



**CITY OF WESTMINSTER**

# MINUTES

## **Licensing Sub-Committee (2)**

### **MINUTES OF PROCEEDINGS**

Minutes of a meeting of the **Licensing Sub-Committee (2)** Committee held on **Thursday 8th March, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

**Members Present:** Councillors Tim Mitchell (Chairman), Heather Acton and Julia Alexander

#### **1 MEMBERSHIP**

1.1 There were no changes to the membership.

#### **2 DECLARATIONS OF INTEREST**

2.1 There were no declarations of interest.

#### **1 CLARIDGES HOTEL, 47-57 BROOK STREET, MAYFAIR**

The application was granted under delegated authority.

#### **2 SALON 64, 14 BATEMAN STREET, W1**

The application was granted under delegated authority.

#### **3 YOUNG CHENG RESTAURANT, 39 WARDOUR STREET, W1**

### **LICENSING SUB-COMMITTEE No. 2**

*Thursday 8<sup>th</sup> March 2018*

Membership: Councillor Tim Mitchell (Chairman), Councillor Heather Acton and Councillor Julia Alexander

Legal Adviser: Barry Panto

Committee Officer: Tristan Fieldsend

Presenting Officer: Yolanda Wade

Relevant Representations: The Licensing Authority.

Present: Mr Graham Hopkins, Ms Linda Potter and Ms Gagan Sekhen (GT Licensing Consultants, representing the Applicant), Ms Xiaofeng Yu (Applicant), Ms Li Dear (Applicant's Interpreter) and Mr Steve Rowe (Licensing Authority).

<p><b>Young Cheng restaurant, 39 Wardour Street, London, W1D 6PX ("The Premises")</b>  <b>17/114804/LIPV</b></p>			
<p><b>1.</b></p>	<p><b>Playing of Recorded Music</b></p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><u>Current:</u></p> <p>Monday to Sunday: Unrestricted</p> <p><b>Licensable Area</b></p> <p>Basement and Ground Floor</p> <p><b>Seasonal Variations</b></p> <p>N/A</p> </td> <td style="width: 50%; vertical-align: top;"> <p><u>Proposed:</u></p> <p>Monday to Saturday: 10:00 to 23:30  Sunday: 12:00 to 23:00</p> <p>Basement and Ground Floor to retain unrestricted right, first floor added to times specified.</p> <p>To permit licensable activities until 00:30 on the day following Chinese New Year and Christmas Eve.</p> </td> </tr> </table>	<p><u>Current:</u></p> <p>Monday to Sunday: Unrestricted</p> <p><b>Licensable Area</b></p> <p>Basement and Ground Floor</p> <p><b>Seasonal Variations</b></p> <p>N/A</p>	<p><u>Proposed:</u></p> <p>Monday to Saturday: 10:00 to 23:30  Sunday: 12:00 to 23:00</p> <p>Basement and Ground Floor to retain unrestricted right, first floor added to times specified.</p> <p>To permit licensable activities until 00:30 on the day following Chinese New Year and Christmas Eve.</p>
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	<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 Xiaofeng Yu for a variation of a premises licence in respect of Young Cheng Restaurant, 39 Wardour Street, London, W1D 6PX.</p> <p>Councillor Mitchell declared that the application was situated within his ward but he had not entered into discussions regarding the application or made any judgements regarding it. All parties present indicated that they had no objection to Cllr Mitchell sitting on the Sub-Committee for the consideration of this item.</p> <p>The Licensing Officer provided an outline of the application to the Sub-Committee. It was confirmed that the Police and Environmental Health (EH) had withdrawn their representations following the agreement of conditions with the applicant.</p> <p>Mr Hopkins, representing the applicant, advised that the Premises was a long established restaurant where Ms Yu had been the licence holder since 2014. The applicant in addition to the existing ground floor and basement had acquired</p>		

the first and second floor of the Premises and therefore a variation of the existing licence had been submitted to include the first floor on the licence. Following discussions with the responsible authorities it had been agreed to include model condition 66, the full restaurant condition, onto the licence. It was proposed however to remove the provision regarding take away from the condition as the restaurant currently provided a long established take away service. The amount of take aways provided was not large but given the location, the applicant wished to be able to continue to provide this service. It was now not proposed to extend the hours for late night refreshment on Sundays and throughout the application, there would be no increase in permitted hours, including the sale by retail of alcohol.

It was explained by Mr Hopkins that to provide reassurance that the Premises would not operate as a bar the full restaurant condition would apply across the basement, ground and first floors. This was more restrictive than the licence currently in operation. Mr Hopkins also tabled four additional conditions which would provide further reassurance that customers leaving the Premises would not cause any disturbance. This included displaying notices asking customers to leave quietly, displaying a staff telephone number in the restaurant window, displaying a taxi firm number and finally deploying a member of staff at the door until close to remind customers to leave quietly. This would all help ensure the quiet dispersal of customers. The Sub-Committee was advised that the applicant would inform local residents and The Soho Society of these additional conditions.

It was highlighted that the applicant had been successfully operating the Premises for a significant period of time during which no issues had been reported. Concerns had been raised over how the application had been advertised and how the hours requested for the performance of live music and dance were beyond the activities covered by the existing licence. Mr Hopkins clarified that the applicant was content to withdraw these two provisions from the application. With regards to private entertainment and recorded music these were already permitted under grandfather rights and would be controlled by the modest hours the Premises would be open. It was also proposed to remove conditions twelve and thirteen from the licence as they were archaic and prohibited children under fourteen from entering the Premises which was an issue for a family friendly restaurant. No concerns had been raised over the proposed change in layout of the Premises or the seasonal variations for Chinese New Year and Christmas Eve. Representations from the Police and EH had been withdrawn following the agreement of conditions.

Mr Hopkins advised the Sub-Committee that the Premises would operate to core hours and would close before many of the nearby licensed premises. The current capacity was fifty and it was proposed to increase this to seventy-five but as the provision of alcohol was now ancillary to taking a table meal the proposals would not add to cumulative impact in the local area.

In response to questions from the Sub-Committee Mr Hopkins confirmed that it was still proposed to offer take away until 23:30 hours Monday to Saturday. The take away service was for collection only and there would be no home delivery service provided. In terms of dispersal the applicant had a relationship with a

local taxi firm and their number would also be available to customers at the Premises. The Sub-Committee was eager to reduce the environmental footprint of licenced premises and the applicant agreed to use their best endeavours to ensure the local taxi firm provided environmentally friendly modes of transport where possible. It was also recognised that whilst the take away provision provided was limited the Sub-Committee urged the applicant to reduce the level of plastic used when supplying take aways to customers.

Mr Rowe, representing the Licensing Authority, confirmed that the Premises was located within a Cumulative Impact Area (CIA) and as such expressed concern that the proposed increase in capacity would lead to an increase in cumulative impact. Consideration had to be given to RNT2 of the Council's Statement of Licensing Policy which stated that applications for restaurants would generally be granted provided they did not add to cumulative impact. The Sub-Committee had to decide if the proposed additional capacity in a CIA would add to cumulative impact or not.

In response to a question from the Sub-Committee Mr Rowe confirmed that the Licensing Authority had not received any complaints against the Premises.

Following a question from the Council's Legal Adviser the applicant confirmed that a condition could be added to the licence prohibiting any home delivery of take away.

After considering all the evidence, the Sub-Committee agreed to grant the application. It was recognised that the application was located within a CIA and concerns had been raised that increasing the capacity of the Premises would be contrary to policy. However, the Sub-Committee noted that the additional condition proposed to impose the full restaurant condition (although still permitting a take away service) across the basement, ground and first floors, provided reassurance that the sale of alcohol would be ancillary to a table meal and the Premises would not be alcohol-led. The extra conditions also proposed by the applicant would ensure the quiet dispersal of customers into the local area. Due to the old nature of the licence the deletion of conditions twelve and thirteen from it were considered appropriate and would allow it to be brought more up-to-date. Together, these amended conditions along with the style of operation at the Premises provided reassurance that it would not add to cumulative impact. The Sub-Committee noted the applicant's withdrawal of live music and performance of dance from the application along with the removal of late night refreshment on Sundays. Members were also pleased to note that there would be no change in hours either for the opening of the Premises or for the sale of alcohol. Due to no objections from EH the proposed change in layout was agreed along with the seasonal variations applied for with regards to Chinese New Year and Christmas Eve which were not considered a cause for concern. The Premises was a long established restaurant which had been successfully operated by the applicant for a number of years which was evidenced by the fact the Licensing Authority had received no complaints regarding it.

The Sub-Committee did have careful regard to all of the concerns expressed by the Licensing Authority but considered the conditions proposed to be appropriate

	<p>and proportionate in the circumstances. After careful consideration the Sub-Committee was satisfied that the Premises would not add to cumulative impact and would promote the licensing objectives and therefore granted the application accordingly.</p> <p>The Sub-Committee advised the applicant that a condition would be added to the licence preventing the operation of a home delivery take away service and requested that the applicant attempt to minimise their use of plastics for any take away provided. The applicant was also urged to use their best endeavours to ensure any taxi companies servicing the Premises supplied environmentally friendly modes of transport to pick up customers.</p>		
<p><b>2.</b></p>	<p><b>Performance of Live Music</b></p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><u>Current:</u></p> <p>N/A</p> <p><b>Licensable Area</b></p> <p>N/A</p> <p><b>Seasonal Variations</b></p> <p>N/A</p> </td> <td style="width: 50%; vertical-align: top;"> <p><u>Proposed:</u></p> <p>Monday to Saturday: 10:00 to 23:30 Sunday: 12:00 to 23:00</p> <p>Basement, ground and first floors.</p> <p>To permit licensable activities until 00:30 on the day following Chinese New Year and Christmas Eve.</p> </td> </tr> </table>	<p><u>Current:</u></p> <p>N/A</p> <p><b>Licensable Area</b></p> <p>N/A</p> <p><b>Seasonal Variations</b></p> <p>N/A</p>	<p><u>Proposed:</u></p> <p>Monday to Saturday: 10:00 to 23:30 Sunday: 12:00 to 23:00</p> <p>Basement, ground and first floors.</p> <p>To permit licensable activities until 00:30 on the day following Chinese New Year and Christmas Eve.</p>
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	<p>Amendments to application advised at hearing:</p> <p>The applicant withdrew this element of the application at the hearing.</p>		
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee was not required to consider this aspect of the application as it had been withdrawn.</p>		
<p><b>3.</b></p>	<p><b>Performance of Dance</b></p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><u>Current:</u></p> <p>N/A</p> <p><b>Licensable Area</b></p> <p>N/A</p> <p><b>Seasonal Variations</b></p> </td> <td style="width: 50%; vertical-align: top;"> <p><u>Proposed:</u></p> <p>Monday to Saturday: 10:00 to 23:30 Sunday: 12:00 to 23:00</p> <p>Basement, ground and first floors.</p> </td> </tr> </table>	<p><u>Current:</u></p> <p>N/A</p> <p><b>Licensable Area</b></p> <p>N/A</p> <p><b>Seasonal Variations</b></p>	<p><u>Proposed:</u></p> <p>Monday to Saturday: 10:00 to 23:30 Sunday: 12:00 to 23:00</p> <p>Basement, ground and first floors.</p>
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	N/A	To permit licensable activities until 00:30 on the day following Chinese New Year and Christmas Eve.
	Amendments to application advised at hearing: The applicant withdrew this element of the application at the hearing.	
	Decision (including reasons if different from those set out in report): The Sub-Committee was not required to consider this aspect of the application as it had been withdrawn.	
<b>4.</b>	<b>Private Entertainment</b>	
	<u>Current:</u>	<u>Proposed:</u>
	<u>Unrestricted hours</u>	Unrestricted hours
	<b>Licensable Area</b>	Basement, ground and first floors.
	Basement and ground floor.	
	Amendments to application advised at hearing: The applicant withdrew this element of the application at the hearing.	
	Decision (including reasons if different from those set out in report): The Sub-Committee was not required to consider this aspect of the application as it had been withdrawn.	
<b>5.</b>	<b>Late Night Refreshment - Indoors</b>	
	<u>Current:</u>	<u>Proposed:</u>
	Monday to Saturday: 23:00 to 23:30 Sunday: N/A	Monday to Sunday: 23:00 to 23:30
	<b>Licensable Area</b>	
	Basement and ground floor.	Basement, ground and first floors.
	<b>Seasonal Variations</b>	
	N/A	To permit licensable activities until 00:30 on the day following Chinese New Year and Christmas Eve.

	<p>Amendments to application advised at hearing:</p> <p>The applicant withdrew the provision of late night refreshment on Sundays.</p>		
	<p>Decision (including reasons if different from those set out in report):</p> <p>The application was granted from Monday to Saturday and in respect of the seasonal variations, the reason for the decision is detailed in section 1.</p>		
<p><b>6.</b></p>	<p><b>Sale by Retail of Alcohol – On and Off Sales</b></p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><u>Current:</u></p> <p>Monday to Saturday: 10:00 to 23:00 Sunday: 12:00 to 22:30</p> <p><b>Licensable Area</b></p> <p>Basement and ground floor.</p> <p><b>Seasonal Variations</b></p> <p>N/A</p> </td> <td style="width: 50%; vertical-align: top;"> <p><u>Proposed:</u></p> <p>Monday to Saturday: 10:00 to 23:30 Sunday: 12:00 to 22:30</p> <p>Basement, ground and first floors.</p> <p>To permit licensable activities until 00:30 on the day following Chinese New Year and Christmas Eve.</p> </td> </tr> </table>	<p><u>Current:</u></p> <p>Monday to Saturday: 10:00 to 23:00 Sunday: 12:00 to 22:30</p> <p><b>Licensable Area</b></p> <p>Basement and ground floor.</p> <p><b>Seasonal Variations</b></p> <p>N/A</p>	<p><u>Proposed:</u></p> <p>Monday to Saturday: 10:00 to 23:30 Sunday: 12:00 to 22:30</p> <p>Basement, ground and first floors.</p> <p>To permit licensable activities until 00:30 on the day following Chinese New Year and Christmas Eve.</p>
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	<p>Amendments to application advised at hearing:</p> <p>The applicant advised that there would be no increase in the hours for the sale by retail of alcohol apart from the seasonal variations. Apart from the seasonal variations, the application for alcohol was simply to extend the provision to the first floor.</p>		
	<p>Decision (including reasons if different from those set out in report):</p> <p>The application was granted, the reason for the decision is detailed in section 1.</p>		
<p><b>7.</b></p>	<p><b>Hours Premises are Open to the Public</b></p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><u>Current:</u></p> <p>Monday to Saturday: 10:00 to 23:30 Sunday: 12:00 to 23:00</p> <p><b>Licensable Area</b></p> <p>Basement and ground floor.</p> <p><b>Seasonal Variations</b></p> <p>N/A</p> </td> <td style="width: 50%; vertical-align: top;"> <p><u>Proposed:</u></p> <p>No change.</p> <p>Basement, ground and first floors.</p> <p>To permit the premises to remain</p> </td> </tr> </table>	<p><u>Current:</u></p> <p>Monday to Saturday: 10:00 to 23:30 Sunday: 12:00 to 23:00</p> <p><b>Licensable Area</b></p> <p>Basement and ground floor.</p> <p><b>Seasonal Variations</b></p> <p>N/A</p>	<p><u>Proposed:</u></p> <p>No change.</p> <p>Basement, ground and first floors.</p> <p>To permit the premises to remain</p>
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	open until 00:30 on the day following Chinese New Year and Christmas Eve.				
	Amendments to application advised at hearing:  None.				
	Decision (including reasons if different from those set out in report):  The application was granted, the reason for the decision is detailed in section 1.				
<b>8.</b>	<p><b>Layout Alteration</b></p> <p><b>Basement:</b></p> <ol style="list-style-type: none"> <li>1. Kitchen removed.</li> <li>2. Service lift added.</li> <li>3. Ceiling slab open for service lift.</li> <li>4. Toilets reconfigured.</li> <li>5. Buffet counter added.</li> </ol> <p><b>Ground Floor:</b></p> <ol style="list-style-type: none"> <li>1. Entrance corridor removed.</li> <li>2. Staircase added to the back of the house.</li> <li>3. Service lifts added.</li> <li>4. Floor slab open for service lifts.</li> <li>5. Bar relocated.</li> <li>6. Buffet counter added.</li> </ol> <p><b>First Floor:</b></p> <ol style="list-style-type: none"> <li>1. Staircase added to the back of the house.</li> <li>2. Seating area added.</li> <li>3. Toilets added.</li> <li>4. Service lift added.</li> <li>5. Floor slab open for service life.</li> <li>6. Bar added.</li> </ol>				
	Amendments to application advised at hearing:  None.				
	Decision (including reasons if different from those set out in report):  The application was granted, the reason for the decision is detailed in section 1.				
<b>9.</b>	<p><b>Conditions Being Varied, Added or Removed</b></p> <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;"><b>Condition:</b></td> <td style="width: 50%;"><b>Proposed Condition:</b></td> </tr> <tr> <td><b>Condition 12</b></td> <td>To remove this condition from the</td> </tr> </table>	<b>Condition:</b>	<b>Proposed Condition:</b>	<b>Condition 12</b>	To remove this condition from the
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<b>Condition 12</b>	To remove this condition from the				



<p>Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.</p> <p>In this condition, permitted hours means:</p> <p>(a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00</p> <p>(b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30</p> <p>(c) On Good Friday, 12:00 to 22:30</p> <p>(d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30</p> <p>(e) On New Year's Eve, except on a Sunday, 10:00 to 23:00</p> <p>(f) On New Year's Eve on a Sunday, 12:00 to 22:30</p> <p>(g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p> <p>NOTE - The above restrictions do not prohibit:</p> <p>(a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;</p> <p>(b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;</p> <p>(c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;</p> <p>(d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;</p>	<p>premises licence. The effect of this will be an extension of hours for the sale of alcohol on Christmas Day and Good Friday.</p>
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	<p>(e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;</p> <p>(f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;</p> <p>(g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;</p> <p>(h) the taking of alcohol from the premises by a person residing there;</p> <p>(i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;</p> <p>(j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.</p> <p>In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.</p>	
	<p><b>Condition 13</b></p> <p>No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:</p> <p>(a) He is the child of the holder of the premises licence.</p> <p>(b) He resides in the premises, but is</p>	<p>To remove this condition from the premises licence.</p>

	<p>not employed there.</p> <p>(c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.</p> <p>(d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.</p> <p>In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.</p>	
	<p>The supply of alcohol on the First Floor shall at all times only be to a person seated and taking a substantial table meal there and for consumption by such a person as ancillary to their meal.</p>	<p>To add this condition to the premises licence.</p>
	<p>The maximum number of persons permitted on the First Floor at any one time shall not exceed 25 persons (excluding staff).</p>	<p>To add this condition to the premises 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 application was granted, subject to the condition relating to the sale of alcohol on the first floor being replaced by an alternative condition restricting the supply of alcohol on all floors to being ancillary to a substantial table meal, the reason for the decision is detailed in section 1.</p>	

<b>Conditions attached to the Licence</b>
<b><u>Mandatory Conditions</u></b>

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 subparagraph 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 attached after a hearing by the Licensing Authority**

9. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.

10. Throughout the premises (including the external area) food and beverages (whether alcohol or otherwise) shall be supplied only to persons seated at table by waiter or waitress.

11. A CCTV system shall be installed, and thereafter maintained and operated correctly in accordance with the requirements of the relevant Metropolitan Police Crime Prevention Officer.

12. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

13. The premises shall only operate as a restaurant

(i) in which customers are shown to their table,

(ii) where the supply of alcohol is by waiter or waitress service only,

(iii) which provide food in the form of substantial table meals that are prepared on

the premises and are served and consumed at the table using non disposable crockery, and

(iv) where alcohol shall not be sold or supplied for consumption on the premises, 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.

14. The maximum number of persons permitted on the First Floor at any one time shall not exceed 25 persons (excluding staff).

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

16. A telephone number shall be displayed in the restaurant window and made available to any local Residents Association for residents to call with any concerns relating to the restaurant.

17. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.

18. A member of staff shall be stationed at the front door at close of business until the last customer has left to remind customers politely to leave quietly.

19. There shall be no sales of hot food or hot drink for home delivery.

The Meeting ended at 11.01 am

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_