



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (2)** Committee held on **Thursday 30th November, 2017**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Tim Mitchell (Chairman), Heather Acton and Aziz Toki

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

1 SCANDAL, 78 WELLS STREET, W1

The application was withdrawn by the applicant.

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

LICENSING SUB-COMMITTEE No. 2

Thursday 30th November 2017

Membership: Councillor Tim Mitchell (Chairman), Councillor Heather Acton and Councillor Aziz Toki

Legal Adviser: Horatio Chance

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Daisy Gadd

Relevant Representations: Environmental Health, The Metropolitan Police and the Licensing Authority.

Present: Mr Philip Kolvin QC (Representing the Applicant), Mr Andrew Woods (Agent, representing the Applicant), Mr Ross Palmer and Ms Sarah Miller (representing the Applicant Company), PC Toby Janes (The Metropolitan

Police), Mr Maxwell Koduah (Environmental Health) and Mr Steven Rowe (The Licensing Authority).

Tank and Paddle, 15-17 Heddon Street, London, W1B 4BF (“The Premises”) 17/10790/LIPN	
1.	Recorded Music - Indoors Monday to Saturday: 09:00 to 02:00 Sunday: 09:00 to 23:00
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee considered an application by Tank and Paddle Limited for a new premises licence in respect of 15-17 Heddon Street, London, W1B 4BF. The Licensing Officer provided an outline of the application to the Sub-Committee. Mr Kolvin, representing the applicant, explained to the Sub-Committee that if it was minded to grant the application a list of conditions to be added to the licence had been agreed between the applicant and Environmental Health (EH). Following further discussions, the Police had also agreed the proposed conditions and it had been agreed to restrict patrons temporarily leaving and re-entering the Premises with drinks until 00:00 hours. It was also now proposed to present waste for collection thirty minutes before the scheduled collection time and not ninety. Mr Kolvin highlighted how the Premises was being transformed from a nightclub with a dance floor into a new food and beverage operation with a significant seating element. The Sub-Committee was advised that the Applicant had successfully operated two similar premises in the City of London over the past twelve months offering craft beers and a pizza menu. They had proven very popular and it was now intended to open an identical operation within the West End. It was recognised that the Premises was situated within a Cumulative Impact Area (CIA) however it was submitted that the application before the Sub-Committee could be considered as having less of an impact on the local area than the nightclub that operated before it. The application would reduce the Premises licensable hours, reduce its opening hours, install a smaller bar area, remove the dance floor, remove the DJ booth and include a minimum number of covers. The City Council’s Statement of Licensing Policy (“SLP”) stated at paragraph 2.4.7 what Premises could be considered an exception to Policy and it was considered that the application before the Sub-Committee met all these requirements. The fact the Premises capacity would be reduced, the hours reduced, an increased level of seating installed and an increased food offer being made available all meant the application could be considered an exception to Policy.

In response to questions from the Sub-Committee Mr Kolvin explained that in order to replicate the existing licence it had originally been proposed to close the Premises at 02:30 hours on Sundays. However, following discussions this had now been adjusted to 23:30 hours to address any concerns. It was also confirmed that there would be no takeaway service available from the Premises. Mr Kolvin then provided details of the Premises plans to the Sub-Committee and explained how there were two external table and chairs areas which would be delineated by hard, wooden barriers. The Sub-Committee was aware that residents on Heddon Street had experienced nuisance emanating from other premises by customers drinking outside. It was queried how allowing customers to drink in the tables and chairs area until 00:00 would not create further nuisance. Mr Kolvin highlighted that these external areas currently had no restrictions placed on them whilst the proposed application was actually seeking to limit their use and would therefore promote the public nuisance licensing objective. The Sub-Committee noted that no representations had been received by local residents. Following a question from the Council's Policy Adviser Mr Kolvin confirmed that the current plans detailing the Premises licensable area were incorrect as they included the external areas for which a tables and chairs licence would be required. The Sub-Committee noted that the Applicant would submit new updated plans as soon as possible.

PC Janes, representing the Metropolitan Police, stated that their representation was maintained based on policy grounds. The proposed conditions put forward were welcomed and it was considered that the change in nature of the Premises would pose less risk than its previous operation as a nightclub. The reduction in the terminal hours and capacity along with the removal of the dancefloor provided reassurance that the Premises posed less of a risk in terms of crime and disorder. It was noted that the number of SIA staff to be employed would be reduced however, this was offset by the proposed reduction in capacity and the fact it would no longer be a nightclub operation. It was felt the balance proposed was sufficient along with the Applicants undertaking to undertake risk assessments on a daily basis to assess their SIA needs. PC Janes felt this was adequate especially considering the other two operations in the City of London had not been a source of crime and disorder.

Mr Koduah, representing EH, confirmed that constructive discussions had taken place with the Applicant. The proposed application was considered an improvement on the operation which had been in place as it posed less of a risk in terms of nuisance and public safety. Proposed conditions had been discussed with the Applicant however Mr Koduah drew the Sub-Committees attention to two potential areas of concern though. The first was the reduction in the number of SIA staff employed. It was recognised that there would still be a minimum of two SIA staff on duty and a daily risk assessment would be undertaken, however the Sub-Committee had to consider if this was appropriate bearing in mind that that the two external areas would have to be managed effectively and efficiently that would help promote the licensing objectives. Secondly, several conditions had been proposed which had been on the previous licence. Not all the wording had been included in these conditions however and Mr Koduah advised that either the exact wording for each condition be replicated or they be removed from the licence. Mr Kolvin confirmed that the Applicant would be willing to

include all the wording from the old licence or have the conditions removed from the licence entirely. Mr Koduah explained that beyond these small areas of concern EH was satisfied that the application represented less risk than a nightclub operation and would promote the licensing objectives.

Mr Rowe, representing the Licensing Authority advised the Sub-Committee that, constructive discussions had taken place with the applicant and a set of proposed conditions had been agreed. The change in style of the operation was positive however a concern remained that there would still be a large drink element to the Premises. Paragraph 2.4.7 of the SLP was relevant for this application and the Sub-Committee had to decide if the application could be considered an exception to policy.

In response to a question regarding smokers Mr Kolvin highlighted that after midnight the number of smokers permitted would be restricted to twenty-five customers contained within the tables and chairs area. For the size of the venue this was considered very modest, the Police had no concerns in terms of crime and disorder and a risk assessment would be undertaken every evening. Mr Koduah confirmed the Premises had planning permission for one year to use the pavement for tables and chairs until 01:00.

The Sub-Committee carefully considered the application and all the evidence submitted. The Sub-Committee acknowledged the Premises currently benefited from a licence and had to assess if granting the new application would be an improvement on what was currently permitted. The Sub-Committee also took into consideration what impact potentially granting the variation would have in the future if it was taken over by another operator. The Sub-Committee noted that the hours for licensable activities would be reduced, there would be a reduction in capacity, reduced hours on Sundays and the removal of the dance floor. The style of operation would change from a nightclub to a drink and beverage operation and it was considered that this would all help ensure that the Premises would not be a source of crime and disorder. After carefully considering all these aspects the Sub-Committee decided on balance that the application before it would constitute an improvement on what was currently permitted on the current licence. Under paragraph 2.4.7 of the SLP the Sub-Committee considered the application to be an exception to Policy and would therefore not add to cumulative impact in the area. The additional conditions offered by the Applicant, as amended, were sufficient to provide confidence that the licensing objectives would be upheld and promoted. To provide reassurance the Sub-Committee added an extra condition preventing any takeaway service being provided from the Premises. It was also noted that the applicant would submit an updated plan defining the licensable area. As such it was agreed to grant the application accordingly.

The Sub-Committee considered that the conditions imposed on the Premises Licence were appropriate and proportionate that would promote the licensing objectives.

2. Late Night Refreshment - Indoors

Tuesday to Saturday: 23:00 to 02:00

	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted the application (see reasons for decision in Section 1).
3.	Sale by Retail of Alcohol – On and Off Sales Monday to Saturday: 10:00 to 02:00 Sunday: 12:00 to 23:00
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted the application (see reasons for decision in Section 1).
4.	Hours Premises Are Open to the Public Monday to Sunday: 09:00 to 02:30
	Amendments to application advised at hearing: The applicant confirmed that the Premises would close to the public at 23:30 on Sundays.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted the application (see reasons for decision in Section 1).

Conditions attached to the Licence
<p><u>Mandatory Conditions</u></p> <p>1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.</p> <p>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.</p>

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 subparagraph 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.

Conditions Consistent with the Operating Schedule

9. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

10. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

11. On Fridays and Saturdays from 21:00 hours there shall be a personal licence holder on duty at the premises at all times when the premises are authorised to sell alcohol.

12. There shall be no admittance or re-admittance to the premises after 01:30am.

13. There will at all times be a minimum of 120 covers available for customers on the ground floor of the premises, such covers not to be removed at any time.

14. There will be no DJ or DJ led entertainment at the premises.

15. There will be no dance floor at the premises.

16. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises 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, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.

17. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.

18. 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.

19. 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.

20. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:

- a) all crimes reported to the venue;
- b) all ejections of patrons;
- c) any complaints received concerning crime and disorder;
- d) any incidents of disorder;
- e) all seizures of drugs or offensive weapons;
- f) any faults in the CCTV system, searching equipment or scanning equipment;
- g) any refusal of the sale of alcohol; and
- h) any visit by a relevant authority or emergency service.

21. In the event that a serious assault is committed on or immediately outside the premises (or appears to have been committed) to the management's 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 reasonably 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.

Serious assault includes (but is not limited to) any assault in which emergency medical treatment is required and any assault in which a weapon is used.

22. 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.

23. The premises licence holder will risk assess at all times the need to employ SIA door supervisors and the number of SIA door supervisors but will in any event employ a minimum of two SIA door supervisors Sunday to Thursday from 21:00

hours and three SIA door supervisors from 21:00 on Friday and Saturday.

24. All security staff engaged outside the premises shall wear high visibility armbands.

25. All persons entering or re-entering the premises shall be monitored and recorded on the CCTV system and the CCTV system will enable frontal identification of every person entering the premises in any light condition. Management or SIA door supervisors will at all times risk assess the need to search persons entering or re-entering the premises, a search wand will be available at the premises at all times and a search policy will be in place at all times and available for inspection by the relevant authorities.

26. The number of persons accommodated (excluding staff) at the premises shall not exceed:

- a) Ground Floor - 360
- b) Basement Bar – 50

27. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

28. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and to leave the area quietly.

29. Patrons permitted to temporarily leave and then re-enter the premises after midnight e.g. to smoke, shall be limited to 25 persons at any one time and restricted to the area authorised for the use of tables and chairs.

30. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.

31. The premises licence holder shall ensure that any patrons drinking and/or 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.

32. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

33. 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.

34. 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.

35. No licensable activities shall take place at the premises until premises licence 17/03376/LIDPS has been surrendered and is incapable of resurrection.

36. There shall be no sales of alcohol for consumption off the premises after 23:00 hours except for alcohol consumed in an area appropriately authorised for the use of tables and chairs on the highway.

37. All outside tables and chairs shall be rendered unusable by 01:00 hours each Day.

38. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall only be permitted to take drinks or glass containers with them into the authorised tables and chairs area until 00:00.

39. No deliveries to the premises shall take place between 22:00 hours and 06:00 hours on the following day.

40. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

41. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 22:00 hours and 06:00 hours on the following day.

42. No collections of waste or recycling materials (including bottles) from the premises shall take place between 22:00 hours and 06:00 hours on the following day.

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

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

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

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

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

48. No licensable activities shall take place at the premises until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing

Authority.

49. There shall be no takeaway food from the premises.

3 MAITRE CHOUX, 60 DEAN STREET, W1

LICENSING SUB-COMMITTEE No. 2

Thursday 30th November 2017

Membership: Councillor Tim Mitchell (Chairman), Councillor Heather Acton and Councillor Aziz Toki

Legal Adviser: Horatio Chance

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Daisy Gadd

Relevant Representations: The Metropolitan Police and the Licensing Authority.

Present: Thomas O'Maoileoin (Solicitor, representing the applicant), Mr Jeremy Vaislic (Applicant), PC Toby Janes (The Metropolitan Police) and Mr Steven Rowe (The Licensing Authority).

Maitre Choux, 60 Dean Street, London, W1D 6AW ("The Premises") 17/11127/LIPN

1. Sale by Retail of Alcohol – On and Off Sales

Monday to Saturday: 10:00 to 23:00

Sunday: 12:00 to 22:30

Non-Standard Timings:

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Amendments to application advised at hearing:

None.

Decision (including reasons if different from those set out in report):

The Sub-Committee considered an application by MNJV3 Corporation Limited for a new premises licence in respect of 60 Dean Street, London, W1D 6AW.

The Licensing Officer provided an outline of the application to the Sub-Committee.

Mr O'Maoileoin, representing the Applicant, stressed to the Sub-Committee the very narrow nature of the application before it. The Applicant had attempted to

address any policy concerns raised and furthermore futureproof the licence to ensure it could not become a drink-led establishment if the applicant ever left the Premises. It was submitted that the Premises in question was very small with a maximum capacity of fourteen seated customers. Constructive discussions had taken place between the applicant, the Police and Environmental Health (EH) to address any concerns. Agreement on most aspects of the application had been reached aside from the proposed hours for the sale of alcohol. The Responsible Authorities had requested a terminal hour of 20:00 hours however the Applicant was requesting 23:00 in order to attract shoppers or theatre goers for example. Mr O'Maoileoin explained that the type of alcohol sold at the Premises was limited to sparkling wine alongside a food offer consisting of eclairs, choux and chouquettes. The Sub-Committee was advised that customers did not spend a long time at the Premises and the application was just seeking to allow a customer to consume a glass of sparkling wine with their éclair. It was stated that this was not a drink-led premises and many customers would purchase food without a glass of wine.

Mr O'Maoileoin brought the Sub-Committee's attention to the narrow conditions proposed by the Applicant. Firstly, there would be a condition on the licence restricting the sale of alcohol to that of sparkling wine which could only be sold ancillary to choux. Secondly, there would be a condition ensuring the Premises could only operate as Maitre Choux. Thirdly, after 20:00 hours sparkling wine could only be sold on the Premises by the glass. These conditions made the application so narrow and restrictive in how it could operate it would not set a precedent and could therefore be considered an exception to the City Council's Statement of Licensing Policy. The only concern that appeared to remain for the Responsible Authorities was allowing the sale of alcohol between 20:00 and 23:00 Monday to Saturday and 20:00 to 22:30 on Sundays. Mr O'Maoileoin explained how these hours had been applied for simply to attract shoppers and theatre goers and the nature of the operation would ensure it did not become a drink-led establishment.

PC Janes, representing the Metropolitan Police, confirmed that their representation was maintained on policy grounds. The Premises was located within a Cumulative Impact Area (CIA) and the hours requested for the sale of alcohol went beyond 20:00 hours which was contrary to Policy. However, the restrictive nature of the conditions was recognised and due to the style of operation the Premises was considered low risk in terms of crime and disorder.

Mr Rowe, representing the Licensing Authority, confirmed that their representation was maintained as it was an application for a new premises licence for a Premises situated within a CIA. Discussions had been held with the Applicant regarding reducing the proposed hours for the sale of alcohol but agreement had not been reached. The Sub-Committee had to decide therefore if granting the application would have a detrimental effect on the CIA.

Mr O'Maoileoin highlighted that no representations had been received from either local residents or resident associations.

In response to a question from the Sub-Committee Mr Vaislic confirmed that external delivery companies did collect deliveries from the Premises. It was also

	<p>confirmed that off-sales of alcohol would also be ancillary to the sale of cake and would be sold in sealed containers.</p> <p>After careful consideration the Sub-Committee agreed to grant the application. The very restrictive nature of the conditions would ensure that the Premises would not become a drink-led establishment and could not be used by a future operator to become one. The sale of alcohol would be ancillary to choux and would consist solely of sparkling wine which provided reassurance that the application was tailored towards the specific operation of Maitre Choux. The conditions were considered appropriate and would ensure the licensing objectives were upheld and promoted. It was acknowledged that the Premises was situated within a CIA and concern had been raised over the hours permitting the sale of alcohol requested. The Sub-Committee however considered that the nature of the operation, it's small capacity and the restrictive way the licence was conditioned would ensure that it did not add to cumulative impact in the area. The hours requested were therefore considered appropriate and subject to some minor amendments to the conditions the Sub-Committee, having heard all the evidence, granted the application accordingly. The Sub-Committee also requested that in order to combat any potential pollution or noise issues an informative be placed on the licence requesting the Applicant use their best endeavours in ensuring delivery companies servicing the Premises use sustainable modes of transport when collecting any deliveries.</p> <p>The Sub-Committee considered that the conditions imposed on the Premises were appropriate and proportionate and promoted the licensing objectives.</p>
<p>2.</p>	<p>Hours Premises Are Open to the Public</p> <p>Monday to Saturday: 10:00 to 23:00 Sunday: 12:00 to 22:30</p> <p>Non-Standard Timings:</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application (see reasons for decision in Section 1).</p>

Conditions attached to the Licence
<u>Mandatory Conditions</u>

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 subparagraph 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.

Conditions Consistent with the Operating Schedule

9. The sale of alcohol on the premises shall at all times be ancillary to the main function of the premises as a patisserie.

10. Sales of alcohol shall be limited to sparkling wine sold ancillary to eclairs, choux and chouquettes.

11. The premises shall only operate as Maitre Choux.

12. 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.

13. The supply of alcohol on the premises shall be by waiter or waitress service only to persons seated.

14. The number of persons seated in the premises at any one time shall not exceed 14 persons excluding staff.

15. After 20.00 hours sparkling wine shall only be sold on the premises by the glass.

16. There shall be no self-service of alcohol

17. 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.

18. 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.

19. 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.

20. 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.

21. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

22. 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.

23. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

24. No deliveries to the premises shall take place between 23.00 hours and 08.00 hours.

17. Off sales of alcohol shall be in sealed containers only, limited to sparkling wine and only sold ancillary to eclairs, choux and chouquettes.

25. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23.00 hours and 08.00 hours.

26. 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 are open.

27. 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
- (d) any incidents of disorder
- (e) any faults in the CCTV system.
- (f) any visit by a relevant authority or emergency service.

The Meeting ended at 11.09 am

CHAIRMAN: _____

DATE _____