

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 3

("The Committee")

Thursday, 27 January 2021

Membership: Councillor Jim Glen (Chairman), Councillor Barbara Arzymanow and Councillor Aicha Less

Officer Support: Legal Advisor: Horatio Chance
Policy Officer: Aaron Hardy
Committee Officers: Cameron MacLean
Presenting Officer: Jessica Donovan

APPLICATION FOR A NEW PREMISES LICENCE – PREMIER INN (DEVELOPMENT SITE AT PADDINGTON EXCHANGE), NORTH WHARF ROAD, LONDON W2 1LF [20/10150/LIPN]

FULL DECISION

Premises

Premier Inn (development site at Paddington Exchange), North Wharf Rd, London W2 1LF

Applicant

Whitbread Group Plc

Cumulative Impact Area?

N/A

Ward

Hyde Park

Proposed Licensable Activities and Hours

Films (Indoors)

Monday to Thursday: 10:00 hours to 23:30 hours

Friday to Saturday: 10:00 hours to 00:00 hours

Sunday: 12:00 hours to 22:30 hours

Seasonal variations/non-standard timings –

- To extend the licensing hours to New Year's Eve 10:00 hours to New Year's Day 00.30 (being 2nd January).

Late Night Refreshment (Indoors and Outdoors)

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

Friday to Saturday: 23:00 hours to 00:00 hours

Sunday: N/A

Seasonal variations/non-standard timings –

- To extend the licensing hours to New Year's Eve 10:00 hours to New Year's Day 00.30 hours (being 2nd January).

Sale by Retail of Alcohol (On and Off-sales)

Residents

Monday to Sunday: 00:00 hours to 00:00 hours

Sale by Retail of Alcohol (On and Off-sales)

Non-Residents

Monday to Thursday: 10:00 hours to 23:30 hours

Friday to Saturday: 10:00 hours to 00:00 hours

Sunday: 12:00 hours to 22:30 hours

Seasonal variations/non-standard timings –

- To extend the licensing hours to New Year's Eve 10:00 hours to New Year's Day 00.30 hours (being 2nd January).

Hours Premises Are Open to the Public

Residents

Monday to Sunday: 00:00 hours to 00:00 hours [the Premises trades as a hotel]

Hours Premises Are Open to the Public

Non-Residents

Monday to Thursday: 06:00 – 00:00

Friday to Saturday: 06:00 – 00:30

Sunday: 06:00 – 23:00

Seasonal variations/non-standard timings –

- To extend the licensing hours to New Year's Eve 10:00 hours to New Year's Day 00.30 hours (being 2nd January).

Representations Received

- Environmental Health Service (Anil Drayan)
- Metropolitan Police Service (PC Reaz Guerra) (withdrawn)
- South East Bayswater Residents' Association (John Zamit)
- Paddington Waterways & Maida Vale Society (Elizabeth Virgo)

Summary of Objections

- Environmental Health noted that the hours requested for the supply of alcohol (both on and off-sales), late-night refreshment and provision of film 'indoors' may all lead to an increase in public nuisance in the area;
- Metropolitan Police stated that there was insufficient detail within the operating schedule to promote the Licensing Objectives;

- SEBRA expressed concerns that nuisance could be caused to residents, and others living in the vicinity, by noise and disturbance by patrons arriving or leaving the large bar and restaurant in the hotel. SEBRA also expressed concerns on a number of other potential issues with the application;
- PWMVA's representation was made on the basis that the likely impact of the application, if granted, would be to harm the licensing objective of prevention of public nuisance

Summary of Application

The application was for a new premises licence to operate as a Premier Inn Hotel with associated food, beverage and accommodation. The majority of licensed facilities will take place in the basement area. There will be a reception area and entrance at ground floor level and in addition there will be bedrooms on floors from Ground 0 to 19. Premier Inn is a well-known and leading Hotel Brand within the UK owned by Whitbread Group Plc. A number are successfully operating within the Westminster City Council Licensing Area both Premier Inn and Hub By Premier Inn. The Premises is not located in any area of Cumulative Impact.

Policy Position

Under Policy HRS1, applications within the core hours will generally be granted subject to not being contrary to other policies in the SLP and applications for hours outside of the core hours will be considered on their own merits, subject to other relevant policies and with particular regard to matters set out in Policy HRS1.

Under Policy HOT1(a), applications outside the West End Cumulative Impact Zone will generally be granted subject to matters set out in Policy HOT1(a).

SUBMISSIONS AND REASONS

Ms Donovan, Senior Licensing Officer, summarised the application as set out in the report before the Sub Committee, noting that representations had been received from the Metropolitan Police Service (MPS); the Environmental Health Service; a local resident; and the Chairman of the Mayfair Residents' Group.

Mr Tim Shield acting on behalf of the applicant, of John Gaunt & Thomas Partners, stated that he would be presenting the application on behalf of Whitbread Group Plc and that he was accompanied by Mr Niall Hyslop, New Openings Manager for Whitbread Group Plc, who would be able to advise the Sub Committee on the detail of the application, if necessary.

Mr Shield referred the Sub Committee to his submission which was set out on Page 5 of the Additional Information Pack. He stated that Whitbread Group Plc was a well-known company which operated Premier Inns across the UK and had done so for many years without any issues arising in relation to the licensing objectives. The present application was for the sale of alcohol within core hours to non-residents, and 24-hours a day to residents.

Mr Shield referred the Sub-Committee to the plans of the Premises set out in Pages 18 & 19 of the Agenda Pack, and the areas which it was proposed would be licensed as demarcated by the red outline in the Plan. He noted the Premises was primarily a hotel with a restaurant and bar. The bar would be open to non-residents, but access

to the bar would be restricted after 23:00 hours and would require using a secure key card, or entry on demand.

Referring to the Plan on Page 13 of the Additional Information Pack, Mr Shield stated that this was indicative of the layout of the bedrooms of which there would be approximately 290 over the 19 floors of the development. Mr Shield then referred the Sub-Committee to the indicative menu on Page 19 of the Additional Information Pack, along with several photographs that were indicative of the layout of the bar, restaurant and reception area in a typical Premier Inn.

Regarding the Licensing Objectives, in particular, the Prevention of Public Nuisance, Mr Shield stated that this was of paramount importance to Whitbread Group Plc. He noted that the company was very experienced in managing its relationships with its neighbours, and that the presence of Premier Inn improved an area. The company also operated a "Good Night Guarantee" whereby residents would be offered a full refund if they were disturbed during the night by noise from either within or outside the Premises. In addition, as the hotel was brand-new, it was built to the highest standards to prevent noise nuisance.

Regarding the representations, Mr Shield noted that agreement had been reached with the EHS and MPS on proposed conditions. Therefore, there remained only two outstanding representations from Residents' Associations.

Regarding the reference to conditions in the submission by Mr Brown on behalf of the Residents' Associations (Page 29 of the Additional Information Pack), and the conditions highlighted in red on Page 31 of the Agenda Pack, which had been agreed in relation to the recent Stay City Aparthotel Premises licence application, Mr Shield stated that the present application was very different from that of the Stay City Aparthotel. However, the applicant did not object, in principle, to these conditions, with one exception viz.

48. The sale of alcohol for consumption on the Premises shall only be to a person seated within the licensed area hatched green on the ground floor of the Premises and shall be by waiter or waitress service only. The maximum number of such persons shall be [].

He stated that this condition did not apply to any other Premier Inn Premises operated by Whitbread Group Plc.

In conclusion, Mr Shield stated that he believed that the applicant had made a good offer regarding the conditions that the applicant was willing to accept.

In response to several questions, Mr Shield, and Mr Hyslop provided the following information.

- (a) It was not proposed that there be any licensable activity outside the Premises and, therefore, it would be possible to amend the application in relation to Late Night Refreshment (LNR) to refer to "Indoors Only".
- (b) Regarding the application in respect of Films as a licensable activity, the main reason for including this in the application was to allow films to be shown in guests' bedrooms. Mr Hyslop noted that, other than a television in the bar area which usually featured BBC rolling news programmes, there were no other screens for showing films. Furthermore, there was no intention to show films on a regular basis.

- (c) As there was no demised area outside Premises that the hotel could operate as a smoking area, a litter bin and ashtray would be provided as near to the front door as possible and the area would be managed by the hotel's night team.
- (d) [At the conclusion of Mr Drayan's submission (see *infra*), the applicant provided the following information in response to a question by the Chairman].

It was proposed that, before 23:00, Off Sales would be permitted to Members of the Public, as well as hotel residents. However, after 23:00, Off Sales would be restricted to hotel residents only. This was because the guest bedrooms were not included within the hotel's licensable areas. By allowing Off Sales to non-residents up to 23:00, this would allow non-residents who had purchased alcohol as part of their meal to take any remaining alcohol with them in a sealed container when they left the hotel.

Mr Drayan, acting on behalf of Environmental Health, confirmed that, as far as EHS and the MPS were concerned, he was not aware of any concerns regarding the operation of Premier Inns in Westminster. However, the EHS had requested additional conditions as set out on Page 36 of the Additional Information Pack and that these had been agreed with the applicant. Therefore, the EHS had no objections to the application.

Regarding the capacity of the Premises, Mr Drayan stated that the applicant had advised him that the maximum capacity of the ground floor and basement area would be 235. Therefore, he proposed that, when the EHS carried out its site inspection in accordance with the proposed "Works" condition, an appropriate assessment would be made to determine if the Premises could accommodate this number of persons. In response to a question by the Chairman, Mr Drayan stated that this would be an "umbrella" number.

Mr Richard Brown acting on behalf of SEBRA and Paddington Waterways and Maida Vale Society, of Citizens Advice Westminster, began by referring to the Stay City Aparthotel application that had previously been considered by the Sub Committee. Mr Brown noted that the operating schedule, conditions, and the representations made in respect of that application were very similar to the present application. He stated that the key issues for the objectors were how the public licenced areas were to operate. In particular, the objectors were concerned that the applicant was not willing to agree to the proposed Condition 48 (*supra*), which did not require that the sale of alcohol be ancillary to a table meal. By not including this condition, the publicly licensed areas, which were considerably larger than the public licensed areas in the Stay City Aparthotel application, could operate as a large bar.

Referring to his submission on page 29 *et seq* of the Additional Information Pack, Mr Brown noted that the conditions that he was proposing were substantially the same as those proposed and accepted in the Stay City Aparthotel application.

Referring to the conditions set out at Paragraph 4.6 on Page 31 of his submission, Mr Brown made the following observations.

1. The applicant objected to the following proposed conditions: *"The sale of alcohol for consumption on the Premises shall only be to a person seated within the licensed area hatched green on the ground floor of the Premises and shall be by waiter or waitress service only. The maximum number of such persons shall be [...]."* *"At all times customers will be shown to the table and the supply of alcohol will be by waiter/waitress service only to customers."*

2. The applicant had made no reference to the bona fide guest requirement of the following proposed condition: *“Non-residents can only remain in the licensed area during the permitted hours for the sale of alcohol. For the avoidance of doubt, residents and up to 4 bona fide guests for each resident can potentially remain in the licensed area at any time of the day.”*
3. The proposed smoking condition be amended to read: *“Persons permitted to temporarily leave then re-enter the Premises to smoke shall be restricted to a designated smoking area to be determined by the Premises licence holder [insert: and the Environmental Health Service].”*
4. The following proposed conditions regarding waste services were the same as those agreed for the Stay City Aparthotel: *“No waste and 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.”* *“That collections of waste recycling materials (including bottles) from the Premises shall take place between 20:00 hours and 08:00 hours on the following day.”*

Referring to the applicant's correspondence on Page 41 of the Additional Information Pack, Mr Brown stated that, regarding proposed Condition 3 –

“Other than to hotel bedrooms there shall be no sales of alcohol for consumption off the Premises after 23:00 hours.”;

it was his understanding that, after 23:00 hours, residents and their bona fide guests could be sold alcohol if they were in a guest room and he asked that this be clarified.

Referring to proposed Condition 8 –

“No deliveries to the Premises shall take place between 23:00 hours and 07:00 hours on the following day.”;

it was the residents' proposal that the hours should be 21:00 hours to 07:00 hours, in line with the City Stay Aparthotel.

In addition, Mr Brown proposed that Model Conditions (MCs) 12 & 57 should be included in the conditions.

He noted that the theme running through the conditions proposed by residents was a concern about dispersal of patrons from the Premises into a residential area. As each application had to be considered on its merits, residents believed such a condition was appropriate for these Premises.

Mr Zamit, speaking on behalf of SEBRA, stated that residents would have welcomed the opportunity to have had a discussion with the applicant about the operation of the Premises and

were disappointed that this had not happened.

Mr Zamit then made the following points.

1. **Smoking Area:** as it was believed that it was a residential development that was taking place opposite the Premises, residents would like the designated smoking area to be agreed with the Environmental Health Service.
2. **Off Sales:** this should be restricted to partially consumed containers of alcohol served with a meal which were resealed for customers to take with them.

3. **Capacity:** the capacity for each licence area should be specified rather than setting a limit on the total capacity for all licensed areas.
4. **Ground & Basement Floor:** residents would like to know how it was proposed to lay out these areas and how they would operate.
5. **Refuse Collections:** Paddington comprised mixed residential and commercial properties with a concentration of residential properties in some parts. Residents, therefore, were concerned that they should not be disturbed by the sounds of refuse collections.
6. **Dispersal:** residents were concerned about the possibility of patrons leaving the hotel at night, heading to Merchant Square, and getting lost because the gates at Merchant Square were locked at night. In addition, there should be a condition that non-residents be required to leave the Premises in accordance with core hours.

The Chairman invited Mr Shield and Mr Hyslop to respond to the various points raised by Mr Zamit. In response, Mr Shield provided the following information.

1. **Layout:** referring to the plans of the basement area, Mr Shield stated that the plans were indicative of how the basement area would be laid out with a bar servery and a substantial number of tables and chairs.

[Mr Hyslop subsequently confirmed that the ground floor area was largely devoted to use as a business lounge with Wi-Fi and power points for guests to use. The basement restaurant would be a premium steak restaurant and that the table and chair plans were indicative of the layout of the restaurant].

2. **Proposed Condition:** Basement Area - *“The layout of the licensed area as shown on the approved plan at basement level shall be substantially laid out with tables and chairs as indicated on the approved licensing drawing.”*
3. **Ground Floor:** referring to the photographs in the Additional Information Pack, it was proposed that the ground floor would comprise the reception area, including a self-service check-in area, lobby and business lounge. There would be no bar servery on the ground floor and guests would have to go to the basement bar if they wished to order a drink which they could then bring back up to the ground floor area.
4. **Capacity:** this had been agreed with the Environmental Health Service (EHS) and it was the applicant’s preference to set an overall number on the capacity of the Premises rather than impose limits for each licensed area.
5. **Smoking Area:** the applicant would be willing to agree the location of an external smoking area with the EHS.
6. **Off Sales:** the primary reason for seeking Off Sales was to allow diners to take partially consumed and resealed bottles of alcohol with them at the conclusion of their meal.

Regarding Off Sales, Mr Brown suggested that a revised form of Model Condition 66 might be sufficient to address objector’ concerns. To this end he proposed wording along the lines of –

“There shall be no Off Sales except to residents in their hotel rooms or part consumed and resealed bottles of wine.”

Conclusion

The Sub-Committee has a duty to consider each application on its individual merits. Accordingly, whilst the objectors had sought to draw comparisons with the conditions attached to the recently granted Stay City Aparthotel premises licence, the Sub-Committee considered it inappropriate to draw comparisons with that licence. This application had to be determined on its own merits.

The Sub-Committee noted that objections had initially been made by the Metropolitan Police and Environmental Health as well as local residents' associations. However, the objections from the Responsible Authorities had been withdrawn following discussions with the applicant and the imposition of further conditions to address the Responsible Authorities' concerns. The Sub-Committee gave weight to the fact that the Applicant had addressed the Responsible Authorities' concerns with the imposition of conditions.

Policy HRS1 defines the core hours for hotels as 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, For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours. The application was for the sale of alcohol within core hours to non-residents, and 24-hours a day to residents. Whilst largely within the core hours policy, the application was outside of the core hours policy in that hotel residents were not confined to hotel / guest rooms for the consumption of alcohol. The Sub-Committee noted that the bar was open to non-residents but access restricted after 23:00 and would require a secure key card / entry on demand. On this basis, the application had to be determined on its merits subject to other relevant policies.

The Sub-Committee noted that whilst the application included the playing of films indoors, films were only to be shown in guests bedroom and there would be no other screens for showing films in the premises beyond the television in the bar area. Similarly, off-sales were primarily designed so that customers could take bottles with them at the end of the meal. The Sub-Committee were grateful to the Applicant for providing a condition during the hearing that provided a limitation on off-sales. The Sub-Committee considered that this condition adequately addressed concerns raised during the course of the hearing whilst not being overly onerous on the applicant's business.

In this instance, the Sub-Committee concluded that the grant of a premises licence subject to the conditions offered would promote the licensing objectives. The Sub-Committee noted that the applicant was an experienced company with regards to managing the licensing objectives and in fact offered a "Good Night Guarantee" whereby hotel guests would be offered a refund if they were disturbed by noise. The Sub-Committee also noted that the premises was new and, as such, would be built with high standards of noise prevention.

The Sub-Committee were mindful of the representations made by SEBRA and PMWVS, noting the key issue was how the public areas would operate. The Sub-Committee were grateful to the applicant for seeking to agree a smoking area with Environmental Health, to ensure that nuisance was not caused to local residents.

In this instance, the Sub-Committee considered, noting the representations made by Environmental Health, that further conditions requested by the objectors (namely table service of alcohol and specified capacity) would be overly onerous and disproportionate. Similarly, the Sub-Committee was also satisfied that, when the EHS

carried out its site inspection in accordance with the proposed "Works" condition, an appropriate assessment would be made to determine if the Premises could accommodate this number of persons proposed by the applicant. In reaching this decision, the Sub-Committee had regard to the representations made by the Responsible Authorities, the positive track-record of the applicant and the other conditions offered by the applicant which the Sub-Committee considered were appropriate, proportionate and would promote the licensing objectives.

Having carefully considered the committee papers and the submissions made by all the parties, both orally and in writing, **the Sub-Committee has decided**, after taking into account all the circumstances of this application and the promotion of the licensing objectives to **grant** the application with the following permissions:

1. **To grant permission for Films (Indoors)** Monday to Thursday 10:00 to 23:30 hours Friday to Saturday 10:00 to 00:00 hours Sunday 12:00 to 22:30. When hours for the sale of alcohol are extended these hours are also extended.
2. **To grant permission for Late Night Refreshment (Indoors)** Monday to Thursday 23:00 to 23:30 hours Friday to Saturday 23:00 to 00:00 hours Sunday Not Applicable. When hours for the sale of alcohol are extended these hours are also extended.
3. **To grant permission for the Sale by Retail of Alcohol On and Off the Premises** Monday to Thursday 10:00 to 23:30 hours Friday to Saturday 10:00 to 00:00 hours Sunday 12:00 to 22:30 hours. To extend the licensing hours on New Year's Eve: 10:00 to New Year's Day 00.30 (being 2nd January). The premises shall remain open to permit the sale of alcohol to hotel residents 24 hours a day.
4. **To grant permission for the Hours the Premises are Open to the Public** Monday to Thursday 06:00 to 00:00 hours Friday to Saturday 06:00 to 00:30 hours Sunday 06:00 to 23:00 hours. The premises shall remain open 24 hours a day for hotel residents. For non-residents, the premises will close 30 minutes after the end of the non-standard timings identified for the sale of alcohol
5. That the Licence is subject to any relevant mandatory conditions.
6. That the Licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

CONDITIONS IMPOSED BY THE COMMITTEE AFTER A HEARING

7. The use of door staff will be risk assessed on an ongoing basis by the licence holder or premises supervisor. Where engaged, door staff shall be licensed by the Security Industry Authority.
8. Staff will receive training on matters concerning underage sales, drugs policies and operating procedures to include safety, evacuation and use of emergency equipment as required.
9. There shall be a zero-tolerance policy in relation to drugs at the premises and there shall be regular checks by management to prevent the use of drugs by patrons. Drugs seized shall be stored securely and handed to the police.
10. The premises shall operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 21 years.

11. The management of the premises will liaise with police on issues of local concern or disorder.
12. The premises shall install and maintain a CCTV system as per the minimum requirements of 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 at 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 proper request of Police or authorised Officers during the preceding 31-day period.
13. 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.
14. Other than in hotel bedrooms there shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
15. No advertisements of any kind that advertise or promotes the establishment, its premises or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, upon any building, structure, works, street furniture, tree or any other property or be distributed to the public.
16. There shall be no drinks promotions at the premises which are inconsistent with the need to promote responsible drinking.
17. A record shall be kept detailing all refused sales of alcohol. The record shall 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 when the premises are open to non-residents.
18. The licence holder shall comply with the reasonable requirements of the fire officer from time to time.
19. The premises will have adequate safety and fire-fighting equipment, and such equipment will be maintained in good operational order.
20. Spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff.
21. Toughened glasses will be used in the premises where appropriate.
22. Fire Exits and means of escape shall be kept clear and in good operational condition.
23. Prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
24. Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby noise sensitive premises, the licensee or a suitable staff member will monitor patrons leaving at the closing time.

25. No Noise generated on the premises, or by its associated plant or equipment shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
26. Contact numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi.
27. No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.
28. Children under the age of 16 shall not be permitted to enter the premises after 21:00 unless dining with an adult or attending a pre booked function or resident in the hotel.
29. There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years.
30. The premises supervisor or appointed staff member shall ensure that when children are admitted to the premises their presence is not inconsistent with the style of operation of the premises at that time and the licensable activities that are being carried out.
31. Policies in relation to children shall be adequately communicated to patrons by staff or through appropriate signage.
32. 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) any faults in the CCTV
 - (f) any visit by a relevant authority or emergency service.
33. There shall be no sales of alcohol for consumption off the premises after (23.00) save for those paying residents in their hotel rooms and those customers after a meal wishing to take with them a sealed container only and this shall not be consumed on the premises.
34. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a hotel.
35. The certificates listed below shall be made available to an authorised officer upon request;
 - a. Any permanent or temporary emergency lighting battery or system
 - b. Any permanent or temporary electrical installation
 - c. Any permanent or temporary emergency warning system
 - d. Any ceiling inspection
36. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where

the premises are situated.

37. No collections of waste or recycling materials (including bottles) from the premises shall take place between 21.00 and 07.00 on the following day unless done during the Council's own collection times for the street as shown on the Council's website.
38. No deliveries to the premises shall take place between 21.00 and 07.00 on the following day.
39. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority. If there are minor changes during the course of construction new plans shall be submitted to the licensing authority when requesting removal of this condition.
40. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
41. Patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke, shall not be permitted to take drinks or glass containers with them.
42. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to an area agreed with the Councils Environmental Health Officer and this area shall be kept clean and tidy at all times.
43. The capacity for the premises shall be agreed by the Councils Environmental Health Officer after a site visit once the layout has been determined, up to a maximum of 235 persons for the entire Premises, excluding staff. Once this capacity has been agreed the layout of the basement licensed area shall be substantially laid out with tables and chairs as indicated on the Premises Licence Plan.
44. There shall be no admittance or new entry to the premises after 23:00 hours If problems are experienced, then an application for a Review of the Premises licence can be made.

If problems are experienced, then an application for a review of the Premises licence can be made.

This is the Full Decision reached by the Licensing Sub-Committee. This Decision takes immediate effect.

**The Licensing Sub-Committee
27 January 2021**