



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (3)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (3)** held on **Thursday 18th November, 2021**, This will be held as a virtual Teams Meeting.

Members Present: Councillors Jim Glen (Chairman), Jacqui Wilkinson and Aziz Toki

Also Present: Councillors

1. MEMBERSHIP

THERE WERE NO CHANGES TO THE MEMBERSHIP.

2. DECLARATIONS OF INTEREST

THERE WERE NO DECLARATIONS OF INTEREST.

2. TESCO, 55 BAKER STREET, W1U 8EW

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

Thursday 18 November 2021

Membership: Councillor Jim Glen (Chairman)
Councillor Jacqui Wilkinson
Councillor Aziz Toki

Officer Support: Legal Advisor: Horatio Chance
Policy Officer: Kerry Simpkin
Committee Officer: Kisi Smith-Charlemagne
Presenting Officer: Roxanna Haq

Application for a New Premises Licence in respect of Tesco (Unit 67)
55 Baker Street London, W1U 8EW 21/06914/LIPN

Present: Mr Jeremy Bark – Solicitor (Applicant)

Premises

(Unit 67) 55 Baker Street London W1U 8EW

Applicant

Tesco Stores Limited

Cumulative Impact Area

None

Ward

Marylebone High Street

Summary of Application

The Sub-Committee has determined an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The Premises intends to trade as a retail premises (supermarket) selling a range of goods and services. This includes the sale of alcohol for consumption Off the Premises. The Sub-Committee noted that sales of alcohol for consumption Off the Premises are made from the supermarket sales floor as shown on the licence plan and may also be made through home delivery. Following consultation, the Applicant amended **the hours for the sale of alcohol from 06:00 to 00:00 Monday to Sunday to 08:00 to 23:00 Monday to Saturday and 09:00 to 22:30**. There is a resident count of 59.

Activities and Hours applied for

Hours premises are open to the public:

Monday to Thursday 07:00hrs – 23:00hrs

Friday to Saturday 07:00hrs – 00:00hrs

Sunday 07:00hrs – 23:00hrs

Sale by retail of alcohol (Off sales only)

Monday to Saturday 08:00hrs – 23:00hrs

Sunday 09:00hrs – 22:30hrs

Late Night Refreshment: Indoors

Monday to Sunday 23:00hrs – 00:00hrs

Representations Received:

- Metropolitan Police (PC Bryan Lewis) **(withdrawn)**

- Environmental Health (Maxwell Koudah) **(withdrawn)**
- 1 Local Councillor (Councillor Karen Scarborough)
- Marylebone Association (GA)
- 7 Local residents

Summary of issues raised by objectors:

Concerns were raised regarding the prevention of crime and disorder, public safety and the prevention of public nuisance. Local residents maintained their representations, raising concerns regarding the number of late-night licences permitted in the area, noise, extra traffic including deliveries and litter. The Metropolitan Police and the Environmental Health Services withdrew their objections.

Policy Position:

HRS1

- Applications within the core hours set out below in this policy will generally, be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:

The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.

SHP1

- Applications for a shop outside the West End Cumulative Impact Zone will generally be granted subject to the application meeting the requirements of policies CD1, PS1, PN1 and CH1.
- The hours for licensable activities are within the Council's Core Hours Policy HRS1.
- The operation of any delivery services for alcohol meeting the Council's Ancillary Alcohol and/or Late-night Refreshment Delivery Service Policy DEL1

SUBMISSIONS AND REASONS

The Sub-Committee considered an application for a New Premises Licence under the Licensing Act 2003 ("The Act") by the Applicant Tesco Stores Limited in respect of (Unit 67) 55 Baker Street London W1U 8EW.

The Presenting Officer Ms Roxanna Haq introduced the application and advised that the Premises intended to operate as a retail premises (supermarket) selling a range of goods and services, including the sale of alcohol for consumption off the

Premises. The Premises is located within the Marylebone High Street Ward but is not within the West End Cumulative Area Zone nor Special Consideration Zone. The Premises have had the benefit of a premises licence since June 2008. There is a separate premises licence in respect of the 6th Floor of the Premises. Following consultation, the hours **for the sale of alcohol were reduced from 06:00 to 00:00 Monday to Sunday to 08:00 to 23:00 Monday to Saturday and 09:00 to 22:30 Sunday.** This change was welcomed by the Sub-Committee.

Mr Jeremy Bark Solicitor appearing on behalf of the Applicant addressed the Sub-Committee and explained the rationale for submitting the application in the first place. He advised the proposed application of these Premises resulted from the closure in September 2021 of the Applicants previous site situated in nearby George Street some 200 metres away. He said effectively this would be replacing like for like with some small additions. It is expected that the Premises will be ready for opening in the New Year.

Mr Bark stated that following consultation, the Applicant had taken note of the various objections to the application by amending the hours for the sale of alcohol from 06:00 to 00:00 Monday to Sunday to 08:00 to 23:00 Monday to Saturday and 09:00 to 22:30 Sunday. He stated that the need for late-night refreshment was because of a Costa Coffee machine which was not exempt from late night refreshment because it is not a vending machine and customers must pay at the counter. Mr Bark stated that no hot food would be served, and he was more than happy to agree to a condition which limited late-night refreshments to the sale of coffee from the Costa machine.

Mr Bark stated that the Applicant operated several similar premises with established practices and procedures in place which included extensive staff training, security, and Challenge 25. The Premises would have a team of 19-21 members of staff, including a management team. Mr Bark advised that regarding anti-social behaviour staff would expect customers to use the Premises responsibly and bad behaviour would not be tolerated. He then described the various steps staff would take in dealing with potential incidents including calling the Police and banning customers where necessary.

Mr Bark stated that there would be one delivery per day and deliveries would take place in a layby on Rathbone Street at the rear of the building. He also advised that deliveries would be transferred through the basement area and there would be no cages on street level that would give rise to nuisance. He confirmed that deliveries will take place between the hours 08:00-22:00 Monday-Saturday and 10:00-18:00 on Sundays and this was noted accordingly by the Sub-Committee.

Mr Bark discussed the amended Environmental Health conditions which had been circulated previously to all parties. He confirmed the waste conditions and amending the delivery conditions. In this respect the Sub-Committee were reluctant to use the name of the operator on the licence as they did not want to restrict the licence just to the Applicant. The Sub-Committee queried the separate premises licence in respect of the 6th Floor of the Premises. Mr Bark explained that the Premises is located on the ground level of a large building owned by the landlord. He advised that the 6th

Floor is another unit and was not related to the Applicant or anyway connected to this application .

The Sub-Committee queried when the store would open to the Public and its size in comparison to the closed store in George Street and home deliveries. Mr Bark advised that the Premises opening is likely to be the early new year of 2022 and the store was a similar size to the old store on George Street comprising 3,000 square ft which is the size of most of the Tesco express stores. Ms Hardish Purewal Licensing Manager for the Applicant in answer to a question from the Sub-Committee advised that Tesco are considering a small basket home delivery service and would want small vehicles and a small operation to fit in with this concept.

The Legal Advisor to the Sub-Committee sought confirmation of the wording for proposed condition 7 relating to the deliveries and the condition relating to late-night refreshment. The Legal Advisor stated that Model Condition 24 namely “A direct telephone number for the management be publicly provided” as this had not been recorded as part of the proposed conditions and should therefore be added. Mr Bark confirmed that he was happy with conditions 7 and explained that Tesco’s Good Neighbour policy (Condition 4), which includes being aware of noise, ASB and encourages local residents to come into the store and speak with management if issues arise.

Mr Bark confirmed that the conditions should read as follows:

Condition 7: Deliveries to the premises should only take place between 06:00 and midnight (00:00 hours) but the main deliveries made by the Premises Licence Holder shall be to the dedicated loading bay within the building as a whole and within the hours all deliveries as set out in the planning permission for the building as a whole (08:00-22:00 Monday -Saturday and 10:00- 18:00 on Sundays).

The Legal Advisor said that for the sake of clarity the relevant planning consent number be added to the condition. Mr Bark confirmed that the Applicant was resisting condition MC24 as it was felt that their proposed condition 4 offered the same level of reassurance to local residents. On that basis the Legal Advisor suggested that the word ‘effectively’ be added to condition 4 so that it should read as follows:

Condition 4: The Store Manager will engage effectively with local resident associations should the need arise.

Conclusion

The Sub-Committee realises that it has a duty to consider each application on its individual merits and did so for the purposes of this application.

The Sub-Committee welcomed the fact that the Applicant took on board fully the views of local residents and the local Ward Councillor that had objected to the application by reducing the times for the off sale of alcohol. This demonstrated to the Sub-Committee that the Applicant was willing to engage and listen to the parties by reaching a fair compromise on matters.

The Sub-Committee noted that the Metropolitan Police objected to the application but later withdrew their objection on the basis of the reduction in hours and the agreement of additional conditions. The Sub-Committee was pleased that conditions relating to CCTV, the strength of alcohol and management of it generally, the requirement to have SIA staff on duty at the Premises and a digital incident record log were all conditions imposed on the licence that would help promote the crime and disorder licensing objective.

The Sub-Committee noted that the proposed operation of these Premises resulted from the closure of the Applicants previous site situated in nearby George street some 200 metres away. Effectively this would be replacing like for like with some small additions. It is expected that the Premises will be ready for opening in the New Year with a similar footfall.

The Sub-Committee noted that the Applicant had multiple established practices and procedures in place which included extensive and regular staff training, security, and Challenge 25. The Applicant confirmed also that the Late-Night Refreshment on offer at the Premises will be restricted to that of a coffee vending machine by customers with no hot food available to customers. In this respect the Sub-Committee decided to impose condition 31 as specified below.

The Sub-Committee noted the Applicant's assurances and various undertakings that the Premises would be well run in accordance with those established practices and procedures already in bedded over time in respect of other licensed premises that are to be applied and adopted for these Premises. The Sub-Committee concluded that these measures would help mitigate the concerns raised by the Local Ward Councillor and residents and ultimately have the effect of promoting the licensing objectives.

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

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

1. **To grant permission for the Off Sale of Alcohol** Monday to Saturday 08:00 to 23:00 hours. Sunday 09:00 to 22:30. There are no seasonal variations.
2. **To grant permission for Late Night Refreshment (Indoors)** Monday to Sunday 23:00 to 00:00 hours. There are no seasonal variations.
3. **To grant permission for the Opening Hours of the Premises**: Monday to Sunday 06:00 to 00:00. There are no seasonal variations.
4. That the Licence is subject to any relevant mandatory conditions.
5. 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

6. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a retail supermarket
7. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
8. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram or any other approved by the Home Office.
9. The Store Manager will engage effectively with local resident associations should the need arise.
10. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
11. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
12. Deliveries to the premises shall only take place between 06:00 and midnight (00:00 hours) but the main deliveries made by the Premises Licence Holder shall be to the dedicated hours by which the building as a whole operates and in any event to the hours stipulated for delivery in accordance with the relevant planning consent.
13. Prominent, clear and legible notices must be displayed at all exits requesting staff and couriers to respect the needs of local residents and to leave the premises and the area quietly.
14. 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.
15. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business
16. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

17. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
 - (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
 - (c) The CCTV system shall continually record whilst the premises is open for licensable activities
 - (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
 - (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
18. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
19. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
20. All checkouts in the shop area, shall automatically prompt staff to ask for age verification identification in line with the Tesco Challenge 25 policy when presented with an alcohol sale.
21. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium or craft beers and ciders supplied in glass bottles and cans.
22. No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises save for premium or craft products.
23. No more than **15%** of the sales area within the shop, shall be used at any one time for the sale, exposure for sale, or display of alcohol.
24. No miniature bottles of spirits of 20 cl or below shall be sold from the premises save for when sold as part of a gift pack.
25. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible on entering the premises, where alcohol is on public display, and at the point of sale.
26. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
27. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive training in age restricted sales which shall include induction training completed and documented prior to such staff member selling alcohol and then shall include refresher training so that they receive such training at least

twice per year. All such training records shall be available for inspection by a police officer on reasonable request.

28. An digital record of incidents occurring at the premises shall be kept at the premises by the management team and made available on request to an authorised officer of the City Council or the Police. It should be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue;
 - (b) any serious incidents of disorder occurring within the premises
 - (c) any thefts or attempted thefts from the premises;
 - (d) any serious issues in relation to the sale of alcohol within the premises;
 - (e) any faults in the CCTV system; or
 - (f) any visit by a relevant authority or emergency service.
29. The premises licence holder shall employ a minimum of one SIA registered security guard at the premises unless the Police agree there is no requirement.
30. Prior to any “designated sporting event” (as defined in the Sporting Events Control of Alcohol Act 1985) taking place at Wembley Stadium, the premises licence holder shall ensure where requested to do so by the police that:
 - i. Alcohol sales in respect of cans of beer or cider are limited to no more than 4 cans per person for a minimum of four hours before the commencement of the relevant designated sporting event.
 - ii. No sales of alcohol in bottles or glass containers are made in the period four hours before the commencement of the designated sporting event.
 - iii. Alcohol sales cease for a period of four hours immediately before the commencement of the relevant designated sporting event,
 - iv. On any day where there is a relevant designated sporting event taking place, the premises will not externally advertise as a result of a local store promotion the availability of beer or cider in such a way as to be likely to be the sole inducement to attract persons to the premises who are either attending the designated sporting event or in the vicinity of the premises as a result of the designated sporting event.
 - v. On the day of the relevant designated sporting event, upon the direction of a police officer of the rank of at least inspector, using the grounds of the prevention of crime and disorder or public safety, the premises will immediately cease to sell alcohol until further directed by the police the same day.
31. Late Night Refreshment shall be limited to the use of the Coffee Vending Machine by customers during only the permitted hours.

If problems persist then a Review of the Premises Licence can be made.

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

The Licensing Sub-Committee

18 November 2021

3. 16 CHARLES STREET, W1J 5DR

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

Thursday 18 November 2021

Membership: Councillor Jim Glen (Chairman)
Councillor Jacqui Wilkinson
Councillor Aziz Toki

Officer Support: Legal Advisor: Horatio Chance
Policy Officer: Aaron Hardy
Committee Officer: Kisi Smith-Charlemagne
Presenting Officer: Roxanna Haq

Application for a New Premises Licence in respect of 16 Charles Street London
W1J 5DR 21/05233/LIPN

Present: Mr Gary Grant – Solicitor (Applicant)
Mr Andrew Wong – Agent (Applicant)
Mr Alex Rossoz – Director General of Lou Lou Groupe (Applicant)
Ms Alexandre Santamaria – Representative of Applicant (Applicant)
Mr Andrew Bamber – Expert for Crime and Disorder (Applicant)
Mr Torben Anderson – Acoustic Expert (Applicant)
Mr Chris Blamey – RGP Transport Expert (Applicant)
Mr Gary Stanesby - Architect- Stanesby Architecture (Applicant)
Mr David Miles– Architect- Stanesby Architecture (Applicant)
Mr Ian Watson (Environmental Health)
Mr James Rankin – Solicitor (Representing Rosebery Mayfair Residents Association Limited and Balfour Property Investments (BVI) Ltd)
Mr Charles Wake (Resident)
Mr Mark Edwards and Ms Micheline Edwards (Residents)
Ms Fleur Cameron Ragan (Balfour Property Investments (BVI) Ltd)
Mr Andrew Cochrane (Rosebery Mayfair Residents Association Limited)
Mr Peter Chadwick (Resident)
Mr Justin Goad and Ms Tina Cook (Residents)
Ms Crew (Resident)
Mr Lawrence Karlson and Ms Deborah Karlson (Residents)
Shepherd Market (Association of Retailers)
Mr Scott Collier (Resident)
Mr Richard Evans (Resident)
Mr Robin Burley (Resident)
Mr Ahmed Nassar (Resident)

Premises

16 Charles Street London W1J 5DR

Applicant

16SC Operations Ltd

Cumulative Impact Area

None

Ward

West End

Summary of Application

The Committee determined an application for a New Premises Licence under the Licensing Act 2003 ("The Act") in respect of 16 Charles Street London W1J 5DR. The Applicant is 16SC Operations Ltd. The Premises intends to operate as a fine dining restaurant. The Sub-Committee noted that the Applicant reduced its requested hours to Westminster's Core Hours for Restaurants (with a slightly later morning opening time). These hours are for both licensable activities and closing time, which permits a flexible winding-down period in accordance with operational needs which are likely to differ from day to day. The Premises is located within the West End Ward but is not within the West End Cumulative Area Zone nor Special Consideration Zone.

Activities and Hours applied for

Hours premises are open to the public:

Monday to Saturday 08:00hrs – 01:30hrs
Sunday 09:00hrs – 00:30hrs

Sale by retail of alcohol (On or off sales or both): Both

Monday to Saturday 10:00hrs – 01:00hrs
Sunday 10:00hrs – 00:00hrs

Late Night Refreshment: (Indoors, outdoors, or both) Both

Monday to Saturday 23:00hrs – 01:00hrs
Sunday 23:00hrs – 00:00hrs

Live Music (Indoors, outdoors, or both) Both

Monday to Saturday 10:00hrs – 01:00hrs
Sunday 10:00hrs – 00:00hrs

Recorded Music (Indoors, outdoors, or both) Both

Monday to Saturday 10:00hrs – 01:00hrs

Sunday 10:00hrs – 00:00hrs

Films (Indoors, outdoors, or both) Indoors

Monday to Saturday 10:00hrs – 01:00hrs

Sunday 10:00hrs – 00:00hrs

Representations Received:

- Metropolitan Police (PC Cheryl Boon) **(withdrawn 18 August)**
- Environmental Health (Ian Watson)
- RMR Co Ltd
- Hortense du Rouret
- CBRE Global Investors Ltd
- Shepherd Market Association of Retailers and Residents
- PC Environmental Consultants Ltd
- Pharmagie and Bruno Seguin
- Avocats Au Barreau De Paris
- Dancer Trust
- Rosebery Mayfair Resident Association Limited
- French Chamber of Great Britain
- 27 Local residents

Summary of issues raised by objectors:

Concerns were raised regarding the prevention of crime and disorder, public safety and the prevention of public nuisance. Environmental Health Services and local residents, maintained representations raising concerns regarding the number of late-night licences permitted in the area, noise, extra traffic including deliveries and litter. The Metropolitan Police withdrew their objections.

Policy Position:

HRS1

- Applications within the core hours set out below in this policy will generally, be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:

The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.

RNT1 (A)

- Applications outside the West End Cumulative Impact Zone will generally be granted subject to the application meeting the requirements of policies CD1, PS1, PN1 and CH1.
- The hours for licensable activities being within the council's Core Hours Policy HRS1.

SUBMISSIONS AND REASONS

The Sub-Committee considered an application by Mr Richard Romain for a New Premises Licence under the Licensing Act 2003 ("The Act").

The Presenting Officer Ms Roxanna Haq introduced the application and advised that the Premises intends to operate as a fine dining restaurant. She advised that the Premises were located within the West End Ward but is not within the West End Cumulative Area Zone nor Special Consideration Zone.

Mr Gary Grant Counsel appearing on behalf of the Applicant addressed the Sub-Committee, he explained that this was an application for a new premises licence to permit a fine dining restaurant to open in the historic, and once magnificent, six-floor Grade II listed building at 16 Charles Street in Mayfair. He stated that in its Edwardian heyday, number 16 was the London home of the flamboyant high-society hostess Dame Margaret Greville (the daughter of the founder of McEwan breweries). Mr Grant stated that the Premises enjoyed a reputation for hosting parties and soirees for politicians, royalty and celebrities. He stated that following Dame Margaret's death in 1942 the building became a gentlemen's club and then home to Debrett's, the society etiquette experts, before being used as offices in more recent years.

Mr Grant advised that the building had been vacant since July 2018 and, its interiors were now in a state of disrepair and were deteriorating. He added that the landlord had indicated that the building was unlikely to attract office use in the current climate and is well suited to restaurant use. Mr Grant advised that in 2018, an unrelated application to convert the property into a 24-hour casino was refused by the Council.

Mr Grant advised that the Applicant for this premises licence is 16 CS Operations Limited who trade as the "LouLou Groupe". They are an internationally renowned restaurant group with highly professional and experienced operators. Mr Grant advised that The LouLou Groupe currently operates restaurants in Paris, Val D'Isere and St Tropez. These include one at the Museum of Decorative Arts of Paris, which is part of the Louvre Museum, and Le Flandrin which is located in the heart of the 16th arrondissement in Paris, a high-end residential neighbourhood comparable to Mayfair.

Mr Grant stated that The LouLou Groupe were dedicated to creating long-term relationships with the communities in which their restaurants are located. He added that The LouLou Groupe wished to breathe life back into the Premises, renovate it from top to bottom and return the building to its historic hospitality use so it becomes

a place for people who live, work and visit London to enjoy. Mr Grant advised that if the Sub-Committee was minded granting the application the Applicant intended to invest some £12 million into the renovations, create 120 local jobs and boost the local economy using local suppliers.

Mr Grant stated that the Landlord of the building fully endorsed the application and had submitted a letter of recommendation which could be found on pages 247-249 of the committee papers. He advised that the alternative was that the Premises would remain vacant and deteriorate further or, if a business occupier could be found and the beautiful building is used for offices from which the general public will be excluded. Mr Grant felt that given the importance of the building to the area's heritage, that there were wider benefits that the granting of the licence application would have in preserving the building's future.

Mr Grant advised that the Applicant had submitted a bundle, including a set of revised Hours and Conditions, a Statement of Community Engagement (complete with presentation), Heritage Statement, Operational Management Strategy, photographs, expert reports, supporting letters and other supporting materials. Mr Grant said that if it did intend to grant a licence that it should be made personal to the Applicant. He confirmed that planning permission was in place and the certificate of use was included in the additional pack which had been circulated to all parties.

The Sub-Committee invited Mr Grant to take all parties through the additional conditions that had been agreed. Mr Grant said that the residents requested the capacity be limited to 280 people. This was not agreed because the fire safety capacity was 491 persons and the Applicant had already reduced the amount to 350 persons. Mr Grant added that in order for the Applicant to justify the £12 million investment the Premises would need to accommodate 350 patrons. On the second condition regarding SIA door supervisors he confirmed this was agreed.

Mr Grant said that condition 3 was in addition to the incident log condition and it stipulated that the log should be checked once a week. He stated that condition 4 had been reworded and would ensure that staff and customers do not congregate in the front doors of 14-18 Charles Street. Mr Grant agreed conditions 5, 6, 7, 8, 9, 10. However, Condition 11 was not agreed, because this was a technical noise condition. He said that after speaking with the Environmental Health Officer, the Applicant instead proposed the Westminster preferred condition to comply with the noise criteria of NR30 (day), NR25 (night), and NR40 (LFmax).

The Sub-Committee queried the location of the holding bars, noise emanating from air-conditioning and plant equipment and plans for ongoing consultation with residents. Responding to the Sub-Committee's questions, Mr Grant confirmed the holding bars were on the second floor. Mr Torben Anderson Acoustic Expert for the Applicant advised that the Premises will be reusing the existing equipment there will be two kitchen extract fans, one both will be contained internally with one ducted to a lower roof at the back of the Premises and will comply with noise conditions. Mr Grant said that there would be regular quarterly meetings with the residents in order to discuss and resolve any issues they may have.

Mr Alex Rossoz Director General of Lou Lou Groupe for the Applicant addressed the Sub-Committee, he advised that it was his intention to keep physical meetings and hold open discussions with the residents and neighbours of the Premises. He added that he is proposing a WhatsApp group for instant discussions and that the general manager and his personal phone numbers will also be available. Mr Rozzoz said that he had invited the neighbours to review the premises in Paris that will operate in a similar way to how the Premises at 16 Charles Street.

The Sub-committee also queried the request for the projection of films, the delivery and waste management arrangements including arrangements for smokers. Mr Rozzoz explained that the screening of films would be largely for corporate events e.g. presentations. With regards to the delivery and waste management arrangements, he advised that they had experience for managing deliveries and waste in residential neighbourhoods. Mr Grant confirmed the following conditions:

- Condition 36: No delivery to the premises shall take place between 18:00 and 08:00.
- Condition 37: No collection of waste or recycling materials including bottles shall take place between 18:00 and 08:00.
- Condition 39: Any Outside smokers must be supervised by staff to ensure there is no public nuisance or obstruction of the highway. Smokers are limited to a maximum of 5 persons after 21:00.

Mr Chris Blamey RGP Transport Expert for the Applicant addressed the Sub-Committee, noting the work carried out reviewing the highways as part of the deliveries and waste management operating plans. The Sub-Committee queried the capacity numbers for each floor. Mr Grant confirmed 100 for the ground floor, 75 both for the first and second floors and 50 both for the third and fourth floors.

Mr Ian Watson appearing on behalf of Environmental Health addressed the Sub-Committee and confirmed that he had provided pre application advice to the Applicant and had undertaken a visit also to the Premises. He said that this was a quiet residential area, and the courtyard would cause nuisance issues and therefore the use of the courtyard had been removed from the application. He agreed with the capacity numbers and advised that the noise emanating from plant machinery would need to be reassessed as the report did not advise on the existing noise levels. Mr Watson said there would need to be further discussion regarding refrigeration for the Premises. He stated that the building was Grade II listed and any building works would be subject to an Heritage Officer inspection. Mr Watson also discussed the seals and glazing of the windows and doors to prevent noise escaping and the potential internal transfer of noise nos 15 and 17 Charles Street.

Mr Watson said that further discussions should take place regarding the locations of refuse points, use of internal machines and closing internal doors, he also discussed the possibility of vibration and impact noise. The Sub-Committee asked Mr Watson if the noise criteria of NR30 (day), NR25 (night), and NR40 (LFmax) would be sufficient to protect the neighbours from noise nuisance. Mr Watson advised that this was in line with Council policy. Mr Watson confirmed that there was a works condition and a condition regarding vibrations and the works will only be signed off once all comply on final visits.

Mr James Rankin Counsel appearing on behalf of the Rosebery Mayfair Residents Association Limited and Balfour Property Investments (BVI) Ltd) addressed the Sub-Committee. Mr Rankin expressed his displeasure in the late arrival of submissions and conditions presented by the Applicants representative. Mr Rankin commented on the level of consultation that his clients had received, names email exchanges where it was offered to remove the use of the courtyard if his clients conceded everything else. He added that in his view there was not an extensive consultation period and the residents which he represented viewed the application with some concern.

Mr Rankin said that a number of the residents had lived in Charles Street for many years. He felt that with 3 services of 350 people, there was the potential for over 1,000 people to pass through the doors each day. He added that the movement and associated noise was quite alarming to his clients and was the reason why they sought to reduce the capacity numbers and minimise the impact of the Premises. Mr Rankin advised that his clients had submitted a noise report, highlighting that the Premises would cause substantial noise. He also referred to the fire safety report submitted (Page 318 refers), where it described a significant number of deviations to current fire safety guidance.

Mr Rankin confirmed that his clients were opposed to this application and if the Sub-Committee were minded granting the application, it required strict conditions. Mr Rankin confirmed that his clients had agreed the condition put forward by Mr Grant, except for conditions 1 and 11. Mr Rankin advised that the wording from condition 11 was taken from the noise report provided to his clients from the Applicant. Mr Rankin invited Mr Mark Edwards (Residents) to address the Sub-Committee to discuss his objections.

Mr Edwards advised that he and his wife had been residents of Rosebery Court for over sixteen years. He confirmed that he and his wife were opposed to the application due to its size and the application not being in line with the policies adopted (Westminster Local Plan and Noise Strategy, Mayfair Neighbourhood Plan) to maintain Charles St as residential and protect the broader amenity value of Mayfair. Mr Edwards felt that the Chesterfield Hotel and English-speaking Union should not be compared to this application. He stated that the application was for a large and noisy restaurant in a listed building with all the comings and goings to/from the proposed restaurant likely to cause significant issues impacting on us as residents.

Mr Edwards stated that he and his wife objected to the proposed projection of films, live and recorded music, provision of late-night refreshments operating between the hours of 10.00 and 01.00. Mr Edwards felt that the proposed conditions of use for the restaurant were vague, undefined and difficult to interpret. Mr Edwards was concerned that the applicant had not considered the impact of noise on neighbours and felt that acceptance of the application would lead to residents becoming local reporters of breaches of the peace.

Mr Edwards strongly object to the use of the Patio and Courtyard area, he added that conservatory doors and windows to or overlooking the patio windows needed to remain closed to stop noise and light emission impacting on neighbours and flats

including his own. Mr Edwards advised that the buildings surrounding the outside area create an amplifier affect increasing any noise made or emitted to these outside spaces. In summary Mr and Mrs Edwards, objected to the application as it would have an adverse impact on what is primarily a residential street and the amenity value of the area.

Mrs Deborah Karlson addressed the Sub-Committee and confirmed that she and her husband agreed with everything that Mr Rankin and Mark Edwards had said. Mrs Karlson expressed her concerns regarding the number of patrons visiting the restaurant and the noise from plant which had not been determined. She also raised concerns regarding the main point of access and regress for over 1,000 patrons and 75 members of staff. Mrs Karlson was also concerned with persons smoking outside of their flat as it is right next door to the entrance. She also was concerned that patrons and smokers would try to gain shelter for adverse weather from the door cover outside her front door.

Mr Peter Chadwick (Residents) addressed the Sub-Committee he stated that since 1987 the Premises has been an office, so not used after 18:00 or at weekends, whereas the restaurant is to function from 10:00 to 01:00, 7 days a week, meaning there will be a total change in the environment for the 35 homes which surround it. Mr Chadwick stated that no matter how considerate the operators of the restaurant seek to be, it will create nuisance. He said that there would be noise and vibration from kitchen equipment, noise from serving meals, noise from customers (indoors and in the courtyard), noise from deliveries and waste removal, noise & vibration from ventilation equipment, odour from all those sources, light pollution from illuminating the rooms and courtyard at night, and smoke (from customers moving outside for a cigarette/cigar). All in a residential area which has not had that sort of disturbance previously.

Mr Chadwick said that he was an officer of the company that employed the caretaker/porter for Rosebery Court who had been in post since 1998. He advised that in his capacity as an employer he had a duty of care under the Control of noise whilst at work regulations to ensure that it does not damage his health. Mr Chadwick confirmed that this employee lived on the premises and his hours of employment started at 07:00, and lives in a small flat with a party wall with no. 16 Charles Street. Mr Chadwick confirmed that the ventilation of the flat came from a window that opens into the courtyard of No16 Charles Street.

Mr Grant invited Mr Gary Stanesby Architect (Stanesby Architecture) and Mr Torben Anderson Acoustic Expert both for the Applicant to address the concerns raised by the residents. Mr Stanesby confirmed that secondary glazing would be used throughout the building approved by historic England. He added regarding the rooms for the vault and the bottle crushers will be lined; and trolleys and carts that move goods will also have suppressant rubber to reduce noise. Mr Stanesby confirmed that on the upper floors independent lining can be added to the walls to improve the acoustics. Regarding the carters/porters flat, he confirmed that they would be looking a secondary measure to absorb the sound within the fabric of the room.

Ms Crew advised that she agreed with the points raised by Mr Rankin and wanted to add the voice of Tina Cook to those comments. Ms Crew said that they were long

standing residents and were not informed about the details of the application for a great length of time and received it on 16 November. Ms Crew advised that it had dealt with some of their concerns, however, still maintained their objection on the basis of public nuisance.

Mr Rozzoz confirmed that he would be contracting a commercial waste company to collect his waste and that the hours would be in line with planning permission hours i.e. 08:00 to 18:00 and there would be fixed slots. The Sub-Committee thanked the residents objecting for their submissions and comments. The Sub-Committee invited the residents supporting the application to address the Sub-Committee.

Mr Ahmed Nassar (Resident), confirmed that he had lived on Charles Street for fifteen years and he was aware of the LouLou restaurants from his travels. Mr Nassar felt that the Premises had been empty for some time and he would much prefer an operation like LouLou considering the clientele that they attract as oppose to Mayfair Hotel area. He confirmed that he was very much in support of the application.

Mr Chance the Legal Advisor to the Sub-Committee discussed the issue of the proposed conditions. Mr Chance confirmed the wording for condition 34 concerning the non-use of the courtyard, he confirmed that Condition 41 would be removed. He suggested a slight amendment to condition 35, by adding the words the "Premises licence holder". He also suggested that Condition 11 should be replaced with the Westminster model condition. Mr Chance suggested that for condition 7, a copy of the dispersal policy should be provided to the responsible authorities. Regarding making the licence personal he said that this would be in direct conflict with the transfer provisions contained within section 42 of the Act and should be resisted.

Mr Grant confirmed that they agreed to the resident's condition 6 regarding the use of the courtyard and wanted to maintain this. He disagreed however, with making the licence personal to the Applicant. Mr Rankin agreed that he would like the resident's condition 6 to remain.

Conclusion

The Sub-Committee noted that the Premises is not located within the West End Cumulative Impact Zone so there is no presumption to refuse the application.

The Sub-Committee realises that it has a duty to consider each application on its individual merits which it did so for the purposes of this application. It noted that a great deal of objection had been made to the application. These representations were both in favour of the application and against it. The Sub-Committee was pleased to note that the Applicant had engaged extensively over a period of many months with local residents and the responsible authorities and had detailed very comprehensively in terms of the vision for the Premises and this was expressed eloquently by Mr Grant in his oral and written submissions to the Sub-Committee.

The Sub-Committee noted that the Applicant had reduced its requested hours to Westminster's Core Hours for Restaurants (with a slightly later morning opening time). These hours are for both licensable activities and closing time, which permits a

flexible winding-down period in accordance with operational needs which are likely to differ from day to day.

The Sub-Committee considered the Applicant's detailed written Submission prepared by Mr Grant together with a raft of proposed conditions and various policies and expert reports to mitigate the concerns raised. These were all explained during the hearing and provided clarity on those matters objected to by local residents.

The Sub-Committee noted that the Premises would be operated first and foremost as a fine dining restaurant which would be food led and alcohol sold as ancillary to a table meal with Model Condition 66 imposed on the Premises Licence slightly amended to take account of the holding bar areas. There was a requirement for patrons to be seated and for waiter service to be provided and this is also covered by the conditions.

The Sub-Committee noted that the designated areas on the second floor (shaded in orange on the plans) are intended to serve as holding lounges. They are the only areas where customers can enjoy an alcoholic drink prior to having a substantial table meal. These holding lounges will not be visible from the street and are not at street level. The holding lounges are primarily intended for guests waiting for their table who wish to have a pre-dinner drink. This ensures guests are able to wait inside the restaurant and not left queuing outside on the street leading to nuisance. The Sub-Committee has imposed conditions that ensure these areas cannot be used as vertical drinking bars and all alcohol in these areas must be served by waiters and waitresses to seated customers only.

The Sub-Committee noted the various concerns raised by local residents when it came to the issue of nuisance. However, the Sub-Committee sought to strike the right balance when considering the needs of local residents and the Applicants ability to run and manage his Premises in a way that does not undermine the licensing objectives. The Sub-Committee took comfort from the fact that the Applicant would be a responsible operator that would run the Premises to a very high standard and would seek to work with local residents on any potential issues. The Sub-Committee imposed Model Condition 24 which requires the number of the manager of the Premises to be publicly available.

The Sub-Committee noted also that the external courtyard area which is located to the rear of the Premises is no longer a bone of contention as this was removed from the application and has been conditioned on the Premises Licence that this area is not to be used. In this regard the Sub-Committee was pleased that the Applicant had listened very carefully to the views of residents when considering the use of this area and the potential noise problems that could have ensued and impacted residents.

The Sub-Committee noted the Premises Licence Holder's assurances and various undertaking that the Premises given its historical nature as a Grade II listed building would be well run in accordance with the established practices and procedures already in bedded over time that exist within the Applicants premises portfolio that are to be applied and adopted for these Premises which would ultimately have the effect of promoting the licensing objectives.

The Sub-Committee noted that the Metropolitan Police who originally objected to the application had withdrawn their objection after agreeing a number of conditions that would help promote the crime and disorder licensing objective. Similarly, the Licensing Authority did not object to the application and this was noted by the Sub-Committee.

The Sub-Committee noted that the Applicant had prepared an Operational Management Plan which also incorporated a dispersal policy to manage patrons leaving the Premises particularly at the terminal hour where nuisance is most likely to occur. Policies had also been provided regarding deliveries, waste management and servicing and conditions have been imposed on the Premises Licence in this respect to prevent nuisance arising by restricting deliveries and waste collections to the hours of 08:00 to 18:00 so as not to disturb residents.

The Sub-Committee welcomed that the Applicant had prepared an Entertainment Policy and had also offered a noise-limiter condition that will ensure that all amplified music will be played at a level capped by the Council's Environmental Health Officer. This will ensure that no noise nuisance is caused to local residents by the playing of music within the premises, particularly the restaurant area where the playing of music is to complement the diners experience. This is also strengthened by Model Condition 12 which has been imposed on the Premises Licence to ensure that vibrations from plant machinery is kept to a minimum.

The Sub-Committee considers that the safeguards put in place by the extensive use of conditions will deal with the concerns raised by residents regarding public nuisance. In any event the Environmental Health Service is to undertake an inspection of the Premises before licensable activities can take place and this will address the issue of the works to the Premises and capacity to be limited to 350 persons as well as address noise issues emanating from the Premises with plant and machinery.

The Sub-Committee wishes the Applicant the very best in restoring the Premises to its former glory after it being left vacant for years. It, however, would stress upon the Applicant to work well with residents given the concerns raised and to develop a harmonious relationship with local residents where both parties can work together efficiently and effectively to ensure the smooth running of the Premises.

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

Having carefully considered the committee papers and the submissions made by all the parties, both orally and in writing, **the Sub-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 **Recorded Music, Live Music, Exhibition of Films, Sale by Retail of Alcohol (Indoors and Outdoors)** Monday to Thursday 10:00 to 23:30 Friday to Saturday 10:00 to 00:00 Sunday 10:00 to 22:30 hours

Seasonal variations. All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour to the standard and non-standard times on the day when British Summertime commences

2. To grant permission for **Late Night Refreshment (Indoors and Outdoors)** Monday to Thursday 23:00 to 23:30 Friday to Saturday 23:00 to 00:00 Sunday N/A

Seasonal variations: All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour to the standard and non-standard times on the day when British Summertime commences

3. To grant permission for the **Opening Hours of the Premises** Monday to Thursday 10:00 to 23:30 Friday to Saturday 10:00 to 00:00 Sunday 10:00 to 22:30 hours

Seasonal variations: Opening Hours shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour to the standard and non-standard times on the day when British Summertime commences

4. That the Licence is subject to any relevant mandatory conditions.
5. 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

6. Except for the areas shaded orange on deposited plans, the premises shall only operate as a restaurant:-
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery
 - (iv) which do not provide any take away service of food or drink for immediate consumption,
 - (v) which do not provide any take away service of food or drink after 23.00, and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

7. During the hours of operation, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
8. 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.
9. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and to leave the area quietly.
10. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before collection times.
11. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
12. 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.
13. The premises licence holder shall ensure that any patrons smoking outside the premises do so on an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
14. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
15. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
16. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental health Services and access shall only be by persons authorised by the Premises Licence Holder. The limiter shall not be altered without prior agreement with the Environmental health Service. No alteration or modification to any existing sound system(s) should be 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.

17. No fumes, steam or odours shall be emitted from the licenced premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
18.
 - (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
 - (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
 - (c) The CCTV system shall continually record whilst the premises is 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.
 - (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
 - (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
19. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
20. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - a) All crimes reported to the venue;
 - b) All ejections of patrons;
 - c) Any complaints received concerning crime and disorder;
 - d) Any incidents of disorder;
 - e) All seizures of drugs or offensive weapons;
 - f) Any refusal of sale of alcohol.
21. There shall be no striptease or nudity and all persons shall be decently attired at all times unless the premises are operating under the provisions of a Sexual Entertainment Licence.
22. A challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards such as a driving licence, passport or proof of age card with the PASS hologram.
23. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
24. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.

25. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
26. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
27. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
28. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
29. No licensable activities shall take place at the premises until the Environmental Health Consultation Team has determined the capacity of the premises and the Licensing Authority has replaced this condition on the licence with a condition detailing the capacity so determined and in any event up to a maximum of 350 customers excluding staff.
30. Before the premises open to the public, the plans as deposited will be checked by the Environmental health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
31. Within the areas shaded orange on deposited plans the supply of alcohol shall be to customers seated and by waiter or waitress service only.
32. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them.
33. A copy of the premises' dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council.
34. A minimum of 2 SIA licensed door supervisors shall be on duty at the premises from 21:00 hours and they must correctly display their SIA licence(s) when on duty so as to be visible.
35. The external courtyard at the rear of 16 Charles Street shall not be used by members of the public at any time.
36. The third and fourth floors of the premises shall only be used for private dining.
37. No deliveries to the premises shall take place between 18:00 and 08.00 hours on the following day.

38. No collections of waste or recycling materials (including bottles) from the premises shall take place between 18:00 and 08.00 hours on the following day.
39. Any outside smokers must be supervised by staff to ensure there is no public nuisance or obstruction of the highway. Smokers are limited to a maximum of 5 persons after 9pm.
40. The doors and windows in the building on the west side of the courtyard (identified in green on the Ground Floor Plan labelled LIC1) will remain closed (other than for emergency exit or staff/contractors to access and maintain the courtyard or the building) at all times.
41. There will be no customer use at any time of the courtyard at the rear of 16 Charles Street.

If problems persist then a Review of the Premises Licence can be made.

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

**The Licensing Sub-Committee
18 November 2021**