



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	
Licensing Ref No:	16/03487/LIPV - Premises Licence Variation
Title of Report:	Blush Basement 37 Duke Street London W1U 1LN
Report of:	Director of Public Protection and Licensing
Wards involved:	Marylebone High Street
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Ola Owojori Senior Licensing Officer
Contact details	Telephone: 020 7641 7830 Email: owojori@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	7 April 2016		
Applicant:	Electshow Ltd		
Premises:	Blush		
Premises address:	Basement 37 Duke Street London W1U 1LN	Ward:	Marylebone High Street
		Cumulative Impact Area:	None
Premises description:	The premises are operated as a nightclub in the basement level		
Variation description:	To replace existing condition 34 to then allow addition patrons to enter the premises without the need to have their ID scanned. There is no application to vary permitted licensable activities and hours.		
Premises licence history:	See Appendix 3		
Applicant submissions:	None		

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Performance of dance Performance of live music Anything of a similar description to Live Music, Recorded Music or Performance of Dance						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	06:00	No change		Basement	No change
Tuesday	09:00	06:00	No change		Basement	No change
Wednesday	09:00	06:00	No change		Basement	No change
Thursday	09:00	06:00	No change		Basement	No change
Friday	09:00	06:00	No change		Basement	No change
Saturday	09:00	06:00	No change		Basement	No change
Sunday	09:00	03:00	No change		Basement	No change
Seasonal variations:	Current: On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise				Proposed: No change	

	cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).	
Non-standard timings:	Current:	Proposed:
	N/A	N/A

Regulated Entertainment						
Recorded music Private Entertainment						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Unrestricted		No change		Basement	No change
Tuesday	Unrestricted		No change		Basement	No change
Wednesday	Unrestricted		No change		Basement	No change
Thursday	Unrestricted		No change		Basement	No change
Friday	Unrestricted		No change		Basement	No change
Saturday	Unrestricted		No change		Basement	No change
Sunday	Unrestricted		No change		Basement	No change
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	N/A				N/A	
	N/A				N/A	

Late night refreshment						
Indoors, outdoors or both	Current :				Proposed:	
	Indoors				No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	05:00	No change		Basement	No change
Tuesday	23:00	05:00	No change		Basement	No change
Wednesday	23:00	05:00	No change		Basement	No change
Thursday	23:00	05:00	No change		Basement	No change
Friday	23:00	05:00	No change		Basement	No change
Saturday	23:00	05:00	No change		Basement	No change
Sunday	23:00	03:00	No change		Basement	No change
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.				No change	

Sale by Retail of Alcohol						
On or off sales			Current :			Proposed:
			Both			No change
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	03:00	No change		Basement	No change
Tuesday	10:00	03:00	No change		Basement	No change
Wednesday	10:00	03:00	No change		Basement	No change
Thursday	10:00	03:00	No change		Basement	No change
Friday	10:00	03:00	No change		Basement	No change
Saturday	10:00	03:00	No change		Basement	No change
Sunday	12:00	00:30	No change		Basement	No change
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00.00 on New Year's Eve.				No change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	06:00	No change		Basement	No change
Tuesday	09:00	06:00	No change		Basement	No change
Wednesday	09:00	06:00	No change		Basement	No change
Thursday	09:00	06:00	No change		Basement	No change
Friday	09:00	06:00	No change		Basement	No change
Saturday	09:00	06:00	No change		Basement	No change
Sunday	09:00	03:00	No change		Basement	No change
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	N/A				N/A	

1-C Conditions being varied, added or removed	
Condition	Proposed variation
34. All customers entering the premises after 21:00 will have their ID scanned on entry save for a for a maximum number of 10 guests per night who may be admitted at the managers discretion without ID being scanned and recorded, and that a legible record of these people's names shall be retained on the premises for inspection by the licensing authority and	34. In relation to entry to the premises a) all customers entering the premises after 21:00 will have their ID scanned on entry (save for the exceptions set out below). The details by the ID scanner system shall be made available to the Police upon request. The exceptions are; i. Those attending bona fide private events ii. A maximum number of 10 guests per

police for a period of 31 days. The name of the manager authorising the entrance without scanning will also be recorded. The details recorded by the ID scanner system shall be made available to the Police upon request.

night who may be admitted at the managers discretion without ID being scanned and recorded

In both cases a legible record of these people's name shall be retained on the premises for inspection by the licensing authority and police for a period of 31 days. The name of the manager authorising the entrance without scanning will also be recorded.

b) Notwithstanding paragraph (a) above, bona fide members of the Club will not be required to have their ID scanned on entry subject to the following

- i. A list of the names and addresses of members of the Club shall be kept on the premises at all times. The list shall be produce on demand for inspection by the police or an authorised officer of the Council.
- ii. Members will show ID upon being granted 'membership' and this will be recorded and checked/verified periodically (period to be agreed with police).
- iii. Members will sign in on each visit to the premises and their will be legible log showing all members attending on any day the premises is open.
- iv. All records are to be comprehensive and clearly legible.

c) Notwithstanding paragraph (a) above, each member will be allowed up to 2 guests who will not be required to have their ID scanned on entry subject to the following;

- i. The guest(s) must be know to the member and the member must be present.
- ii. Members will sign in each guest at the time of the visit to the premises.
- iii. There will be a legible log showing all members' guests attending on any day the premises is open
- iv. The log will show the full names of the member and guest(s)
- v.

		Club Rules to be established and maintained and such rules should be available at the premises for inspection by the licensing authority and police.
Adult entertainment:	Current position:	Proposed position:
	N/A	N/A

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Police
Representative:	Bryan Lewis
Received:	4/5/16
<p>The Police, as a Responsible Authority, object to the application to vary the Premises Licence as it is their belief that if granted the application may undermine the Licensing Objectives.</p> <p>During a visit by PC Lewis and a colleague, on behalf of the Police Licensing Team, on Sunday 17/04/2016 at 00:25, the operation of the premises was not found to be satisfactory due to the following:</p> <ol style="list-style-type: none"> 1. Staff could not produce the current premises licence (Part A) 2. Two managers present, neither of whom could operate the CCTV system contrary to condition 26 3. Incident report book provided was pre-printed for 2015, nothing recorded for 2016. CCTV faults not recorded, visits by local Authority not recorded; condition 29 4. Two cameras displayed poor image quality, not recorded: condition 25 <p>Subsequently, they have proposed alternative conditions to be attached to the premises licence if the Committee is minded to grant.</p> <p>34 In relation to entry to the premises</p> <p>(a) All customers entering the premises will have their ID scanned on entry. The details recorded by the ID scanner system, positioned at the entrance. The ID scanner system shall be made available to Police or Licensing Authority upon request; with the exception of the following:</p> <p>A maximum of 10 guests per night who may be admitted at Manager's discretion if their details are recorded and they have provided legitimate ID A legible record of these people's names shall be retained on the premises for inspection by the Licensing Authority and Police for 31 days.</p> <p>(b) Notwithstanding paragraph (a) above, bona fide members of the Club will not be required to have their ID scanned on entry subject to the following:</p>	

(i) a list of the names and current addresses of members of the club shall be kept on the premises at all times. The list shall be produced on demand for the inspection of Police or the Licensing Authority.

(ii) Members will show their ID upon being granted membership and this will be recorded and checked on an annual basis with a current portrait photo of the member attached.

(iii) Members will sign in on each visit to the premises and there will be a legible log showing all members attending on any day the premises is open.

(iv) All records are to be comprehensive and clearly legible.

(c)

Notwithstanding paragraph (a) above each member will be allowed up to 2 guests who will not be required to have their ID scanned on entry subject to the following:

(i) The guest must be previously known to the member and the member shall be present on the premises.

(ii) Members will sign in each guest at the time of the visit to the premises and must remain on the premises while the guest remains. The guest must present legitimate ID before being signed in.

(iii) There will be a legible log showing all members' guests attending on any day, the premises is open.

(iv) The log will show the full names of the members and guests and shall be retained on the premises for inspection by the Licensing Authority and Police for 31 days.

(D)

Club rules to be established and maintained and each such rule should be available at the premises for inspection by the Licensing Authority and Police.

(E)

(i) Clubscan and the current records contained will be used as the current membership file

(ii) Any new members will have their details entered on the Clubscan equipment for future reference.

(iii) New members cannot enter the premises for 24 hours after registration

2-B Other Persons			
Name:		Mr Nigel Halkes	
Address and/or Residents Association:		Apartment 3 11 Picton Place London W1U 1BW	
Status:	Resident	In support or opposed:	Opposed
Received:	19/4/16		
A representation has been received from Mr Halkes stating that planning permission			

should not be granted without an undertaking from the owners of the club to prevent noise from the club or their patrons leaving the club from disturbing neighbours in the early hours of the morning.

The applicant has proposed two additional conditions to be attached to the premises licence that they believe will address the concern raised by the local resident. The resident has been notified in writing that the application is not for a planning permission and of the proposed conditions, but no response has been received from them.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy MD1 applies	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.
Policy PB1 applies:	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

4. Appendices

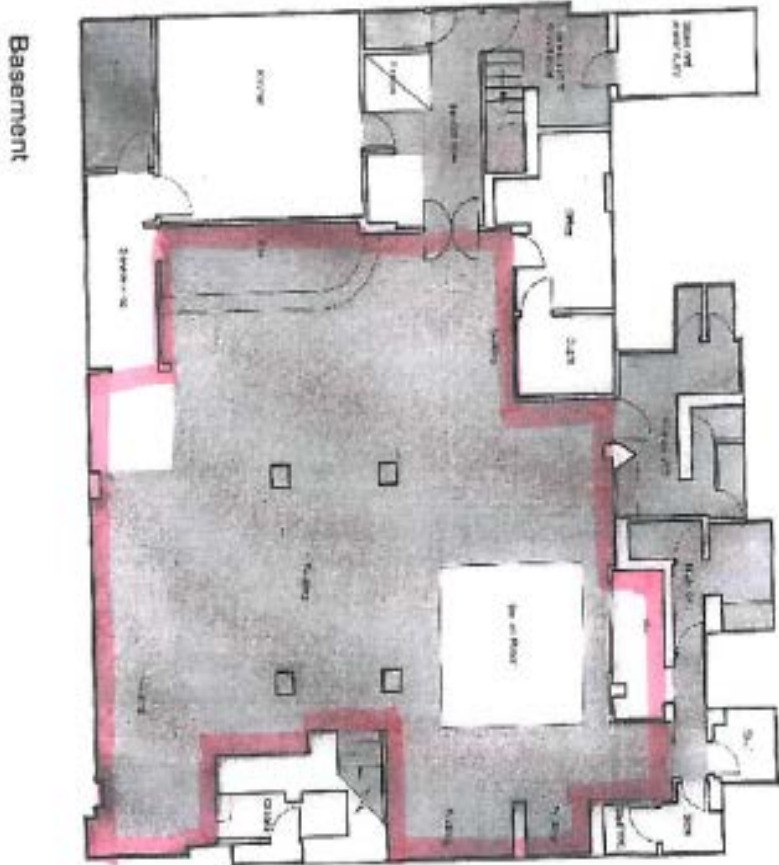
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Mr Ola Owojori Senior Licensing Officer
Contact:	Telephone: 020 7641 7830 Email: owojori@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application acknowledged	7/4/16
5	Residents notification	7/4/16
6	Existing licence	11/4/16
7	Plan	11/4/16
8	Application	11/4/16
9	Solicitor's correspondence	11/4/16
10	Resident's representation	19/4/16
11	Police representation	4/5/16
12	Environmental Health no representation	5/5/16
13	Additional correspondence from the Police	7/6/16
14	Correspondence to resident	7/6/16
15	Applicant's adjournment request	10/6/16
16	Hearing notifications	11/6/16
17	Applicant proposed conditions	21/7/16
18	Police proposed condition	21/7/16
19		
20		
21		
22		
23		
24		



Red for Windows Cornices

27 DANK STREET
 LONDON W9M
 Floor Plans
 Feb. 2007
 1706 2007/01

27 DANK STREET
 LONDON W9M
 Floor Plans
 Feb. 2007
 1706 2007/01

None

Appendix 3

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
Conversion and Variation	To convert existing Justice on Licence, Special Hours Certificate, Public Entertainment Licence and to extend the hours for sale of alcohol.	7.9.05	Conversion granted and Variation refused by Licensing Sub-Committee
Minor Variation	To add conditions as requested by Westminster Police Licensing Team	16.9.13	Granted under delegated authority
Minor Variation	To add conditions as requested by Westminster Police Licensing Team	30.4.15	Granted under delegated authority

There is no appeal history

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

Conditions: On Current Licence -

Mandatory:

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular

characteristic in a manner which carries a significant risk of undermining a licensing objective;

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that –

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated

premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

- 8
- (i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 - (ii) For the purposes of the condition set out in paragraph 8(i) above -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -
$$P = D + (D \times V)$$

Where -
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
 - (iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
 - (iv).
 - (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Conditions reproducing the effect of conditions subject to which the relevant existing licences have effect.

Conditions relating to regulated entertainment:

10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001
11. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
12. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 11pm on each of the days Monday to Saturday to 6am on the day following and from 11pm on Sunday to 3am on the day following
13. The number of persons accommodated at any one time (excluding staff) shall not exceed 90.

Conditions for Sale of Alcohol

14. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
15. On any evening where the premises or part of the premises are open for music and dancing and a S.77 certificate is in operation, intoxicating liquor shall not be sold or supplied to persons entering the premises after 11.00pm other than to;
 - a) persons who have paid a minimum admission fee of at least £3.00 Monday to Thursday and £5.00 Friday and Saturday for music and dancing or entertainment, such charge not be credited against consumables;
 - b) Artists or persons employed at the premises;
 - c) persons attending a private function at the premises.
16. No striptease, no nudity and all persons on the premises to be decently attired.
17. No gaming otherwise than by machines authorised under part III, Gaming Act, 1968.
18. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.
19. The maximum number of persons, including staff, to be present in the licensed premises shall not exceed the number specified from time to time by the proper officer of the London Fire and Civil Defence Authority. The number currently specified is 110 persons.

20. With the exception of the bar area, the area coloured pink on the deposited plan shall be permanently laid out to tables and chairs to a minimum capacity of 90 covers.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactment's.

21. (a) Subject to the following paragraphs, the permitted hours on Mondays to Saturdays shall commence at 10.00 (12:00 on Christmas Day and Good Friday) and extend until 03.00 on the morning following except that:

- (i). the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
 - (ii). on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end
- (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
- (i). with the substitution of references to 04.00 for references to 03.00
- (c) Except on Sundays immediately before bank holidays (apart from Easter Sunday), the permitted hours on Sundays shall extend until 00.30 on the morning following, except that-
- (i). the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after midnight;
 - (ii). where music and dancing end between 00.00 midnight on any Sunday and 00.30, the permitted hours on that Sunday shall end when the music and dancing end
- (d) On Sundays immediately before bank holidays (other than Easter Sunday), the permitted hours shall extend until 03.00 on the morning, except that-
- (i). the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after 00.00 midnight;
 - (ii). where music and dancing end (or, in the case of casino premises, gaming ends) between 00.00 midnight on any Sunday and 03.00, the permitted hours on that Sunday shall end when the music and dancing end
 - (iii). The terminal hour for late night refreshment shall extend to 30 minutes after the end of permitted hours for the sale of alcohol set out in d(i) and (ii) above.
- (e) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (f) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00.00 on New Year's Eve.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of her Majesty's naval, military or air forces;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

22. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.
 - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

23. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of this premises licence / club premises certificate:
- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
 - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
 - (c) to take all other reasonable precautions for the safety of the children.
24. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Annex 2 – Conditions consistent with the operating Schedule

25. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit

points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

26. 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.
27. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
28. A Challenge 21 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.
29. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
30. All management at the premises shall undergo crime scene management training given by Westminster City Council. All SIA staff shall be given training from management on current licensing issues twice yearly including input of premises licence conditions.
31. All staff training records will be properly maintained by way of a log or record and will be available for inspection on request of Police or other responsible authority. These records will include dates of first aid/crime scene/licensing training and an outline of roles and responsibilities of each staff member working at the premises during licensable hours including SIA staff.
32. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
33. The premises licence holder shall ensure that any patrons queuing/smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
34. All customers entering the premises after 21:00 will have their ID scanned on entry save for a maximum number of 10 guests per night who may be admitted at the managers discretion without ID being scanned and recorded, and that a legible record of these people's names shall be retained on the premises for inspection by the licensing authority and police for a period of 31 days. The name of the manager authorising the entrance without scanning will also be recorded. The details recorded by the ID scanner system shall be made available to the Police upon request. **(Proposed to be varied)**

35. A minimum of three (3) SIA licensed door supervisors shall be on duty when the premises are open on Sunday to Wednesday.
36. A minimum of four (4) SIA licensed door supervisors shall be on duty when the premises are open on Thursday, Friday & Saturday.
37. At least (2) SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business.
38. On Sunday to Wednesday, the last entry to the premises will be 2.45am and the premises will close at 4.00am, when all persons be off premises.
39. On Thursday, Friday & Saturday there shall be no admittance or re-admittance to the premises after 0430 save for those persons leaving the premises temporarily to smoke.
40. All door supervisors engaged outside the entrance to the premises and ground floor reception area, or supervising or controlling queues, shall wear high visibility yellow jackets or tabards.
41. In the event that a serious assault is committed on or immediately outside the premises (or appears to have been committed) to the managements knowledge, the management will immediately ensure that:
 - (a) The police (and where appropriate, the London Ambulance service) are called without delay, using telephone number 999;
 - (b) All measures that are reasonable practicable are taken to apprehend any suspects pending the arrival of the Police;
 - (c) As is reasonably practicable, the crime scene is preserved so as to enable a full forensic investigation to be carried out by the Police; and
 - (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
42. No taxi drivers, minicab drivers or chauffeurs shall be permitted to enter the premises at any time.
43. All SIA door supervisors working at the premises will be employed by an external independent SIA contractor.

Annex 3 – Conditions attached after a hearing by the licensing authority

None

Conditions proposed by the applicant

44. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
45. Doorstaff shall remind patrons leaving the premises of the residential nature of the area and to keep noise to a minimum
46. In relation to entry to the premises

a) all customers entering the premises after 21:00 will have their ID scanned on entry (save for the exceptions set out below). The details by the ID scanner system shall be made available to the Police upon request. The exceptions are;

- i. Those attending bona fide private events
- ii. A maximum number of 10 guests per night who may be admitted at the managers discretion without ID being scanned and recorded

In both cases a legible record of these people's name shall be retained on the premises for inspection by the licensing authority and police for a period of 31 days. The name of the manager authorising the entrance without scanning will also be recorded.

b) Notwithstanding paragraph (a) above, bona fide members of the Club will not be required to have their ID scanned on entry subject to the following

- i. A list of the names and addresses of members of the Club shall be kept on the premises at all times. The list shall be produce on demand for inspection by the police or an authorised officer of the Council.
- ii. Members will show ID upon being granted 'membership' and this will be recorded and checked/verified periodically (period to be agreed with police).
- iii. Members will sign in on each visit to the premises and their will be legible log showing all members attending on any day the premises is open.
- iv. All records are to be comprehensive and clearly legible.

c) Notwithstanding paragraph (a) above, each member will be allowed up to 2 guests who will not be required to have their ID scanned on entry subject to the following;

- i. The guest(s) must be know to the member and the member must be present.
- ii. Members will sign in each guest at the time of the visit to the premises.
- iii. There will be a legible log showing all members' guests attending on any day the premises is open
- iv. The log will show the full names of the member and guest(s)
- v. Club Rules to be established and maintained and such rules should be available at the premises for inspection by the licensing authority and police.

Alternative conditions proposed by the Police

47 In relation to entry to the premises

(a)

All customers entering the premises will have their ID scanned on entry. The details recorded by the ID scanner system, positioned at the entrance. The ID scanner system shall be made available to Police or Licensing Authority upon request; with the exception of the following:

A maximum of 10 guests per night who may be admitted at Manager's discretion if their details are recorded and they have provided legitimate ID

A legible record of these people's names shall be retained on the premises for inspection by the Licensing Authority and Police for 31 days.

(b)

Notwithstanding paragraph (a) above, bona fide members of the Club will not be required to have their ID scanned on entry subject to the following:

(i) a list of the names and current addresses of members of the club shall be kept on the premises at all times. The list shall be produced on demand for the inspection of Police or the Licensing Authority.

(ii) Members will show their ID upon being granted membership and this will be recorded and checked on an annual basis with a current portrait photo of the member attached.

(iii) Members will sign in on each visit to the premises and there will be a legible log showing all members attending on any day the premises is open.

(iv) All records are to be comprehensive and clearly legible.

(c)

Notwithstanding paragraph (a) above each member will be allowed up to 2 guests who will not be required to have their ID scanned on entry subject to the following:

(i) The guest must be previously known to the member and the member shall be present on the premises.

(ii) Members will sign in each guest at the time of the visit to the premises and must remain on the premises while the guest remains. The guest must present legitimate ID before being signed in.

(iii) There will be a legible log showing all members' guests attending on any day, the premises is open.

(iv) The log will show the full names of the members and guests and shall be retained on the premises for inspection by the Licensing Authority and Police for 31 days.

(D)

Club rules to be established and maintained and each such rule should be available at the premises for inspection by the Licensing Authority and Police.

(E)

(i) Clubscan and the current records contained will be used as the current membership file

(ii) Any new members will have their details entered on the Clubscan equipment for future reference.

(iii) New members cannot enter the premises for 24 hours after registration

Premises within 75 metres of Blush 37 Duke Street

p / n	Name of Premises	Premises Address	Opening Hours
23593	Mole	16-17 Picton Place London W1U 1BP	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
25814	Henry Holland Public House	39 Duke Street London W1U 1LP	Monday to Thursday 10:00 - 00:30 Friday to Saturday 10:00 - 01:30 Sunday 11:00 - 23:00
26904	Ping Pong	29A James Street Marylebone London W1U 1DZ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
29473	Giraffe Burgers	35 James Street Marylebone London W1U 1EA	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-12320	Noir	31 Duke Street London W1U 1LG	Monday to Thursday 09:00 - 02:30 Friday to Saturday 09:00 - 03:30 Sunday 09:00 - 23:00
-28895	Amjadia Indian Restaurant	15-16 Picton Place London W1U 1BW	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-22366	James Newsagent	Ground Floor 29 James Street Marylebone London W1U 1DU	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
-11062	Blush	Ground Floor Front 37 Duke Street London W1U 1LN	Sunday 09:00 - 03:00 Monday to Saturday 09:00 - 06:00
-3866	Busaba Eathai	8 - 13 Bird Street London W1U 1BU	Sunday 08:00 - 00:30 Monday to Saturday 08:00 - 01:00
3233	All Bar One	5A Picton Place London W1U 1BH	Sunday 08:00 - 23:00 Monday to Saturday 08:00 - 23:30
7770	Silvio's Quality Sandwich Bar	Ground East 37 Duke Street London W1U 1LN	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00