



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (4)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** held on **Thursday 15th March, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

**Members Present:** Councillors Jean Paul Floru (Chairman), Murad Gassanly and Louise Hyams

#### 1 MEMBERSHIP

There were no changes to the Membership.

#### 2 DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 1 STICKS 'N' SUSHI, 40 BEAK STREET, W1

### LICENSING SUB-COMMITTEE No. 4

*Thursday 15 March 2018*

Membership: Councillor Jean Paul Floru (Chairman), Councillor Murad Gassanly and Councillor Louise Hyams

Legal Adviser: Horatio Chance  
Committee Officer: Jonathan Deacon  
Presenting Officer: Yolanda Wade

Relevant Representations: In Support of application – 1 resident

Objecting to application - Environmental Health and 8 residents.

Present: Mr James Anderson (Solicitor, representing the Applicant), Mr Andreas Karlsson (Managing Director, Applicant Company), Mr Dave Nevitt (Environmental Health), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing Mrs Liz Callingham, Mr Bijan Seghatchan and Dr Joshua Sofaer) and Ms Liz Callingham and Mr Bijan Seghatchan (local residents).

**Sticks 'N' Sushi, 40 Beak Street, W1  
18/00457/LIPN ("The Premises")**

**1. Late Night Refreshment (Indoors)**

Monday to Thursday: 23:00 to 23:30  
Friday and Saturday: 23:00 to 00:00

Amendments to application advised at hearing:

None.

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

The Sub-Committee heard from Mr Anderson, representing the Applicant. He stated that the Applicant owns two premises in Westminster. One is located in the Nova premises in Victoria and the other is located in Henrietta Street, Covent Garden within the West End Cumulative Impact Area. The latter was a similar sized restaurant to the one intended for Beak Street with 170 covers.

Mr Anderson explained that the Applicant had sought pre-application advice, meeting with Mr Nevitt. Their discussion had been reflected in the application, including conditions designed to promote the licensing objectives. Mr Anderson also advised the Sub-Committee that there had been a meeting between the Applicant and local residents at Henrietta Street.

Mr Anderson believed that residents were content with the style of operation but they had some concerns about the application. These included the size of the Premises (the ground floor and basement). The Applicant was seeking a capacity of 179 based on the planning permission. Mr Anderson wished to emphasise that there would not be casual dining at the restaurant. The average spend per head would be approximately £40. There would be a dwell time of approximately two hours and fewer sittings than casual dining premises. He added that the impact of the size of the restaurant in the West End Cumulative Impact Area would therefore be minimised by the style of operation.

Mr Anderson made the point that the operating hours permitted at the Henrietta Street premises were half an hour beyond the Council's Core Hours Monday to Saturday. He was confident that there had been no issues raised in terms of dispersal from, or smoking outside, the Henrietta Street premises despite the presence of local residents. Mr Anderson expressed the view that dispersal tended not to be a particular problem for restaurants. The busiest time was likely to be 18:00 to 21:00. Many of the customers would have left by 22:30 or 23:00. Food at Beak Street would not be prepared after 22:30 Monday to Thursday or 23:00 on Friday and Saturday if customers ordered immediately at that time. It would be unlikely for there to be more than 50 or 60 people in the

Beak Street premises after 23:00 based on the experience of the Applicant at Covent Garden. It was felt that, as was the case at Henrietta Street, dispersal from 40 Beak Street would not be a problem.

Mr Karlsson's experience from the Henrietta Street premises, according to Mr Anderson, is that there are few restaurant customers who wish to smoke outside. It was not expected that there would be more than 4 smokers outside at any one time. Mr Anderson referred to a condition offered by the Applicant that any customers, including smokers, were not allowed to take drinks outside. He confirmed that the Applicant would not seek a 'tables and chairs' licence as the pavement is too narrow outside the Premises in Beak Street. The Applicant was content to encourage smokers to use the side street, Bridle Lane, as it is not residential. It was stated that there would be a host at the door who would be able to supervise the smokers.

Mr Anderson said that the Applicant anticipated that 95% of customers would arrive and leave by foot, heading to one of the nearby underground stations. Taxis were less effective in this location because it was busy with other traffic. Mr Anderson commented that it was unlikely that given Sticks 'N' Sushi was a relatively large restaurant there would be significant queuing. He added that it was the desire of the Applicant to be a good neighbour to the residents and minimise any potential nuisance.

In response to questions from the Sub-Committee, Mr Anderson advised that the Applicant would accept a condition that customers use Bridle Lane to smoke. However, the condition would impose an obligation on the Applicant so that if a customer did wander round to Beak Street and smoke, the Applicant would be in breach of the condition. He requested that the Applicant was able to encourage smokers to use Bridle Lane. Mr Karlsson stated that the Applicant was content for a condition to be attached to the premises licence, in the event that the Sub-Committee was minded to grant the application, that there would be no queuing outside the Premises. It was stated that customers were given the opportunity to wait inside the Premises if they had not previously booked a table.

Mr Karlsson confirmed that any staff would be required to smoke in Bridle Lane. There would be tidying up by the Applicant of the outside area, including in Bridle Lane, of any litter from the Premises or customers of the Premises such as the cigarette butts.

Mr Anderson was asked about off sales and he replied that these would be ancillary to a substantial table meal.

The Sub-Committee heard from Mr Nevitt, on behalf of Environmental Health. He mentioned that the Applicant had offered the Council's model restaurant condition, MC66. The Applicant had also offered other model conditions such as no outside eating or drinking which were not suitable given the narrow street. The proposed hours were in keeping with the Council's Core Hours policy. Mr Nevitt advised that the Applicant's other premises in Westminster are well managed and that the Applicant had followed his pre-application advice in relation to the proposed conditions.

Mr Nevitt, responding to the Applicant's commitment to tidy up the outside area, recommended that the Sub-Committee consider attaching the Council's Model Condition 42 to the premises licence. This condition is that 'during the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the Premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business'. Mr Nevitt clarified that he was maintaining his representation because of the number of residents who had submitted representations and he was keen to be able to respond to any concerns raised at the hearing.

The Sub-Committee was addressed by Mr Brown, representing three local residents. He stated that the concerns of the residents related to a large restaurant at this location. The concerns included the narrow pavement. This contrasted with the pavement at the Applicant's premises in Henrietta Street where the pavement is much wider. It was felt that problems such as smoking and dispersal were therefore unlikely to be such an issue at Henrietta Street as at Beak Street. Mr Brown added that the residents did not have an issue with the operator.

Mr Brown confirmed that the residents were requesting that smokers were directed to Bridle Lane. He appreciated Mr Anderson's point that it would be difficult for the Applicant to have a condition imposed that all patrons of the Premises smoke in Bridle Lane. Mr Brown would not be requesting a designated area for smokers as it was likely to block the pavement. He recommended that the Council's Model Condition 71 was attached to the premises licence that 'the premises licence holder shall ensure that any patrons drinking and/or smoking outside the Premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway'.

Mr Brown also wished to draw attention to deliveries as being of concern to the residents. The residents were content with the proposed conditions setting out when deliveries and collections of waste or recycling materials including bottles were permitted. They asked the Applicant to be mindful of the practical difficulties at this location. Delivery drivers were apt to reverse down Bridle Lane, which created an adverse noise impact.

Mr Brown said that dispersal was one of the most significant issues for the residents he was representing. He appreciated the point made by Mr Anderson that the churn of customers from Sticks 'N' Sushi was likely to be less than a casual dining establishment. He requested an earlier terminal hour for the Premises, potentially 23:30 on Friday and Saturday. He made the point that he understood that the Applicant had proposed the full restaurant model condition. However, it was the view of the residents that the size and the capacity of the restaurant should be taken into account when deciding on the time customers left the Premises in terms of dispersal.

Mr Brown informed the Sub-Committee that the Applicant offering a 'no queuing outside the Premises' condition addressed residents' concerns on this matter.

He made the point that the residents had an overall concern that the application was for a new premises licence in the West End Cumulative Impact Area. It needed to be demonstrated by the Applicant that the application would not add to cumulative impact. One way this could be achieved was as a result of proposed conditions. Another was to reduce the terminal hour.

Mr Brown asked the Applicant whether the windows on both frontages could be opened. Mr Karlsson replied that they would not be opened in order to ensure that noise did not emanate from the Premises, in keeping with the proposed condition. Mr Brown mentioned that there is a model condition requiring doors and windows to be closed at a specified time.

The Sub-Committee heard from the local residents. Mr Seghatchan was concerned that the entrance of the restaurant faces the windows of his home. He believed that there was a likelihood that noise, including ambient music, would be heard as the entrance door opened and closed. He was also of the view that customers talking in Bridle Lane, including when smoking or dispersing, would be audible as the sound bounces off the walls. He requested that the terminal hour for the restaurant was earlier as residents needed their sleep.

Mrs Callingham commented that Beak Street is a hugely resident sensitive area. There are residential blocks in Marsham Street, Upper John Street and Beak Street. A new block was opening close to the restaurant. She made the point that the planning permission for the Premises had been granted five years previously and questioned whether permission would have been granted now. She was concerned that at least 50 restaurants had opened in the area in the last 8 years. There was a very narrow street and pavement at this location and when people talked residents could hear the echo.

Mrs Callingham thanked Mr Karlsson for meeting with the residents. She expressed the view that the restaurant would need very intelligent management, particularly of the outside area. She accepted that it was likely to be a high class, well run restaurant. However, she felt sure that customers would travel via taxis and as it was difficult for vehicles to pass each other horns would be used at all hours of the day. She added there was the potential for 500 people to visit the Premises every day and commented that residents saw the Premises as an imposition in an already overcrowded area.

Mr Anderson was given the opportunity to respond to the points made by Mr Brown and the residents. He advised that the most recent planning application for 40 Beak Street was in 2017 which had been sought in order to amend conditions. The application had included a detailed management plan which took into account deliveries to the Premises. Mr Anderson also informed those present that there would be a lobby with an outer door and inner door to the entrance in order to prevent noise emanating from the Premises. There would be background music played only so he believed any noise emanating from the Premises would be minimal and not cause a nuisance. Mr Anderson confirmed that the Applicant was content to agree Model Condition 71, proposed by Mr Brown on behalf of the residents.

Mr Anderson emphasised the importance of Core Hours to the business and made the point that planning permission had been granted for half an hour beyond Core Hours Sunday to Thursday. The Applicant had been mindful of the Council's policy in seeking Core Hours for the restaurant. Mr Anderson added that the Applicant was aware that the review mechanism could be implemented if conditions were not complied with. He referred however to all parties being of the opinion that the Applicant is a good operator. The Applicant was not coming before the Sub-Committee as an unknown quantity.

The Sub-Committee asked the Applicant what would be on the upper floors of the Premises building. Mr Anderson replied that offices would be situated there and not residential flats.

The Sub-Committee in granting the application considered that Policy HRS1 was relevant that 'applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy'. The Sub-Committee also considered that the conditions attached to the premises licence, including the model restaurant condition, ensured that the application would not add to cumulative impact and would promote the licensing objectives.

The Sub-Committee attached the conditions agreed by the Applicant during the hearing which promoted the licensing objectives. These were that there would be no queuing outside the Premises at any time, the area outside the Premises would be kept clean, a telephone number for the Premises management would be made publicly available and those smoking outside would be properly supervised by staff.

The Sub-Committee was satisfied that the Applicant fully appreciated the importance of managing the Premises at this location and had taken into account the concerns of residents which had very clearly been set out both prior to and during the hearing. The Sub-Committee also noted that the Applicant had a good track record in managing the other two premises in Victoria and Covent Garden. The continuing dialogue between the Applicant and residents was welcomed. In the event, however, that the restaurant at 40 Beak Street was not managed well and conditions on the premises licence were not complied with there was the potential for the premises licence to be reviewed by the Sub-Committee on application by residents or the Responsible Authorities.

The Sub-Committee considered the conditions imposed on the Premises Licence to be appropriate and proportionate to promote the licensing objectives.

**2. Sale by retail of alcohol (On and Off)**

Monday to Thursday:	10:00 to 23:30
Friday and Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30

Amendments to application advised at hearing:

	None.
	Decision (including reasons if different from those set out in report):  Granted, subject to conditions as set out below (see reasons for decision in Section 1).
<b>3.</b>	<b>Hours premises are open to the public</b>
	Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to 00:00 Sunday: 12:00 to 22:30.
	Amendments to application advised at hearing:  None.
	Decision (including reasons if different from those set out in report):  Granted, subject to conditions as set out below (see reasons for decision in Section 1).
<b>4.</b>	<b>Seasonal variations / Non-standard timings:</b>
	<b><u>Late Night Refreshment (Indoors), Sale by retail of alcohol (On and Off) and Hours premises are open to the public</u></b>  Sundays before a Bank Holiday Monday 23:00 – midnight.
	Amendments to application advised at hearing:  None.
	Decision (including reasons if different from those set out in report):  Granted, subject to conditions as set out below (see reasons for decision in Section 1).

## Conditions attached to the Licence

### 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.

### **Additional Conditions**

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. 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. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
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. 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.
15. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
16. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 179 persons.
17. 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.
18. 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.
19. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times

whilst the premises is open.

20. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
21. 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.
22. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.
23. The premises shall only operate as a restaurant
  - (i) in which customers are shown to their table,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - (iv) which do not provide any take away service of food or drink for immediate consumption,
  - (v) which do not provide any take away service of food or drink after 23.00, and,
  - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

24. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
25. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
26. There shall be no queuing outside the premises at any time.
27. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or

accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

28. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
29. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

**2 FLESH & BUNS, 25-33 BERNERS STREET, W1**

**LICENSING SUB-COMMITTEE No. 4**

*Thursday 15 March 2018*

Membership: Councillor Jean Paul Floru (Chairman), Councillor Murad Gassanly and Councillor Louise Hyams

Legal Adviser: Horatio Chance  
 Committee Officer: Jonathan Deacon  
 Presenting Officer: Yolanda Wade

Present: Mr Jack Spiegler (Solicitor, representing the Applicant).

<b>Flesh &amp; Buns, 29-33 Berners Street, W1 17/14890/LIPN ("The Premises")</b>	
<b>1.</b>	<b>Playing of Recorded Music (Indoors)</b>
	Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to 00:00 Sunday: 12:00 to 22:30
	Amendments to application advised at hearing:  This was withdrawn by the Applicant. Mr Spiegler had agreed to withdraw it in communications with the residents of Berners Mansions and they had subsequently withdrawn their representation.
	Decision (including reasons if different from those set out in report):  Mr Spiegler, representing the Applicant, advised at the hearing that in the previous 24 hours the residents who had previously objected to the application,

	<p>including those living in Berners Mansions and the Fitzrovia Neighbourhood Association, had withdrawn their representations. The application had been amended by the Applicant in communications with residents, as recorded music and non-standard timings had been withdrawn.</p> <p>The Sub-Committee considered that the application, including the proposed conditions, were appropriate and proportionate to promote the licensing objectives. The application was granted by the Sub-Committee, subject to conditions.</p>
<b>2.</b>	<b>Late Night Refreshment (Indoors)</b>
	<p>Monday to Thursday:                    23:00 to 23:30  Friday and Saturday:                    23:00 to 00:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below.</p>
<b>3.</b>	<b>Sale by retail of alcohol (On and Off)</b>
	<p>Monday to Thursday:                    10:00 to 23:30  Friday and Saturday:                    10:00 to 00:00  Sunday:                                        12:00 to 22:30.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below.</p>
<b>4.</b>	<b>Hours premises are open to the public</b>
	<p>Monday to Thursday:                    10:00 to 00:00  Friday and Saturday:                    10:00 to 00:00  Sunday:                                        12:00 to 22:30.</p>
	<p>Amendments to application advised at hearing:</p>

	<p>The proposed opening hours were amended by the Applicant for Monday to Thursday from 10:00 to 23:30.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below.</p>
<p><b>5.</b></p>	<p><b>Seasonal variations / Non-standard timings</b></p>
	<p><b><u>Playing of Recorded Music (Indoors), Late Night Refreshment (Indoors), Sale by retail of alcohol (On and Off) and Hours premises are open to the public</u></b></p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p><b><u>Playing of Recorded Music (Indoors), Late Night Refreshment (Indoors) and Sale by retail of alcohol (On and Off)</u></b></p> <p>Midnight on Sundays immediately before Bank Holiday Mondays.</p> <p><b><u>Hours premises are open to the public</u></b></p> <p>00:30 on Sundays immediately before Bank Holiday Mondays.</p>
	<p>Amendments to application advised at hearing:</p> <p>All aspects of the seasonal variations / Non-standard timings were withdrawn by the Applicant.</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 by the Applicant.</p>

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

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.

### **Additional Conditions**

9. The premises shall only operate as a restaurant

- (i) in which customers are shown to their table,
- (ii) where the supply of alcohol is by waiter or waitress service only,
- (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
- (iv) which do not provide any take away service of food or drink for immediate consumption,
- (v) which do not provide any take away service of food or drink after 23.00, and
- (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

10. Notwithstanding condition 9, alcohol may be supplied and consumed prior to their meal in the bar area hatched on the plan, by up to a maximum at any one time, of 25 persons dining at the premises.
11. 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.
12. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
13. 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.
14. 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.
15. 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.
16. A Challenge 21 proof of age scheme shall be operated at the premises where

the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

17. 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.
18. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
19. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
21. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises and that this area shall be swept and or washed and litter and sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
22. 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.
23. Except for deliveries of dairy, bakery products, fruit and vegetables, no deliveries to the premises shall take place between (23.00) and (08.00) on the following day.
24. 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.
25. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
26. 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.

27. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
28. The number of persons permitted within the premises at any one time (excluding staff) shall not exceed [to be agreed with the Environmental Health Consultation Team and District Surveyor].
29. The Licence will have no effect until the works shown on the plans appended to the application (or subsequently substituted plans) have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
30. Before the premises open to the public, the plans as deposited (or subsequently substituted plans) 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.
31. Food delivery drivers shall be directed to access the premises at the rear in Berners Mews and not on Berners Street. Food delivery drivers shall be directed not to leave engines running unnecessarily and not to disturb local residents.
32. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 8 persons at any one time.
33. 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. The notices shall direct customers to the designated smoking area.
34. The premises licence holder shall designate a smoking area away from Berners Mansions, situated South of the premises entrance on Berners Street.
35. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
36. There shall be no DJ's employed at the premises.
37. 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.
38. All deliveries and waste collections shall take place at the rear in Berners Mews and not on Berners Street.
39. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by staff so as to ensure

that there is no public nuisance or obstruction to the public highway. Any queue shall be formed away from Berners Mansions, to the South of the premises entrance on Berners Street.

40. The licence holder shall organise and publicise a meeting with residents of Berners Mansions 6 weeks after the premises opens to members of the public. Thereafter the licence holder shall organise and publicise quarterly meetings with residents of Berners Mansions. The frequency of these meetings can be amended by agreement between resident representatives and the licence holder.
41. There shall be no external speakers at the premises.

**3 KING'S COLLEGE LONDON- BUSH HOUSE (UNDERCROFT), BUSH HOUSE, 30 ALDWYCH, WC2**

**LICENSING SUB-COMMITTEE No. 4**

*Thursday 15 March 2018*

Membership: Councillor Jean Paul Floru (Chairman), Councillor Murad Gassanly and Councillor Louise Hyams

Legal Adviser: Horatio Chance  
Committee Officer: Jonathan Deacon  
Presenting Officer: Yolanda Wade

**King's College London – Bush House (Undercroft), Bush House, 30 Aldwych, WC2  
17/14655/LIPN**

The application was Granted under Delegated Authority prior to the hearing as all representations objecting to the application had been withdrawn.

**4 THE LANSDOWNE CLUB, 9 FITZMAURICE PLACE, W1**

**LICENSING SUB-COMMITTEE No. 4**

*Thursday 15 March 2018*

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**The Lansdowne Club, 9 Fitzmaurice Place, W1  
18/00645/LIPN**

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