

Licensing Sub-Committee Report

Item No:	
Date:	12 October 2017
Licensing Ref No:	17/06730/LIPN - New Premises Licence
Title of Report:	Kazu Restaurants 1 Ltd 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 Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	16 June 2017		
Applicant:	Kazu Restaurants 1 Ltd		
Premises address:	Basement And Ground Floor 61 - 63 Beak Street London W1F 9SL	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	According to the applicant, the premises will operate as a high class Japanese restaurant.		
Premises licence history:	The premise is currently licensed under 15/11655/LIPT which they have applied to vary in conjunction with application 17/08781/LIPV. Full details of the premises licence history can be found at appendix 2.		
Application description:	<p>The application differs from the existing licence. The application summary is set out below:</p> <ul style="list-style-type: none"> • Change the layout as shown on the plans • Subject to that layout being approved, decrease the customer capacity from 150 to 120 and correspondingly decrease the area where alcohol can be sold without food from 100 to 60 • Increase the hours for the sale of alcohol, recorded music and late night refreshment to the Council's core hours with opening times 30 minutes later • Propose new model conditions accordingly. 		
Applicant submissions:	None submitted		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23.00	23.00	23.00	23.00	23.00	23.00	
End:	23.30	23.30	23.30	23.30	00.00	00.00	
Seasonal variations/ 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. On Sundays immediately prior to Bank Holidays to 00:00						

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10.00	10.00	10.00	10.00	10.00	10.00	12.00
End:	23.30	23.30	23.30	23.30	00.00	00.00	22.30
Seasonal variations/ 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. On Sundays immediately prior to Bank Holidays to 00:00				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10.00	10.00	10.00	10.00	10.00	10.00	12.00
End:	00.00	00.00	00.00	00.00	00.30	00.30	23.00
Seasonal variations/ 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. On Sundays immediately prior to Bank Holidays to 00:00				
Adult Entertainment:			None				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Sally Thomas
Received:	22 nd June 2017
The premises are situated in the West End Cumulative Impact Area as stated in City of Westminster's Statement of Licensing Policy.	
<p>This representation is based on the Operating Schedule and the submitted plans, ground floor and basement, titled with the address and dated 16/06/17 and drawing number 600B.</p> <p>The applicant is seeking the following on the ground floor and basement:</p> <ol style="list-style-type: none"> 1. To allow the Supply of Alcohol both 'on and off' the premises Monday to Thursday 10:00-23:30 hours, Friday-Saturday 10:00-00:00 hours and Sunday 12:00-22:30 hours. 2. To allow Late Night Refreshment 'indoors' Monday-Thursday 23:00-23:30 hours and Friday-Saturday 23:00-00:00 hours. 3. To allow the provision of Recorded Music 'indoors' Monday-Thursday 10:00-23:30 hours, Friday-Saturday 10:00-00:00 hours and Sunday 12:00-22:30 hours. 4. To allow the above provisions on Sundays before Bank Holidays until 00:00 hours and from the end of New Year's Eve to the start of permitted hours on New 	

Year's Day.

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.
3. The provision of Recorded Music may cause an increase in Public Nuisance in the cumulative impact area.
4. The extension of hours on a Sunday before a Bank Holiday and New Year's Eve 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.

Responsible Authority:	Licensing Authority
Representative:	David Sycamore
Received:	11 th July 2017

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 believe that the additional hours sought will add to cumulative impact and PB2 and RNT2 state they must be considered against the likely impact, even when hours are sought to within core hours policy. The increase will lead to more people being in the cumulative impact area than before, under the currently issued licence. There will also be an increase in the time up to 60 people will be permitted to use the premises as a bar and as mentioned above, it is the current policy to refuse applications for bars. The premises will also be

open outside of core hours policy (HRS1) and will result in customers being on the premises later and then go out into the cumulative impact area.

2-B Other Persons

Received: 1st August 2017

I live above this premises, and have done so for many years. I have a young family. I have concerns that this application would, if granted, cause us nuisance particularly but not solely late at night, and negatively impact my young child's quality of life.

My objection is therefore on the basis that the likely effect of the application if granted would be to harm the licensing objective of 'prevention of public nuisance'. I also believe it would add to cumulative impact of existing licensed premises.

You will be aware that although the application is for a new premises licence, a premises licence already exists for the ground floor and basement of 61-63 Beak Street. The effect of this application is to extend the hours.

I strongly object to a number of aspects of this application as listed below.

Late terminal hour for licensable activities. According to the current licence (which has been transferred to the applicant) sale of alcohol use cease at 11pm (10.30pm Sun). The proposal is to significantly extend this. This will adversely affect the licensing objectives and affect the residents above the premises, of whom I am one.

Under the current licence, customers must be off the premises by 11:30pm Mon-Sat and 11pm Sun. The proposal is to extend this to as late as 12.30am. This will adversely affect the licensing objectives and affect the residents above the premises, of whom I am one. Why is recorded music sought as a licensable activity? If the proposal is anything more than background music, I am concerned about noise emanation.

The current licence provides that doors and windows should be kept closed after 9pm, except for immediate access and egress. The proposal is to extend the hours that doors/windows may be left open from 9pm to 11pm.

I haven't been able to see the layout on the plans on the Council's website but there is mention on a separate planning application of more intense cooking with use of Pizza ovens and and bbqs and extract ducts and flues and changed a/c units, which leads me to believe this may be more than a simple high class Japanese restaurant. Moreover, we have had difficulties before with extract noise/odours and are concerned that the extended hours would lead to this worsening. The condition regarding smoking outside does not stipulate a maximum number of people at any one time.

I welcome that the application states that they will only operate from 10am Mon to Sat and from 12pm Sunday and I would be very disappointed if they intended to start operating any earlier going forward.

However having recently met the new operators and raised my strong disapproval if they extend the operating hours later at night, I am sad to see that this application has

been submitted.

There is no comfort in their offer of reduced number of customers from 150 to 120 customers, half of whom would not be obliged to eat, being allowed to stay on the premises any later than currently allowed, as any number of people inside or leaving the premises or plant equipment noise and smells allowed to operate after 11:30pm Mon to Sat and 11pm Sunday, will seriously impact my family's ability to sleep and will be a constant cause for worry. It will also inevitably result in staff having to work later and with the best will in the world, they may still be standing outside smoking or chatting when they close up.

To give you some background to the location, there are residential flats directly above this building conversion and sound and smells can easily travel through the common parts and vibration through the walls. The road is narrow and one of the few exits from Soho. Sound and smells easily transmit up and through our windows. At times it is unbearably hot and polluted and with street noise from people and lorries/cars deliveries and smells from exhausts, cooking and cigarettes, we are constantly battling to achieve some respite at least late at night once the pubs/bars/restaurants close. At the back where our bedrooms reside we also need to battle against the sound of commercial extracts and a/c sounds and smells through our bedroom windows. We experienced this with the previous operators and found ourselves helpless once the authorities had approved the equipment.

This is a cumulative impact area and any increase in operating hours, even if in line with Model Condition 66 (which it is not in any event), should be balanced with the fact that residents, and in my case with a young baby of 22 months, live directly above the applicant. For the avoidance of doubt, I do not consider that the proposed capacity reduction would mitigate negative impact from extending the hours.

In addition I have a roof terrace with the current extract duct adjacent to my roof. Any intensification of usage or extended usage will have an impact to my amenity. I can submit a photo of this if it would be helpful.

I should also draw your attention to the fact the existing planning permission at the site does not permit operating after 11:20pm Monday to Saturday and 10:50pm Sunday and that all plant equipment is not allowed to operate between midnight and 8am and the primary use should be for the onsite consumption of food as a class a3 café restaurant. Therefore extending the hours contravenes the planning conditions imposed at the site.

Received:

3rd July 2017

We live directly above the premises in flat 1, and have concerns that this application would, if granted, cause us nuisance particularly but not solely late at night, and impact our quality of life. Our objection is therefore on the basis that the likely effect of the application if granted would be to harm the licensing objective of 'prevention of public nuisance'. We also believe it would add to cumulative impact of existing licensed premises.

You will be aware that although the application is for a new premises licence, a premises licence already exists for the ground floor and basement of 61-63 Beak Street. The effect of this application is to extend the hours. We strongly object to a number of

aspects of this application as listed below. Late terminal hour for licensable activities. According to the current licence (which has been transferred to the applicant) sale of alcohol use cease at 11pm (10.30pm Sun). The proposal is to significantly extend this. This will adversely affect the licensing objectives and affect the residents above the premises, of whom we are one.

Under the current licence, customers must be off the premises by 11:30pm Mon-Sat and 11pm Sun. The proposal is to extend this to as late as 12.30am. This will adversely affect the licensing objectives and affect the residents above the premises of whom we are one. Why is recorded music sought as a licensable activity? If the proposal is anything more than background music, we are concerned about noise emanation.

The current licence provides that doors and windows should be kept closed after 9pm, except for immediate access and egress. The proposal is to extend the hours that doors/windows may be left open from 9pm to 11pm. We haven't been able to see the layout on the plans on the Council's website but there is mention on a separate planning application of more intense cooking with use of Pizza ovens and bbqs and extract ducts and flues and changed a/c units, which leads us to believe this may be more than a simple high class Japanese restaurant. Moreover, we have had difficulties before with extract noise/odours and are concerned that the extended hours would lead to this worsening. The condition regarding smoking outside does not stipulate a maximum number of people at any one time.

We welcome that the application states that they will only operate from 10am Mon to Sat and from 12pm Sunday and would be very disappointed if they intended to start operating any earlier going forward.

There is no comfort in their offer of reduced number of customers from 150 to 120 customers, half of whom would not be obliged to eat, being allowed to stay on the premises any later than currently allowed, as any number of people inside or leaving the premises or plant equipment noise and smells allowed to operate after 11:30pm Mon to Sat and 11pm Sunday, will seriously impact our ability to sleep and will be a constant cause for worry. It will also inevitably result in staff having to work later and with the best will in the world, they may still be standing outside smoking or chatting when they close up.

To give you some background to the location, there are residential flats directly above this building conversion and sound and smells can easily travel through the common parts and vibration through the walls. The road is narrow and one of the few exits from Soho. Sound and smells easily transmit up and through our windows. At times it is unbearably hot and polluted and with street noise from people and lorries/cars deliveries and smells from exhausts, cooking and cigarettes, we are constantly battling to achieve some respite at least late at night once the pubs/bars/restaurants close. At the back where our bedroom resides we also need to battle against the sound of commercial extracts and a/c sounds and smells through our bedroom windows. We experienced this with the previous operators and found ourselves helpless once the

authorities had approved the equipment.

This is a cumulative impact area and any increase in operating hours, even if in line with Model Condition 66 (which it is not in any event), should be balanced with the fact that residents live directly above the applicant. For the avoidance of doubt, we do not consider that the proposed capacity reduction would mitigate negative impact from extending the hours.

We should also draw your attention to the fact the existing planning permission at the site does not permit operating after 11:20pm Monday to Saturday and 10:50pm Sunday and that all plant equipment is not allowed to operate between midnight and Bam and the primary use should be for the onsite consumption of food as a class a3 cafe restaurant. Therefore extending the hours contravenes the planning conditions imposed at the site.

We have already met the applicant and are happy to have an ongoing dialogue with the applicant going forward.

Received:	10 th July 2017
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I strongly object to this application on grounds of:

- prevention of public nuisance
- cumulative impact

This application is essentially an extension of hours in a cumulative impact area, concomitant with the applicant's desire for increased plant and extraction. (See Planning Application 17/04867/FULL and 97/06572/FULL.)

The proposal is to extend opening hours to as late as 12.30am. This will adversely affect the licensing objectives and affect local residents, of whom I am one.

Beak Street is fast becoming a late night drinking destination with resulting problems of antisocial behaviour, noise and nuisance for residents.

The excessive plant and smell extraction planned by this tenant, that include a BBQ exhaust duct and a pizza oven duct will in themselves cause a reduction of amenity for residents.

Residents need some relief from the relentlessness of all day / late night restaurant operation. We should be able to wake up in the morning and go to bed at night without cooking smells and plant noise being the first and last thing that surrounds us.

Name:	Cllr Glenys Roberts
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Received:	5 th July 2017
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I support the residents in their objection to later hours on the grounds of prevention of public nuisance and protection of children. This is a stress area and this should be against policy.

Received:

10th July 2017

I object to this application on the grounds of noise and nuisance and also on the over saturation of such premises in this designated high stress zone that is also highly residential. WCC must maintain a balance of commercial and residential interests and this application diminishes the latter.

This application would harm the licensing objective of 'prevention of public nuisance'. I also believe it would add to cumulative impact of existing licensed premises.

Although the application is for a new premises licence, a premises licence already exists for the ground floor and basement of 61-63 Beak Street. The effect of this application is to extend the hours.

Late terminal hour for licensable activities. According to the current licence (which has been transferred to the applicant) sale of alcohol use cease at 11pm (10.30pm Sun). The proposal is to significantly extend this. This will adversely affect the licensing objectives and affect the residents all around these premises.

Under the current licence, customers must be off the premises by 11:30pm Mon-Sat and 11pm Sun. The proposal is to extend this to as late as 12.30am. This will adversely affect the licensing objectives and affect the residents around the premises.

The current licence provides that doors and windows should be kept closed after 9pm, except for immediate access and egress. The proposal is to extend the hours that doors/windows may be left open from 9pm to 11pm. This really is unacceptable. People live all around these premises and their rights must be maintained.

Please reject this application.

Received:

5th July 2017

As the resident 2 floors above this premises for over 17 years I could not possibly agree to there being later licensing and operating hours below me. It has been a trial enough to have lived here with the previous licensing hours where I and the other residents had a respectful relationship with the operators.

To be clear the applicant offering fewer people for later hours is no consolation and I object most strongly on grounds of nuisance, noise, fumes, amenity and cumulative impact.

I am not convinced either that the operators are genuinely going to stick to the starting hours that they have put on the application starting 10am mon-[sat and 12pm sun, as when I met the operator he talked not only about a high end japanese restaurant but also mentioned a patisserie to service breakfast as well as 17th century beer tankards??

Short of standing outside and counting the number of people, how on earth is this going to be controlled. Our experience is that restaurateurs and bars take liberties when they can.

Also please don't allow any extension of times for the doors to be left open after 9pm as

the noise reverberates up my windows.

I hope you will seriously take head of my worries and refuse this application in its entirety.

Received:	4 th July 2017
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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.

Application summary

1. Change the layout as shown on the appended plans;
2. Subject to that layout being approved, decrease the customer capacity from 150 to 120 and correspondingly decrease the area where alcohol can be sold without food from 100 to 60;
3. Increase the hours for the sale of alcohol, recorded music and late night refreshment to the council's core hours with opening times 30 mins later; and
4. Propose new model conditions accordingly.

Hours of operation

The application therefore states that they will confine hours "for the sale of alcohol, recorded music and late night refreshment to the council's core hours with opening times 30 mins later". We are seeing more and more applications aiming to increase their terminal hour by a "harmless" thirty minutes, but this directly contravenes Council policy. I must remind the Licensing Panel that Soho remains a densely populated residential area and there are many private residences in nearby buildings on either side of the premises, all the way along Beak Street, and in the three streets that feed into Beak Street close to the premises: Lexington and Great Pulteney Streets, and Bridle Lane. All residents in the surrounding area are subject to noise and general nuisance every night of the week, and maintaining core hours for the West End Cumulative Impact Area is the only way of ensuring these residents are able to properly rest.

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.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy PB2 applies:	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.
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.
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 RNT2 applies:	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.

4. Appendices

Appendix 1	Applicant supporting documents
Appendix 2	Premises history
Appendix 3	Proposed conditions
Appendix 4	Residential map and list of premises in the vicinity
Appendix 5	Pre-Application Advice Report
Appendix 6	Current Licence

Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Representation – Environmental Health	22 nd June 2017
5	Representation – Licensing Authority	11 th July 2017
6	Representation – Cllr Glenys Roberts	5 th July 2017
7	Representation – Soho Society	4 th July 2017
8	Representation resident	3 rd July 2017
9	Representation resident	5 th July 2017
10	Representation resident	10 th July 2017
11	Representation resident	10 th July 2017
12	Representation resident	1 st August 2017

Applicant Supporting Documents

None

Premises History

Application	Details of Application	Date Determined	Decision
05/06727/LIPCV	Premises Licence Conversion	24/11/2005	Granted Under Delegated Authority
06/09270/LIREVP	Review of a Premises Licence	02/11/2006	Conditions Modified
06/09263/WCCMAP	Master Licence	19/12/2006	Granted Under Delegated Authority
08/07137/LIPCHD	Vary the Designated Premises Supervisor	25/11/2008	Granted Under Delegated Authority
10/04843/LIPT	Transfer of Premises Licence	14/07/2010	Granted Under Delegated Authority
13/04189/LIPT	Transfer of Premises Licence	05/07/2013	Granted Under Delegated Authority
13/04192/LIPDPS	Vary the Designated Premises Supervisor	08/07/2013	Granted Under Delegated Authority
13/04390/LIPVM	<p>Variation Application:</p> <p>A change of layout in accordance with the attached licensing drawing LL-01 being Ground floor and basement with the licensable area edged in red.</p> <p>In relation to the ground floor there is very little change however the changes are as follows:</p> <ul style="list-style-type: none"> - The reconfiguration of the main entrance door. - A greeter station at the entrance door. - Fixed seating next to the waiter station. - The addition of a hoist. - Kitchen to remain as is but completely refurbished and upgraded. <p>In relation to the basement the changes are as follows:</p>	05/07/2013	Refused Under Delegated Authority

	<ul style="list-style-type: none"> - Inclusion of kitchen/prep/wash up and cold room area. - All toilets to remain as is but completely upgraded. - A small defined dining area with fixed seating and condiment counter. - The provision of dry store, office and staff room in the basement. <p>There is no increase in the trading area as can be seen from the decrease of the area in the basement.</p> <p>The applicant, through their instructing solicitors who make this application, have obtained pre-application advice from Alan Lynagh, District Licensing Surveyor, and Anil Drayan, Environmental Health Officer, Westminster City Council, who have provided their advice in relation to the application and have confirmed that the plans are acceptable and that they would support an application to proceed by way of minor variation upon the drawings submitted.</p>		
13/05088/LIPV	<p>Variation Application:</p> <p>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</p>	05/09/2013	Granted by Licensing Sub-Committee

	<p>station; Addition of a hoist; Refurbishment of kitchen. Basement: Inclusion of kitchen, prep area, wash and cold room area; Refurbishment of WC 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.</p>		
13/08655/LIPVM	<p>Variation Application:</p> <p>To add the following agreed condition: "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 takeaway 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</p>	20/11/2017	Granted Under Delegated Authority

	<p>persons is ancillary to taking such meals.</p> <p>Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal"</p>		
14/04425/LIPDPS	Vary the Designated Premises Supervisor	16/06/2014	Granted Under Delegated Authority
15/08974/LIPDPS	Vary the Designated Premises Supervisor	03/02/2016	Granted Under Delegated Authority
15/11655/LIPT	Transfer of Premises Licence	03/02/2016	Granted Under Delegated Authority
17/02532/PREAPM	Pre-application Advice	09/03/2017	See Appendix 5
17/08118/LIPVM	<p>Minor Variation Application:</p> <p>To vary the existing premises licence so as to incorporate a change of layout. The changes include:-</p> <ul style="list-style-type: none"> - 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 <p>Basement;</p> <ul style="list-style-type: none"> - 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 <p>The application is cosmetic in nature and follows formal pre-application advice undertaken with Environmental Health</p>	04/08/2017	Refused

	and District Surveyor (17/02532/PREAPM). There are no proposed changes to permitted hours, licensable activities, area or conditions.		
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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. 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.

10. No speakers shall be located in the entrance area.
11. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
12. 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.
13. 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.
14. 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.
15. 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.
16. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
17. 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.
18. Patrons temporarily leaving the premises, such as for the purposes of smoking shall not take any drinks with them outside the premises.

19. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
20. No rubbish, including bottles, will be moved, removed or placed in outside areas between 23:00 and 08:00 hours.
21. No collections, including refuse and recyclable food waste, shall take place between 23:00 and 08:00 hours.
22. No deliveries shall take place between 22:00 and 07:00 hours.
23. 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.
24. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
25. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed:

Ground floor 60 persons;
Basement 60 persons.
26. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
27. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
28. A Challenge 21 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.
29. 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.

22. No licensable activities shall take place at the premises until premises licence 15/11655/LIPT (or such other number subsequently issued for the premises) has been surrendered.
23. No licensable activities shall take place at the premises until the premises has 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.

Conditions proposed by the Environmental Health

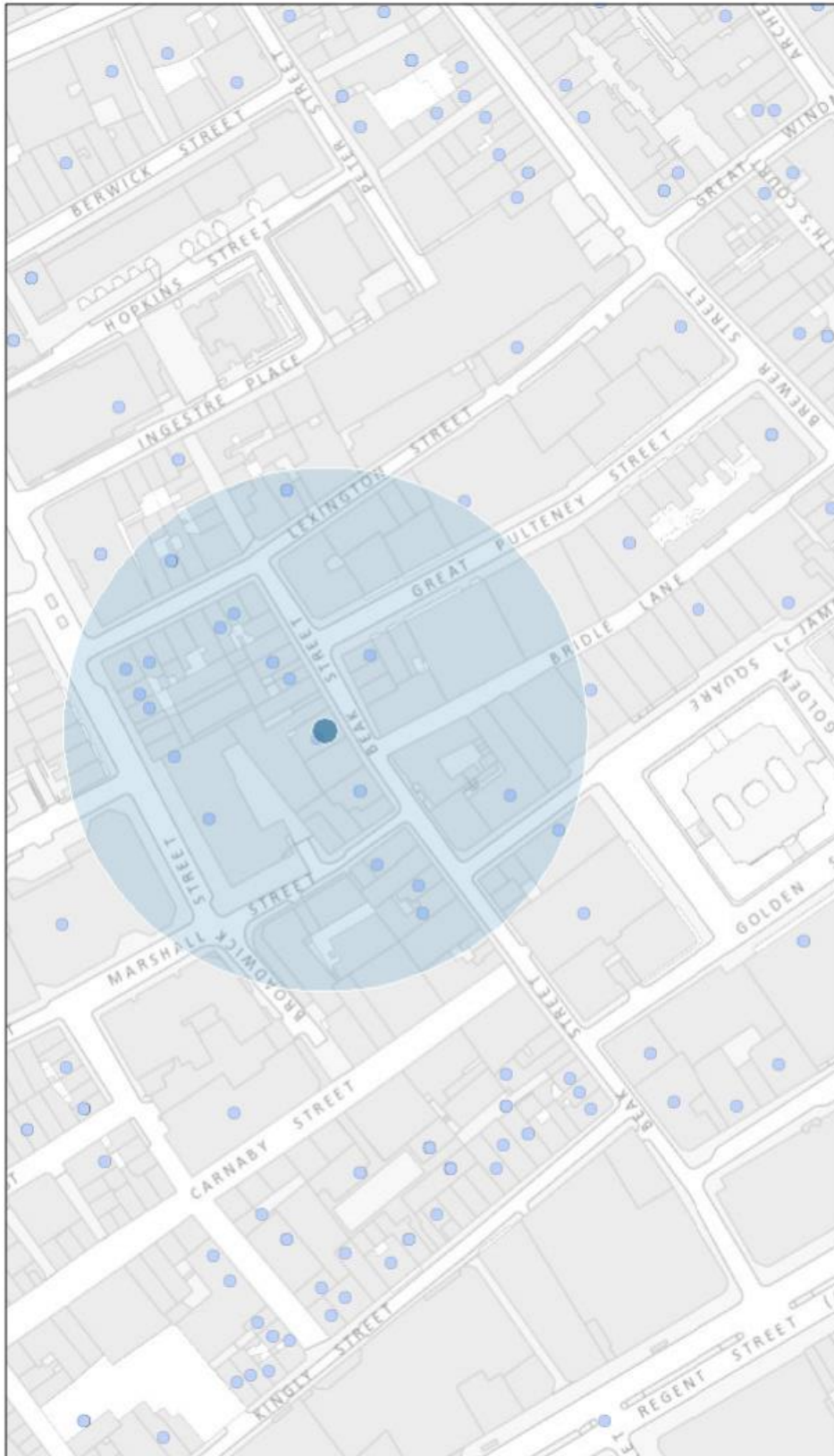
None

Conditions proposed by the Police

None

Residential Map and List of Premises in the Vicinity

Kazu Restaurants



September 28, 2017

● Live Licensing Act

Resident Count: 143

Pre-application Advice Report

City of Westminster

Office Name: Sally Thomas/Alan Lynagh
Designation: EHO – Senior Practitioner
Date: 30/03/17
Contact number: 020 7641 2788
Email: sthomas4@westminster.gov.uk
Signed: Sally Thomas
WCC Uniform Ref Number:
 17/02532/PREAPM

Trading name of business and Address: Basement and ground, 61-63 Beak Street, London, W1F 9SL		
Licence: 15/11655/LIPT	Applicant/solicitor: Alun Thomas	Cumulative Impact Area: Yes – West End
Type of Business: Restaurant/Bar Current Areas: Basement and Ground Floor. Current Activities: 15/11655/LIPT		
Playing of Recorded Music	Unrestricted	
Late Night Refreshment	23:00 to 23:30	
Monday to Saturday:		
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit		
	Unrestricted	
Sale by Retail of Alcohol (on and off)		
Monday to Saturday:	10:00 to 23:00	
Sunday:	12:00 to 22:30	
<p>The ground floor of the premises does not have restrictions on the sale of alcohol. The basement of the premises is restricted to operate as a restaurant with alcohol being ancillary to a table meal. The current capacity is 100 people on the ground floor and 50 people in the basement. The split of bar use to restaurant use is 66.6% and 33.3%.</p>		
Pre application advice purpose: To assess the change in layout and operation.		
Background to application: The proposed hours for licensable activities are as follows:		
<ol style="list-style-type: none"> 1. Alcohol 'on' – Monday – Thursday 10:00-23:30 hours, Friday and Saturday 10:00 – 00:00 and Sunday 12:00-22:30 hours. 2. Alcohol 'off' - Monday – Saturday 08:00-23:00 hours and Sunday 10:00-22:30 hours 3. Late Night Refreshment - Monday – Thursday 23:00-23:30 hours, Friday and Saturday 23:00 – 00:00 hours. 4. Recorded Music - Monday – Thursday 09:00-23:30 hours, Friday and Saturday 09:00 – 00:00 hours and Sunday 09:00 -22:30 hours. 		
Residential premises are proposed above the premises.		
The main Environmental Health considerations to the proposal as submitted are the		

following:

1. Cumulative Impact Area

The premises are in the West End Cumulative Impact Area as defined in Westminster's Statement of Licensing policy. The policy can be found on the Council's website at the following link:

<https://www.westminster.gov.uk/licensing-policy>

Therefore WCC Policies **HRS1**, **CIP1**, **RNT2** and **PB2** apply.

Currently the premises operates as a bar on the ground floor and a restaurant in the basement. The proposal is to change the premises to 50% restaurant and 50% bar split over both floors. The overall capacity will be amended to 120 people, which results in a reduction in capacity. Still with a maximum of 60 people undertaking drinking without eating. However the applicant wants to allow this flexibility over both floors rather than restricting to either floor. To satisfy the Licensing Authority this will need to be clearly defined on any plans submitted. In the previous operation up to 100 people could drink without eating. This reduces the impact within the cumulative impact area.

The proposal also seeks to increase the terminal hour to core hours for all licensable activities. However this would not be deemed to be against the policy PB2/CIP1 that states '*It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under policy HRS1.*'

There is no presumption against the granting of a restaurant in the Cumulative Impact Area so long as it does not impact on the Licensing Objectives or add to Cumulative Impact. (Policy RNT2).

2. Sanitary accommodation

One of the reasons for an area being designated as a Cumulative Impact Area is due to the lack of adequate facilities leading to Public Nuisance concerns in the area. Environmental Health therefore requires the provision of sanitary accommodations to be in compliance with the minimum provision as stated in *British Standard 6465 -1:2006 + A1:2009; Sanitary installations – Part 1: Code of practice for the design of sanitary facilities and scale of provision of sanitary and associated appliances: Table 10; restaurants and other places where seating is provided for eating and drinking.*

The proposed capacity of 120 customers requires a minimum of 3 female WCs, 1 male WC and 2 urinals. If wash hand basins are provided in the cubicle this will reduce the capacity by 25%. A hand wash basin should be provided per WC. There is no objection to unisex hand wash basin area provided it is covered by CCTV.

Separate staff facilities should be provided. Under the Workplace (Health, Safety and Welfare) Regulations 1992, Regulation 20, the following numbers of WCs are stated for staff facilities: 1 WC for 1-5 staff, 2 WCs for 6-15 and 3 WCs for 16-30.

All toilets in food business premises should be separated by a lobby from food eating or preparation areas.

3. External Area and Windows

External use has not been proposed. However with the hours proposed for recorded music, doors and windows should be kept closed after 23.00 hours and at all times that regulated entertainment is taking place.

4. Food Hygiene

No detailed kitchen layout plans have been provided therefore the layout has not been assessed for food hygiene requirements.

Three dumb waiters have been proposed to minimise staff foot traffic on the public stairs.

No changes to the full height extract ventilation have been proposed. Please note that a previous application resulted in numerous resident representations due to potential odour nuisance.

The kitchen on the ground floor will be a theatre kitchen with a gas installed pizza oven.

5. Type of application

This application could be a variation to the existing licence.

6. Conditions

The following conditions should be considered in addition to those already on the licence in order to minimise the impact on the Licensing Objectives:

Vary MC66 to read in the non hatched area MC66 applies.

MC16 There shall be no sales of alcohol for consumption off the premises after 23.00 hours.

MC17 All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

To replace the current condition 11 - MC 37 The number of persons permitted in the premises at any one time (excluding staff) shall not exceed: Ground floor 60 persons; Basement 60 persons.

To replace the current condition 27 - MC12 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.

MC 87 No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

MC14 All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

MC23 Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

MC47 A Challenge 21 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.

MC82 The variation of this premises licence (***state the licensing reference number***) to include the (***state the works requested and plans reference***) 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.

The police will also seek:

MC49 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 (h) any visit by a relevant authority or emergency service.

District Surveyor Comments

- The ground floor and first floor should be provided with two separate exit routes both at a minimum of 750mm clear opening width.
- All exit routes should be provided with 30 minute separation and all doors onto exit routes should be fitted with intumescent smoke strips and seals.
- The operation and design of the fire curtain should be detailed to us for approval and at this stage our preference would be a door held open on a magnetic device but we will await further detail and comment appropriately.

Should you wish to discuss the matter further or seek further clarification or information please do not hesitate to contact me.

**Sally Thomas
Environmental Health Officer – Senior Practitioner
EH Consultation Team**

Please note that any advice given will not guarantee that your application will be granted by the Licensing Service and the Environmental Health Consultation Team may still choose to make a representation to the application submitted.

Current Licence**City of Westminster**

64 Victoria Street, London, SW1E 6QP

Schedule 12
Part AWARD: West End
UPRN: 010033570731

Premises licence

Regulation 33, 34

Premises licence number:

15/11655/LIPT

Original Reference:

05/06727/LIPCV

Part 1 – Premises details**Postal address of premises:**Kazu Restaurants 1 Limited
Basement And Ground Floor
61 - 63 Beak Street
London
W1F 9SL**Telephone Number:****Where the licence is time limited, the dates:**

Not applicable

Licensable activities authorised by the licence:Playing of Recorded Music
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol**The times the licence authorises the carrying out of licensable activities:**

Playing of Recorded Music	Unrestricted
Late Night Refreshment	
Monday to Saturday:	23:00 to 23:30

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

Sale by Retail of Alcohol	
Monday to Saturday:	10:00 to 23:00
Sunday:	12:00 to 22:30

*For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1***The opening hours of the premises:**

Monday to Saturday:	10:00 to 23:30
Sunday:	12:00 to 23:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Kazu Restaurants 1 Limited
73 Cornhill
London
EC3V 3QQ
Business Phone Number : N/A

Registered number of holder, for example company number, charity number (where applicable)

09835379

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: Mr Peter Jansens

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: CAM 001082
Licensing Authority: Cambridge City Council

Date: _____ 3 February 2016 _____

This licence has been authorised by Miss Susan Patterson on behalf of the Director - Public Protection and Licensing.

Annex 1 – 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.
- (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.
- (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.
- (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.

Annex 4 – Plans

Attached

Sunday: 12:00 to 23:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:
Alcohol is supplied for consumption both on and off the Premises.

Name and (registered) address of holder of premises licence:
Kazu Restaurants 1 Limited
73 Cornhill
London
EC3V 3QQ

Registered number of holder, for example company number, charity number (where applicable)
09835379

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:
Name: Mr Peter Jansens

State whether access to the premises by children is restricted or prohibited:
Restricted

Date: _____ 3 February 2016 _____

This licence has been authorised by Miss Susan Patterson on behalf of the Director - Public Protection and Licensing.