

Licensing Sub-Committee Report

Item No:	
Date:	2 November 2017
Licensing Ref No:	17/08106/LIPN - New Premises Licence
Title of Report:	Unit 4 - Happy Bar And Grill Troadero 13 Coventry Street London W1W 7DH
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Daisy Gadd Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email: dgadd@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	18 July 2017		
Applicant:	Happy Bar And Grill Limited		
Premises:	Unit 4 - Happy Bar And Grill		
Premises address:	Trocadero 13 Coventry Street London W1W 7DH	Ward:	St James's
		Cumulative Impact Area:	West End
Premises description:	The premise is intending to operate as a restaurant.		
Premises licence history:	This is an application for a new premises licence and therefore no history exists.		
Applicant submissions:	None		
Plans:	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

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	23:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	00:00
Seasonal variations/ Non-standard timings:		New Year's Eve: end of permitted hours on NYE to start of permitted hours on New Year's Day					

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	00:00
Seasonal variations/ Non-standard timings:		New Year's Eve: end of permitted hours on NYE to start of permitted hours on New Year's Day					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	00:00
Seasonal variations/ Non-standard timings:	New Year's Eve: end of permitted hours on NYE to start of permitted hours on New Year's Day						
Adult Entertainment:	None						

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service (withdrawn)
Representative:	PC Toby Janes
Received:	2 August 2017
<p>I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application.</p> <p>It is our belief that if granted the application would undermine the licensing objectives in relation to the prevention of crime and disorder.</p> <p>The conditions offered within the application do address some of our concerns. However the venue is situated in the West End cumulative impact area, a locality where there is traditionally high crime and disorder. The hours sought are beyond core hours as set out in the Westminster Policy and we have concerns that this application may cause further policing problems in an already demanding area.</p> <p>Police propose the following conditions are added to your operating schedule. I have included the conditions already offered by you, but have amended condition 2 as shown in red to correspond to the correct condition. The only additional condition refers to security for New Year's Eve.</p> <ol style="list-style-type: none"> 1. The premises shall only operate as a restaurant <ol style="list-style-type: none"> (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 for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. <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>	

2. Notwithstanding condition 1, alcohol may be supplied and consumed prior to their meal in the bar area (designated on the plan), by up to a maximum at any one time, of 25 persons dining at the premises.

3. 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.

4. 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.

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

6. 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.

7. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

8. The reception desk shall be manned at all times the premises is in operation.

9. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

10. On New Year's Eve, A minimum of 2 SIA licensed door supervisors shall be on duty from 2200 hours at the premises, at all times whilst it is open for business.

The Police have withdrawn their representation following the agreement of conditions proposed by the Police with the applicant.

Responsible Authority:	Environmental Health (withdrawn)
Representative:	Mrs Sally Fabbricatore
Received:	8 August 2017

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

This representation is based on the Operating Schedule and the submitted plans, ground floor, titled with the address and dated June 2017 and drawing number 7869_SK11.

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

1. To allow the Supply of Alcohol both 'on and off' the premises Monday to Saturday 08:00-01:00 hours and Sunday 08:00-00:00 hours.
2. To allow Late Night Refreshment 'indoors' Monday to Saturday 23:00-01:00 hours and Sunday 23:00-00:00 hours.
3. To allow both the Supply of Alcohol and Late Night Refreshment from the end of permitted hours on 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 extension of hours on 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.

Reference is made to the British Standard 6465-1:2009 Sanitary Installations, Table 10, and the proposed WC provisions, the maximum capacity which could be accommodated would be 240 customers excluding staff. Further WC provisions will need to be provided if the capacity of 430 customers is required.

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.

Environmental Health have withdrawn their representation following the agreement of conditions proposed by Environmental Health with the applicant.

Responsible Authority:	Licensing Authority
Representative:	Mr David Sycamore
Received:	15 August 2017

I write in relation to the application submitted for a Premises Licence for the following premises Unit 4 - Happy Bar And Grill, 13 Coventry Street.

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.

The hours sought for the sale of alcohol and late night refreshment are outside of the Westminster Core Hours policy HRS1. We welcome the addition of model condition 66, however policy RNT2 states that to grant a restaurant within the cumulative impact area you would still need to justify how it will not add to cumulative impact. The premises will have capacity of up to 430 and it is the authorities opinion that these customers will add to cumulative impact when leaving the restaurant. Please could we ask for more information as to how off sales are proposed to be used, if they are not required please could this part of the application be withdrawn.

We would welcome additional documents to support the application in relation to why hours outside core hours should be granted and why a large venue with a large capacity will not add to cumulative impact or how it will be managed.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIA1 applies:	<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>
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.
Policy HRS1 applies:	<p>(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.</p> <p>(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.</p>

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

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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	April 2017
4	Representation Metropolitan Police Service	2 August 2017
5	Representation Environmental Health	8 August 2017
6	Representation Licensing Authority	15 August 2017
7	Applicant submissions	

1. HAPPY BAR & GRILL CONCEPT

- 1.1 Happy Bar and Grill began as a restaurant in Bulgaria set up by its Founder Orlin Popov, a former chocolate merchant and now successful entrepreneur, in 1997 and has now been successfully expanding for over 20 years. Since it was first set up, Happy Bar and Grill has become the fastest growing and most popular restaurant chain in Bulgaria with over 22 restaurants in all of Bulgaria's biggest cities.
- 1.2 Happy Bar and Grill have become an iconic restaurant brand, not only within Bulgaria but also within Europe, as they continue to expand and open new restaurants in Barcelona, Spain and in Poland.
- 1.3 Happy Bar and Grill have been voted top restaurant brand by Bulgarians 8 years in a row by Pragmatica Market Research and won numerous International restaurant and hospitality awards from a variety of independent reviewers, including from IH&RA (International Hotel & Restaurant Association), Tripadvisor, the Balkan Alliance & Hotel Association and Forbes Evolution Awards.
- 1.4 The Founder of Happy Bar and Grill, Orlin Popov, has successfully built up an empire of other successful brands including the Captain Cook chain (two high-class fish restaurants in Sofia and Varna); Happy Sushi; the Asian SASA, which moved from the Hemus Hotel to the National Assembly in Bulgaria; as well as the hit Candy Club in the Marinella Hotel. Orlin's success has resulted in him featuring in Forbes magazine.
- 1.5 Happy Bar and Grill are now looking to open their first restaurant in the UK in London, before rolling out restaurants across the country and across Europe.
- 1.6 Due to the nature of the business, Happy Bar and Grill trades provides a complimentary use to shopping centres and contributing to the vitality and viability of the area.
- 1.7 For the appearance of each site, Happy invest heavily in high quality, vibrant, internal restaurant fit outs, with instantly recognisable 'Happy' signage (subject to approval). Their ethos is to be positive, supportive, generous (with their charity and local sport support), to be trendy and above all, to be one of the friendliest restaurant brands around – as the name 'Happy' suggests, perfect service with a smile ensures that customers keep on returning. With over 600,000 customers per month, Happy is one of the most popular restaurant brands in Europe.
- 1.8 Happy Bar and Grill have shown great commitment to fundraise for charities such as UNICEF and many local sporting groups, proving them to be an extremely popular restaurant brand in Bulgaria with a sustainable business model. This is demonstrated by the numerous letters of recommendation received from the International Hotel & Restaurant Association, the Bulgarian Society of Nutrition and Dietics, Unicef and The Minister of Economy in Bulgaria.
- 1.9 Letters of recommendation for the operator have been sent to the Licensing Team.

2. THE SITE AND SURROUNDING AREA

- 2.1 The application site comprises the ground floor of Unit 4, Trocadero, Coventry Street, London. The unit has a single frontage with pedestrian access into the unit from Coventry Street.
- 2.2 The application site is a 1,107 sqm unit, situated on the southern elevation of the Trocadero complex, an established entertainment complex bounded by Coventry Street, Rupert Street, Shaftesbury Avenue and Great Windmill Street within London's West End. The Trocadero has a mix of uses including retail (mostly short-term lease souvenir shops) at ground floor level, restaurants and cafes at ground floor level and night clubs at basement level. There are construction works ongoing at the Trocadero for installation of a new 'pod' hotel to be installed across the upper floors of the building. There is also an existing cinema on the 5th floor.
- 2.3 The Trocadero building is arranged across several storeys, with two basement floor levels below ground and up to twelve storeys above ground, with the height of the building varying across the Trocadero complex. The application site is currently occupied as a retail souvenir shop on a short term lease. The application site has stood either vacant or occupied by short term lease tenants for a number of years (since at least 2008).
- 2.4 The unit sits adjacent to a number of other temporary souvenir shops on Coventry Street including Sweet Kingdom and Essentials, as well as a Theatre Ticket Office and the entrance to Platinum Lace nightclub (SEV).
- 2.5 The site, which is Grade II listed, is located within the West End Cumulative Impact Area, and West End Strategic Cultural Area.

3. THE PROPOSAL

- 3.1 An application for a licensed restaurant was submitted to Westminster City Council on 18th July 2017.
- 3.2 The proposed licensable activities shall take place during the following times:
Late Night Refreshment:
Monday to Saturday 23:00 to 01:00
Sunday 23:00 to 00:00
Sale of Alcohol
Monday to Saturday 08:00 to 01:00
Sunday 08:00 to 00:00
- 3.3 Happy Bar and Grill seek to occupy the ground of Unit 4 of the Trocadero building. The food preparation area, kitchen, serving area and dining area will be located on the rear, western corner of the unit, together with customer toilets, staff facilities, and a large area of customer seating. In total, the restaurant and associated floorspace will occupy 1,107m².

4. TRANSPORT

- 4.1 The site is well served by a variety of modes of public transport including the underground station at Piccadilly Circus, situated less than 100m from the site and several bus stops on Coventry Street.
- 4.2 Service vehicles will use the existing Trocadero service bay located in Rupert Street.

5. WASTE MANAGEMENT STATEMENT

- 5.1 Happy Bar and Grill have allocated an area of the ground floor as a bin storage area to accommodate wheelie bins for storage of waste and recycling.
- 5.2 All waste and recycling is collected on a daily basis by a private waste service provider or by the Local Authority
- 5.3 The unit has rear access to the central Trocadero service yard and therefore, all waste and recycling will be carried to this service area and will not be carried out to the front of the unit (Coventry Street). Access to the rear service yard area, which is accessible from the application site and from Rupert Street, ensures that no waste will be left on the Highway or the pedestrian footpath in front of the shopfront at any time.

6. PROPOSED CONDITIONS

- 6.1 Happy Bar and Grill Ltd have proposed the following conditions in their operating schedule:

- 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 for immediate consumption,
 - (v) which do not provide any take away service of food or drink after 23.00, and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

- Notwithstanding condition 9, alcohol may be supplied and consumed prior to their meal in the bar area (***designated on the plan***), by up to a maximum at any one time, of (12) persons dining at the premises.
- The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available

immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

- A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
- 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.
- Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
- The reception desk shall be manned at all times the premises is in operation.
- 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.
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
- 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.
- All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
- No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.
- No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
- No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 on the following day.
- During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business. Smoking related litter shall be cleared by the premises regularly during trade and at the end of the day's trade.

- The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
- The number of persons permitted in the premises at any one time (including staff) shall not exceed 430 persons.
- The Licence will have no effect until the Licensing Authority are satisfied that the premises are constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
- Prior to the licence taking effect, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority.

An additional condition agreed with the Metropolitan Police:

- On New Year's Eve, A minimum of 2 SIA licensed door supervisors shall be on duty from 2200 hours at the premises, at all times whilst it is open for business.

7. WCC POLICY CONSIDERATION

- 7.1 In accordance with the City Council's policy, this premises shall operate as a restaurant and falls under Policy RNT1 – Restaurants within the Cumulative Impact Area.
- 7.2 The Policy states (at section 2.5.12) that *'restaurants of various types attract people over a wide range of ages. Restaurants where there is no music and dancing, where customers are seated and served at tables, may appeal particularly to families or older customers. It is recognised that restaurants, as defined in this section, have little association with crime and disorder'*.
- This is reflected by the withdrawal of the Police representation.
- 7.3 The Policy states (at 2.4.25) that *'the Licensing Authority's view is that cumulative impact in the Cumulative Impact Areas arises mainly from the numbers of pubs and bars, music and dance premises and fast food premises.'*
- 7.4 This premises is situated in the heart of the West End and has direct transport links (including nearby Tottenham Court Road Station where both the Central and Northern lines run throughout the night). Together with the experience of the licensee and the extensive list of conditions proposed with the application, we believe that this premises shall operate to a high standard and not add to cumulative impact within the West End Cumulative Impact Area.

Existing Streetscape



Figure 2.2 - View of Piccadilly, London, showing existing streetscape from University Street

Proposed Atmosphere

A selection of precedent images of city centre bar & grill/ restaurant interiors, providing a sense of atmosphere, feel and materiality to the space.

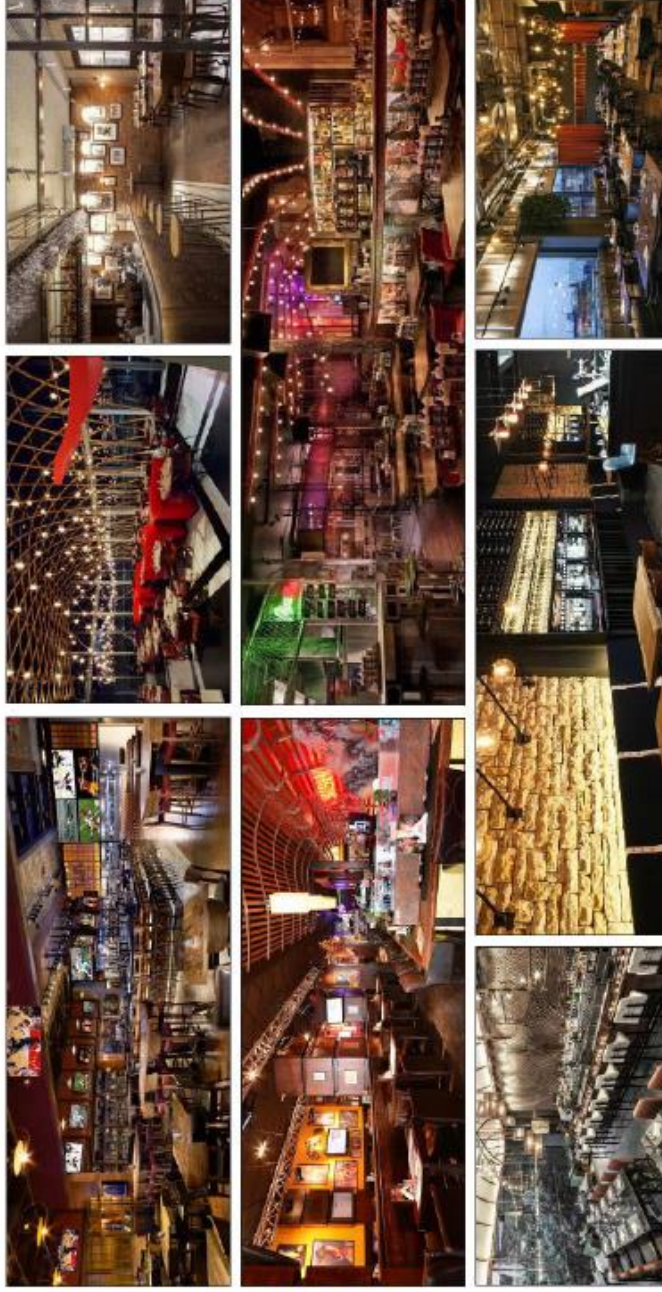


Figure 24-23: interior precedents

Proposed Streetscape



Figure 23: Unit 4 Rowlocks, Proposed Revitalization (viewing from Coventry Street)

An example interior



Premises History

Appendix 2

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions proposed by the applicant

9. 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 for immediate consumption,
 - (v) which do not provide any take away service of food or drink after 23.00, and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

10. Notwithstanding condition 9, alcohol may be supplied and consumed prior to their meal in the bar area (designated on the plan), by up to a maximum at any one time, of (25) persons dining at the premises.
11. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
12. 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.
13. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
14. 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.

15. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
16. The reception desk shall be manned at all times the premises is in operation.
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. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
19. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
20. 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.
21. No water or recyclable materials, including bottles, shall be moved, removed from or placed in areas outside the Trocadero between 23.00 hours and 07.00 hours on the following day.
22. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
23. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 on the following day.
24. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business. Smoking related litter shall be cleared by the premises regularly during trade and at the end of the day's trade.
25. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
26. The number of persons permitted in the premises at any one time (including staff) shall not exceed **(430)** persons.
27. The Licence will have no effect until the Licensing Authority are satisfied that the premises are constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
28. Prior to the licence taking effect, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate

reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority.

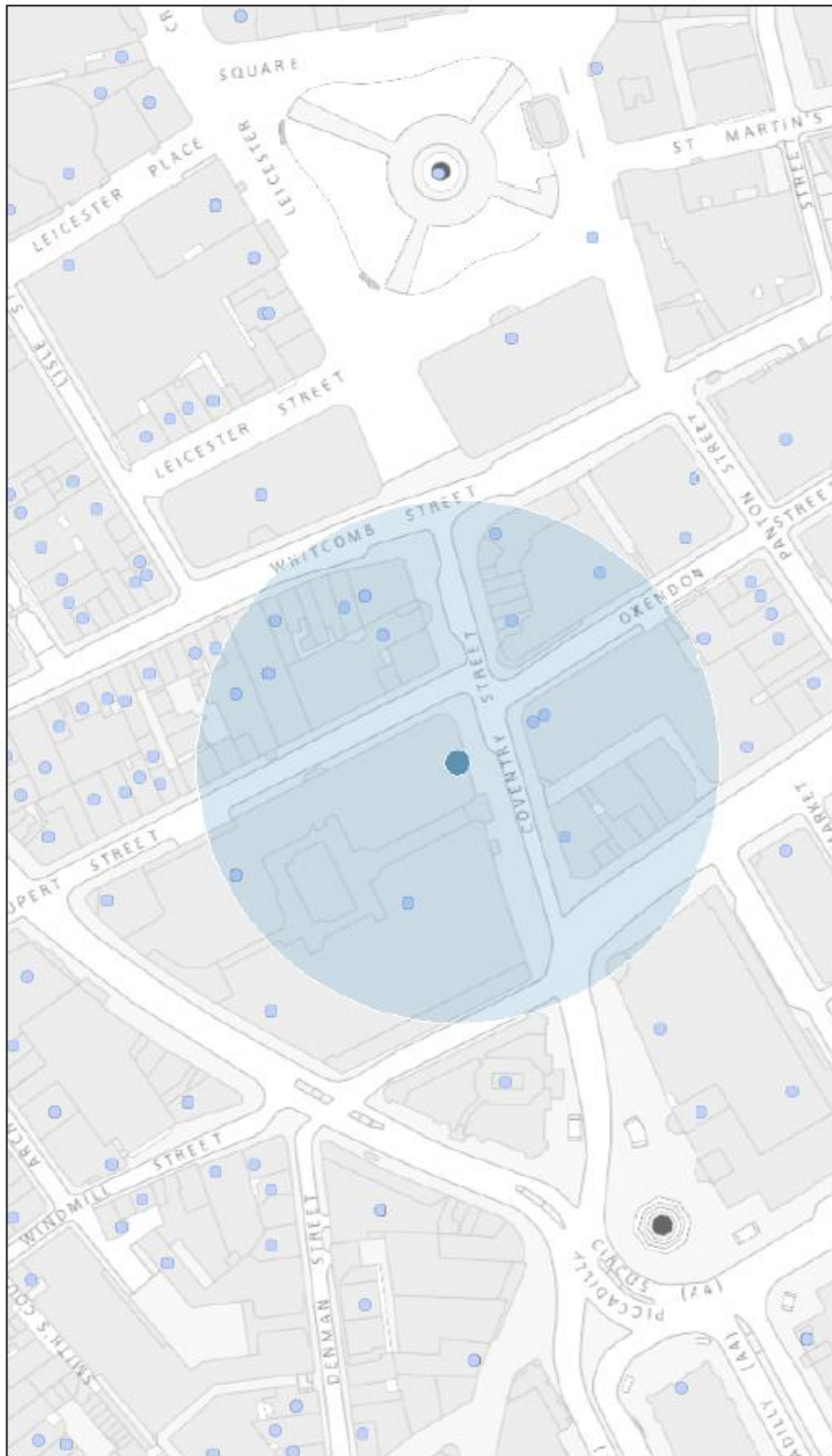
Conditions proposed by the Police and agreed with the applicant

30. On New Year's Eve, A minimum of 2 SIA licensed door supervisors shall be on duty from 2200 hours at the premises, at all times whilst it is open for business

Conditions proposed by the Environmental Health and agreed with the applicant

31. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
32. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined. The maximum capacity that can be determined is 430 persons (excluding staff).

Unit 4 Happy Bar and Grill



Resident count = 50

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