



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (3)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (3)** held on **Thursday 16th June, 2022**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Aicha Less, Robert Eagleton and Melvyn Caplan

1. MEMBERSHIP

- 1.1 It was noted that Councillor Aicha Less was substituting for Councillor Liza Begum on the Licensing Committee.
- 1.2 Nominations for the post of Chair were invited. One nomination was received and seconded for Councillor Aicha Less. There were no further nominations.
- 1.3 **RESOLVED:** That Councillor Aicha Less be appointed Chair of the Licensing Sub Committee (3) for this meeting.

2. DECLARATIONS OF INTEREST

- 2.1 There were no declarations of interest.

1. 1 LOWER GROSVENOR PLACE, SW1W 0EJ

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 3 **("The Committee")**

Thursday 16th June 2022

Membership: Councillor Aicha Less (Chair) Councillor Robert Eagleton and Councillor Melyvn Caplan.

Officer Support Legal Advisor: Horatio Chance
Policy Officer: Aaron Hardy
Committee Officer: Sarah Craddock
Presenting Officer: Emanuela Meloyan

Others present: Adriano Dulgher (Applicant), Maxwell Koduah (Environmental Health Service), PC Dave Morgan (Metropolitan Police Force),

Richard Brown (Solicitor, Westminster's Citizens Advice), Dame
Judith Mayhew-Jonas (resident) and Mark Delacour (resident).

**Application for a New Premises Licence – 1 Lower Grosvenor Place, London
SW1W 0EJ – 22/00200/LIPN**

FULL DECISION

Premises

1 Lower Grosvenor Place
London
SW1W 0EJ

Applicant

Mr Adriano Dulgher

Ward

St James's

Cumulative Impact

N/A

Special Consideration Zone

Victoria Special Consideration Zone (VSCZ)

Activities and Hours applied for

[Sale by retail of alcohol \(On and Off sales\)](#)

Monday to Sunday 10.00 to 02:00 hours

[Seasonal Variations:](#) From the end of New Year's Eve Day till 5am on New Year's Day and From End of Sunday before bank holiday till 3am the next day. The Friday and Saturday open till 3am on the bank holiday weekends.

[Late Night Refreshment \(Indoors\)](#) Originally 23:00 to 03:00 hours

Monday to Sunday 10.00 to 02:00 hours

Seasonal Variations: From the end of New Year's Eve Day till 5am on New Year's Day and From End of Sunday before bank holiday till 3am the next day. The Friday and Saturday open till 3am on the bank holiday weekends.

Opening Hours

Monday to Sunday 10:00 to 02:00

Seasonal Variations: From the end of New Year's Eve Day till 5am on New Year's Day and From End of Sunday before bank holiday till 3am the next day. The Friday and Saturday open till 3am on the bank holiday weekends.

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 operate as a Bar and is situated in St James's Ward and the Victoria Special Consideration Zone. The Premises have had the benefit of the use of Temporary Event Notices but does not have an existing premises licence. The Applicant has provided submissions to address the VSCZ.

Subject to the grant of this application the Applicant is proposing to surrender the premises licence for 23 Grosvenor Gardens (19/08301/LIPN). During consultation, the Applicant reduced the terminal hour for Late Night Refreshment, the Sale by Retail of Alcohol and the Opening Hours from 03:00 to 02:00. There is a resident count of 93.

Representations Received

- Metropolitan Police Service
- Environmental Health Service
- 11 Local Residents (opposing the application)

Summary of Representations

- The Metropolitan Police Service and Environment Health Service have made representations in relation to the application on the basis that if granted it would undermine the Licensing Objectives, namely The Prevention of Crime and Disorder and the hours sought are beyond core hours as set out in the Westminster Council's Core Hour Policy. The Premises is also located in the Victoria Special Consideration Zone.
- Resident concerns were the change of use of the Premises from shop to bar, the very late night opening until 03:00 hours, noise and pollution nuisance, smoking outside of the Premises, anti-social behaviour and an overall detrimental effect on the residential area.

Policy Position

SCZ1

In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should demonstrate that they have taken account of the issues particular to the Zone, in question as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their operating schedule. Consideration Zone for this application is: Victoria.

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.

PB1

Applications outside the West End Cumulative Impact Zone will generally be granted subject to: 1. The application meeting the requirements of policies CD1, PN1 and CH1. 2. The hours for licensable activities being within the Council's Core Hours Policy HRS1. 3. The applicant has taken account of the Special Consideration Policy SCZ1 if the Premises are located within a designated zone. 4. The application and operation of the venue meet the definition of a Public House or Bar in Clause D.

SUBMISSIONS AND REASONS

The Presenting Officer, Emanuela Meloyan, introduced the application to the Sub-Committee and advised that this was an application for a New Premises Licence in respect of 1 Lower Grosvenor Place, London SW1W 0EJ. The Premises intends to operate as a bar. She advised that representations had been received by the Environmental Health Service, the Metropolitan Police Service and 11 local residents. The Premises is within the St James's Ward and the Victoria Special Consideration Zone.

Mr Adriano Dulgher (Applicant) addressed the Sub-Committee. He explained that he had been running a restaurant at 23 Grosvenor Gardens for 14 years. He now wished to move to a smaller Premises and continue to operate on the same terms as he had been allowed at 23 Grosvenor Gardens. He advised that it was a family run

business operated by his mum, brother and cousin and that there were very few independent restaurants left in the area. He advised that this new Premises was three times smaller than his previous restaurant. He outlined that he would surrender the Premises Licence for 23 Grosvenor Gardens (19/08301/LIPN) subject to the grant of this application. He outlined that during consultation, he had reduced the terminal hour for Late Night Refreshment, the Sale by Retail of Alcohol and the Opening Hours from 03:00 to 02:00.

Mr Dulgher advised that his customers were mainly locals who worked in the hospitality industry and who came to his bar after their shift at work. He said that his customers usually arrived between 22:00 hours and 01:30 and there was never any trouble because he actively promoted the licensing objectives. He advised that he had proven he could successfully run a business over the past 14 years whilst at 23 Grosvenor Gardens.

Mr Dulgher confirmed that he had agreed to all the conditions requested by the Responsible Authorities. He said that the Temporary Event Notices (TENs) in operation until 02:00 had run smoothly and there had been no noise complaints by residents. He confirmed that there was no courtyard at the back of the Premises and that the Premises did not have access to any outdoor space. He advised that when customers left the Premises, they either booked an Uber or walked towards Victoria Station so there would be no impact on the residents in Victoria Square. He confirmed that he had never received any noise complaints whilst operating at 23 Grosvenor Gardens.

Mr Dulgher advised that it was becoming harder to compete with the Nova complex as all the units there had Premises Licences which allowed all-day trading. He advised that he did not have the ability to trade all day because the Premises did not have a full kitchen and as it was a listed building, he was unable to install an extraction system. He said that they did have a full menu on offer consisting of cold foods and foods that were easy to heat up in a microwave. He emphasised that the Premises was not a 'destination place' where people headed to, but more of a Premises where people came to relax after work.

In response to questions from the Sub Committee, Mr Dulgher confirmed that the Premises would operate as a small bar where local people would come for a drink after work. He added that there would be background music and that alcohol was not ancillary to food. He explained that it was a family-owned business. He confirmed that he was aware of the four licensing objectives and had a good relationship with residents. He advised that during the day people came to the Premises for a coffee/glass of wine and to hold meetings. Mr Dulgher emphasised that he wished to be granted a New Premises Licence on similar terms as what he had at 23 Grosvenor Gardens because his clientele (that he had spent years building up) worked in the hospitality industry and did not finish work until 23:00. He advised that he was literally just moving his customers 100 metres down the road into much smaller Premises. He added that his SIA had been with him for over 10 years and knew the customers. He confirmed that the Premises would not be a nightclub or a private members bar as was originally thought. He added that the Landlord would not allow the Premises to operate as a private members bar because of its A1 planning use. The Sub Committee noted that no other Premises in the area operated beyond 01:00 hours.

Mr Dulgher advised that the Temporary Event Notices (TENs) had worked well. He said that he had stopped serving alcohol at 01.40 so that customers were ready to leave the Premises at 02:00. He advised that he was happy to reduce his operating hours to 01:00 on Monday, Tuesday and Wednesdays as these were quiet evenings, however, he wanted to keep operating until 02:00 on Thursday, Friday, Saturday and Sunday evenings. The Sub Committee advised Mr Dulgher that the Council's Core Hours Policy stated that bars should close at 22:30 on a Sunday to give residents respite from the noise created by licensed Premises during the week.

PC Dave Morgan representing the Metropolitan Police Service, advised that the Police had maintained their representation on the basis that if the application was granted, it would undermine the licensing objectives, namely the Prevention of Crime and Disorder. PC Morgan also advised that the Premises was situated within Victoria's SCZ and the hours sought were beyond those of Westminster Council's Core Hours Policy.

PC Morgan stated that this application was essentially for a late-night bar operating until 02:00 and if granted it would cause further policing problems in an already demanding area. He advised that intoxicated people leaving bars in the early hours of the morning were more likely to become victims of crime. He explained that it was a highly quiet and residential area so there was a high probability of crime taking place on the streets. He advised that if the application were granted it would be the only Premises in the area with a 02:00 Premises Licence. It would therefore become a destination point for people when other Premises closed for the evening. PC Morgan emphasised that the Police would like the hours to be in line with the Council's Core Hours Policy.

In response to questions from the Sub Committee, PC Morgan advised that the area was very busy during the evenings however none of the other Premises in the area had a Premises Licence until 02:00 hours. PC Morgan advised that if the application were granted SIAs would be needed every night of the week to ensure the safety of the Premises, customers and surrounding area.

Mr Maxwell Koduah, representing the Environmental Health Service, advised that Environmental Health had maintained their representation as the hours requested for late night refreshment and the supply of alcohol may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area. He added that the hours sought were outside the Council's core hours policy and that if the application was granted, a condition regarding smoking would need to be added to the Premise Licence.

Mr Richard Brown from Westminster's Citizens Advice and representing local residents, advised that residents were relieved that the Premises would only play background music and that there was no access to outside space. He emphasised that the Sub Committee was licensing the Premises and not the Applicant. Mr Brown referred to a map of Victoria Square and advised that all customers would have to pass by or through Victoria Gardens to reach the train/tube stations and that any noise was magnified because of the surrounding tall buildings. He explained that this area was becoming increasingly residential. He added that the Premises was located within the Victoria SCZ and therefore the Council's core hours policy should be applied to this application.

Dame Judith Mayhew-Jonas, local resident, advised that residents were in favour of mixed neighbourhoods and that a vibrant area needed a mixture of residential, commercial, retail and licenced Premises however it had to be proportionate. She explained that in Victoria there were residents in Buckingham Road, the Nova building and Victoria Square. She advised that the Premises at 23 Grosvenor Gardens was irrelevant to this application as it was located much further away from these residential areas. She stated that this Premises was much smaller, had limited capacity, no kitchen facilities and should be used for retail purposes.

Dame Mayhew-Jonas explained that Victoria Square had been suffering from increased noise as well as drug dealing in the area. The Police were now doing special patrols through Victoria Square to deal with drug dealers as the Gardens were well known as a quiet spot hidden with trees where exchanges were made. There were families with young children living in the Square so a 23:00 closing time was still late for children who went to bed around 7-8pm. She said the anti-social behaviour that takes place in the later part of the evenings with people jumping the fence into the garden to urinate, to drink or do drugs and therefore granting a Premises Licence beyond core hours would be quite intolerable as it would increase the number of intoxicated people in the area. She advised that she was delighted to hear that there would be no outside service because people talking was amplified due to the tall buildings. She considered that if this application was granted all the Premises in the area would apply for variations to their Premises Licence. She concluded by asking the Sub Committee that if they were minded granting the application that it be within or less than the Council's core hours policy because the Premises was located in the new Victoria SCZ and so that Victoria remained a good mix of residential properties and businesses.

Mr Mark Delacour, local resident, echoed Dame Judith Mayhew-Jonas' submission and advised that it was important to maintain a balance of residential, retail and commercial properties in the area. He advised that it was tolerable for the Premises to remain open until 23:00 but not until 02:00 in the morning. He advised that the noise from intoxicated people, chatting, smoking and drinking would wake residents in the early hours of the morning. He stated that it was unfortunate that the Applicant's business model relied on other Premises being closed. He wondered if this Premises was the right type of unit for a Licensed Premises as there was no food offer available and food was vital in making a profit.

In response to questions from the Sub Committee, Mr Dulgher advised that the capacity of the Premises was 65 persons. He added all customers would be seated except for maybe 5 customers at the bar. He further added that he could not force people to sit down because the Premises was a bar and not a restaurant. He explained that there would be signage asking customers to leave the Premises quietly and head for Victoria Station.

Dame Judith Mayhew-Jonas advised that it would be difficult to stop people from venturing outside of the Premises to drink and/or smoke. The customers would not only block the pavement, but their noise would reach residents with open windows. She emphasised that late night Premises attracted crime and disorder which ruined areas for residents and made the Police's job even more difficult than it was already. She further emphasised that residents were not against having pubs/restaurants in

the area but what they were against was them operating beyond the Council's Core Hours Policy.

Mr Richard Brown urged the Sub Committee to not place much emphasis on the operation of the Temporary Event Notices as these events did not reflect the operation of a permanent late night Premises Licence. He explained that if this application was granted it would start a snowball effect which would place a very heavy burden on residents who would have to monitor applications and make endless representation to the Licensing Authority/Licensing Sub Committee. He advised that he understood that each application was considered on its own merits however the nature of the local area and operation of other licenced Premises always formed part of any application.

Mr Dulgher advised that he was happy to extend his personal telephone number to the residents after the hearing. He advised that there would be no outside service and that customers would be dispersed towards Victoria Station. He further advised that the windows would be closed so no noise escaped from the Premises. He requested that the Sub Committee grant the Premises Licence until a terminal hour of 02:00 so he could keep his clientele. He emphasised that he had been operating a similar business for some 14 years with a similar Premises Licence and there had never been any complaints. It was a family business, and it would continue to be a family business.

Conclusion

The Sub-Committee has determined an application for a grant of a NEW Premises Licence under the Act which is to operate as a Bar. The Sub-Committee realises that it has a duty to consider each application on its individual merits and did so when determining the matter. There is no policy presumption to refuse the application, however this is subject to the licensing objectives not being undermined and the Applicant demonstrating as part of its operating schedule by considering the Victoria SCZ under Policy SCZ1 and risk mitigation measures to be put in place.

The Sub-Committee was not persuaded by the Applicant that the hours applied for with a terminal hour of 02:00 would promote the licensing objectives. Whilst the Applicant may have operated his previous premises at 23 Grosvenor Gardens free from complaint for some 14 years and in accordance with the licensing objectives, this is a different premises altogether in a different location and more importantly no two premises operate the same business model. The Sub-Committee are not dealing with a "like for like" scenario and there is no mechanism in the Act which allows applications to be treated in this way.

The Sub-Committee heard overwhelming evidence from local residents regarding problems experienced in the area when it came to issues of public nuisance and crime and disorder. It was apparent to the Sub-Committee that residents knew the area extremely well and the type of problems associated with public nuisance and crime and disorder and what negative impact this would have on the promotion of the licensing objectives and Victoria SCZ.

The Sub-Committee when considering the Victoria SCZ had regard to policy SCZ1 on pages 53-54 of the SLP and the specific matters contained at Paragraphs D54-D56 on page 59 of the SLP which an Applicant is to address as part of their application.

Paragraph D56 states:-

“The local issues that need to be considered by applicants are:

- *Serious violent at night.*
- *Anti-social behaviour at all times of the day (street drinking and begging).*
- *Incidents relating to ambulance call outs to the licensed premises for intoxication, injury related to intoxication and/or assault.*
- *Theft and noise at night.*

The Sub-Committee did properly consider the Applicants written submission on page 26 of the Agenda Papers when looking at the Victoria SCZ but concluded this was too bareboned and did not go far enough in tackling the issues in the local area when considering the reasons for Policy SCZ1 under Paragraphs D37-D46.

Paragraph D42 states:-

“These areas do have above average or sporadic levels of crime and disorder and public nuisance (noise and waste). As a result, the Licensing Authority has developed this policy to highlight areas of concern within the City of Westminster where there are increased levels of incidents that are linked to licensed premises, but are not conclusively identifiable as being under cumulative stress. These areas will be designated as Special Consideration Zones under this policy. The Licensing Authority believes that any designated area would require a higher level of consideration due to the incident rates in these areas. Applicants who wish to operate within these areas or wish to vary their existing licences will be expected under this policy to consider and identify, within their operating schedules how they will mitigate the risks associated with their premises and the higher levels of incidents within the area”.

The Sub-Committee therefore concluded that granting a licence beyond core hours until 02:00 is most likely to add further problems to the area when it came to public nuisance and crime and disorder and would not have the desired effect of promoting the licensing objectives.

The Sub-Committee noted the concerns of the Police and the fact that a later terminal hour would cause policing problems in the area and the possibility of the Premises becoming a destination venue for customers already in the area after other licensed premises had closed.

The Sub-Committee did not doubt that the Applicant was a competent operator that would manage the Premises well and in accordance with the promotion of the licensing objectives, however, the overriding factor to be considered here is whether the terminal hour of 02:00 is likely to cause problems in the area as intimated by local residents and the Police. The use of TENs operated until the later terminal hour by the Applicant was in the opinion of the Sub-Committee not a true reflection of how the Premises would be managed in the future as this only represented a snapshot in time for those period of events and not necessarily indicative of how the Premises is

to operate in the long term when considering the promotion of the licensing objectives.

Based on the evidence before it, the Sub-Committee considered the right balance had been struck by granting the application to core hours under policy HRS1 on all days seven of the week although it was noted during the hearing that the Applicant had offered to increase the terminal hour only on the days for Thursday, Friday and Saturday but again Thursday-Saturdays are the busiest times for most operators in Westminster and this was considered likely to have a negative effect on the Victoria SCZ for the very reasons set out above under policy SCZ1.

The Sub-Committee concluded that the various safeguards and extensive use of conditions attached to the licence would alleviate the residents' concerns and the concerns from the Police around safety and patrons leaving the Premises are appropriate and proportionate and would promote the licensing objectives.

The offer by the Applicant to surrender premises licence 19/08301/LIPN was considered by the Sub-Committee but this measure was not felt sufficient to reduce the overall impact on the Victoria SCZ and wider area.

In reaching their decision, the Sub-Committee concluded that the hours it imposed on the licence for the licensable activities applied for having regard to the Core Hours Policy was appropriate and proportionate and therefore struck the right balance when considering the needs of local residents and the Applicants commercial needs to be able to operate and run his business successfully.

The Sub-Committee further concluded that the conditions it has imposed on the licence are appropriate and proportionate having regard to the Victoria SCZ and the promotion of the licensing objectives.

Having carefully considered the committee papers and the submissions made by all 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 **Sale by Retail of alcohol (On and Off)** Monday to Thursday 10:00 to 23:30 hours, Friday to Saturday 10:00 to 00:00 and Sunday 12:00 to 22:30.
2. To grant permission for **Late Night Refreshment (Indoors)** Monday to Thursday 23:00 to 23:30 hours, Friday to Saturday 23:00 to 00:00 Sunday Not applicable .
3. To grant permission for the **Opening Hours for the Premises** Monday to Sunday 08:00 to 00:00 hours.
4. That the New Premises Licence is subject to any relevant mandatory conditions.
5. That the New Premises Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to

promote the licensing objectives.

Conditions imposed by the Committee after a licensing hearing

6. There shall be no self-service of alcohol on the premises.
7. 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.
8. Notices to be prominently displayed requesting persons to respect the needs of local residents and to leave the premises and area quietly.
9. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
10. No rubbish including bottles will be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
11. 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.
12. 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.
13. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
14. All sales of alcohol for consumption off the premises shall be in sealed containers only.
15. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
16. 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.
17. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
18. There shall be no smoking of shisha at any area dedicated for smoking.

19. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
20. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 hours and 08:00 hours on the following day.
21. 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.
22. All windows and the ground floor external doors shall be kept closed at all times, except for the immediate access and egress of persons.
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. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
28. 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.
29. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
30. 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.

31. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
32. A minimum of 1 SIA licensed door supervisor shall be on duty at the entrance of the premises every Friday and Saturday from 2200 until closing and they must correctly display their SIA licence(s) when on duty so as to be visible.
33. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
34. 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.
35. All staff at the premises shall receive Welfare And Vulnerability Engagement (WAVE) training, which shall be refreshed annually. You will be aware of the recent high number of reports in relation to drink spiking and suspects using needles to administer a substance to incapacitate the victim. Safety of customers is a top priority and this condition will assist the venue in ensuring customers are looked after properly should they become highly intoxicated through drink or drugs.

If problems are experienced 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
16 June 2022**

2. SHADOW LICENCE, 4 - 5 DUKE OF YORK STREET, LONDON SW1Y 6LA

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 3
("The Committee")

Thursday 16th June 2022

Membership: Councillor Aicha Less (Chair), Councillor Robert Eagleton and Councillor Melyvn Caplan.

Officer Support Legal Advisor: Horatio Chance
Policy Officer: Aaron Hardy
Committee Officer: Sarah Craddock
Presenting Officer: Emanuela Meloyan

Others present: Niall McCann (Solicitor, Joelson JD LLP), Jason Brown (Crowdale Limited, Director) and Mr and Mrs Walker (local residents)

Application for a New Premises Licence - Shadow Licence, 4-5 Duke of York Street, London SW1Y 6LA - 21/10307/LIPN

FULL DECISION

Premises

Shadow Licence
4-5 Duke of York Street
London
SW1Y 6LA

Applicant

Crowndale Limited

Ward

St James's

Cumulative Impact

N/A

Special Consideration Zone

N/A

Activities and Hours applied for

[Sale by retail of alcohol \(On and Off sales\)](#)

Monday to Saturday 10.00 to 03:00 hours
Sunday 12:00 to 00:00

Late Night Refreshment (Indoors)

Monday to Saturday 23:00 to 03:30 hours
Sunday 23:00 to 00:00 hours

Live Music (Indoors)

Monday to Sunday 09:00 to 03:00 hours

Recorded Music (Indoors)

Monday to Sunday 00:00 to 00:00 hours

Performance of Dance (Indoors)

Monday to Saturday 09:00 to 03:00 hours
Sunday 09:00 to 00:00

Anything of a similar description to Live Music, Recorded Music or Performance of Dance (Indoors)

Monday to Saturday 09:00 to 03:00 hours
Sunday 09:00 to 00:30 hours

Opening Hours

Monday to Saturday 09:00 to 03:30 hours
Sunday: 09:00 to 00:30 hours

Adult Entertainment: The Premises has the benefit of a sexual entertainment venue licence (21/09720/LISEVR)

Summary of Application

The Sub-Committee has determined an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The Applicant seeks a Shadow Licence to be held by the freeholder of the Premises Crowdale Limited on the same terms as the existing licence 21/07741/LIPDPS. The Premises has had the benefit of a premises licence since 2005. The Premises also holds a Sexual Entertainment Venue licence (21/09720/LISEVR) which is valid until 30th September 2022. The Premises are located within the St James's Ward but not within the West End Cumulative Impact Zone nor Special Consideration Zone. There is a resident count of 50.

Representations Received

- Metropolitan Police Force (withdrawn 23 November 2021)
- 11 Local Residents (opposing)

Summary of Representations

- Resident concerns were that that if a shadow licence were granted to Crowdale Ltd they would have the potential to operate as a late Night Club or late Night Bar with very late hours throughout the week. There would be an increase in public nuisance with patrons leaving the Premises and the quiet enjoyment of their properties would no longer be possible.

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.

SCEV1

- It is the Licensing Authority's policy to only grant applications for Sexual Entertainment Venues and Sex Cinemas in exceptional circumstances and subject to:
 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
 2. The premises are not located in the proximity of:
 - Residential accommodation.
 - Schools.
 - Places of worship.
 - Community facilities or public buildings.
 3. The hours for licensable activities being within the council's Core Hours Policy HRS1.
 4. The sale by retail of alcohol, regulated entertainment and/or late-night refreshment must be an ancillary function to the primary purpose of the venue as providing nudity, striptease or sex related entertainment.
 5. The operation of any delivery services for alcohol and/or late night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.
 6. The applicant has taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone.
 7. The application and operation of the venue meeting the definition of a sexual entertainment venue or as a sex cinema as per **Clause B**.

SUBMISSIONS AND REASONS

The Presenting Officer, Ms Emanuela Meloyan , introduced the application. She advised that the Applicant seeks a Shadow Licence under the Act in respect of 4-5 Duke of York Street, London SW1Y 6LA to be held by the freeholder of the Premises Crowdale Limited on the same terms as the existing licence 21/07741/LIPDPS. The Premises currently operate as a gentleman's club and has the benefit of a Sexual Entertainment Venue licence. The Premises has been licensed since 2005.

Ms Meloyan advised that representations had been received by 11 local residents. She confirmed that the Metropolitan Police Force had withdrawn their representation on the 23 November 2021 following the agreement of conditions with the Applicant. She outlined that the Premises is within the St James's Ward but not within the West End Cumulative Impact Zone nor Special Consideration Zone.

Mr Niall McCann Solicitor appearing on behalf of the Applicant addressed the Sub-Committee. He advised that this was an application for a shadow Premises Licence and that normally such applications were not controversial and were granted under delegated authority. He confirmed that a new 15-year lease had been agreed with the current operator, Mr Less, and Mr Less had now withdrawn his representation opposing the application. Mr McCann advised that the Applicant had not been in contact with the residents, however, he hoped that his written submission that had been circulated to all Parties would alleviate their concerns regarding the Premises becoming a nightclub.

Mr McCann explained that a shadow Premises Licence was granted on the same terms as the original operating Premises Licence to the superior lessee or freeholder. They were common when the operating Premises Licence was of commercial value as they lessened the impact of the operating licence permanently lapsing due to insolvency as the shadow Premises Licence could be transferred to the new tenant in such circumstances. He further explained that a shadow Premises Licence also protected the superior lessee/freeholder if the operating Premises Licence was fettered following a Review application, albeit it was often the case that both the operating and shadow Premises Licence was reviewed simultaneously. Mr McCann advised that if the Premises wished to change its use and become a nightclub the operators would need to apply for a variation to the Premises Licence to remove/change the conditions on the current Premises Licence. The application would then be circulated for consultation to the Responsible Authorities and residents and would come before the Licensing Sub Committee for determination.

Mr McCann advised that Crowdale Limited was involved with their portfolio of properties and did not use third party agents. He stated that the Premises was not located in either a Cumulative Impact Area or a Special Consideration Zone. He highlighted to the Sub Committee the condition proposed by the Metropolitan Police Force (proposed condition 37) and which had been agreed by the Applicant that stated 'The shadow licence will not take effect when the current licence is in operation, until the current licence lapses, is surrendered or revoked and an application has been approved for a minor variation to remove this condition'.

In response to questions from the Sub Committee, Mr McCann advised that a Shadow Premises Licence was in effect an insurance policy against the operating licence permanently lapsing due to insolvency or Review as the shadow licence could be transferred to a new tenant. He outlined that when tenants were financially struggling the landlord was usually the last one to find out as rent for such businesses were usually paid on a quarterly basis. He stated that it was his experience that the Responsible Authorities usually reviewed the operating licence and not the Premises themselves unless, for instance, there was noise emanating through the building. He hoped that Mr Less would operate the Premises for the full term of his new 15-year lease.

Mr Gavin Walker, local resident opposing the application, advised that he lived in one of the 18 flats in Bray House which was adjacent to Gaslight. He explained that the building was not freehold as residents had to buy a share in the building's director company which managed the building. He advised that Gaslight was a known quantity and did not cause noise nuisance. He emphasised that the current operator did not take full advantage of his Premises Licence which was why the Premises did not currently disturb the residents. He advised that the Shadow Licence represented an unknown quantity as Crowdale Limited could find a new tenant who would operate the Premises as a night club. This would prevent the residents the opportunity to object to such a change in the operation of the Premises. He emphasised that a nightclub would bring people and noise nuisance to the area.

Mr Walker advised that it was difficult for people to obtain a mortgage when there was a Premises Licence operating in the basement of the building. He further advised that each flat paid around £20,000 per annum for the maintenance of the building. He outlined that sometimes booming vibrating music travelled up the lift shaft from the Gaslight to the flats. He requested that residents were consulted on applications made for licensable activities for this Premises.

Mrs Lyndsay Walker advised that she could frequently feel the music vibrations from the Gaslight. She outlined that she was surprised that such a Premises Licence had been granted in a residential building. She considered that the Premises Licence should be revoked as such a Premises should not be allowed to operate in such a beautiful area. She added that the residents, particularly the ladies living in the flats, wanted the Premises closed. She advised that there was a church located near the Premises.

In response to questions from the Sub Committee, Mr and Mrs Lyndsay advised that their residential block was very old and the upkeep cost thousands of pounds annually. They emphasised that residents should have the opportunity to review any applications for new Premises Licence to assess the potential business model. Mrs Lyndsay advised that she was unhappy with the Gaslight because it operated as a sexual entertainment venue.

Mr Horatio Chance, Legal Advisor to the Sub Committee, advised the residents to contact the Responsible Authorities if they had serious concerns regarding the operation of the Premises.

Mr McCann advised the Sub Committee that this was not a Review Hearing application. He added that the Premises Licence was for the actual Premises and not for an individual. He advised the residents that the Applicant was happy to contact them regarding their concerns after the hearing.

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. It was noted by the Sub-Committee that the Metropolitan Police Service had withdrawn their objection and that the Environmental Health Service and the Licensing Authority had not made representations against the application.

The Sub-Committee in light of the evidence before it and the arguments advanced by Mr McCann in his submissions to the Sub-Committee considered Paragraph D20 on page 28 of the SLP which reads:-

“The Licensing Authority may consider granting applications for licences that duplicate the terms and conditions of the current operational licence for that same premises but are issued to the landowner, or other person with an interest in the property and that the licence has no affect by condition. These ‘Shadow Licences’ are normally sought by the landowner to protect the interest of their property due to the Policy to refuse certain new applications. A Shadow Licence will, in the event that a licence lapses, is surrendered or is revoked the property own can look to market the property with the licence. The holder of the Shadow Licence would in those circumstances need to apply to the Licensing Authority to vary the licence to remove any conditions preventing the use of that licence. At that point the Licensing Authority will consider whether the operation of the premises is likely to be an exception to policy. It will be for the Shadow Licence licensee to demonstrate that they are an exception within the applications operating schedule”

The Sub-Committee using its discretionary powers concluded that Paragraph D20 of the Policy had been met by the Applicant on the basis that this was an application for a shadow licence identical to the existing Premises Licence in terms of hours and conditions. Therefore, the Sub-Committee could see no real justification for rejecting the application. The Sub-Committee would request that the Licensing Authority should be informed of who eventually takes over the shadow licence.

Having taken into account all the evidence and the individual circumstances of this case the Sub-Committee decided to grant the application. The Sub-Committee was satisfied that the application was suitable for the local area and had addressed any concerns raised. The Sub-Committee further considered the conditions were proportionate to ensure that the licence promoted the licensing objectives.

The Sub-Committee arrived at this decision based upon the merits of the application and the various safeguards and measures the Applicant is to implement in the running of the Premises that will uphold the promotion of the licensing objectives.

In reaching its decision, the Sub-Committee concluded that the conditions attached to the licence would alleviate the residents' concerns and were appropriate and would promote the licencing objectives.

Having carefully considered the committee papers and the submissions made by all the parties, both orally and in writing, **the 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 **Sale by Retail of alcohol (On and Off Sales)** Monday to Sunday 10:00 to 03:00 hours and Sunday 12:00 to 00:00 hours.
2. To grant permission for **Late Night Refreshment (Indoors)** Monday to Sunday 23:00 to 03:30 hours and Sunday 23:00 to 00:00.
3. To grant permission for **Live Music (Indoors)** Monday to Sunday 09:00 to 03:00 hours.
4. To grant permission for **Recorded Music (Indoors)** Monday to Sunday 00:00 to 00:00 hours.
5. To grant permission for **Performance of Dance (Indoors)** Monday to Sunday 09:00 to 03:00 hours and Sunday 09:00 to 00:00.
6. To grant permission for the **Anything of a similar description to Live Music, Recorded Music or Performance of Dance (Indoors)** Monday to Saturday 09:00 to 03:00 and Sunday 09:00 to 00:00 hours.
7. To grant permission for the **Opening Hours for the Premises** Monday to Saturday 09:00 to 03:00 hours and Sunday 09:00 to 00:30 hours.
8. That the Premises Licence is subject to any relevant mandatory conditions.
9. That the Premises Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.
10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Conditions attached by the Committee after a licensing hearing

11. From 8:00pm on Thursdays, Fridays and Saturdays when licensable activities are taking place and premises are being used as a hostess club, then at least one personal licence holder shall be present on the premises.
12. CCTV with time and date recording facility shall be installed at the premises in accordance with the advice of a Metropolitan Police Officer Prevention Officer. Recordings shall be made and retained for at least thirty-one days and shall be readily available for inspection by the Police or Westminster City Council.

13. On Mondays to Saturdays, when the premises are being used as a hostess club, after 11:00pm intoxicating liquor shall not be sold or supplied to persons unless a minimum entry fee of £7 has been paid for admission to the premises or an annual admission fee of £250 (not to be credited against consumables). However, notwithstanding the above, intoxicating liquor may be sold or supplied after 11:00pm to the following persons who have not paid an admission fee:-
 - a) Persons who are taking a table meal where the consumption of alcohol is ancillary to that meal;
 - b) Any person attending a bona fide private function at the premises;
 - c) Artistes or persons working at the premises;
 - d) Bona fide guests of the proprietor, a list of whom shall be kept at the reception for inspection by the appropriate authorities;
14. Suitable beverages other than intoxicating liquor including drinking water shall be available at the premises.
15. The sound limiting device shall be set at such a level and sealed and maintained to the satisfaction of the Environmental Health Office and noise and vibration from mechanical equipment or from music provided at the premises shall not be audible in nearby residential property so as to constitute a nuisance.
16. Should there be any change to the management structure plan, deposited with Westminster City Council Licensing Authority, the licensee shall notify the Licensing Authority as soon as reasonable practical and, in any event, within seven days.
17. Whenever the premises are used for the provision of regulated entertainment, the internal lobby doors shall remain closed except for customer access and exit and in the event of emergency.
18. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of the local residents and to leave the premises and area quietly.
19. The licensee and managers shall ensure that staff do not cause noise or disturbance when entering or exiting the premises or when carrying out their duties at the door or outside the premises.
20. Noise and disturbance arising from taxis picking up and setting down clients at the premises shall be minimised as far as possible.
21. At least one registered door supervisor shall be employed at the premises when the premises are open for the provision of regulated entertainment to the public.
22. Whenever hostesses are working at the premises, customers shall be informed as soon as their bills reach £2,000 (such figure may be adjusted with the written agreed of the Police or Licensing Authority to take inflation into

account) and customers should sign their agreement at this point and again upon the bills reaching £4,000, £6,000 and such further multiples of £2,000. All bills shall clearly show the numbers of customers in the party and the number and names of the hostesses who have entertained them and be signed by the customer. All bottles of champagne shall be signed for. These bills shall be retained for ninety days and shall be readily available to the Police and/or the Licensing Authority upon reasonable request.

23. Menus and drinks price lists shall be clearly displayed at the front entrance of the club, reception area, tables and bar at such a position and size as to be easily read by customers. This price list shall show all consumable items and any minimum tariff including charges and fees applicable to hostesses.
24. A permanent written record shall be maintained in the form of a "refusals book" kept at the premises. This record shall be signed by or on behalf of the licensee on a daily basis and record the details of any customer who refuses to pay his/her bill giving details of the customer's name, contact details and a detailed copy of the bill. These records shall be retained for a period of ninety days and be made available to the Police and/or the Licensing Authority upon reasonable request.
25. A notice outlining the Code of Conduct for the customer "as agreed with the Police" shall be positioned at the entrance, reception, bar area and table menus. It shall be of an adequate size (font 16) so that it can be easily read by the customer.
26. All hostesses activities shall be conducted openly and at no time shall hostesses entertain customers in areas to the premises that are screened, hidden by curtains or not in public use.
27. No payment shall be made by on behalf of the licensee to unlicensed minicabs for bringing customers to the premises and there shall be no soliciting of custom by means of persons on the public highway other than by means of handing out flyers outside the vicinity of the premises.
28. All refuse is paid, properly presented and placed out for collection no earlier than thirty minutes before collection time. Refuse cannot be left on the highway for more than two hours and thirty minutes.
29. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is indicated or affixed up on the surface of the highway or up on any building, structure, works, street furniture, tree or any other property or is distributed in the street to the public that advertises or promotes the establishment its premises or any of its events, facilities, goods or services.
30. The maximum capacity at the premises when licensable activities consisting of the sale of supply of alcohol or the provision of late night refreshment are taking place shall be 150 persons (including staff). Whenever regulated entertainment is also provided or provided independently, then the maximum capacity of the premises shall be 110 (excluding staff). After 2.30am on

Mondays to Saturdays and after 22.30 pm on Sundays the number of persons on the premises (excluding performers and staff) will be reduced from 110 to 70 save for any private pre-booked functions in respect of which the booking shall have been made at least 24 hours beforehand and the records relating to such booking shall be retained for a minimum period of 30 days following the function.

31. Draught beer shall not be sold or supplied within the premises without the approval of the Environmental Health Officer and if necessary an amendment to the layout drawings of the premises.
32. Music and/or dancing and/or food shall be available within the premises.
33. No admission or re-admission to the premises shall be permitted, except for smokers, later than half an hour before the terminal hour for the sale of alcohol, Mondays to Saturdays and on 22.30pm on Sundays.
34. After 02:00 on the morning following Monday to Saturday the sale of alcohol must be ancillary to the use of the premises for relevant entertainment (as defined in the Local Government (Miscellaneous Provisions) Act 1982).
35. There shall be no off-sales after 02:00 hours.
36. Customers will be encouraged to utilize the preferred taxi company of the licence holder and also to remain in the premises whilst awaiting arrival of their taxi.
37. 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.
38. The shadow licence will not take effect when the current licence is in operation, until the current licence lapses, is surrendered or revoked and an application has been approved for a minor variation to remove this condition.

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

**The Licensing Sub-Committee
16 June 2022**

3. 91 WIMPOLE STREET, W1G 0EF

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.3
("The Committee")

Thursday 16 June 2021

Membership: Councillor Aicha Less (Chairman) Councillor Robert Eagleton
Councillor Melvyn Caplan

Officer Support Legal Advisor: Horatio Chance
Policy Officer: Aaron Hardy
Committee Officer: Sarah Craddock
Presenting Officer: Emanuela Meloyan

Others Present: Mr Craig Baylis (solicitor, Kingsley Napley LLP) Ms Heidi Evans
(Area Manager, Applicant), Jack Frieda (Applicant) and Mr
Maxwell Koduah (Environmental Health Service)

Application for a New Premises Licence in respect of The Office Group 91
Wimpole Street London W1G 0EF 22/02131/LIPN

FULL DECISION

Premises

The Office Group
91 Wimpole Street
London W1G 0EF

Applicant

The Office Group Properties Limited

Ward

Marylebone High Street

Cumulative Impact

N/A

Special Consideration Zone

N/A

Activities and Hours applied for

Sale by Retail of Alcohol (Off Sales)

Monday to Thursday 10:00 to 23:30

Friday and Saturday 10:00 to 00:00

Sunday 12:00 to 22:30

Opening Hours of the Premises:

Monday to Sunday N/A

Seasonal variations

None

Summary of Application

The Sub-Committee has determined an application for a New Premises Licence under the Licensing Act 2003 ("The Act") in respect of The Office Group 91 Wimpole Street London W1G 0EF. The Premises operates as an Office Space. The Premises is located within the Marylebone Ward but not within the West End Cumulative Impact Zone or Special Consideration Zone. The Applicant has confirmed the following condition if the Committee are minded granting the application:-

"Office premises offering supply of alcohol to office workers employed at the premises or those attending meetings or pre booked functions or events. The general public are not admitted. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as offices".

There is a resident count of 45.

Representations Received

- Environmental Health Service (Maxwell Koduah)
- 6 local residents (opposing the application)
- Councillor Karen Scarborough (Ward Councillor)

Summary of Representations

- As presented, the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area.
- The Marylebone Association objects to this application on the grounds of possible contravention of PN1. The premises has the benefit of a roof terrace and local residents have already suffered noise nuisance from events being held on this and with the granting of a licence it is feared that this nuisance will increase. In addition, it is noted that the premises are adjacent to Be At One at 94 Wimpole Street whose customers cause a huge amount of nuisance already. Adding another licenced premises so close could easily lead to even greater problems for those living nearby.

- If the licence is used within the offices of 91 Wimpole Street this would cause great disturbance to us. Some evenings, in particular on Fridays, office workers have drinks in the office itself or on the roof terrace of it. When drinks take place in the office, workers who are under the influence of alcohol, loud and disruptive, smoke on the roof and street making lots of noise. On these occasions they also make noise coming and going from the building. All of this causes great disturbance to us and inevitably this rowdiness leads to anti-social behaviour. When office workers congregate on the roof area it causes great disturbance to us. Additionally, there is an invasion of privacy as the roof terrace looks across into our flat, including my flatmate's bedroom, our bathroom, kitchen and sitting room. My flatmate is female and has a large window in her bedroom facing the roof terrace. As a result, she is suffering a great deal of anxiety regarding privacy and security concerns amongst other issues. In the past parties have also been held on the roof terrace with music playing. These events have been so intrusive and disruptive it is close to having a nightclub in our flat.
- There are presently two empty retail units at street level which used to house two daytime food outlets. If a bar/cafe/restaurant was to open in one of these units (possibly as part of the licence) the negative impact on us would be unfathomable. Be At One bar, which is in a retail unit a few doors down from 91 Wimpole Street, causes us significant disturbance and stress with anti-social behaviour and noise among just two of many grievances.
- I hear all noise when people are on the roof at 90 Wimpole Street and when they previously had drinks/parties outside I could never sleep due to the noise. Indeed, even if the drinks are consumed indoors, when people leave or go outside to smoke, the noise is awful and there is antisocial behaviour with people screaming and shouting on the street. I am a lawyer and work long hours, I do not need any further disturbance on the street - Be At One bar has been a disaster with horrific antisocial behaviour and huge disruption. Any noise echoes and reverberates around the street, whether this is conversation or music.
- The times any event in the building has been on in the past, whether inside the building or on the roof, have resulted in extremely high noise levels, huge disturbance to me and the other local residents, resulting in me feeling great distress when I should be relaxing/working. This is even more important now that I work from home most of the time.
- It is an office property and should not be used for the purposes of entertainment. There are already significant issues and problems from Be at One Bar on the street and any further premises with a licence for alcohol/outdoor entertaining will only cause further disturbance.
- There is already antisocial behaviour and noise in the area and a new license could make it worse. After late night drinking it is distressing to notice how much urination there has been in public places, and I am afraid worse. I wish the business well during daylight hours and the early evening, but late night would be an entirely different matter on the edge of what is after all a residential area.
- Be At One bar at 91 Wimpole Street already causes a regular rowdy drunken noise nuisance. There are regular loud arguments and altercations which can be heard many blocks up from number 91. Their drunk patrons often stagger past our homes shouting, screaming and vandalising our cars and property

late at night. They also key cars and snap off wing mirrors. The behaviour of customers from Be At One is already antisocial and one can predict that an additional licence would make this significantly worse. In fact, if anything the existing licence at Be At One should be rescinded and there should definitely be no extension to 12am.

- As Local Ward Councillor I am writing to object to this Licence application on the grounds that it will not promote the Licensing Objectives in particular the prevention of Public Nuisance and Crime and Disorder. There are residents locally and opposite and I believe that they have previously been disturbed by parties on the roof with loud music playing and inevitably loud voices when people are leaving having consumed alcohol. There is not sufficient detail in this application to explain how the Licensing Objectives will be promoted and the reasons for the commercial use of this roof terrace in a residential street together with the hours sought.

Policy Considerations

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.

PB1

Applications outside the West End Cumulative 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. The applicant has taken account of the Special Consideration Zones policy SCZ1 if the premises are located within a designated zone. The application and operation of the venue meet the definition of a Public House or Bar in Clause D.

SUBMISSIONS AND REASONS

The Presenting Officer, Ms Emanuela Meloyan introduced the application and advised that it was for a New Premises Licence under the Act in respect of The Office Group 91 Wimpole Street London W1G 0EF. The Premises operates as an Office Space. She confirmed that representations had been received from the Environmental Health Service. She advised that the Premises was located within the Marylebone Ward but not within the West End Cumulative Impact Zone or Special Consideration Zone.

Mr Baylis Solicitor appearing on behalf of the Applicant addressed the Sub-Committee. He referred to the Premises' floor plans and advised that events would only be held on the second floor and on the roof terrace floor of the building. He acknowledged to the Sub Committee that he had only just realised that a plan of the roof terrace had not been submitted with the application and asked the Sub Committee if they would consider determining the Sale by retail of alcohol for both spaces on the understanding that the full plans were lodged formally straight away. Mr Baylis stated that he did not consider that there would be any prejudice to the residents because from their concerns it appears that they considered that the licensing of the roof terrace was part of the application.

The Sub Committee advised Mr Baylis that as the licensing of the roof terrace had not been included in this application, residents had not been consulted and/or been given the opportunity to write in with their objections. Therefore, the Applicant would have to apply for a Variation to the Premises Licence if the application relating to the second floor was granted today.

Mr Horatio Chance, Legal Advisor to the Sub Committee advised that it was a mandatory requirement under the Act that when an Applicant completes the application process it clearly states the operating schedule should state what is being applied for in terms of "Off" or "On" Sales of alcohol and the Sub-Committee only had the power to determine the "On" sale of alcohol because "Off sales" had not been applied for.

Mr Koduah, representing the Environmental Health Service, advised that the original application stated that the Applicant was applying for Sale by Retail of Alcohol (on the Premises) only. Mr Baylis confirmed that the Applicant would like the application for the Retail by Sale of Alcohol (on' the Premises) to be heard today.

Mr Baylis advised that this application had been made so that Jack and Frieda who were employed by the office group who owned the building could supply tenants with alcohol for their events held in the event area on the second floor. He stated that the tenant could then give drinks away to whoever turns up to their event. He confirmed that there were no cache bars however a Premises Licence was needed for the supply of alcohol to tenants for these events.

Mr Baylis advised the Sub Committee that the Applicant was happy to limit the number of events by way of a condition on the Premises Licence. He offered to have not more than 40 events where licensable activities takes place per calendar year. Mr Baylis confirmed that there would be no music at these events and that these were primary office spaces. He added that the Applicant just wanted the option to hold an occasional event to say launch a product. He confirmed that no consumption of alcohol would continue after 23:00 hours so the Applicant was happy to reduce the terminal hour for sale by retail of alcohol to 23:00 hours.

In response to questions from the Sub Committee, Mr Baylis advised that it was an office block where people rented space by the week, month or year. He advised that there was around 400 people authorised to work in the building, however, with flexible working there was usually around 250 people in the offices each day. He confirmed that it was relatively small companies that rented the office spaces in the building. He advised that the events would not be externally advertised and there

would be 'no walk ins' from the street. He added it was purely a facility for the tenants to host their own events. He confirmed that the building was open 24 hours a day. He advised that the second floor did have an external terrace at the rear of the Premises which was unlikely to cause any noise nuisance as it did not overlook any residential properties. He confirmed that there was a security desk at the entrance to ensure that only guests of the tenants could enter the building and be allowed up to the second floor. He emphasised there was no access to the general public.

Mr Maxwell, representing the Environmental Health Service, advised the Sub Committee that he had nothing to add as the request for the sale by retail of alcohol for the roof terrace did not form part of this application.

Mr Baylis confirmed that he was content that the following conditions to be added to the Premises Licence:

- There shall be no more than 40 events where licensable activity takes place per calendar year.
- There shall be no consumption of alcohol after 23:00 hours.

Conclusion

The Sub-Committee has determined an application for a grant of a NEW Premises Licence under the Act for the purposes of providing the On Sale of alcohol for private events with no admittance by the public.

The Sub-Committee realises that it has a duty to consider each application on its individual merits and did so when determining the application. There is no policy presumption to refuse the application that is not within the Cumulative Impact Area provided the licensing objectives are not undermined.

The Sub-Committee noted that the building was operated as an office space and that this Premises Licence would be used by the tenants to hold events within the building on the second floor only. The Sub Committee was pleased that the Applicant had agreed to limit the number of events to 40 per calendar year and that that there would be no consumption of alcohol after 23:00 hours and that the sale of alcohol at the Premises shall be ancillary to the main function of the Premises as offices meaning that the Premise cannot become drink led as specified below in Condition 14.

The Sub Committee further welcomed the fact that the Applicant would be operating within the Council's Core Hours Policy and had been proactive in working with the Responsible Authorities and agreement had been reached regarding the proposed conditions.

The Sub-Committee was persuaded by the Applicant that they would be a responsible operator by having the necessary measures and safeguards in place that would help mitigate the concerns of those objecting and promote the licensing objectives.

The Sub-Committee would however remind the Applicant that if they wish to have the Off sale of alcohol area on the second floor terrace area this should be applied for in the usual way by way of a variation application.

The Sub-Committee, in its determination of the matter, concluded that the hours it imposed on the licence were within the core hours policy. It further concluded that the conditions it has imposed on the licence would alleviate the residents' concerns which are considered appropriate and proportionate and would help promote the licencing objectives.

Having carefully considered the committee papers and the submissions made by all the parties, both orally and in writing, **the 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 **Sale by Retail of alcohol (ON Sales)** Monday to Saturday 10:00 to 23:00 hours and Sunday 12:00 to 23:00 hours.
2. That the New Premises Licence is subject to any relevant mandatory conditions.
3. That the Premises Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed by the Committee after a licensing hearing

4. 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.
5. 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.
6. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
7. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
8. No deliveries to the premises shall take place between 23.00 and 07.00 hours on the following day.
9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times

when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. 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.
11. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. Occupiers 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. The supply of alcohol shall only be to employees at the premises, their bona fide guests, or persons attending a private pre booked function.
14. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as offices.
15. 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) any complaints received concerning crime and disorder
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system or searching equipment or scanning equipment
 - (e) any refusal of the sale of alcohol
 - (f) any visit by a relevant authority or emergency service.
16. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
17. There shall be no advertisement of the licensed facilities outside of the premises
18. Non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises
19. 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.

20. There shall be no more than 40 events where licensable activity takes place per calendar year.
21. There shall be no consumption of alcohol after 23:00 hours.

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

**The Licensing Sub-Committee
16 June 2022**

4. **APPLEBERRY KIOSK, 222 BAKER STREET, NW1 5RT**

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 3
("The Committee")

Thursday 16th June 2022

Membership: Councillor Aicha Less (Chair), Councillor Robert Eagleton and Councillor Melyvn Caplan.

Officer Support Legal Advisor: Horatio Chance
Policy Officer: Aaron Hardy
Committee Officer: Sarah Craddock
Presenting Officer: Emanuela Meloyan

Others present: Josef Cannon (Agent, Cornerstone), Bhavinkumar Inamdar (Applicant Company), Dave Nevitt (Environmental Health Service) and PC Bryan Lewis (Metropolitan Police Force)

Application for a New Premises Licence – Appleberry Kiosk, 222 Baker Street, London NW1 5RT – 22/02303/LIPN

FULL DECISION

Premises

Appleberry Kiosk
222 Baker Street
London
NW1 5RT

Applicant

Appleberry Foods Ltd

Ward

Regents Park

Cumulative Impact

N/A

Special Consideration Zone

N/A

Activities and Hours applied for

Sale by retail of alcohol [Off sales]

Monday to Sunday 00.00 to 23:59 hours

Opening Hours

Monday to Sunday 06:00 to 23:00 hours

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 operate as a kiosk located on Baker Street. The Applicant has recently been given permission by TFL to sell alcohol at the Premises. The Applicant proposes to operate as an off-licence by day and a delivery service by night. The resident count is 496.

As part of the application form, the applicant provided the following information:

"The premises has a separate basement for alcohol storage. The applicant wishes to operate the premises as an off-licence with the sale of alcohol directly to the public from 10:00-23:00 hours. Making use of the basement for storage the applicant wishes for the sale of alcohol by delivery only to be an option for the premises. This will be supported by suitable conditions including limiting the access to the premises by members of the public to 06:00-23:00."

In the original application the applicant supplied a number of conditions as part of their operating schedule. Condition 1 states "There shall be **no** sales of alcohol to members of the public between 10:00-23:00". If the licence were to be granted with this condition the applicant would not be able to operate as intended. Therefore, the applicant was advised about this and has indicated that they wish to withdraw this condition. Members needed to consider this request as a preliminary point prior to the substantive application in the report.

The Premises are situated within the Regent's Park Ward and are not located in either the West End Cumulative Impact Zone or Special Consideration Zone.

Representations Received

- Metropolitan Police Force
- Environmental Health Service
- 1 Local Resident (opposing)

Summary of Representations

- The Metropolitan Police Service have made a representation as the hours sought were beyond core hours as set out in the Westminster City Council Statement of Licensing Policy.
- The Environmental Health Service have made a representation as the proposals are likely to increase the risk of Public Nuisance and may impact upon Public Safety.
- The resident made a representation on the basis that there are plenty of venues (pubs, shops, supermarkets) which sell alcohol. He stated, 'this creates rowdy behaviour and I often hear profanities spoken loudly from intoxicated personnel whilst I am trying to enjoy a peaceful evening in my flat'.

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.

PB1

Applications outside the West End Cumulative 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. The applicant has taken account of the Special Consideration Zones policy SCZ1 if the premises are located within a designated zone. The application and operation of the venue meet the definition of a Public House or Bar in Clause D.

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. The applicant having taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone. The application and operation of the venue meeting the definition of a shop in **Clause C. For the purposes of this policy:** A shop is defined as a stall, vehicle, vessel, temporary structure, building or part of a stall, vehicle, vessel, temporary structure or building where the primary activity is the sale of goods or services to customers upon payment. The licensable activities for the sale of alcohol for consumption on the

premises, regulated entertainment and/or late-night refreshment must be ancillary to the primary use of the premises as a shop. The licensable activity of the sale of alcohol for consumption off the premises must be an ancillary function to the primary use of the premises unless that primary use is to sell alcohol for consumption off the premises, e.g. a traditional off licence.

Preliminary point prior to the substantive application in the report.

Mr Josef Cannon (Agent for the Applicant) gave a brief description of the business and background to the application. He advised that the Agent who submitted the application had made an error with one of the conditions. The condition read 'There shall be no sales of alcohol to members of the public between 10:00-23:00' instead of 'There shall be no sales of alcohol to members of the public between 23:00 - 10:00'. On the 6 May the Licensing Authority had informed the Agent of the error. Mr Cannon considered that it was clear that this was an accidental error and that the Sub Committee could either disregard this condition or could consider the condition as part of the application. The Applicant would then come back to make a variation application.

Mr Horatio Chance, Legal Advisor to the Sub Committee, asked if this error had been highlighted during the consultation period. Mr Cannon confirmed it had been and added that the application form itself was correct and that it was just this one condition with the wrong timings around the wrong way that was incorrect.

Mr Steve Rowe, Licensing Service Manager, was invited to comment. Mr Rowe advised that the Licensing Authority had notified the Agent of the error and had requested that they withdraw their application as they would not be able to operate as they wished to. The Agent had advised the Licensing Authority that they did not wish to withdraw their application as they considered it was lawful for the Sub Committee to disregard this condition. Mr Cannon advised that he had clear instructions to let the Licensing Sub Committee make the decision on how to proceed with the application.

Dealing with this preliminary issue the Sub Committee advised that the correction was made on the 6 May 2021 which was after the consultation period. In light of this the Sub Committee decided to hear the application as it was called for in the original application.

SUBMISSIONS AND REASONS

The Presenting Officer, Ms Emanuela Meloyan, introduced the application and advised that the application was for a New Premises Licence for a kiosk located on Baker Street. The Applicant proposes to operate as an off-licence by day and a delivery service by night. She advised that representations had been received by the Environmental Health Service, the Metropolitan Police Force and 1 local resident. She outlined that the Premises is within the Regents Park Ward but not in a Cumulative Impact Area or a Special Consideration Zone.

Mr Josef Cannon (Agent), appearing on behalf of the Applicant addressed the Sub-Committee. He advised that the Applicant managed a nationwide operation of kiosks which sold groceries and alcohol (where licensed). He already had 10 sites in

London with one site being in Westminster. He explained that the Applicant had recently been given permission by TFL to sell alcohol at the Premises and the Applicant wished to operate as an off-licence by day and a delivery service by night. He advised that all orders would be made via an APP, no customers would be allowed onto the Premises at any time and all deliveries would be made by people employed by the Applicant's company and not a third party. He outlined that the drivers would check ID before handing over the alcohol to avoid underage sales. Mr Cannon advised that the conditions attached to the Premises Licence were very comprehensive and would ensure that the licensing objectives were promoted. He emphasised again that the company would be employing their own drivers who would be using electric bikes. He stated that a driver would only be summoned to the kiosk once an order has been received. There would be no waiting around of drivers outside of the Premises.

Mr Cannon advised that the Applicant had not received any complaints regarding his other operations in London and around the country and this was the first time he had had to go to a hearing to obtain a Premises Licence. He had been operating this type of operation since 2014 so the Sub Committee could have a degree of confidence in his ability to manage such Premises.

In response to questions from the Sub Committee, Mr Cannon described how the parcel was ready for the driver to collect and drive to the customer's home. He confirmed that the kiosk was open from 06:00 until 23:00 seven days a week and sold groceries. He added that the type of alcohol sold would be high-end wines, champagne, spirits and some premium beers. He advised that they received around 50-100 orders a day, depending on the site.

Mr Dave Nevitt representing the Environmental Health Service advised the Sub Committee that he was happy with the conditions that had been agreed with the Applicant. He advised that he was content to deal with the issues that the Environmental Health Service had with the application in the event of a variation application being made.

PC Bryan Lewis representing the Metropolitan Police Service advised that there were two elements to the Police's representation: the statement contained in the additional information pack from the Neighbourhood Police Sergeant for Marylebone High Street and Bryanston and Dorset Square which covered Baker Street. The report highlighted the increase in ASB reports coming from residents who lived in this specific area and the risk of allowing alcohol to be readily available 24 hours a day.

PC Lewis advised that historically off licences in Westminster operated within Westminster's Core Hours Policy so that they were closed at 23:00 before most pubs. The supply of alcohol was therefore not readily available unless people had stocked up at home or gone on to a late hour's bar or nightclub. He also stated that test purchases could be made in shops and off licences which could not be carried out from a home. He emphasised that having access to alcohol after 23:00 could lead to anti-social behaviour and that the Police were on the front line dealing with

domestic abuse and violence which is often fuelled by alcohol. He emphasised that the application should not be granted for the prevention of crime and disorder.

Mr Chance, Legal Advisor to the Sub Committee, briefly discussed the proposed conditions with Mr Cannon. Mr Cannon advised the Sub Committee that the Applicant would not be selling alcohol to hostels and that his business was very respectable. He was already operating 10 such kiosks all over London as well as numerous others across the country without complaint.

Conclusion

The Sub-Committee has determined an application for a grant of a NEW Premises Licence under the Act for the Off sale of alcohol where members of the public are not permitted on to the Premises and the delivery of such alcohol sales would be by the Applicants own delivery drivers to the recipient's residential address or place of work. The Sub-Committee realises that it has a duty to consider each application on its individual merits and did so when determining the application.

The Sub-Committee noted that the Applicant was an experienced operator in the running of these type of Premises and there had been no significant issues that had come to the attention of the Sub-Committee that would give cause for concern in relation to the management of the Premises on a day-to-day basis and the promotion of the licensing objectives.

The Sub-Committee considered the evidence as to how the Premises would deal effectively and efficiently with its delivery drivers, noise, health and safety, challenge 25 and the consideration that was given to residents particularly when deliveries take place and that members of the public are not permitted on the Premises at any time. The Sub-Committee was persuaded by the Applicant that he would be a responsible operator by having the necessary measures and safeguards in place in the running of the Premises that would help mitigate the concerns of those objecting and uphold the promotion of the licensing objectives.

The Sub-Committee, in its determination of the matter, concluded that the hours and the conditions it had imposed on the licence were appropriate and would promote the licensing objectives.

In reaching their decision, the Sub-Committee having carefully considered all the committee papers, supplementary submissions made by the Police, and the oral evidence given by all parties during the hearing in its determination of the matter **the 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 **Sale by Retail of alcohol (Off Sales)** Monday to Sunday 00:00 to 23:59 hours.
2. To grant permission for the **Opening Hours for the Premises** Monday to Sunday 06:00 to 23:00 hours.

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

Conditions imposed by the Committee after a licensing hearing

5. The premises shall not be open to the public from 23:00hrs until 06:00hrs the following day.
6. No internal combustion engine vehicles will be used for deliveries from the premises.
7.
 - (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.
8. 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.
9. 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.
10. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
11. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.

12. 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 beers and ciders supplied in glass bottles and cans.
13. 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.
14. 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.
15. No collections of waste or recycling materials (including bottles) from the premises shall take place between **23.00** and **08.00** hours on the following day.
16. 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.
17. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
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, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
19. No deliveries to the premises shall take place between **23.00** and **07.00** hours on the following day.
20. 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.

21. The premises shall operate a Challenge 25 scheme for all delivery staff
22. Delivery staff shall be trained and instructed to only make sales to directly to individuals with ID (if deemed required)
23. All delivery staff shall be directly employed by the premises licence holder.
24. Training shall be conducted for all new staff and at intervals of six months thereafter.
25. The premises licence holder will ensure that an age verification policy will apply whereby all delivery riders/drivers will be trained to ask any customer to whom alcohol is delivered, who appears to be under the age of 25 years to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.
26. All delivery riders/drivers shall receive training in age restricted sales.
 - induction training must be completed and documented prior to the delivery of alcohol by the rider and all training received shall be signed for, by the rider employee.
 - Refresher/reinforcement training must be completed and documented at intervals of no more than 6 months.
 - Training records will be available for inspection by a Police Officer or other authorised officer on request. Training records will be electronically stored by the licence holder for a period of 12 months.
27. A warning shall be displayed on the digital platform on which an order is placed informing customers that they must be aged 18 or over to make a purchase of alcohol and notifying customers that the rider will carry out age verification on delivery. The customer will be required to declare that he or she is aged 18 or over. If the rider is not satisfied that the customer is aged 18 or over any alcohol in the order will be withheld.
28. All riders/drivers shall be trained to record refusals of sales of alcohol in a refusals log/register. The log/register will contain:
 - details of the time and date the refusal was made.
 - the identity of the rider/driver refusing the sale.
 - details of the alcohol the person attempted to purchase.

This log/register will be available for inspection by a Police Officer or other authorised officer on request.
29. Delivery of alcohol shall be to the recipient's residential address or place of work.
30. The premises licence holder shall not sell by delivery super-strength beer,

lager, cider or spirit mixtures with an alcohol content over 5.5% ABV (alcohol by volume). This restriction shall not apply in respect of the specialist branded, premium priced products for example craft ales, local or microbrewery specialist products, boxed gifts or national celebratory/commemorative beer, lager or cider.

31. All delivery riders/drivers will be employed directly by the licence holder.
32. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
33. Customers to be reminded that it is a criminal offence for a person under 18 to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person aged under 18. Alcohol will only be delivered to the person who placed the order and whose name appears on the credit/debit card at the point of sale. Sale of alcohol shall only be by means of credit/debit card. Payment shall be at the point of sale only.
34. Full name and address details, including postcode, must be given when placing an order by the purchaser.
35. The record keeping requirements are that a book shall be kept at the despatch premises and a delivery book or invoice carried by the driver or courier must specify:(a) the quantity, description and price of alcohol, and (b) the name and address of the person to whom it is being delivered. The delivery books shall be made available to the Responsible Authorities upon request.

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

**The Licensing Sub-Committee
16 June 2022**

The Meeting ended at 4.04 pm