



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (4)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** held on **Thursday, 25th March, 2021**, This was a virtual meeting.

Members Present: Councillors Karen Scarborough (Chairman), Louise Hyams and Maggie Carman

Officer Support: Legal Officer: Horatio Chance
Policy Officer: Kerry Simpkin
Committee Officers: Toby Howes & Cameron MacLean
Presenting Officer: Kevin Jackaman

1. MEMBERSHIP

There were no changes to the Membership of the Sub-Committee.

2. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

1 ORDER OF PROCEEDINGS

2 10.00 AM: 40 Eastbourne Terrace, London W2 6LG

Present: Chris Grunert, John Gaunt & Partners (on behalf of the Applicant); Niall Hyslop & Jonathan Langdon, Whitbread Group Plc; Amy Rogers (resident); Richard Brown, Citizens Advice Westminster, Licensing Project (on behalf of South-East Bayswater Residents' Association (SEBRA)); and John Zamit, SEBRA.

Representations: Representations had been received from [the Environmental Health Service (EHS)]

Applicant: Whitbread Group Plc

Ward: Hyde Park

CIA¹: N/A

SCZ²: N/A

Summary of Application

An application had been received from Whitbread Group Plc for a New Premises Licence in respect of 40 Eastbourne Terrace, London W2 6LG which the applicant proposed to operate as hotel accommodation with associated food and

¹ Cumulative Impact Area

² Special Considerations Zone

beverage facilities. Subsequent to the application having been submitted, the applicant had amended the proposed hours of operation and these were set out in an Appendix to the report of the Director of Public Protection & Licensing.

INTRODUCTION

The Chairman welcomed everyone to the meeting and introduced the Members of the Sub-Committee and the Council Officers who would be supporting the Sub-Committee. The Chairman explained the procedure that would be followed at the meeting before inviting the Presenting Officer, Mr Kevin Jackaman, Senior Licensing Officer, to present the report.

PRESENTATIONS AND SUBMISSIONS

Presenting Officer

Mr Kevin Jackaman, Senior Licensing Officer, presented the report that was before the Sub-Committee, noting that representations had been received from the Environmental Health Service (EHS) and several interested parties. Mr Jackaman then listed the various parties present at today's meeting, including Mr John Zamit of South East Bayswater Residents' Association (SEBRA), represented by Mr Richard Brown of Citizens Advice Westminster, Licensing Project, and Ms Amy Rogers, a local resident.

Mr Jackaman noted that representations had also been received from the Metropolitan Police Service (MPS), but that these representations had been withdrawn after agreement with the applicant on proposed conditions on the Premises Licence, should the application be approved. It was also noted that additional submissions had been made by various parties and these were set out in the Additional Information Pack before the Sub-Committee.

In conclusion, Mr Jackaman noted that the premises were located in Hyde Park Ward and were not within a cumulative impact area.

Mr Chris Grunert of John Gaunt and Partners, On Behalf of the Applicant

Mr Chris Grunert of John Gaunt & Partners presented the application on behalf of the Applicant, Whitbread Group Plc., better known as "Premier Inn".

The application was for a dual site with both Premier Inn and Hub by Premier Inn hotels co-located on the same site jointly served by a single food and beverage area as identified in the Plans before the Sub-Committee. Mr Grunert noted that the application was for licensable activities to take place in the joint reception areas, the bar/restaurant, and a small external terrace area.

Mr Grunert then described the location of the Premises and the applicant's operation of Premier Inn hotels across the country, including in cities and built-up areas in close proximity to residential areas.

He stated that the application was for the sale of alcohol both On and Off the Premises within the Council's Core Hours and that the application for Off Sales had raised some concerns with Residents. He Stated that Off Sales had two principal purposes *viz.* hotel bedrooms were not licensed and, therefore, if guests wished to take alcohol purchased in the restaurant/bar to their bedroom, this would require an Off-Licence. Secondly, to allow non-residents who had purchased alcohol in the restaurant/bar to take partly consumed bottles of alcohol with them when they left the Premises, and for non-residents who wished

to buy alcohol (at hotel prices) for consumption off the Premises. Mr Grunert noted that conditions relating to the sale of alcohol had been agreed with the Police. He noted that agreement had also been reached with the Environmental Health Services (EHS), as shown in the colour-coded Draft Operating Schedule on Page 26 of the Additional Information Pack.

Regarding the Plans of the Premises and the proposed layout, Mr Grunert referred to Proposed Condition 36³ which would prohibit any significant change to the proposed layout of the Premises and the capacity of the Premises.

Mr Grunert then referred to the Planning process. He noted that this was a development that had yet to take place and that it may be necessary to apply for a variation to the Premises Licence, should the application be granted, if Planning approval necessitated any changes affecting the Premises Licence.

Mr Grunert then referred to the objections that had been received to the application, noting that it was hoped that the agreement that had been reached between the applicant and the Police and the EHS addressed those concerns.

Regarding the potential for noise nuisance, Mr Grunert noted that the people most likely to be affected by noise would be hotel residents and, therefore, the applicant would take measures to ensure that noise was not a nuisance.

In response to questions by Members of the Sub-Committee, Mr Grunert, Mr Hyslop and Mr Langdon provided the following information.

- (a) Mr Grunert gave a detailed description of the proposed operation of the restaurant/bar on the Ground Floor of the Premises and the relevance of the proposed conditions to that operation.
- (b) In response to concerns that customers may wish to use the restaurant/bar area for the consumption of alcohol only, Mr Grunert stated that he would have to take instructions from his client regarding the Council's Model Condition (MC) 41 which stated:
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.
- (c) Regarding having sufficient staff numbers to ensure compliance with the proposed licence conditions, Mr Hyslop described the proposed security measures, including CCTV and alarms, at the various entrances to and exits from the Premises. For a hotel of this size, he anticipated there being a large staff footprint on the Premises at all times.
- (d) Regarding private functions, it was noted that the only place in which a private function could take place would be in the restaurant/bar area and that the hotel was not set up for that sort of operation and that, apart from the showing of films, the applicant was not applying for any other forms of Regulated Entertainment.
- (e) Mr Grunert and Mr Hyslop described the differences between Premier Inn and Hub at Premier Inn, stating that Premier Inn catered for family and business travel, while Hub at Premier Inn was a city centre operation that was technology led allowing guests to operate their room from an app on

³ Condition 36: The layout of the Ground Floor licensed area shall be substantially laid out with tables and chairs as indicated on the Premises Licence plan.

their smart phone. It catered for a younger market and had a smaller footprint to allow more rooms which were either single or double occupancy with showers within the available floor space. There were no family rooms in Hub at Premier Inn.

- (f) It was proposed that staff wishing to smoke would use the small external terrace area at the front of the premises during the day and, when that area was not accessible in the evenings, smokers would be directed to suitably located bins within the vicinity of the hotel.

At the request of the Chairman, Mr Grunert, referring to the various Licensing Objectives, summarising the proposed Licence conditions set out in the colour-coded Draft Operating Plan. Mr Grunert stated that he would have to take instructions from his client on any additional proposed conditions.

Referring to the conditions proposed by Mr Richard Brown in his submission on behalf of SEBRA and set out in the Additional Information Pack, Mr Grunert identified those conditions where there was no agreement with the applicant, and the reasons for not having agreed to those conditions.

Mr Anil Drayan, Environmental Health Officer, on Behalf of Environmental Health Services (EHS)

Referring to the location map on the screen, Mr Drayan stated that he had visited the site and he understood the issues raised by the Residents of Chilworth Mews. However, it was important to note that No's 40 and 50 Eastbourne Terrace were not stand-alone buildings. Therefore, the only way to access Chilworth Mews was through an archway in Chilworth Street or an archway in Craven Road. Therefore, it was unlikely that hotel customers would use Chilworth Mews to get to the hotel. The main issue affecting residents in Chilworth Mews was that of servicing and the applicant had addressed that issue by way of proposed conditions on the hours that servicing could take place.

Regarding the location of a smoking area, Mr Drayan proposed that there be a further condition on the Premises Licence stating that –

“At all times, smoking by staff and customers shall only be permitted on the Eastbourne Terrace frontage”.

He then set out the reasons as to why this would be an appropriate location for a smoking area, noting that it would be for the hotel to manage the smoking area in the interests of their customers.

Given the proposed layout of the premises, Mr Drayan stated that he was satisfied that the premises would not become a vertical drinking venue. He also stated that he concurred with the proposal to include MC41 in the Premises Licence conditions.

In conclusion, Mr Drayan stated that, having dealt with many previous Premier Inn applications, he was not aware of any occasions when either Premier Inn or hub at Premier Inn had raised any concerns relating to the Licensing Objectives. Therefore, the EHS had no objection to the application subject to the proposed conditions being agreed.

In response to a number of questions, Mr Drayan provided the following information.

- (a) The Plans submitted with the application would be the Plans that would be attached to the Premises Licence should the application be approved.

Should the Plans change at any time, it would be necessary for the applicant to apply for a minor variation of the Premises Licence or, should there be a significant change to the Plans, a formal application to vary the Premises Licence would be required.

- (b) Regarding the proposal to extend the operating hours on 2 January, Mr Drayan stated that he had no objection to that proposal, but that it would be for the applicant to inform the committee as to the reasons for the extended hours.

Mr Grunert stated that it was to give the applicant some flexibility on New Year's Eve for slightly later events. Mr Grunert went on to say that he had taken instructions from his client regarding the proposal to add MC41 to the proposed Premises Licence conditions and that his client had no objection to the addition of MC41. In addition, the applicant had no objection to Mr Drayan's proposal that smoking be restricted to the Eastbourne Terrace frontage, and that access to the building after the time the Premises closed to non-residents would be restricted to entry by key card holders only.

- (c) Mr Drayan stated that he believed that the proposal to extend the operating hours on 2 January was an error and should have referred to extended opening hours on 1 January. He also corrected some typographical errors in Conditions 11 & 12 in the Additional Information Pack.

Amy Rogers, Local Resident

Ms Rogers thanked the Licensing Officers and Committee Services for their assistance in arranging today's meeting, and to Mr Brown for his assistance, and the various parties for their presentations. She stated that she did not believe that the applicant had understood the representations of Residents, particularly regarding movement around the building, notably at the rear of the building which was near to the front entrance and accessible via Chilworth Street which sloped down (the Plans only showing the Ground Floor level of the Premises) and where it was possible for people to congregate behind the car park.

Ms Rogers stated that objectors were not querying the capability of the operator. The concern was with the applicant's approach to the application which appeared to adopt a "cookie cutter" approach rather than considering the locale and the community within which the building was located. She stated that Residents were committed to working with the applicant to achieving a licensing agreement and an operational plan that would work within the Bayswater Conservation Area, adjacent to Paddington Station.

Ms Rogers said that the application fell short of the Council's Statement of Licensing Policy (SoLP) and failed to promote the Licensing Objectives. Ms Rogers then went on to set out the reasons why Residents were of the view that the application did not meet the requirements of the SoLP and did not promote the Licensing Objectives. In so doing, Ms Rogers gave a detailed critique of the proposed conditions and how they failed to address Residents' concerns.

In response to a request by the Chairman, Mr Drayan commented on a number of points made by Ms Rogers in her presentation. These included comments on the proposed licensed area as indicated by the green line (and not the red line, which indicated the curtilage of the building) on the drawing of the Ground Floor of the Premises.

Mr Drayan then described the entrances into Chilworth Mews, noting that it would not be possible to get large vehicles through the archways into Chilworth Mews. Restricting the hours that service vehicles could operate would address concerns about potential noise nuisance, including vehicles beeping as they reversed. Also, many companies were now using “white noise” beepers to avoid any issues of nuisance. He also proposed conditions that could be added to the Premises Licence to prevent people from congregating in Chilworth Mews for the purposes of drinking and/or smoking. It was also noted that many delivery companies were converting to electric vehicles to promote an environmental agenda.

In response to questions by Members of the Sub-Committee, Mr Drayan and Mr Grunert provided the following information.

- (a) Limiting the time in which deliveries could take place to 21:00 hours would not add substantially to current noise levels.
- (b) Regarding possible pickup and drop-off points for coach parties, there was a proposed condition that coach parties would not be entertained at the Premises and this would be controlled through the Hotel booking system which would cap the number of rooms that a party could book at any one time. There were also Planning conditions that prohibited entertaining coach parties.
- (c) Mr Drayan stated that he did not believe that the arched entrances to Chilworth Mews were large enough to allow coaches to enter and that it would be possible to include a condition to prohibit coaches entering Chilworth Mews.

Mr Richard Brown, Citizens Advice Westminster, Licensing Project (On Behalf of SEBRA)

Mr Brown noted that Whitbread Group Plc were, to use a Planning term, the “agent of change” in that the Residents were there first. He stated that SEBRA had been involved with the applicant on another application (North Wharf Gardens) and was keen to liaise with the applicant with a view to agreeing similar and additional conditions for this application.

Mr Brown referred to his submission as set out in the Additional Information Pack. He stated that, at Mr Zamit’s request, he had forwarded a copy of his submission to the applicant with a view to seeking agreement on the proposed condition set out in his submission. However, no discussion had taken place since forwarding his submission to the applicant’s legal representative.

Mr Brown then referred to the conditions set out in his submission, identifying those conditions which had not been agreed with the applicant, as well as conditions which had been replicated; were inconsistent with one another; or were unnecessary.

In response to questions by the Chairman, Kerry Simpkin, Head of Licensing Policy, provided the following information.

- (a) The Council’s Statement of Licensing Policy (SoLP) was kept under constant review and, as the Premises were not within a cumulative impact area (CIA), the main concerns of the SoLP with regard to this particular application was the promotion of the Licensing Objectives and the Hotels policy as set out in the SoLP.

- (b) Regarding the requirements to display a notice advertising the Premises Licence application, the Licensing Authority would be aware of any concerns regarding compliance with the statutory requirements. If there was any doubt about the applicant having failed to comply with statutory requirements, it would be for the applicant to provide evidence of having complied with the notice requirements.

In response, Mr Grunert stated that agents were instructed regarding the display of notices in accordance with the statutory requirements. He stated that the applicant was of the view that it had met both the letter and the spirit of the Notice regulations. Mr Grunert also stated, regarding Mr Zamit's request that Mr Brown forward his submission to the applicant's agent, that an email had been sent to Mr Zamit and it was in response to that email that Mr Brown had forwarded his submission. Therefore, Mr Grunert believed that there had been a good faith attempt to engage with the objectors.

Mr John Zamit, Southeast Bayswater Residents' Association (SEBRA)

Before making his presentation, Mr Zamit, who had joined the meeting by way of a conference call, said that had been cut off from the call and had to re-join the meeting. Therefore, he had missed some of the representations and discussion.

In his presentation, Mr Zamit addressed the following issues.

- (a) He believed that there was a private area on Eastbourne Terrace where smokers should be requested to smoke, rather than on the public highway.

[The Chairman noted that this, had been agreed].

- (b) If there was a Planning condition stating that service vehicles must not use beepers, then it was appropriate for that condition to be reflected in the conditions on the Premises Licence and that it was disingenuous of the applicant to say that they could not control beepers on vehicles.

[The Chairman stated that the Sub-Committee would consider The Premises Licence conditions reflecting Planning conditions].

- (c) Regarding the North Wharf Gardens Premier Inn application referred to by Mr Brown, which was in a residential area, the applicant had agreed that there should be no admittance to non-residents after 23:00 hours. He proposed that it would be appropriate to impose the same condition in this application which would be in accordance with the applicant's Planning permission.
- (d) As there was cycle rack within the premises, it would be appropriate to have a notice on the door leading into Chiltern Mews requesting cyclists, when leaving the premises, particularly late at night, to have due consideration for the Hotel's neighbours.
- (e) Also, the Planning condition requiring the closure of doors and windows should be duplicated in the Premises Licence conditions.
- (f) Residents also had concerns about football fans arriving at Paddington to go to football matches at Wembley Stadium. To address these concerns, he proposed that it would be appropriate that non-residents should not be allowed entry to the premises after 23:00 hours.
- (g) Clarification was required on the layout of tables and chairs in relation to the Hotel's main entrance.

- (h) The Hotel should provide a contact number that local Residents could call should they have any concerns about the operation of the Premises. Also, that there should be regular meetings between the Hotel management and local residents to resolve any issues or disputes.
- (i) Regarding servicing the Premises, the relevant conditions should state “All deliveries, ***including refuse and recycling***, should take place within those hours.”
- (j) All emergency doors should be kept closed when not in use to protect the local amenity.

In response to a request by Mr Zamit, the Chairman invited Mr Grunert to address the points in the various representations, rather than wait to do so in his summing up.

Mr Grunert addressed the various points, as follows.

- (a) There had been a criticism that the Premises Licence application did not replicate all the conditions set out in the Planning permission. The hours in the service condition had been reduced and were less than Westminster City Council’s standard hours for servicing.
- (b) Regarding refuse collections, if there was a Westminster City Council refuse collection from Chilworth Mews, that would avoid the requirement for a separate refuse collection from the Premises.
- (c) It was not the applicant’s intention to depart from the Planning conditions and a global condition on the Premises Licence that the applicant would comply with the Planning conditions might be a way of addressing Residents’ concerns about Planning conditions and Premises Licence conditions. This would have the advantage of allowing a quicker resolution of any disputes that would be possible if complaints were made through the Planning regime.
- (d) Restrictions on Off Sales had been agreed with the Police and the applicant was of the view that the restrictions were reasonable and proportionate. Regarding the sale of superstrength alcohol, this could be sold in bottles but could not be sold on tap. For that reason, the applicant did not believe that it would be reasonable or proportionate to impose the suggested condition in relation to the sale of high-strength alcohol. He noted that the conditions imposed on the Premier Inn North Wharf Gardens application were not typical of the vast majority of Premier Inn Premises Licence conditions.
- (e) The condition on the North Wharf Gardens Premises Licence prohibiting entry to non-residents after 23:00 hours had been agreed because the Premises were located in a residential area.

At this stage of the proceedings, the Chairman invited the Sub-Committee’s Legal Officer to make any comments that he might wish to make.

Horatio Chance, Legal Adviser to the Sub-Committee

Referring to the various conditions that had been the subject of comment and discussion in the course of the representations, Mr Chance summarised the conditions that had been agreed by the applicant and those conditions which required clarification.

SUMMING UP

At this stage of the proceedings, the Chairman invited the various parties who had made representations to sum up their representations, if they so wished.

Mr Drayan, Environmental Health Service

In summing up his presentation, Mr Drayan noted that Planning permission had been granted approximately two years ago and that it was sometimes the case that there were conditions on the Planning permission that the EHS did not require to be duplicated in the Premises Licence conditions. Accordingly, he stated that he was satisfied with the conditions EHS had agreed with the applicant, along with the proposed additional conditions, with regard to the promotion of the Licensing Objectives.

Regarding Mr Brown's observations about deliveries, he stated that it was his understanding that servicing included such things as deliveries of food, drink and bedding and that he wanted to have a separate condition for the operation of waste collections and recycling. However, he would be happy if there was a single condition governing all such deliveries and services.

He noted that the Council's commercial and residential waste collections for Chiltern Mews took place between 08:00 hours and 12:00 hours.

Ms Amy Rogers, Local Resident

Ms Rogers noted that the original Planning application had been approved in November 2019, since when there had been numerous and substantial adjustments to the application.

She stated that Residents were having to police these changes to the Planning permission as they were not being highlighted the drawings submitted to Planning officers. She stated that Residents wanted the Planning permissions to be duplicated in the Premises Licence conditions so that Residents did not have to police these conditions.

She stated that Residents would like to meet with the applicant on site so that Residents could point out their concerns, some of which had been addressed today. Ms Rogers stated that a good relationship between the parties would benefit both the Hotel and Residents as the Residents were the eyes and ears at the back of the Premises.

Ms Rogers went on to say that Residents' concerns about servicing included matters of public safety, which she subsequently described, as well as concerns about noise nuisance. She noted that outside controlled hours there may also be a conflict between residential parking and access to the Premises by service vehicles.

In conclusion, Ms Rogers pleaded with the applicant to meet with Residents so that they might work together to get this development right, not only within the context of other developments in the area, such as Crossrail, but for the benefit of both Residents and the applicant.

Mr Richard Brown, Citizens Advice Westminster, Licensing Project

Mr Brown stated that there were a number of conditions on which he and Mr Grunert would have to agree to disagree upon. Mr Brown referred to a number of references in the submission on behalf of the applicant that there was no

evidence in the strict sense of the meaning of evidence of problems as alleged by those parties objecting to the application. He stated that the proper test was not, whether problems had occurred or would occur, but whether problems were likely to occur; or whether what was sought [in the Premises Licence] application was likely to give rise to risks connected to the promotion of the Licensing Objectives, and that it was for the Licensing Sub-Committee to determine what measures were appropriate to mitigate those risks.

He stated that Residents did not have to persuade the Sub-Committee that problems would happen. Residents' concerns were well-founded and based on the regulated activities for which the applicant was seeking permission and Residents' knowledge of the location. Mr Brown stated that it was without doubt that there were risks associated with locating a large 380-bedroom hotel and restaurant/bar with a 280-person capacity next to a quiet residential mews. Therefore, when the Sub-Committee came to consider the application, it should be mindful that it was the Hotel that was the agent of change and that the Residents should be given the benefit of the doubt if the Sub-Committee was in doubt about whether to impose a condition.

Regarding the Home Office Guidance stating that the Licensing Sub-Committee should not, generally, duplicate conditions that were already provided for in existing legislation, Mr Brown noted that the purpose of the guidance was to avoid duplicating statutory provisions, particularly with regard to safety matters. It was not intended to prevent the duplication or repetition of Planning conditions and that the only Planning conditions that Residents wished to have reflected in the Premises Licence conditions were those that raised both Planning and Licensing issues. To that end, he welcomed Westminster City Council's move to bring Planning and Licensing conditions into alignment.

Mr John Zamit, Southeast Bayswater Residents' Association (SEBRA)

Mr Zamit stated that Residents simply wanted common sense to prevail and that there may have been a misunderstanding about SEBRA's proposals in relation to Off Sales of high strength alcohol. He said the purpose of the proposed condition was to prevent customers from purchasing cheap, high-strength alcohol to take away from the premises. He said that Residents had no objection to the sale of high-strength quality premium beers.

Also, it was not Residents' intention that all the Planning conditions should be replicated in the Premises Licence conditions. Rather, Residents, again, wanted common sense to prevail regarding conditions relating to refuse collection. This was to avoid companies offering hugely discounted rates for refuse collections at antisocial hours. It was also essential that conditions were in place to govern beeping noises of vehicles as the only way service vehicles could access the bays at the rear of the premises was by making a three-point turn to back into the bays.

Regarding the proposed condition that there be no entry to the premises after 23:00 hours for non-residents, the purpose of the proposed condition was to prevent customers who had been drinking at other licensed premises from then leaving the Hotel premises late at night and causing a nuisance by their conduct after leaving the premises.

Measures to ensure a good working relationship between Residents and the Hotel would include the Hotel to providing Residents with a contact number should Residents have any concerns that they wished to raise with the Hotel

management, and for the Hotel management to have regular meetings with Residents. There should also be signage requesting anyone leaving the Premises late at night to take the requirements of Residents into consideration.

In conclusion, Mr Zamit said he wanted a successful relationship that worked well for everyone. If the Planning conditions discussed were replicated in the Premises Licence conditions, then City Inspectors would be aware of these conditions, which would not be the case if the conditions were contained only in the Planning Permission conditions.

Mr Chris Grunert, on behalf of the applicant

Mr Grunert stated that his client was in the business of selling “a good night’s sleep”. Having taking instructions from his client, he was an agreement that proposed Condition 32⁴ would govern all servicing, including refuse collections, but would ask that the hours expressed in the Planning condition were maintained.

[Correcting an error in the application] With regard to the applied-for hours on New Year’s Eve hours this would be until 2 AM on 1 January.

The applicant did not believe that the Premises would be a draw as a late-night drinking destination. However, in response to the concerns expressed by Residents, the applicant had said that he would agree to a condition prohibiting entry by non-residents after 23:00 hours.

Mr Grunert stated that the applicant was grateful for Ms Rogers’ invitation to meet with Residents and the applicant had confirmed that he wished to accept this offer and that the applicant would be in contact with Ms Rogers in due course.

Concerning off sales of high-strength alcohol, Mr Grunert stated that, as a responsible operator, it was not the intention of the applicant to sell cheap high-strength cider or similar alcohol. Therefore, the applicant maintained its view that to impose the proposed condition prohibiting the sale of high-strength alcohol⁵ was neither necessary nor proportionate.

Although the applicant had offered to replicate a specific Planning condition concerning doors and access to the rear of the premises in the Premises Licence conditions, the applicant would guard against the replication of all Planning conditions in the Premises Licence conditions. However, the applicant would not resist a condition stating that the applicant would comply with all Planning conditions, thereby allowing Residents and groups to apply for a Review of the Premises Licence for any breach or breaches of Planning conditions.

In conclusion, Mr Grunert stated that the applicant was not asking the Sub-Committee to grant a Licence that would undermine the Licensing Objectives, but a Premises Licence that would, if granted, be used by the applicant to promote the Licensing Objectives at all times.

⁴ Condition 32: All servicing must take place between 07:00 hours and 20:00 hours on Monday to Saturday and 10:00 hours to 16:00 hours on Sundays and Bank holidays. Servicing including loading and unloading goods from vehicles.

⁵ Proposed Condition: No super-strength beers, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.

ADJOURNMENT

At this stage in the proceedings, the Chairman adjourned the meeting to allow Members to retire to consider their decision. She stated that the Sub-Committee would not announce its decision today but that a summary of the Decision would be sent to the various parties within five working days.

The Chairman then closed the live part of the virtual meeting.

DECISION

It was the Sub-Committee's decision to **APPROVE** the application. The Summary Decision drafted by the Legal Adviser to the Sub-Committee is attached as an Appendix to these Notes.

REASONS FOR THE DECISION

Having read the report by the Director of Public Protection and Licensing that was before it; the written submissions of the applicant and those parties objecting to the application; and, having heard presentations and representations by, and/or on behalf of, those parties present at the proceedings, as well as the responses by those parties to questions put to them by Members of the Sub-Committee, the Sub-Committee was satisfied that, in accordance with the Home Office Guidance,⁶ and on the evidence before it, it was reasonable, appropriate and proportionate, in all the circumstances, to **APPROVE** the application.

In reaching its decision, the Sub-Committee took the following matters into consideration –

1. Following submission of the application, the applicant had subsequently amended the application and agreement had been reached between the applicant and the EHS and the MPS regarding proposed conditions to be attached to the Premises Licence.
2. Several of the conditions agreed between the applicant and the EHS and the MPS addressed concerns expressed by residents regarding the Hotel Premises operation, in particular, restrictions on times that service vehicles could access the rear of the premises on Chilworth Mews; a condition prohibiting entry by non-residents after 23:00 hours; and the inclusion of Model Condition 41 stating:
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.
3. Regarding conditions agreed in relation to the North Wharf Gardens Premier Inn Premises Licence application, it was noted that each application for a Premises Licence had to be considered on its merits. Therefore, it was not appropriate, given the particular circumstances of the North Wharf Gardens application and the present application, to replicate some of the conditions that had been agreed in relation to The North Wharf Gardens Premises Licence.

⁶ Revised Guidance issued under Section 182 of the Licensing Act 2003, April 2018.

3. 2.00 PM: NIKITA, 22 DAVIES, LONDON W1K 3DT

WCC LICENSING SUB-COMMITTEE NO. 4 ("The Committee")

Thursday 25 March 2021

Membership: Councillor Karen Scarborough (Chairman) Councillor Louise Hyams and Councillor Maggie Carman

**Application for a New Premises Licence in respect of Nikita 22 Davies Street
London W1K 3DT 20/11879/LIPN**

Summary Decision

The Committee has determined an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The Premises intends to operate as a workspace and catered lounge. The application is now amended so that the operating hours for the licensable activities and opening hours applied for are reduced with a flexible winding-down period incorporated into the Premise operational procedures namely; Monday to Saturday Midday to 01:00 hours and Sunday Midday to 23:00 hours.

Applicant

Goodkat Limited

Summary Decision

The Committee decided that the Applicant had provided valid reasons as to why the granting of the application would promote the licensing objectives.

Having carefully considered the committee papers and the submissions made by all of the parties, both orally and in writing, **the Committee has decided**, after taking into account all of the individual circumstances of this case and the promotion of the four licensing objectives: -

1. **To grant permission for Late Night Refreshment (Indoors and Outdoors)**
Monday to Sunday 23:00 to 01:00 hours. **Seasonal Timings:** All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour to the standard and non-standard times on the day when British Summertime Commences.
2. **To grant permission for Live and Recorded Music (Indoors)**
Monday to Saturday 12:00 to 01:00 hours Sunday 12:00 to 23:00 hours
Seasonal Timings: All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour to the standard and non-standard times on the day when British Summertime Commences.

3. **To grant permission for the Sale by Retail of Alcohol On and Off the Premises** Monday to Sunday 12:00 to 01:00 hours Sunday 12:00 to 23:00 hours **Seasonal Timings:** All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour to the standard and non-standard times on the day when British Summertime Commences.
4. **To grant permission for the Hours the Premises are Open to the Public** Monday to Sunday 08:00 to 01:00 hours **Seasonal Timings:** All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour to the standard and non-standard times on the day when British Summertime Commences.
5. That the Licence is subject to any relevant mandatory conditions.
6. That the Licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed by the Committee after a hearing

7. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or is distributed to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.
8. Alcohol shall not be sold or supplied on the premises otherwise than to either:
 - a. persons admitted to the premises by prior invitation to a bona fide private function held at the premises;
 - b. specifically 20 invited guests of the proprietor listed by name at the reception prior to admission;
 - c. persons employed at the premises;
 - d. staff;
 - e. performers;
 - f. members and their bona fide guests, (to a maximum of 4) such members having paid an annual admission fee of at least £500 (with the exception of Founder Members); a list of all members to be held at reception for inspection by the relevant authorities; no person shall be admitted to the membership of the premises without an interval of at least 24 hours between application and acceptance to membership
 - g. A list of the names and addresses of members of the Club shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council.

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
11. A minimum of 2 SIA licensed door supervisors shall be on duty at the premises from 20:00 hours until close of business daily, whilst the premises is open for business and 30 minutes after close of business to assist with quiet dispersal.
12. At least 1 of the above SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business.
13. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
14. All windows and external doors shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
15. There shall be no admittance or re-admittance to the premises after 00:00 save for smokers, performers and staff.
16. 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.
17. The highway and public spaces in the vicinity of the premises shall be kept free of litter from the premises at all material times to the satisfaction of the Council. All litter and sweepings shall be collected and stored in accordance with the approved refuse storage arrangements.
18. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - a. all crimes reported to the venue
 - b. all ejections of patrons
 - c. any complaints received
 - 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.
19. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
- i. dry ice and cryogenic fog
 - ii. smoke machines and fog generators
 - iii. pyrotechnics including fire works
 - iv. firearms
 - v. lasers
 - vi. explosives and highly flammable substances.
 - vii. real flame.
 - viii. strobe lighting.
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. 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.
22. The permitted hours for licensable activities and opening times are extended on New Year's Eve until the start of permitted hours on New Year's Day.
23. 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.
24. No licensable activities shall take place at the premises to include the provision of an internal acoustic wall until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
25. There shall be no sales of alcohol for consumption off the premises.
26. All private functions must be risk assessed prior to being held at the venue and a copy of this must be made available for immediate inspection by Police or an authorised officer of Westminster Council.
27. There shall be a personal licence holder on duty on the premises at all

times when the premises are authorised to sell alcohol.

28. 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.
29. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear distinctive, on-brand uniforms, at all times.
30. 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 hours.
31. 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.
32. 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, Premises Management 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.
33. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
34. 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.
35. 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 or obstruction to the public highway.
36. 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. This condition must be specifically varied and removed by way of a full variation application,

to permit Sexual Entertainment even in the event that a Sexual Entertainment Venue Licence is granted in relation to this premises.

37. No deliveries to the premises shall take place between 23.00 hours and 08.00 hours on the following day.
38. 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.
39. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
40. 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.
41. 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.
42. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
43. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
44. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
45. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
46. 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.
47. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this Condition on the licence with a condition detailing the capacity so determined. Such capacity shall not exceed 120 persons.
48. The number of smokers allowed in the designated smoking area shown crossed hatched on the Premises Plan is not to exceed 6 patrons at any one time. Any other customers, wishing to smoke will be asked to leave the immediate area and proceed to Grosvenor Street. For the avoidance of doubt, the requirement for the Premises Licence Holder to supervise the area

outside the Premises, to ensure that patrons do not cause a nuisance to nearby residents, includes the monitoring and control of this smoking area and the monitoring and control of patrons walking to Grosvenor Street (but not on Grosvenor Street).

49. 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 business in the vicinity.

INFORMATIVE:

50. The licence holder is strongly encouraged to form and promote a live WhatsApp group with residents and businesses in order to facilitate regular meetings to discuss issues directly affecting them regarding the running and management of the Premises including any issues specifically connected to public nuisance.

If problems are experienced, then an application for a Review of the Premises licence can be made.

This is the Summary Decision reached by the Licensing Sub-Committee. The fully reasoned decision will be sent to all parties as soon as possible. The date for appealing the decision will not start until the full reasoned decision has been sent to the Parties.

**Licensing Sub-Committee
25 March 2021**

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APPENDIX 1

WCC LICENSING SUB-COMMITTEE NO. 4 ("The Committee")

Thursday 25 March 2021

Membership: Councillor Karen Scarborough (Chairman) Councillor Louise Hyams
and Councillor Maggie Carman

APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF 40 EASTBOURNE TERRACE, LONDON W2 6LG [20/11835/LIPN]

SUMMARY

This is an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The Premises intends to operate as Hotel Accommodation with Associated Food and Beverage Facilities. On original submission of the application, the hours applied for Opening hours to the public were Monday to Thursday 06:00 to 00:00, Friday to Saturday 06:00 to 00:30 and Sunday 06:00 to 23:00. However, these have now been amended so that the start time each day commences from 07:00 hours Monday to Sunday. The Committee was disappointed to note that the Applicant had failed to engage properly with residents regarding the application process as there seemed to be too many areas of contention which resulted in a very lengthy hearing.

Applicant

Whitbread Group Plc

Summary Decision

The Committee decided that the Applicant had provided valid reasons as to why the granting of the application would promote the licensing objectives.

Having carefully considered the committee papers and the submissions made by all of the parties, both orally and in writing, **the Committee has decided**, after taking into account all of the individual circumstances of this case and the promotion of the four licensing objectives: -

1. To Grant Permission for Films (Indoors)

Monday to Thursday: 10:00 to 23:30 hours

Friday to Saturday: 10:00 to 00:00 hours

Sunday: 12:00 to 22:30 hours.

Seasonal Timings: To extend the licensing hours on New Year's Eve: 10:00 to 24:00 New Year's Day/1st January.

The Premises shall remain open to permit the sale of alcohol to hotel residents 24 hours a day.

2. To Grant Permission for Late Night Refreshment (Indoors)

Monday to Thursday 23:00 to 23:30 hours

Friday to Saturday 23:00 to 00:00 hours

Sunday Not Applicable

Seasonal Timings: 23:00 New Year's Eve to 05:00 1st January.

3. **To Grant Permission for the Sale by Retail of Alcohol On and Off the Premises**

Monday to Thursday: 10:00 to 23:30 hours
Friday to Saturday: 10:00 to 00:00 hours
Sunday: 12:00 to 22:30 hours

Seasonal Timings: To extend the licensing hours on New Year's Eve: 10:00 to 24:00 New Year's Day /1st January.

The Premises shall remain open to permit the sale of alcohol to hotel residents 24 hours a day.

4. **To grant permission for the Hours the Premises are Open to the Public**

Monday to Thursday: 07:00 to 00:00 hours
Friday to Saturday: 07:00 to 00:30 hours
Sunday: 07:00 to 23:00 hours.

The Premises shall remain open 24 hours a day for hotel residents.

From 06:00 New Year's Eve to 00:30 1st January.

5. That the Licence is subject to any relevant mandatory conditions.
6. That the Licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

CONDITIONS IMPOSED BY THE COMMITTEE AFTER A HEARING

7. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a hotel.
8. Sales of alcohol for consumption 'Off' the premises which are to be taken away from the hotel (i.e., not to be consumed by residents within the hotel) shall only be in sealed containers.
9. Sales of alcohol to non-residents for consumption 'Off' the premises shall cease at 23.00 hours on Monday to Saturday and 22.30 hours on Sunday.
10. The use of door staff will be risk assessed on an ongoing basis by the licence holder of premises supervisor. Where engaged, door staff shall be licensed by the Security Industry Authority.
11. Staff will receive training on matters concerning underage sales, drugs policies and operating procedures to include safety, evacuation and use of emergency equipment as required.
12. There shall be a zero-tolerance policy in relation to drugs at the premises and there shall be regular checks by management to prevent the use of drugs by patrons. Drugs seized shall be stored securely and handed to the police.
13. The premises shall operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 21 years.
14. The management of the premises will liaise with police on issues of local concern or disorder.

15. The premises shall install and maintain a CCTV system as per the minimum requirements of Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and at all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the proper request of Police or authorised Officers during the preceding 31-day period.
16. A staff member who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to non-residents of the hotel. The staff member must be able to provide a Police or authority Council Officer copies of recent CCTV images or data with the absolute minimum of delay when properly requested.
17. There shall be no striptease or nudity in the public licensed area and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue Licence.
18. No advertisements of any kind that advertise or promotes the establishment premises or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, upon any building, structure, works, street furniture, tree or any other property or be distributed to the public.
19. There shall be no drinks promotions at the premises which are inconsistent with the need to promote responsible drinking.
20. A record shall be kept detailing all refused sales of alcohol. The record shall include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the Police or an authorised officer of the City Council at all times when the premises are open to non-residents.
21. Policies in relation to children shall be adequately communicated to patrons by staff or through appropriate signage.
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) any faults in the CCTV
 - (f) any visit by a relevant authority or emergency service.
23. The licence holder shall comply with the reasonable requirements of the fire officer from time to time.
24. The premises will have adequate safety and fire-fighting equipment, and such equipment will be maintained in good operational order.

25. Spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff.
26. Toughened glasses will be used in the premises where appropriate.
27. Fire Exits and means of escape shall be kept clear and in good operational condition.
28. The certificates listed below shall be made available to an authorised officer upon request;
 - a. Any permanent or temporary emergency lighting battery or system
 - b. Any permanent or temporary electrical installation
 - c. Any permanent or temporary emergency warning system
 - d. Any ceiling inspection
29. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
30. Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby noise sensitive premises. Where appropriate the licensee or a suitable staff member will monitor patrons leaving at the closing time.
31. 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.
32. Contact numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi.
33. All outside tables and chairs shall be removed or rendered unusable by 23.00 each day.
34. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
35. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
36. No collections of waste or recycling materials (including bottles) from the premises shall take place between 21.00 and 07.00 on the following day unless done during the Council's own collection times for the street as shown on the Council's website.
37. No deliveries to the premises shall take place between 21.00 and 07.00 on the following day.
38. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority. If there are minor changes during the course of construction new plans shall be submitted to the licensing authority when requesting removal of this condition.

39. 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.
40. 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.
41. The layout of the ground floor licensed area shall be substantially laid out with tables and chairs as indicated on the Premises Licence plan.
42. 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. This condition shall not apply to customers remaining within the demise of an external seating area, provided by the premises.
43. The number of persons permitted in the premises on the ground floor at any one-time (excluding staff) shall not exceed (X) persons (to be determined on clearance of 'works' condition but it shall not be more than 280 persons).
44. No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.
45. Children under the age of 16 shall not be permitted to enter the premises after 21:00 unless dining with an adult or attending a pre-booked function or resident in the hotel.
46. There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years.
47. The premises supervisor or appointed staff member shall ensure that when children are admitted to the premises their presence is not inconsistent with the style of operation of the premises at that time and the licensable activities that are being carried out.
48. Policies in relation to children shall be adequately communicated to patrons by staff or through appropriate signage.
49. 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.
50. At all times the licence holder shall ensure that smoking by Patrons and staff shall only be permitted by the Eastbourne Terrace frontage and restricted to a designated area between the two entrances along the terrace frontage to be agreed with the Council's Environmental Health Officer.
51. The licence holder shall effectively manage the use of Chilworth Mews being the Mews located behind the premises to ensure that Patrons do not congregate so as to cause a nuisance to the residents of Chilworth Mews.
52. Any doors and windows to the ground floor rear of the premises facing Chilworth Mews shall not be opened or used except in the case of an emergency. Any doors

to the ground floor of the premises facing Chilworth Mews shall only be used for the following purposes:

- (a) Patrons staying overnight at the premises with a valid blue or white badge only using one of the four DDA car parking spaces.
 - (b) Staff Cyclists using one of the 28 day long stay cycle spaces.
 - (c) In the case of an emergency
53. Notwithstanding the above the licence holder shall ensure that a notice is displayed at all times on any doors exiting Chilworth Mews requesting staff to leave quietly and to avoid the use of mobile phones.
54. Taxis collecting and the picking up of Patrons from the premises shall do so from a designated waiting area to be agreed with the Councils Environmental Health Officer which shall exclude Chilworth Mews for the avoidance of doubt.
55. The licence holder shall ensure that Coaches are not permitted to enter the rear of the premises by using Chilworth Mews at any time.
56. There shall be no admittance or new entry to the premises after 23:00 hours.

INFORMATIVE:

The licence holder is strongly encouraged to form and promote a live WhatsApp group with residents and businesses in order to facilitate regular meetings to discuss issues directly affecting them regarding the running and management of the Premises including any issues specifically connected to public nuisance.

If problems are experienced, then an application for a Review of the Premises Licence can be made.

This is the Summary Decision reached by the Licensing Sub-Committee. The fully reasoned decision will be sent to all parties as soon as possible. The date for appealing the decision will not start until the full reasoned decision has been sent to the Parties.

**Licensing Sub-Committee
25 March 2021**