

Licensing Sub-Committee Report

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| Item No: | |
| Date: | 7 December 2017 |
| Licensing Ref No: | 17/11396/LIPN - New Premises Licence |
| Title of Report: | Temper 5 Mercer Walk London WC2 |
| 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: | Ms Daisy Gadd Senior Licensing Officer |
| Contact details | Telephone: 0207 641 2737 Email: dgadd@westminster.gov.uk |

1. Application

| 1-A Applicant and premises | | | |
|-----------------------------------|--|--------------------------------|------------|
| Application Type: | New Premises Licence, Licensing Act 2003 | | |
| Application received date: | 11 October 2017 | | |
| Applicant: | Casper & Cole Limited | | |
| Premises address: | Temper 5 Mercer Walk London WC2 | Ward: | St James's |
| | | Cumulative Impact Area: | West End |
| Premises description: | The premises intends to operate as a restaurant. | | |
| Premises licence history: | This is a new premises licence and therefore no history exists. | | |
| Applicant submissions: | The applicant originally applied for a start time of 10:00 on Sundays for the sale by retail of alcohol. However, this has now been amended to the start time of 12:00 for the sale by retail of alcohol on Sundays, as per Westminster's Core Hours Policy. | | |
| 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 | |
| End: | 23:30 | 23:30 | 23:30 | 23:30 | 00:00 | 00:00 | |
| Seasonal variations/ Non-standard timings: | | From 23:00 on New Years Eve until 05:00 on New Years Day. | | | | | |

| | | | | | | | |
|---|------------|--|------------|---------------------------------|------------|------------|------------|
| 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 start time on New Years Eve until the finish time on New Years Day. | | | | | |

| 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 | 10:00 |
| End: | 23:30 | 23:30 | 23:30 | 23:30 | 00:00 | 00:00 | 22:30 |
| Seasonal variations/ Non-standard timings: | | None | | | | | |
| Adult Entertainment: | | None | | | | | |

2. Representations

| 2-A Responsible Authorities | |
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| Responsible Authority: | Metropolitan Police Service (withdrawn) |
| Representative: | PC Adam Deweltz |
| Received: | 13 October 2017 |
| <p>I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be making a representation against this application.</p> <p>The venue is situated within the Cumulative Impact Area. 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>Following the agreement of conditions, the Metropolitan Police Service has withdrawn their representation.</p> | |

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|-------------------------------|---------------------|
| Responsible Authority: | Licensing Authority |
| Representative: | Ms Shannon Pring |
| Received: | 31 October 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.

The premises currently falls within policy RNT2 and it must demonstrate how the additional people will not add to the cumulative impact area.

Additionally, the licensable activities (sale by retail of alcohol on the premises) as applied for Sundays fall outside of core hours and although the council's full model condition 66 has been offered no additional information has been received which addresses the policy concerns in relation to adding to cumulative impact and we ask that this is addressed by submission to address the above concerns. We would also request that hours sought for on sales, in the application, on Sundays are brought in line with core hours; specifically midday to 22:30 instead of starting at 10:00.

Furthermore, we note that you have not given an indication, within the application, as to what the capacity for the premises will be, we would ask that you provide us with a figure in order for us to consider further the implications that this may have on cumulative impact.

Please accept this as a formal objection and we look forward to receiving documents as soon as possible.

2-B Other Persons**Name:** Resident 1**Received:** 7 November 2017

I am writing to object to the proposed application for a restaurant to operate in the new Mercer's Walk development beyond the hours that were in the planning application. If the application is granted it will cause considerable nuisance to local residents such as myself. The late hours will cause people to exit in the largely residential Mercer St which has always been one of the few times when it is quiet. The small streets and pavements of our neighbourhood will get blocked as patrons try to find transport at that hour and wait and smoke cigarettes causing noise that will disturb local residents.

It seems wrong that they can apply to operate for longer hours than were proposed in the planning application. This will create a new 7 days a week, late night nuisance for all the people who live along Mercer St.

The size of the proposed licensed restaurant will surely mean they hope to cater for large groups and parties that will inevitably linger on the small streets of our Covent Garden neighbourhood. The proposal to allow entrance and exit into Mercer St will just add to the problems for those of us who live here, and the new premises should open into the interior of this development so as to not add disturbance to the long-term residents of Mercer Street, of which I am one!

I am also concerned about the disruption and nuisance that the servicing of these new premises (the first of its kind in Mercer St.) will cause, especially considering the size of this establishment. That will inevitably cause more nuisances in the hours beyond the opening hours.

Address and/or Residents Association: The Ching Court Association**Received:** 8 November 2017

As the residents' association representing more than 20 dwellings not far from these premises, four of which belong to families with children, we ask you to refuse this application as it currently stands.

The building in which Temper will be situated has its main entrance on Mercer's Walk and a large part of it faces onto Mercer Street. We are on the north side of the junction with Shelton Street, only a short distance from the premises.

When the premises were given Planning Permission we expressed concern about the impact of A3 uses in the late evening in this location, and a restriction was imposed on the hours to end at 11pm. We continue to believe that this restriction is the very least that we need. What the applicant now proposes (11.30pm during the week, and Midnight at the weekend) is far too late.

Our streets are narrow – with high, old brewery buildings which echo to every sound. The area has little ambient noise after the theatre closes (at around 10.15pm), and very little traffic, so any sound acts as a peak which disturbs residents. The customers leaving this venue will have been drinking alcohol as well as eating, so they will speak loudly even if they are otherwise behaving well. And noise will emanate from the

premises themselves. Noise from Mercer's Walk echoes around the hard surfaces and carries particularly badly; we can hear it from over a block away, so we will not be able to escape this.

We believe that in order to protect residents around Ching Court, and those who live closer to the premises on Mercer Street, the terminal hour should remain 11pm at the very latest.

In addition, we would like to see a requirement that customers disperse onto Langley Street and not Mercer Street, and that use of any outside tables and chairs on Mercer's Walk ends at 9pm. Any openable windows should be closed at the same time. The rules on the Camden side limit tables & chairs to 9pm, which is liveable. Noise from people eating and drinking outside echoes around the area and can be very disturbing.

It is worth noting that we supported the aspects of this new development that increased the number of residential flats in the area – flats which are situated directly above the premises that Temper is taking on. However, these flats are not yet home to 'real' residents, but are being used as corporate apartments for guest workers at the moment. These guest workers have just arrived and have not engaged with the local community. However, we are very keen that the flats should in future become homes for people who can become long-term members of our community. For this to happen the environment needs to be favourable to families, and clearly this means being quiet enough for people to get to sleep not too late at night. Again, we believe that a terminal hour of 11pm for the licence, and 9pm for tables & chairs, is the latest that will enable this.

Our community is already under a lot of pressure, as you know, with families finding it difficult to remain open. We appeal to you to refuse this application as it currently stands.

Address and/or Residents Association

CGCA Planning & Licensing Sub-Committee

Received:

8 November 2017

This representation is being made by the Covent Garden Community Association (CGCA). CGCA is recognised by both Camden and Westminster as the Amenity Society for the Covent Garden area (defined as the area bounded by High Holborn, New Oxford Street, Charing Cross Road, St Martin's lace, Northumberland Avenue, Victoria Embankment, Lancaster Place, Aldwych and Kingsway) and so represents the interests of those who live and work in this area. The CGCA's Licensing Subcommittee is authorised by the Association to make Representations on any Licensing Applications which the Subcommittee believes may have an effect on local residents or other members of the community through likely impact on one or more of the Licensing Objectives. This authorisation was last renewed at a meeting of the Executive Committee of the CGCA on 16th March 2015.

This Representation is being made regarding the Application for a New Premises Licence for Temper. This is situated in a newly constructed A3 unit on Mercer's Walk which is a new development situated between Langley Street and Mercer Street. The application is for a restaurant under MC56 conditions to operate during Core Hours. The unit is situated under newly built flats. It is on the Eastern side of the new development and has a frontage onto Mercer Street. The application includes tables and chairs on Mercer's Walk on the Western frontage of the premises and also a concertina glass wall

on this frontage.

CGCA View

The development is situated between Langley Street and Mercer Street. Langley Street is broadly commercial in nature and has 3 existing Licensed Premises. Mercer Street is in residential/commercial mixed use and has only 1 Licensed Premises (Crazy Bear) which has been closed for more than 2 years. The CGCA is concerned about the impact of the people arriving and leaving the premises in the later part of the evening on residents living in the area, as well as noise coming from inside the premises themselves and from people seated outside. We believe that these will harm the Licensing Objectives of the Prevention of Public Nuisance.

We note that the Planning Permission which granted permission for the development includes a Condition 4 which requires that no customers use the premises after 23:00 Monday to Saturday and 22:30 on Sunday. We believe that this is also an appropriate time for the licence to end to prevent public nuisance being caused in the area.

In addition we are concerned about the impact of noise from the operation of the premises on the environment of Mercer's Walk (which has residential on the upper floors) and also echoing out into Mercer Street. This noise will be generated by customers seated outside the premises and through the openable front onto Mercer's Walk which is shown on the plans. To prevent this causing a public nuisance we ask that a condition be imposed that all doors and windows are closed at 21:00 and that the outside tables should not be used by customers after this time.

In the St. Martin's courtyard development (to the East of Mercer's Walk) there is a similar A3 unit (Dalla Terra) which has an openable front and tables and chairs outside. This area clearly is impacted by the noise generated by this type of use. This has not given rise to Public Nuisance only because the area is not overlooked by residential flats. In the case of Mercer's Walk it is overlooked and is likely to cause a nuisance.

The servicing condition proposed in the application is that no deliveries shall take place between 23:00 and 08:00 hours the following day. There is no reference to collections (including waste). The premises are required (by their landlord) to comply with a servicing plan where all deliveries are made from the public realm are within the development between 07:00 and 10:00 each day and all waste is to be stored in the commercial waste area provided by the Landlord. These conditions are intended to minimise the public nuisance which could be caused if deliveries and waste collections were made directly from Langley or Mercer Street. They should be reflected in the conditions on the Licence.

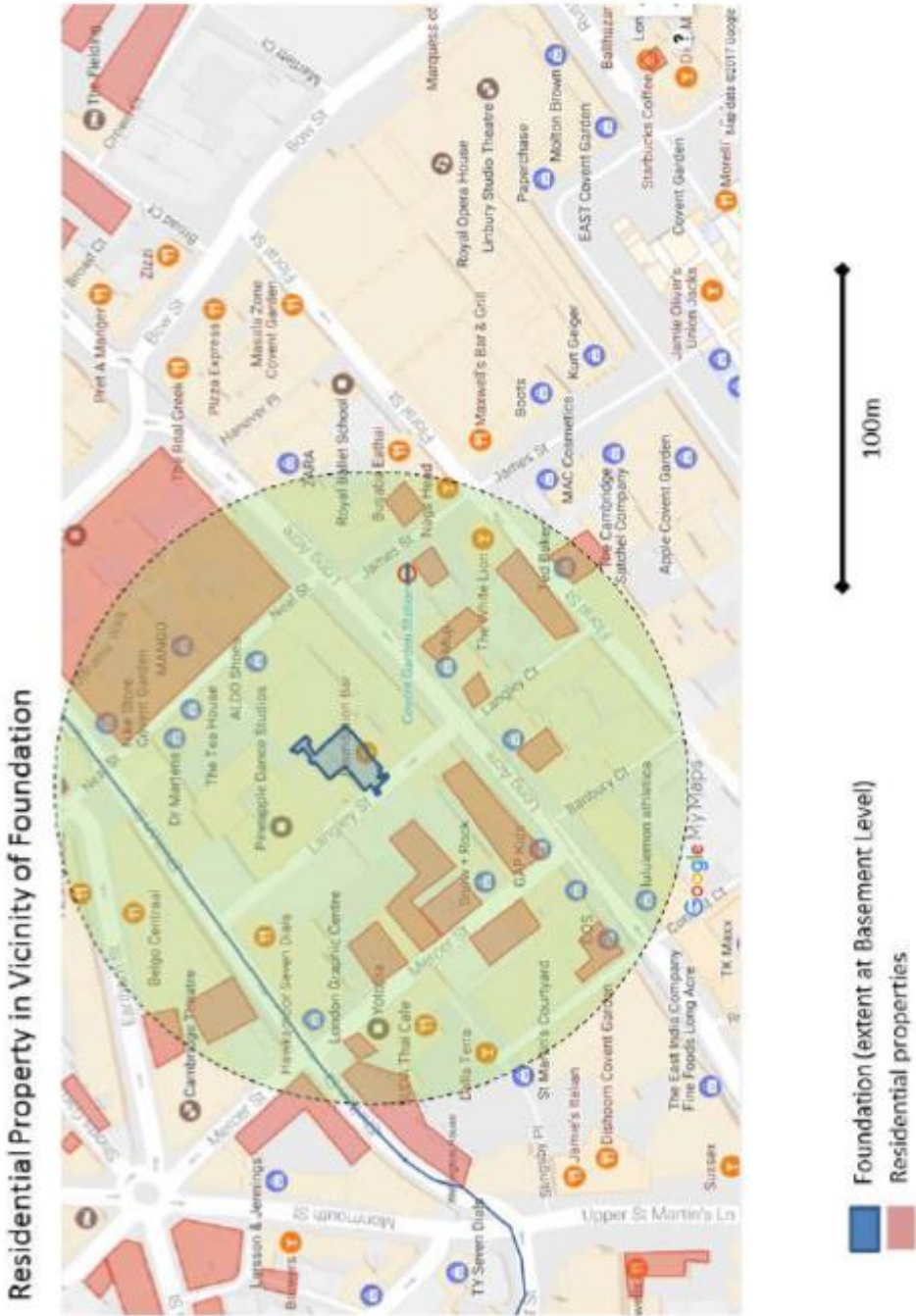
In summary, we are asking for the following changes:

- The licence should require that the premises closes at 23:00 (mirroring the Planning condition)
- The openable shopfront should be closed and the tables and chairs out of use at 21:00
- The servicing conditions should be consistent with the servicing and management plan for the development.

If the Licensing Committee is minded to grant a licence until a time later than the planning permission time we would ask for the following additional conditions:

- Last entry will be 60 minutes before the premises close
- After 23:00 the door closest to Mercer Street will be used only as an emergency exit and customers will be asked to use only the door onto the public realm area to enter and leave the premises.

We hope that this representation is clear.



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| Name: | Resident 2 |
| Received: | 7 November 2017 |
| <p>I wish to make this representation as a local resident. My flat is situated on the opposite side of Mercer Street, very close to the entrance of Mercers Walk.</p> <p>I believe that the noise coming from inside the premises, from people seated outside and from people coming and going, particularly in the late evening, will undermine the Licensing Objective of the Prevention of Public Nuisance.</p> <p>I feel that it would be appropriate to suggest that all the doors and windows should be closed after 21:00 and that outside tables should be closed after 21:00.</p> <p>I am also concerned that the servicing conditions should be consistent with the management plan for the development.</p> | |
| Name: | Resident 3 |
| Received: | 8 November 2017 |
| <p>I am writing to object to some aspects of the application for Temper at 5 Mercer Walk. I am a long term resident within 50m of the application - my front door faces Long Acre 4 doors around the corner and my rearward facing windows and terrace face the applicants site over the roof tops.</p> <p>My concerns with the application relate to the late hours of opening, open window and external seating in combination with the fact that licensed premises have to date been completely absent from Mercer Street which currently maintains a quiet aspect in the evenings.</p> <p>Given the scale and nature of the restaurant it can be expected to draw patrons along Long Acre and down Mercer Street late into the evening. Excessive noise and associated anti social behaviour is likely to result. We would expect to see an uptick in Pedicabs, Ubers, and Deliveroo traffic. It may form a draw for the criminal activities commonly associated with the Tower Street / Shaftsbury Avenue / Cambridge Circus / Newport Court zone.</p> <p>There are many residents including families with young children (my family is one such) on each side of Mercer Street, Long Acre and Shelton Street in close proximity to the proposal.</p> <p>For the reasons above associated with the prevention of crime, disorder, public nuisance and protecting public safety we would request the following:</p> <ul style="list-style-type: none"> • The hours of opening be limited to 11pm and that the openable shopfront and tables and chairs that are proposed be required to be stowed by 9pm. • Servicing must be required to be performed in line with the management plan for the development. • Queuing must be managed. <p>If the Licensing Committee is minded to grant a licence until a time later than the planning permission time we would ask for the following additional conditions:</p> <ul style="list-style-type: none"> • Last entry 60 minutes before the premises close • After 23:00 the door closest to Mercer Street will be used only as an emergency | |

exit and customers will be asked to use only the door onto the public realm area to enter and leave the premises.

- Management use their best endeavours to ensure dispersal via Langley Street.

Thank you for your consideration.

3. Policy & Guidance

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

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| 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. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- a) Eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act,
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and
- c) Foster good relations between persons who share relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

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| 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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| Report author: | Ms Daisy Gadd Senior Licensing Officer |
| Contact: | Telephone: 0207 641 2737 Email: dgadd@westminster.gov.uk |

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

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

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|-----------|---|------------------------------|
| 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 | 13 October 2017 |
| 5 | Representation Licensing Authority | 31 October 2017 |
| 6 | Representation resident | 7 November 2017 |
| 7 | Representation Ching Court Association | 8 November 2017 |
| 8 | Representation CGCA Planning & Licensing Sub-Committee | 8 November 2017 |
| 9 | Representation resident | 7 November 2017 |
| 10 | Representation resident | 8 November 2017 |

Applicant Supporting Documents

Appendix 1

None Submitted

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 consistent with the operating schedule

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 drinks 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.
10. The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed at the outside tables and chairs shown on the licence plan, shall be by waiter or waitress service, served only to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.
11. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
12. 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.

13. 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.

Conditions proposed by the Environmental Health and agreed with the applicant

14. 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.
15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
16. 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.
17. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
18. 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.
19. 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.
20. Before the Premises open to the public, the plans as provided with the application will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the Premises constructed and this condition has been removed from the Licence. Where the Premises layout has changed from the plans provided during the course of construction a variation application may be required.

Conditions proposed by the Police and agreed with the applicant

21. 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.

Conditions proposed by CGCA Planning and Licensing Sub-Committee and resident 3

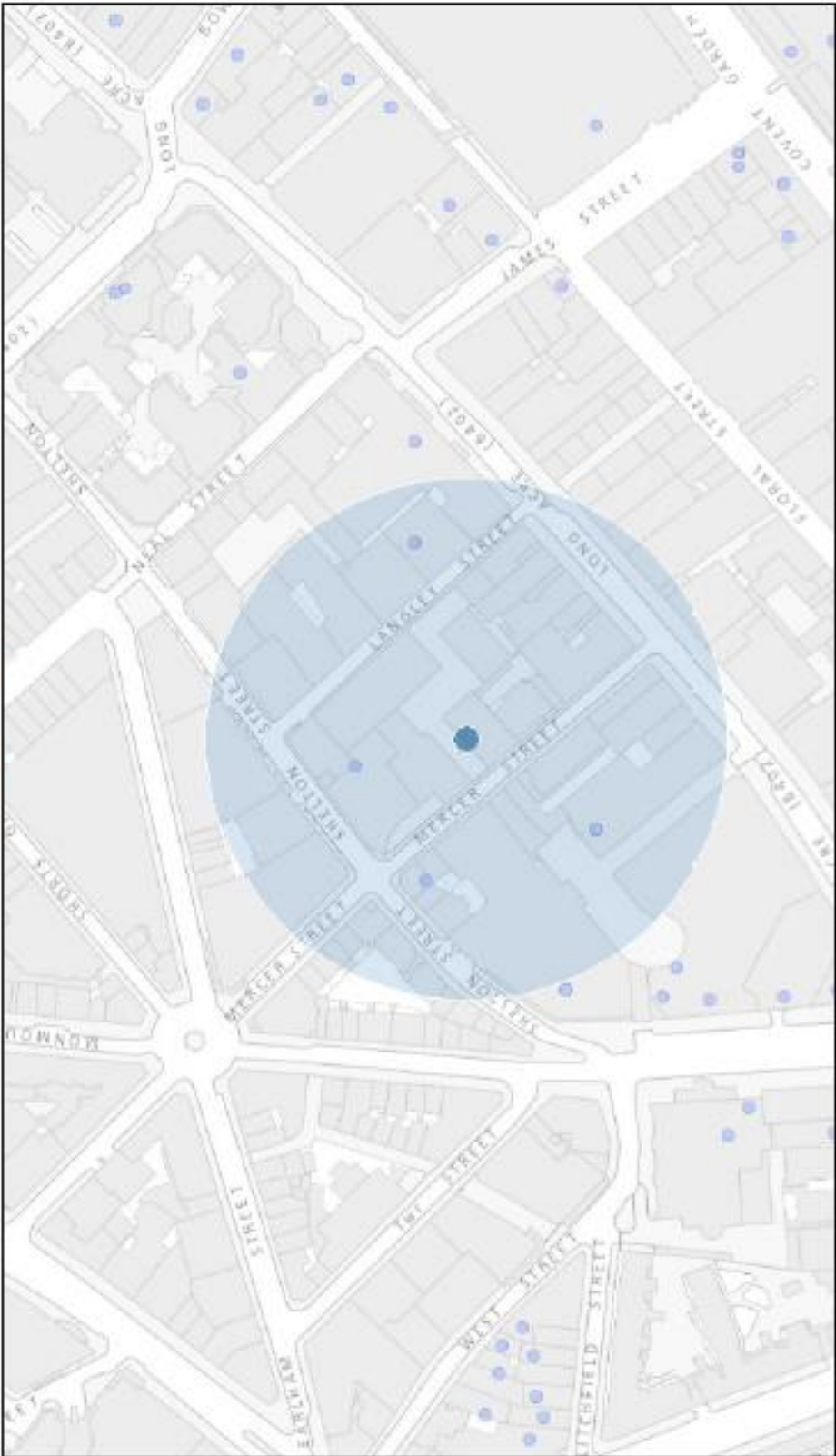
22. Last entry 60 minutes before the premises close.
23. After 23:00 the door closest to Mercer Street will be used only as an emergency exit and customers will be asked to use only the door onto the public realm area to enter and leave the premises.

Conditions proposed by resident 3

24. Last entry 60 minutes before the premises close.
25. After 23:00 the door closest to Mercer Street will be used only as an emergency exit and customers will be asked to use only the door onto the public realm area to enter and leave the premises.
26. Management use their best endeavours to ensure dispersal via Langley Street.

Condition 26 has been agreed with the applicant.

5 Mercer Walk



Resident count = 130

| TradingName | Address | PremisesType | TimePeriod |
|----------------------|---|--------------|---|
| Hawksmoor | 11 Langley Street London WC2 9JG | Restaurant | Monday to Thursday: 10:00 - 00:30 Friday to Saturday: 10:00 - 01:00 Sunday: 12:00 - 23:30 |
| Crazy Bear | 17 Mercer Street London WC2H 9QJ | Restaurant | Monday to Saturday: 10:00 - 01:30 Sunday: 12:00 - 01:00 |
| Department Of Coffee | 19 Slingsby Place London WC2E 9AB | Cafe | Monday to Sunday: 08:00 - 21:00 |
| Dalla Terra | 25 Slingsby Place London WC2E 9AB | Cafe | Monday to Thursday: 10:00 - 23:30 Friday to Saturday: 10:00 - 00:00 Sunday: 12:00 - 22:30 |
| Bills Produce | 13 Slingsby Place London WC2E 9AB | Shop | Monday to Thursday: 08:00 - 23:30 Friday to Saturday: 08:00 - 00:00 Sunday: 08:00 - 22:30 |
| Suda | 23 Slingsby Place London WC2E 9AB | Restaurant | Monday to Thursday: 08:00 - 23:30 Friday to Saturday: 08:00 - 00:00 Sunday: 08:00 - 22:30 |
| Foundation | Basement 5 Langley Street London WC2H 9JA | Restaurant | Monday to Saturday: 09:00 - 01:30 Sunday: 09:00 - 01:00 |
| Cafe Pacifico | Ground Floor 5 Langley Street London WC2H 9JA | Restaurant | Monday to Saturday: 10:00 - 00:30 Sunday: 12:00 - 00:00 |