



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (4)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** held on **Thursday 4th June, 2020**, This will be a virtual meeting.

Members Present: Councillors Karen Scarborough (Chairman), Louise Hyams and Aicha Less

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

1 IT RESTAURANT, HERITABLE HOUSE, 28-29 DOVER STREET, W1S 4NA

LICENSING SUB-COMMITTEE No. 4

Thursday 4th June 2020

Membership: Councillor Karen Scarborough (Chairman), Councillor Louise Hyams and Councillor Aicha Less

Legal Adviser: Horatio Chance
Policy Adviser: Aaron Hardy
Committee Officer: Tristan Fieldsend
Presenting Officer: Jessica Donovan

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

Present: Mr Jack Spiegler (Solicitor, representing the Applicant), Mr Michele Constantini (Designated Premises Supervisor), Mr Anil Drayan (Environmental Health), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing Mr Mike Dunn and 17 Berkeley Street Residents Association) and Mr Ulrich Brandt-Pollman, (representing Ms Jaleh Zand)

**It Restaurant, Hereditary House, 28-29 Dover Street, London, W1S 4NA
 ("The Premises")
 20/03360/LIPV**

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

Current:

Monday to Thursday: 10:00 to 00:00
 Friday to Saturday: 10:00 to 01:00
 Sunday: 10:00 to 00:00

Proposed:

Monday to Thursday: 10:00 to 01:00
 Friday to Saturday: 10:00 to 02:00
 Sunday: 10:00 to 01:00

Seasonal variations/ Non-standard timings:

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. No Change.

None. 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.

Amendments to application advised at hearing:

None.

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

The Sub-Committee considered an application by It Restaurant Limited for a variation of a premises licence in respect of It Restaurant, Hereditary House, 28-29 Dover Street, London, W1S 4NA.

The ing Officer introduced the application.

Mr Spiegler, representing the Applicant, provided an overview of the operation to the Sub-Committee and described how it operated as a restaurant and not as a bar or nightclub with a two-star Michelin chef providing the food. The Premises had conditions on its current licence requiring it to operate as a restaurant except for some very small bar areas which had a maximum capacity of sixteen persons each. Non-diners were permitted to use these bar areas, but the Sub-Committee was advised that they were primarily utilised by diners. If the Sub-Committee was minded to grant the application the Applicant was content for conditions 9 and 10 on the current licence to be replaced with the Council's model restaurant

condition (MC66) which was far stricter regarding the supply of alcohol. To address concerns the Applicant was also offering to impose an additional condition on the licence stipulating that after 00:00 Monday to Thursday and 01:00 Friday to Saturday the supply of alcohol would have to be ancillary to persons dining at the restaurant.

Mr Spiegler advised that there were three main factors which distinguished this application from other recent applications by premises in the vicinity which had been refused by Licensing Sub-Committees. Firstly, the Premises was not a nightclub with any music played being of a low-level nature creating an ambience that would not interfere with the diners ability to hold conversations. Secondly, a food offer would be available in all parts of the Premises. Thirdly, no individual residential objections had been received to the application. The Premises had utilised Temporary Event Notices (TENs) on 21 occasions where it had been open until 03:00 hours and the Sub-Committee was advised that each time no complaints had been received. This had been due to the style of operation, the experience of the Designated Premises Supervisor (DPS), the appropriate management controls in place and the types of patrons frequenting the Premises. Mr Spiegler suggested that these were all factors which the Sub-Committee could take into account.

The representations received in relation to the application were then addressed by Mr Spiegler who also highlighted that the Police and Environmental Health had not submitted any objections. The cumulative impact of the number of licensed premises operating in Mayfair had been raised as a concern however once any lockdown restrictions in place were eased following the Covid-19 pandemic any impact could be expected to be materially lower due to expected continued social distancing measures. The impact of the pandemic on the hospitality industry was expected to be grave and this application would hopefully improve the Premises outlook during these unprecedented circumstances. The priority of the application was to promote the licensing objectives and the Premises was not located in a Cumulative Impact Area (CIA) and therefore there was no policy presumption to refuse the application. The representations had also referenced Dr Hadfield's report on the evening and night-time economy in Mayfair. Mr Spiegler explained that this report acknowledged within it that some premises did not add to cumulative impact. In terms of the issues around precedence which had been raised in regard to previous refusals of applications in the area, the application had to be judged on its merits. The Applicant had demonstrated distinguishing factors from the other applications including the implementation of an operational management plan which promoted the licensing objectives and would help ensure no additional cumulative impact occurred in Mayfair.

In response to questions from the Sub-Committee Mr Spiegler advised that there were 81 residents located in the vicinity of the Premises who had not submitted representations to the application and in addition no complaints had been received in relation to the operation of the TENs. The high-end style of the operation and the type of patron frequenting the Premises would also help ensure that there would be no issues with dispersal at a later hour. In terms of how the Covid-19 pandemic had affected residents ability to submit representations the Sub-Committee was advised that the statutory notices had

been displayed correctly and local residents should have been made aware through the usual procedural routes.

Mr Drayan, representing Environmental Health, confirmed that their representation was maintained as the hours being applied for extended beyond 01:00 and therefore the Sub-Committee was being asked to determine whether this was appropriate or not. Since the Premises had been open there had been no reports of any issues arising from its operation. The Premises was located on Dover Street which was a largely commercial street with some residential properties situated on it, however it was acknowledged that no representations had been received from these residents. The Sub-Committee had to decide whether the dispersal management plan in place was sufficient to appropriately manage customers leaving the Premises at the later hour and ensure local residents experienced minimal noise or disturbance so as not to undermine the public nuisance licensing objective.

Mr Brown, representing a local resident and 17 Berkeley Street Residents Association, addressed the Sub-Committee. He acknowledged that the location of the Premises did not fall within a CIA as designated in the City Council's Statement of Licensing Policy ("SLP"). However, the objectors were of the view that the location of the Premises and its vicinity shared many of the characteristics of a CIA and that the application must be determined with this in mind. The relevant evidence to support this conclusion was set out in the representations submitted and Dr Hadfield's report which confirmed and supported many of the points which residents had raised with some success on previous applications for hours extensions on nearby Berkeley Street and Dover Street. It was stated that the number of licensed premises in Mayfair was having a negative cumulative effect on the area, particularly late at night, to the detriment of the residents amenity. The extension in hours sought was considered excessive particularly as they already had permission to supply alcohol in excess of the Council's core hours policy. The Applicant had advised that no complaints had been submitted regarding the operation of the Premises, but it had only been open since November 2019 and therefore this could not be considered a long enough period to draw any firm conclusions on its impact on the local area. Mr Brown advised the Sub-Committee that as this was one of the first applications submitted after the Covid-19 pandemic lockdown had been implemented and this could potentially have impacted on residents ability to know about the variation applied for.

In terms of the TENs previously granted for the Premises Mr Brown commentated that there was very little information supplied about how they operated. He requested further clarity on whether they were open to the same hours requested in the application and with the same capacity. Another key concern raised in the representations regarded the significant increase in the local area of licensed premises and how residents were experiencing negative cumulative impact. Mr Brown drew the Sub-Committee's attention to previous decisions for recent applications made in the Mayfair area. He then went onto state that it was recognised that any decision made by the Sub-Committee would have to be made based on the application's own individual merits. However, in his view it could take into account consistency of decision making and therefore previous decisions for applications in this area were in his opinion capable of

being material evidence. The previous decisions contained within Mr Brown's submission also detailed applications with a closing hour of 02:30 hours and the reasons why they were refused. Mr Brown recognised that the Premises was not located within a CIA however paragraph 2.5.14 of the SLP stated that for sales of alcohol after 01:00 the Council had to take into account the increased likelihood of crime and disorder and greater disturbance from activities late at night. The suggestion that the Covid-19 pandemic would result in the application having a negative impact on the area was not considered accurate. Mr Brown sympathised with businesses during this challenging period, however extending the hours on the licence was not considered the answer to the challenges faced ahead.

In response to questions from the Sub-Committee Mr Brown acknowledged the additional conditions offered by the Applicant however he advised that they did not address the many concerns raised by residents. It was considered that the application would result in the Premises becoming a more drink-led operation with the later hours requested creating further disturbance to residents as customers dispersed.

Mr Brandt-Pollman, representing Ms Jaleh Zand, addressed the Sub-Committee. He considered that the extension in hours sought was a serious concern for residents and would add to the recent change in tone of the area. It was stated that customers leaving licensed premises later in the evening was leading to an increase in anti-social behaviour which included the use of super cars creating disturbance. Residents were experiencing increased levels of noise later in the evening and it was expected that the application would only exacerbate these existing issues.

In summary Mr Drayan advised that the dispersal policy submitted by the applicant was a key factor and the Sub-Committee had to decide whether it addressed the issues mentioned, especially later in the evening and whether the offered conditions would mitigate the concerns of residents

In summary Mr Brown recognised that the application was different from other applications made recently in the same area. However, Mr Brown considered that this application was situated closer to residential properties and even with the Premises best endeavours the application was likely to perpetuate the problems already experienced. It was emphasised again that in accordance with paragraph 2.5.14 of the City Council's SLP applications supplying alcohol after 01:00 had to take into account the increased likelihood of crime and disorder and greater disturbance later at night. The current situation was challenging for businesses however the increase in hours was not considered appropriate and it was noted that there was no time limit to the application or even a condition to personalise the licence. The focus should be on evaluating what was 'reasonably acceptable' in a particular location as set out in the Hope and Glory case. This application would not benefit the local area and should therefore be refused.

In summary Mr Brandt-Pollman requested that the application be refused. Residents in the area already experienced disturbance later in the evening and this application would only exacerbate these issues.

In summary Mr Spiegler explained that the Premises was not a bar, nightclub or hybrid operation but a restaurant with a 2-star Michelin chef. The Council's Policy mentioned in the representations related to bars and premises located within a CIA, neither of which applied to the Premises before the Sub-Committee. The customer demographic frequenting the restaurant were not likely to cause any disturbance with a substantial food offer available throughout all parts of the Premises. In addition, no individual residential representations had been submitted in objection to the application. Mr Brown had mentioned consistency of decision making and the Sub-Committee was invited to do this as Mr Spiegler advised that a similar style premises nearby had recently been granted a terminal hour of 02:00. The dispersal policy developed by the applicant was comprehensive and this was borne out through no complaints having been submitted through the operation of 21 TENs. EH had advised of the commercial nature of Dover Street and therefore there was no realistic possibility that the application was likely to negatively impact on residents. Mr Spiegler suggested that if the application was refused then it could have potentially damaging effects on the financial viability of the Premises.

Conclusion

The Sub-Committee carefully considered the application and recognised it had a duty to consider each application on its individual merits and that it was not bound by previous decisions of licensing premises that may or may not have been granted within the area. The Sub-Committee noted that the Premises had opened in the Autumn of last year and hence had not been trading very long, however, the length of time the Premises had been open did not prevent such an application being made to the Licensing Authority. The Sub-Committee had to consider the evidence before it and whether the four licensing objectives would be promoted. The Sub-Committee heard evidence from all the respective parties and in the light of considering that evidence refused the application.

The Sub-Committee noted that the Premises was first and foremost a restaurant and that there was no intention by the Applicant to operate it as a Bar or indeed night club venue. This was reinforced by the fact that model restaurant condition 66 had been offered as one of the proposed conditions and that the proposed bar areas were not to be drink led because food would be on offer. It was the Sub-Committee's considered view, however, that the increase in licensable activities would lead to public nuisance, in particular problems with dispersal and noise when customers were leaving the Premises. Whilst a dispersal policy had been produced the Sub-Committee did not feel that this went far enough because of the endemic problems within the area associated with public nuisance and the ability of the premises licence holder to overcome these particular obstacles that would promote the licensing objectives.

The locality of the area was a crucial factor in the decision making of the Sub-Committee because whilst it was accepted that the area was dominated by commercial premises there were also residential properties in close proximity to the Premises. The Sub-Committee noted that there was an 81 residential count within the area. With that specific issue in mind it could not ignore the fact that granting the application would exacerbate the problems residents already experienced with noise, loud voices, banging of car doors and disturbance

relating to super sport cars. In addition, there would be a likely increase in vehicular traffic and footfall which would undoubtedly affect local residents.

The Sub-Committee felt also that with the potential of late hours the Premises could become a destination venue allowing people to drink alcohol until 02:00 hours with the Premises closing at 02:30 hours adding further problems to the area that would further undermine the public nuisance licensing objective, thus causing negative cumulative impact. The Sub-Committee also considered the global impact for the area as this could have the potential to change the character of the neighbourhood leading to the problems identified above.

The Sub-Committee accepted that whilst the Premises was not located in the Cumulative Impact Area, the residents' concerns of negative cumulative impact and public nuisance were taken into account in reaching this decision. The Committee felt that it needed to strike the right balance when considering the merits of the application and the evidence before it and did not arrive at the decision to refuse the application lightly having regard to the full set of circumstances of the case. It did properly consider whether the proposed conditions offered would mitigate the concerns of residents but was not persuaded by the Applicant that these would go to the heart of the problems associated with nuisance. In fact, the Sub-Committee came to the conclusion that any increase in hours would have the reverse effect by further compounding the fears of residents resulting in a negative impact and this approach would not help the Applicant to achieve the promotion of the licensing objectives which ultimately was what the 2003 Act was designed to do. The application was therefore refused accordingly.

2. Late Night Refreshment - Indoors

Current:

Monday to Thursday: 23:00 to 00:30
Friday to Saturday: 23:00 to 01:30
Sunday: 23:00 to 00:30

Proposed:

Monday to Thursday: 23:00 to 01:30
Friday to Saturday: 23:00 to 02:30
Sunday: 23:00 to 01:30

Seasonal variations/ Non-standard timings:

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

No Change.

None.

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.								
	Amendments to application advised at hearing: None.								
	Decision (including reasons if different from those set out in report): The Sub-Committee refused the application (see reasons for decision in Section 1).								
3.	<p>Hours Premises are Open to the Public</p> <table border="0"> <tr> <td><u>Current:</u></td> <td><u>Proposed:</u></td> </tr> <tr> <td>Monday to Thursday: 07:00 to 00:30 Friday to Saturday: 07:00 to 01:30 Sunday: 07:00 to 00:30</td> <td>Monday to Thursday: 07:00 to 01:30 Friday to Saturday: 07:00 to 02:30 Sunday: 07:00 to 01:30</td> </tr> </table> <p>Seasonal variations/ Non-standard timings:</p> <table border="0"> <tr> <td>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</td> <td>No Change.</td> </tr> <tr> <td>None.</td> <td>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.</td> </tr> </table>	<u>Current:</u>	<u>Proposed:</u>	Monday to Thursday: 07:00 to 00:30 Friday to Saturday: 07:00 to 01:30 Sunday: 07:00 to 00:30	Monday to Thursday: 07:00 to 01:30 Friday to Saturday: 07:00 to 02:30 Sunday: 07:00 to 01:30	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	No Change.	None.	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.
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From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	No Change.								
None.	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.								
	Amendments to application advised at hearing: None.								
	Decision (including reasons if different from those set out in report): The Sub-Committee refused the application (see reasons for decision in Section 1).								

2 CAESAR HOTEL, GROUND FLOOR TO FIFTH FLOOR, 26-33 QUEEN'S GARDENS, BAYSWATER, W2 3BD

LICENSING SUB-COMMITTEE No. 4

Thursday 4th June 2020

Membership: Councillor Karen Scarborough (Chairman), Councillor Louise Hyams and Councillor Aicha Less

Legal Adviser: Horatio Chance

Policy Adviser: Aaron Hardy

Committee Officer: Tristan Fieldsend

Presenting Officer: Jessica Donovan

Relevant Representations: The South East Bayswater Residents Association and one local resident (objecting)

Present: Ms Sally Fields (Agent, representing the Applicant), Mr Lee Melville (Designated Premises Supervisor), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing the South East Bayswater Residents Association) and Dr Bernard McGinnie (local resident - objecting)

Caesar Hotel, Ground Floor To Fifth Floor, 26-33 Queen's Gardens, Bayswater, W2 3BD ("The Premises") 20/01558/LIPV					
1.	Sale by Retail of Alcohol – On Sales				
	<table><tr><td><u>Current:</u></td><td><u>Proposed:</u></td></tr><tr><td>Monday to Saturday: 10:00 to 00:00 Sunday: 12:00 to 23:30</td><td>Monday to Thursday: 10:00 to 23:30 Friday to Saturday: 10:00 to 00:00 Sunday: 12:00 to 22:30</td></tr></table>	<u>Current:</u>	<u>Proposed:</u>	Monday to Saturday: 10:00 to 00:00 Sunday: 12:00 to 23:30	Monday to Thursday: 10:00 to 23:30 Friday to Saturday: 10:00 to 00:00 Sunday: 12:00 to 22:30
<u>Current:</u>	<u>Proposed:</u>				
Monday to Saturday: 10:00 to 00:00 Sunday: 12:00 to 23:30	Monday to Thursday: 10:00 to 23:30 Friday to Saturday: 10:00 to 00:00 Sunday: 12:00 to 22:30				
	Amendments to application advised at hearing: None.				
	Decision (including reasons if different from those set out in report): The Sub-Committee considered an application by Caesar Management Limited for a variation of a premises licence in respect of Caesar Hotel, Ground Floor To Fifth Floor, 26-33 Queen's Gardens, Bayswater, W2 3BD. The Licensing Officer introduced the application and confirmed that the Police and Environmental Health had both withdrawn their representations following the agreement of conditions with the Applicant. Ms Hills, representing the Applicant, explained that the application was seeking				

to vary its existing licence (by the removal of certain conditions as specified below) to permit members of the public to use the bar area located within the Premises which they currently were not permitted to do. This variation was being sought following frequent requests from local residents. The application also sought to reduce the hours permitting the sale by retail of alcohol to core hours. The Police had suggested additional conditions be attached to the licence and the applicant had agreed these including one restricting sales of alcohol after core hours to hotel residents and their bona fide guests on production of a room key card and/or Hotel account card. Conditions had also been agreed with Environmental Health (EH) and the South East Bayswater Residents Association (SEBRA). Ms Hills advised that the Applicant had a good relationship with SEBRA who were broadly supportive of the application. The additional conditions agreed had been forwarded onto the sole residential objector, but it was advised that no response to these had been received. It was confirmed that the application was not seeking to change the current use of the Premises in any way. Any other alterations to the licence were simply to tidy it up as it was an old licence and several conditions required updating. In addition to this a new plan had been submitted detailing the proposed bar area hatched in red.

In response to questions from the Sub-Committee Mr Melville, the Designated Premises Supervisor, confirmed that any signage for the bar would be located on Leinster Gardens with the bar operation also planned to be advertised through social media. The bar area was not very large and had a seated capacity of 40 persons. The application was not seeking to extend this area and if all the seating was taken customers trying to enter would be turned away. It was submitted that the bar area was predominantly food-led providing a Spanish tapas style offer. For clarification Ms Hills confirmed that currently only hotel residents and their bona fide guests could enter the bar and what the application sought was to permit members of the public to also access these facilities.

Mr Brown, representing SEBRA, explained that SEBRA have tried to take a balanced view of the application and had entered into constructive dialogue with the applicant. A number of conditions had been agreed between the parties, in particular regarding servicing, and therefore SEBRA were generally content with the application. Mr Brown provided an update on the key issues raised in his submissions:

- 1) Concerns over the location of the bar area had been addressed now this would be hatched in red on the plan. It was also suggested the relevant condition be slightly amended so that alcohol could only be served and consumed by non-hotel residents in the hatched area.
- 2) He was uncertain whether off sales of alcohol had been applied for, however it was noted that it was planned to reduce the hours permitting any off sales to core hours.
- 3) It was acknowledged that the hours permitting members of the public to purchase and consume alcohol would be restricted to core hours.
- 4) It had been proposed to delete condition 11, however it was suggested it be amended to *“Save for non-residents in the hatched area on the ground*

floor” being inserted before the words “Alcohol shall not be sold or supplied”.

- 5) The applicant was proposing to delete condition 12, this was considered a common condition on licences however and therefore it was proposed to replace it with model condition 41.
- 6) It was requested that further clarification be provided that patrons would not be permitted to take drinks outside via the Leinster Gardens door.

Dr McGinnie, a local resident, advised that this was the third such application submitted for this Premises in the previous twenty years, all resisted by local residents, which sought to allow members of the public to use the bar area in the hotel. His main concern related to the anticipated additional noise created late at night permitting the application would create. It was his view that there were multiple licenced premises in the area where members of the public could purchase alcohol, so it was suggested an additional bar was not required. Dr McGinnie explained that he had no problems with the hotel, but he was concerned the easing of restrictions for the bar area would change the character of the street. It was currently a very quiet, residential street but if granted this was likely to change as far more members of the public would be in the vicinity consuming alcohol.

Mr Zamit, representing the South East Bayswater Residents Association, confirmed that he shared Dr McGinnie’s concerns to a certain degree as granting the application would permit 40 members of the public to drink at the bar who would then have to disperse into the wider area when it closed. Comfort was provided however that no complaints had been submitted with regard to the hotel in 10 years, the bar area had a limited capacity and the hours permitting the sale of alcohol to non-hotel residents and their bona fide guests would be restricted to core hours.

To address concerns raised Ms Hills confirmed that it was the intention to use the door located on Leinster Gardens as the main entrance and exit for members of the public to the bar. It was not anticipated that anyone would access the bar using the Queen’s Garden entrance. The area where the public could purchase and consume alcohol would be designated on the hatched plan and restricted to core hours only. To address further concerns Mr Melville confirmed that the bar area was predominantly food led and he was content for a condition to be added to the licence requiring substantial food to be available throughout the Premises.

Mr Brown requested that if the Sub-Committee was minded to grant the application the slight amendments to the proposed conditions he mentioned earlier be taken into consideration.

In response to a question from Mr Zamit, Mr Melville confirmed that there were two windows in the bar area which had restricted openings and would be closed after 23:00 hours.

Dr McGinnie expressed concerns that potentially 40 people dispersing from the bar in the evening would detrimentally affect the amenity of local residents. If the

	<p>Sub-Committee was minded to grant the application however it was requested that the bar area be conditioned to be predominantly food-led.</p> <p>Ms Hills confirmed that the Applicant was content with the proposed amendments to the conditions suggested by Mr Brown. She advised the hotel was a well-run operation and the Applicant was trying hard to work constructively with all relevant stakeholders. Local residents would be invited to visit the bar, which they couldn't do previously, and have a drink and observe how it operated.</p> <p>The Sub-Committee carefully considered the application and welcomed the constructive dialogue that had been entered into between the Applicant and SEBRA. 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 also recognised that representations from the Police and EH had been withdrawn following the agreement of conditions, particularly addressing any servicing issues. The Sub-Committee also took into consideration the agreement to amend some of the existing conditions on the licence strengthening the restrictions on non-hotel residents consuming alcohol. In addition, the hours permitting non-hotel residents to purchase and consume alcohol had been reduced to core hours. The Sub-Committee also considered the Applicant to be a responsible operator and this was evidenced by the fact that no complaints had been submitted about the operation of the hotel in 10 years. The bar area was small in size and the Applicant had confirmed that it catered for a maximum of 40 seated persons. To address any concerns the Sub-Committee therefore considered it appropriate to add a condition to the licence restricting the capacity to 40. Another additional condition requiring substantial food to be offered throughout the Premises was also considered appropriate and provided reassurance that the bar would not become a drink-led destination venue.</p> <p>Having taken into account all the evidence (with consideration being given to the representations received from a local resident and SEBRA), 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 considered that the conditions it had imposed on the licence were appropriate and proportionate and would have the overall effect of promoting the licensing objectives and on that basis granted the application accordingly.</p> <p>The Sub-Committee welcomed the constructive discussions which had taken place however it was also recognised that clear concerns had emerged with regards to the potential impact the application could have on residential amenity in Queen's Gardens. The applicant was encouraged to ensure non-residents did not leave the Premises via Queen's Gardens but instead use the nearest rear exit away from local residents. 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>Sale by Retail of Alcohol – Off Sales</p> <p><u>Current:</u> <u>Proposed:</u></p>

	<p>Monday to Saturday: 10:00 to 00:00 Monday to Saturday: 10:00 to 23:00 Sunday: 12:00 to 23:30 Sunday: 12:00 to 22:30</p>
	<p>Amendments to application advised at hearing: None.</p>
	<p>Decision (including reasons if different from those set out in report): The Sub-Committee granted the application (see reasons for decision in Section 1).</p>
<p>3.</p>	<p>Conditions Proposed and now Removed</p> <p>Condition 10:</p> <p>10. Alcohol may be sold or supplied:</p> <ul style="list-style-type: none"> (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10.00 to 00.00 (b) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12.00 to 23:30 (c) On Christmas Day: 12.00 to 22.30 (d) On New Year's Eve, except on a Sunday, 10.00 to 23.00 (e) On New Year's Eve on a Sunday, 12.00 to 22.30 (f) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December). <p>The above restrictions do not prohibit:</p> <ul style="list-style-type: none"> (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel; (b) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals; (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises; (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered; (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club; (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces; (g) the taking of alcohol from the premises by a person residing there; (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at

- his own expense, or the consumption of alcohol by persons so supplied;
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

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

Condition 11:

11. Alcohol shall not be sold or supplied:

- (a) unless the premises have been structurally and bona fide used, or intended to be used, for the purposes of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises, and unless the premises are bona fide used, or intended to be used, for the purposes of habitually providing for reward board and lodging, including breakfast and one other at least of the customary main meals;
- (b) on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal, or to persons residing there or their private friends bona fide entertained by them at their own expense, and for consumption by such a person or his private friend so entertained by him either on the premises or with a meal supplied at but to be consumed off the premises.

Conditions 12:

12. Alcohol shall not be sold or supplied unless suitable beverages other than alcohol (including drinking water) are equally available for consumption with or otherwise as an ancillary to meals served in the premises.

Condition 13:

13. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (a) He is the child of the holder of the premises licence.
- (b) He resides in the premises, but is not employed there.
- (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it

	<p>to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.</p> <p>Condition 17:</p> <p>17. Only residents or their guests will be allowed entry.</p> <p>Condition 23:</p> <p>23. The fire escape door leading on to Leinster Gardens will be kept closed except in an emergency.</p>
	<p>Amendments to application advised at hearing:</p> <p>Following discussions between all the parties the Sub-Committee felt it was more appropriate to amend condition 11 rather than delete it. The amended condition is reproduced below as a new condition 28 with the words "<i>Save for non-residents in the hatched area on the ground floor</i>" being inserted before the words "<i>Alcohol shall not be sold or supplied</i>"</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>	
<ol style="list-style-type: none"> 1. 2. 3. 4. 	<p>No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.</p> <p>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.</p> <p>Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.</p> <p>(1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children.</p>

- (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.
5. The responsible person shall ensure that no alcohol is dispensed 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).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) 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 a holographic mark.
8. The responsible person shall 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; and
- (b) customers are made aware of the availability of these measures.

Conditions for Sale of Alcohol:

9. Front lobby to be designated "dry lounge" for the premises.
10. Alcohol shall not be sold or supplied:
 - (a) unless the premises have been structurally and bona fide used, or intended to be used, for the purposes of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises, and unless the premises are bona fide used, or intended to be used, for the purposes of habitually providing for reward board and lodging, including breakfast and one other at least of the customary main meals;
 - (b) on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal, or to persons residing there or their private friends bona fide entertained by them at their own expense, and for consumption by such a person or his private friend so entertained by him either on the premises or with a meal supplied at but to be consumed off the premises.
11. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Conditions attached after a hearing by the licensing authority:

12. Music will only be used in the background.
13. Doors and windows will be kept closed with exception for ingress and egress.
14. Drinks cannot be taken outside of the premises.
15. There will be no cash or card payments after the core hours, only Hotel residents and their bona fide guests may be permitted to purchase alcohol on production of a room key card and/or Hotel account card after these hours.
16. Alcohol will only be served and consumed by non-residents in the area shown hatched on the attached plan which shall be limited to no more than 40

persons at any one time.

17. 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.
18. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
19. 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.
20. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
21. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
22. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
23. 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.
24. No collections of waste or recycling materials (including bottles) from the

premises shall take place between (23.00) and (08.00) on the following day.

25. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.
26. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
27. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.
28. Save for non-residents in the hatched area on the ground floor alcohol shall not be sold or supplied:
 - (a) unless the premises have been structurally and bona fide used, or intended to be used, for the purposes of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises, and unless the premises are bona fide used, or intended to be used, for the purposes of habitually providing for reward board and lodging, including breakfast and one other at least of the customary main meals;
 - (b) on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal, or to persons residing there or their private friends bona fide entertained by them at their own expense, and for consumption by such a person or his private friend so entertained by him either on the premises or with a meal supplied at but to be consumed off the premises.

The Meeting ended at 2.35 pm

CHAIRMAN: _____

DATE _____