



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (1)** held on **Thursday 1st December, 2022**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Aziz Toki (Chair), Iman Less and Melvyn Caplan

1. MEMBERSHIP

1.1 There were no changes to the membership.

2. DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

1. SHAWARMA N MORE, 123 BAKER STREET, W1V 6RZ

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

Thursday 1 December 2022 – Item 1

Membership: Councillor Aziz Toki (Chairman)
Councillor Iman Less and Councillor Melvyn Caplan.

Officer Support: Legal Advisor: Vivienne Walker
Policy Officer: Daisy Gadd
Committee Officer: Sarah Craddock
Presenting Officer: Roxsana Haq

Other Parties: Shekhar Bharania (Philip Jones Legal on behalf of the Applicant, Shawarma N More Limited) and Mushtaq Ali (Owner of Shawarma N More)

Maxwell Koduah (Environmental Health)
Dave Morgan (Metropolitan Police Service)

Asitha Ranatunga, (Cornerstone Barristers representing Bickenhall Freehold Limited), Richard Brown, (Citizens Advice Westminster) representing The Marylebone Association, Barbara Malcolm (McGlashans Property Services), Salim Khoury (local resident), John Evans (local resident), Guy Austin (Marylebone Association), Michael Elford (Bickenhall Freehold Limited) and Councillor Barbara Arzymanow (Marylebone Ward).

Application for Variation of a Premises Licence – Shawarma N More 123 Baker Street London W1U 6RZ – 22/09054/LIPV

Full Decision

Premises

Shawarma N More
123 Baker Street
London W1V 6RZ

Applicant

Shawarma N More Limited

Ward

Marylebone

Cumulative Impact Area

N/A

Special Consideration Zone

N/A

Activities and Hours applied for

- Late Night Refreshment (Indoors and Outdoors)
Monday to Sunday 23:00 to 03:00 hours
- Hours Premises are Open to the Public
Monday to Sunday 10:00 to 03:00 hours

Summary of Application

This is an application for a variation of a Premises Licence under the Licensing Act 2003 ("The Act"). The Premises propose to extend the hours for Late Night Refreshment (Indoors and Outdoors) 23:00 to 03:00 hours and the Opening Hours 10:00 to 03:00 hours Monday to Sunday. The Premises have had the benefit of a licence since July 2022 under reference 22/01952/LIPN. The Sub Committee noted the supporting documents provided by the Applicant at pages 41 to 49 of the main report.

Representations Received

- Metropolitan Police Service (Dave Morgan)

- Environmental Health Service (Maxwell Koduah)
- Ward Councillor (Cllr Barbara Arzymanow)
- Marylebone Association (Guy Austin)
- Bickenhall Freehold Limited (Asitha Ranatunga)
- 53 Local Residents

Summary of Representations

- This application if granted would undermine the licensing objectives, namely, the Prevention of Crime and Disorder.
- The hours requested to provide late night refreshment may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area.
- The proposed late night food service will result in customers consuming food on the pavement outside the establishment as there is no sizeable indoor seating at the premises.
- The provision of late-night refreshment will cause noise, litter, crime and traffic in the area.
- We do not want this business to become a destination venue for those who have been out drinking until 3am.
- This application impacts the objectives of preventing public nuisance and crime and disorder.
- This application will not promote the licensing objectives, namely, the Prevention of Public Nuisance, Crime and Disorder and the Protection of Children from Harm.
- The premises are in a highly residential area. Residents would be subjected to having their quiet enjoyment/sleep disturbed into the early hours.
- The granting of this application would set a new precedent for Marylebone which has the potential to change the area's unique character forever.
- Baker Street is becoming increasingly noisy and dirty, and this issue will get worse if food outlets are allowed to operate overnight.
- Late opening hours may lead to an increase in anti-social behaviour. Residents of Bickenhall Mansions already find strangers sitting on the front doorsteps of Bickenhall Mansions eating fast food late at night and this problem will worsen if food outlets open overnight.
- Baker Street is a commercial street but there are many residential properties in extremely close vicinity to this property.

Policy Position

HRS1

Applications for hours outside the core hours set out in Clause C will be considered on merits, subject to not being contrary to other policies in the Statement of Licensing Policy.

FFP1 (A)

Applications outside the West End Cumulative Zones will generally be granted subject to the application meeting the requirements of policies CD1, PS1, PN1 and

CH1 and the application and operation of the venue meet the definition of a fast food premises in Clause D.

SUBMISSIONS AND REASONS

Ms Roxsana Haq, Senior Licensing Officer outlined the application to the Sub-Committee. She advised that representations had been received from the Environmental Health Service, the Metropolitan Police Service, the Marylebone Association, Bickenhall Freehold Limited and 53 local residents. The Sub Committee noted that the Premises are located within the Marylebone Ward but was not within a Cumulative Impact Zone or a Special Consideration Zone. She confirmed that the additional submissions from the Interested Parties had been circulated to the Sub Committee.

Mr Shekhar Bharania, on behalf of the Applicant, Mushtaq Ali, Owner of Shawarma N More Limited addressed the Sub-Committee. He explained that the Applicant had applied to extend the hours to provide Late Night Refreshment until 3am because the current Premises Licence (granted on the 7 July 2022) which allowed him to provide Late Night Refreshment within the Council's Core Hours Policy was not beneficial to the business because of the 14 onerous conditions that had been attached to the Premises Licence. He stated that the restrictions on the current Premises Licence were not allowing Mr Ali to grow his business. If Mr Ali was not granted the variation to the Premises Licence, he would surrender his current Premises Licence and open 24/7 serving cold foods which was outside the remit of the Council. He advised that Mr Ali had to do what was best for his business and that it was not commercially viable to continue operating within the restrictive parameters of the current Premises Licence.

Mr Bharania advised the Sub Committee of a petition that had gained approximately 60 signatures in support of the application because the later opening hours would mean that people did not need to walk to Edgware Road to purchase hot food. He added this would help reduce crime and disorder in the area as it would reduce the number of people walking around the area late at night. He explained that the Interested Parties were against Mr Ali and were using deliberate tactics of obstruction to destroy his business and livelihood which Mr Ali depended on to provide for his family.

Mr Bharania advised that the Applicant provided a service to the Arabic community as a place to eat especially during their religious months. He also advised that the signatories collected by the Interested Parties could not be verified as being from local residents and therefore the Sub Committee should disregard their petition. He stated that the variation to the Premises Licence would not cause public nuisance and crime and order as outlined by the building management company.

Mr Bharania advised that the Applicant was complying with all the conditions imposed on him by the current Premises Licence such as using electric bikes and complying with the scheduled waste collections and therefore the Council should allow him to provide Late Night Refreshment until 3am. He emphasised that the Applicant was willing to work in partnership with the Council, however, it was up to the Council if they wished the Applicant to operate his business in a controlled fashion or open 24/7 selling cold food at an ambient temperature.

Mr Bharania stated that Mr Ali was entitled to operate his business without having prescriptive conditions placed upon him and that Mr Ali was committed to working with the Council in good faith, however, currently the working relationship was very one sided. He requested that the Sub Committee consider the needs of Mr Ali's business and how the current Premises Licence was inadequate for his needs.

In response to questions from the Sub Committee, Mr Ali confirmed that he understood that he needed to promote the licensing objectives by not breaching the conditions attached to his Premises Licence. He advised that this was his first Premises Licence, the operation of the business and confirmed that he did not have a management plan. He stated that he used electric bikes for deliveries. He advised that the shop was situated on the corner of Marylebone Road, which was a very busy road with trucks unloading and coaches stopping continuously, and he could not control the noise generated from vehicles using the road.

Mr Ali advised that he had not received any complaints from the Environmental Health Service or the Licensing Authority. He explained that on the 13 September 2022, three Nando workers came into the Premises at 10pm and asked him to prepare a bag of food for them to collect after their night shift. The officer attending the premises saw the bag which contained only cold food, including a drink and he noted that the grills were off. He advised that 90% of his customers were underground workers, hotel workers and NHS hospital staff. There were no queues as customers were served very quickly and there were no tables and chairs inside the Premises.

The Sub Committee noted that the Premises are very small and if the application was granted it would be the only Premises selling hot food in the early hours of the morning in the area. This could create queues and noise nuisance which could disturb the residents. The Sub Committee were also concerned that the Applicant had no written management plan. The Sub Committee advised Mr Bharania that all applications were considered on their own merits and the operating hours of other establishments in the area was not a consideration in their decision making.

The Sub Committee noted the correspondences between the Applicant and the Police on the 19 November 2022, and how the Applicant could not provide the Police with the CCTV footage that they had requested. Mr Bharania advised that the Applicant was making every effort to comply with the conditions on the Premises Licence however they were very onerous and one sided. Mr Bharania stated that this was an application for a variation to the Premises Licence not a Review Hearing. The Sub Committee advised that they needed to have confidence that Mr Ali could promote the licensing objectives. Mr Bharania stated that Mr Ali was sorry for what had happened regarding the CCTV footage incident and that everyone makes mistakes.

Mr Maxwell Koduah, for the Environmental Health Service advised the Sub Committee of the various breaches to the Premises Licence which included the complaint made on the 14 September 2022 on behalf of 224 apartments in close proximity to the Premises regarding trading beyond the permitted hours of the Premises Licence. This complaint triggered an investigation from the Council's City Inspection team which culminated into the issuance of a notice letter and the

Premises were placed on a regular monitoring schedule which highlighted breaches regarding the selling of hot food and the table and chairs been left outside beyond the trading hours. He stated that the breaches of selling hot food at 1am was very serious as it was way beyond what was stated in the Premises Licence. He confirmed that the City Inspector witnessed the breaches of the licence conditions.

Mr Koduah advised the complaints had been received from residents regarding the operation of the business before the current Premises Licence had been granted up to core hours in July 2022. He stated that the report contained evidence that the Premises were operating in breach of its Premises Licence two months after the Premises Licence was granted. The Premises were trading without the CCTV being installed/working. Mr Koduah advised that if the Sub Committee was minded to grant that there should be a condition attached to the Premises Licence stating that there should be no seating inside the Premises. He further advised that this was a very new Premises Licence and was already well conditioned. Mr Koduah stated that the Environmental Health Service considered that as presented, the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area.

PC Dave Morgan, for the Metropolitan Police Service explained that the Police's position remained the same as in July 2022, which was that if the provision of late-night refreshment was granted to 3am it would undermine the Licensing Objectives, namely The Prevention of Crime and Disorder. He stated the policing problems in an already demanding area and the concern regarding recent events that have allegedly taken place at the Premises such as the breaches in trading hours and the failure to supply CCTV for a criminal offence which was being investigated.

He advised that the Premises would also become a destination point for people leaving the West End looking for hot food and that the Sub Committee could see from the photographs contained in the report that their customers were mainly people who had been out for the night, and not shift workers. He advised that this area was a hot spot for crime and disorder and referred to the 'heat map' contained in the report. He stated that the Police considered that with all the evidence provided it was unlikely that the Applicant would promote the licensing objectives if he was granted a variation to his current Premises Licence.

Mr Asitha Ranatunga, from Cornerstone Barristers representing Bickenhall Freehold Limited advised that the Sub Committee should have no confidence that this Premises would comply with the licensing objectives if it were granted a variation to its current Premises Licence. He stated the breaches of the conditions which had taken place over the summer regarding trading beyond core hours, the lack of acknowledgement from Mr Ali today that mistakes had been made and most importantly no offer or reassurance from Mr Ali that he was making amends and putting in place measures to ensure these breaches would not reoccur.

Mr Ranatunga advised that the Premises had continued to undermine the licensing objectives and that he represented 224 flats who were disturbed by people constantly eating hot food right outside their building. He further advised on four points, namely: a) later opening hours of the Premises would increase the risk of anti-social behaviour in the area, b) people were already sitting on the resident's steps eating hot food late at night which was a concern for the residents, c) other fast

food outlets in the area closed at midnight so people would be attracted to this Premises and d) the Premises had already been breaching the conditions on their current Premises Licence. Mr Ranatunga outlined the six occasions that breaches had occurred since September 2022, which were listed in the Additional Information Pack that had been circulated to all parties. He concluded that the Premises had no management plan in place which indicated that Mr Ali did not grasp the seriousness of promoting the licensing objectives.

Mr Richard Brown, from Westminster's Citizens Advice and representing local residents advised that there were 53 objections along with the Responsible Authorities, which was a significant number of people, which do not want any fast food premises operating beyond core hours in this area. He advised the hot food was for take away only and residents had experienced in the area an increase in crime, litter, anti-social behaviour, and delivery drivers since the granting of the current Premises Licence. He advised that the Council's policy indicated that Premises that sold hot food attracted people who had been drinking and therefore both caused and added to problems to an area. He advised that these issues had been well rehearsed at the Licensing Sub Committee on the 7 July 2022 and the Sub Committee had 'decided to grant the licence with core hours as they were concerned that any later hours would detrimentally impact the licensing objectives, namely, public nuisance and crime and disorder'. Mr Brown advised that there needs to be a balance between business and residents and that is why core hours were agreed on the 7 July 2022.

The Sub Committee heard from the local residents in attendance at the meeting who all strongly stated that they did not want this business to become a destination venue for those who had been out drinking alcohol until 3am. This was because the Premises were in a highly residential area and residents would be subject to noise nuisance, increase in crime and anti-social behaviour such as littering, urination on the streets and strangers sitting on their front doorsteps eating their hot food.

Councillor Barbara Arzymanow, representing the Marylebone Ward advised that the three ward Councillors strongly objected to an extension of hours at this Premises because this was mainly a residential area where people were trying to get a good night's sleep. She advised of the consultation that was held at short notice regarding this application and stated that the outcome was that there was already too many take away outlets in the area. She concurred with the residents regarding the anti-social behaviour already in the area and that granting this application would increase the anti-social behaviour already there. She referred to the Premises' website which stated that they opened until 3am which clearly indicated that they were breaching their current Premises Licence.

During the summing up, Mr Koduah advised that the Sub Committee should only depart from the Council's policy if the Premises had demonstrated good working practices which this Premises clearly had not done based on the report before the Sub Committee.

During the summing up, Mr Bharania advised that the current Premises Licence was not commercially viable so in his opinion the solution would be for the Council to continue to regulate the business but give Mr Ali an extension of hours until 3am. The Sub Committee asked how they could be sure, after everything they had heard

and the evidence in the report, that Mr Ali would promote the licensing objectives. Mr Bharania replied that Mr Ali was very willing to work with the Council to ensure that he was compiling with all the conditions attached to the Premises Licence.

Conclusion

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

The Sub-Committee noted that representations were received from the Metropolitan Police Service, Environmental Health Service, Marylebone Association, Bickenhall Freehold Limited and 53 local residents, all cited public nuisance as an issue in relation to the later hours. All representations were considered by the Sub-Committee.

The Sub-Committee considered the evidence of the Police to be strong and compelling as the Police have extremely au fait with the area and are aware of the existing challenges from a policing perspective, Marylebone area has during the later hours and the sheer number of people that could mitigate to the area from the West End CIZ from 23:00 hours onwards.

On balance, the Sub-Committee decided that the Applicant had not provided sufficient reasons as to why the granting of the application would promote the licensing objectives and therefore **refused** the application for the extension of hours for licensable activities.

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

**Licensing Sub-Committee
1 December 2022**

2. ST MARY'S CHURCH, WYNDHAM PLACE, W1H 1EA

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

Thursday 1 December 2022 – Item 2

Membership: Councillor Aziz Toki (Chairman)
Councillor Iman Less and Councillor Melvyn Caplan.

Officer Support: Legal Advisor: Vivienne Walker
Policy Officer: Daisy Gadd
Committee Officer: Sarah Craddock
Presenting Officer: Roxsana Haq

Other Parties: Chris Grunert (from John Bolton and partners representing the Applicant) and Charlotte Anderson and Sally Watson (representing the Applicant)

Sally Fabbricatore (Environmental Health Service)
Councillor Barbara Azymanow (Ward Councillor for Marylebone Ward)

Application for a New Premises Licence – St Mary’s Church Wyndham Place London W1H 1EA – 22/08966/LIPN

Full Decision

Premises

St Mary’s Church
Wyndham Place
London W1H 1EA

Applicant

The PCC of St Mary Bryanston Square with St Mark

Ward

Marylebone

Cumulative Impact Zone

N/A

Special Consideration Zone

N/A

Activities and Hours applied for

- Sale by Retail of Alcohol (On Sales)
Monday to Sunday 11:00 to 22:30 hours
- Hours Premises are open to the Public
Monday to Sunday 08:00 to 00:00 hours

Seasonal Variations: On occasion the venue may be accessed from 05:00 hours by clients and staff for events and close at midnight but the public vacate by 23:00 hours (standard event end time is 22:30 hours)

Summary of the Application

This is an application for a New Premises Licence under the Licensing Act 2003 (“The Act”). The Premises are a church which is rented as an events venue from Monday to Saturday 08:00 to 22:30 hours with staff on site until 00:00 hours.

The Premises are located in the Marylebone Ward but not within the Cumulative Impact Zone or the Special Consideration Zone. Applications outside the West End Cumulative Impact Zone will generally be granted subject to matters identified in Policy CCSOS1. There is a resident count of 242.

Representations Received

- Environmental Health Service (Sally Fabbicatore)
- Ward Councillor (Cllr Karen Scarborough)

Issues raised by Objectors

- The granting of the new Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public Safety.
- The application will not promote the licensing objectives, namely, Prevention of Public Nuisance, Crime and Disorder and the Protection of Children from Harm.
- There is concern in relation to the capacity of the venue to hold events selling alcohol that would lead to a public nuisance on dispersal.

Policy Position

CCSOS1

Applications outside the West End Cumulative Impact Zone will generally be granted subject to:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
2. The hours for licensable activities being within the Council's Core Hours Policy HRS1.
3. The application and operation of the venue meeting the definition of a cinema, cultural venue, live sporting premises or outdoor space as per Clause C.

HRS1

Applications within the core hours set out 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.

SUBMISSIONS AND REASONS

Mr Chris Grunert, representing the Applicant addressed the Sub Committee. He advised that the application was for a new Premises Licence for a grade one listed building which was a place of worship. He advised that after consultation the Applicant agreed that they did not need alcohol to be served before 11am so the sale of alcohol would now be from 11:00 hours until 22.30 hours. He stated that the Applicant had agreed to all the proposed conditions from the Environmental Health

Service and that no other Responsible Authority or individual resident had objected to the application. He advised that the church wished to hire out the rooms in the building during the week to raise revenue for charitable purposes. The Applicant had charitable status and was not a social enterprise or private business.

Mr Grunert advised that the Applicant had hired out its multi-functional rooms to the public for around ten years. He explained the Premises are spread over two floors and was a perfect space to hold concerts, meetings, a social supermarket, and a nursery group. He stated that the church had strong connections with the local school and the local community. He explained that the Premises had a capacity of 700 persons however events held at the Premises were usually with a much smaller capacity. He added that on average there were two/three events held on the Premises each week. Mr Grunert advised that the application had been made not to change the style of operation and explained the many Temporary Event Notices the Premises had applied for during the year.

Mr Grunert then discussed the proposed conditions with the Sub Committee and advised that all doors and windows would be closed at 21:00 hours and that the Environmental Health Service had agreed to delete condition 25 as the Premises would not operate like a West End Theatre. He further advised that the word 'substantial would be removed from condition 23.

Mr Grunert referred to the Ward Councillors' representations regarding the need for SIAs at events. He advised that the Premises had employed SIAs when they had deemed it necessary by the nature of the event that they were running and after a full risk assessment had taken place. He advised that the Applicant would like to continue to work in this way and not have to employ SIAs for every event. He explained that the Premises had operated throughout the year without SIAs and there had been no crime or disorder or complaints. He outlined the operation of the gin event that was held annually at the Premises where 'off' sales were offered. He advised that the Sub Committee should have confidence in the operator because of the details conditions that would be attached to the Premises Licence.

In response to questions from the Sub Committee, Mr Grunert advised that the capacity for the candlelight concerts were usually around 150 persons and that there were fewer than three events held during the year where the capacity went above 600 guests. Mr Grunert added that not all events held during the year offered alcohol. He emphasised that the Applicant did not want a condition limiting the number of events that could be held at the Premises. He added that the Premises had an operating plan and management plan and in the 10 years of operation no formal action had been taken against the Premises.

Mr Grunert described how many people could be seated in each area/room of the Premises and confirmed that the licensable activities would take place in the main hall when concerts were held and in the basement area. He advised that the Premises would never be hired out to two different clients at the same time, that staff were on the site 90 minutes after the close of any event and did a walk around the venue to see if any area needed cleansing. He stated that the Premises had a dispersal plan and there had been no individual objections from local residents. He advised that the Applicant was more than happy to provide a telephone number that

the public could use if they had any concerns regarding the operation of the Premises.

Ms Sally Fabbriatore, representing the Environmental Health Service (EHS), advised that EHS had maintained their representations on the Public Nuisance and Public Safety Licensing Objectives, however, after having discussions with the Applicant, EHS no longer had any issues with the application. Ms Fabbriatore stated that she was present to assist the Sub Committee if they had any questions regarding the conditions that had been agreed between the EHS and the Applicant. She detailed her visit to the Premises with the District Surveyor and confirmed that they were both happy with the operation of the Premises. She highlighted condition 2 'Licensable activities shall be ancillary to the premises being used primarily as a Church' which protected the building becoming anything else such as a nightclub. She confirmed that all events were ticketed events and that members of the general public would not be able to walk into an event off the streets. She stated that the hours for the sale of alcohol were reasonable and the Temporary Event Notices (TENS) that had been granted for the candlestick concerts had worked well and there had been no complaints. She advised that EHS was happy for the Premises to continue to risk assessment each event regarding the need for SIAs. She advised that the capacity of 700 was agreed and they were content for the Premises to manage the capacity and did not feel that it would be beneficial to limit the number of events. She confirmed that she considered that the proposed conditions were proportionate and appropriate and would promote the licencing objectives.

Councillor Barbara Azymanow, Ward Councillor for Marylebone Ward advised that this was a church with an echo affect where singing and music were carried over the Piazza and the level of noise could be unacceptable for the local residents. She advised that a choir or even a congregation of 50 was very loud. Mr Grunert advised that the activities in the church were not being regulated and that the church had been situated in the same location for over 300 years. Councillor Azymanow continued and advised that it was a very small residential area and outlined how concerned she was about the number of events being held in the Premises during the week as well as the dispersal of people after such events. She advised that SIAs would be necessary to help with the dispersal of people and that residents would be reassured if a phone number was made available to them if issues occurred. She stated that the local residents did not feel comfortable with the church selling alcohol. She requested that the church ensures that the events held at their Premises were acceptable to residents.

In response to questions from the Sub Committee, Councillor Azymanow advised that she had received lots of complaints regarding the events being held at the church. She advised that it was the number of events being held at the church that were worrying her and the residents.

During her summing up, Ms Fabbriatore advised the Sub Committee that people could not take drinks outside and the Premises did have a management plan which included their dispersal policy. She confirmed that amplified music was conditioned on the Premises Licence. Ms Fabbriatore requested that if complaints were being made about the Premises that the Council be made aware so that the City Inspectors could visit the Premises and/or evidence could be collated for these types of hearings.

During his summing up, Mr Grunert advised that the church was very much part of the community and that the Sub Committee should feel confident, from what they had heard today, that the Applicant would promote the licensing objectives.

CONCLUSION

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

The Sub-Committee noted that the Premises were operated as a church and had regard to the fact that the Applicant was an experienced operator who had operated and hired out the venue and the multi-functional space for over 10 years. The Environmental Health Service confirmed that they did not have any specific issues with the Premises when it came to public nuisance and crime and disorder and only maintained their objections in case the Sub Committee had any questions regarding the proposed conditions which had been agreed with the Applicant. The Sub Committee further noted that the conditions imposed on the Premises would alleviate any residential concerns.

The Sub-Committee imposed on the Premises Licence Model Condition 24 which requires that a telephone number be made available for the Premises so that local residents and businesses in the vicinity can make contact should any problems arise.

The Sub-Committee considered that the conditions imposed on the Premises Licence were appropriate and would ensure that the four licensing objectives were promoted.

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 of the individual circumstances of this case and the promotion of the four licensing objectives:

1. To grant permission for the **Sale by Retail of Alcohol (On Sales)** Monday to Sunday 11:00 to 22:30 hours.
2. To grant permission for the **Opening Hours for the Premises** Monday to Sunday 08:00 to 00:00 hours.

Seasonal Variations: On occasion the venue may be accessed from 05:00 hours by clients and staff for events and close at midnight but the public vacate by 23:00 hours. (Standard events end time is 22:30 hours).

3. That the Licence is subject to any relevant mandatory conditions.
4. That the 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 hearing with the agreement of the Applicant

1. Licensable activities shall be ancillary to the premises being used primarily as a Church.
2. There shall be no fixed bar at the premises.
3. A copy of the premises' dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council.
4. The number of persons permitted in the premises shall not exceed 700 (excluding staff).
5. Patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke, shall not be permitted to take drinks or glass containers with them.
6. All windows and external doors shall be kept closed 21:00 hours or whenever amplified music is played within the premises except for the immediate access and egress of persons.
7. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
8. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
9. 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.
10. No noisy set up or break down of equipment for events shall take place externally between the hours of 23:00 and 08:00 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. 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.

13. 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 refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service.
14. 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.
15. 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.
16. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
17. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
18. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
19. Any special effects or mechanical installations shall be arranged, operated and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the licensing authority where consent has not previously been given:
 - dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fireworks
 - firearms
 - lasers
 - explosives and highly flammable substances.
 - real flame
 - strobe lighting.
20. Licensable activities at the venue shall only be provided at prebooked events.
21. There shall be a member of staff from St Mary's Church on site at all times licensable activities are taking place.
22. A suitable and sufficient Event Management Plan shall be drawn up by a competent person for each event or function which must be made available on request to the Responsible Authorities. This should be kept for at least one

year and must contain information and assessments, as a minimum, on the following aspects where relevant:

- i. Details of responsible persons including at least one person with management responsibilities of the licence holder
 - ii. Maximum capacity
 - iii. Stewarding
 - iv. Emergency Evacuation Plan
 - v. Use of Special Effects
 - vi. Noise Management Plan including arrival and dispersal arrangements
 - vii. Requirement for licensed security
 - viii. Queueing arrangements
23. 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.
24. No noisy deliveries to the premises shall take place between 23.00 and 07:00 hours on the following day.
25. 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.
26. The use of SIA licensed door supervisors shall be implemented on a risk assessment basis as detailed in the Event Management Plan.
27. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents in the vicinity.

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

**Licensing Sub-Committee
1 December 2022**

The Meeting ended at 2.00 pm