



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (4)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** held on **Thursday 8th September, 2016**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

Members Present: Councillors Jean Paul Floru (Chairman), Heather Acton and Jan Prendergast.

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

1 HONEST BURGERS, 31 PADDINGTON STREET, W1

LICENSING SUB-COMMITTEE No. 4

Thursday 8th September 2016

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Heather Acton and Councillor Jan Prendergast.

Legal Adviser: Barry Panto

Committee Officer: Toby Howes

Presenting Officer: Yiannis Chrysanthou

Relevant Representations: Environmental Health, Ms Cheryl Reid (Local Resident), Ms Clare Bebbington (Local Resident), Ms Evelyn Bruckner (Local Resident), Mr Paul De La Piqueire (Local Resident), Mrs Marian De La Piquerie (Local Resident), Mr Roger Page (Local Resident), Ms Jane Colebourn (Local Resident), Mr Richard Riordan (Local Resident) and Dr Rohit Madhav (Local Resident)

Present: Ms Rachel Kapila (Counsel, Applicant Company), Ms Lisa Inzani (Solicitor, Applicant Company) Harald Samuelsson (Commercial Director, Applicant)

Company), Mr Jason Atherton (Property Director, Applicant Company), Mr Ian Watson (Environmental Health), Ms Clare Bebbington (Local Resident) and Ms Bhavna Madhav (representing Dr Rohit Madhav, Local Resident).

Honest Burgers, 31 Paddington Street W1 16/07420/LIPN	
1.	Sale by Retail of Alcohol – On and Off Sales
	Monday to Saturday: 10:00 to 23:00 Sunday: 10:00 to 22:30 Sunday (before Bank Holidays): 10:00 to 23:00
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): Ms Kapila (Counsel, Applicant Company) began by advising that the Applicant Company had agreed a condition with Environmental Health that no deliveries shall take place between 23:00 and 08:00. She referred to the fact that no other responsible authorities had made a representation and that the application proposed moderate hours for licensable activities and opening hours and which were well within core hours. Furthermore, the premises was not located in a cumulative impact area. Ms Kapila stated that the application was for a restaurant and she referred to the Council's Statement of Licensing Policy that recognised that food-led establishments caused less concerns than drink-led establishments. The premises was small and would accommodate around 50 covers. The Sub-Committee heard that there was a restaurant next door to the premises and other premises nearby which had later hours than those proposed in this application. Ms Kapila stated that the premises would provide high quality food and all food and drinks, including alcohol would be provided to seated customers by waiter and waitress service only. Ms Kapila informed Members that the Applicant Company operated 15 restaurants in London, with three located in Westminster, two of which were in cumulative impact areas. All of these restaurants operated to later hours than that proposed in this application and operated successfully, working with local residents to address any issues. Ms Kapila stated that the Applicant Company acknowledged that it had breached a condition of its planning permission in commencing refurbishments at an earlier hour than that permitted and had ceased undertaking refurbishments at this time as soon as it realised it had committed this breach. The refurbishment had cost £500,000 and this demonstrated the Applicant Company's commitment to provide a high quality restaurant.

Referring to the residents' representations, Ms Kapila asserted that some were not directly relevant to this application, such as concerns raised in respect of the outside tables and chairs, as these were part of the premises and not on the public highway. In respect of concerns about increased crime and disorder in Sherlock Mews, these problems already existed and although the source of this was not known, it was unlikely to be caused by restaurants, as acknowledged in the Statement of Licensing Policy. The Applicant Company had also amended its application accordingly to address the concerns raised by local residents. Ms Kapila felt that the application would not undermine the licensing objectives as the premises would provide casual dining and would be food-led. In addition, the Applicant Company's other restaurants had operated without any problems. Ms Kapila explained that off sales of alcohol would be facilitated by using Deliveroo and this would only represent a very small proportion of the overall sales. The alcoholic drinks sold were comparatively expensive and so would not be the type of premises a customer would visit to drink only. Ms Kapila stated that there would be no reason why the customers visiting the premises would choose to then go to Sherlock Mews when they left. With regard to concerns raised about queues, it was proposed that an 'app' be used by customers to indicate when they wanted to dine and in the Applicant Company's experience, its premises did not experience long queues. Ms Kapila emphasised that the Applicant Company was keen to work with residents and one of the conditions of the contract with Deliveroo who would deliver takeaways was that the delivery drivers do not wait in or around Sherlock Mews.

Ms Kapila referred to the conditions proposed by Environmental Health and agreed by the Applicant Company. She stated that Environmental Health had considered that a condition requiring that all alcohol be ancillary to a meal was not merited in this case. The business model of the premises was focused on selling burgers and the Applicant Company's other premises also operated in this way. Ms Kapila then referred to the conditions proposed by local residents and made the following observations about those below:

- *Closing time shall be the same as the terminal hour for sale of alcohol ie 23:00 Monday to Saturday and 22:30 on Sunday:* It was normal and good practice to allow 30 minutes 'drinking up' time.
- *The sale of alcohol should be ancillary to a substantial meal:* This was unnecessary as deemed by Environmental Health
- *The premises licence holder shall not permit a queue to form outside the premises:* This condition was too vague to be enforced and the definition of queue had not been clarified.
- *The premises licence holder shall not permit customers who are awaiting access to the premises to wait in, or around the entrance to, Sherlock Mews:* It was questionable whether this was within the control of the premises licence holder, however appropriate signage could be provided.
- *The premises licence holder shall not permit delivery drivers attending or waiting to attend premises for the purpose of collecting or delivering items do not congregate in or around the entrance to Sherlock Mews:* This would be difficult to enforce.
- *Patrons permitted to temporarily leave and re-enter the premises, e.g. to smoke, shall be limited to 2 persons at any one time and shall be restricted to a*

designated smoking area defined as to the right of the premises, away from Sherlock Mews: That this be amended to 5 persons at any one time.

Ms Kapila confirmed on behalf of the Applicant Company its agreement with all other conditions proposed by local residents.

The Chairman acknowledged that it was not proposed that the premises be drinks-led, however in the event of the premises being sold, he stated that it could then be used as a bar and he sought the Applicant Company's views on this.

In reply, Ms Kapila stated that measures such as a review were open to local residents and the responsible authorities should problems arise in the event of the premises being sold. In any event, the hours proposed were modest and a future premises licence holder would need to seek a variation to extend hours.

The Chairman asked whether the Applicant Company would be satisfied with amending some of the conditions proposed by local residents so that the premises licence holder had to use best endeavour to ensure a queue does not form outside the premises and do not queue in or around Sherlock Mews and that delivery drivers do not congregate in or around the entrance to Sherlock Mews.

Mr Panto (Legal Adviser to the Sub-Committee) then asked if the Applicant Company would be satisfied with a condition that the sale and consumption of alcohol shall be ancillary to the principle use of the premises as a restaurant.

On behalf of the Applicant Company, Ms Kapila confirmed that it would be satisfied with the amended and additional conditions as suggested by the Chairman and Mr Panto respectively.

Members asked for further information on what steps the Applicant Company would take to control where the Deliveroo staff waited and in restricting any noise they made, where customers would smoke and in preventing queues. A Member remarked that deliveries carried out by Deliveroo were an issue in Westminster and it was suggested that a condition preventing gathering of Deliveroo staff would be desirable. It was also queried whether consideration would be given in Deliveroo staff using electric vehicles as these were quieter than mopeds. The Chairman added that any reasonable efforts to ensure delivery drivers or riders did not wait in or around Sherlock Mews would help address the concerns raised by residents.

In reply to issues raised by Members, Mr Samuelsson (Commercial Director, Applicant Company) advised that the app available to customers to download enabled them to see when their table would become available and so prevent them from arriving at the premises before it was ready and thus having to queue. He acknowledged that whilst not all customers would use the app, they would be encouraged to do so. In respect of smoking, he suggested that a notice could be displayed requesting that customers smoke outside the front of the premises and not in Sherlock Mews. Mr Samuelsson referred to Ms Kapila's earlier comment that the contract with Deliveroo included a condition that their

staff not wait in or around Sherlock Mews and the Applicant Company could cancel orders if Deliveroo breached this condition. If Deliveroo staff made excessive noise, the Applicant Company could ask them to leave, however the roads including Sherlock Mews were public highways so it was beyond the power of the Applicant Company to enforce this.

Mr Watson (Environmental Health) then addressed the Sub-Committee. He began by acknowledging that the application had been amended with the hours for sale by retail of alcohol reduced and proposals for late night refreshment withdrawn. He informed Members that the Applicant Company had sought pre-application advice and that the premises was still under construction. Mr Watson confirmed that capacity would be limited by condition to not exceed 60 persons. He advised that there was no fixed bar on the premises and the Applicant Company would have to apply for a variation to have one. Mr Watson requested that condition proposed by Environmental Health concerning the location of loudspeakers remain, however the condition proposing no sales of hot food or hot drink for consumption off the premises after 23:00 could be removed as proposals to provide late night refreshment had been withdrawn. He acknowledged that delivery drivers and riders could be a source of public nuisance to residents and he also understood the residents' concerns about smoking having spoken with them on this matter, although the reducing of proposed hours would help. In view of this, Mr Watson felt that conditions that the premises licence holder best endeavour to ensure that the delivery drivers or riders did not congregate, and customers did not smoke, in or around Sherlock Mews were appropriate.

Mr Watson confirmed that Environmental Health had no record of complaints concerning the Casa Becci restaurant next door, nor Zizzi's restaurant a few doors further down. With regard to concerns about extractor fans, he advised that some premises were using older fans that were noisy and residents could take action by lodging complaints to Environmental Health on this matter. However, in respect of the Applicant Company's premises, this was a new build and the level of noise from extractor fans would be restricted.

Ms Bebbington (Local Resident) then addressed the Sub-Committee. She began by thanking the Applicant Company for inviting residents to a meeting and to listening to their concerns. She stated that she was happy with the subsequent steps the Applicant Company had taken and the conditions agreed with Environmental Health. Ms Bebbington stated that she felt reassured that the premises would not be a drink-led bar and acknowledged that the Applicant Company wanted to be a good neighbour. She explained that Sherlock Mews was bottle-shaped with a narrow entrance and widened out further down. Customers from the restaurants would go to Sherlock Mews to make mobile phone calls and smoke which could cause significant noise. Furthermore, staff from the restaurants would sometimes cause noise when they were drinking after the premises had closed. Ms Bebbington requested that a condition that consumption of alcohol be ancillary to a meal be added to the premises licence. She concluded by stating that residents were concerned about the proliferation of applications for licenced premises in the area and this could lead to further disturbance for residents in future.

Ms Bhavna Madhav (representing Dr Rohit Madhav, Local Resident) informed Members that she lived near the entrance of Sherlock Mews and stated that delivery vans caused public nuisance by parking outside her home. On some occasions, she was not able to manoeuvre her child's buggy outside the front door as the delivery van was parked too close to it.

The Sub-Committee also considered the written representations made by Ms Reid (Local Resident), Ms Bruckner (Local Resident), Mr De La Piqueire (Local Resident), Mrs De La Piquerie (Local Resident), Mr Page (Local Resident), Ms Colebourn (Local Resident), Mr Riordan (Local Resident) and Dr Madhav (Local Resident) who were not present at the hearing.

In acknowledging the concerns raised by residents, the Chairman suggested that a condition that the premises licence holder best endeavour to ensure that staff did not congregate in or around Sherlock Mews either during opening hours, nor after the premises had closed may be desirable.

Mr Panto suggested that the Sub-Committee consider adding a condition that all off sales of alcohol shall be in sealed containers and ancillary to a takeaway meal.

The Sub-Committee granted the application, subject to conditions as proposed by Environmental Health and agreed by the Applicant Company, some of the conditions as proposed by local residents, including amendments to some of these conditions, and some additional conditions. The additional conditions included: that the sale and consumption of alcohol shall be ancillary to the principle use of the premises as a restaurant; that the premises licence holder shall best endeavour to ensure that customers do not queue in or around Sherlock Mews, and; that the premises licence holder shall best endeavour to ensure that delivery drivers or riders do not congregate in or around the Mews whilst they are waiting for deliveries, and that deliveries be via bicycle or electric vehicles. Other additional conditions to be added included that no staff shall congregate in or around Sherlock Mews neither during opening hours, nor after the premises is closed to the public and that all off sales of alcohol shall be in sealed containers and ancillary to a takeaway meal. The Sub-Committee also amended the condition in respect of the telephone numbers of the premises being publically available so that this also be advertised on the windows of the premises in lettering not smaller than two inches.

In granting the application, the Sub-Committee acknowledged that the application was well within core hours and was not in a cumulative impact area. However it considered that the conditions added would help address the concerns raised by residents and assist the applicant company in upholding the promotion of the licensing objectives (prevention of crime and disorder, prevention of public nuisance, public safety, and protection of children from harm).

The Chairman also advised residents that they could register their complaints with their Ward Councillors, Environmental Health or the Council's City Inspectors in respect of any problems being experienced in Sherlock Mews.

2.	Hours Premises are Open to the Public
	Monday to Saturday: 10:00 to 23:30 Sunday: 10:00 to 23:00 Sunday (before Bank Holidays): 10:00 to 23:30
	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 (see reasons for decision in Section 1).

Conditions attached to the Licence	
<u>Mandatory Conditions</u>	
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.	<p>(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.</p> <p>(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—</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;</p> <p style="padding-left: 40px;">(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</p> <p style="padding-left: 40px;">(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</p>

- (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.

Additional Conditions

9. The supply of alcohol shall be by waiter/waitress service only to persons seated.

10. 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.

11. The maximum number of persons permitted on the premises at any one time (excluding staff) shall not exceed:
• Ground Floor 60 persons.

12. 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.

13. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.

14. All outside tables and chairs shall be rendered unusable by 23.00 hours each day.

15. 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.

16. 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 premise 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.
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. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
19. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
20. Notices shall be prominently displayed in any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
21. 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.
22. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
23. No waste or recycling material, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours on the following day.
24. No deliveries to the premises shall take place between 23.00 and 08.00hours on the following day.
25. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premise is open.
26. 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) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system
- (g) any visit by a relevant authority or emergency service.

27. Off sales of alcohol shall be in sealed containers and ancillary to a takeaway meal.
28. 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.
29. Before the premises open to the public, 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 Environmental Health Consultation Team and the Licensing Authority.
30. The sale and consumption of alcohol shall be ancillary to the principal use of the premises as a restaurant.
31. The premises licence holder shall use its best endeavour to ensure that a queue does not form outside the premises.
32. The premises licence holder shall use its best endeavour to ensure that customers do not queue in or around Sherlock Mews.
33. A direct telephone number for the manager at the premises and for a nominated senior representative of the premises licence holder shall be publically available at all times the premises is open. These telephone numbers are to be made available to residents and businesses in the vicinity and will be advertised on the premises windows in letters no smaller than two inches.
34. The premises licence holder shall arrange a meeting with local residents and/or businesses when requested to do so, on up to four occasions in any one calendar year.
35. The premises licence holder shall use its best endeavour to ensure that delivery drivers or riders attending or waiting to attend the premises for the purpose of collecting or delivering items do not congregate in or around the entrance to Sherlock Mews and that deliveries be via bicycle or electric vehicles.
36. Patrons permitted to temporarily leave and re-enter the premises, e.g. to smoke, shall be limited to five persons at any one time and shall be restricted to a designated smoking area defined as to the right of the premises, away from Sherlock Mews.
37. 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. For the avoidance of doubt, this condition does not apply to customers using the outside tables and chairs, who have not 'temporarily' left the premises.

38. No staff shall congregate in Sherlock Mews either during opening hours and after the premises is closed to the public.

2 SOOR RESTAURANT, GROUND FLOOR, 361 HARROW ROAD, W9

LICENSING SUB-COMMITTEE No. 4
Thursday 8th September 2016

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Heather Acton and Councillor Jan Prendergast.

Legal Adviser: Barry Panto
Committee Officer: Toby Howes
Presenting Officer: Ola Owojori

Relevant Representations: Environmental Health, Metropolitan Police, Mr A Abdul (Local Resident), Mr Nikola Midic (Local Resident), Ms Spomenka Popovic (Local Resident), Mr Tibor Lazarcsik (Local Resident), Dr Simone Borsci (Local Resident) and Mrs Borsci (Local Resident).

Present: Mr Sajad Al-Hairi (Agent representing Applicant Company), PC Bryan Lewis (Metropolitan Police) and Mr Anil Drayan (Environmental Health).

Soor Restaurant, Ground Floor, 361 Harrow Road W9 16/05751/LIPN	
1.	Late Night Refreshment: Indoors
	Monday to Saturday: 23:00 to 5:00
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): Mr Al-Hairi (Agent representing Applicant Company) began by referring to concerns raised by residents about noise from extractor fans and cooking smells emanating from the premises. He expressed surprise that these issues had only been raised now, as the premises had operated as a restaurant for some time. Mr Al-Hairi stated that a petition had been raised in support of the application for later hours. He stated that the area had suffered from anti-social behaviour for a number of years and the situation had not improved. Rough sleeping and gambling occurred at the junction where the Prince of Wales

Public House was located. Anti-social behaviour also occurred during Notting Hill Carnival, including at this year's event. Mr Al-Hairi stated that as the application was to provide late night refreshments only and not alcohol, that it would actually help improve the area.

The Chairman asked how many staff would work on the premises and what training had they received to tackle anti-social or drunken behaviour from customers. He also enquired what hours the Applicant Company intended to provide takeaway.

In reply, Mr Al-Hairi stated that customers who had been drinking at other locations would be encouraged to eat food and non-alcoholic drinks which would help them sober up. The premises could also assist homeless people in the area by allowing them to stay under its canopy. There would be four to five staff on the premises, including a sous chef and three waiters, although not all staff would be fulltime. Mr Al-Hairi informed Members that all staff underwent an induction when they joined. He confirmed that no takeaway would be provided after 23:00. Mr Anil-Hairi then stated that he would like to amend the application for late night refreshment to cease at 03:00m Monday to Saturday. At this point, Mr Owojori (Presenting Officer) confirmed that he had not received a request from the Applicant Company to amend the terminal hour for late night refreshment to 03:00 Monday to Saturday.

Mr Drayan (Environmental Health) confirmed that he had visited the premises and had suggested some conditions to the Applicant Company. He added that he had no objection to the application in principle.

PC Lewis (Metropolitan Police) confirmed that he had met the Applicant Company the previous week, and they had indicated that they intended to amend the application so that the terminal hour for late night refreshment be 01:00 Monday to Saturday. PC Lewis had then discussed the possibility of earlier hours with the local Police Liaison Officer who had indicated that he would be satisfied with such a proposal. PC Lewis advised that Environmental Health and the Metropolitan Police had jointly made some suggested conditions, however they had not yet received a response from the Applicant Company. He commented that he did have some concerns about the area which experienced street drinking and people congregating in the streets. The later opening premises also tended to attract more people to the area.

Members noted that a terminal hour of 01:00 was beyond core hours and enquired why the Metropolitan Police would be satisfied with the premises providing late night refreshment up to this time.

In reply, PC Lewis stated that Sam's Chicken, a nearby premises, operated until 01:00, and so he felt it would be reasonable to allow these premises to also operate until this hour.

At this point Mr Panto (Legal Adviser to the Sub-Committee) advised that the hours a local resident had quoted that Sam's Chicken operated to in their representation was erroneous and in fact the terminal hour for late night

refreshment was 00:00 Sunday to Wednesday and 01:00 Thursday to Saturday. This was confirmed by Mr Drayan who also stated that the Applicant Company had indicated that they wished to have the same terminal hour for late night refreshment as Sam's Chicken. He added that the premises closed at 21:30 on Sunday.

Mr Drayan advised that he had discussed the proposed hours with Mr Al-Hairi. He stated that he had got the impression that Mr Al-Hairi would discuss the concerns raised in the discussion with the Applicant Company, however there had been no further response. As a result, Mr Drayan had subsequently visited the premises with the Metropolitan Police and the Licensing District Surveyor where they had met the owner of the premises. At this visit, the premises owner had stated that he would be satisfied to provide late night refreshment up until the same terminal hour as Sam's Chicken. Mr Drayan stated that during the course of the visit, he had noted that the plans submitted with the application did not fully reflect the premises. The plans did not show the extensive primary cooking facilities and Mr Drayan advised that the plans needed to be amended to reflect this. He also recommended that a fire suppression system be located near the primary cooking facilities as there was no other escape route other than the front entrance. Mr Drayan advised that in respect of noise from the extractor fans, these would have been assessed when, or if, planning permission was sought. Members were informed that Environmental Health had received complaints from residents regarding cooking smells emanating from the premises. Mr Drayan advised that residents' windows opened out into the road and this is why they would be disturbed by noises and cooking smells at night. He confirmed that he had not received any further response from the Applicant Company or Mr Al-Hairi since the visit.

The Chairman sought Mr Al-Hairi's views with regard to the terminal hour for late night refreshment to be 01:00 Monday to Saturday. Another Member, in noting that free deliveries for takeaways were offered, enquired whether the Applicant Company would accept a condition that they use best endeavours to ensure that all takeaway deliveries were by bicycle, electric vehicles or by foot.

In reply, Mr Al-Hairi stated that a terminal hour of 01:00 for late night refreshment Monday to Saturday and a condition that the Applicant Company use best endeavours to ensure that all takeaway deliveries were by bicycle, electric vehicles or by foot were acceptable. He added that the premises own staff would carry out takeaway deliveries and not a third party, such as Deliveroo. Mr Al-Hairi also asserted in respect of the extractor fans that any construction that was made over ten years ago was permitted.

The Sub-Committee also considered the written representations Mr Abdul (Local Resident), Mr Midic (Local Resident), Ms Popovic (Local Resident), Mr Lazarcsik (Local Resident), Dr Borsci (Local Resident) and Mrs Borsci (Local Resident) who were not present at the hearing.

The Sub-Committee granted the application, subject to late night refreshment being permitted up to the core terminal hours (up to 23:30 Monday to Thursday and 00:00 Friday and Saturday), conditions as proposed by Environmental Health and the Police and to additional conditions that no deliveries shall take

	<p>place to and from the premises between the closing of the premises until 07:00 and that the applicant use best endeavours to ensure that all takeaway deliveries were by foot, bicycle or electric vehicles.</p> <p>In determining the application, the Sub-Committee acknowledged the concerns raised by residents in their representations and indicated that it was not satisfied that the Applicant Company had provided sufficient evidence that they could operate effectively to uphold the licensing objectives beyond core hours. There were some on-going issues regarding cooking smells and noise nuisance which meant that it was not currently appropriate to grant a premises licence for late night refreshment beyond core hours. If these issues were satisfactorily resolved, a further application could be given further consideration. The Sub-Committee considered that the conditions to be added to the premises licence would help the premises licence holder uphold the promotion of the licensing objectives (prevention of crime and disorder, prevention of public nuisance, public safety, and protection of children from harm). The Sub-Committee also requested that the applicant submit updated plans.</p>
2.	Hours Premises are Open to the Public
	<p>Monday to Saturday: 09:00 to 05:00 Sunday: 12:00 to 21:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>

Conditions attached to the Licence	
<u>Conditions attached after a hearing by the Licensing Authority</u>	
1.	The basement restaurant area shall not be open to the public after 23:00 hours.
2.	The provision of takeaway food shall cease at 23:00 daily.
3.	After 23:00 hours the number of persons permitted in the premises at any one time (excluding staff) shall not exceed 25 persons.

4. After 23:00 hours all windows and doors shall be kept closed except for the immediate access and egress of persons.
5. All tables and chairs shall be removed from the outside area by 23.00 each day.
6. 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.
7. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
8. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly. Notices shall also state that there is to be no loitering outside the premises after 23:00 hours.
9. After 23:00 hours the premises licence holder shall ensure that any patrons temporarily leaving the premises eg to smoke, make mobile phone calls etc, 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.
10. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
11. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
12. No rubbish including bottles will be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
13. 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.
14. 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. 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
15. 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

- 16. All persons shall be off the premises when it is closed.
- 17. 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.
- 18. No deliveries shall take place to and from the premises between the closing of the premises until 07:00 hours.
- 19. The premises licence holder shall best endeavour to ensure that all takeaway deliveries are by foot, bicycle or electric vehicles.

3 VEGAN HIPPO, 52 RUPERT STREET, W1

LICENSING SUB-COMMITTEE No. 4

Thursday 8th September 2016

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Heather Acton and Councillor Jan Prendergast.

Legal Adviser: Barry Panto
Committee Officer: Toby Howes
Presenting Officer: Heidi Lawrance

Relevant Representations: Environmental Health, Metropolitan Police, Licensing Authority and Mr Colin Vaines (Local Resident).

Present: Mr Alun Thomas (Solicitor for Applicant Company), Ms Malgorzata Piskulak (Designated Premises Supervisor, Applicant Company), Mr Anil Drayan (Environmental Health), PC Bryan Lewis (Metropolitan Police) and Mr Steven Rowe (Licensing Authority).

**Vegan Hippo, 52 Rupert Street W1
16/07079/LIPN**

1. Sale by Retail of Alcohol: On and Off Sales

	<p>Sunday to Thursday: 10:00 to 21:30 Friday and Saturday: 10:00 to 23:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>At the request of Mr Vaines (Local Resident) who was not present at the hearing, Ms Lawrance (Presenting Officer) read out his email requesting that all alcohol be served with food and that all on sales consumption of it be inside the premises only and that the premises closes by 22:00.</p> <p>Mr Alun Thomas (Solicitor for Applicant Company) began by stating that the Applicant Company had purposefully made an application that was well within core hours and that the premises was not a late night operator. He advised that a number of conditions that Environmental Health and the Police had proposed had been agreed by the Applicant Company. However, there were some conditions that he felt were appropriate to amend or not include. Whilst Environmental Health and the Police had proposed the restaurant model condition, Mr Thomas suggested that this be amended to delete both paragraph (i), as a counter service operated at the premises, and paragraph (iv), as some customers were served takeaway food or drink for immediate consumption. In respect of the proposed condition concerning supply of alcohol for consumption off the premises, Mr Thomas requested that the section stating that it be only be to patrons seated and ancillary to a substantial table meal in an area immediately outside the premises appropriately permitted for the use of tables and chairs (hereafter referred to as 'condition 2b') be deleted, as this area was part of the premises and included in the application. He also requested that the condition stating that the premises shall ensure that any patrons drinking and /or smoking outside the premises do so in an orderly manner and supervised by staff to ensure there is no public nuisance or obstruction of the public highway (thereafter referred to as 'condition 4') be deleted as he felt this was not necessary.</p> <p>Mr Panto (Legal Adviser to the Sub-Committee) sought clarification that the external tables and chairs were a private forecourt and part of the premises. In reply, Mr Thomas stated that as far as he understood, this was the case and he then displayed the freehold title which appeared to confirm this. Mr Drayan (Environmental Health) added that having walked past the premises, the area concerned did appear to be a private forecourt, and accordingly he would be satisfied with proposed condition 2b being deleted.</p> <p>Members enquired about the width of the external area and what steps the Applicant Company would take to prevent loiterers from using this area. The Sub-Committee also enquired how frequently the outside tables and chairs were used.</p>

In reply, Mr Thomas advised that the external area's width could accommodate a table with a chair either side of it. He commented that the premises was small with a total capacity of around 25 persons and the capacity inside was 15 persons and between 8 to 10 persons outside. Mr Thomas then showed the Sub-Committee photographs of the premises and the immediate area. Members heard that the premises was surrounded by four massage parlours that were all open well beyond core hours. The premises was a small vegan restaurant whose alcohol offer was limited to beers and wines. Mr Thomas felt that having customers seated at the external tables and chairs would dissuade loiterers to the area and thereby improve the environment. He stated that the premises had not been the subject of any recorded complaints to the Council.

Ms Piskulak (Designated Premises Supervisor, Applicant Company) added that loiterers in the external area would be asked to move on and if they persisted in remaining there, then the Police would be contacted. There was also CCTV in place to act as a deterrent to loiterers. Ms Piskulak stated that the outside tables and chairs were used regularly, particularly during the summer and at lunchtime and in the evening.

Mr Drayan confirmed that Environmental Health had not received any recorded complaints concerning the premises.

PC Lewis (Metropolitan Police) stated that he was objecting to the application on policy grounds, however he considered the premises to be low risk. However, customers seated in the outside area could be exposed to aggressive begging and PC Lewis suggested that installing external CCTV would be effective in tackling this issue. In addition, he remarked that introducing a cordon to act as a perimeter to the outside area may help in deterring loiterers and beggars.

The Chairman asked whether the area was heavily policed and was the presence of the outside tables and chairs beneficial to the area. In reply, PC Lewis confirmed that the area was heavily policed, however it was difficult to determine whether the external tables and chairs benefitted the area and persistent begging was an issue in the area.

Mr Drayan then addressed the Sub-Committee and confirmed that he had no objection to paragraphs (i) and (iv) of the model restaurant condition being removed. In respect of the proposed condition 4, he felt that this condition should remain as it had been offered by the Applicant Company and would help address concerns raised by Mr Vaines (Local Resident). Mr Drayan felt that using a cordon as a perimeter for the outside area may not be desirable as it could encroach upon a public highway.

Mr Rowe (Licensing Authority) advised that he was objecting to the application on policy grounds and because the premises was in a cumulative impact area. He added that the proposed commencement of the sale of alcohol on Sunday was earlier than core hours.

The Chairman enquired about the reasons why the premises opened early at 06:30 Monday to Saturday and sought the Applicant Company's views on

	<p>removing or rendering the outside tables and chairs unusable to an earlier time of 21:00 Monday to Sunday.</p> <p>In reply, Ms Piskulak advised that local office workers and builders would come to the premises for breakfast early in the morning. She indicated that she would be satisfied with commencing sale of alcohol on Sunday at 12:00.</p> <p>Mr Thomas stated that in respect of the outside tables and chairs, removing or rendering them unusable by 21:00 would not be ideal as it would reduce their permitted use by 30 minutes Sunday to Thursday and by a whole two hours Friday and Saturday. He added that the premises closed earlier than other premises in the area and he felt that imposing such an earlier time was disproportionate when compared to other activities taking place in Tisbury Court.</p> <p>The Sub-Committee considered the written representation from Mr Vaines (Local Resident) who was not present at the hearing in addition to his email read out earlier on at the hearing by Ms Lawrance.</p> <p>The Sub-Committee granted the application, subject to an amendment to the commencement of sale of alcohol on Sunday to be in line with core hours (12:00) as agreed by the Applicant Company at the meeting, conditions as proposed by Environmental Health and the Police and largely agreed to by the Applicant Company and to amendments to the following proposed conditions: deletion of paragraphs (i) and (iv) of the restaurant model condition as proposed by the Applicant Company and agreed by Environmental Health at the hearing, and an amendment to paragraph v [becoming paragraph iii) upon deletion of paragraphs i) and iv)] so that there shall be no take away service of food or drink after 21:30 Sunday to Thursday and after 23:00 Friday and Saturday; deletion of condition 2b as proposed by the Applicant Company and agreed by Environmental Health at the hearing, and; an amendment to the CCTV condition so that provisions be made for recording the external area of the premise to the satisfaction of the Westminster Police Licensing Team.</p> <p>In determining the application, the Sub-Committee acknowledged that the application was well within core hours and that the premises was a restaurant. The Sub-Committee also considered that the conditions added would assist the premises licence holder to prevent adding to cumulative impact in a cumulative impact area and help them to uphold the promotion of the licensing objectives (prevention of crime and disorder, prevention of public nuisance, public safety, and protection of children from harm).</p>
<p>2.</p>	<p>Hours Premises are Open to the Public</p>
	<p>Monday to Thursday: 06:30 to 22:00 Friday and Saturday: 06:30 to 23:30 Sunday: 08:00 to 22:00</p>

	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>

Conditions attached to the Licence	
<u>Mandatory Conditions</u>	
<ol style="list-style-type: none"> 1. 2. 3. 4. 	<p>No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.</p> <p>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.</p> <p>Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.</p> <p>(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.</p> <p>(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—</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;</p> <p style="padding-left: 40px;">(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</p> <p style="padding-left: 40px;">(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</p> <p>(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;</p> <p>(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;</p>

- (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.

Additional Conditions

9. The premises shall only operate as a cafe

- (i) where the supply of alcohol is by waiter or waitress service only,
- (ii) 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,
- (iii) which do not provide any take away service of food or drink after 21:30 Sunday to Thursday and after 23:00 Friday and Saturday,
- (iv) 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. The supply of alcohol for consumption off the premises shall only be in sealed containers and ancillary to a takeaway meal.
11. All outside tables and chairs shall be removed or rendered unusable by 21:30 hours on Sunday to Thursday and 23:00 hours Friday and Saturday.
12. 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.
13. 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.
14. The number of persons accommodated at the premises (including staff and including in any permitted external area) shall not exceed 25. Subject to the sanitary accommodation being improved to the satisfaction of the Council's Environmental Health Officer, the capacity may be increased to such number as may be agreed with the licence holder. The actual capacity will only increase when an appropriate condition to that effect has replaced this condition on the licence.
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 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. Provision shall also be made for recording of the external area of the premises to the satisfaction of the Westminster Police Licensing Team. 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.
17. 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. 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.
18. 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.
19. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
21. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.
22. No deliveries to the premises shall take place between 23.00 and 08.00hours on the following day.
23. 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.
24. 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 refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service
25. 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.

4 TEMPER, TRENCHARD HOUSE, 19-25 BROADWICK STREET, W1

LICENSING SUB-COMMITTEE No. 4

Thursday 8th September 2016

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Heather Acton and Councillor Jan Prendergast.

Legal Adviser: Barry Panto
Committee Officer: Toby Howes

**Temper, Trenchard House, 19-25 Broadwick Street W1
16/07539/LIPV**

Application granted under delegated authority.

The Meeting ended at 12.17 pm

CHAIRMAN: _____

DATE _____