



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (3)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (3)** held on **Thursday 19th January, 2023**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Robert Eagleton (Chair), Iman Less and Caroline Sargent

#### 1. MEMBERSHIP

1.1 There were no changes to the membership.

#### 2. DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

#### 1. NO SALT, 58 - 58A OLD COMPTON STREET, W1D 4UF

#### WCC LICENSING SUB-COMMITTEE NO. 3 ("The Committee")

Thursday 19 January 2023

Membership: Councillor Robert Eagleton (Chairman) Councillor Iman Less and Councillor Caroline Sargent.

Officer Support:      Legal Advisor:                      Horatio Chance  
                                 Policy Officer:                      Aaron Hardy  
                                 Committee Officer:                  Sarah Craddock  
                                 Presenting Officer:                  Roxanna Haq

Other Parties: Mr Pierre Compton (Applicant), Aliaksandr Dziabenka and Laura Bardicea (Applicant Company), Mr Anil Drayan (Environmental Health Service), PC Tom Steward (Metropolitan Police Service) Mr Kevin Jackaman (Licensing Authority), Mr Richard Brown (Westminster's Licensing Project (CAB) representing the Soho Society), Ms Marina Tempia (Soho Society) and Ms Alison Henry (local resident).

**Application for a New Premises Licence in respect of No Salt 58 - 58A Old Compton Street London W1D 4UF 22/10990/LIPN**

**FULL DECISION**

**Premises**

No Salt  
58-58A  
Old Compton Street  
London W1D 4UF

**Applicant**

Pierre Compton L'eto Ltd

**Ward**

West End

**Cumulative Impact Area**

West End Cumulative Impact Zone ("West End CIZ")

**Special Consideration Zone**

None

**Activities and Hours applied for**

**Sale by retail of Alcohol (On the Premises)**

Monday to Friday 10:00 to 23:00  
Sunday 12:00 to 23:00

**Seasonal variations:** None

**Opening Hours of the Premises**

Monday to Sunday 08:00 to 23:00

**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 No Salt 58 - 58A Old Compton Street London W1D 4UF. The Premises intends to trade as a Café. The Premises have had the benefit of Temporary Event Notices and the history can be found at **Appendix 3** of the Agenda Report. The Premises are located within the West End

Ward and West End Cumulative Impact Zone. There is no policy presumption to refuse applications for restaurant premises within the West End CIZ and so the Applicant does not need to prove exceptional reasons when it comes to the determination of the application by the Licensing Sub-Committee.

There is a resident count of 156.

### **Representations Received**

- Environmental Health Service (Anil Drayan)
- Metropolitan Police Service (PC Tom Stewart)
- The Licensing Authority (Kevin Jackaman)
- The Soho Society (Marina Tempia)
- 1 Local Resident.

### **Summary of Representations**

- The Supply of Alcohol 'On' the premises and for the hours requested may impact on Public Safety and lead to an increase in Public Nuisance in the West End CIZ.
- As discussed at the site visit last week, your proposed premises is located within Westminster's West End Cumulative Impact area, and as such you are required to demonstrate how your premises will not add to cumulative impact or undermine the licensing objectives. Whilst you have submitted several conditions relating to the promotion of the licensing objectives, I do not believe that these are sufficient to mitigate and addition to cumulative impact. Due to this, the MPS objects to the granting of this premises licence under the "prevention of crime and disorder" licensing objective.
- The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives. The premises are located within the West End Cumulative Impact Zone and it is intended that the premises will trade as "a cafe" and it is noted that the applicant has proposed conditions in respect of the operation of the premises:-  
The premises are located within the West End Cumulative Impact Zone and as such various policy points must be considered, namely CIP1 and RNT1. Policy RNT1 (B).
- The Soho Society objects in full to this application for a brand new alcohol licence with a capacity of 78 in a previously unlicensed retail shop, on the grounds that the granting of any new licences in Soho will impact on the prevention of public nuisance, the prevention of crime and disorder, public safety and cumulative impact in the West End Cumulative Impact Area. Soho is losing retail shops to new food and beverage premises on a regular basis, this is another loss of a retail shop. Retail premises are a huge loss to the residential community and also to visitors who visit the area for the diversity of offer in its range and mix of premises types.
- As the committee are aware, Soho has the highest concentration of licensed premises in Westminster, 476 with a large proportion (25%) being late night licences. There are over 200 restaurants, 39 bars, 46 pubs, 31 clubs (including members clubs) and entertainment premises. The area is densely populated at night with people drinking on the street, creating loud levels of

noise, causing disturbance and anti-social behaviour, the area has the highest level of crime and disorder in Westminster.

- There are a number of concerns with this application, it states it's a café but the applicant has not provided any information / description of the type of food that will be on offer, it proposes a bar and external tables and chairs, it is contrary to the Pubs and Bars Policy and the Core Hours Policy HRS1.
- I am writing with regards to the New Premises Licence Application for and would like to have it put on record that I most strongly object to this application for a new premises licence. I live in the residential block diagonally opposite 58-58 Old Compton St. I would like to strongly request that the licensing committee please do not grant another new premises licence at this end of Old Compton St which is predominantly residential with a number of residential premises directly opposite 58-58A Old Compton St. There is the block of 15 flats I live in and then another block of flats further along heading West on Old Compton St. And a lot of residential flats above shops all along this end of Old Compton St between Dean St and Wardour St. We are already at saturation point with licensed premises with two large popular pubs and recently yet another new licence being granted to Maoz. We really do not need another licenced premises at this end of Old Compton St and specifically not a licence for another bar. Another licensed premises will not in any way enhance or serve the local established residential community.
- In addition, I strongly oppose outside seating being permitted as the pavement on that side of Old Compton St is extremely narrow and it would cause an obstruction to people with baby strollers or young children and to people in wheelchairs or people with mobility issues and outside seating would just generally cause an obstruction. There is quite simply not sufficient pavement space to accommodate outside seating.
- Please I implore you not to grant a new licence to these premises at 58-58A Old Compton St. These premises have at one time previously been a clothing store or retail space (an artisanal bread shop would be nice!) which would be far more suitable and welcome addition to the immediate community but to bring yet another licensed venue serving alcohol would be absolutely unbearable as we are at saturation point already. I strongly oppose Westminster granting a licence for these premises at 58 - 58A Old Compton St.

### **Policy Considerations**

Policies CIP1, HRS1 and RNT1 (A) apply under the City Council's Statement of Licensing Policy ("SLP").

### **CIP1**

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.

D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.

## **HRS1**

A. 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.

B. 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:

1. 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.
2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
5. The proposed hours when any music, including incidental music, will be played.
6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
9. The capacity of the premises.
10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into

account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.

C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:

### **8. Restaurants**

Monday to Thursday: 9am to 11.30pm.

Friday and Saturday: 9am to 12am.

Sunday: 9am to 10.30pm.

Sundays immediately prior to a bank holiday: 9am to 12am.

D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.

### **RNT1 (B)**

A. 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 operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.

4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.

5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.

**B. Applications inside 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 are within the council's Core Hours Policy HRS1.

3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.

4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.

5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.

C. For the purposes of this policy a restaurant is defined as:

1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.

2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.

3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.

4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal

## **SUBMISSIONS AND REASONS**

Ms Roxanna Haq, Presenting Officer, outlined the application to the Sub-Committee. She advised that this was an application for a New Premises Licence in respect of No Salt 58 - 58A Old Compton Street London W1D 4UF. The Premises intends to operate as a Café. She advised that representations had been received from the Environmental Health Service, Metropolitan Police Service, the Licensing Authority, the Soho Society and one local resident. She further advised that the Premises are located within the West End Ward and in the West End CIZ.

Mr Aliaksandr Dziabenka appearing on behalf of the Applicant addressed the Sub-Committee. He advised that the company already operated seven restaurants across London, so they were fully aware of the requirement to promote the licensing objectives. He explained how the Premises intended to operate as a café serving light and reheated dishes. He confirmed that he had agreed to all the proposed conditions with the Environmental Health Service and Metropolitan Police Service and emphasised that the Premises would operate within the Council's Core Hours Policy. The Sub-Committee noted that the application was made within core hours save for Sunday which had now been amended in accordance with the Core Hours Policy by the Applicant.

Mr Dziabenka advised that he was very familiar with the area as he operated a premises on Wardour Street. He addressed the objectors concerns regarding the operation of the Premises which were operating late at night, noise, pollution and crime and disorder in the area.

Mr Dziabenka confirmed that the Premises would not apply to operate beyond the Council's Core Hours Policy in the future, that all deliveries would start from 08:00 onwards by electric vehicles and that all waste was collected by Westminster City Council's waste collection service. He added that 85% of their drinks came in plastic containers and that water would be served in recyclable bottles. He added that only background music would be played and the Premises had been fitted with double insulation during its refurbishment so there would be no noise escape from the Premises.

Mr Dziabenka explained how the Premises alarm system operated within the Premises and confirmed that the system was serviced regularly and that the alarm would not be heard outside of the Premises. He confirmed that CCTV had been installed in the Premises to promote the crime and disorder licensing objectives and that all staff were trained to deal with difficult situations. He further confirmed that there was no external seating.

In response to questions from the Sub Committee, Mr Dziabenka advised that between 25-28% of sales would be alcoholic drinks. He advised that model restaurant condition MC66 had been agreed meaning that alcohol could only be served with a substantial table meal. He confirmed that the Premises would be operated as a café and brunch would be offered as one part of its regular menu. He advised that there were three points of control regarding the Premises alarm and someone would attend the Premises within 40 minutes of the activation of the alarm. Mr Dziabenka suggested that installing CCTV on the outside of all the food and beverage Premises in the street would reduce crime and disorder in the area. He advised that the staff management team always introduced themselves to their neighbours and local residents and provided them with a telephone number to raise any concerns.

PC Tom Stewart appearing on behalf of the Metropolitan Police Service addressed the Sub-Committee. PC Stewart advised that as the Applicant had now agreed to all the Police's proposed conditions, including CCTV and the Council's model restaurant condition MC66, the Police were now content with the application. He added that the Police were satisfied that the Premises would not undermine the Crime and Disorder Licensing Objective and that the Applicant Company had demonstrated that they were fully aware of the challenging issues occurring in the area.

PC Stewart confirmed that there was an increase in crime and disorder in the area because of the increase in the number of people visiting the West End post Pandemic. He advised that the Police were satisfied that the Premises would not add to cumulative impact in the area and therefore would have withdrawn their representation but considered it would be useful for the Sub Committee to be available to answer any questions.

Mr Anil Drayan appearing on behalf of the Environmental Health Service addressed the Sub-Committee. He advised that EHS were now satisfied with the application as the Applicant had agreed to all their proposed conditions including the model restaurant condition MC66. He further requested that the telephone condition MC24 be attached to the Premises Licence. He confirmed that the Premises would have a capacity of 60 persons because there was only one means of escape and the available sanitary provision.

Mr Kevin Jackaman appearing on behalf of the Licensing Authority addressed the Sub-Committee. He advised that the Licensing Authority was initially concerned about a hatched area on the Premises Plan that could operate as a bar. He confirmed, however, that the Applicant had now confirmed that this hatched area had been an error on the plan and that model restaurant condition MC66 would be attached to the Premises Licence. He confirmed that the Applicant had agreed to amend their application and operate within the Council's Core Hours Policy on Sunday. Mr Jackaman advised it was therefore for the Sub Committee to be satisfied that the application would not add to the cumulative impact in the area.

Mr Richard Brown representing the Soho Society advised that this was a very densely populated area of the West End. He requested that the Sub Committee consider the significant residential accommodation in this street. He advised that the Soho Society's main concern was the loss, of another retail outlet and the creation of another licensed premises. He noted that the application had been amended and



the operating schedule would now include the model restaurant condition MC66, however, the Soho Society would still have submitted a representation on policy grounds as the West End was even busier than before the pandemic. Mr Brown referred to page 12 of the Agenda Pack which contained a survey of residents in Soho which indicated the need for the Council's Licensing Policies to be revised to take into the account the increase in people coming to the West End. He emphasised that the Applicant still needed to demonstrate that the Premises would not add to cumulative impact in the West End CIZ. He requested that the Premises Licence be made personal to this Applicant so if there was a change in operator the grant of the Premises Licence would come back to the Sub Committee.

Ms Alison Henry (local resident) advised that she had lived on the corner of Old Compton Street and Dean Street for over 40 years. She advised that her block was diagonally opposite this Premises and that this end of Old Compton Street was predominately residential. She strongly objected to the granting of another Premises Licence in the street as it was already at saturation point with licensed premises with two large pubs. She added that the business model was extremely successful and therefore there was likely to be queues outside of the Premises. She advised of the anti-social behaviour such as urination in the streets, drugs and crime and disorder in the area. She advised that another Premises Licence would not enhance or serve the local established community and that the Premises should remain a retail space such as a café or a bread shop which would be a welcome addition to the area. She advised that in her opinion the Applicant providing a telephone number to residents indicated that the Applicant was anticipating that there would be operational problems.

Ms Marina Tempia (Soho Society) advised that the Soho Society supported Ms Henry's representation and confirmed that Old Compton Street was the busiest street in the West End. She advised that there were forty-two food and beverage Premises situated in Old Compton Street and that it was a very popular street which attracted many people to it. She echoed the sadness of losing retail spaces in the street. She emphasised the anti-social behaviour and referenced that it had the second highest incidents of crime and disorder in the West End. She requested that the Council include more detail in their letter to residents regarding new and variations to Premises Licence applications. She informed the Sub Committee that the Soho Society would be requesting that all new Premises Licence be made personal to the Applicant so that the Council retained some level of control over Licensed Premises and ultimately the West End.

Mr Horatio Chance, Legal Advisor to the Sub Committee, discussed the proposed conditions with the Applicant, Responsible Authorities and Interested Parties. It was agreed that conditions 21, 22 and 23 should be deleted as the Applicant had not applied for off sales of alcohol and because there was no external seating and that condition 24 should be slightly amended to provide for a capacity figure of 60. It was further agreed that MC24 and MC26 would be added to the Premises Licence if the Sub-Committee were minded granting the application.

During their summing up, the Responsible Authorities advised that as the Premises was operating within the Council's Core Hours Policy and the Applicant had agreed to model restaurant condition MC66 it was unlikely that this Premises would increase the cumulative impact in the West End.

During their summing up, the Interested Parties advised of their concern regarding queues forming outside of the Premises and requested that a condition be included on the Premises Licence 'that there shall be no queuing outside the Premises'. They emphasised the anti-social behaviour occurring in Old Compton Street and confirmed their preference for the Applicant to be granted a personal licence.

During summing up Mr Dziabenka, advised that their customers were 70% female and that the Premises had adequate space to cater for all its customers. He confirmed that there would be experienced staff monitoring customers entering the restaurant and anyone standing immediately outside of the Premises. He outlined that the CCTV system would comprise of twenty-two cameras. He confirmed that no off sales of alcohol would be required and that he was content to operate within the Council's Core Hours Policy.

### **Conclusion**

The Sub-Committee realises that it has a duty to consider each application on its merits and did so when determining the application.

The Sub-Committee noted that the Premises is to operate as a Café which is located within the West End CIZ and so there is no automatic presumption to refuse an application for a Café with model 66 restaurant condition imposed on the Premises Licence. The only hurdle the Applicant would have to overcome was that the Premises would not add to negative cumulative impact in the area and this was demonstrated by the Applicant in the application and submissions during the hearing.

The Sub-Committee concluded that the Applicant had provided valid reasons as to why the application should be granted.

The Sub-Committee took into consideration that conditions had been agreed with the Responsible Authorities and that due regard had been given to the West End CIZ by the Applicant, having regard to their experience of running other licensed premises in the area and being well accustomed to the many challenges the area faces in terms of crime and disorder and public nuisance issues. This gave comfort and persuaded the Sub-Committee that the Applicant was to be a responsible operator in the management and running of the Premises when considering the promotion of the licensing objectives.

The Sub-Committee noted that the Responsible Authorities were now happy with the application and the only reason why their representations had been maintained was to assist the Sub-Committee. The Sub-Committee welcomed that conditions had also been agreed prior to the hearing and further noted that the Applicant had agreed to liaise with residents on a regular basis and therefore included Model Condition MC24 on the Premises Licence. There are to be no off sales of alcohol as there is no external seating area and any conditions that were previously referred to in the agenda report have been deleted and will not appear on the premises licence.

The Sub-Committee noted that the application had been made within the Council's Core Hours Policy save for Sunday which had now been amended to core hours by the Applicant and this reduction again was welcomed.

The Sub-Committee carefully considered the request by the Soho Society for the licence to be made personal and conditioned accordingly but considered this approach to be unjustified in the circumstances and furthermore disproportionate and inappropriate.

In reaching its decision, the Sub-Committee concluded that the offered conditions now attached to the premises licence would help alleviate the residents' concerns which were made eloquently and would have the desired effect of promoting the licencing objective.

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 the Premises)** Monday to Friday 10:00 to 23:00 Sunday 12:00 to 22:30  
**Seasonal variations:** None
2. To grant permission for the **Opening Hours of the Premises** Monday to Sunday 08:00 to 23:00 **Seasonal variations:** None
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 agreement of the Applicant**

5. (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.
6. 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.

7. The premises shall only operate as a restaurant,
  - (i) in which customers are shown to their table or the customer will select a table themselves,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,
  - (iv) which do not provide any takeaway service of food or drink for immediate consumption off the premises,
  - (v) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

For the purpose of this condition 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

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

8. Notwithstanding condition (7) above, alcohol may be supplied to and consumed by customers waiting to be seated prior to their meal and/or after their meal.
9. Loudspeakers shall not be located in the entrance and exit of the premises or outside the building.
10. 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.
11. 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.

12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
13. 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.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. 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.
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. No licensable activities shall take place at the premises until the capacity (which in any event shall be no more than 60) 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.
18. 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.
19. 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.
20. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by staff so as to ensure that there is no public nuisance or obstruction to the public highway.

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

**The Licensing Sub-Committee  
19 January 2023**

**2. TEQUILA MOCKINGBIRD, 3-5 BURLEIGH STREET, WC2E 7PX**

**WCC LICENSING SUB-COMMITTEE NO. 3**  
**("The Committee")**

Thursday 19 January 2023

Membership: Councillor Robert Eagleton (Chair) Councillor Iman Less and  
Councillor Caroline Sargent.

Officer Support: Legal Advisor: Horatio Chance  
Policy Officer: Aaron Hardy  
Committee Officer: Sarah Craddock  
Presenting Officer: Roxanna Haq

**Application for a New Premises Licence in respect of Tequila Mockingbird**  
**3-5 Burleigh Street London WC2E 7PX 22/09983/LIPN**

Other Parties: Mr Jon Bas (Owner of Tequila Mockingbird), Mr Tony Scott (Operations Director at Tequila Mockingbird), Mr James Anderson (Partner and Solicitor at Poppleston Allen, Felix Faulkner (Solicitor, Poppleston Allen), Mr Ian Watson (Environmental Health Service), PC Tom Stewart (Metropolitan Police Service) Mr David Kaner (Covent Garden Community Association (CGCA) and Mr Charles Parsons (Local Resident).

**FULL DECISION**

**Premises**

Tequila Mockingbird  
3-5 Burleigh Street  
London  
WC2E 7PX

**Applicant**

London Cocktail Bars Limited

**Ward**

St James's Ward

**Cumulative Impact Area**

**N/A**

**Special Consideration Zone**

East Covent Garden Special Consideration Zone ("East Covent Garden SCZ")

### **Activities and Hours Applied for:**

#### **Sale by retail of Alcohol (On and Off)**

Monday to Saturday 10:00 to 01:00  
Sunday 10:00 to 00:30

#### **Late Night Refreshment (Indoors)**

Monday to Saturday 23:00 to 01:00  
Sunday 23:00 to 00:30

#### **Live Music, Recorded Music, Performance of Dance, anything similar, (Indoors)**

Monday to Thursday 10:00 to 01:00  
Sunday 10:00 to 00:30

#### **Opening Hours of the Premises**

Monday to Saturday 10:00 to 01:30  
Sunday 10:00 to 01:00

#### **Seasonal variations:**

An additional hour to the terminal hour on the following notable days: St George's Day; St David's Day, St Patrick's Day, St Andrew's Day, Burns Night, Valentines Night, Halloween, the day before Bank Holidays, and the Friday, Saturday and Sunday preceding all Bank Holidays, Maundy Thursday, Christmas Eve, Christmas Day & Boxing Day, 27, 28, 29 & 30 December, Bonfire Night and New Year's Day.

An additional hour to the standard and non-standard times on the day when British Summertime commences.

New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

### **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 Tequila Mockingbird 3-5 Burleigh Street London WC2E 7PX. The Premises proposes to operate as a high premium cocktail bar. The Applicant has provided submissions addressing the relevant spatial policies and proposed twenty-five conditions plus agreed a further five conditions with the Police to form part of their operating schedule. The Applicant has also provided a dispersal policy and invited the interested parties to the Premises to address their concerns. These can be found at Appendix 2 of the Report. The Applicant has amended the hours for licensable activities. The Premises are located within the St James's Ward and East Covent Garden SCZ.

There is a resident count of 55.

### **Representations Received**

- Environmental Health Service (Ian Watson)
- Metropolitan Police Service (PC Tom Stewart)
- Garden Community Association (David Kaner)
- Six Local Residents (objecting against the application but one withdrawn now)

### Summary of Representations

- The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area.
- The hours requested to permit the provision of late-night refreshment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.
- The hours requested to permit the provision of regulated entertainment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.
- The Metropolitan Police Service (MPS) objects to the granting of this application because if granted in its current form, the premises would likely undermine the licensing objective; The prevention of Crime and Disorder.
- This is a new application for a Licence for a premises located within the NE corner of the Strand Palace Hotel. The application is for a cocktail bar to operate outside WCC's Core Hours. It is situated just outside the West End CIZ but is well within the East Covent Garden SCZ. This area of the hotel is currently licensed within the Hotel footprint under 21/04617/LIPV. This allows the area to operate until 01:00 on all days of the week as part of the hotel. Entry to members of the public is required to end at 00:00 (1 hour before the premises close). The licence also requires that substantial refreshment is available in all areas (including this one) where alcohol is supplied. No consumption of alcohol outside the premises is permitted as customers cannot take drinks outside with them. We assume that after 00:00 entry and exit would have been via the hotel. We do not believe that this licence was ever actually operated and there is no evidence that this use has received Planning Permission. The area was permitted (by Planning) to be used as an "A3 Bar" under 98/0787 when it was changed to this use, but this use had to cease at 23:00. There is no evidence we can find for a subsequent Planning application. The new licence being applied is to operate the area as a cocktail bar and to keep the premises open for an additional hour on Thursday-Saturday (until 02:00). It maintains the 01:00 time on all other days but does not have the last entry requirement for members of the public. The CGCA believes that operating the premises as a separate bar to the hotel until the hours and with the conditions proposed will fail to support the Licencing Objectives of the Prevention of Public Nuisance and Prevention of Crime and Disorder. We ask that the licence applied for is either refused, or that the hours for the sale of alcohol are limited to the Core Hours contained within the Licensing Policy HRS1 and that the condition requiring the availability of substantial food is maintained. Whilst outside the CIZ there is no presumption automatically to refuse the Licence we believe that operating an alcohol led premises after these hours is not appropriate in this location as this is now



separate from the hotel. We do not believe that the fact that there is an existing licence for the premises justifies even a licence that matches the previous hours. The HRS1 Policy makes clear that one of the reasons to permit applications for new licences beyond the Core Hours in HRS1 is because it wants to diversify the range of activities available at night. Paragraph E9 states that Hours later than these core hours will be considered on their own merits in relation to other policies in the Statement of Licensing Policy. The council wishes to see a less alcohol-led and a more diverse range and variety of uses available later at night. The Licensing Authority will allow greater flexibility within its core hours approach for venues that add a more varied offer of entertainment and cultural activity.

- As a near neighbour to this proposed new bar I object to the new use being for a late licensed drink led establishment next door to a residential building of 42 apartments, many facing onto the proposed bar and with a horseshoe shaped courtyard that is a sound well for all noises in Exeter Street with many bedrooms facing into the courtyard and many facing onto the corner of Exeter Street and Burleigh Street directly opposite this new proposal. No one will escape the noise.
- I object to the 2am application, which is 2 hours later than the vast majority of other bars in the area so obviously drinkers will flock here to take advantage of the late license and likely to do so when other establishments close. This is a quiet corner of Covent Garden and at midnight especially quiet and not the entertainment area that one may expect (most of Covent Garden Piazza area is quiet after 10.30/11pm). Harlequin Court does not have double or secondary glazed windows, they are single glazed windows, and part of the block is a listed building so that will never change. We will clearly be disturbed by drinkers arriving and leaving this bar whether on foot or by taxi and it is also very likely given my experience of the area that pedicabs will be attracted to a late drinking venue.
- I don't object to the licence itself but to the hours which are too long for residents and neighbours and will be a nightmare us. The license application is for up to 2am Thursday to Saturday and 1am Monday to Weds and 12.30 Sunday. My bedroom is directly above the bar so I will be adversely affected by the noise especially as the street is a noise trap. Licensing hours in Covent Garden have been held mostly to 'core hours' and are to 11.30pm Monday to Thursday and 12/midnight at weekends, which protects the neighbourhood. This operator can take advantage of the overall license of the Strand Palace which operates to 1am but would like to manage its own and has asked for the extra hour. Covent Garden is not 'party central' despite its reputation. There are also very few places for drinking only and drinking late so it will be popular - the only late licences nearby are Dirty Martini at 2am and another in what was the RoadHouse (not yet opened) both in the Piazza. We don't want Covent Garden to be "party central."
- Harlequin Court is a 42 flat residential building directly across the road from the proposed property. The bedrooms of our flat and the flats above and below ours are only about 10 yards away. We have no objection to licensed premises but live music to 3.00 a.m in a previously quiet street is unacceptable. If the property closed at midnight, it would be more consistent with the neighbourhood.

## **Policy Considerations**

Policies SCZ1, HRS1 and PB1 apply under the City Council's Statement of Licensing Policy ("SLP").

### **Policy SCZ1**

A. 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.

B. For the purpose of Clause A, the designated Special Consideration Zones are:

- West End Buffer.
- Queensway/Bayswater.
- Edgware Road.
- East Covent Garden.
- Mayfair.
- Victoria.

### **Policy HRS1**

A. 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.

B. 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:

1. 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.
2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
5. The proposed hours when any music, including incidental music, will be played.
6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
9. The capacity of the premises.
10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than

theatres, cinemas and other cultural and sporting venues due to the nature of the operation.

11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.

12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.

13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.

14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.

### **6. Pubs and bars, Fast Food and Music and Dance venues**

Monday to Thursday: 10am to 11.30pm.

Friday and Saturday: 10am to Midnight.

Sunday: Midday to 10.30pm.

Sundays immediately prior to a bank holiday: Midday to Midnight.

D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.

E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.

Note: The core hours are for all licensable activities but if an application includes late night refreshment then the starting time for that licensable activity will be 11pm.

### **Policy PB1**

A. Applications outside the West End Cumulative 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 operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.

4. The applicant has taken account of the Special Consideration Zones policy SCZ1 if the premises are located within a designated zone.

5. The application and operation of the venue meet the definition of a Public House or Bar in Clause D.

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.

C. The applications referred to in Clause B1 and B2 will generally be granted subject to:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1, and/or, 2. 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. 3. The application and operation of the venue continuing to meet the definition of a Public House or Bar in Clause D.

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

## **SUBMISSIONS AND REASONS**

Ms Roxanna Haq, Presenting Officer, outlined the application to the Sub-Committee. She advised that this was an application for a New Premises Licence in respect of Tequila Mockingbird 3-5 Burleigh Street London WC2E 7PX. Representations have been received from the Environmental Health Service, Metropolitan Police Service, Covent Garden Community Association and five local residents. She further advised that the Premises are located within the St James's Ward and in the East Covent Garden Special Consideration Zone. Ms Haq confirmed that the additional information submitted had been circulated to all parties.

Mr James Anderson, Solicitor appearing on behalf of the Applicant addressed the Sub-Committee. He advised that the Applicant proposed to operate the Premises, which was situated within the Strand Palace Hotel, as a high premium independent cocktail bar. He explained that the Applicant had extensive experience of operating such establishments and that one of his Premises was situated in the West End Cumulative Impact Zone.

Mr Anderson advised that this Premises could operate under the hotel Premises Licence up to 01:00, however, the hotel had requested that the Applicant apply for a separate Premises Licence which was considered to be common practice and in keeping with how many hotels operated these days. He added that it was a very large hotel with some 750 bedrooms with its own function suite and bar.

Mr Anderson advised that the Premises was situated on the corner of Exeter Street and Burleigh Street with the main entrance being located on Burleigh Street. He advised that there were 16-18 hotel bedrooms directly above the Premises, so the Applicant had fitted an acoustic ceiling to prevent noise escape to the hotel rooms/residents. He outlined that the Premises benefited from a noise limiter and a noise lobby so the Applicant was confident that there would be no noise escape. He explained that the residents who had made representations lived approximately 40-50 metres away from the hotel so there was some distance between the residents and these Premises. He advised that customers on exiting the Premises would head directly towards the Strand where there was public transport. They would not wander up Exeter Street past the residential blocks.

Mr Anderson advised that during the consultation period the Applicant had proposed a number of conditions, had reduced the terminal hour to 01:00 and had devised a dispersal policy which actively encouraged customers to turn right towards the Strand when exiting the Premises. He advised that the cocktail bar would operate predominately via bookings as people wanted to ensure that they could get into a venue. He confirmed that bookings accounted for around 70-80% of customers on a Friday and Saturday night. He added that the Applicant would still like the opportunity to allow walk-ins into the Premises.

Mr Anderson addressed the outside space where customers could take a drink to consume during the summer months up until 23:00. He advised that the awning would be permanently removed and that the Applicant had offered a number of conditions in relation to this outside area that was part of the Premises demise. He added that CCTV and experienced staff would monitor the area. He confirmed that after 23:00 only smokers would be permitted to stand in Burleigh Street. Mr Anderson emphasised that the Premises was not located in a stress area, there would be no noise escape from the Premises and due to the robust dispersal policy, the Applicant was confident that customers would turn right towards the Strand.

In response to questions from the Sub Committee, Mr Anderson confirmed how the queuing system would be managed outside of the Premises, how customers would have their bags searched and that seating would be available for two thirds of its customers. He confirmed that there would be no queuing outside of the venue for a table. He advised that the Applicant had not offered a limit to how many people would be permitted to drink outside however the maximum occupancy would be around 50 persons. He confirmed that the Applicant had agreed to amend the seasonal variation in the application to the Sunday before a bank holiday Monday and this was noted by the Sub-Committee. He advised that there would be three managers working on busy days and one on quieter days. He confirmed that a personal licence holder would be on duty from 21:00 every evening.

Mr Anderson confirmed that there would be a maximum of 20 people on Burleigh Street smoking after 23:00 and that the Applicant had not offered a limit because operators found it tricky to monitor a specific number. He added that the area would be roped off and monitored by CCTV and door staff. He outlined that their customers were aged between 25-45 years old and the drinks were not cheap so the Applicant did not expect their customers to be rowdy. He pointed out that the hotel would be open 24/7 and consisted of a bar, function suite and restaurant. He referred the Sub Committee to the extensive conditions that the Applicant had offered to be attached to the Premises Licence which were set out in the report.

PC Tom Stewart appearing on behalf of the Metropolitan Police Service addressed the Sub-Committee. He advised that the Police had made a representation because they believed the application would undermine the Prevention of Crime and Disorder Licensing Objective. He stated that during the consultation period the Applicant had reduced the terminal hour to 01:00 and had agreed to the CCTV, personal licence holder, SIA and noise limiter conditions to be attached to the Premises Licence. He confirmed that the Police were happy with the Dispersal Policy and considered it would go a long way to alleviate resident's concerns. He requested that all SIAs wear body cameras and remain on duty until all customers had been dispersed from the area. He requested that two further conditions regarding bag searches and

finding drugs on the Premises be attached to the Premises Licence and be incorporated in the Premises Dispersal Policy. He confirmed that the Police were now satisfied with the application.

Mr Ian Watson appearing on behalf of the Environmental Health Service (EHS) addressed the Sub-Committee. Mr Watson gave the Sub Committee a background history to the operation of the Strand Palace Hotel and the operators that had occupied 3-5 Burleigh Street. He advised of the two existing Premises Licences: one with a terminal hour until 01:00 and the other until 00.30. He outlined the complaints regarding construction, street dwellers and smokers outside of the hotel. He confirmed that the Applicant had agreed to a 150 capacity and for the model condition MC11 regarding noise limiters to be attached to the Premises Licence. He requested more information regarding the off sales aspect of the application was needed and suggested that the terminal hour for outside drinking be reduced to 21:00 hours and that a locator be placed on Burleigh Street for Uber pick-ups

Mr David Kaner appearing on behalf of the Covent Garden Community Association (CGCA) addressed the Sub-Committee. He advised that he had had various discussions with the Applicant regarding his application. He stated that residents were concerned about what would happen outside of the Premises and how the narrow streets acted as an echo chamber. He emphasised that residents would be disturbed by customers entering and leaving the Premises as well as drinking and smoking in the street. He requested that the Sub Committee restrict the number of people permitted to drink in the street. He advised that his experience of cocktail bars was that people do drink outside and were noisy so the earlier people were prevented from taking their drinks outside the better it would be for the residents. Mr Kaner said that people arriving at the Premises late in the evening was a cause for concern and requested that a last entry time of say midnight be imposed on the Premises Licence. He praised the dispersal policy but pointed out that it would not prevent people exiting the Premises in the opposite direction to the Strand. He concluded that to protect residents drinking outside should be restricted to 21:00 hours, the grant of the Premises Licence should be to the Council's Core Hours and/or the Sub Committee should impose a last entry to the Premises of midnight.

Mr Charles Parsons, local resident addressed the Sub-Committee. He advised that this part of Covent Garden was very quiet and that the terminal hour applied for in this application was unacceptable to local residents. He advised that the Premises would encourage more people to come to the area which would result in anti-social behaviour on the streets.

Mr Anderson explained why the Applicant did not wish to have a last entry restriction on the Premises Licence. He confirmed that the Applicant was happy to restrict the outside drinking area to 21:00 hours. He did not consider it was necessary that any changes to the dispersal policy should come back to the Sub Committee as it was the Applicant's document.

Mr Horatio Chance, Legal Advisor to the Sub Committee, discussed the proposed conditions with the Applicant, Responsible Authorities and Interested Parties. It was agreed that various modifications be made to some of the conditions, namely to conditions 4, 5, 6, 20, 22, 23, 27, 30, 31, 32, 33, 34 and 35. It was also agreed that additional conditions MC24, MC26, MC63 be added to the Premises Licence and

these included the requirement to have a telephone number, bag search and drugs policy condition if the Sub-Committee were minded granting the application.

## **Conclusion**

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 Premises is to operate as a high-quality cocktail bar that is not located within the West End Cumulative Impact Zone so there is no policy presumption to refuse the application unless this conflicts with other policies in the City Council's SLP and the failure to promote the licensing objectives.

However, the Premises does fall within the East Covent Garden SCZ placing an obligation on the Applicant to meet the requirements of Paragraph D53 on page 58 of the SLP. The Sub-Committee concluded on the evidence that the Applicant had demonstrated Paragraph D53 was met in terms of addressing such local issues regarding noise late at night by the offer of conditions, a dispersal policy and robust management procedures which would mitigate these concerns in practice.

The Sub-Committee noted that the Applicant had provided valid reasons as to why the granting of the application would not undermine the licensing objectives. The Sub-Committee also noted that the Applicant had agreed to liaise with residents on a regular basis and therefore imposed Model Condition MC24 on the premises licence requiring the Applicant to provide a telephone number for local residents.

In reaching its decision, the Sub-Committee took into consideration that conditions had been agreed with the Responsible Authorities. It welcomed the fact that the Applicant had listened to the concerns of the parties and agreed to reduce the terminal hour to 01:00, had provided a comprehensive dispersal policy that will help give a gradual dispersal of customers before the terminal hour and therefore promote both the public nuisance and crime and disorder licensing objectives. The Sub-Committee concluded based on the evidence given by the Applicant that they would promote the licensing objectives with the offered conditions as these would mitigate the concerns raised by those who had objected to the application. The Sub-Committee has attached the agreed Conditions with various modifications to some of the conditions, namely to conditions 4, 5, 6, 20, 22, 23, 27, 30, 31, 32, 33, 34 and 35 and now renumbered. The Sub Committee further imposed three additional conditions: MC24, MC26, MC63, these include the requirement to have a bag search and drugs policy condition and for smokers to be monitored. The Sub-Committee further imposed a last entry condition time of 00:00, smokers are to be limited to 15 people in accordance with condition 39 as specified below and for the Premises licence holder to ensure that there is a personal licence holder on duty from 21:00 hours each day.

The Sub-Committee considers all these above measures coupled with the various undertakings and assurances given by the Applicant that they are to be a competent and responsible operator by managing and running the Premises well to the highest standards will help promote the licensing objectives in particular both the public nuisance and crime and disorder licensing objectives.

The Sub Committee also noted that the Application was not now seeking the seasonal variations applied for as these had been amended accordingly. In reaching its decision, the Sub-Committee concluded that the conditions attached to the licence would alleviate the concerns of the CGCA and residents' and would ultimately have the desired effect of promoting the licencing objective.

Having carefully considered the committee papers and the submissions made by all parties, both orally and in writing, **the Committee had 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 **Live Music, Recorded Music, Performance of Dance, anything similar, (Indoors)** Monday to Saturday 10:00 to 01:00 Sunday 10:00 to 00:30
2. To grant permission for **Late Night Refreshment (Indoors)** Monday to Saturday 23:00 to 01:00 Sunday 23:00 to 00:30.
3. To grant permission for the **Sale by Retail of Alcohol (On and Off the Premises)** Monday to Saturday 10:00 to 01:00 Sunday 10:00 to 00:30
4. To grant permission for the **Opening Hours of the Premises** Monday to Saturday 10:00 to 01:30 Sunday 10:00 to 01:00 **Seasonal variations:**

**Seasonal variations:** An additional hour to the terminal hour on the day before Bank Holidays. New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

5. That the Licence is subject to any relevant mandatory conditions.
6. 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 agreement of the Applicant**

7. 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 preceding 31 day period.
8. A Challenge 21 or Challenge 25 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.

9. 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. (a) all crimes reported to the venue
  - b. (b) all ejections of patrons
  - c. (c) any complaints received regarding crime and disorder
  - d. (d) any incidents of disorder
  - e. (e) any faults in the CCTV system
  - f. (f) any refusal of the sale of alcohol
  - g. (g) any visit by a relevant authority or emergency service
10. The inner entrance lobby doors shall be kept closed after 22.00 hours or when regulated entertainment takes place, except for the immediate access and egress of persons.
11. After 21.00 hours all sales of alcohol for consumption off the premises shall be in sealed containers.
12. There shall be no sales of alcohol for consumption 'Off' the premises after 21.00 hours.
13. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
14. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
15. 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.
16. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
17. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner so as to ensure that there is no public nuisance or obstruction of the public highway.
18. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
19. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.

20. 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.
21. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
22. No deliveries to the premises shall take place between 20.00 and 08.00 hours on the following day.
23. No collections of waste or recycling materials (including bottles) from the premises shall take place between 20.00 and 08.00 hours on the following day.
24. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20.00 hours and 08.00 hours on the following day.
25. No licensable activities shall take place 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.
26. 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 with a maximum of 150 persons.
27. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
28. There shall be a minimum of not less than two SIA licensed door supervisors on duty from 20:00 hours, and an extra one SIA door supervisor on duty from 21:00, until close on a Thursday if the premises is to open until 01:00.
29. There shall be a minimum of not less than two SIA licensed door supervisor on duty from 20:00, and an extra one SIA door supervisor on duty from 21:00, hours until close on Fridays and Saturdays.
30. A minimum number of 80 seats shall be available within the premises at all times.
31. 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.

32. After 21:00, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them.
33. The premises licence holder shall ensure that the management team register and successfully complete the nationally recognised counter terrorism training product referred to as ACT eLearning package or can demonstrate that the ACT eLearning product has been successfully completed within the preceding 12 months and that all front of house staff employed by or at the premises complete the ACT eLearning within a reasonable period not exceeding 3 months from the day they start their employment.
34. All front of house staff at the premises shall receive Welfare and Vulnerability Engagement (WAVE) training, or similar by a qualified trainer, and once every 12 months thereafter. The date the training was provided and signed confirmation from the member of staff shall be recorded and made available for inspection by the Responsible Authorities upon request.
35. 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.
36. The Premises Licence Holder shall at all times comply with the Dispersal and Egress Policy as shall be amended from time to time. Copies of the Policy shall be made readily available to the Police and the Licensing Authority upon request. The Policy shall be reviewed at least annually and whenever the Premises Licence Holder becomes aware of issues associated with the dispersal of customers.
37. There shall be a minimum of not less than one SIA licensed door supervisors on duty from 21:00 hours until close on any day the premise is open past midnight.
38. There shall be no consumption of alcohol or other drinks outside the premises after 21.00 hours.
39. After 21.00 hours persons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall be limited to 15 persons at any one time.

40. After 21.00 hours all persons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall be restricted to the smoking area on Burleigh Street.
41. 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.
42. All persons entering or re-entering the premises shall be risk assessed as to whether a search is to be undertaken by a SIA licensed member of staff and monitored by the premises CCTV System.
43. Queuing outside the Premises shall be restricted to a designated area located on Burleigh Street.
44. The premises licence holder shall ensure there is a personal licence holder on duty from 21:00 each day.
45. The premises will operate a search policy which will include searching all bags after 21:00 and otherwise searches will be risk assessed and a copy of will be made available to the Police and Local Authority upon request.
46. The Premises will operate a drugs policy which will be risk assessed and a copy will be made available to the Police and Local Authority upon request.
47. Last entry to the Premises shall be 00:00.

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

**The Licensing Sub-Committee  
19 January 2023**

**3. 39 DRURY LANE, WC2B 5RR**

**WCC LICENSING SUB-COMMITTEE NO. 3**  
**("The Committee")**

Thursday 19 January 2023

Membership: Councillor Robert Eagleton (Chair) Councillor Iman Less and  
Councillor Caroline Sargent

Officer Support: Legal Adviser: Horatio Chance  
Policy Officer: Aaron Hardy  
Committee Officer: Sarah Craddock  
Presenting Officer: Roxanna Haq

Other Parties: Mr Jussi Tolvi (Applicant Company)

**Application for a New Premises Licence in respect of 39 Drury Lane London**  
**WC2B 5RR 22/10585/LIPN**

**Full Decision**

**Premises**

39 Drury Lane  
London  
WC2B 5RR

**Applicant**

Club Soda Limited

**Ward**

St James's

**Cumulative Impact Area**

None

**Special Consideration Zone**

East Covent Garden Special Consideration Zone ("East Covent Garden SCZ")

**Activities and Hours applied for**

**Sale by retail of Alcohol (On and Off)**

Monday to Saturday 10:00 to 23:00  
Sunday 10:00 to 22:00

Seasonal Variations: None

## **Opening Hours of the Premises**

Monday to Saturday 10:00 to 23:00

Sunday 10:00 to 22:00

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 39 Drury Lane London WC2B 5RR ("The Premises"). The Premises will trade as a high street shop selling low and no alcohol drinks. The majority of products sold will be alcohol-free (0.5% ABV and under) but there will be a small selection (no more than 10% of our range) of lower ABV drinks too, e.g., beers under 3%, wines under 8% and spirits where the ABV of the final drink when mixed with a mixer will be significantly lower than standard cocktails.

The Applicant states that a major part of its plan for the Premises will be educating both consumers and professionals about low and no alcohol drinks. Club Soda has been operating since 2015, supporting people to reduce their harmful alcohol use, educating and informing both consumers and trade about low/no alcohol drinks, and organising the Mindful Drinking Festivals. Last winter Club Soda had a pop-up shop on Great Portland Street for three months. This Premises will be a permanent location and allows the Applicant to become the mindful drinking hub for all of London and the UK. There are no other alcohol-free shops in the UK. The Premises will have space not only for retail sales on the ground floor, but also a small amount of seating for customers to sit down and enjoy low and alcohol-free drinks, as well as a separate basement area for training events, such as cocktail making masterclasses and small trade events.

Club Soda is a Certified B Corporation social business, aiming for a positive impact on society and the environment. Their articles of association require that "Directors must act in a manner that will in the opinion of the directors ensure that the Company contributes to a world in which people drink mindfully and live well." They have worked with central and local government to promote public health and encourage licensed venues to stock more low and no alcohol drinks. Club Soda see their shop as a great venue to continue their work.

The Premises are located within the St James's Ward and East Covent Garden SCZ.

## **Representations Received**

- Environmental Health Service (**Withdrawn**)
- Covent Garden Community Association (**Withdrawn**)
- Two Local Residents (one supporting the application and one objecting to the application)

## **Summary of Representations**

I welcome this Alcohol Free/Low Alcohol addition to Covent Garden. This neighbourhood suffers from awful public drunkenness (and its attendant noise, littering and vandalism) especially on Thursday-Saturday nights. Any new business that aims to promote mindful drinking is an improvement. I believe Club Soda will be a great addition to the neighbourhood - its shop on Great Portland Street was very smart. I also like that it is a business that appeals to women, as so many of the pubs here are very male.

## **Policy Considerations**

Policies SCZ1, HRS1 and SHP1 (A) apply under the City Council's Statement of Licensing Policy ("SLP").

### **Policy SCZ1**

A. 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.

B. For the purpose of Clause A, the designated Special Consideration Zones are:

- West End Buffer.
- Queensway/Bayswater.
- Edgware Road.
- East Covent Garden.
- Mayfair.
- Victoria.

### **Policy HRS1**

A. 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.

B. 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:

1. 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.
2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.

4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
5. The proposed hours when any music, including incidental music, will be played.
6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
9. The capacity of the premises.
10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.

#### **6. Pubs and bars, Fast Food and Music and Dance venues**

Monday to Thursday: 10am to 11.30pm.

Friday and Saturday: 10am to Midnight.

Sunday: Midday to 10.30pm.

Sundays immediately prior to a bank holiday: Midday to Midnight.

D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.

E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.

Note: The core hours are for all licensable activities but if an application includes late night refreshment then the starting time for that licensable activity will be 11pm.

#### **Policy SHP1 (A)**

A. Applications for a shop 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 are within the council's Core Hours Policy HRS1.



3. The operation of any delivery services for alcohol meeting the council's Ancillary Alcohol and/or Late night Refreshment Delivery Service Policy DEL1.

4. The applicant having taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone.

5. The application and operation of the venue meeting the definition of a shop in Clause C.

C. For the purposes of this policy: 1. 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. 2. 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. 3. The licensable activity of the sale of alcohol for consumption off the premises must be an ancillary function to the primary use of the page 88 premises unless that primary use is to sell alcohol for consumption off the premises, e.g., a traditional off licence.

### **SUBMISSIONS AND REASONS**

Ms Roxanna Haq, Presenting Officer introduced the application to the Sub-Committee and advised that this was an application for a new Premises Licence for Club Soda Limited 39 Drury Lane WC2B 5RR. The Premises intends to operate as a high street shop selling low and no alcohol drinks. She confirmed that the Environmental Health Service and the Covent Garden Community Association had withdrawn their representations which left one outstanding residential representation against the application. The Premises are within the St James's Ward and the East Covent Garden SCZ.

Mr Jussi Tolvi (on behalf of the Applicant Company) addressed the Sub Committee. He advised that the Premises would trade as a high street shop selling low and no alcohol drinks. He outlined that a major part of its business plan was educating both consumers and professionals about low and no alcohol drinks both at the Premises and on-line. He explained that the majority of drinks sold would be alcohol-free (0.5% ABV and under) but there would also be a small selection (no more than 10%) of lower ABV drinks too, e.g., beers under 3%, wines under 8% and spirits where the ABV of the final drink when mixed with a mixer would be significantly lower than standard cocktails.

In response to questions from the Sub Committee, Mr Tolvi confirmed that all drinks would be significantly lower in alcohol than normal alcoholic drinks. He advised that he wished to stay open until 23:00. He confirmed that he had agreed to all the proposed conditions except for the CCTV condition because he considered that it was not financially viable to install a CCTV system in such a small Premises.

Mr Horatio Chance, Legal Advisor to the Sub Committee, outlined to Mr Tolvi the benefits of installing a CCTV system in the Premises, however, Mr Tolvi advised that no-one wanted CCTV in the Premises and that the staff were trained to deal with tricky situations. He strongly advised that he did not have the budget for CCTV and if the Sub Committee imposed the CCTV condition it was highly likely that he would dispense with the Premises Licence. The Applicant confirmed that he would be a

responsible operator selling low volume alcohol and that he would be able to promote the Licensing Objections.

## **Conclusion**

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 Premises is located in the East Covent Garden Special Consideration Zone. In its determination of the matter the Sub-Committee concluded that the Applicant had considered Paragraph D53 on page 58 of the SLP when it came to "*Elevated levels of noise nuisance surrounding locations of licensed premises*" therefore it was the Sub-Committee's considered opinion that the hours and the conditions it has imposed on the premises licence is likely to have minimal impact on the area given the character, style and nature of the Premises in that the Premises is a shop selling low alcohol and non-alcohol drinks.

The Sub-Committee welcomed the fact that the majority of products sold will be alcohol-free (0.5% ABV and under) but there will be a small selection (no more than 10% of the range) of lower ABV drinks for example beers under 3%, wines under 8% and spirits where the ABV of the final drink when mixed with a mixer will be significantly lower than standard cocktails.

The Sub-Committee imposed conditions on the Premises Licence that there are to be 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 and that no more than 10% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol keeping within the business model and concept of responsible drinking.

The Sub-Committee along with the Applicant's business model and concept to educate and promote responsible drinking for the alcohol industry and its customer base considered that the above measures will have the overall effect of promoting the licensing objectives.

The Sub-Committee considered very carefully the question whether the Premises should have CCTV installed and decided that it would not be appropriate or proportionate to insist upon this particular measure. There was no evidence to suggest that the Premises would undermine the crime and disorder licensing objective and moreover, the Metropolitan Police Service who are the custodians for crime and disorder did not object to the application. The Sub-Committee did note that the Environmental Health Service initially proposed such a condition but were not insistent that it be imposed on the Premises Licence otherwise they would have not withdrawn but maintained their representation and attended the hearing. It did not automatically follow that a CCTV condition will be imposed on every licence applied for and determined by a Sub-Committee. Accordingly, the Sub-Committee had to consider whether imposing such a condition would be appropriate and proportionate given the evidence before it. It therefore concluded that it would not and had regard to paragraphs 10.10 of the revised Home Office Guidance when looking at this specific issue and whether the licensing objectives are to be undermined by failing to have a CCTV condition imposed on the premises licence.

Paragraph 10.10 states:-

***“The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that evidence of a right to work check, either physical or digital (e.g. copy of any document checked or a clear copy of the online right to work check) is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives”.***

The Sub-Committee considered all other relevant parts of the Home Office Guidance including the financial implications for the business and whether this would be a fair and reasonable approach to take. On this occasion and considering the matter on a case-by-case basis the Sub-Committee decided not to impose this type of condition.

However, the Sub-Committee has instead decided to place an *Informative* on the Premises Licence whereby the Applicant is strongly recommended in getting a CCTV system once the Premises is trading profitably and in this instance it could afford to install a CCTV system to help improve the running and management of the Premises that would act as an additional layer of protection for the Premises and customers in the longer term.

The Sub-Committee based on the various undertakings and guarantees given by the Applicant during the hearing was persuaded that they were to be a responsible operator that would manage the Premises well and promote the licensing objectives.

In reaching its decision, the Sub-Committee concluded that these measures would help mitigate the concerns raised by the local residents and the conditions attached to the licence would ultimately have the effect of promoting the licensing objectives in particular the public nuisance licensing objective.

The Sub-Committee noted that the Police had not objected to the application on the grounds of crime and disorder and that the Environmental Health Service had later withdrawn their objection after agreeing conditions with the Applicant.

In reaching its decision, the Sub-Committee concluded that the conditions attached to the licence would alleviate the residents' concerns and would have the overall effect of promoting the licencing objectives.

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

1. To grant permission for the **Sale by Retail of Alcohol (On and Off the Premises)** Monday to Saturday 10:00 to 23:00 Sunday 10:00 to 22:00
2. To grant permission for the **Opening Hours of the Premises** Monday to Saturday 10:00 to 23:00 Sunday 10:00 to 22:00
3. There are no Seasonal variations.
4. That the Licence is subject to any relevant mandatory conditions.
5. That the Licence is subject to the following 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 agreement of the Applicant**

6. The sale of alcohol shall be ancillary to the primary use of the premises as a place to educate and inform consumers and professionals regarding low/no alcohol drinks.
7. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed 70 persons.
8. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
9. 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.
10. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
11. 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.
12. No more than 10% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.

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 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.
14. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
16. 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.
17. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
18. 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
19. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
20. 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.

## **INFORMATIVE**

21. The Sub-Committee would strongly recommend that the Applicant invests getting a CCTV system in the future to help improve the management and running of the Premises.

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

**The Licensing Sub-Committee  
19 January 2023**

The Meeting ended at 4.10 pm