



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (1)** Committee held on **Thursday 27th October, 2016**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

Members Present: Councillors Tim Mitchell (Chairman), Heather Acton and Rita Begum

1 MEMBERSHIP

It was noted that there were no changes to the membership.

2 DECLARATIONS OF INTEREST

Councillors Mitchell and Acton declared that in respect of the Winter Wonderland application they had both received an invitation to attend the VIP event.

Councillor Acton also declared that in respect of the Winter Wonderland application she had previously received hospitality from The Royal Parks.

3 SUSHI SHOP, 67-69 WEYMOUTH STREET, W1

LICENSING SUB-COMMITTEE No. 1

Thursday 27th October 2016

Membership: Councillor Tim Mitchell (Chairman), Councillor Heather Acton and Councillor Rita Begum

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Sumeet Anand-Patel

Relevant Representations: Environmental Health, Metropolitan Police and two local residents.

Present: Mr Jack Spiegler (Solicitor, Representing the Applicant), Mr Mathieu Humbert (on behalf of the applicant company) and Mr Dave Nevitt (Environmental Health).

**Sushi Shop, 67-69 Weymouth Street, London, W1G 8NY
16/09053/LIPN**

1. On and Off Sales by retail of Alcohol

Monday to Saturday: 11:00 – 22:30

Sunday: 12:00 – 22:30

2. Hours Premises are Open to the Public

Monday to Sunday: 11:00 – 22:30

Amendments to application advised at hearing:

None

Decision (including reasons if different from those set out in report):

The Sub-Committee considered an application by Sushi Shop London Ltd for a new premises licence in respect of 67-69 Weymouth Street, London, W1G 8NY.

The Licensing Officer provided an outline of the application to the Sub-Committee.

All parties were invited to make representations to the Sub-Committee in relation to the application. The parties responded to members' questions and were given an opportunity to ask questions of each other.

Mr Jack Spiegler, representing the applicant, explained that the premises was of a high quality and premium nature. It was located on a busy junction between Weymouth Street and Marylebone High Street which was outside of the cumulative impact area. The hours proposed were modest and additional conditions had been agreed with other parties which ensured all alcohol sold would be ancillary to food. It was also confirmed that a limit on the capacity of the premises had also been agreed with Environmental Health. The Sub-Committee also noted that all off-sales of alcohol had to be ancillary to a take away meal so there was no potential for alcohol to be sold for immediate consumption outside the premises.

Mr Spiegler informed the Sub-Committee that the applicant had written to the two residents which had made representations but had received no response. Their primary concern related to food deliveries and the Sub-Committee noted the applicant's attempts to address these concerns. This involved all staff being briefed on delivery pickups to ensure disruption to residents was minimised. Electric bikes had been purchased to lower delivery noise levels and the delivery pick up area had also been changed to avoid the residential area. It was felt this would ensure there would no adverse impact on residents and the deliveries would only just provide an additional service to customers. It was highlighted that the applicant was very experienced and had managed over thirty premises.

Mr Dave Nevitt, representing Environmental Health, explained that several helpful site visits had been undertaken to the premises. It was a very modern premises which had been operating satisfactorily and no complaints or concerns had been recorded. Conditions had been agreed with the applicant and no substantive concerns remained although the representation was maintained due to the residents' concerns reported. It was highlighted that the residents had not approached Environmental Health or responded to the applicant's letter. Deliveries were obviously an irritation to residents but the low key nature of the deliveries undertaken, including to a local delivery radius only, use of electric bikes plus the modest proposed hours would help ensure the deliveries had a low impact on the area.

Mr Spiegler drew the Sub-Committee's attention to that the delivery pick-up area had been moved from the main entrance to around the corner to minimise disruption to residents. Mr Nevitt was of the opinion that the new delivery pick-up area was a significant improvement.

In response to a question regarding the collection of waste the applicant confirmed that all waste would be stored in an internal area and then taken out for collection at the allotted times. No collections of waste would take place before 08:00 and none would be left in external areas overnight.

The Sub-Committee discussed the modes of transport used to undertake deliveries. The applicant confirmed that the premises had two bicycles for deliveries but third party delivery companies would most likely operate motorised vehicles. To address concerns it was stressed deliveries already took place from around the corner from the main entrance but the applicant was willing to use best efforts to prioritise walking or electric bikes for deliveries. Third party delivery companies would also be informed of this.

In response to a question the Sub-Committee noted that there was not a designated smoking area outside the premises. However, due to the low capacity of the premises of only twenty customers, and the nature of the premises, it was not expected this would cause any nuisance.

Mr Spiegler brought to the Members attention that Condition 25 had been agreed with the Police, it was very similar to Condition 21 and whilst the applicant would be happy to keep both on the licence it was sought to avoid any duplication. The Council's Policy Adviser further advised that if the Sub-Committee was minded to grant the application Condition 18 could be clarified so to explicitly state the supply of alcohol to persons seated at a table was for consumption on the premises.

After careful consideration the Sub-Committee granted the application as it was of the opinion that the modest hours proposed, the limited capacity of the premises and the experience of the applicant would ensure that the licensing objectives were upheld and promoted. The Sub-Committee did expect however that the applicant would ensure all deliveries would be undertaken in such a manner as to minimise any noise disturbance. It was recognised that the area was residential and it was important for the applicant to be sensitive to local residents.

With the agreement of all parties the Sub-Committee modified several conditions to ensure they were all relevant to the application and thus promoted the licensing objectives. The following conditions were amended or deleted:

- Condition 18 to amended to read “The supply of alcohol for consumption on the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.”
- Condition 21 to be deleted; and
- Condition 25(f) to amended to read “any faults in the CCTV system.”

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 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 nay 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 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.
10. 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.
11. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
12. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
13. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
16. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
17. The number of seated persons on the premises shall not exceed 20 (excluding staff) at any time.
18. The supply of alcohol for consumption on the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

19. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 on the following day.
20. A Challenge 21 or 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.
21. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
22. There shall be no draught beer sold on the premises.
23. There shall be no self-service of alcohol on the premises.
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. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

4 WINTER WONDERLAND, HYDE PARK, SERPENTINE ROAD, W2

LICENSING SUB-COMMITTEE No. 1

Thursday 27th October 2016

Membership: Councillor Tim Mitchell (Chairman), Councillor Heather Acton and Councillor Rita Begum

Legal Adviser: Barry Panto
Policy Adviser: Chris Wroe
Committee Officer: Tristan Fieldsend
Presenting Officer: Nick Nelson

Relevant Representations: Environmental Health and one local resident.

Present: Mr Doug Simmonds (Agent, Representing the Applicant), Ms Suzy Griffiths (Event Director for applicant company), Josh Finesilver (Designated Premises Supervisor) and Miss Sally Thomas (Environmental Health).

**Winter Wonderland, Hyde Park, Serpentine Road, London, W2 2UH
16/08484/LIPN**

1. Performance of Plays – Indoors and outdoors

Day: Thursday, 17 November 2016

Duration: 17:00 – 21:00

Seasonal Variations/Non-Standard Timings:

This event is limited to the 17 November 2016 for one day only.

Further Details:

Although none are planned it is conceivable that short plays of a seasonal nature may be performed in a dedicated area which could be enclosed but may be in the open.

2. Exhibition of Films – Indoors and outdoors

Day: Thursday, 17 November 2016

Duration: 17:00 – 21:00

Seasonal Variations/Non-Standard Timings:

This event is limited to the 17 November 2016 for one day only.

Further Details:

Although none are planned it is conceivable that Films of a seasonal nature may be displayed in a dedicated area which could be enclosed but may be in the open. Films would be played on some occasions using modern digital equipment for projection. It is not intended to display any films other than those which have full viewing permission for all ages.

3. Performance of Live Music – Indoors and outdoors

Day: Thursday, 17 November 2016

Duration: 17:00 – 21:00

Seasonal Variations/Non-Standard Timings:

This event is limited to the 17 November 2016 for one day only.

Further Details:

Live Music will consist of groups or individual acts and may be supported at times or include music played by a band or from an individual performer as part

	<p>of their act. All will be performing for limited intervals during operating times and generally from the venues with an indoor performing area such as the Bavarian Hall.</p>
4.	<p>Playing of Recorded Music – Indoors and outdoors</p> <p>Day: Thursday, 17 November 2016</p> <p>Duration: 17:00 – 21:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>This event is limited to the 17 November 2016 for one day only.</p> <p>Further Details:</p> <p>Music other than live as at 'E' is likely to be played incidental to the events and as such will not be licensable as an activity, any other that will be played will generally be background themed to the season but will include other musical entertainment in some of the venues such as the Bavarian Hall.</p>
5.	<p>Performance of Dance – Indoors and outdoors</p> <p>Day: Thursday, 17 November 2016</p> <p>Duration: 17:00 – 21:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>This event is limited to the 17 November 2016 for one day only.</p> <p>Further Details:</p> <p>The most likely place for performance of dance will be in the Bavarian Hall as part of the overall entertainment given there but it may occur at other venues throughout the premises.</p>
6.	<p>Anything of a Similar Description to Live Music, Recorded Music or Dance – Indoors and outdoors</p> <p>Day: Thursday, 17 November 2016</p> <p>Duration: 17:00 – 21:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>This event is limited to the 17 November 2016 for one day only.</p> <p>Further Details:</p> <p>Wandering Minstrels, Children's Entertainers, costumed characters or the like may well be employed to add to the Christmas theme and may well include</p>

	<p>performances from a dedicated area when its likely to be part of an overall entertainment. There is a dedicated children's area where it is most likely this will occur.</p>
7.	<p>On and Off Sales by Retail of Alcohol</p> <p>Thursday, 17 November 2016</p> <p>Duration: 17:00 – 21:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>This event is limited to the 17 November 2016 for one day only.</p>
8.	<p>Hours Premises are Open to the Public</p> <p>Thursday, 17 November 2016</p> <p>Duration: 17:00 – 21:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>This event is limited to the 17 November 2016 for one day only.</p> <p>Adult Entertainment:</p> <p>The operating schedule offers the condition:</p> <p>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.</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>The Sub-Committee considered an application by PWR Events Ltd for a new premises licence in respect of the Winter Wonderland outdoor festival in Hyde Park.</p> <p>The Licensing Officer provided an outline of the application to the Sub-Committee, pointing out that the application was in respect of activities taking place on Thursday, 17th November 2016.</p> <p>All parties were invited to make representations to the Sub-Committee in relation to the application. The parties responded to members' questions and were given an opportunity to ask questions of each other.</p> <p>Mr Simmonds explained that the application was for a one off preliminary event</p>

that would last for only four hours between 17:00 and 21:00 before the main event opened to the public on 18 November 2016. It was confirmed that the preliminary event would mirror the main event for which the organiser had a good record of operating. It would contain the same elements and outcomes as the public Christmas event which was already licensed to run for six weeks.

It was explained that the application was primarily aimed as a charity event in order to raise funds for the Royal Parks Association. Wristbands would be sold to attendees and last year these raised £250,000 for charity, it was hoped to raise funds in excess of this in 2016. The event would also act as a VIP and press night to promote the six week event. Incorporated into this would be the opportunity to utilise it as a staff training opportunity and finalise arrangements before the public opening. The maximum number of attendees was 9,999 but it was expected that a lower number would attend. PWR Events Ltd was responsible for the overall operation of the event and would bear the staff costs for the night whilst using the preliminary night to ensure the effective running of the operation.

It was explained that the extra day had been applied for because of calendar reasons. This year the calendar meant the main event would open to the public on a Friday and if the press and VIP event was incorporated into the main licence then the event would have to end on the Sunday of the New Year Bank Holiday weekend instead of the Monday. The Sub-Committee thought there was some confusion on the part of the applicant regarding the main licence as that only permitted activities to take place for a continuous period of 45 days in any event which meant that it only applied until Sunday, 1st January 2017 irrespective of this application being made.

Mr Simmonds confirmed that the application for this event had been submitted in August 2016 and during the consultation period representations had been received from Environmental Health and one local resident which related to noise disturbance. The conditions for the event replicated those on the main licence and these had been developed in consultation with the licensing authorities. An advanced sound system would be used to limit noise and sound levels would be continually monitored very closely. A noise management plan had also been developed and this would ensure there was no noise disturbance to residents.

The applicants also highlighted that security would be managed in the same way as the main event; the hours requested were limited and a traffic management plan to ease congestion had been developed. The Sub-Committee was assured that all residents would have lots of opportunities to work with the applicant and ensure any issues that arise be resolved immediately.

Sally Thomas, representing Environmental Health, confirmed that the conditions for this event were based on the conditions on the main licence. The proposed conditions were considered sufficient and the Sub-Committee noted that last year no noise complaints had been received by Environmental Health. The Sub-Committee was aware however that residents had made noise complaints to the applicant. Environmental Health confirmed that if residents did make any complaints to them these would be investigated. It was felt the four hour event

applied for would not impact on residents; however checks would be carried out to ensure this was the case.

The Sub-Committee did remark that summer concerts held in Hyde Park had resulted in noise issues arising and hence the Council had insisted on applicants undertaking close consultation with residents to minimise disruption and address concerns as they arose. Sally Thomas explained that the applicant did submit a noise management plan last year and one was being developed for this year. No complaints had been received last year but noise would be monitored closely and investigations undertaken if issues were reported. It was considered that the summer concerts did involve a different type of noise though.

The Council's legal adviser explained that if the Sub-Committee was minded to grant the application the timescales in Conditions 25, 26, 36 and 43 would require altering to potentially fourteen days to avoid an immediate breach of the licence. The applicant agreed this alteration if the application was granted.

The Sub-Committee carefully considered the application. It was noted that the application was for only four hours and the advantages of allowing it to be used as a training opportunity for staff was understood. The sound conditions on the licence were noted along with the applicant's on-going work with all parties concerned regarding noise management issues. It was understood that the application was an exception for this year. However, the applicant was encouraged in future years to regularise its position if it was required to hold such one off events again. The Sub-Committee therefore granted the application as it felt the conditions would ensure the licensing objectives were promoted and upheld.

With the agreement of all the parties the Sub-Committee modified the time scales on the following conditions to fourteen days:

- Condition 25;
- Condition 26;
- Condition 36; and
- Condition 43

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 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.

9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Conditions Consistent with the Operating Schedule

11. When alcohol is sold at the event the following conditions shall apply to all bars, both for the public and in hospitality areas:

- (a) Bars shall not be permitted to run price promotions, happy hours or other promotions designed to encourage excessive drinking.
- (b) Bars shall be closed no later than the event finish time.

12. Drinks shall not be sold or served in glass vessels or containers. They should also not be served in any measure greater than a pint. The exemptions to this

are:

- a) In designated controlled areas - such as in VIP or Hospitality areas- as pre agreed by the Licensing Safety Advisory Group.
- b) When alcohol is bought as a 'gift' in a sealed container, for the main purpose of being consumed off site.

13. The Premises Licence Holder shall undertake reasonable prevention methods to deter members of the public from either bringing into or removing any alcohol from the licensed area, with the exemption of alcoholic 'gifts' that are permitted to be sold in the licensed area, in a sealed container, for the express purpose of being consumed off site.
14. Substantial food and non-intoxicating beverages, including drinking water, shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
15. At all locations where alcohol is sold, the name and contact telephone number of the Designated Premises Supervisor shall be displayed in a prominent position on the premises, so that it is clearly visible. The named Personal License Holder for that location will also be displayed with their contact telephone number.
16. A communication system must be provided to ensure the effective operation of the site under both normal and emergency evacuation conditions. The Premises Licence Holder must provide an adequate incident control centre and a rendezvous point for the Police and other emergency services.
17. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. Full details to be agreed 28 days in advance as part of the event management plan given under public safety.
18. All entry and exit points shall 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.
19. 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. This is in addition to the operator of the CCTV system.
20. The Premises Licence Holder shall comply with all reasonable requirements of the Royal Parks, Westminster Police Licensing Team, Environmental Health Consultation Team, Westminster City Council, the London Fire and

Emergency Planning Authority and the Metropolitan Police Service.

21. On request of a Police Officer any individual unit as defined in the event management plan shall immediately cease all licensable activities and only resume licensable activities when authorised by a police officer at the request of the Winter Wonderland management.

22. Door supervisors:

(a) A minimum of 30 SIA licensed door supervisors shall be on duty at the premises at all times whilst it is open for business including the CCTV operators.

(b) Of those there shall always be at least 8 Door Supervisors on duty at the Bavarian Village.

(c) The number shall be increased at a ratio of 1 Door Supervisor per 100 customers in any location which is an enclosed location where alcohol is sold up to the maximum capacity of the premises in accordance with the schedule submitted as part of the event management plan for the day.

(d) All SIA Door Supervisors shall wear High Visibility Jackets at all times they are on duty with the exception of the Cash In Transit and covert security teams.

23. It shall be a condition of entry that the customer agrees to an outer clothing and bag search being carried out or refusal of entry will be given, and notices to that effect shall be displayed. The management in full consultation with the DPS, Personal Licence holder operating in that area, Head of Security and the SIA Door Supervisors on duty will action as to when and whom is searched and a record of any decisions to be made. In making these decisions full consultation and advice from either the Metropolitan Police will be taken into account.

24. Membership of the Licensing Safety Advisory Group shall include as a minimum; the premises licensee, the event organiser (where the Licensee is not the event organiser), the Licensing Authority, The Royal Parks, Westminster Police Licensing Team, Environmental Health Consultation Team, Westminster Special Events & Emergency Planning, Metropolitan Police Service, LFEPA, London Ambulance Service and Transport for London. Additional members shall be invited as appropriate for each meeting.

25. Unless otherwise agreed, no later than 14 days prior to the event plans of the layout shall be submitted to the Licensing Safety Advisory Group and any other authorities requiring them.

26. Unless otherwise agreed, no later than 14 days prior to the event the Premises Licence holder must ensure an Event Management Plan is presented to the Licensing Safety Advisory Group, or their authorised representative for their comment and advice. The Event Management Plan shall include, as a minimum:

(a) Emergency and Evacuation procedures;

(b) Crowd management and stewarding arrangements;

- (c) A detailed plan showing site layout and emergency egress points;
- (d) A detailed plan showing CCTV locations installed by the Premises License Holder;
- (e) Risk Assessments
- (f) A schedule detailing types and locations of emergency equipment
- (g) Sanitary accommodation
- (h) The capacity of the fully enclosed locations where alcohol is sold.

27. So far as is reasonably practicable the Premises Licence Holder must ensure that the event is run in accordance with the Event Management Plan approved by the Licensing Safety Advisory Group.

28. Adequate medical and first aid cover and facilities appropriate to the licensed event must be provided and assessed by the Licensing Safety Advisory Group.

29. The Premises Licence Holder shall appoint and provide details to Licensing Safety Advisory Group or their authorised representative with the particulars of the nominated safety co-ordinator who shall carry out all reasonable requests made.

30. Details of all marquees, tented structures and temporary structures should be provided including emergency exits and signage, fire warning and fire fighting equipment.

31. All fabric, including curtains and drapes used on stage for tents and marquees, or plastic and weather sheeting, shall be inherently or durably flame retardant to the relevant British Standards. Certificates of Compliance must be available upon request by the Licensing Safety Advisory Group or their authorised representative.

32. Full structural design details and calculations of any structures as specified by Westminster Building Control and not already subject to ADIPS to be erected within the licensed area, must be submitted to the Westminster City Council Building Control. A certificate from a competent person or engineer that a completed structure is erected in accordance with the structural drawings and design specification must be available for inspection prior to a relevant structure being used during the licensed event.

33. Where appropriate, capacities shall be set for the any temporary structures in accordance with the Technical Standards for places of Entertainment and agreed in writing with the Environmental Health Consultation Team.

34. Any moving flown equipment must contain a device or method whereby failure in the lifting system would not allow the load to fall. All hung scenery and equipment must be provided with a minimum of two securely fixed independent suspensions such that in the event of failure of one suspension the load shall be safely sustained.

35. Any special effects or mechanical installations shall be arranged and stored

so as to minimise any risk to the safety of those using the premises. The following special effects shall only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.

- dry ice and cryogenic fog
- smoke machines and fog generators
- pyrotechnics including fire works
- firearms
- lasers
- explosives and highly flammable substances
- real flame
- strobe lighting

36. A written notice shall be given to the Environmental Health Consultation Team no later than 14 days prior the event of any performances which include animals.
37. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
38. The Premises Licence Holder must maintain a regular safety patrol at all times when the public are present in the licensed area to check for and guard against possible emergency hazards. The area underneath any stage and fixed seating areas is to be kept clear of flammable materials.
39. The Premises Licence Holder must ensure that competent persons are employed to assess the electrical requirements at the event and the compatibility of the electricity supply with the equipment to be used. Appropriate safety devices (such as 30mA Residual Current Devices at Source) must be used for electrical apparatus, particularly for any electrical equipment exposed to adverse conditions or electrical equipment to be used in association with hand held devices (e.g. microphones). The competent person must make a certificate of inspection of the electrical installation available for inspection.
40. Emergency exits and entrances to the event area must be kept clear at all times and must be provided with clearly visible signage. All parts of the licensed area intended to be used in the absence of adequate daylight and all essential safety signage shall be suitably illuminable.
41. Details of the locations and level of illumination must be submitted to the Hyde Park Licensing & Safety Advisory Group or their authorised representative. Electrical generators, where used, must be:
 - (a) Suitably located clear of buildings, marquees and structures, and free from flammable materials;
 - (b) Enclosed to prevent power for the duration of the event;
 - (c) Able to provide power for the duration of the event;

(d) Back up electrical generators are to be provided to power essential communications, lighting and Safety systems in the event of primary generator failure, unless otherwise agreed by LSAG.

42. All spare fuel, including LPG, must be kept and stored safely in accordance with relevant Health and Safety legislation and suitable safety signage and fire fighting equipment provided.

43. The following noise conditions shall apply:

(a) No noise shall emanate from the premises which gives rise to a nuisance.

(b) The local residents and the relevant amenity group(s) in the vicinity of the Park, including the South East Bayswater Residents Association, Hyde Park Estate Residents Association and the Mayfair and St James Amenity Society and Peabody Grosvenor Estates Residents Association, shall be contacted as soon as reasonably practicable (and in any event no later than 14 days) prior to the event advising them of the times of the event and any sound check or rehearsal times and giving them a telephone number to contact in the event that they have any complaints.

44. During the build-up and break down of the events site, any activities that might cause noise to be audible outside the Park shall be limited to the hours of 08:00 to 20:00 Monday to Friday, and 10:00 to 18:00 Saturday and Sunday. Any generators, refrigerators or other machinery running overnight shall be silenced, screened or sited so as not to be audible outside the Park.

45. 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.

46. A sufficient number of easily identifiable, readily accessible receptacles for refuse must be provided, including provisions for concessions. Arrangements must be made for regular collection. Public areas must be kept clear of refuse and other combustible waste prior to, and so far as is reasonably practicable, during the licensed event.

47. After the event any litter remaining shall be collected and removed from the site as soon as physically possible, either overnight or starting daybreak the following day if it is considered impractical to collect the litter in darkness.

48. There shall be a welfare point (or equivalent area) for the reporting and management of lost children. The welfare point shall be staffed and trained (and appropriately certified by the Disclosure Barring Service) members of staff who will be in radio contact with the head steward and the safety co-ordinator.

49. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The only forms of ID that will be accepted are passports, driving licences with a photograph or proof of age cards bearing the 'PASS' mark hologram. Suitable and sufficient signage

advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.

50. All staff members engaged, or to be engaged, in selling or delivery of alcohol on or from the premises shall receive the training in age-restricted sales.

51. All training records shall be made available to Police, officers of the licensing authority and Weights and Measures upon request.

52. The premises shall at all times maintain and operate an age-restricted sales refusals recording system (either in book or electronic form) which shall be reviewed by the Designated Premises Supervisor and feedback given to staff as relevant. This refusals recording system shall be available upon request to police, Licensing Authority staff and Weights and Measures.

5 21 KINGLY STREET, W1

LICENSING SUB-COMMITTEE No. 1

Thursday 27th October 2016

Membership: Councillor Tim Mitchell (Chairman), Councillor Heather Acton and Councillor Rita Begum

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Nick Nelson

Relevant Representations: Environmental Health and the Soho Society.

Present: Mr Jack Spiegler (Solicitor, Representing the Applicant), Mr Rob Kirk (on behalf of the applicant company) and Mr Maxwell Koduah (Environmental Health).

21 Kingly Street, London, W1B 5QA
16/07447/LIPN

1. Late Night Refreshment

Monday to Thursday: 23:00 – 23:30

Friday to Saturday: 23:00 – 00:00

Sunday: 23:00 – 23:30

Seasonal Variations/Non-Standard Timings:

- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
- Midnight on Sundays immediately before Bank Holiday Mondays.

	<p>This aspect of the application was granted apart from Late Night Refreshment on a Sunday which was refused.</p>
<p>2.</p>	<p>On and Off Sales by retail of Alcohol</p> <p>Monday to Thursday: 10:00 – 23:30 Friday to Saturday: 10:00 – 00:00 Sunday: 10:00 – 23:30</p> <p>Seasonal Variations/Non-Standard Timings:</p> <ul style="list-style-type: none"> • From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. • Midnight on Sundays immediately before Bank Holiday Mondays. <p>This aspect of the application was granted but the terminal hour for the sale of alcohol on Sundays was reduced to 22.30.</p>
<p>3.</p>	<p>Hours Premises are Open to the Public</p> <p>Monday to Thursday: 10:00 – 00:00 Friday to Saturday: 10:00 – 00:30 Sunday: 10:00 – 00:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <ul style="list-style-type: none"> • From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. • 00:30 for the day following Sundays immediately before Bank Holiday Mondays. <p>This aspect of the application was granted but the terminal hour for the closing of the premises on Sundays was reduced 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>The Sub-Committee considered an application by Shaftesbury AV Ltd for a new premises licence in respect of 21 Kingly Street, London, W1B 5QA.</p> <p>The Licensing Officer provided an outline of the application to the Sub-Committee.</p> <p>All parties were invited to make representations to the Sub-Committee in relation to the application. The parties responded to members' questions and were</p>

given an opportunity to ask questions of each other.

Mr Kirk, on behalf of the applicant, stressed the importance of submitting the application before the premises was let so that a level of control was maintained over the premises. Shaftesbury AV Ltd was a responsible applicant and the Panel was informed that it was currently in the process of replacing all CCTV systems for existing premises in the area which would operate twenty four hours a day. They already ran premises which operated similar hours to those proposed for this application and no issues had arisen.

Mr Spiegler confirmed that the application was for a restaurant licence and comprehensive conditions had been agreed with Environmental Health. The hours applied for were the same as the Council's core hours policy save for Sunday. It was recognised that the Soho Society had submitted a representation which primarily centered on the Sunday hours applied for. It was explained that the Sunday hours of 10:00 to 23:30 had been applied for for four reasons. Firstly, the Council's Planning Department had granted the premises A3 restaurant consent. Mr Spiegler was aware that planning and licensing were different regimes but in this case Planning had deemed the hours applied for appropriate. Secondly, section 2.5.14 of the Council's Licensing Policy did allow the granting of hours for restaurants beyond core hours. As there was no realistic possibility of the Licensing Objectives being affected due to the controls imposed by the applicant this could apply in this case. The Policy also mentioned the possibility of granting hours beyond 01:00; however the hours for the sale of alcohol for this application were only 10:00 to 23:30. Thirdly, the surrounding local area had a very low level of residential properties. There were approximately twenty premises located nearby which had hours exceeding core hours. This application was not requesting anything unusual or inconsistent for this area. Fourthly, Shaftesbury AV Ltd had a careful vetting process in place when letting out premises therefore ensuring they always had a high calibre, professional tenant in situ.

Mr Spiegler highlighted that no residents had objected to the application and Environmental Health and the Soho Society had no specific concerns other than the Sunday hours applied for as they exceeded core hours. It was suggested that the core hours policy could be departed from and it would be appropriate to do so in this case.

Environmental Health stated that their primary concern did relate to the fact that the Sunday hours applied for did exceed core hours. It was also felt that a condition should be added to the licence to ensure that no licensable activities take place until the Environmental Health Consultation Team had assessed the premises as satisfactory.

In response to a question over the plans of the premises submitted it was confirmed that they were indicative only and if the tenant wanted to expand the licensed area they would have to submit a variation to the licence at a later date. It was also confirmed that any alcohol provided to the outside tables and chairs would be ancillary to food and subject to restaurant conditions. The Council's Licensing Policy Adviser suggested that Model Condition 70A could be added to the licence which restricted the sale of alcohol for consumption off the premises

to persons seated in an area authorised for the use of tables and chairs on the highway.

The Sub-Committee considered the application and did express concern that as the premises was located within a cumulative impact area granting the licence could result in extra pressure in the local area. It was recognised however that the application was for a restaurant and patrons entering and exiting the premises would be staggered throughout the day. Therefore due to the nature of the operation the Sub-Committee felt it was unlikely to add to the cumulative impact in the area. Objections had been raised regarding the proposed hours on Sundays as they exceeded core hours. In order to address the concerns raised the Sub-Committee agreed to limit the sale of alcohol to 22:30 on Sundays in line with core hours and to require the premises to close on Sundays at 23.00. This also meant that the provision of Late Night refreshment was refused on Sundays.

The Sub-Committee considered that due to the nature of the operation and the reduction in hours on Sundays it would not add to cumulative impact in the area and would ensure the licensing objectives were upheld. The Sub-Committee therefore granted the application and also agreed to amend, remove or add to the licence the following proposed conditions:

- Condition 9(d) to be amended to read “which do not provide take away service of food or drink for immediate consumption save for persons seated in any external area licensed for the placing of tables and chairs.”;
- Condition 11 to be replaced with Model Condition 70A;
- Removal of Condition 12;
- Removal of Condition 13;
- Condition 14 to be replaced with the Environmental Health alternative;
- Condition 22 to be replaced with the Environmental Health alternative;
- Condition 23 to be replaced with the Environmental Health alternative;
- Condition 24 to be replaced with the Environmental Health alternative;
- Removal of Condition 25.

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 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:

- a. in which customers are shown to their table,
- b. where the supply of alcohol is by waiter or waitress service only,
- c. 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,
- d. which do not provide any take away service of food or drink for immediate consumption save for persons seated in any external area licensed for the placing of tables and chairs,
- e. which do not provide any take away service of food or drink after 23.00, and
- f. where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to 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 meal.

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

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 sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway and bona fide taking a substantial table meal there, and where the consumption of alcohol by such persons is ancillary to taking such a meal, and where the supply of alcohol is by waiter or waitress service only.
12. 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
13. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 08:00 hours on the following day.
16. 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 sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
17. 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. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry 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.
21. 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.

22. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

23. 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.

24. No licensable activities shall take place at the premises until the premises have 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.

25. 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.

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

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

28. All windows and external doors shall be kept closed after 23:00 hours except for the immediate access and egress of persons.

29. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.

30. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.

31. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.

32. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
33. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
34. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
35. 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.
36. 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.

6 BEITEDDINE EXPRESS, 19 CLARGES STREET, W1

The item was withdrawn before the meeting.

7 BASEMENT AND GROUND FLOOR, 16-18 UPPER TACHBROOK STREET, SW1

LICENSING SUB-COMMITTEE No. 1
Thursday 27th October 2016

Membership: Councillor Tim Mitchell (Chairman), Councillor Heather Acton and Councillor Rita Begum

Legal Adviser: Barry Panto
Policy Adviser: Chris Wroe
Committee Officer: Tristan Fieldsend
Presenting Officer: Yolanda Wade

Relevant Representations: One local resident.

Present: Mr Hon See Tsang (Director), Mrs Man Wan Tsang (Premises Supervisor) and Mr Hui Sun (Office Administrator).

**Basement and Ground Floor, 16-18 Upper Tachbrook Street, London, SW1V
1SH
16/08179/LIPN**

1.	<p>On and Off Sales by retail of Alcohol</p> <p>Monday to Saturday: 11:00 – 23:00 Sunday: 11:00 – 22:30</p>
2.	<p>Hours Premises are Open to the Public</p> <p>Monday to Saturday: 11:00 – 23:00 Sunday: 11:00 - 22:30</p>
	<p>Amendments to application advised at hearing:</p> <p>The applicants advised that they would be willing to reduce the commencement hours on Sundays so as to only sell alcohol and open the premises from 12:00.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by Evenhold Ltd for a new premises licence in respect of Basement and Ground Floor, 16-18 Upper Tachbrook Street, London, SW1V 1SH.</p> <p>The Licensing Officer provided an outline of the application to the Sub-Committee and advised that following dialogue with the applicant and the agreement to a number of proposed conditions, Environmental Health had now withdrawn their representation. The only remaining representation was from the local resident who did not attend the hearing.</p> <p>Mrs Tsang advised the Sub-Committee that the application was for a restaurant where it was intended for alcohol to be ancillary to food. The applicants had liaised with Environmental Health and adopted suggested conditions which had satisfied all their concerns. Mrs Tsang explained that the representation received from a local resident was mainly concerned about a potential increase in traffic and pollution resulting from the opening of a new restaurant. This had been subsequently resolved though the Council's implementation of a one way traffic restriction on Upper Tachbrook Street. Mrs Tsang had also been in correspondence with the resident to address the concerns raised. An email was circulated to the Sub-Committee by Mrs Tsang which stated that the resident was reassured by the applicant's attempts to limit any impact of the restaurant on local residents.</p> <p>Mrs Tsang detailed how the restaurant would primarily cater for local residents and therefore it would have no impact on traffic or parking in the local area. Following discussions with Environmental Health prominent signs would be displayed at all entrance and exit points requesting customers to respect local residents and ensure noise disruption was minimised. Only background music would be played at the premises and the walls had been insulated to ensure there was no disturbance to neighbours.</p> <p>As restaurant conditions had not been applied for the Sub-Committee requested clarity on whether the premises would be operated as a restaurant? The applicants confirmed that it was intended for the premises to be a restaurant and that they would accept any restaurant conditions imposed to provide</p>

reassurance to the Sub-Committee and residents. This would include the adoption of Model Condition 38 which ensured the sale of alcohol would only to be persons seated at a table and would be ancillary to food. It was confirmed that it was intended for a takeaway offer to also be available but only through customer collection from the premises.

A question was raised by members regarding the capacity of the premises. The Council's Legal Adviser advised that Model Condition 90 could be imposed on the licence ensuring no licensable activities could take place at the premises until the capacity had been determined by the Environmental Health Consultation Team.

A slight concern was expressed that deliveries could take place at 07:00 which could affect residents in the local area. The applicants advised that this could be altered to ensure no deliveries took place between 23:00 - 08:00. The Sub-Committee noted that all waste would be collected by the Council.

The Sub-Committee noted that the applicant had requested the sale of alcohol from 11:00 on Sundays which was outside of the Council's core hours policy. In response the applicants advised that they would be willing to reduce the hours on Sundays to only sell alcohol from 12:00.

The Sub-Committee considered the application and was satisfied that all the concerns raised had been addressed and as such felt it was appropriate to grant the application.

With the agreement of all parties the Sub-Committee modified the Sunday hours to bring it in line with core hours and also modified several conditions to ensure they were all relevant to the application and thus promoted the licensing objectives. The following conditions were amended, deleted or added to the licence:

- Condition 15 be amended to read "No deliveries to the premises shall take place between 23:00 and 08:00 on the following day";
- Condition 16 to be replaced by Model Condition 90;
- Condition 18(f) be amended to read "any faults on the CCTV system; and
- Model Condition 38 be included on the premises licence.

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 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 supply of alcohol shall be by waiter/waitress or bar 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. 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.

12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

13. 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.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. No deliveries to the premises shall take place between 23:00 and 08:00 on the following day.
16. No licensable activities shall take place 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.
17. 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.
18. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) All crimes reported to the venue
 - (b) All ejections of patrons
 - (c) Any complaints received concerning crime and disorder
 - (d) Any incidents of disorder
 - (e) All seizures of drugs or offensive weapons
 - (f) Any faults in the CCTV system
 - (g) Any refusal of the sale of alcohol
 - (h) Any visit by a relevant authority or emergency service
19. The Licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
20. 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 a variation application may be required.
21. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

8 APPLICATION TO SPECIFY AN INDIVIDUAL AS DESIGNATED PREMISES SUPERVISOR

The item was withdrawn before the meeting.

The Meeting ended at 12.12 pm

CHAIRMAN: _____

DATE _____