



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (5)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (5)** Committee held on **Monday 13th June, 2016**, Rooms 1A, 1B & 1C - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

Members Present: Councillors Angela Harvey (Chairman), Jan Prendergast and Murad Gassanly

1 MEMBERSHIP

There were no changes to the Membership.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 HILTON LONDON PADDINGTON HOTEL, 146 PRAED STREET, W2

LICENSING SUB-COMMITTEE No. 5

Thursday 13th June 2016

Membership: Councillor Angela Harvey (Chairman), Councillor Jan Prendergast and Councillor Murad Gassanly

Legal Adviser: Horatio Chance
Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon

**Hilton London Paddington Hotel, 146 Praed Street, W2
16/04139/LIPV**

The application was Granted under Delegated Authority as all representations had been withdrawn.

4 FUCINA DELI AND OFF LICENCE, 22 PADDINGTON STREET, W1

LICENSING SUB-COMMITTEE No. 5

Monday 13th June 2016

Membership: Councillor Angela Harvey (Chairman), Councillor Jan Prendergast and Councillor Murad Gassanly

Legal Adviser: Horatio Chance
Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon
Presenting Officer: Sumeet Anand-Patel

Relevant Representations: 1 local resident.

Present: Mr Craig Baylis (Solicitor, representing the Applicant)

Fucina Deli And Off Licence, 22 Paddington Street, W1 16/03065/LIPN	
1.	Sale by Retail of Alcohol (Off)
	Monday to Saturday: 08:00 to 23:00 Sunday: 10:00 to 22:30
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): This was a new premises licence application for off-sales of alcohol at the Italian deli and off licence. Mr Baylis stated that the Applicant owned a restaurant two doors away from the premises. The main focus at the restaurant would be on organic Italian produce and the average spend per head was likely to be approximately £50 to £60. The deli would be a similar type of operation. The off-licence would have an emphasis on fine Italian wines and spirits. It was intended to open the restaurant and deli/off licence in September/ October 2016. Mr Baylis added that the Applicant had previously brought Nobu to the United Kingdom and had operated a number of high end premises in London since then. Mr Baylis referred to the fact that following discussions with the Applicant and conditions being agreed, the Council's Environmental Health Department and the Metropolitan Police had withdrawn their representations. He had written on 25 May 2016 to the local resident who had objected to the application. She had replied initially indicating that she would like to meet the Applicant but when

potential meeting dates had been offered, she had not responded. Ms Anand-Patel advised the Sub-Committee that she had also attempted to contact the local resident twice by email on behalf of The Licensing Service in order to find out if she wished to attend the hearing but she had not responded.

The Sub-Committee was aware that that there were residents in the area, including, it was believed, above the premises. There would also be new residents coming into the area. Members were keen that no public nuisance was caused by servicing arrangements. Mr Baylis was therefore asked whether he would be willing to agree an earlier time than 23.00 hours when any movement of rubbish in outside areas, including bottles, would cease. He replied that his client would be content with a latest time of 21:00 as he believed there was a compactor at the premises and rubbish would be stored inside. The Sub-Committee also asked what the Applicant's position was on deliveries and collection of waste or recycling materials, including bottles. Mr Baylis made the point that in respect of deliveries the Applicant wished to offer breakfast. He offered a condition that there would be no deliveries between 21:00 and 07.00. He was content for a condition to be attached to the premises licence that there would be no collection of waste or recycling materials between 21.00 and 08.00 on the following day.

The Sub-Committee had sympathy for concerns expressed by the local resident regarding anti-social behaviour in Paddington Street and Sherlock Mews. However, Members did not consider that there was any reason to believe that granting the application would lead to anti-social behaviour or the undermining of the other licensing objectives. The Sub-Committee noted that the Applicant had agreed conditions to promote the licensing objectives which had resulted in the Responsible Authorities withdrawing their representations. These included conditions requiring a Challenge 25 proof of age scheme to be operated at the premises, no noise being permitted to emanate from the premises and no super-strength beer, lagers or ciders being sold. At the hearing Mr Baylis had, in order to address concerns regarding any potential public nuisance to local residents, offered or agreed reduced hours for servicing arrangements. The Sub-Committee granted the application for the hours applied for which in relation to the off-sales are in keeping with the Council's Core Hours policy.

2.	Opening Hours
	Monday to Sunday: 07:30 to 23:00
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): Granted, subject to conditions as set out below.

Conditions attached to the Licence

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 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.
- 5(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.
- 5(ii) For the purposes of the condition set out in paragraph 5(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.

5(iii). Where the permitted price given by Paragraph 5(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.

5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(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.

Additional Conditions

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

7. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.

8. No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises except for premium beers and ciders sold in glass bottles.

9. No more than 15% of the sales area to be used at any one time for the sale, exposure for sale, or display of alcohol.

10. There shall be no self-service of spirits on the premises except for spirit mixtures below 5.5% Alcohol by Volume.
11. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
13. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
14. 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.
15. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 21.00 and 08.00 hours.
16. 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.
17. 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.
18. 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 are 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.
19. A diary log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises are open.
20. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition

has been removed from the Licence.

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, which 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) any faults in the CCTV system
 - (f) any visit by a relevant authority or emergency service.
22. No deliveries to the premises shall take place between 21.00 and 07.00 on the following day.
23. No collections of waste or recycling materials (including bottles) from the premises shall take place between 21.00 and 08.00 on the following day.

5 IMLI LTD, 167-169 WARDOUR STREET, W1

LICENSING SUB-COMMITTEE No. 5

Thursday 13th June 2016

Membership: Councillor Angela Harvey (Chairman), Councillor Jan Prendergast and Councillor Murad Gassanly

Legal Adviser: Horatio Chance
Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon

**Imli Ltd, 167-169 Wardour Street, W1
16/03910/LIPV**

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