensure they do not smoke or loiter outside the entrance on Bedford Court or at the back of the premises near the flats at 8 Bedford Court. A second member of staff shall be stationed at the entrance 30 minutes prior to closing to assist patrons leaving. Patrons will be asked to leave via Bedford Street.
14. There shall be no smokers permitted either outside the entrance on Bedford Court or round the back of the premises near the flats at 8 Bedford Court (whether customers or staff) and all smokers shall be directed to stand outside 16 Bedford Street.
15. The Premises will use Qudini's Restaurant Waitlist app or similar technology to negate any need to queue for a table.
16. There shall no queuing outside the premises.
17. 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.
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and to leave the area quietly.

19. All deliveries to the Premises will comply with TFL's Code of Practice for Quieter Deliveries. If the Licence Holder is unable to ensure this compliance, then they will cease to use the supplier concerned until the supplier becomes compliant.
20. No deliveries to the premises shall take place between 22.00 and 08.00 on the following day.
21. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 22.00 hours on Monday to Friday and 08.00 hours on the following day or between 22.00 hours on Saturday and Sunday and 10.00 hours on the following day.
22. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before collection times. Once all waste has been presented outside for collection no further waste shall be added.
23. An internal bottle crusher will be installed and operated inside the premises to minimise noise.
24. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
25. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
26. 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.
27. 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 affected 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.
28. 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.

29. Delivery vehicles shall not be stationed or wait in the area to the back of the premises on Bedford Court.
30. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open 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.
32. 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.
33. 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 refusal of sale of alcohol.
34. 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.
35. 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.
36. 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.
37. 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.
38. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
39. All emergency doors shall be maintained effectively self-closing and not held

open other than by an approved device.

40. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
41. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
42. The address of the premises given on the operator's website will be Bedford Street and not Bedford Court.
43. No licensable activities shall take place at the premises until the Environmental Health Consultation Team has determined the capacity of the premises and the Licensing Authority has replaced this condition on the licence with a condition detailing the capacity so determined. In any event the capacity of the premises shall not exceed 140 persons.
44. 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. If considered essential by Environmental Health Consultation Team, an entrance lobby will be installed.
45. 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.

**3 38 GROSVENOR SQUARE, BASEMENT, GROUND AND FIRST FLOORS,
38 GROSVENOR SQUARE, LONDON, W1K 2HW**

LICENSING SUB-COMMITTEE No. 4

Thursday 27th February 2020

Membership: Councillor Karen Scarborough (Chairman), Councillor Margot Bright and Councillor Rita Begum

Legal Adviser: Barry Panto

Policy Adviser: Kerry Simpkin

Committee Officer: Tristan Fieldsend

Presenting Officer: Michelle Steward

Relevant Representations: Environmental Health and 3 local residents (objecting)

Present: Mr Paddy Whur (Solicitor, representing the Applicant), Ms Jemma Scott and Tarek Gjonnes (representing the proposed Operators), Mrs Sally Fabbricatore (Environmental Health), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing all three local residents who had objected to the application) and Mr Gavin Dein (local resident – objecting to the application)

**Thirty Eight Grosvenor Square, Basement, Ground and First Floors, 38 Grosvenor Square, London, W1K 2HW ("The Premises")
19/13558/LIPN**

This was a time-limited application until 28th February 2022

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

Monday to Sunday: 08:00 to 23:00

Seasonal Variations/Non-Standard Timings:

The hours on New Year's Eve will be from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Amendments to application advised at hearing:

The Sub-Committee was advised by the applicant that the sale by retail of alcohol related to on and off sales.

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

The Sub-Committee considered an application by Grosvenor West End Properties ("The Applicant") for a new premises licence in respect of Thirty Eight Grosvenor Square, Basement, Ground and First Floors, 38 Grosvenor Square, London, W1K 2HW.

The Licensing officer introduced the application and confirmed that the Police had withdrawn their representation following the agreement of conditions with the applicant.

Mr Whur, representing the applicant, advised the Sub-Committee of the following minor amendments to the application:

- When the application was initially submitted an external space had been included in the area where regulated entertainment was sought. Mr Whur confirmed that regulated entertainment would now only take place internally.
- The provision for indoor sporting events had been withdrawn.
- This was a time limited application which had received planning permission allowing the Premises to operate as an event space until 28 February 2022 only.
- The maximum capacity of 300 persons at the Premises would include staff.

Mr Whur explained that this Premises was the only one owned by Grosvenor,

the applicant, which was located on Grosvenor Square. It was therefore a significant property in their portfolio which it was hoped could be used for vibrant purposes until February 2022. Events held at the Premises would be operated by a company called Venue Lab who had already held a number of successful high-end events at the venue under Temporary Event Notices (TENs). It was acknowledged that residential concerns had been raised over the application however it was hoped that the applicant would be able to provide confidence to them that any events held at the Premises would not negatively impact on them.

Mr Whur advised that Venue Lab were highly experienced operators who were one of the largest and highly regarded companies at managing event spaces. Mr Whur provided examples of the operations Venue Lab had previously been involved with including many located within London. Grosvenor would still have overview of any potential events planned at the Premises and provide a high level of control which included the use of its own bespoke security company. It also operated its own health and safety department to assess events and help create tailored entrance and egress management plans. The capacity at the Premises would be restricted to a maximum of 300 persons, including staff, and it was envisaged that most events would have approximately fifty plus guests with no queuing permitted outside. These figures would be strictly monitored to ensure the capacity was never exceeded.

The Sub-Committee was informed by Mr Whur that Environmental Health (EH) and the Police had both visited the Premises and objectors to the application had been invited to take a tour of its facilities. Additional conditions had been agreed with the Police which complemented the conditions already proposed by the applicant. These conditions were considered appropriate for the style of operation and reflected the type of operator Venue Lab were. People would only attend an event at the Premises if they had been invited and were on an approved guest list. No passer-by's would be allowed to attend an event and a strict time frame would be provided when they could attend. Many events involved the building to be externally dressed which would be carried out without any impact on residents and the Sub-Committee was informed that TENs had already been operated without any complaints arising.

Mr Whur then addressed the following proposed conditions:

- The applicant had proposed for no waste to be moved outside, or deliveries to the Premises, between the hours of 23:00 and 07:00. It was not envisaged that this would cause any nuisance to residents but an objector had proposed to amend the hours to between 20:00 and 08:00. The applicant was happy to accept these hours if it was considered necessary.
- The applicant was content to agree the majority of the conditions proposed by Environmental Health, but several amendments were suggested. EH had requested that access and egress by guests to the venue should be limited to the Grosvenor Square entrance only and the applicant was content to agree this.

- A request that at least one personal licence holder be on site during operational hours be altered slightly so this only apply when alcohol was a component of the event.
- The requirement for staff engaged outside the entrance to the Premises to wear high visibility jackets be altered so that they be required instead to wear high visibility arm bands. High visibility jackets did not suit the nature of the operation, which was to host high end, quality events.

Finally, to address any concerns regarding customers smoking outside Mr Whur explained that an external basement area and an internal outside courtyard area would both be designated smoking areas supervised by CCTV. This would therefore prevent any smokers standing outside in front of the building causing any noise disturbance to residents.

In response to a query regarding the regulated entertainment applied for Mr Whur advised that it was his understanding that these activities could not be deregulated for events where no alcohol was provided. Mr Whur also confirmed that the applicant would accept the Police's amended CCTV condition.

Mrs Fabbriatore, representing Environmental Health, confirmed that no complaints had been made against the Premises during the operation of its TENs. Residents had expressed concern over the use of the rear entrance at the Premises located on Adams Row, however the condition agreed with the applicant that access and egress by guests would be limited to the Grosvenor Square entrance hopefully alleviated these concerns. Mr Whur also confirmed that all servicing at the Premises would take place from Grosvenor Square. The applicant had the ability to pay to suspend the parking spaces located at the front of the Premises and this allowed them to ensure no servicing took place from Adams Row. Mr Whur also confirmed that the applicant was content for a condition to be placed on the licence restricting the use of the Adams Row entrance as a secondary means of escape only. Mrs Fabbriatore finally explained that EH were content with the rewording of the capacity condition subject to the appropriate works condition.

Mr Brown, representing local residents, highlighted the key concern which related to the impact the application could potentially have on Adams Row, a quiet residential area. Residents already experienced disturbance from customers to other nearby premises being dropped off and picked up in the area and it was feared this application would only exacerbate this problem. Therefore, it was requested that the application be refused. Mr Brown expressed disappointment that Grosvenor, who owned the freehold of the building and who would be the licence holder, was not present to explain their own methodology. Particular concern was expressed over Condition 10 which it was felt lacked clarity over what type of events would be held at the Premises. For example, events held during the day were potentially very different from those promoting a private party which finished at 23:00.

Mr Brown described in further detail the Adams Row area and how there were no parking restrictions in place already resulting in a clutter of vehicles congregating in the area to service other premises. It was requested that the

application not be looked at in isolation especially in light of the fact that a recent application had been submitted to licence Adams Row car park, which if granted would result in a lot more activity on Adams Row. Mr Brown then highlighted concerns over the following proposed conditions:

- Condition 9 – It was proposed for the Premises to close at 23:30, however the planning permission had only granted 23:00. This was a concern as it was recognised in the policy that later events were more likely to create public nuisance.
- Condition 10 – It was felt this was an ill-defined condition which permitted a wide range of events which could potentially take place 365 days a year.
- Condition 13 – The use of guest lists seemed to suggest that events would consist of private parties.
- Condition 14 – It was questioned where the enclosed courtyard area was located. Mr Whur described the layout of the Premises and explained that the courtyard was situated in the middle of the building, fully surrounded, and therefore ideal as a smoking space.
- Condition 17 – The condition stated “each entrance” yet there should only be one, located on Grosvenor Square.
- Condition 18 – It was suggested that any risk assessments should be agreed by the responsible authorities, including EH.
- Condition 31 – This condition had been addressed through the applicant’s assurances that no queuing would take place outside the Premises.
- Condition 32 – The Premises was not a purpose built event space and it was questioned what measures had been put in place to prevent any noise escape.
- Condition 34 – It was suggested a condition restricting the times of collections be also imposed as this was a separate issue to the timings for presenting any waste. The commitment by the applicant to restrict collections and deliveries to the Grosvenor Square frontage was welcomed.
- Condition 41 – Mr Brown was pleased to note that all external doors and windows facing Adams Row would have to be kept closed whenever amplified music was played at the Premises.

Mr Brown highlighted that in terms of the hours applied for these were compliant with the core hours policy, except on Sundays. The application had to be judged on its merits and bearing this in mind regard had to be given to the noise expected to be generated later in the evening from events which was

<p>problematic especially as Adams Row was a quiet residential area. If the Sub-Committee was minded to grant the application it was requested that appropriate conditions be imposed on the licence in order to protect residents.</p> <p>Mr Dein, a local resident, hoped that an amicable solution with the applicant could be found but expressed concern that the application would impact on the health and safety of residents located on Adams Row, in addition to increasing levels of noise pollution. Parking on Adams Row was already an issue and the congested nature of it was a serious concern, especially with the number of children living on the street. The Sub-Committee was urged not to judge the application in isolation due to the proximity of other premises in the vicinity and the impact an additional 300 people in the area could have on local residents amenity.</p> <p>Mr Whur advised that the applicant had liaised with residents located to the right of the Premises, on Grosvenor Square itself, and no representations had been received from them. The applicant expressed a desire to fully engage with the residents at Adams Row. Condition 18 would require a dispersal policy to be implemented and the applicant would ensure it was also circulated to EH for comment. Most guests attending events would arrive by foot, but parking bays located at the front of the Premises could be suspended to help ensure vehicles would not use Adams Row. The applicant wished to work with local residents and provided assurances that a direct telephone number would be circulated accordingly.</p> <p>In response to questions raised Ms Scott, representing the operators Venue Lab, explained that it was envisaged that only one or two events would be held a week, some of which would run over a couple of days. Very few would finish later in the evening and in reality, it would not be expected that 300 guests would attend regularly for any single event. The building was an expensive venue to hold events, no permanent bar was in situ and each event was bespoke requiring significant planning. Events would be by invitation only with the Premises advertised through existing relationships and their own- and third-party websites.</p> <p>To address further concerns raised over how guests would arrive at the Premises and how dispersal would take place Mr Whur advised the Sub-Committee that it was unlikely that many events would be held with a 300 capacity. Even if there was an event with a large capacity not all the guests would be leaving the Premises at the same time. Depending on the event eight SIA staff could be employed, significantly above what would normally be expected. They would operate in the style of meeters and greeters and help assist with dispersal. The system had worked efficiently during the operation of the TENs and no complaints had been submitted regarding guests leaving events. There was no direct evidence that during the TENs taxis had been waiting in the local area but a provision to prevent this could be built into the management plan. It was also recognised that condition 10 was a cause for concern to residents and therefore to provide more clarity on what events it was anticipated to hold at the Premises it could be reworded to the following:</p> <p>“The premises shall only be used as an event space, providing licensable</p>

<p>activities at pre-booked events, exhibitions, product launches, corporate events and private dinners. The supply and consumption of alcohol must be ancillary to the primary use of the premises as an event space.”</p> <p>Mr Whur also explained that on the planning permission granted for the Premises a condition had been imposed restricting access to the property from Grosvenor Square with Adams Row to be used for waste collection and a secondary means of escape only. Mr Whur advised that to help address any concerns the applicant was content for this condition to be included on the licence. Overall, the application could be considered appropriate for the local area due to the nature of the operation, the number of stringent conditions to be placed on the licence and the fact that no crime and disorder issues had been raised. Mr Whur therefore advised that the application was fully compliant with policy PN1. Some of the representations had requested that the application not be viewed in isolation because there were some potential licensing applications in the area being submitted, however this application had to be judged on its own merits. The applicant wanted to ensure it was a considerate neighbour and would work with local residents going forward to address any potential issues. Finally, Mr Whur confirmed that Grosvenor had not been present at the hearing on his advice as he believed that it would be more beneficial for the Sub-Committee to hear from the potential operators, Venue Lab.</p> <p>The Sub-Committee carefully considered the application and welcomed the levels of constructive dialogue which already occurred between the applicant, responsible authorities and local residents. It was noted that the Premises was not located within a CIA and therefore the application had to be judged on its merits. It was recognised that the application was also for a limited time period, expiring on 28 February 2022. It had been confirmed that the Police had withdrawn their application following the agreement of conditions with the applicant and that various conditions had also been agreed with Environmental Health, particularly with regard to the capacity of the Premises.</p> <p>In response to the discussions between all parties the applicant had agreed to add a number of conditions on to the licence. Particular regard was given to the conditions restricting access and egress to the property from Grosvenor Square, restricting the capacity of the Premises to a maximum of 300 people, including staff, and the requirement for a dispersal plan to be completed and made available to the responsible authorities. The rewording of the condition restricting the supply of alcohol to be ancillary to the space being used as an event space for pre-booked events was noted. The Sub-Committee also took into consideration the amendments to the application which included the removal of any external regulated entertainment and the removal of indoor sporting events from the licence. The agreement for reduced hours permitting the removal of waste and deliveries to the Premises was also welcomed. The Sub-Committee considered that these conditions addressed concerns raised by residents located in Adams Row that the application could negatively impact on them. A mandatory condition was also added to the licence relating to the exhibition of films and admittance of children to the Premises. The applicant had been made aware of residential concerns in Adams Row regarding parking, cars idling and general dispersal throughout the area and it was therefore expected that these areas would be addressed in the dispersal plan formulated.</p>

	<p>Having taken into account all the evidence (with consideration being given to the representations received from local residents), the Sub-Committee was satisfied that the application was suitable for the local area and had addressed the concerns raised. The applicant had demonstrated that the application was appropriate, with the conditions proposed restrictive enough to ensure that it promoted the licensing objectives. The Sub-Committee therefore granted the application accordingly.</p> <p>The Sub-Committee welcomed the constructive discussions which had taken place between all parties however it was also recognised that clear concerns, highlighted in the representations, had emerged with regards to the potential impact the application could have on residential amenity in Adams Row. These concerns had been raised and it was expected that the operator would ensure that they did not become an issue during the operation of the Premises.</p>
2.	<p>Performance of Plays, Exhibition of Films, Indoor Sporting Events, Live Music, Recorded Music, Performance of Dance and anything of a similar description to live music, recorded music or the performance of dance – Indoors</p> <p>Monday to Sunday: 08:00 to 23:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>The hours on New Year's Eve will be 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>The Sub-Committee was advised by the applicant that the provision of external recorded music and indoor sporting events had been withdrawn. The application for internal recorded music remained.</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>Hours Premises are Open to the Public</p> <p>Monday to Sunday: 08:00 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>Amendments to application advised at hearing:</p> <p>The applicant advised the Sub-Committee of a correction to the hours stated in</p>

	the report which should have stated: Monday to Sunday: 08:00 to 23:30.
	<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> <p>(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or</p> <p>(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</p> <p>(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;</p> <p>(c) provision of free or discounted alcohol or any other thing as a prize to 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;</p>

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

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

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

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

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

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

7. The responsible person must ensure that—

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

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

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

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

measures are available.

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by

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

- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.
10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Conditions consistent with the operating schedule

11. Licensable activities will be permitted until 23:00 hours each day of the week with the premises closing at 23:30.
12. The premises shall only be used as an event space, providing licensable activities at pre-booked events, exhibitions, product launches, corporate events and private dinners. The supply and consumption of alcohol must be ancillary to the primary use of the premises as an event space.
13. There shall be no fixed bars at the premises, pop up bars will be used suitable for each event.
14. No licensable activities shall take place at the premises until the capacity of the premises has been determined by the EH 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 number of persons accommodated in the event space (including staff and performers) shall not exceed 300 persons.
15. No alcohol shall be taken outside of the boundary of the licensable area except for alcohol in sealed containers or for consumption in the enclosed courtyard area.
16. The premises shall install and maintain an 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. Includes the ground floor external courtyard area. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewings of recordings shall be made

available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

17. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
18. At least one SIA licensed door supervisor shall be on duty at the entrance of the premises at all times when it is open for business. The requirement of SIA door licensed supervisors will be risk assessed for each event.
19. A venue and event specific risk assessment, method statement and dispersal plan is to be completed and made available to police, Environmental Health Consultation Team and the licensing authority when requested.
20. There shall be no takeaway of hot food or hot drink.
21. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased. NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.
22. Temporary seating should be in line with the guidance contained in the Technical Standards for Places of Entertainment.
23. 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.
24. 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.
25. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
26. Emergency exits and entrances to the event area must be kept clear at all times and must be provided with clearly visible signage.
27. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
28. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.

29. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes, entertainment areas, shall be non- combustible.
30. Any moving flown equipment must contain a device or method whereby failure in the lifting system would not allow the load to fall. All hung scenery and equipment must be provided with a minimum of two securely fixed independent suspensions such that in the event of failure of one suspension the load shall be safely sustained.
31. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
32. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance to the public highway.
33. 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.
34. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
35. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20:00 hours and 08.00 hours on the following day.
36. No deliveries to the premises or collection of waste from the premises shall take place between 20:00 and 08.00 on the following day.
37. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
38. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
39. Licensable activities shall be restricted to the basement, ground and first floor only.
40. There shall be no access by guests to the balconies.
41. There shall be no noise audible at the nearest noise sensitive premises from

any construction or similar works in association with the set up and dismantling of the site, outside the hours of:
08:00 - 18:00 Monday -Saturday
08:00 - 13:00 Sunday

42. All external doors and windows (save for the Grosvenor Square façade) shall be kept closed whenever amplified music is played, except for immediate access and egress of persons.
43. Access and egress by guests to and from the venue shall be limited to the Grosvenor Square entrance only.
44. Access to the premises shall be used from Grosvenor Square. The entrance from Adams Row shall be used for refuse collection and secondary means of escape only.
45. 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.
46. There shall be at least one personal licence holder on site when alcohol is being supplied during operational hours. Details of the personal licence holder (including name and contact number) shall be displayed in a prominent position on site.
47. After 21:00 hours no drinks shall be taken into the external areas of the premises.
48. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear a high visibility arm band.
49. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke shall not be permitted to take drinks or glass containers with them
50. There shall be no sale of alcohol by self-service.
51. An incident log shall be kept at the premises, and made available on request to an authorised officer of the 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

4 MNKY HSE, 8-10 DOVER STREET, LONDON, W1S 4LF

LICENSING SUB-COMMITTEE No. 4

Thursday 27th February 2020

Membership: Councillor Karen Scarborough (Chairman), Councillor Margot Bright and Councillor Rita Begum

Legal Adviser: Barry Panto

Policy Adviser: Kerry Simpkin

Committee Officer: Tristan Fieldsend

Presenting Officer: Michelle Steward

Relevant Representations: Tamares Real Estate Investments (UK) Ltd

Present: Ms Lana Tricker (Solicitor, representing the Applicant) and Mr Lewis Goodsell (Manager, representing the applicant company)

Mnky Hse, 8-10 Dover Street, London, W1S 4LF ("The Premises") 19/13304/LIPV									
1.	Sale by Retail of Alcohol – On and Off Sales <table><tr><td><u>Current:</u></td><td><u>Proposed:</u></td></tr><tr><td>Monday to Saturday: 10:00 to 03:00 Sunday: 10:00 to 00:00</td><td>Monday to Sunday: 10:00 to 03:00</td></tr></table> Licensable Area: <table><tr><td>Basement and Ground Floor</td><td>No Change</td></tr></table> Seasonal variations/ Non-standard timings: <table><tr><td>New Year's Eve - from the end of trade to the start of trade on New Year's Day On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises end after 01:00.</td><td>No Change</td></tr></table>	<u>Current:</u>	<u>Proposed:</u>	Monday to Saturday: 10:00 to 03:00 Sunday: 10:00 to 00:00	Monday to Sunday: 10:00 to 03:00	Basement and Ground Floor	No Change	New Year's Eve - from the end of trade to the start of trade on New Year's Day On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises end after 01:00.	No Change
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	Amendments to application advised at hearing: None.								

	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by 8-10 Dover Street Limited for a variation of a premises licence in respect of Mnky Hse, 8-10 Dover Street, London, W1S 4LF.</p> <p>The Licensing Officer introduced the application.</p> <p>Ms Tricker, representing the applicant, explained that the Premises operated as a Latin American restaurant. The application was seeking to extend the terminal hour for all licensable activities and opening hours on Sundays only, to bring them in line with the existing permitted hours Monday to Saturday. The Sub-Committee was advised that pre-application advice had been sought from Environmental Health (EH) who had raised no concerns over the proposals and no objections had also been received from either the Police or local residents. The sole representation received had been submitted from the managing agent of 41 Dover Street. Ms Tricker informed the Sub-Committee that attempts had been made to contact the objector, but these had proven unsuccessful. The Premises was not located within a Cumulative Impact Area (CIA) and therefore there was no presumption to refuse the application. Ms Tricker also advised that there were sufficient conditions attached to the existing licence to ensure the front of the Premises was properly managed therefore addressing any concerns raised over this area.</p> <p>In response to the representation received Ms Tricker noted that the objector was not present before the Sub-Committee to present their representation. In terms of late night refreshment, the extension in hours sought would not create any additional litter as condition 32 prevented takeaway of any hot food or drink from the Premises after 23:00 hours. Concerns also raised over the extension in hours on Sundays for the sale of alcohol would have no impact as off sales after 23:00 had not been applied for and in any case condition 42 prevented any off sales of alcohol after 23:00. An issue over smoking that was raised was not supported as the Premises had an external designated smoking area for customers which was cordoned off from the public highway and supervised by members of staff. The Police had not objected to the application but had requested that a Challenge 25 policy be introduced at the Premises which the applicant was content to initiate. Ms Tricker confirmed that the operation of the Premises would not change, it was simply seeking to extend its hours on Sundays, and there were sufficient conditions on the licence to ensure the Premises would continue to promote the licensing objectives. The clientele was generally of a more mature nature and could be expected not to create any additional impact in the area. There was also no history of complaints regarding the Premises.</p> <p>After careful consideration the Sub-Committee agreed to grant the application. It was noted that the Premises was not located within a CIA and therefore there was no presumption to refuse the application which had to be judged on its merits. No representations had been submitted by the responsible authorities</p>

	<p>and following pre-application advice Environmental Health had not objected to the application being granted. Environmental Health had also checked the complaint history for the Premises which confirmed that none had arisen. The Sub-Committee also had regard to the fact that no residential representations had been received. It was acknowledged that the operation of the Premises would not change on Sundays when the extended hours were requested. The applicant had demonstrated that they could operate the Premises to the later hours responsibly and in a manner, which would promote the licensing objectives. The conditions on the licence, particularly relating to the management of the front of the establishment, were considered appropriate and would ensure the venue operated with minimum impact on its local residents or area. The Sub-Committee was satisfied that the extension in hours for Sundays was appropriate and proportionate for the local area with the nature of the operation and the conditions on the licence ensuring that the licensing objectives were promoted. The Sub-Committee therefore granted the application accordingly.</p>								
2.	<p>Late Night Refreshment - Indoors</p> <table> <tr> <td><u>Current:</u></td><td><u>Proposed:</u></td></tr> <tr> <td>Monday to Saturday: 10:00 to 03:30 Sunday: 10:00 to 00:30</td><td>Monday to Sunday: 10:00 to 03:30</td></tr> </table> <p>Licensable Area:</p> <table> <tr> <td>Basement and Ground Floor</td><td>No Change</td></tr> </table> <p>Seasonal variations/ Non-standard timings:</p> <table> <tr> <td>New Year's Eve - from 23:00 on New Year's Eve to 05:00 on New Year's Day On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises end after 01:00.</td><td>No Change</td></tr> </table>	<u>Current:</u>	<u>Proposed:</u>	Monday to Saturday: 10:00 to 03:30 Sunday: 10:00 to 00:30	Monday to Sunday: 10:00 to 03:30	Basement and Ground Floor	No Change	New Year's Eve - from 23:00 on New Year's Eve to 05:00 on New Year's Day On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises end after 01:00.	No Change
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	<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>Performance of Dance</p> <table border="0"> <tr> <td><u>Current:</u></td><td><u>Proposed:</u></td></tr> <tr> <td>Monday to Saturday: 09:00 to 03:30 Sunday: 09:00 to 00:00</td><td>Monday to Sunday: 09:00 to 03:30</td></tr> <tr> <td colspan="2">Licensable Area:</td></tr> <tr> <td>Basement and Ground Floor</td><td>No Change</td></tr> <tr> <td colspan="2">Seasonal variations/ Non-standard timings:</td></tr> <tr> <td>New Year's Eve - from the end of trade to the start of trade on New Year's Day On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises end after 01:00.</td><td>No Change</td></tr> </table>	<u>Current:</u>	<u>Proposed:</u>	Monday to Saturday: 09:00 to 03:30 Sunday: 09:00 to 00:00	Monday to Sunday: 09:00 to 03:30	Licensable Area:		Basement and Ground Floor	No Change	Seasonal variations/ Non-standard timings:		New Year's Eve - from the end of trade to the start of trade on New Year's Day On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises end after 01:00.	No Change
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7.	<p>Conditions being Varied</p> <table border="0"> <tr> <td><u>Current:</u></td><td><u>Proposed:</u></td></tr> <tr> <td>Condition 12</td><td>Condition 12</td></tr> <tr> <td>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.</td><td>A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram</td></tr> </table>	<u>Current:</u>	<u>Proposed:</u>	Condition 12	Condition 12	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.	A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram						
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	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.	<p>(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.</p> <p>(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;</p> <p>(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or</p> <p>(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</p> <p>(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;</p> <p>(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a</p>

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 attached after a hearing by the licensing authority

9. After 00.00 hours (midnight) the supply of alcohol shall be ancillary to the provision of substantial food and/or music and dancing.
10. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
11. The number of persons permitted on the premises at any one time (excluding staff) shall not exceed:

Ground Floor: 100 persons
Basement: 480 persons

With no more than 480 persons on the premises at any one time.

12. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
13. 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.
14. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

15. 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.
16. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
17. All external windows and entrances shall be kept closed after 23:00 hours, except for the immediate access and egress of persons.
18. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
19. 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.
20. 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.
21. All exit doors on designated escape routes shall be available at all material times without the use of a key, code, card or similar means.
22. All self-closing doors shall be effectively maintained and not held open other than by an approved device.
23. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
24. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
25. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
26. 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.
27. Patrons permitted to temporary leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
28. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse

storage arrangements by close of business.

29. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23.00 hours and 08.00 hours.
30. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
31. 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 or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
32. There shall be no sales of hot food or hot drink for consumption 'off' the premises after 23.00 hours.
33. No deliveries to the premises shall take place between 23.00 and 07.00 hours.
34. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
35. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
36. The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
37. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.
38. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is

caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

39. There shall be no admittance or re-admittance to the premises after 02:00, except for those patrons temporarily leaving the premises to smoke, save for a maximum number of 25 guests per night who may be admitted at the manager's discretion provided a legible record of these people's names shall be retained on the premises for inspection by the licensing authority and police for a period of 31 days. The name of the manager authorising the entrance will also be recorded.
40. At least 2 SIA licensed door supervisors shall be on duty at the entrance of the premises from 20:00 whilst it is open for business.
41. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
42. There shall be no sales of alcohol for consumption off the premises after 23:00.

The Meeting ended at 2.30 pm

CHAIRMAN: _____

DATE _____