



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (3)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (3)** held on **Thursday 30th September, 2021**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Jim Glen (Chairman), Richard Elcho and Aicha Less

1. MEMBERSHIP

1.1 There were no changes to the membership.

2. DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

1. WING WING, 47-49 CHARING CROSS ROAD, WC2H 0AN

WCC LICENSING SUB-COMMITTEE NO. 3

Thursday 30th September 2021

Membership: Councillor Jim Glen (Chair), Councillor Richard Elcho and Councillor Aicha Less

Officer Support: Legal Advisor: Vivienne Walker
Policy Officer: Aaron Hardy
Committee Officer: Tristan Fieldsend
Presenting Officer: Jessica Donovan

Application for a Variation of a Premises Licence 21/04330/LIPV

Full Decision

Premises

Wing Wing
47-49 Charing Cross Road
London
WC2H 0AN

Applicant

Wing Wing Holdings Limited
Represented by Michelle Hazelwood (Solicitor - John Gaunt Solicitors)

Cumulative Impact Area?

West End Cumulative Impact Area

Ward

St James's

Summary of Application

The Premises currently operated as a restaurant and was seeking to change the layout and amend conditions on the licence.

The Applicant wished to vary the licence as follows:

- To amend the layout of the premises – First Floor – to reduce the size of the licensed area to accommodate male and female toilet facilities to the left of the Premises and provision of fixed seating to the perimeter of the licensed area.
- Ground Floor – to reduce the size of the licensed area by the removal of the bar servery and re-orientation of the service area to the left of the premises with appropriate counter and food preparation with the addition of limited fixed seating and service stations.
- Basement – removal of female w.c. facility and opening up an element of back of house to provide dining space and addition of limited fixed seating.
- To amend conditions 9, 10, 11 and 13.

Representations Received

- The Licensing Authority (Kevin Jackaman)
- Environmental Health (“EH”) (Anil Drayan)
- Two local residents objecting to the application

Summary of issues raised by objectors

- The application as presented would have the likely effect of adversely impacting on the Public Nuisance and Public Safety licensing objectives.
- The applicant was seeking to extend the hours for late night refreshment beyond core hours within the cumulative impact area.

Policy Position

It was noted that the Premises intended to trade predominantly as a fast food premises however it was retaining elements of trading as a restaurant. The Premises was located within the West End Cumulative Impact Area and as such the following policy points had to be considered, namely CIP1, HSR1, RTN1 and FFP1.

DECISION

Having considered all the submissions made by all parties, the Licensing Sub-Committee decided to grant the application subject to additional conditions.

The Licensing Officer introduced the application and confirmed that following the publication of the report the applicant had subsequently withdrawn the proposed extension to the opening hours and the hours permitting late night refreshment at the Premises. The Licensing Officer also confirmed that one residential representation had now been withdrawn following the agreement with the applicant not to extend these hours.

Ms Hazelwood, representing the applicant, introduced the application and advised that the Premises had been taken over during the pandemic and was already licensed by the developer of the property as bar/restaurant style operation. This style of operation was currently not in operation and this application was seeking to amend the licence to reflect this. The primary change was to the layout of the Premises which was situated over three floors providing a Korean chicken style operation. There was a fast-food element to the operation, and it was proposed to remove the current bar area and turn this into a serving counter space where people could order food for either takeaway or eating inside by waiter/waitress service. This would remove the bar area from the ground floor area and reduce the visibility of alcohol.

Currently a maximum of 24 people were permitted in the bar area pre and post meal, it was sought to retain this element of the licence but relocate it to the basement. In

order to achieve this, it was proposed to change the basement layout by removing the toilet provision located there and creating a suitable space for small gatherings and private meetings. The Sub-Committee was advised that the proposed layout changes would result in a negligible increase in the overall licensable footprint at the Premises of 2.7 square metres. Overall, the application would have no impact on the Cumulative Impact Area (CIA) and this was demonstrated by the fact the changes would result in the maximum capacity of the Premises being reduced from 180/160 customers to 120.

Ms Hazelwood drew the Sub-Committee's attention to the proposed amendments to the conditions. It had originally been sought to amend condition 9 but it was confirmed that this was now not the case as the food provided by the Premises met the definition of a substantial meal. It was proposed to amend condition 10 regarding the supply of alcohol on the Premises as the style of operation would allow a customer to order a drink at the service counter and then take it to their table in addition to a waiter/waitress service being available. A change to condition 11 was also sought as the bar area would be relocated to the basement, this area would be monitored by CCTV and supervised by staff at all times. Finally, a change to condition 13 had originally been sought but since the applicant had withdrawn their request to extend the hours for late night refreshment this was not now required.

Ms Hazelwood explained that the application had been made to reflect the style of operation at the Premises, the Sub-Committee was advised that no problems had been reported about the Premises since it had been in operation and following consultation with local residents the extension in hours originally proposed had now been withdrawn.

Mr Drayan, representing Environmental Health, addressed the Sub-Committee and stated that the main area of concern regarding the application and its effect on cumulative impact, was the extension in hours, but this had now been subsequently withdrawn. Mr Drayan was overall satisfied with the application but did suggest that a capacity limit of 120 customers be imposed on the licence, this could be increased in the future if the sanitary accommodation was also increased.

Mr Jackaman, representing the Licensing Authority, confirmed that the Premises were located within a CIA and therefore policies CIP1 and RTN1(B) applied. It was recognised the extension in hours had been withdrawn but the Premises would operate as more of a restaurant than a fast-food takeaway and the Sub-Committee therefore had to determine if this would add to cumulative impact in the local area or not.

In response to questions Ms Hazelwood confirmed that the applicant had withdrawn the proposed change to condition 9 and would accept the proposed condition by EH regarding capacity. Following queries over how customers would collect alcohol from the service counter area the applicant agreed that the condition could be amended to read that there would be no self service of alcohol on the Premises.

The Sub-Committee carefully considered the application and noted that the Premises were located within a Cumulative Impact Area and therefore the applicant had to demonstrate that the application would not to cumulative impact in the CIA. It was noted that the proposed extension to the opening hours and the extension in

hours permitting the sale of late-night refreshment had both been withdrawn. This had been a main source of concern to local residents and the removal of this element of the application provided reassurance it would not create any additional impact on the local area. The revised layout was also considered and whilst there would be a very modest increase in the footprint of the licensable area the relocation of the bar area to the basement was helpful. This would result in alcohol being less visible from the street and ensure this area could be contained and more easily controlled. The Sub-Committee was also pleased to note that due to the revision of the sanitary accommodation the capacity of the venue would be limited to 120 customers which was a significant reduction in what was currently permitted in a CIA. Queries had been raised over the operation of the supply of alcohol on the Premises and the Sub-Committee noted that to address concerns the applicant agreed to amend condition 10 so that there could be no self service of alcohol at the venue.

Therefore, having taken into account all the evidence (with consideration being given to the representations received from local residents), the Sub-Committee was satisfied that the application was suitable for the local area and had addressed the concerns raised. Members also welcomed the applicant's willingness to agree to remove the extension in hours following consultation with local residents. The applicant had demonstrated that the application was appropriate, with the conditions proposed proportionate enough to ensure that the licensing objectives were promoted, ensure there would be no increase in cumulative impact in the CIA and mitigate the concerns raised by local residents. The Sub-Committee therefore granted the application accordingly.

The application is granted as follows:

- 1. To grant permission to amend the layout of the premises on the first floor to reduce the size of the licensed area to accommodate male and female toilet facilities to the left of the premises and provision of fixed seating to the perimeter of the licensed area.**
- 2. To grant permission to amend the layout of the premises on the ground floor to reduce the size of the licensed area by the removal of the bar servery and re-orientation of the service area to the left of the premises with appropriate counter and food preparation with the addition of limited fixed seating and service stations.**
- 3. To grant permission to remove the female w.c. facility and the opening up element of back of house to provide dining space and addition of limited fixed seating in the basement area.**
- 4. To grant permission to amend conditions 10 and 11 as specified below.**
- 5. That the varied licence is subject to any relevant mandatory conditions.**
- 6. That the existing conditions on the licence shall apply in all respects except in so far as they are varied by this Decision.**

- 7. That the varied licence is subject to the additional conditions imposed by the Sub-Committee which are considered appropriate and proportionate to promote the licensing objectives.**

The application is granted subject to the following conditions in addition to the Mandatory conditions applicable to this type of application:

Conditions consistent with the Operating Schedule

9. The supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.
10. There shall be no self-service of alcohol.
11. In the basement area shown on the plan, alcohol can only be consumed immediately before or after a substantial table meal there to a maximum of 24 seated customers.
12. 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.
13. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
14. Substantial food and non-intoxicating beverages, including drinking water shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
15. 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. 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.
16. 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.
17. Challenge 21, a 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 or passport.

18. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service
19. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
21. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises and that this area shall be swept and or washed and litter and sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
22. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.
23. No deliveries to the premises shall take place between 23.00 hours and 07.00 hours on the following day.
24. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 hours and 07.00 hours on the following day.
25. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
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. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
28. No licensable activities shall take place 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.

29. The Licence will have no effect until the works shown on the plans appended to the application have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
30. Before the premises open to the public, revised plans must be deposited highlighting the seated bar area and will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction, new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

Additional Condition imposed by the Committee after a hearing

31. The number of persons accommodated at the premises (excluding staff) shall not exceed 120. Subject to the sanitary accommodation being improved to the satisfaction of the Council's Environmental Health Officer, the capacity may be increased to such number as may be agreed with the licence holder. The actual capacity will only increase when an appropriate condition to that effect has replaced this condition on the licence.

**This is the Full Decision of the Licensing Sub Committee which takes effect
Forthwith.**

**Licensing Sub-Committee
30 September 2021**

2. SHADOW LICENCE, BASEMENT AND GROUND FLOOR, 13 MASON'S YARD, SW1Y 6BU

WCC LICENSING SUB-COMMITTEE NO. 3

Thursday 30th September 2021

Membership: Councillor Jim Glen (Chair), Councillor Richard Elcho and Councillor Aicha Less

Officer Support: Legal Advisor: Vivienne Walker
Policy Officer: Aaron Hardy
Committee Officer: Tristan Fieldsend
Presenting Officer: Jessica Donovan

Application for a Shadow Licence 21/03839/LIPN

Full Decision

Premises

Basement and Ground Floor
13 Mason's Yard
London SW1Y 6BU

Applicant

Milestone Investment Limited
Represented by Robert Sutherland (Solicitor – Keystone Law)

Cumulative Impact Area?

The Premises are not in a Cumulative Impact Area

Ward

St James's

Summary of Application

The applicant sought a Shadow Licence to be held in its name. The current licence was held in the name of the tenant and the Premises operated as a nightclub. The Shadow Licence has been applied for in exactly the same terms as the existing licence. However, the two licences would not operate at the same time.

Representations Received

- Metropolitan Police (PC Bryan Lewis) - **Withdrawn**
- Three local residents objecting to the application – **One withdrawn**
- One local resident in support of the application

Summary of issues raised by objectors

- The Premises are located in a quiet residential area which already suffered from noise disturbance created by the current operator.
- The application was likely to encourage noise and drunken behaviour in the local area.

Policy Position

The following policy points had to be considered, namely CIP1, HSR1 and MD1(A).

DECISION

Having considered all the submissions made by all parties, the Licensing Sub-Committee decided to grant the application.

The Licensing Officer introduced the application and confirmed that one residential representation and the representation received by the Police had now been withdrawn following discussions with the applicant and the agreement of an additional condition.

Mr Sutherland, representing the applicant, addressed the Sub-Committee and advised that this was a shadow licence application which had been submitted by the landlord in order to protect his interest. He confirmed that the application is one which fits within the Council's Statement of Licensing Policy (SLP). The applicant had owned the Premises for over twenty years and before this it had been operated by his father. The applicant's residence was situated on the top floor of the building, below this was another tenant who the applicant was in regular contact with, and the Sub-Committee was advised that he spoke regularly to local residents in the area.

Mr Sutherland informed the Sub-Committee that the applicant as a responsible landlord took a keen interest in the operation of the Premises to ensure it promoted the licensing objectives. The proposed conditions on the shadow licence had been circulated to all parties and it included the additional condition requested by the Police which would ensure the licence would not be operational without a further application being submitted to the Licensing Authority. These safeguards and the extensive involvement of the applicant in the local area ensured the application did fit within the Council's policy.

In response to a question regarding the Police's proposed additional condition the Sub-Committee noted Mr Sutherland's request for it not to be changed as it had been agreed with the Police who had subsequently withdrawn their representation.

The Sub-Committee carefully considered the application and noted that the Premises were not located within a Cumulative Impact Area and therefore the application had to be considered on its merits. The extensive proposed conditions, including the additional condition agreed with the Police, were considered appropriate and provided reassurance that the licence would not be operational without an application being submitted to the Licensing Authority for approval.

Therefore, having taken into account all the evidence (with consideration being given to the representations received from local residents), the Sub-Committee was satisfied that the application was suitable for the local area and had addressed the concerns raised. The applicant had demonstrated that the application was appropriate, with the conditions proposed considered proportionate enough to ensure that it promoted the licensing objectives. The Sub-Committee therefore granted the application accordingly.

The application is granted as follows:

1. **To grant permission for Live Music (Indoors and Outdoors)**
Monday to Saturday 09:00 to 05:00 hours Sunday 09:00 to 03:00 hours.
2. **To grant permission for Recorded Music (Indoors)**
Monday to Sunday 00:00 to 24:00 hours.
3. **To grant permission for Performance of Dance (Indoors)** Monday to Saturday 09:00 to 05:00 hours Sunday 09:00 03:00 hours
4. **To grant permission for Performance of dance, film, performance of live music, Recorded music and anything of a similar description (Indoors)**
Monday to Saturday 09:00 to 03:00 hours Sunday 09:00 to 02:00 hours.
5. **To grant permission for Late Night Refreshment (Indoors)** Monday to Saturday 23:00 to 05:00 hours Sunday 23:00 to 03:00 hours.
6. **To grant permission for Sale by Retail of Alcohol (Indoors and Outdoors)** Monday to Saturday 11:00 to 04:45 hours Sunday 12:00 to 22:30 hours.
7. **To grant permission for the Opening Hours of the Premises** Monday to Saturday 09:00 05:30 hours Sunday 09:00 03:30 hours.

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

Application GRANTED subject to the following additional conditions in addition to the Mandatory Conditions applicable to this type of application and the conditions currently held on the Premises Licence

10. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
11. An attendant shall be stationed in the vicinity of the cloakroom during the whole time it is in use.
12. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to:
 - (a) Persons taking table meals there and for consumption by any such person as an ancillary to his meal.
 - (b) Persons attending and paying a minimum attendance fee of £3 for admission to the premises for the purposes of music and dancing.
13. Suitable beverages, other than intoxicating liquor including drinking water, shall be equally available for consumption with or otherwise as an ancillary to food supplied in the premises.
14. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
 - (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises but is not employed there.
 - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

15. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of this premises licence / club premises certificate:
 - (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,

- (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
(c) to take all other reasonable precautions for the safety of the children.
16. The terminal hour for late night refreshment on New Year's Eve is extended to 05.00 on New Year's Day.
 17. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
 18. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
 19. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
 20. All windows and external doors shall be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
 21. 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.
 22. There shall be no striptease or nudity, and all persons shall be decently attired at all times unless a sexual entertainment venue licence is in operation.
 23. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased. NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.
 24. 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.
 - dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fire works
 - firearms
 - lasers
 - explosives and highly flammable substances.

- real flame.
 - strobe lighting.
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. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
 29. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
 30. 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.
 31. Curtains and hangings shall be arranged so as not to obstruct emergency signs or means of escape.
 32. All electrical sockets used to supply power for hand held electrical equipment shall be protected by a residual current device of 30 milliamps sensitivity complying with British Standard Specification 4293: 1993.
 33. The certificates listed below shall be submitted to the Licensing Authority upon written request:
 - Any emergency lighting battery or system
 - Any electrical installation
 - Any emergency warning system.
 34. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
 35. 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. All recordings shall be stored for a minimum period of 31 days with date and time stamping.

Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

36. 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.
37. The maximum number of persons accommodated in the whole of the premises at any one time (excluding staff) shall not exceed 150 persons with the following further restrictions also applying:
 - i) Basement - 100
 - ii) Ground Floor- 85
38. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours. In this condition permitted hours means:
 - (a) The permitted hours on Monday to Saturday shall commence at 11:00 and extend until 04:45 on the following morning, except that:
 - i) The permitted hours shall end at 00:00 midnight on any day on which music and dancing is not provided after midnight; and
 - ii) On any day that music and dancing end between 00:00 midnight and 05:00, the permitted hours shall end half hour before the music and dancing end;
 - (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect:
 - i) With the substitution of reference to 06:00 for references to 05:00 and 05:45 for references to 04:45;
 - (c) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment
 - (d) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day.

NOTE: The above restrictions do not prohibit:

- (a) during the first 45 minutes after the above hours the consumption of alcohol on the premises;
- (b) during the first thirty minutes after the above hours off sales which must be in sealed containers only;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of her Majesty's naval, military or air forces;
- (g) the taking of alcohol from the premises by a person residing there;

- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

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

- 39. Flashing or particularly bright lights from the premises shall not cause a nuisance to nearby properties.
- 40. After 23:00 patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke, shall be limited to 25 persons at any one time.
- 41. 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.
- 42. After 23:00 patrons permitted to smoke shall be restricted to the external area between 9 and 13 Mason's Yard which shall be supervised by staff from the premises together with notices prominently displayed there requesting patrons to respect the needs of local residents and use the area quietly.
- 43. After 23:00 the designated smoking area shall be enclosed within appropriate barriers to ensure that the footway is kept clear.
- 44. 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 of the public highway.
- 45. All staff engaged outside the entrance to the premises, or supervising or controlling queues and external areas, shall wear high visibility armbands.
- 46. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents and businesses in the vicinity.
- 47. 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.
- 48. Patrons waiting for taxis shall be encouraged to wait inside the premises until the taxi arrives.
- 49. After 23:00 hours a minimum of two door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business.

50. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
51. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
52. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00hours.
53. No deliveries to the premises shall be arranged to occur between 23.00 and 08.00.
54. The premises will employ a SIA Registered Door Supervisor who will act as a Noise Control Officer in the immediate vicinity of Mason's Yard after 23:00 hours when there are patrons present in the premises. He will endeavour to ensure persons depart from the premises quietly and away from Ormond Yard.
55. After 1am, the licensee shall take counts of customers on the premises at 30 minute intervals until the premises closes and shall have records of such counts available for inspection by an authorised officer of the Council or Police.
56. Door staff shall be trained to monitor patron noise and actively discourage any noisy and otherwise unacceptable behaviour, encouraging customers to consider local residents when making their way home. Records of such training are to be maintained and held on site for inspection by any Authorised Officer.
57. Upon the premises reaching its capacity figure detailed in condition 37, Management of the Club shall take all reasonable steps to disperse any queue that has formed at the premises and actively encourage any persons so dispersed leave the Mason's Yard area in a quiet and orderly manner.
58. Once the premises have reached its capacity figure detailed in condition 37, management of the club shall take all reasonable steps to prevent a queue forming outside the premises.
59. All SIA registered door supervisors engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.

60. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
61. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
- (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
62. There shall be no entry to the premises after 03:00 except to the following persons:
- (a) Scotch of St James members and their bona fide guests (not exceeding four guests per member). 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 48 hours between application and acceptance to membership;
 - (b) Persons admitted to the premises by prior invitation to a bona fide private function held at the premises;
 - (c) Guests of the proprietor listed by name at the reception prior to admission;
 - (d) Performers and staff employed by the premises;
 - (e) Persons who have temporarily left the premises to smoke.
63. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, passport or proof of age card with the PASS hologram.
64. a) All drinking vessels used in the venue shall be polycarbonate. All drinks in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served, with the exception of champagne or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.
- b) Notwithstanding a) above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the area specified by the premises management.
- c) Notwithstanding a) above, mixers may be supplied in glass bottles of 200ml or smaller, by waiter/waitress service to tables. Mixer bottles are not to be carried by customers from their tables. Staff shall clear all empty mixer bottles promptly from tables.

65. Suitable recording media for the downloading of CCTV footage shall be available at all times the premises are open for the provision of licensable activities.
66. Mr Carl Hirschmann is not to be permitted access to the premises at any time the premises are open for the provision of licensable activities. This condition is to be of nil effect in the event that the Metropolitan Police provide written confirmation that the exclusion is to cease.

Additional Conditions imposed by the Committee after a hearing

67. The shadow licence will not take effect when the current licence is in operation, or it lapses, is surrendered or revoked.
68. In an event that Licence (18/15638/LIPVM) is revoked through a review, the Shadow Licence Holder shall allow a cooling off period of 30 working days before operating again.
69. In an event that Licence (18/15638/LIPVM) is revoked through a review, the management (DPS, Premises Licence Holder and Management) from this Licence will have no involvement directly or indirectly in running the venue thereafter.

This is the Full Decision of the Licensing Sub-Committee which takes effect forthwith.

**The Licensing Sub-Committee
30 September 2021**

The Meeting ended at 1.24 pm

CHAIRMAN: _____

DATE _____