



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (1)** held on **Wednesday 9th June, 2021**, This will be a MS Teams virtual meeting.

Members Present: Councillors Matthew Green (Chairman), Barbara Arzymanow and Rita Begum

1. MEMBERSHIP

THERE WERE NO CHANGES TO THE MEMBERSHIP.

2. DECLARATIONS OF INTEREST

THERE WERE NO DECLARATIONS OF INTEREST.

2. 10.00 AM: NO. 1 MARYLEBONE ROAD, LONDON NW1 4AQ

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.1 ("The Committee")

Thursday 9 June 2021

Membership: Councillor Matthew Green (Chairman), Councillor Barbara Arzymanow and Councillor Rita Begum

Officer Support: Legal Advisor: Vivienne Walker
Policy Officer: Aaron Handy
Committee Officers: Cameron Maclean
Presenting Officer: Jessica Donovan

Application for a New Premises Licence – 1 Marylebone Road London NW1 4AQ – 21/00832/LIPN

FULL DECISION

Premises

1 Marylebone Road London NW1 4AQ

Applicant

Chameleon Inc Limited

Cumulative Impact Area?

N/A

Ward

Marylebone High Street

Proposed Licensable Activities and Hours

Live Music (Indoors)

Monday to Sunday: 10:00 hours to 03:00 hours

Recorded Music (Indoors)

Monday to Sunday: 10:00 hours to 03:00 hours

Late Night Refreshment (Indoors)

Monday to Sunday: 23:00 hours to 03:00 hours

Sale by retail of alcohol (On sales)

Monday to Sunday: 10:00 hours to 03:00 hours

Hours premises are open to the public

Monday to Sunday: 07:00 hours to 03:30 hours

Representations Received

- Metropolitan Police (PC Bryan Lewis)
- Environmental Health (Dave Newitt)
- Fitzrovia West Neighbourhood Forum
- Portland Village Association
- The Marylebone Association
- Councillor Karen Scarborough

Summary of Objections

- MPS objected on the basis that there are insufficient conditions to promote the licensing objectives and the hours sought for the sale of alcohol are beyond core hours;
- EHS made representations on the basis that the proposals are likely to increase public nuisance and the hours sought are beyond core hours;

- Interested Parties expressed concerns about the adequacy of the information provided, the application being beyond core hour, the area being residential and having hospitals, and late-night dispersal.

Summary of Application

This is an application for a new premises licence under the Licensing Act 2003 (“The Act”). The Premises propose to operate primarily as a premium end private members club with high quality food, alcohol drinks and other refreshments. The Premises currently have the benefit of a Premises Licence 21/03855/LIPDPS. The Premises also benefit from another Premises Licence for other areas which include the Ground and First Floor and is used for private functions only. The Premises are not located within any area of Cumulative Impact.

Policy Position

Under Policy HRS1, for hours outside the core hours will be considered on their merits, subject to other relevant policies, and with particular regard to the matters identified in Policy HRS1.

Under Policy PB1, applications outside the West End Cumulative Zone will generally be granted subject to the matters identified in Policy PB1.

Under Policy MD1, applications outside the West End Cumulative Zone will generally be granted subject to the matters identified in Policy MD1.

Under Policy RTN1, applications outside the West End Cumulative Impact Zone will generally be granted subject to the matters identified in Policy RTN1.

SUBMISSIONS AND REASONS

Ms Jessica Donovan, Senior Licensing Officer, outlined the application. Representations had been received from Environmental Health, Metropolitan Police and four interested parties. The premises are within the Marylebone High Street ward and do not fall within an area of cumulative impact.

Mr James Anderson, on behalf of the Applicant, outlined changes that had been made to the application following a zoom call with residents – (1) on Sundays, licensable activities would stop at 01:00 hours and the Premises would close at 01:30 hours (2) to limit occupancy to 380. Mr Anderson explained that the Premises cannot serve anyone who isn’t a member or a bona fide guest – who will now have to book no later than 21:00 hours if they want to attend that day (4) a last entry condition of 02:00 hours that does not apply to members and guests, (5) making an operational management plan a condition of the licence, (6) agreeing all alcoholic drinks on the mezzanine can only be consumed by people who are seated.

Mr Anderson noted dispersal was the dominant concern that people have. Mr Anderson explained there are already two licences on the site. One has a maximum occupancy of 800 and is a midnight licence, 11 TENS were approved in 2019. Mr Anderson stated this is a Premises and operator used to dispersing large groups of

people at night in short time periods. The other licence is a wedding gallery licence which is for the same space as that being applied for today aside from an external area to the east which is not part of this application.

Mr Anderson stated there is lots of opportunity around the Premises to control guests – there is not dispersal directly onto the street. Mr Anderson submitted there are not really concerns about what happens inside given the substantial noise attenuation abilities of the Premises, but rather people queuing and leaving. He stated they will be affected positively by the type of client the Premises will attract – comparing it with a nightclub attracting people 18-25 with comprehensive bag searches and similar. At the Premises, members will be let in with a members guest ticket so they do not think there will be an issue with queuing. Queuing may happen for events but the Applicant believes they have the space available to stop it being an issue.

Mr Anderson stated the Premises is good for dispersal – it is on a busy road with taxis going west towards three main railway stations, night buses, three tube stations and taxis can drop off and collect from Osnaburgh Street after 20:00 hours.

Mr George Hammer explained it is a family-owned local business. He has lived in Marylebone for over 30 years. He noted that Marylebone High Street was launched in his store. He explained that he has built 14 years building a premium venue, and they have only had one or maximum two incidents. He stated the licence is personal to Hammer Holdings so the Sub Committee can be satisfied that it is not going to be assigned to a low-end operator. He and his partners have a long lease over the Premises. Mr Hammer stated they have a dedicated operations manager who ensures all operations are done properly. Mr Hammer stated locals love the venue and love dining there. Mr Hammer explained they have had several meetings with local residents.

Mr Hammer explained it is a very solid sound-proof building which they have done many acoustic tests on and they are satisfied there will be no sound spillage. He concluded by noting when they took the building on it was unloved but now is a vibrant part of Marylebone.

In response to questions from the Committee:

- (a) Mr Anderson stated they are not applying for a club premises licence because that is something that is only available to a not profit organisation. They haven't limited the application to members and guests only because with a premises of this size it wouldn't be commercially viable to operate without opportunity for groups who have booked events or diners in the mezzanine. The applicant has tried to strike a balance between doing what they can commercially but also moving away from a space where the public can merely enter on payment;
- (b) Mr Anderson stated that whatever they do in the basement they must retain the seating in the plan or the same number. He stated there is room in the basement for people who are not seated and there will be some discrete places people can dance;
- (c) Mr Anderson stated that they would not be making this application in a stress area because it would be contrary to policy and no exceptional circumstances spring to mind. However, he submitted that they are entitled to take

advantage of where the Premises is and that is not an area of stress or concern identified by the Council. Mr Anderson submitted that the core hours are a guide – if the applicant satisfies the Sub Committee on the merits and they meet all other policies, then the Sub Committee can grant the application. Mr Anderson stated the Applicant can operate the Premises in a way which can promote the licensing objectives;

- (d) Mr Hammer stated the corporate colour for Chameleon is green, so they light the building either green or white. They have the ability to light the building in another colour as well. Mr Hammer stated he thought the lighting highlighted the building beautifully;
- (e) Mr Anderson noted the policy stated that if the Applicant satisfies the Sub Committee in relation to the licensing objectives, then the Sub Committee can grant the application – there is no policy reason not to grant the application;
- (f) Mr Anderson clarified the venue capacity of 380 does not include staff. Mr Hammer stated on full occupancy they would expect to have between 20-30 staff. This estimate includes security staff, many of whom would be outside;
- (g) Mr Hammer explained that, in common with many other new institutions, they do not use the term member but rather “friend”. “Friends” are only invited by invitation. This is a positive as they only get the right type of members. They do not charge for membership but are very strict to make sure that they get the right sort of crowd – the reason being it is a large venue with huge overheads. They have to keep the average spend quite high (currently £70 a head). Members have to be recommended and they are met personally;
- (h) Mr Hammer stated the average price to book 1 Marylebone for a day is £15,000. By its nature, this inhibits downmarket boozy young groups. This cost is purely for the use of the space and is without any production;
- (i) Mr Hammer stated they use a sophisticated booking service which allows them to retain a lot of information about clients which they can use to stop people booking in the future.

PC Bryan Lewis, Metropolitan Police, explained the Police maintained their objection due to the hours sought. He stated he had done a site visit and found a meeting with the Applicant reassuring.

PC Lewis stated the location is on a busy road with fast-moving traffic. Dispersal would have to be very rigorous. PC Lewis noted that at late night the area is very quiet with no witnesses so there is a risk of street robberies.

PC Lewis stated that if the Premises is run as a true members club then it shouldn't cause a problem – noting the many members clubs in Westminster which rarely come to police attention. However, he stated that if events are relied upon for funding and the Premises does not differentiate carefully between people then that could pose a threat. PC Lewis explained that problems with members clubs typically result from non-member guests.

In relation to same-day booking, PC Lewis queried how can you can risk assess bookings made for the same day. He stated he was not comfortable with booking by 21:00 hours on the same night.

PC Lewis stated that if run well and predominantly as a members club then he could not foresee many problems with the Premises.

In response to questions from the Committee:

- (a) Mr Anderson noted that the Applicant had accepted on the mezzanine all customers should be seated so by implication cannot go to the bar. The Applicant resisted waiter / waitress service in the basement because they did not want to tell guests they had to remain seated after 01:00 hours as that is not a threat in their view which requires that sort of restriction;
- (b) Mr Hammond explained a number of factors behind the Applicant's reluctance to have waiter / waitress service after 01:00 hours. The economics of the situation. He also noted the agreement on the mezzanine, and suggested a compromise of only waiter / waitress service on the mezzanine at all times;
- (c) PC Lewis explained that waiter / waitress service manages alcohol consumption. Mr Anderson questioned this, noting an individual was more likely to show signs of being intoxicated in the process of ordering drinks at a bar as opposed to at a table. PC Lewis noted the difference was someone could take drinks back for others with bar service. Mr Anderson suggested the difference is not so great that it warranted a condition bearing in mind all the other conditions accepted by the Applicant. Mr Hammer noted the fact that the Applicant had taken on board the Police's comments that they did not like vertical drinking;
- (d) PC Lewis noted that if the Premises was operated diligently then a condition requiring waiter / waitress service at 01:00 hours may not be needed;
- (e) Mr Anderson stated the Applicant likely didn't object to larger events booking 24-48 hours in advance, but would rather avoid this for diners. PC Lewis stated 24-hours is important, including diners. Mr Anderson stated they cannot accept this as it would put them at a trading disadvantage that restaurants do not have;
- (f) Mr Hammond noted they are a conscientious and careful operator. He stated the Premises is a huge building and it is important that they have diners. He explained the Applicant was happy to accept a condition requiring people to book in advance but not for dining;
- (g) Mr Anderson stated the Applicant was happy for Model Condition 38 to be included;

Mr Dave Nevitt, Environmental Health, explained EHS maintained their representation for two reasons. First, because of the late hours sought. Second, they would like to make sure the concerns of local residents are fully addressed. He stated it is true to say it is a well-managed and well-operated Premises.

Mr Nevitt stated the amendments as outlined by Mr Anderson are welcome and accepted by EHS. In relation to the basement and mezzanine, Mr Nevitt stated that has substantial structural integrity and he does not think there will be noise breakout. Mr Nevitt noted the Premises is neither in a CIA nor a SCZ and as such the application needs to be judged on its merits.

Mr Nevitt noted the question of whether the Premises is a members club or a nightclub is a helpful one but is not defined anywhere. In his view, the Premises is not so much a nightclub but a members club that operates entertainment and alcohol – this was based on the fact that at a nightclub music and dancing is the primary element. Mr Nevitt stated the capacity reduction is well within the limits of what the

Premises can contain. Mr Nevitt noted the Premises is surrounded by offices on three sides and a busy road. The nearest residences are across the road. He stated this meant the Premises is in a good location for not disturbing residents.

Mr Nevitt stated he was happy with regards to the discussion as to conditions so far and had no further comments to add.

In response to questions from the Committee:

- (a) Mr Nevitt stated he did not want any further conditions to be added to the operating schedule;
- (b) Mr Nevitt stated capacity conditions normally exclude staff as they are concerned with the safety of the public.

Mr Richard Brown, representing the Fitzrovia Neighbourhood Forum, the Marylebone Association and Portland Village Association, stated each of the groups he represents have an interest in the wellbeing of the area. They are keen to promote and be as supportive as possible of responsible business.

Mr Brown stated the representations are concerned with what happens outside the Premises, noting the late hours applied for. He stated their concern was whether the risks posed by the late hours could be mitigated by measures. Mr Brown stated his clients concerns were:

- (1) Arrivals to the Premises – there is a last entry condition at 02:00 hours which means there will be late arrivals as well as late dispersals;
- (2) A nearby hotel would become a beacon for people leaving the Premises;
- (3) Smoking – Mr Brown noted there are conditions regarding smoking but there hasn't been discussion about where the designated area will be;
- (4) Servicing – Mr Brown stated it would be helpful to know how and when this will take place. He requested the model conditions pertaining to servicing to be added to the licence with alternative timings;
- (5) Interrelation between members and guests – Mr Brown stated that someone booking a table doesn't stop them being members of the public, not that they oppose this.

Mr Brown questioned the efficacy of 02:00 hours last condition if members and guests can enter at any hour.

Mr Brown noted the policy approach is relatively straightforward. It is outside core hours, must be dealt with on the merits and a licence can only be granted if the relevant criteria in CD1 and PM1 in particular are covered.

In response to issues arising from Mr Brown's submissions:

- (a) Mr Hammer stated they would be happy to comply with the model conditions suggested on servicing;
- (b) Mr Anderson submitted that in light of all the conditions in place there is no need for a last-entry condition;
- (c) Mr Anderson stated they are confident guests would not negatively impact the nearby hotel. He noted there has never been an issue between the two

premises. All the activity at the Premises is at the front and side and in his submission there is no reason for people to turn back towards the hotel;

(d) In relation to it being on a “red route” Mr Anderson noted there is a single line which allows for pick-up and drop-off on Osnaburgh Street after 20:00 hours.

Mr Mark Gazaleh stated they had a constructive meeting with the Applicant. Mr Gazaleh stated it is moving from a successful business to a nightclub which has increases in frequency and volume and this increase external risks. He noted a particularly sensitivity about dispersal. He stated Mr Munday’s concerns were that people leaving the Premises would seek sanctuary in his hotel lobby or elsewhere. Mr Gazaleh noted in was the detail in the operational management plan that would be key.

Mr Yoram Blumann stated the most impacted premises by this application is the hotel across. He stated the manager assured him they were not consulted on the application. Mr Blumann stated he had met with the Applicant and they would run a well-established business. They are really concerned about the fact that it is a restaurant for which it appears anyone can make a booking 24-hours in advance, noting the issues of arrival and dispersal.

Mr Guy Austin stated if the application was being made elsewhere they would be far more concerned than they are.

Conclusion

The Sub Committee has a duty to consider the application on its individual merits and took into account all of the committee papers, supplementary submissions made by the Applicant and the oral evidence given by all parties during the hearing in its determination of the matter.

The Sub Committee noted that the Applicant had engaged with local residents and Responsible Authorities. The Sub Committee were grateful to the Applicant for seeking to proactively work with responsible authorities, interested parties and the Sub Committee in order to ensure the licensing objectives were promoted. The Sub Committee were mindful of the fact that the Applicant had amended the Application at the beginning of the Hearing and, importantly, amended the condition relating to booking notification, limiting the mezzanine to only waitress / waiter serving and accepting the model conditions concerning servicing during the Hearing so as to pragmatically meet the concerns of the Police and Interested Parties.

The Sub Committee were mindful of the fact that the Premises was a unique building in a location which was relatively far removed from local residents. The Sub Committee placed weight on the statements made by the Applicant and Environmental Health that the construction of the building was such that there would be noise leakage. The Sub Committee noted that one interested party stated that if the application was being made anywhere else, they would be far more concerned than they were for this location.

The Sub Committee had regard to the fact that the Applicant is also an experienced operator. There are already two licences for the building and there have been

virtually no complaints made. The Applicant was widely accepted to be a responsible operator. The Sub Committee considered this indicated the Applicant would ensure the licensing objectives were promoted. The Sub Committee noted that the Applicant had a detailed operational management plan and dispersal policy. Whilst interested parties had expressed concern about dispersal into the locale, the Sub Committee considered the inherent benefits of the location alongside the Applicant's positive steps to manage patrons leaving would ensure that the licensing objectives were promoted.

The Sub Committee noted that there was some minor disagreement as to whether the Premises would operate as a members club or a nightclub. On balance, the Sub Committee considered the Premises would properly be described as a members club given the entry requirements, membership requirements and, importantly, the fact that dancing and music would not be the primary event for most individuals attending the Premises.

Taken together, the Sub Committee were of the view that although the application was for beyond the core hours, the application accorded with the relevant policy criteria and would promote the licensing objectives.

Having carefully considered current policies, 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:

In summary, the Committee has decided, after taking into account all of the individual circumstances of this application and the promotion of the four licensing objectives:

1. To grant permission for Live Music (Indoors) Monday to Saturday: 10:00 to 03:00 hours Sunday: 10:00 to 01:00 hours.
2. To grant permission for Recorded Music (Indoors) Monday to Saturday: 10:00 to 03:00 hours Sunday: 10:00 to 01:00 hours.
3. To grant permission for Late Night Refreshment (Indoors) Monday to Saturday: 23:00 to 03:00 hours Sunday: 23:00 to 01:00 hours.
4. To grant permission for the Sale by Retail of Alcohol (On Sales) Monday to Saturday: 10:00 to 03:00 hours Sunday: 10:00 to 01:00 hours.
5. To grant permission for the Hours Premises are open to the Public Monday to Saturday: 07:00 to 03:00 hours Sunday: 07:00 to 01:30 hours.
6. That the Licence is subject to relevant mandatory conditions as specified in the Agenda papers.
7. 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

8. Licensable activities are only permitted under this licence as long as Hammer Holdings Limited is the Premises Licence Holder (licence to be transferred following grant).
9. Licensable activities may only be provided to:
 - (i) Members of The Chameleon Club and their bona fide guests (not exceeding 4 guests per member)
 - (ii) Persons attending a pre-booked and bona fide private function or event booked 24 hours in advance of attendance to which members of the public are not admitted.
 - (iii) Persons who are seated taking a substantial table meal where consumption of alcohol by such a person as ancillary to their meal.
10. No person shall be admitted to membership of the Club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and admission.
11. 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.
12. The name of the person organising the event shall be kept at the premises and if the event involves a guest list, then the list of those guests will be retained at the premises and made available for immediate inspection by Police or an authorised Officer of the Council.
13. The maximum occupancy (excluding staff) for the premises is 380. There will be a minimum number of seats provided at all times the premises conduct licensable activities of 120 on the mezzanine and 180 on the basement.
14. The supply of alcohol shall be by waiter or waitress service only on the Mezzanine.
15. 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.
16. 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 a PASS hologram.

17. 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.
18. 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 the nuisance.
19. Patrons permitted to temporarily leave and then re-enter the premises due to smoke or to make a phone call shall not be permitted to take drinks with them.
20. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. 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.
21. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
22. After 20:00 hours, there shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
23. After 23:00 hours, all staff engaged outside the main entrance on Marylebone Road to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.
24. After 23:00 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke or make a phone call, shall be limited to 12 persons at any one time.
25. After 23:00 hours, an attendant shall be on duty in the cloakroom during the whole time that it is in use. The attendant shall have a means of contacting Security immediately e.g., radio or personal alarm.
26. 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.
27. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.

28. 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.
29. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area, agreed with the Responsible Authorities.
30. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are properly supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
31. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - (a) The police (and, where appropriate, the London Ambulance Service) are called without delay.
 - (b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the Police.
 - (c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the Police; and
 - (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
32. The consumption of alcohol on the premises shall cease at 03:30 hours.
33. Whenever the premises have an event or function that may pose a higher risk in terms of crime and disorder or public safety such as but not limited to one including significant numbers of guests under 25 then the premises will conduct a risk assessment as to whether it is necessary to search customers' bags or their persons or for SIA door supervisors on duty at the premises to use bodyworn video cameras and such risk assessment will be available for inspection by the Police or Local Authority Licensing Officer.
34. At least 2 SIA door supervisors shall be on duty at the entrance of the premises at all times after 23:00 hours on Fridays and Saturdays whilst it is open for business and they must display their SIA licence when on duty so as to be visible and from 23:00 hours there will be a minimum of 1:100 ratio to customers thereafter. On Sundays to Thursdays inclusively a minimum of 1 SIA door supervisor will be on duty at the premises from 23:00 hours and from them a ratio of 1:100 but with a minimum of 2 at 100 customers.

35. There will be a dispersal policy in operation at the premises. The policy will be available for viewing by the Responsible Authorities upon request.
36. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20:00 hours and 08:00 hours.
37. No collections of waste or recycling material (including bottles) from the premises shall take place between 20:00 hours and 08:00 hours on the following day.
38. No deliveries to the premises shall take place between 20:00 hours and 08:00 hours on the following day.
39. The maximum number of private events in the premises and the basement area shall not exceed 50 days per calendar year.
40. The premises shall operate in accordance with an Operational Plan. The Plan will be available for viewing by the Responsible Authorities upon request.
41. The last entry to the premises by Members and their bona fide guests shall be 02:00 hours.

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

This is the Full Decision reached by the Licensing Sub-Committee.

This Decision takes immediate effect.

The Licensing Sub-Committee

9 June 2021

3. **1.30 PM: MASH BREWER STREET LTD, 77 BREWER ST, LONDON W1F 9ZN**

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.1
("The Committee")

Thursday 9 June 2021

Membership: Councillor Matthew Green (Chairman), Councillor Barbara Arzymanow and Councillor Rita Begum

Officer Support: Legal Advisor: Vivienne Walker
Policy Officer: Aaron Handy
Committee Officers: Cameron Maclean
Presenting Officer: Jessica Donovan

Application for Variation of Premises Licence in respect of Mash Brewer Street Limited, 77 Brewer Street, London W1F 9ZN – 21/00924/LIPV

FULL DECISION

Premises

Mash Brewer Street Limited, 77 Brewer Street, London W1F 9ZN

Applicant

Wonderland Restaurants Limited

Cumulative Impact Area?

West End

Ward

West End

Proposed Licensable Activities and Hours

The application was for a variation of a premises licence as follows –

- regularise the changes to the premises layout as shown on the plans (plans are shown at Appendix 1 at pages 81 and 82 of the Report).
- add the provision of live, recorded music and films during the existing hours of operation.
- add model condition 11 as follows:

A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limited device.

- amend existing licence condition 14 (now shown as condition 15 below) from the supply of alcohol shall be by waiter or waitress service only to the supply

of alcohol shall be by waiter or waitress service only except for a maximum of 20 customers in the Area A marked on the approved licence plan.

Representations Received

- Metropolitan Police (PC Adam Deweltz) (withdrawn)
- Environmental Health (Anil Drayan)
- Licensing Authority (Karyn Abbott)
- The Soho Society

Summary of Objections

- EHS noted the addition of the proposed Regulated Entertainments and for the hours requested may lead to an increase in Public Nuisance in the area and impact on Public Safety and the proposed amendment may lead to an increase in Public Nuisance in the area and impact on Public Safety;
- The Licensing Authority raised concerns with the change in style of the operation proposed by way of this variation and how these changes will add to cumulative impact in the West End cumulative impact area, in accordance with identified policies;
- The Soho Society objected to this application on the grounds of prevention of crime and disorder, prevention of public nuisance, public safety and cumulative impact in the West End Cumulative Impact Area

Summary of Application

This is an application for a variation of a premises licence under the Licensing Act 2003 ("The Act"). The Premises currently operate as a restaurant and bar. The Premises have had the benefit of a licence 19/157758/LIPT since 2012. The Premises are situated in the West End Ward and are within the West End Cumulative Impact Area.

The purpose of the application was to:

- regularise the changes to the premises layout as shown on the plans (plans are shown at Appendix 1 at pages 81 and 82 of the Report).
- add the provision of live, recorded music and films during the existing hours of operation.
- add model condition 11 as follows:

A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the

Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limited device.

- amend existing licence condition 14 (now shown as condition 15 below) from the supply of alcohol shall be by waiter or waitress service only to the supply of alcohol shall be by waiter or waitress service only except for a maximum of 20 customers in the Area A marked on the approved licence plan.

Policy Position

Under Policy CIP1, it is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to 1. Vary the hours within Core Hours under Policy HRS1, and/or 2. Vary the licence to reduce the overall capacity of the premises. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within the SLP and must demonstrate that they will not add to cumulative impact.

Under Policy HRS1, Applications within the core hours will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy, and applications for hours outside the core hours will be considered on their merits, subject to other relevant policies, and with particular regard to the matters identified in Policy HRS1.

Under Policy PB1, is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than: 1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1. 2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.

Under Policy RTN1, applications inside the West End Cumulative Impact Zone will generally be granted subject to: 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 4. The application and operation of the venue meeting the definition of a restaurant as per Clause C.

SUBMISSIONS AND REASONS

Mr Kevin Jackaman, Senior Licensing Officer, outlined the variation application. Representations had been received from Environmental Health, the Licensing Authority and the Soho Society. The Metropolitan Police withdrew their representation following agreement of conditions. The Premises are within the West End Ward and are within the West End CIA.

Mr Jack Spiegler, on behalf of the applicant, explained the Premises is an existing subterranean bar and restaurant with a ground floor entrance on Brewer Street. It sits within the relatively new Crown Estate development of the local building block and prior to that the Premises was licensed for the sale of alcohol, regulated

entertainment and bar use until 03:00 hours. Mr Spiegler noted the applicant was not seeking to change the terminal hour of 01:00 hours.

Mr Spiegler explained the application follows pre-application advice from Environmental Health consultation team. Four changes were proposed. First, changes to the layout about which Mr Spiegler noted there was no objection. Second, to add the provision of regulated entertainment – about which there was no objection. Third, the addition of model condition 11 in the event regulated entertainment is approved. Fourth, to amend existing condition 14 to allow 20 (down from originally proposed 40) of the existing bar customers to stand rather than sit in the designated area. If the Sub-Committee were minded to grant the fourth amendment, Mr Spiegler stated the applicant was willing to agree to a voluntary reduction in overall premises capacity from 380 to 360, agree a new condition restricting the amount of draft beer available and agree a new condition requiring SIA doorstaff on security.

Mr Spiegler noted there is an indicative menu and concept pack. He stated this confirmed the unique plans for this Premises as well as the high calibre of the team behind this venture.

Mr Ben Gregory explained that he and the CEO were formally of the Fat Duck group where they became engaged with storytelling through food. They wanted to do this on a grander scale in a more accessible part of the country with popular stories. Mr Gregory noted they have a global licence with Warner Bros to create a world class immersive dining experience to tell the stories around the DC comic book IP.

Mr Gregory stated they felt very lucky to come across the former Mash site. He explained it is a grade II listed building and formerly the Titanic. He noted it is art-deco and has protected ceilings, walls and pillars which have been somewhat forgotten over the years. He stated the applicant is very excited to bring the excitement back to such an iconic room.

Mr Gregory stated they are looking to create an adult focused experience where customers step into an alternative reality. The applicant wants to move themed dining onto a new much more premium level that has not been seen before.

Mr Gregory explained that several of his colleagues from the Fat Duck alongside roughly 8 colleagues from the Gordon Ramsey Group and an editor of the Michelin guide have taken on the challenge of creating a Michelin star within themed dining.

Mr Gregory explained the area is split into potentially 5 areas as well as the rear-bar area. They want to bring a hybrid of theatre and storytelling through food and drink to consumers going forwards.

Mr Spiegler noted that there were no representations from individual local residents citing specific concerns about the proposal. He invited the Sub-Committee to place great weight on the fact that the Police had withdrawn their representation. He stated that he understood the remaining objections to the proposals to allow 20 of the existing bar customers to stand and the arising policy implications.

Mr Spiegler submitted the Sub Committee should adopt a flexible and global view when construing the proposal which he stated was entirely consistent with the Council's policy, noting paragraph D11. He submitted this is a prime example of a premises which should be considered flexibly and not under a premises use policy in isolation. Mr Spiegler stated the proposal to allow 20 customers to stand does engage the clubs and bars policy but it is important to remember the Premises is predominantly a restaurant with the existing bar use authorised already. He further noted that this is a completely unique fine dining restaurant put together by a team with a significant number of Michelin stars. Mr Spiegler explained there would be a carefully cultivated programme of entertainment. As a result of this, Mr Spiegler submitted the proposal could be considered under the restaurant policy, the culture and entertainment policy and the combined use policies, none of which dictate a presumption to refuse.

In relation to the clubs and bars policy, Mr Spiegler stated this is directed at tackling problems associated with high volume vertical drinking. Mr Spiegler noted the application proposes to allow only 20 customers to stand up in a designated area. He submitted this had no real prospect of contributing towards the types of issues identified in the policy. Mr Spiegler invited the Sub Committee to find, as a result of the concessions offered and as a result of the entertainment offer, it has a positive impact on the West End. He invited the Sub Committee to consider whether Policy CIP1 was fully engaged, submitting that policy is directed at refusing applications within the West End for pubs and bars whilst the Premises is a restaurant which has an already authorised bar use.

Mr Spiegler submitted the location of the bar area where customers can stand is also relevant. He noted it will not be visible from the street nor easily accessed from the street. The number of persons allowed to stand will represent just 5% of the capacity. Mr Spiegler stated the policy recognises the extent and location of bar facilities can be taken into account.

However, Mr Spiegler stated that if an exception was needed the applicant had offered a reduction in capacity. He submitted this is a genuine reduction which represents a real reduction in the number of people using the Premises in the West End – he stated the policy recognises that even small changes can make a positive impact on cumulative impact in the West End.

Mr Spiegler explained that the Applicant entered into a lease for the Premises just before Covid. Nevertheless, the Applicant has invested significantly in the operation and the success of this application will be helpful to the Applicant's ambitious project.

Mr Spiegler concluded on condition 14 by asking the Committee to take into account the following reasons why the presumption to refuse is not engaged and the proposal will not result in additional cumulative impact:

- (1) If minded to agree this element of the variation, the applicant will agree a reduction in capacity which will result in a real reduction in the amount of people using the Premises;
- (2) Bar use has historically been authorised on the site – the applicant is not proposing a new bar, just permission to allow 20 existing customers to stand rather than sit;

- (3) The size, extent and location of the bar means there is no realistic prospect of the problems identified by Policy PB1 being attributed to the Premises;
- (4) The uniqueness and calibre of the applicant's entertainment and food offering promote the Council's new policies which can lead to positive benefits for communities and Westminster's visitors;
- (5) There are no objections from individual residents nor from the Police.

Mr Spiegler stated that, taken together, this allowed the Sub Committee to take a flexible approach and, by adopting a global view, he submitted there is no doubt the proposal will have a positive impact on the West End.

In response to questions from the Committee:

- (a) Mr Gregory explained that the main reason for the request to have 20 people standing was that the applicant is hoping that the Premises will be a busy and popular venue. In order to facilitate people who may be early, they would like to have flexibility in the space. He explained that some changes to the layout of the restaurant had been made as a result of Covid – the more flexibility they have throughout the space, the better the chance the business can operate at a level where the business can support itself;
- (b) Mr Spiegler stated the Applicant had discussed the Soho Society's proposal to only allow people to stand before 21:00 hours. However, he stated there might be a scenario where someone might want to meet friends who were dining – in this case, it would be very helpful for them to be able to have a drink in the bar area. Similarly, if there is a private function it may be helpful to have flexibility to allow limited customers to stand in the evening. Mr Spiegler stated the proposal is better than a complete refusal but they would like to maintain the current hours authorised by the premises licence. Mr Gregory explained that they are aiming for a top 50 bar, akin to something like the bar at the Connaught hotel. He explained the drinks offering would be premium, and the feel and the offering would be akin to a high end cocktail bar. They do not envisage selling lots of beer, for example. It is a very premium and sophisticated lounge;
- (c) Mr Spiegler explained the green area on the plan was for restaurant use only, the non-green areas on the plan can be used by customers drinking without food but must be seated. The applicant was asking for 20 in the hatched area to be able to stand drinking;
- (d) Mr Spiegler confirmed the applicant was asking for standing up until the existing terminal hour of 21:00 hours.

Mr Anil Drayan, Environmental Health, stated the applicant did seek pre-application advice where they looked at the layout, changes to the plans and everything else. He stated EHS were quite satisfied the application meets the public safety requirements.

With regards to adding regulated entertainment, Mr Drayan stated EHS advice was that EHS have been requested to encourage to have premises that can provide live music due to the number of live music venues that have disappeared. The advice from EHS for this location was that if a live music venue were to be re-instated in the CIA this would be an ideal site because it is in a basement 2-floors down so any music breakout is very unlikely to affect anyone outside. He noted the building block itself is in commercial use so on that basis the request for regulated entertainment

did not cause any concerns to EHS and they encouraged the applicant to apply for such a provision.

Mr Drayan noted the main issue that would arise with this application is the proposal to vary condition 14 to allow 20 people to stand drinking in the hatched area. He stated the advice EHS gave was that the applicant would have to offer something substantial / concrete that can show the applicant is giving up certain existing permissions that the applicant has. He noted the Applicant has offered a reduction in capacity from 380 to 360 which should be taken into account. EHS also advised that the Applicant do have a positive in that the bar cannot be seen from the street, there is a reception at entrance and conditions have been agreed with the Police with regards to SIA security. He stated these are all positives in considering whether what has been requested can be permitted.

Mr Drayan explained that EHS had maintained their representation in order to allow the Committee to consider the application but otherwise EHS were quite satisfied with the proposal.

Mr Drayan stated he would like model condition 50 to be added. Mr Drayan requested a further sentence to be added to that condition, namely *“where there are minor changes during the course of construction, new plans shall be submitted to the Licensing Authority when requesting removal of this condition.”*

In response to questions from the Committee:

- (a) Mr Drayan stated he was satisfied that the addition of model condition 11 would ensure no noise nuisance to local residents.

Ms Karyn Abbott, Licensing Authority, explained the Licensing Authority made a representation due to the location of the Premises being within the West End CIA. She stated the application in most part falls under Policy RTN1 as the licence does already have the Council’s model condition 66.

Ms Abbott stated that although the Applicant had reduced the number of standing customers, the Licensing Authority still has concerns to the amendment of condition 14. She noted Policy F102, which states that –

“The Licensing Authority is particularly concerned that restaurant premises within the West End Cumulative Impact Zone do not, even in part, come to operate as bars and particularly not as “vertical drinking” premises where customers consume alcohol standing throughout the evening.”

Ms Abbott stated that when the original licence was granted the applicant stated there would be a bar with waiter / waitress serving throughout that would prevent vertical drinking – condition 14 was agreed to prevent this.

Ms Abbott stated that, as a result of this, this part of the application had to be considered under Policy PB1 F83 which states that –

“the grant of variations or new licences for pubs and bars in the West End Cumulative Impact Zone should be limited to exceptional circumstances”

Ms Abbott stated the Licensing Authority is encouraged by the SIA condition agreed with the police. However, the Applicant had to demonstrate how the variation application and style of operation will not add to cumulative impact in accordance with Policies CIP1 and RTN1. Ms Abbott stated the Sub-Committee also had to be satisfied that an exceptional circumstance had been provided for the hatched area to allow departure from Policy PB1 and allay the concerns in F102.

In response to questions from the Committee:

- (a) Ms Abbott noted the previous bar use was seated whereas now it is becoming standing.

Mr Richard Brown, on behalf of the Soho Society, explained there was no issue with change of layout, addition of regulated entertainment or amending condition 14 to a terminal hour of 21:00 hours. Mr Brown explained the reason they suggested 21:00 hours is because it is referred to in policy.

Mr Brown stated he disagreed with some of the policy points made by Mr Spiegler in respect of relevance of CCSO1, COM1 and RTN1 for this application. Mr Brown noted that the application is seeking vertical drinking, referencing CIP1 and PB1. Mr Brown says CCSO1 doesn't apply as the primary use of the Premises is not for entertainment and COM1 is for where there are different elements throughout the day, but in his view this was more properly applicable to where a premises operates in one way in the morning and another in the evening.

Mr Brown stated the Soho Society are concerned about the bar use. He stated the Council has historically been keen to avoid bar use in restaurants. Mr Brown noted that the application was not an increase in numbers but it was an increase in vertical drinking.

Mr Brown stated the Soho Society feels that on a reading of the CIA and SLP, if the Sub-Committee grant the vertical-drinking to 01:00 hours that is likely to address the underlying issues for having the policy. If granted until 21:00 hours, in accordance with D13, the rationale behind the policy is that cumulative impact increases rapidly after 21:00 hours. Mr Brown stated the assessment is a risk-based approach and relaxations should be looked at extremely cautiously. In their view, 21:00 hours for vertical drinking was acceptable.

Mr Brown stated a holding bar would not be so much of an issue but he did not think it could be conditioned to simply be that.

In response to questions from the Committee:

- (a) Mr Brown stated the reduction in capacity is one of the factors, noting D13, allowing an exception to be made to 21:00 hours. Mr Brown stated that whilst it is a reduction in numbers, it depends on a number of factors notably whether the Premises would ever be operating at full capacity;
- (b) Mr Brown stated the worst-case scenario for them is 380 people in the Premises, but they do not know how often that will occur. He stated that the

reduction in capacity is something the Sub Committee should consider in the round;

- (c) In relation to moving the suggested 21:00 hours limit later, Mr Brown stated he suspected the answer from the Soho Society would be that 21:00 hours is their preference but if the decision is to allow it slightly later then they will not lose sleep over it;
- (d) Mr Spiegler stated the offer to reduce the capacity is specifically contingent on the proposal to allow vertical drinking. Mr Spiegler explained that 21:00 hours is better than nothing but bearing in mind the offer made by the applicant, he asked whether the Sub Committee would consider something in the middle – for example 23:00 hours which the Applicant would feel much more comfortable about.

Conclusion

The Sub Committee has a duty to consider the application on its individual merits and took into account all of the committee papers, supplementary submissions made by the Applicant and the oral evidence given by all parties during the hearing in its determination of the matter.

The Sub Committee noted that representations had been from Environmental Health, the Licensing Authority and the Soho Society. The Sub Committee also noted that the Metropolitan Police withdrew their representation following agreement of conditions, which was a matter the Applicant had invited the Sub Committee to place great weight on.

The Sub Committee were mindful that the variation application had 4 elements to it, 3 of which were not contentious. The Sub Committee noted that the following three elements were not in dispute – (1) changes to the layout (2) the addition of the provision of regulated entertainment (3) the addition of model condition 11 in the event regulated entertainment is approved. The Sub Committee considered that each of these three variations could be made in accordance with the SLP and would not undermine the licensing objectives.

The more contentious element before the Sub Committee was the application to allow for up to 20 people to stand up whilst drinking in the hatched area of the Premises. The Sub Committee were mindful that the Applicant had originally applied for 40 but had lowered that to 20 in the application process.

The Sub Committee noted that the Applicant adopted a multi-faceted approach to this element of the application during the course of the hearing, submitting that it was in accordance with policy but, in any event, exceptional circumstances existed to warrant the variation. Objectors, including the Licensing Authority, stated that vertical drinking engaged Policy PB1 and the presumption against it in the West End CIA.

With regards to exceptional circumstances, the Applicant had agreed to a reduction in capacity of the Premises, which the Sub Committee agreed that could represent a real reduction in the use of the Premises. Furthermore, the Sub Committee agreed that the size, extent and location of the bar means there is no realistic prospect of the problems identified by Policy PB1 being attributed to the Premises. The Sub Committee also placed weight on the uniqueness and calibre of the applicant's

entertainment and food offering. The Sub Committee agreed, therefore, that these were exceptional circumstances that allowed a departure from Policy PB1.

The Sub Committee noted that, at the end of the Hearing, the Applicant offered a compromise whereby up to 20 customers would be allowed to stand drinking in the hatched area until 23:00 hours – a middle ground between the 21:00 hours sought by the Soho Society and the 01:00 hours sought by the Applicant originally, The Sub Committee considered this a sensible and pragmatic solution that 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 Regulated Entertainment – Exhibition of Films (Ground Floor and Basement)** Monday to Sunday: 11:30 to 01:00 hours

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

2. **To grant performance for Live Music (Ground Floor and Basement)** Monday to Sunday: 11:30 to 01:00 hours

Seasonal Variations: From the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day

3. **To grant permission for Recorded Music (Ground Floor and Basement)** Monday to Sunday: 11:30 to 01:00 hours

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

4. **To grant permission to regularise the changes to the premises layout as shown on the plans at Appendix 1 of the Report.**

5. **To grant permission to add Model Condition 11** as set out above (now condition 35 below).

6. **To grant permission to amend** existing licence condition 14 (now shown as condition 15 below).

7. That the varied Licence is subject to any relevant mandatory conditions.

8. That the existing conditions on the Licence shall apply in all respects except in so far as they are varied by this Decision.

9. That the varied 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

10. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.
11. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
12. The area of the premises shown cross hatched in green on the plan shall only operate as a restaurant: -
 - (i) in which customers are shown to their table,
 - (ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - (iii) which do not provide any takeaway service of food, hot drinks or alcohol for immediate consumption.
 - (iv) where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals.
13. The premises shall install and maintain a 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 are 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.
14. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
15. The supply of alcohol shall be by waiter or waitress service only except for a maximum of 20 customers in the Area A hatched red on the Premises Plan from 11:30 to 23:00 hours.
16. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the Police or an authorised officer of the City Council at all times whilst the premises are open.

17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
18. 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.
19. The maximum number of persons accommodated at the premises any one time shall not exceed (excluding staff) 360 persons.
20. Substantial food and non-intoxicating beverages shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
21. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
22. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
23. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
24. No rubbish including bottles will be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
25. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
26. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
27. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
28. Doors at such exits will be regularly checked to ensure that they function satisfactorily, and a record of the check kept.
29. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
30. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

31. Curtains and hangings shall be arranged so as not to obstruct Emergency safety signs, fire extinguishers or other fire fighting equipment.
32. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing should be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes, other than foyers, entertainment areas or function rooms, should be non-combustible.
33. The certificates listed below shall be submitted to the Licensing Authority upon written request.
 - (i) Any emergency lighting battery or system
 - (ii) Any electrical installation
 - (iii) Any emergency warning system
34. 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.
 - (a) dry ice and cryogenic fog
 - (b) smoke machines and fog generators
 - (c) pyrotechnics including fire works
 - (d) firearms
 - (e) lasers
 - (f) explosives and highly flammable substances.
 - (g) real flame.
 - (h) strobe lighting.
35. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
36. There shall be no more than two draught beers available at the premises.
37. A minimum of 1 SIA licensed door supervisor shall be on duty at the premises from 20:00 hours until close on Thursdays, Fridays and Saturdays. They must correctly display their SIA licence(s) when on duty so as to be visible. The requirement for SIA licensed door supervisors to be on duty at all other times will be risk assessed by the Premises Licence holder.
38. Should there be any minor changes to the premises layout during the course of construction new plans shall be provided to the Licensing Authority when requesting the removal of this condition from the licence.

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

This is the Full Decision reached by the Licensing Sub-Committee.

This Decision takes immediate effect.

The Licensing Sub-Committee

9 June 2021