

# Licensing Sub-Committee Report

Item No:	
Date:	1 June 2017
Licensing Ref No:	17/03369/LIPN - New Premises Licence
Title of Report:	La Goccia, The Petersham & The Deli King Street Covent Garden London
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: <a href="mailto:ywade@westminster.gov.uk">ywade@westminster.gov.uk</a>



## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	The Licensing Authority
<b>Representative:</b>	Mr Steven Rowe
<b>Received:</b>	27 <sup>th</sup> April 2017
<p>I write in relation to the application submitted for a new Premises Licence for the above premises.</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:</p> <ul style="list-style-type: none"><li>• Public Nuisance</li><li>• Prevention of Crime &amp; Disorder</li><li>• Public Safety</li><li>• Protection of Children from Harm</li></ul> <p>As it stands the application does contravene Westminster's Statement of Licensing Policies CIP1, HRS1, RNT2 and PB2.</p> <p>The application is to licence the ground floor to:</p> <ul style="list-style-type: none"><li>· allow the Supply of Alcohol both 'on and off' the premises Monday to Saturday 08:00-00:00 hours and Sunday 08:00-22:30 hours.</li><li>·allow Late Night Refreshment 'indoors' Monday-Saturday 23:00-00:30 hours.</li></ul> <p>The premises is located inside the Cumulative Impact Area.</p> <p>Policy CIP1 states (i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1. However part (ii) states: Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>	

Policy HRS1 states at paragraph 2.3.2: "It is the intention to generally grant licences... where the hours when customers are permitted to be on the premises are within the 'core hours' as set out in Policy HRS1. This is not a policy to refuse applications for longer hours than the core hours and consideration will in all cases be given to the individual merits of an application. Where a proposal is made to operate outside these core hours each application will be considered on its merits against the criteria as set out in paragraph (ii) (of Policy HRS1)".

The hours requested for the sale of alcohol depart from the councils core hours for commencement by 2 hours on each of the days Monday to Saturday and by 4 hours 30 minutes on a Sunday.

The hours requested for the sale of alcohol depart from the councils terminal core hour by 30 minutes on each of the days Monday to Thursday. The hours requested for LNR depart from the councils terminal core hour by 1 hour on each of the days Monday to Thursday and by 30 minutes on Friday and Saturday.

Policy RNT2 which relates to restaurants within the CIA states 'Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

Paragraph 2.5.3 of the Council's Policy relating to restaurants states in part that '.....The Council is particularly concerned that restaurant premises in the cumulative impact areas do not, even in part, come to operate as bars and particularly not as "vertical drinking" premises where customers consume alcohol standing throughout the evening.'

The applicants have requested to allow an area of the premises for persons waiting for and having dined to be supplied and consume alcohol up to a maximum of 30 people.

Policy PB2 which relates to pubs and bars states 'It is the Licensing Authority's policy to refuse applications in the CIA other than applications to vary the hours within the core hours under policy HRS1'.

Please therefore accept this as a formal representation, further details will be provided in due course including a discussion relating to conditions.

<b>Responsible Authority:</b>	The Metropolitan Police Service
<b>Representative:</b>	PC Bryan Lewis
<b>Received:</b>	19 <sup>th</sup> April 2017

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted, the application would undermine the Licensing Objectives. The venue is

situated in the West End Cumulative Impact Area, a locality where there is traditionally high levels of crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Ms Sally Thomas
<b>Received:</b>	10 <sup>th</sup> April 2017

I refer to the application for a new Premises Licence for the above premises.

**The premises are situated in the West End Cumulative Impact Area as stated in City of Westminster's Statement of Licensing Policy.**

This representation is based on the Operating Schedule and the submitted plans, the basement titled with the address and drawing number 15017-11-800 and dated 22-03-2017 detailing back of house areas and the licensable areas on the ground floor titled with the address and drawing number 15017-11-801 and dated 22-03-2017.

The applicant is seeking the following on the **ground floor**:

1. To allow the Supply of Alcohol both 'on and off' the premises Monday to Saturday 08:00-00:00 hours and Sunday 08:00-22:30 hours.
2. To allow Late Night Refreshment 'indoors' Monday-Saturday 23:00-00:30 hours.

I wish to make the following representation in relation to the above application:

1. The provision of the Supply of Alcohol may cause an increase in Public Nuisance in the cumulative impact area, it may also impact on Public Safety.
2. The provision of Late Night Refreshment may cause an increase in Public Nuisance in the cumulative impact area.

The applicant has proposed conditions within the operating schedule which are being considered. Further conditions may be proposed by Environmental Health in order to help prevent Public Nuisance and protect Public Safety.

**The granting of the new Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the cumulative impact area and may impact on Public Safety.**

<b>2-B Other Persons</b>	
<b>Name:</b>	Mr Graham Nicholson
<b>Address and/or Residents Association:</b>	Flat 3 12 King Street London WC2E 8HN
<b>Received:</b>	8 <sup>th</sup> April 2017
<p>I do not object to an alcohol licence being granted, but I do object to an extension until 0030 hours. As a neighbour, I overlook the relevant premises and despite the proposed licence condition that nuisance should not be caused to local residents, this will be quite ineffective to prevent intoxicated customers leaving the premises making a noise late at night or spilling onto the pavement to drink and smoke. There will also be noise from the outdoor facilities proposed within the new Kings Court. This area has got busier and busier in recent years and late at night is the only quiet period. There are many other bars in the immediate neighbourhood who will no doubt want to increase their opening hours if this application is granted. It will be a bad precedent and will damage the environment for residents, including those buying the new Kings Court flats.</p>	
<b>Name:</b>	Covent Garden Community Association (CGCA)
<b>Address and/or Residents Association:</b>	42-44 Earlham Street Covent Garden London WC2H 9LA
<b>Received:</b>	27 <sup>th</sup> April 2017
<p>This representation is being made by the Covent Garden Community Association (CGCA). CGCA is recognised by both Camden and Westminster as the Amenity Society for the Covent Garden area (defined as the area bounded by High Holborn, New Oxford Street, Charing Cross Road, St. Martin's Place, Northumberland Avenue, Victoria Embankment, Lancaster Place, Aldwych and Kingsway) and so represents the interests of those who live and work in this area. The CGCA's Licensing Subcommittee is authorised by the Association to make Representations on any Licensing Applications which the Subcommittee believes may have an effect on local residents or other members of the community through likely impact on one or more of the Licensing Objectives. This authorisation was last renewed at a meeting of the Executive Committee of the CGCA on 16th March 2015.</p> <p>This Representation is being made regarding the grant of a single premises licence for a single licence to cover 2 restaurants and a deli operating on a site situated between Floral Street and King Street. The building has residential on the upper floors. It includes an enclosed courtyard.</p> <p>The application asks for the sale of alcohol until 00:00 and the whole premises to close at 00:30 (22:00/23:00 on Sunday). The CGCA is concerned about the impact of the premises themselves on the Licensing Objective of the Prevention of Public Nuisance and also on the impact on the wider CIA.</p> <p>We would ask that the following amendments and conditions are placed on the Licence. Although the restaurants are restricted to waiter/waitress service and table meals the</p>	

full MC66 condition is not included. We believe that without this there is the possibility of the premises being used more intensively than that of a traditional restaurant. We are concerned about the following missing portions of the full condition.

*(i) in which customers are shown to their table,*

*(iii) which provide food in the form of substantial table meals that are prepared on the premises and are*

*served and consumed at the table using non disposable crockery,*

*(iv) which do not provide any take away service of food or drink for immediate consumption*

*(v) which do not provide any take away service of food or drink after 23.00, and*

*(vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.*

We believe that for the restaurant operation these conditions are necessary to ensure that the use is not so intensive as to add significantly to Cumulative Impact. We have no objection to the Deli operation, which is selling food and alcohol for takeaway. However we believe that the sale of alcohol after 23:00 in the deli should not be permitted in order to reduce the potential for alcohol to be consumed on the street in the surrounding area. The window for servicing (deliveries and collections) is given as 07:00-23:00 daily. We believe that there is a risk that carrying out these activities will give rise to a nuisance to residents both in the development and in the surrounding area and would ask that the restriction is tightened to 08:00-20:00 Monday to Saturday and 10:00-20:00 on Sunday.

We are also concerned about the possible impact of delivery services such as Quip and Deliveroo and ask that a condition be included on the Licence as follows:

*Where the licensable activities include delivery to the customer, the licence holder shall ensure that specific procedures are in place and that collection activities do not cause nuisance at or near to the premises.*

We believe that restricting the licence in this way will support the Licensing Objective of the prevention of Public Nuisance.

### 3. Policy & Guidance

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

Policy CIA1 applies:

(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.

(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.

Policy RNT1 applies:	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.
Policy HRS1 applies:	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.  (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.

#### 4. Appendices

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

<b>Report author:</b>	Miss Yolanda Wade Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

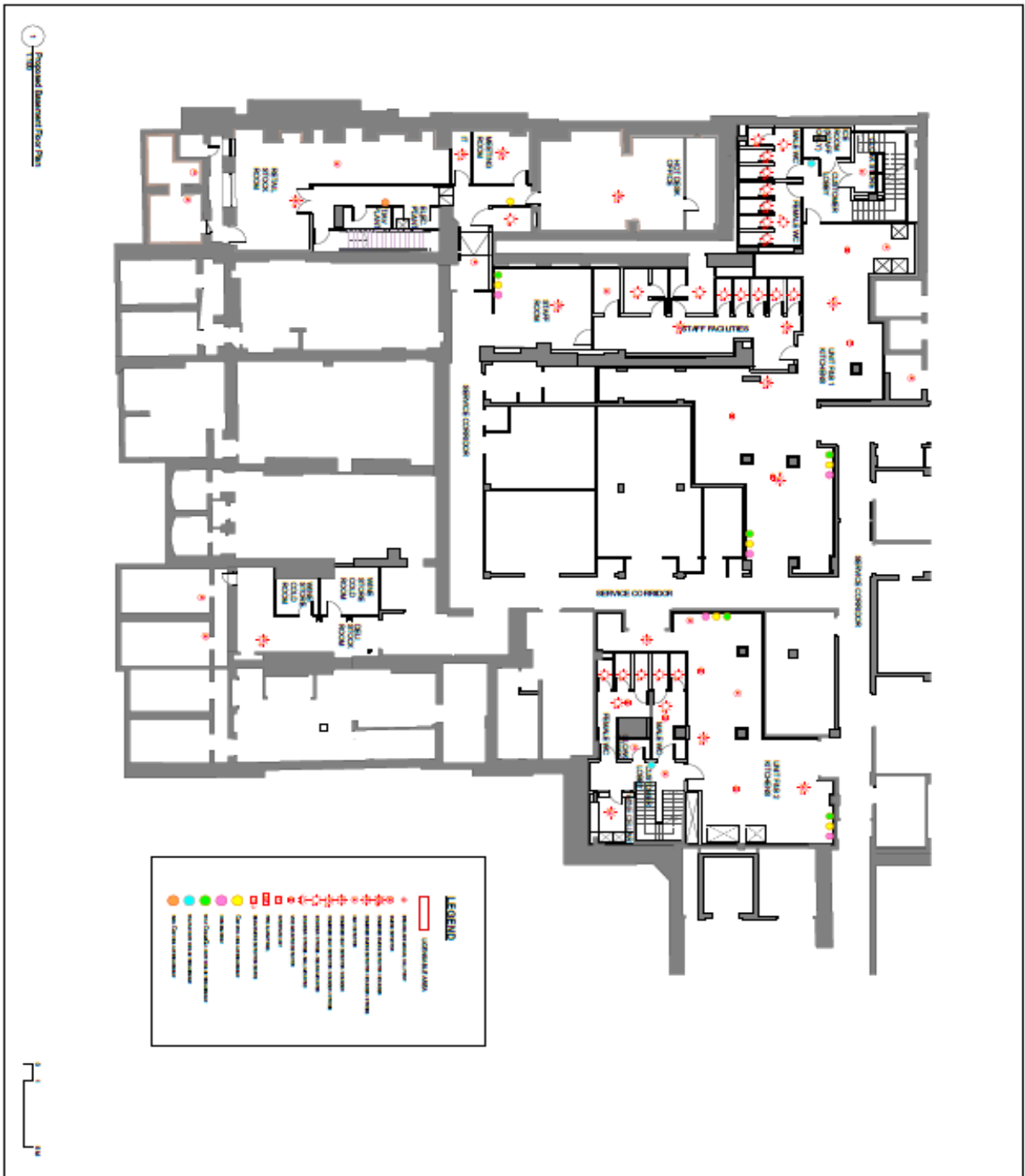
**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application Form	
<b>5</b>	The Licensing Authority	27 <sup>th</sup> April 2017
<b>6</b>	The Metropolitan Police Service	19 <sup>th</sup> April 2017
<b>7</b>	The Environmental Health Service	10 <sup>th</sup> April 2017
<b>8</b>	Mr Graham Nicholson	8 <sup>th</sup> April 2017
<b>9</b>	Covent Garden Community Association (CGCA)	27 <sup>th</sup> April 2017



**Premises Plans**



Notes

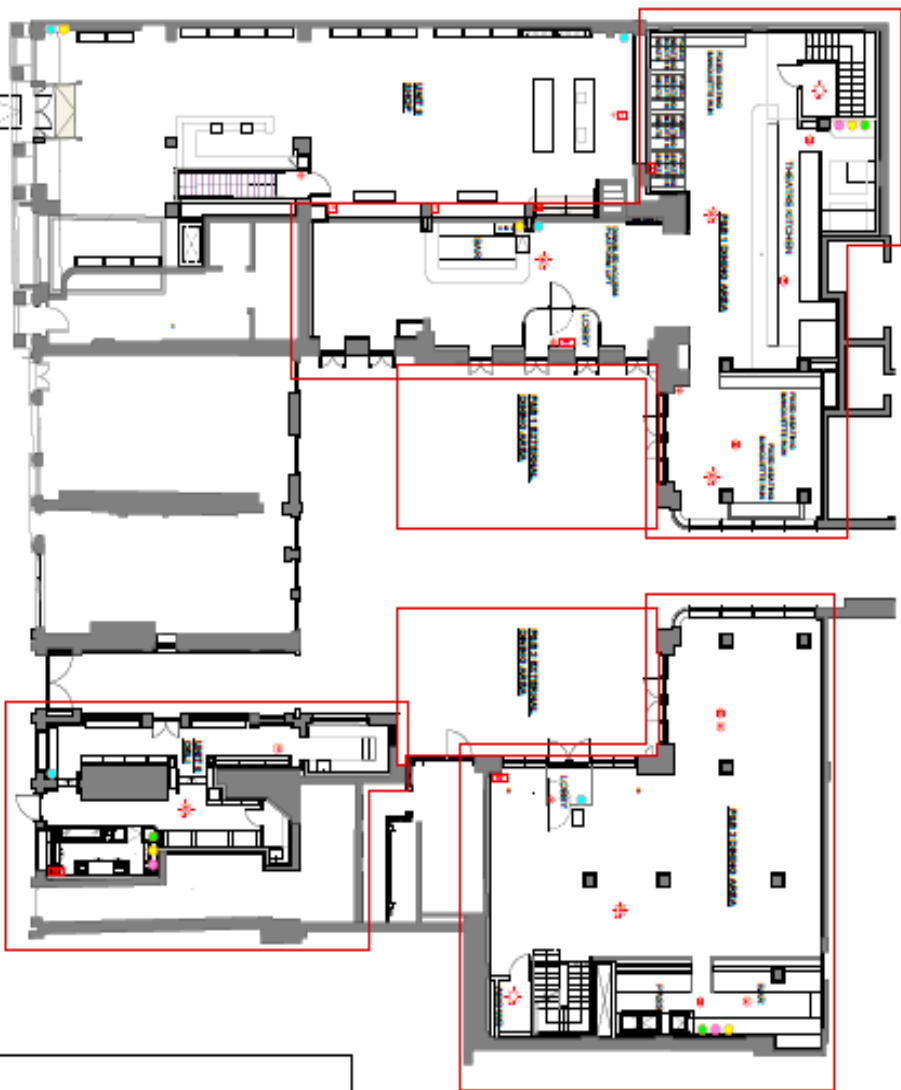
**LICENSING**

NOTE: THE CURRENT LOCATION OF FIRE SAFETY EQUIPMENT AND OTHER SAFETY EQUIPMENT IS SHOWN. THESE MAY BE SUBJECT TO VARIATION IN THE FUTURE AS NECESSARY AND WHERE APPLICABLE IN LIAISON WITH THE FIRE OFFICER.

L1 2017 LICENSING  
 Project: L1 2017 LICENSING  
 Client: PETERSHAM NURSERIES  
 COVENT GARDEN  
 Drawing Title: Proposed Basement Floor Licensing Plan  
 Scale: One Centimetre = 1:100 @A1  
 Drawing Number: 15017-11-800  
 Revision: Part of Drawn 22.23.2017  
 L1 Checked By: MF  
 Date and scale have been checked and approved in accordance with the requirements of the relevant standards.  
**M B**  
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 London, W8 4PT  
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# LICENSING

**NOTE: THE CURRENT LOCATION OF FIRE SAFETY EQUIPMENT AND OTHER SAFETY EQUIPMENT SHOWN THESE MAY BE SUBJECT TO VARIATION IN THE FUTURE AS NECESSARY AND WHERE APPLICABLE IN LIAISON WITH THE FIRE OFFICER.**



**LEGEND**

Legend describing symbols used in the floor plan, including:

- Red box: EQUIPMENT AREA
- Red cross: FIRE SAFETY EQUIPMENT
- Green cross: FIRE SAFETY EQUIPMENT
- Yellow cross: FIRE SAFETY EQUIPMENT
- Blue cross: FIRE SAFETY EQUIPMENT
- Purple cross: FIRE SAFETY EQUIPMENT
- Pink cross: FIRE SAFETY EQUIPMENT
- Red square: FIRE SAFETY EQUIPMENT
- Green square: FIRE SAFETY EQUIPMENT
- Blue square: FIRE SAFETY EQUIPMENT
- Purple square: FIRE SAFETY EQUIPMENT
- Pink square: FIRE SAFETY EQUIPMENT
- Red circle: FIRE SAFETY EQUIPMENT
- Green circle: FIRE SAFETY EQUIPMENT
- Blue circle: FIRE SAFETY EQUIPMENT
- Purple circle: FIRE SAFETY EQUIPMENT
- Pink circle: FIRE SAFETY EQUIPMENT

1 Proposed Ground Floor Plan



L1: 2017 LICENSING

Project: PETERSHAM NURSERIES

Client: COVENT GARDEN

Drawing Title: Proposed Ground Floor Licensing Plan

Scale: As Shown

Date Created: 31.01.2017

Drawing Number: 15017-1-1801

Revision: 14 Revision Date: 22.03.2017

Drawn By: JE Checked By: JT

Do not make any changes to this drawing without the approval of the author or the project manager.

**M B**

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## Applicant Supporting Documents

### La Goccia, The Petersham & The Deli

#### King's Court, King Street

##### Proposed Conditions

1. Within the areas marked 'restaurant' and 'external courtyard' on the enclosed plan the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal. Such alcohol shall be by waiter or waitress service only.
2. Notwithstanding condition 1, in the area hatched red on the attached plan, alcohol may be supplied and consumed by up to a maximum of (30) persons prior to or after their meal.
3. Within the area marked 'deli' the supply of alcohol shall be restricted to off sales only.
4. 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.
5. 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.
6. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
7. All windows and external doors shall be kept closed after 23:00 hours, except for the immediate access and egress of persons.
8. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
9. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
10. Alcohol consumed outside the premises building shall only be consumed by patrons seated in the designated external seating area.
11. No drinks shall be taken outside after 23.00 hours.

12. All outside tables and chairs shall be rendered unusable by 23.00 each day.
13. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
14. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (07.00) hours on the following day.
15. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (07.00) on the following day.
16. No deliveries to the premises shall take place between (23.00) and (07.00) on the following day.
17. 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 sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
18. The number of persons permitted in the premises at any one time (excluding staff) to be assessed agreed with the District Surveyor and ECHT.
19. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
20. 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.
21. 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.
22. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
23. There shall be no self service of spirits on the premises.

24. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
25. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry 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.
26. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
27. 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.
28. No licensable activities shall take place in the areas hatched black on the plans (Ref.no...dated...) until these areas have been assessed as satisfactory by the Environmental Health Consultation Team and the plans amended accordingly.

**Premises History**

There is no licence or appeal history for the premises.

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

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

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

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

### **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.

## Conditions consistent with the operating schedule

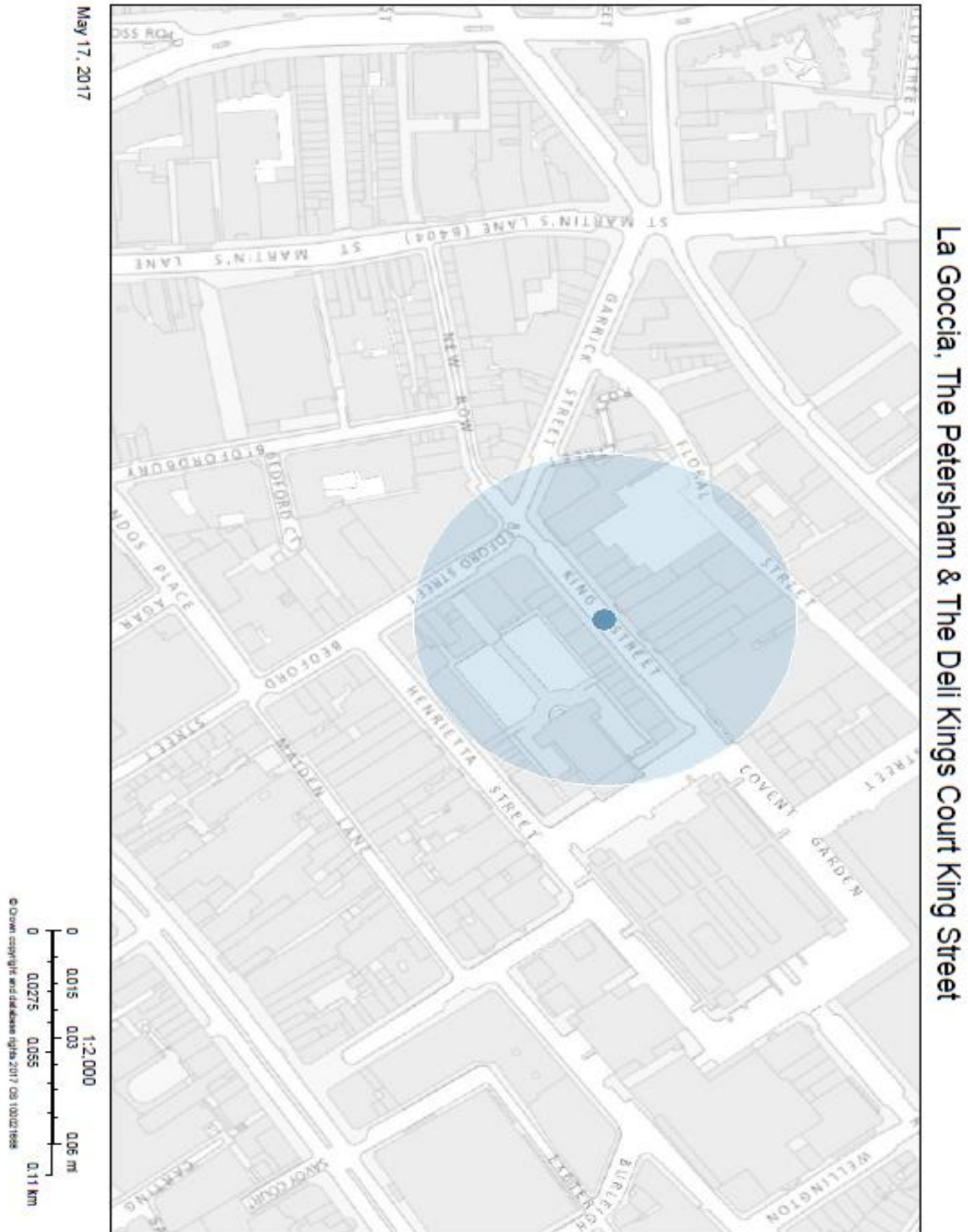
9. Within the areas marked 'restaurant' and 'external courtyard' on the enclosed plan the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal. Such alcohol shall be by waiter or waitress service only.
10. Notwithstanding condition 1, in the area hatched red on the attached plan, alcohol may be supplied and consumed by up to a maximum of (30) persons prior to or after their meal.
11. Within the area marked 'deli' the supply of alcohol shall be restricted to off sales only.
12. 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.
13. 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.
14. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
15. All windows and external doors shall be kept closed after 23:00 hours, except for the immediate access and egress of persons.
16. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
17. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
18. Alcohol consumed outside the premises building shall only be consumed by patrons seated in the designated external seating area.
19. No drinks shall be taken outside after 23.00 hours.
20. All outside tables and chairs shall be rendered unusable by 23.00 each day.
21. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
22. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between **(23.00)** hours and **(07.00)** hours on the following day.
23. No collections of waste or recycling materials (including bottles) from the premises shall take place between **(23.00)** and **(07.00)** on the following day.
24. No deliveries to the premises shall take place between **(23.00)** and **(07.00)** on the following day.
25. 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 sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.

26. The number of persons permitted in the premises at any one time (excluding staff) to be assessed agreed with the District Surveyor and ECHT.
27. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
28. 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.
29. 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.
30. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
31. There shall be no self service of spirits on the premises.
32. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
33. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry 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.
34. 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.
35. 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.

36. No licensable activities shall take place in the areas hatched black on the plans (Ref.no...dated...) until these areas have been assessed as satisfactory by the Environmental Health Consultation Team and the plans amended accordingly.

**Residential Map and List of Premises in the Vicinity**



Resident Count: 71