



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (2)** held on **Thursday 24th November, 2022**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Maggie Carman (Chair), Concia Albert and Jacqui Wilkinson

1. MEMBERSHIP

THERE WERE NO CHANGES TO THE MEMBERSHIP.

2. DECLARATIONS OF INTEREST

THERE WERE NO DECLARATIONS OF INTEREST.

1. OLD BREWERS YARD, BASEMENT 5, LANGLEY STREET, WC2H 9JA

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.2 ("The Committee")

Thursday 24 November 2022

Membership: Councillor Maggie Carman (Chair),
Councillor Concia Albert and Councillor Jacqui Wilkinson

Officer Support: Legal Adviser: Steve Burnett
Policy Officer: Aaron Hardy
Committee Officer: Sarah Craddock
Presenting Officer: Kevin Jackaman

Other Parties: Mr C Bayliss (Keystone Law) on **behalf** of Diageo Great Britain Ltd (the Applicant)

Tom Johnson on behalf of the Applicant

Metropolitan Police Service (PC Tom Stewart)
Environmental Health Service (Ian Watson)

Licensing Authority (Roxsana Haq)

David Kaner - Covent Garden Community Association
Richard Brown (Citizens Advice Westminster) on behalf of
Sarah Porter and the Soho Society
Alison Oswald -Operations Manager and representative for
residents on Odhams Walk.

Amanda Rigby - Resident
Bianca Bernasconi - Resident

Mr A Thomas (Thomas and Thomas Solicitors) on behalf of The
Mercer Company
Simon Taylor of the Mercer Company

**Application for a New Premises Licence - The Old Brewer's Yard 5 Langley
Street London WC2H 9JA – 22/08433/LIPN**

FULL DECISION

Premises:

The Old Brewer's Yard and Basement
5 Langley Street
London WC2H 9JA

The Applicant

Diageo Great Britain Limited

Ward

St James's

Cumulative Impact Area

West End

Proposed Licensable Activities and Hours

**Plays, Films, Live Music, Recorded Music
Performance of Dance (Indoors)**

Monday to Thursday: 23:00 to 23:30 hours
Friday to Saturday: 23:00 to 00:00 hours

After 23.00 these activities shall be restricted to the basement area hatched
green on the plan.

Late Night Refreshment (Indoors)

Monday to Thursday: 23:00 to 23:30 hours
Friday to Saturday: 23:00 to 00:00 hours

After 23.00 these activities shall be restricted to the basement area hatched green on the plan.

Retail Sale of Alcohol (On and Off Sales)

Monday to Saturday: 10:00 to 22:30 hours
Sunday: 12:00 to 22:30 hours

Non-standard timings: The terminal hour for the sale of alcohol in the basement area hatched green on the plan to be Monday to Thursday 23.30, Friday and Saturday 00.00 and Sunday 22.30.

Hours Premises are open to the Public

Monday to Saturday: 10:00 to 23:00 hours
Sunday: 12:00 to 22:30 hours

Non-standard timings: The terminal hour in the basement area hatched green on the plan to be Monday to Thursday 23.30, Friday and Saturday 00.00 and Sunday 22.30.

Summary of Application

This is an application for a new premises licence under the Licensing Act 2003 ("The Act"). The former basement space was used as a nightclub but is now to be associated with external space on ground floor in Old Brewer's Yard.

The basement area will be conditioned and trade core hours and only used for private pre booked functions or as an event space. The Old Brewer's Yard will operate as an open space bar for the general public.

The premises has had the benefit of a nightclub premises licence since 2005 (21/09021/LIPT). The premises was granted a new premises licence at a Licensing Sub-Committee in June 2022 (22/02734/LIPN).

Both existing premises licenses are proposed to be surrendered subject to this application being granted.

There is a resident count of 158 and the application attracted 33 representations.

Summary of key activities on existing Premises Licenses and Application

1. Bar Langley – Nightclub (page 59)

- a) **Dance, Live and Recorded music, dancing, LNR, - 09.00 to 01.00.**
- b) **Sale of alcohol (on and off) – 10.00 to 01.00 Mon – Sat, to 00.30 on Sun**
- c) **Opening Hrs – 09.00 to 01.30 Mon to Sat and until 01.00 Sundays**

d) **Total capacity of Basement** - 500

e) **Plans** - page 71

2. Old Brewers' Yard – with private basement area (Granted June 2022)

a) **Dance, film, plays, live and recorded music** (Basement) – 10.00 to 23.30 Monday to Thurs, to 00.00 Fri and Sat and Sun to 22.30.

b) **Sale of alcohol (on and off)** – Mon to Thurs 10.00 to 23.30, until 00.00 Fri and Sat and 12.00 to 22.30 on Sun (Basement)

Sale of alcohol (on sales) – Mon to Sat 10.00 to 21.00, and 12.00 to 21.00 on Sun (Yard)

c) **Opening Hrs** – Monday – Thurs 10.00 to 23.30, until 00.00 Fri and Sat and 12.00 to 22.30 Sun (Yard **and** Basement)

d) **No Capacity, to be assessed.**

e) **Plans** - page 85/86

3. Old Brews' Yard with private basement area – (LSC - 24th Nov 2022)

a. **Plays, Films, live and recorded music, perf of dance, LNR** – Mon to Thurs 23.00 to 23.30, Fri and Sat until 00.00 (Basement only)

b. **Sale of alcohol (On and off)**- Mon to Thurs 10.00 to 23.30, until 00.00 Fri and Sat and 12.00 to 22.30 on Sun (Basement)

Sale of Alcohol (on) - Mon to Sat 10.00 to 22.30, and 12.00 to 22.30 on Sundays (Yard)

c. **Opening Hrs** – Mon to Thurs 10.00 to 23.30, until 00.00 Fri and Sat and 12.00 to 23.00 on Sun (Basement) Mon to Sat 10.00 to 22.30, Sun 12.00 to 22.30 (Yard)

d. **Capacity** – Yard -150. Basement 350 until 23.00 then capacity 150

e. **Plans** – page 34/35

Written Representations Received and considered

- Metropolitan Police Service (PC Tom Stewart) - **MPS**
- Environmental Health Service (Ian Watson) - **EHO**
- Licensing Authority (Roxsana Haq) - **LA**
- Mark Quinlan - Resident

- Bianca Bernasconi – Resident
 - Miss Margaret Crowe, - Residents' Association in Odham Walk
 - Susan Wilde, - Resident
 - Mr Rick Fisher, Flat 3, 19 Mercer Street, WC2H 9QR
 - Kathy Pimlott - Resident
 - Mark Horne – Resident
 - David Cunningham – Resident
 - Stephen Furness - Resident
 - Jessica Skippon – Resident
 - Maureen McLaren – Resident
 - Leila Healey – Resident
 - Peter Jones – Resident
 - Jennifer Hesley – Resident
 - Alison Swan Parente – Resident
 - Robert McCracken – Resident
 - Sacha Thacker – Resident
 - Danka Blais – Resident
 - Sarah Porter – Pineapple Studios
 - Amanda Rigby – Resident
 - Erwan Toulemonde – Resident
 - Simon Green - Resident
 - Selwyn Hardy – Resident
 - Ms Alison Oswald – Resident Representative on Odhams Walk
 - Julia Williams – Resident
-
- Helen McMurray – South Bloomsbury TRA
 - David Kaner – Covent Garden Community Association, **(CGCA)**
 - Marina Tempia - The Soho Society
-
- Simon Taylor – The Mercers' Company - Support

Summary of Issues raised by Objectors

- This application will fail to promote the licensing objectives of the Prevention of Public Nuisance if granted as applied for. This is because of the impact of the operation of the premises and the process of arrival and dispersal of customers towards the end of the hours applied for, which are in all cases Westminster City Council's Core Hours. The proposed process of dispersal will also harm the Public Safety Licensing Objective.
- This development threatens to make a huge impact on the lives of residents of Seven Dials. Deliveries will cause an issue if conducted in the mornings.
- Objections to increase in times and capacity. Request to restrict impact of deliveries and potential for noise.
- The size of the area and capacity of the premises has increased since the grant of the Premises Licence in June 2022.
- Issue in relation to dispersal and a robust Dispersal Policy is required and to be approved and changes controlled by the authorities.
- Request inclusion of conditions from the planning permission.

- The distress and nuisance this is going to cause within the neighbourhood is intolerable. There is already a huge development on one side of a residential site that is going to have bars and restaurants and now we will be under further stress when the Guinness Group try and move in.
- Residents and surrounding businesses already greatly suffer from alcohol related anti-social activities from numerous venues including urination, vomiting shouting and drug taking.
- The site is close to several residential developments and as a result residents will be adversely affected.
- The nature of the proposed occupancy and long opening hours into the evening there is the potential for a significant negative impact on local residents.
- Representations made by the Covent Garden Community Association, conditions suggested and expressing serious concerns about dispersal from the premises.
- These premises are in close proximity to Soho, and we are concerned that if successful these premises will increase cumulative impact within the West End Cumulative Impact Zone and fail to promote the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.
- Anger with new application to amend permission granted June 2022.
- The Mercers Company supported the applications and stated:
We have spent a long time with Diageo to ensure that the applications are appropriately balanced and drafted so that they do not add to cumulative impact, are within Core Hours and subject to appropriate model conditions.

Summary Policy Position

Cumulative Impact Policy CIP1 states:

A. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:

1. Vary the hours within Core Hours under Policy HRS1, and/or
2. Vary the licence to reduce the overall capacity of the premises.

C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.

Cumulative Impact Zone Policy paras:

D11. The Cumulative Impact Policy provides a presumption to refuse pubs and bars, music and dance venues and fast-food premises. This policy is intended to be strict and will only be overridden in genuinely exceptional circumstances. However, the Licensing Authority will not apply these policies inflexibly. It will always consider the individual circumstances of each application; even where an application is made for a proposal that is apparently contrary to policy

D12. Applicants for premises uses that have a presumption to refuse will be expected to demonstrate an exception as to why their licence application should be permitted. It is not possible to give a full list of examples of when the council may treat an application as an exception. However, in considering whether a particular case is exceptional, the Licensing Authority will consider the reasons underlying the West End Cumulative Impact Zone special policy and the relevant premises use policies when considering applications.

D13. The 2020 Cumulative Impact Assessment identified that incident rates associated with cumulative impact increased rapidly from 9pm.

Although there is a general presumption to refuse applications for music and dancing venues and pubs and bars within the West End Cumulative Impact Zone under this policy, an exception may be permitted to applications that have a terminal hour of no later than 9pm and meet the other policies within this statement. However, applications that are granted under this exception and then seek a variation to the longer core hours will likely be refused on the grounds that the application will add to cumulative impact and will not promote the licensing objectives.

F93: If the premises, to which the application relates is located within the West End Cumulative Impact Zone it is likely to add to the cumulative stress in that area. On this basis, the Licensing Authority considers that the grant of variations or new licenses for pubs and bars in the West End Cumulative Impact Zone should be limited to exceptional circumstances.

Public Houses and Bars Policy PB1 states:

B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:

1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1.
2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.

D. For the purposes of this policy a Public House or Bar is defined as a premises, or part of a premises that's primary use is the sale or supply of alcohol for consumption on those premises and/or for consumption off the premises for consumption outside the venue.

The Licensing Authority's policies, in relation to the Cumulative Impact Areas, are directed at the global and cumulative effects of licenses on the area as a whole. The applicant is required to provide further submissions on how the premises will ensure that there is no adverse impact within the West End Cumulative Impact Areas per policy CIP1.

Submissions

4. The Presenting Officer, Kevin Jackaman summarised the application and confirmed the identities of the parties in attendance.
5. Mr Bayliss for the Applicant presented the application and advised the Committee that a Premises Licence for this site had already been granted in June 2022 and this was one of four licenses granted for a £74 million development.
6. The Committee was informed that the Applicant has appealed the decision relating to the Premises Licence granted in June 2022 for the Old Brewer's Yard. There is a condition which restricts the terminal time for the sale of alcohol in the outdoor area to 21.00. This new application sought two changes, namely longer hours for the sale of alcohol in the outside area to 22.30 and a larger space in the basement area when compared to the June 2022 licence but, which was the same footprint as the area covered by Bar Langley.
7. Mr Bayliss confirmed positive discussions with Mr Kaner of the CGCA and other stakeholders.
8. Mr Bayliss then identified exceptions as to why the Committee could depart from their policy and why this application could be granted. The Committee was informed that in comparison to the Bar Langley Premises Licence, there is a substantial reduction in the hours of trade and a reduction in the capacity being dispersed from the premises after 23.00 hours. This resulted in an overall reduction in the cumulative impact of licensed premises in the area.
9. Mr Bayliss stated that there was no capacity on the June 2022 Premises Licence as this was to be assessed by the EHO and, on calculation, the Applicant could have 460 people present in the outside area.
10. The Committee was advised that planning permission has been granted subject to conditions and these are reflected in the conditions offered as consistent with the operating schedule on page 97 of the Committee papers.
11. Tom Johnson of Diageo Great Britain Limited, informed the Committee that they were not creating a pub. The Company have experience of running similar venues around the world. Culture, community, and creativity are at the forefront of the development and the operation.
12. Mr Johnson confirmed to the Committee that this development will create 150 new jobs, training and bring Covent Garden back to life. The increase in the basement area gives more flexibility for private events and conferences but this has a reduced capacity from 350 to 150 after 23.00. The increase for the sale of alcohol to 22.30 and closing at 23.00 for the outside area would be better operationally. Currently under the June 2022 licence, customers can be sold alcohol up to 21.00 but can stay on the premises on Monday to Thursdays until 23.30, until 00.00 on Fridays and Saturday and until 22.30 on

Sunday. This new application seeks a terminal time for the sale of alcohol Mondays to Sundays until 22.30 and reduces the closing times of the outside area to 23.00 Monday to Saturday and until 22.30 on Sundays.

13. In response to questions from the Members, Mr Johnson explained that they will not take bookings for events involving over 150 attendees in the basement area if they wish to stay on the premises after 23.00. Operationally, they can comply with condition 41 on page 97 of the Committee papers. He also stated that they have a corporate relations team which will ensure employees are sought from the local area.
14. The Committee expressed concerns that there was no dispersal policy supporting the application. However, Mr Bayliss explained that the dispersal policy is part of a 'fluid' policy which it's currently being reviewed and worked on as part of a planning condition. He went on to describe the natural flow of people once they had left the premises. He confirmed there is a proposed condition to have door supervisor and part of their roll will be to ensure that customers leave the premises quickly and quietly.
15. Mr. Johnson advised the Committee that he does not want to operate a vertical drinking premises. There will be a food truck in the courtyard, and he anticipated that the development will not be completed until the end of next year or even into the beginning of 2024.
16. In response to further questions from the Committee Mr. Johnson explained that this is an odourless brewery, and they have lots of experience in creating a development which does not cause a public nuisance to residents living in the area. This operation will not encourage stag and hen nights and it will not be a sports bar. In relation to the outside area, the Committee was informed that there will be a canopy which will cater for smokers and there will be comfortable heating infrastructure. Any noise escape is minimal as detailed the body of the acoustic report at page 37 of the Committee papers.
17. PC Stewart of the MPS informed the Committee that the MPS have maintained their representations on the basis that this premises is drinks led and would attract crime and disorder in the stress area. He referred to police data which show that violence in the area peaks on Fridays and Saturdays between midnight and 05.00 hours. He confirmed that there is a link between crime and licensed premises, and he expects the Applicant to provide exceptional circumstances as to why the premises licence should be granted.
18. PC Stewart stated that the Premises Licence, which was granted in June 2022, restricted the sale of alcohol to 21.00 which would mean that a number of customers are likely to leave and find an alternative venue. However, customers leaving a premises with a closing time of 23.00 hours are more likely to leave the premises and travel home.
19. The MPS referred the Committee to the agreed conditions on page 38 of the additional Committee papers and reiterated that if the application was granted it should be subject of a comprehensive dispersal policy.

20. Mr Watson (EHO) expanded on his representations. He informed the Committee that in relation to the dispersal policy the EH team were happy to engage with the applicant, but they would be reluctant to approve a policy. He expressed his concerns that if the EHO were to approve a dispersal policy and management issues in relation to dispersal results, then this could lead to criticism or even litigation being levelled at the authorities for any acts or omissions. Both the LA and MPS agreed with Mr Watson's assertions.
21. As a result of queries, the Committee was informed that the bin area will be located in the basement of Block D and accessed by a lift. Mr Bayliss also provided an undertaking that amended plans will be provided to the EHO and LA which will identify the old exit as a fire escape and the location of the new entrance.
22. In response to questions from Committee Mr. Watson advised that there was one noise sensitive resident looking into the yard.
23. The LA maintained their representation and informed the Committee that this was on the basis of the application being against Westminster's Cumulative Impact Policy and confirmed that the Applicant must show an exception for the Committee to determine the Application.
24. Mr Kaner of the CGCA addressed the Committee and confirmed that residents still had concerns about the bar use of the premises, noise from the outside area and dispersal. He also highlighted the fact that a total capacity level of 200 was suggested at the hearing in June 2022, so the request for an increase causes serious concerns.
25. The CGCA objects to the later hours for the sale of alcohol in the outside area unless after 21.00 the capacity is reduced to 100 or all customers are seated and have table service. The Committee heard that the Langley Street area has a number of licensed premises and therefore a robust dispersal policy is critical. Any changes to that policy should be considered and approved by the MPS, LA and EH.
26. Mr Kaner informed the Committee that all deliveries should be made in the Old Brewer's Yard.
27. The Committee then heard from Amanda Rigby who was representing other residents. She confirmed that the streets around the premises were small and noise from the yard, deliveries, people dispersing echoed around the area and caused a noise nuisance. There were also concerns about debris left by people.
28. The Committee was advised that the earlier the Shelton Street gate closed, the better. Most theatres in the area closed at 22.00 and gave residents some respite for the rest of the night. It was suggested that the gate exiting the premises on Shelton Street should therefore close at 22.00.
29. Ms Rigby requested that stringent conditions were imposed on the Premises Licence, along with a restriction on vertical drinking in the Yard after 21.00.

The Committee was informed that table service in the yard would help and in the basement area, private events could mean football and rugby crowds, so this would have to be controlled. She also doubted whether jobs at the premises would go to local people.

30. Bianca Bernasconi informed the Committee that she is a resident surrounded by pubs and bars. She already has issues with customers lingering in the area, lettering, fighting, vomiting, urinating and even people smoking drugs. She has experienced frightening confrontations with patrons of licensed premises. She has heard barrels being delivered at 05.00 which disturbs her but her main concern, is customers lingering around the Seven Dials area until at least 05.00. Additional people from this new premises will make the situation worst.
31. The Committee was advised by Alison Oswald that she is the manager on Oldham Walk and the area was predominantly restaurant and retail, but this is being slowly eroded. She directed the Committee to the 'Hot Spot' map on page 16 of the additional papers.
32. Richard Brown then addressed the Committee on behalf of the Soho Society and resident, Sarah Porter.
33. Mr Brown informed the Committee that the Soho Society concerns relate to the capacity and Ms Porter lives less than 10 metres away from the Neale Street entrance to the premises. Ms Porter is therefore affected by the Applicants proposed hours of trade, capacity and dispersal of customers from the premises. The Premises Licence granted in June 2022 was a fair 'middle ground' catering for the needs of residents. He submitted that the June 2022 Premises Licence hours of trade should therefore be retained.
34. The Committee was advised that a request for later hours in the yard area will increase noise from the yard and noise from customers on dispersal. There are concerns that 150 people could be leaving the premises at 23.00 and additional people from the event space would result in a capacity increase.
35. Mr Brown requested the Committee to reduce the capacity of the outside area to 100 customers, the Shelton Street entrance to be closed at 21.30 and that the outside area to close at 22.30.
36. Mr Brown advanced to the Committee that the MPS argument that people will go to other venues if the premises closes at 21.00 and more people will go home if the premises closes at 23.00 is not founded on evidence, nor is it argued in the SLP.
37. The Committee was informed by Mr Brown that a dispersal policy is key, and a suitably worded condition is required. He reaffirmed that the Old Brewer's Yard should be closed at 22.30, be subject of a lower capacity after 21.00 and there should be no exit onto Shelton Street after 21.30.
38. Mr Thomas representing Mercers, advised the Committee that the basement Bar Langley nightclub was a busy late-night venue, with vertical drinking, a

capacity of 500 and the sale of alcohol until 01.00. This Premises Licence has not been surrendered and is still 'live'.

39. The Committee was informed by Mr Thomas that the present application has reduced the Bar Langley Premises Licence hours to core hours which he submitted was an exception to Policy. He argued that inevitably there would be a more gradual dispersal of customers from the new operation, than from Bar Langley which closed to 500 customers at 01.30.
40. The Committee heard from Mr Thomas that in June 2022, this Premises Licence was offered to be surrendered solely for the Old Brewer's Yard application. Mr Thomas explained that the CGCA graphs have erroneously taken other sites into account and is therefore misleading.
41. Mr Thomas submitted to the Committee that the MPS data suggested that a majority of crime happens at 00.00. This premises would be closed and additionally, the removal of the Bar Langley licence has the effect of reducing cumulative impact. He confirmed that he relied on para D15 of the SLP.
42. In summary, Ms Rigby and Bernasconi requested the Committee to impose stringent conditions to reduce and prevent public nuisance to residents.
43. Mr Brown referred the Committee to para D13 of the SLP and advised that when determining this application, the Committee should look at the global and cumulative effect of licenses on the area as a whole. Mr Brown submitted that the evidence is that the premises will add to cumulative impact.
44. Mr Kaner reminded the Committee that the area is busy and other parties requests that the venue closes earlier as granted on the Premises Licence in June 2022. He requested a reduced capacity after 21.00 or alternatively table service in the outside area after 21.00.
45. With specific reference to the dispersal policy, having heard representations from the Applicant and authorities, other suggested amendments to the CGCA proposed dispersal policy condition were rejected by Mr Kaner.
46. Mr Watson, supported by the MPS and LA stated that the updated and amended dispersal policy requested by the Planning Sub-Committee will automatically engage the EH team and MPS as consultees. He submitted that there is no reason for further engagement on the same document in a separate process. He objects to having to approve the dispersal policy under the licensing regime and, stated that using the word 'assessed as satisfactory' as in the model 'works condition', would be inappropriate. Assessing 'works' is based on a number of factors covered by other legislation. This is not the case of a dispersal policy.
47. Mr Bayliss summarised by informing the Committee that concerns about nuisance and crime and disorder had been mitigated by conditions including having SIA registered door supervisors.

48. Mr Bayliss also argued that by reducing the outdoor capacity at 21.30 would be difficult operationally and the capacity requested, accords with the permitted capacity on the planning permission.
49. The Committee's Legal adviser, Mr Burnett then discussed with the Applicant and parties the proposed conditions including amendments which had been agreed and discussed.
50. The Committee retired to make its decision.

DECISION

Application GRANTED subject to the following conditions in addition to the Mandatory Conditions applicable to this type of application

51. The Committee realises that it has a duty to consider each application on its individual merits and did so for the purposes of this application.
52. The Committee arrived at their decision based upon the individual merits of this application, the Act, the Revised Guidance under section 182 of the Act (the Guidance), Westminster's Statement of Licensing Policy (SLP), all representations, the various safeguards, the measures the Applicant would implement in the running of the Premises that would uphold the promotion of the licensing objectives and proportionate conditions to ensure that a premises licence promoted the licensing objectives.
53. This is an application for new premises licence. Therefore, this application, the written evidence, the representations, all arguments, and the individual circumstances of this case were considered independent of previous hearings. Evidence relating to the Premises Licence granted in June 2022, which has not been surrendered, was given limited weight.
54. The Committee was not bound by the terms of the Premises Licence granted in June 2022.
55. The Committee considered paragraph D11- D13, F93 and all other relevant parts of the SLP, the evidence before it and the arguments advanced by Mr Bayliss.
56. Bar Langley operated as a nightclub at the same site, and by its very nature the venue operated a vertical drinking venue, with a maximum capacity of 500, closing at 01.30 Mon to Sat and at 01.00 on Sundays. This Premises Licence still exists, and the premises could still be operated as a nightclub.
57. The Application to be determined by the Committee is to operate the basement of the same area (Bar Langley) as a private event space (condition 10) to core hours, with a capacity of 350 up to 23.00 hours, when thereafter, the maximum capacity will then be 150.

58. There is also an outside area for use by the public, limited to a capacity of 150, with 100 being seated and 50 standing. (condition 40). The closing time for this area is below Westminster's core hours.
59. This Application was less detrimental to the licensing objectives, especially in relation to public nuisance, than the existing Premises Licence for Bar Langley.
60. The Premises Licence for Bar Langley is to be surrendered by the Applicant if this application is granted, as per condition 31 below.
61. Having carefully considered the matter, the Committee was persuaded that the application met the policy requirements under the SLP and that an exception had been proven.
62. The Committee considered all representations relating to the dispersal policy.
63. The Committee noted that the CGCA was adamant that as well as the Applicant complying with a dispersal policy, any amendments should be approved or assessed as satisfactory by the LA and/or the EHO and MPS. The relevant authorities made compelling representations that this was not acceptable. They argue that if they were to approve a dispersal policy rather than give advice, they could be held liable and face criticism if there were future dispersal issues at the premises.
64. The Committee also noted that no dispersal policy was included in support of the application, but Mr Bayliss confirmed that the policy was constantly changing as a result of a requirement under a planning decision that it should be developed in consultation with CGCA, the Covent Garden Trust and The Seven Dials Trust before returning to the Planning Sub-Committee for approval.
65. The Committee was informed that as a part of the planning process, the EHO, LA and MPS already consider, comment, and advise on the contents of the dispersal policy. A similar requirement under the licensing regime would be duplicitous.
66. The Applicant advanced that they could have 2 dispersal policies, one under the planning and the other under the licensing regime, which was not acceptable. The Applicant could comply with a dispersal policy approved under the planning regime. However, Mr Kaner's suggested condition would mean that any changes to this policy under licensing regime would require further approval by the Planning Sub-Committee.
67. The Committee having regard to the Guidance and in particular paragraph 1.16 and Chapter 10 considered the conditions below were proportionate to ensure that the licence promoted the licensing objectives.
68. The Committee has determined an application for a grant of a New Premises Licence under the Licensing Act 2003 having taken into account all the evidence and the individual circumstances of this case.

69. The 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.
70. Having carefully considered the Act, the Guidance, SLP, the committee papers, the additional papers and the submissions made by all of the parties orally, **the Committee has decided**, after taking into account all of the individual circumstances of this particular case and the promotion of the four licensing objectives: -

a) To grant permission for:

**Plays, Films, Live Music, Recorded Music
Performance of Dance (Indoors)**

Monday to Thursday: 23:00 to 23:30 hours
Friday to Saturday: 23:00 to 00:00 hours

After 23.00 these activities shall be restricted to the basement area hatched green on the plan submitted in support of the application heard on the 24 November 2022.

Late Night Refreshment (Indoors)

Monday to Thursday: 23:00 to 23:30 hours
Friday to Saturday: 23:00 to 00:00 hours

After 23.00 these activities shall be restricted to the basement area hatched green on the plan submitted in support of the application heard on the 24 November 2022.

Retail Sale of Alcohol (On and Off Sales)

Monday to Saturday: 10:00 to 22:30 hours
Sunday: 12:00 to 22:30 hours

Non-standard timings: The terminal hour for the sale of alcohol in the basement area hatched green on the plan submitted in support of the application heard on the 24 November 2022, to be Monday to Thursday 23.30, Friday and Saturday 00.00 and Sunday 22.30.

Hours Premises are open to the Public

Monday to Saturday: 10:00 to 23:00 hours
Sunday: 12:00 to 22:30 hours

Non-standard timings: The terminal hour in the basement area hatched green on the plan submitted in support of the application heard on the 24 November 2022 to be Monday to Thursday 23.30, Friday and Saturday 00.00 and Sunday 22.30.

b) Relevant Mandatory Conditions to apply

c) Conditions consistent with the operating schedule:

10. The supply of alcohol in the basement area which is shown as hatched green on the deposited plan submitted in support of the hearing held on the 24 Nov 2022, shall only be to persons attending a bona fide private pre-booked function or ticketed event to which members of the public are not admitted. A register of persons attending the function/event shall be kept for a minimum period of 31 days at the premises and made available for immediate inspection by Police or an authorised officer of the Council throughout the entire 31-day period.

11. 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.

12. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.

13. A Challenge 21 scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, military ID card, passport or proof of age card with the PASS Hologram.

14. 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 shall be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises and shall 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 preceding 31-day period.

15. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

16. 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 shall record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system

- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

17. All staff involved in the sale or supply of alcohol shall be trained in the responsible sale of alcohol. The Designated Premises Supervisor and the Duty Managers shall in addition have ACT-E and WAVE training (or subsequent equivalent training). The training log shall be made available for inspection by the Police and Licensing Authority.

18. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

19. Loudspeakers shall not be located in the entrance and exit of the premises or any outside space including the Old Brewers' Yard.

20. 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.

21. 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.

22. 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.

23. No deliveries to the premises shall take place between 22:00 and 07.00 hours on the following day and all deliveries shall be made from within Old Brewers Yard.

24. All refuse shall be stored internally prior to collection.

25. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.

26. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.

27. All emergency exit doors shall be available at all material times without the use of a key, code, card, or similar means.

28. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.

29. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

30 The Premises Licence Holder shall at all times comply with a dispersal policy which may be amended from time to time. Such copies of this document shall be made readily available to the Police, the Licensing Authority and any local residents' group upon request. If the Premises Licence Holder seeks to amend or vary the dispersal policy in a way which may adversely affect the licensing objectives, the Licensing Authority, Police and Planning shall be notified in writing of the proposal and their views (if any) taken into account.

31. No licensable activities shall take place at the premises until premises licenses 21/09021/LIPT and 22/02734/LIPN (or such other numbers subsequently issued for 5 Langley Street, London WC2H 9JA 'the premises') have been surrendered and are incapable of resurrection.

32. No licensable activities shall take place until the premises have 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.

33. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the Licensing Authority has replaced this condition on the licence with a condition detailing the capacity so determined, but in any event there shall be no more than 150 persons permitted in the Old Brewers Yard area hatched red on the plans submitted in support of the application heard on the 24 November 2022 and in that area, seating shall be provided for a minimum of 100 persons.

34. Before the premises open to the public, the plans as deposited shall be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed.

35. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number and/or is to be made available to residents and businesses in the vicinity.

36. The terminal hour for the supply of alcohol in Old Brewer's Yard shall be 22.30

37. Old Brewer's Yard shall be cleared of patrons by 23.00

38. The access gate to Old Brewer's Yard from Shelton Street shall be closed at 22.00 and there shall be no new entry to Old Brewer's Yard after that time save for emergency or for patrons leaving any of the premises abutting Old Brewer's Yard in order to use the Langley street exit.

39. After 22.00 all patrons shall exit Old Brewer's Yard via the Langley Street exit save for emergency exit via Shelton Street.

40. The maximum capacity of Old Brewer's Yard shall be 150 excluding staff with seating provided for at least 100 patrons and no more than 50 standing at any time.

41. The maximum capacity for any event held in the basement area of 5 Langley Street shall be 350 until 23.00. After that time the maximum capacity for any event shall not exceed 150.

42. On Thursday, Friday and Saturday, a minimum of two SIA licensed door supervisors shall be on duty within the Brewer's Court Yard from 20:00 hours until all guests have left the courtyard and the immediate vicinity of the premises, and they must correctly display their SIA licenses when on duty so as to be visible. At all other times, the requirement for SIA licensed door supervisors shall be risk-assessed. This risk assessment shall be kept on the premises and made available upon the request of the Police or authorised council officer.

43. The Premises Licence Holder shall ensure that:

- (a) All licensed SIA door staff on duty at premises shall be equipped with Body Worn Video (BWV), capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team.
- (b) All recordings shall be stored for a minimum period of 31 days with date and time stamping, and
- (c) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

d) Informative:

Having a QR code and online ordering systems in the Old Brewer's Yard, as suggested by the Applicant, is desirable.

Mr Bayliss provided an undertaking to provide to the LA and EHO, amended plans showing the new entrance to the premises and the old entrance as a fire exit.

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

**The Licensing Sub-Committee
24 November 2022**

The Meeting ended at 3.04 pm