



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (5)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (5)** Committee held on **Thursday 31st August, 2017**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Peter Freeman (Chairman), Julia Alexander and Murad Gassanly

1 MEMBERSHIP

There were no changes to the Membership.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 THE ROYAL OAK (SHADOW LICENCE), 74-76 YORK STREET, W1

LICENSING SUB-COMMITTEE No. 5

Thursday 31st August 2017

Membership: Councillor Peter Freeman (Chairman), Councillor Julia Alexander and Councillor Murad Gassanly

Legal Adviser: Barry Panto
Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon
Presenting Officer: Yolanda Wade

**The Royal Oak, 74-76 York Street, W1
17/07127/LIPN**

Application withdrawn by the Applicant prior to the hearing.

4 GROUND FLOOR, 31-31A QUEENSWAY, W2

LICENSING SUB-COMMITTEE No. 5

Thursday 31st August 2017

Membership: Councillor Peter Freeman (Chairman), Councillor Julia Alexander and Councillor Murad Gassanly

Legal Adviser: Barry Panto
Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon
Presenting Officer: Yolanda Wade

Relevant Representations: Metropolitan Police, Licensing Authority and 1 Resident Association.

Present: Mr Kamran Razan (Agent, Representing the Applicant), Mr Ahady Naiem Mahamad (Applicant), PC Michael Day (Metropolitan Police), Mr David Sycamore (Licensing Authority) and Mr John Zamit (Chairman, South East Bayswater Residents' Association).

Ground Floor, 31-31A Queensway, W2 17/06728/LIPN	
1.	Sale by Retail of Alcohol (Off)
	Monday to Friday: 08:00 to 00:00 Saturday and Sunday: 10:00 to 00:00
	Amendments to application advised at hearing: Mr Razan, representing the Applicant, informed the Sub-Committee that the hours sought had been amended in keeping with the Council's Core Hours policy for off-sales (Monday to Saturday 08:00 to 23:00 and Sundays 10:00 to 22:30).
	Decision (including reasons if different from those set out in report): The Sub-Committee initially heard from Mr Razan, representing the Applicant. He informed Members that the hours sought for the application had been amended in keeping with the Council's Core Hours policy for off-sales. The Applicant had also agreed the conditions proposed by Environmental Health and Metropolitan Police. Environmental Health had subsequently withdrawn their representation. Mr Razan placed emphasis on the Applicant looking to prevent any possibility of street drinking arising from off sales at the premises. He added that the shop had been trading since 4 June 2017. PC Day confirmed that the Applicant had agreed the Police's proposed conditions. He advised that the Police's representation had been maintained as 31-31A Queensway is located within one of the Council's designated cumulative impact areas (Queensway / Bayswater).

The Sub-Committee was addressed by Mr Sycamore on behalf of the Licensing Authority. He stated that the Licensing Authority's chief concern was adding to cumulative impact and the potential for street drinking in the event of another licence for alcohol being granted. He questioned how the shop would trade which appeared to have previously sold souvenirs and operated as a bureau de change. Mr Sycamore also asked what percentage of sales would be alcohol related.

Mr Zamit on behalf of South East Bayswater Residents' Association ('SEBRA') expressed concerns regarding the number of drinking establishments and off licences in the Queensway / Bayswater Cumulative Impact Area. However, it was his view that provided it could be demonstrated that the premises would not have an adverse impact on the area he would be content for the application to be granted subject to conditions. He was pleased that the Applicant had agreed Environmental Health's proposed conditions which were consistent with SEBRA's requested conditions and also that the proposed hours had been reduced to Core Hours. Mr Zamit was keen to have a condition on the premises licence which prevented miniatures of alcohol such as whisky and vodka being sold in order to discourage street drinking in the area.

Mr Zamit stated that he did not object to collections from the premises being between 07:00 and 00:00 as this would be in keeping with collection times. However, the Applicant had agreed Environmental Health's proposed condition that collections would only take place between 08:00 and 20:00. He had spoken with the Applicant and it had been explained to him that the refuse went into a common area as part of the Queensway Market operation and the Applicant appeared to be content that he could comply with the condition. Mr Zamit said that he would normally request deliveries between 08:00 and 20:00 rather than 23:00 which had been agreed between the Applicant and Environmental Health. However, he did not strongly object to the hours for deliveries as it was a small shop.

There was also a discussion which began with Mr Zamit asking why there had not been a Police proposed condition requiring restrictions on off-sales during Notting Hill Carnival. PC Day said that his role as the Engagement and Partnership Officer was to ensure that off licences in the vicinity of the Carnival area were visited a month before the event. There was advice given throughout the year about the expectations of the Police regarding sales of alcohol during the Carnival and premises meeting the licensing objectives. PC Day added that it was an engagement led process rather than imposing conditions and this had proved successful.

In response to questions from the Sub-Committee, Mr Razan clarified that the Applicant would not be running a souvenir shop. The souvenir shop had predated the current convenience store operation which the Applicant had opened in June 2017.

The Sub-Committee also asked Mr Razan whether the Applicant was content to agree Mr Zamit's suggested condition regarding miniatures of alcohol not being sold. He replied that the Applicant would not be selling any miniatures of alcohol at the convenience store and he was content for the proposed condition to be

attached to the premises licence in the event the application was granted.

Mr Wroe asked those present whether they believed it was necessary for the proposed conditions 9-22 in the operating schedule to be attached to the licence given that the Applicant had agreed conditions with Environmental Health and the Police. PC Day requested that any conditions there that were duplicates were superseded by the Police's proposed conditions. Mr Sycamore requested that some of the conditions were examined by the Sub-Committee as the wording in some cases could be improved as they lacked enforceability.

The Sub-Committee decided to grant the application. The Sub-Committee noted that the Council's policy in respect of off sales is that applications will be granted subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas. In considering whether the application promoted the licensing objectives, the Sub-Committee shared the Licensing Authority's and SEBRA's view that it was vital that the premises should not contribute to any street drinking in the area. The Sub-Committee took the view that the Applicant had understood the need to promote the licensing objectives, including in terms of agreeing a set of comprehensive conditions. The Applicant had agreed all of the proposed conditions of Environmental Health and the Police. Environmental Health had subsequently withdrawn their representation. The Environmental Health proposed conditions included that no super strength alcohol would be sold, there would be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% alcohol by volume and that all tills would automatically prompt staff to ask for age verification identification when presented with an alcohol sale. The Police proposed conditions including requiring a Challenge 25 proof of age scheme and that outside of operating hours, alcohol would be locked away. The Applicant had also agreed SEBRA's request that no miniature bottles of spirits of 20 cl or below would be sold from the premises.

The Sub-Committee in deciding that the application should not be refused on the basis of cumulative impact, noted that the Applicant had amended the hours so that they were in keeping with the Council's Core Hours policy and that there was therefore some restriction on customers remaining in the Queensway / Bayswater Cumulative Impact Area. Core Hours are those set out in the policy HRS1 which will generally be granted, subject to not being contrary to other policies in the Council's Statement of Licensing Policy.

The Sub-Committee decided that a number of the proposed conditions in the operating schedule would not be retained due to them either being duplicates or not enforceable. Those that were not duplicates, were deemed enforceable and were retained from the operating schedule were proposed conditions 13, 15, 20, 21 and 22 (22 was amended). The five conditions are listed below as conditions 6 to 10. The Sub-Committee noted that not all the mandatory conditions were relevant as the application was for off-sales only.

2. Hours premises are open to the public

	<p>Monday to Saturday: 07:00 to 00:00 Sunday: 08:00 to 00:00</p>
	<p>Amendments to application advised at hearing: None.</p>
	<p>Decision (including reasons if different from those set out in report): The Sub-Committee granted the commencement hours as applied for and the terminal hour so as to accord with core hours for off sales (Monday to Saturday 07:00 to 23:00 and Sundays 08:00 to 22:30).</p>

Conditions attached to the Licence	
<u>Mandatory Conditions</u>	
<ol style="list-style-type: none"> 1. 2. 3. 4. 5(i) 	<p>No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.</p> <p>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.</p> <p>Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.</p> <ol style="list-style-type: none"> (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— <ol style="list-style-type: none"> (a) a holographic mark, or (b) an ultraviolet feature. <p>A relevant person shall ensure that no alcohol is sold or supplied for</p>

consumption on or off the premises for a price which is less than the permitted price.

5(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.

5(iii). Where the permitted price given by Paragraph 5(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.

5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(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.

Additional Conditions

6. All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.
7. Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.
8. Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.
9. Staff will be trained to spot proxy purchase and refuse such a sale and report the adult involve to police.
10. Admission of persons under the age of 18 after 20:00 will not be permitted on the premises unless supervised by an adult
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.
12. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
13. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
14. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
15. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
16. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
17. 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.
18. No collections of waste or recycling materials (including bottles) from the premises shall take place between 20.00 hours and 08.00 hours on the following day.
19. No deliveries to the premises shall take place between 23.00 hours and 08.00 hours on the following day.

20. 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 entire 31 day period.
21. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
22. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
23. 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
 - (g) Any refusal of the sale of alcohol
 - (h) Any visit by a relevant authority or emergency service.
24. Signage of the age verification scheme shall be displayed in a prominent position on the shop floor, at point of sale.
25. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
26. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store

room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.

27. No miniature bottles of spirits of 20 cl or below shall be sold from the premises.

5 TANK AND PADDLE, 15-17 HEDDON STREET, W1

LICENSING SUB-COMMITTEE No. 5

Thursday 31st August 2017

Membership: Councillor Peter Freeman (Chairman), Councillor Julia Alexander and Councillor Murad Gassanly

Legal Adviser: Barry Panto
Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon
Presenting Officer: Yolanda Wade

**Tank and Paddle, 15-17 Heddon Street, W1
17/07271/LIPV**

Application withdrawn by the Applicant prior to the hearing.

6 AVERY HOUSE, 1-3 AVERY ROW, W1

LICENSING SUB-COMMITTEE No. 5

Thursday 31st August 2017

Membership: Councillor Peter Freeman (Chairman), Councillor Julia Alexander and Councillor Murad Gassanly

Legal Adviser: Barry Panto
Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon
Presenting Officer: Yolanda Wade

**Avery House, 1-3 Avery Row, W1
17/06724/LIPN**

The application was granted under delegated powers prior to the hearing as all objectors had withdrawn their representations.

7 CHEZ ANTOINETTE, THE PIAZZA, COVENT GARDEN

LICENSING SUB-COMMITTEE No. 5

Thursday 31st August 2017

Membership: Councillor Peter Freeman (Chairman), Councillor Julia Alexander and Councillor Murad Gassanly

Legal Adviser: Barry Panto
Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon
Presenting Officer: Yolanda Wade

Relevant Representations: Licensing Authority.

Present: Ms Liz Coley (Solicitor, Representing the Applicant), Ms Aurelia Delclos (Owner and Designated Premises Supervisor) and Mr David Sycamore (Licensing Authority).

Chez Antoinette, The Piazza, Covent Garden 17/06988/LIPV	
1.	Conditions being varied, added or removed
<u>From</u>	<u>To</u>
<u>Condition 14</u> – All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.	<u>Condition 14</u> – The consumption of alcohol off the premises will be in sealed containers or consumed by persons in the external seating area (shown as hatched on the plan) and in accordance with the requirements of condition 11.
Amendments to application advised at hearing: None.	
Decision (including reasons if different from those set out in report): The Sub-Committee heard from Ms Coley, representing the Applicant. She stated that the variation of the premises licence had been applied for in order to provide off sales to diners in an additional external seating area at the French café / restaurant on the lower ground floor of The Piazza. A current condition on the existing premises licence which the Applicant wished to amend set out that 'all sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises'. The Applicant had agreed with Environmental Health a proposed condition that off sales were also available for consumption in the new external seating area on the private	

forecourt and that the alcohol served at the new external seating area would be ancillary to the Council's model restaurant condition MC66. Ms Coley referred to the Council's model restaurant condition, MC66, already applying by way of condition inside the premises building and the existing seating area immediately outside the premises building.

Ms Coley clarified that there were currently six covers immediately outside the building which were included in the licensed area on the plans (the overall capacity including the internal area was thirty people). The Sub-Committee noted that the Applicant had agreed with Environmental Health a second proposed condition that there would be an additional 16 people in the new external seating area on the private forecourt (this was further away from the premises building than the existing seating area).

Ms Coley provided the additional information that the landlord, Capital & Counties Properties PLC ('CAPCO') had permitted the Applicant the use of the area for additional external seating. She also commented that the Applicant had used a full quota of temporary event notices for the new external seating area without any issues being raised and that the premises was not open for the full hours permitted on its licence throughout the week. It was open until 20:00 on a Sunday, 21:00 Monday to Thursday and 23:00 on a Friday and Saturday.

Ms Delclos confirmed that she had been running the premises since 2014 and also that alcohol would be ancillary to a substantial table meal in the additional external area. She advised that alcohol was approximately 10% of revenue. She owned and managed the business and there had been no issues at the premises, including in relation to alcohol being sold there.

The Sub-Committee was addressed by Mr Sycamore on behalf of the Licensing Authority. He said that he had no specific objection to the nature of the operation. However, he maintained his representation on policy grounds as there would be an additional sixteen customers in the West End Cumulative Impact Area in the event the application was granted.

The Sub-Committee decided to grant the application. The Sub-Committee considered that the application would promote the licensing objectives. The Applicant had agreed a proposed condition with Environmental Health that alcohol sales at the new external seating area would be ancillary to a substantial table meal. The area would be an extension of the restaurant where customers were seated and served by waiter or waitress. Chez Antoinette was believed to be well run. Members noted that there had been no representation from the Police, Environmental Health had withdrawn their representation following the Applicant having agreed their proposed conditions and the Licensing Authority did not have specific concerns about the nature of the operation. The Responsible Authorities therefore were also not of the view that there was the risk of the licensing objectives being undermined. There had been no residential representations objecting to the application.

Members also took into account that the Applicant was not seeking to extend the opening hours at the café/restaurant and was not retaining customers in the West End Cumulative Impact Area late into the evening. The hours would

remain within the Council's Core Hours policy and were an hour less than Core Hours on Friday and Saturday evenings. All external tables and chairs would be rendered unusable by 23:00.

The Sub-Committee replaced Condition 14 on the existing premises licence with the new condition agreed between Environmental Health and the Applicant relating to off sales being sold in the new external seating area and also replaced the existing Condition 21 with the updated capacity condition agreed between Environmental Health and the Applicant.

Conditions attached to the Licence

Mandatory Conditions

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.

- 8(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.

- 8(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.
- 8(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.

Additional Conditions

9. 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.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested
11. The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) where the supply of alcohol is by waiter or waitress service only, (iii) which provide food in the form of table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (v) do not provide any take away service of food or drink after 23.00, and (vi) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
- Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
12. A Challenge 21 proof of age scheme will be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
13. There shall be no self service of alcohol.

14. The consumption of alcohol off the premises will be in sealed containers or consumed by persons in the external seating area (shown as hatched on the plan) and in accordance with the requirements of condition 11.
15. 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) any faults in the CCTV system
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service.
16. When regulated entertainment takes place all external doors and windows to be kept closed save for immediate access and egress of persons.
17. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
18. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
19. During the hours of operation 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 the aforementioned 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.
20. All external tables and chairs shall be rendered unusable after 23.00 hours Monday to Sunday.
21. The number of persons accommodated at any one time (excluding staff) shall not exceed 24 persons internally, 6 persons immediately outside the premises and 16 persons in the hatched area for off sales.
22. WC facilities shall be available on the lower floor of The Piazza for customer use, free of charge, at all times when the premises is open for business.