



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	12 October 2017
Licensing Ref No:	17/08781/LIPV - Premises Licence Variation
Title of Report:	Kazu Restaurants 1 Limited Basement And Ground Floor 61 - 63 Beak Street London W1F 9SL
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Daisy Gadd Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email: <a href="mailto:dgadd@westminster.gov.uk">dgadd@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	4 August 2017		
<b>Applicant:</b>	Kazu Restaurants 1 Limited		
<b>Premises address:</b>	Basement And Ground Floor	<b>Ward:</b>	West End
	61 - 63 Beak Street London W1F 9SL	<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	The premises currently operates as a restaurant.		
<b>Variation description:</b>	<p>To vary the existing premises licence so as to incorporate a change of layout.</p> <p>The application follows formal pre-application advice undertaken with Environmental Health and District Surveyor (17/02532/PREAPM).</p> <p>There are no proposed changes to permitted hours, licensable activities, area or conditions.</p>		
<b>Premises licence history:</b>	The premises has been licensed since 2005. Please note that an application for a new premises licence has been made in conjunction to this variation, reference 17/06730/LIPN.		
<b>Applicant submissions:</b>	None		
<b>Plans:</b>	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

**1-B Current and proposed licensable activities, areas and hours**

**Playing of recorded music**

	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	Proposed:
<b>Monday</b>	Unrestricted		No change		As per the layout alteration
<b>Tuesday</b>					
<b>Wednesday</b>					
<b>Thursday</b>					
<b>Friday</b>					
<b>Saturday</b>					
<b>Sunday</b>					
<b>Seasonal Variations/ Non-standard timings:</b>	<b>Current:</b> None			<b>Proposed:</b> No change	

**Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit**

	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	Proposed:
<b>Monday</b>	Unrestricted		No change		As per the layout alteration
<b>Tuesday</b>					
<b>Wednesday</b>					
<b>Thursday</b>					
<b>Friday</b>					
<b>Saturday</b>					
<b>Sunday</b>					
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b> None			<b>Proposed:</b> No change	

Late night refreshment					
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	Proposed:
Monday	23:00	23:30	No change		As per the layout alteration
Tuesday	23:00	23:30			
Wednesday	23:00	23:30			
Thursday	23:00	23:30			
Friday	23:00	23:30			
Saturday	23:00	23:30			
Sunday					
Seasonal variations/ Non-standard timings:	<b>Current:</b>				<b>Proposed:</b>
	The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.				No change

Sale by Retail of Alcohol					
On or off sales			Current :		Proposed:
			Both		No change
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	Proposed:
Monday	10:00	23:00	No change		As per the layout alteration
Tuesday	10:00	23:00			
Wednesday	10:00	23:00			
Thursday	10:00	23:00			
Friday	10:00	23:00			
Saturday	10:00	23:00			
Sunday	12:00	22:30			
Seasonal variations/ Non-standard timings:	<b>Current:</b>				<b>Proposed:</b>
	Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours. In this condition, permitted hours means: (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00 (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30 (c) On Good Friday, 12:00 to 22:30 (d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22.30 (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00 (f) On New Year's Eve on a				No change

	Sunday, 12:00 to 22:30 (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).	
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Hours premises are open to the public					
	Current Hours		Proposed Hours		Premises Area
	Start:	End:	Start:	End:	Proposed:
<b>Monday</b>	10:00	23:30	No change		As per the layout alteration
<b>Tuesday</b>	10:00	23:30			
<b>Wednesday</b>	10:00	23:30			
<b>Thursday</b>	10:00	23:30			
<b>Friday</b>	10:00	23:30			
<b>Saturday</b>	10:00	23:30			
<b>Sunday</b>	12:00	23:00			
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>			<b>Proposed:</b>	
	None			No change	

1-C Layout alteration
<p>The application seeks to vary the existing premises licences to incorporate the changes of layout. The changes include:</p> <p>Ground Floor:</p> <ul style="list-style-type: none"> <li>• Reposition access to the basement level</li> <li>• Reconfiguration of fixed seating booths</li> <li>• Removal of central staircase</li> <li>• Inclusion of dispense bar counter and theatre kitchen counter</li> <li>• Reconfiguration of kitchen layout</li> </ul> <p>Basement:</p> <ul style="list-style-type: none"> <li>• Reposition of WC facilities</li> <li>• Reconfiguration of fixed seating booths</li> <li>• Reconfiguration of back-of-house areas</li> <li>• Inclusion of theatre kitchen and counter</li> <li>• Inclusion of private dining room</li> </ul>

**1-D Conditions being added****Condition 34**

The variation of this premises licence (state the licensing reference number) will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from this licence by the licensing authority.

<b>Adult entertainment:</b>	<b>Current position:</b>	<b>Proposed position:</b>
	None	No change

**2. Representations****2-A Responsible Authorities**

<b>Responsible Authority:</b>	Environmental Health
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<b>Representative:</b>	Sally Fabbricatore
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<b>Received:</b>	31 August 2017
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I refer to the variation application for the Premises Licence (15/11655/LIPT) for the above premises.

This representation is based on the submitted layout plans, showing the basement and ground floor, drawing number 600B and dated 21/2/17.

The applicant is seeking to change the layout, including the following:

Ground Floor;

- Reposition access to the basement level
- Reconfiguration of fixed seating booths
- Removal of central staircase
- Inclusion of dispense bar counter and theatre kitchen counter
- Reconfiguration of kitchen layout

Basement;

- Reposition of WC facilities
- Reconfiguration of fixed seating booths
- Reconfiguration of back-of-house areas
- Inclusion of theatre kitchen and counter
- Inclusion of private dining room

These changes may impact on Public Safety, therefore I wish to make a representation to this application.

<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Mr David Sycamore
<b>Received:</b>	30 August 2017

I write in relation to the application submitted to a vary premises licence.

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:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety

The premises is located within the West End Cumulative Impact and as such a number of policy points must be considered.

We are concerned that the current application form does not clearly show the intention of the application and does not appear to match with the pre-application that was sought prior to this application. The application seeks to allow for a larger area in the basement/lower ground floor. Please can we have plans that are labelled as 'BASEMENT' and 'GROUND FLOOR' as referred to in the current licence. The current application states 'LOWER GROUND FLOOR' and 'GROUND FLOOR'. Condition 15 relates specifically to the basement and says -

15. *The basement of 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 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 after 23.00, and*
- (v) 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.*

*Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.*

Condition 11 also states

11. *The maximum numbers of persons, including staff, to be present in the licensed premises shall not exceed the numbers specified from time to time by the proper officer of the London Fire and Civil Defence Authority. The numbers currently specified:*

*As to the basement 50 persons*

*As to the ground floor 100 persons.*

We are concerned that the granting of this licence could undermine the licensing objectives as the conditions listed above may not be complied with. The ground floor operates currently as bar and it is unclear if there would be additional persons attending the premises with the proposed changes, specifically the basement area. Once the application is clearer I will then be able to address any policy concerns appropriately.

We look forward to receiving some additional documentation that might allow us to consider our representation.

## 2-B Other Persons

**Name:** Councillor Roberts

**Received:** 29 August 2017

As West End ward councillor I would like to support the local residents in their objection to the expansion of this licence on grounds of public safety, and likely disturbance including to children who to my knowledge live close by.

**Received:** 25 August 2017

I live on the first floor directly above the restaurant with husband and am my asthmatic. I object on the basis that this variation will substantially increase the capacity of the restaurant leading to additional noise and smells from plant equipment, which is already contravening Westminster noise guidelines, along with additional traffic of restaurant patrons and garbage collection creating noise below. This is a major loss of amenity. Without having access to the plan, I can say the restaurant has already removed the central staircase and ceiling, despite obtaining permission! Once open, restaurant patrons will use the staircase next to our internal hallway, which will create additional noise. Already the concrete dust from the construction in the restaurant has covered our flat in dust on multiple occasions, as a result of these modifications, despite the assurances of the contractor that they have effectively sealed this space from noise and smells. If the concrete dust can travel, noise and smells once the restaurant is operational will be far worse. We have complained directly to the previous restaurant, Grillshack, on multiple occasions, and unfortunately these problems were not rectified. With the change of use, this will just amplify the problem as capacity and the number of kitchens and bars increase.

We trust the council will ensure that any variation in premise license will require the operator to increase sound / smell proofing and upgrade plant equipment, and there is future enforceability.

**Received:** 28 August 2017

I object to this licence 'variation' which could be far bigger than it appears. I have already objected to the main licence application.

The main concern here is public and private safety. Is the access in and out of this building to be adequate and secure for residents above and clients on the premises? Are large ovens still to be allowed in this limited 18th century space?

The application requests removal of a staircase - will any type of replacement be as



safe as the one now present?

The staircase has presumably been moved for a 'dining' room? How sensible is this for an already overcrowded space?

Please Westminster look to the safety and environmental issues before they become even more confused. I object on the grounds of public and private safety, prevention of crime and disorder and protection of children and families living above.

I also note that this variation has landed at the height of the holiday season.

Thank you for listening.

**Received:** 1 September 2017

On grounds of public nuisance and safety to my amenity

In addition to the objections previously made to the other outstanding licensing application submitted by the applicant and further to the objections raised by my neighbours above and below my premises, I also agree with the concerns raised regarding the removal of the main staircase and reposition to the continuation of the original common stairwell, as well as any additional cooking and extract plant as this is an old building not designed for such intensive use. We have already been horrified by the pollution caused through internal ductwork when the applicant screed the basement floor generating unbelievably unacceptable levels of dust demonstrating that the common stairwell should not be used for the main restaurant access between floors. This will inevitably result in more noise and smells disturbing our amenity.

**Received:** 1 September 2017

I object on grounds of public safety, personal amenity (with a wife and child of 2 years), and public nuisance and cumulative impact.

Although I have not seen the plans yet due to new security policy at Westminster Council I understand the applicant is proposing a number of cooking areas with additional extract ducts. In addition they are removing the main staircase to the basement from the centre of the premises to the common stairwell shared by the flats above, which had previously been closed except for fire/emergency access.

Unfortunately this staircase shares ductwork and electric cables and is not properly sound and smell insulated and if used as the main stairwell opened for ingress it will compromise the safety to the flats above as well as result in internal noise and smells emanating from the restaurant.

I am also concerned about numerous cooking areas on both floors and any additional extract ducts which will result in more intoxicating exhaust fumes exiting the site with my bedroom windows and roof terrace adjacent to the existing duct.

Finally by opening up the main area to clients by removing the existing staircase there is a danger that there will be a greater movement of people within the premises and to the premises potentially resulting in public nuisance.

**Received:** 25 August 2017

I live on the first floor directly above the restaurant with husband and am my asthmatic. I object on the basis that this variation will substantially increase the capacity of the restaurant leading to additional noise and smells from plant equipment, which is already contravening Westminster noise guidelines, along with additional traffic of restaurant patrons and garbage collection creating noise below. This is a major loss of amenity. Without having access to the plan, I can say the restaurant has already removed the central staircase and ceiling, despite obtaining permission! Once open, restaurant patrons will use the staircase next to our internal hallway, which will create additional noise. Already the concrete dust from the construction in the restaurant has covered our flat in dust on multiple occasions, as a result of these modifications, despite the

assurances of the contractor that they have effectively sealed this space from noise and smells. If the concrete dust can travel, noise and smells once the restaurant is operational will be far worse. We have complained directly to the previous restaurant, Grillshack, on multiple occasions, and unfortunately these problems were not rectified. With the change of use, this will just amplify the problem as capacity and the number of kitchens and bars increase.

We trust the council will ensure that any variation in premise license will require the operator to increase sound / smell proofing and upgrade plant equipment, and there is future enforceability.

<b>Received:</b>	30 August 2017
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I write to make a relevant representation to the above application on behalf of The Soho Society.

The Soho Society objects to this application as it is currently presented, on the grounds of prevention of public nuisance, prevention of crime and disorder and cumulative impact in the West End Cumulative Impact Area.

### ***About The Soho Society***

The Soho Society is a charitable company limited by guarantee established in 1972. The society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment. In particular, the society supports the Westminster City Council's policies, including the cumulative impact policy, as set out in the Statement of Licensing Policy 2016.

Application summary

***To vary the existing premises licence so as to incorporate a change of layout. The changes include:- Ground Floor; reposition access to the basement level, reconfiguration of fixed seating booths, removal of central staircase, inclusion of dispense bar counter and theatre kitchen counter, reconfiguration of kitchen layout. Basement; reposition of WC facilities, reconfiguration of fixed seating booths, reconfiguration of back-of-house areas, inclusion of theatre kitchen and counter, inclusion of private dining room.***

The Soho Society objected to the application submitted for these premises last month and we are also now objecting to this variation due to the nature of the proposed layout changes. Given the scope of the reconfigurations, can access into and around the premises be secure for clients in and residents above? If the staircase is to be removed, is it possible to ensure the replacement in this limited, historic building is suitable for both the premises and the anticipated clientele? Have Environmental Health checked the proposals against the space available?

### ***Licensing policy***

This area has been identified by the Westminster City Council (2.4.1 of the Statement of Licensing Policy, as amended) as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (2.4.5 of the policy). The policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (2.4.2 of the policy). The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and

many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of historic areas.

For the reasons I have set out, we believe that the application, if granted in its present form, would fail to promote the licensing objectives of prevention of public nuisance, prevention of crime and disorder, and cumulative impact in the West End Cumulative Impact Area. I respectfully urge the Licensing Sub-Committee to reject this application. Please let me know if any proposals are made to amend the application; particularly in respect of the suggested layout variations.

<b>Received:</b>	31 August 2017
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While this application is for internal works only and looks innocuous enough, it comes on the back of several planning and licensing applications (some of which have been withdrawn). These included works for bbq extraction and pizza oven which would be unacceptable to neighbouring properties. I refer the Council to my objections to 17/06730/LIPN and 17/04867/FULL.

I have not had the opportunity to view the plans for the works currently proposed, and do not object to the internal rearrangement of the site, however, I do object to any internal works that would have the effect to increase extraction (on grounds of sound and smell) and any extension to licensing hours as per the applicants prior submission.

### 3. Policy & Guidance

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

<b>Policy RNT2 applies:</b>	<p>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.</p> <p><b>Please note that the policy applies to the basement of the premises (as the ground floor will remain drink led).</b></p>
<b>Policy CIA1 applies:</b>	<p>(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.</p> <p>(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.</p>

## 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 Daisy Gadd Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 2737 Email: dgadd@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>	Representation Environmental Health	31 August 2017
<b>5</b>	Representation Licensing Authority	30 August 2017
<b>6</b>	Representation Councillor	29 August 2017
<b>7</b>	Representation resident	25 August 2017
<b>8</b>	Representation resident	25 August 2017
<b>9</b>	Representation resident	28 August 2017
<b>10</b>	Representation resident	30 August 2017
<b>11</b>	Representation resident	31 August 2017
<b>12</b>	Representation resident	1 September 2017
<b>13</b>	Representation resident	1 September 2017

Applicant Supporting Documents

Appendix 1

None submitted

### Licence & Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/06727/LIPCV	This was a converted licence.	18.09.2005	Deemed Decision
06/09263/WCCMAP	This is a master copy of the licence.	02.11.2006	Review Determined
08/07137/LIPCHD	This was an application for a change of details.	25.11.2008	Granted under Delegated Authority
09/03234/LIPD	This was an application to duplicate the licence.	24.06.2009	Granted under Delegated Authority
10/01305/LIPD	This was an application to duplicate the licence.	28.07.2010	Granted under Delegated Authority
10/04843/LIPT	This was a request to transfer the licence from Alphabet Bar to BFI Ltd	14.07.2010	Granted under Delegated Authority
13/04189/LIPT	This was an application to transfer the licence from BFI Ltd to Grill Shack Limited.	05.07.2013	Granted under Delegated Authority
13/04192/LIPDPS	This was a request to vary the DPS.	08.07.2013	Granted under Delegated Authority
13/05088/LIPV	This was an application for a variation. To vary the existing premises licence so as to incorporate a change of layout, namely; Ground Floor: Reconfiguration of main entrance door with inclusion of greeter station; Addition of fixed seating next to waiter station; Addition of a hoist; Refurbishment of kitchen. Basement: Inclusion of kitchen, prep area, wash and cold room area; Refurbishment of WC	05.09.2013	Granted by Licensing Sub Committee

	facilities; Inclusion of dining area with condiment counter; Reconfiguration of back of house areas. There is to be no changes to existing licensable activities and/or timings.		
13/05634/LITENP	This was an application for a Temporary Event Notice.	08.08.2013	Notice Granted
13/05635/LITENP	This was an application for a Temporary Event Notice.	08.08.2013	Notice Granted
13/08655/LIPVM	<p>This was an application for a minor variation. To add the following agreed condition: "The basement of the premises shall only operate as a restaurant</p> <ul style="list-style-type: none"> <li>(i) In which customers are shown to their table,</li> <li>(ii) Where the supply of alcohol is by waiter or waitress service only,</li> <li>(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,</li> <li>(iv) Which do not provide any takeaway service of food or drink after 23.00, and</li> <li>(v) 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.</li> </ul> <p>Notwithstanding this condition customers are permitted to take from the</p>		

	premises part consumed and resealed bottles of wine supplied ancillary to their meal"		
14/04425/LIPDPS	This was an application to vary the DPS.	24.06.2014	Granted under Delegated Authority
15/08974/LIPDPS	This was an application to vary the DPS.	03.02.2016	Granted under Delegated Authority
15/11655/LIPT	This was a request to transfer the licence from Grillshack to Kazu Restaurants.	03.02.2016	Granted under Delegated Authority
17/02532/PREAPM	This was an application for pre-application advice	09.03.2017	

**There is no appeal history**



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

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

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

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

**Conditions: On Current Licence -**

**Mandatory:**

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

- period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

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

#### **Conditions related to the Sale of Alcohol**

9. 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.

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

11. The maximum numbers of persons, including staff, to be present in the licensed premises shall not exceed the numbers specified from time to time by the proper officer of the London Fire and Civil Defence Authority. The numbers currently specified:

As to the basement 50 persons

As to the ground floor 100 persons.

### **Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactment**

12. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

(a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00

(b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30

(c) On Good Friday, 12:00 to 22:30

(d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22.30

- (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00
- (f) On New Year's Eve on a Sunday, 12:00 to 22:30
- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

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

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

13. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (a) He is the child of the holder of the premises licence.
- (b) He resides in the premises, but is not employed there.
- (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

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

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

### **Annex 2 – Conditions consistent with the operating Schedule**

- 15. The basement of 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 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 after 23.00, and
  - (v) 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.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

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

- 16. A noise limiter located in a separate and remote lockable cabinet from the volume control must be fitted to the musical amplification system set at a level determined by an to the satisfaction of an authorised officer of the Environmental Health Service's Community Protection Department so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured to the satisfaction of officers from the Environmental Health Service. The limiter shall not be altered without prior agreement with the Environmental Health Service.
- 17. No alterations or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service.
- 18. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

19. No speakers shall be located in the entrance area.
20. All entrance doors to be kept closed after 21:00 hours except for the immediate access and egress to persons.
21. Notices shall be prominently displayed at exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
22. The Premises shall comply with reasonable requirements of the Metropolitan Police Crime Prevention Officer.
23. 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.
24. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of any 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. Recordings shall be made immediately upon the request of the Police or authorised officer throughout the preceding 31 day period.
25. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times it is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
26. There shall be no sales of hot food or hot drink for consumption off the premises after 23:00 hours.
27. No noise or odour shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
28. Patrons temporarily leaving the premises, such as for the purposes of smoking shall not take any drinks with them outside the premises.
29. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
30. No rubbish, including bottles, will be moved, removed or placed in outside areas between 23:00 and 08:00 hours.
31. No collections, including refuse and recyclable food waste, shall take place between 23:00 and 08:00 hours.
32. No deliveries shall take place between 22:00 and 07:00 hours.

33. During the hours of operation 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 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.

**Conditions proposed by the applicant**

34. The variation of this premises licence (state the licensing reference number) will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from this licence by the licensing authority.

**Conditions proposed by the Police**

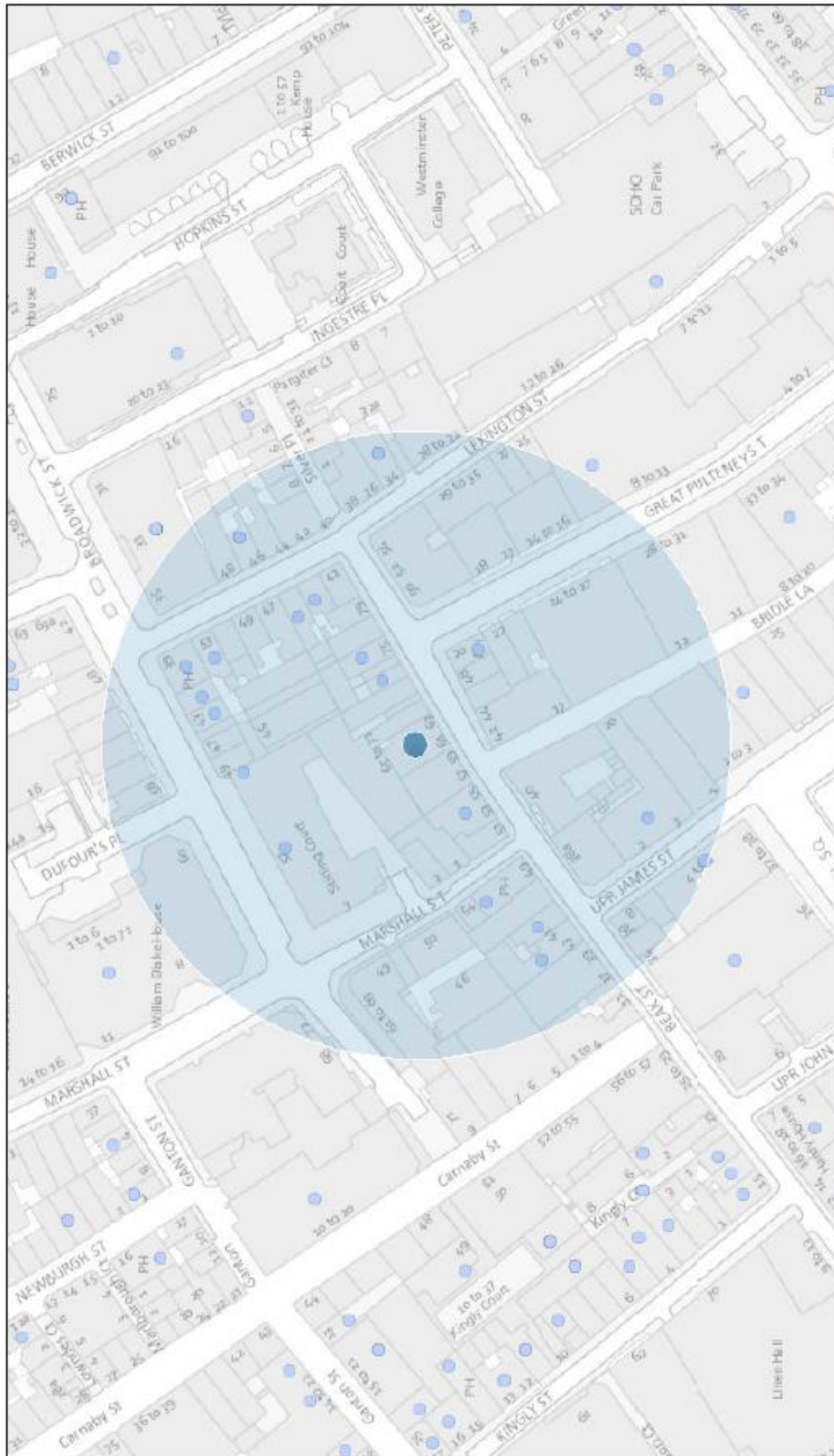
None

**Conditions proposed by Environmental Health**

None



Kazu Restaurants



September 28, 2017

● Live Licensing Act