



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (5)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (5)** held on **Monday 11th June, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

**Members Present:** Councillors Murad Gassanly, Peter Freeman and Aicha Less.

#### 1 MEMBERSHIP

1.1 There were no changes to the membership.

#### 2 DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

#### 1 19 NEWMAN STREET, W1T 1PF

### LICENSING SUB-COMMITTEE No. 5

*Thursday 11th June 2018*

Membership: Councillor Murad Gassanly (Chairman), Councillor Peter Freeman and Councillor Aicha Less.

Legal Adviser: Horatio Chance  
Committee Officer: Toby Howes  
Presenting Officer: Samantha Eaton

Relevant Representations: Environmental Health, Metropolitan Police, 1 local amenity society, 10 local residents, 5 local workers, 1 cultural institute and 1 political organisation.

Present: Gareth Hughes (Counsel, representing the Applicant Company), Aly Thobani (Applicant Company), Aristole Tsallious (Applicant Company), PC Bryan Lewis (Metropolitan Police), Dave Nevitt (Environmental Health), Richard Brown (Solicitor, Citizens Advice Bureau, representing Fitzrovia Neighbourhood Association and David Thompson) and David Thompson (local resident).

**Mimi's Bars Limited, 19 Newman Street W1  
18/03431/LIPV**

**1. Exhibition of films, performance of dance and playing of recorded music**

Current

Monday to Wednesday: 07:00 to 00:00  
Thursday to Saturday: 07:00 to 03:00  
Sunday: 07:00 to 00:00

Proposed

Monday to Wednesday: 07:00 to 03:00  
Thursday to Saturday: 07:00 to 06:00  
Sunday: 07:00 to 03:00

Amendments to application advised at hearing:

None.

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

At the beginning of proceedings, the Chairman drew attention to an email that Richard Brown (Solicitor, Citizens Advice Bureau, representing Fitzrovia Neighbourhood Association and David Thompson) had requested to be considered by the Sub-Committee as evidence to representations made by local residents that had been made.

Horatio Chance (Legal Adviser) advised that at the discretion of the Chairman of the Sub-Committee and with the consent of all parties the email could be considered as late evidence under Regulation 18 of the Licensing Act 2003. Accordingly, the Sub-Committee and those present agreed that the email be circulated and additional time was given for it to be read before the proceedings continued.

Gareth Hughes representing the Applicant Company began his submissions by stating that he had been involved in previous planning and licensing applications for the Premises, which had operated as a Greek private members' club since 2014. He stated that condition 19, as set out on page 26 of the report, clarified the Premises' status as a private members club. He asserted that conditions 39 and 43 on page 28 of the report addressed issues relating to public nuisance. Furthermore, he felt that condition 43 was quite unusual in specifically prohibiting queuing outside the Premises, however Newman Street had changed considerably since the time this condition had been added as it had previously been more sensitive to noise as it had been more residential in nature. Mr Hughes referred to a photograph in the plans which showed the large reception area on the ground floor used for queuing. The Sub-Committee noted that the ground floor operated as a boutique spa during the daytime before becoming the reception area for the club in the evening. Mr Hughes advised that there was an annual membership fee of £750, plus a £250 joining fee and membership was obtained through a selection process. Club members came from the Greek ex-

pat community and many of them were born in Greece. The Sub-Committee was advised that the Premises held social events, parties, religious events and was a valuable asset to the Greek community.

Mr Hughes advised that the additional hours had been applied for as customer demand for later hours had been identified during the time the Premises had been operating. He stated that the Greek community tended to dine at later hours and the purpose of the application was not so that customers could drink for a longer period, but to allow the opportunity for them to socialise at later hours. Mr Hughes informed the Sub-Committee that the Premises had operated 25 temporary event notices (TENs) where the Premises was open for later hours without any issues raised by the Responsible Authorities. He added that there had not been a significant increase in alcohol sales during the TENs. The Premises had a dispersal policy in place for customers leaving the Premises and acoustic tests had been carried out that demonstrated that there was no noise breakout from the Premises. Mr Hughes stated that when the Premises remained open until 06:00 hours during the TENs, this had helped a more gradual dispersal of customers leaving the Premises. The door staff also spoke Greek and advised customers to leave quietly when exiting the Premises. The Sub-Committee heard that most customers remained in the reception area whilst waiting to be collected and dispersal arrangements worked well. Environmental Health and the Police had visited the Premises prior to the application being submitted and the Police had stated that they had no concerns about the Premises in terms of crime and disorder, whilst the Applicant had agreed a condition with the Police that last entry to the Premises be 03:00 hours Thursday to Friday and 01:00 hours Sunday to Wednesday. Mr Hughes suggested that the Police had felt obliged to submit their representation as a matter of course because of the later hours that had been proposed. Environmental Health had requested an acoustics report and this had duly been provided by the Applicant and Mr Dave Nevitt (Environmental Health) had indicated that he was content with this and there was no issue of noise escape from within the Premises. In addition, Richard Vivian, who had undertaken the acoustics report, had expressed his endorsement of the Premises' dispersal policy.

Mr Hughes concluded his initial submission by stating that the Premises was not located in a cumulative impact area and the application had regard to other policies. It was stated there had been no concerns raised by either the Police or Environmental Health on how the Premises operated and there were detailed rules regarding the membership. The Sub-Committee noted that the Greek community were supportive of the application. Mr Hughes suggested that if the application was granted, the additional condition agreed with Police concerning times of last entry should be added to the licence.

The Sub-Committee then asked questions and enquired whether taxis always pulled up outside the Premises. The Sub-Committee also sought details as to the average time customers spent at the club and the size of the club membership.

The Chairman noted that the Outside Management Plan and Dispersal Policy was referred to as being a "draft" and there were some sections missing text and he sought clarification that this was the most up to date policy the Applicant was

complying with in order to promote the licensing objectives. He also sought further information with regard to reference to a dedicated car service.

In reply to queries from the Sub-Committee, Aly Thobani (of the Applicant) stated that taxis always waited outside the Premises and door staff were always present. In respect of customer's length of time at the Premises, Mr Thobani stated they arrived and left at different times, with leaving times from around midnight to the Premises closing at 06:00 hours which ensured a gradual dispersal occurred when the Premises had operated at later hours under the TENs. He advised the Sub-Committee that club membership was over 1,000 and the Premises capacity was 215. Members were required to book their attendance in advance of the night they wished to visit. The Sub-Committee noted the plans in the basement which illustrated the extent of the seating. Mr Thobani advised that the club used to operate a dedicated taxi service, however this had not worked particularly well and so was shelved whilst dispersal arrangements were tweaked. Uber taxis were now used as these would arrive only when customers needed them and this was preferable to the club's own vehicles waiting outside to be used. Mr Thobani confirmed that the policy was being adhered to, apart from paragraph 6.13 referring to car service vehicles that no longer existed.

PC Bryan Lewis (Metropolitan Police) then addressed the Sub-Committee and stated that although he had no particular concerns about the Premises in respect of crime and disorder, he was maintaining his representation on the grounds of the late hours applied for that were well beyond core hours.

Dave Nevitt (Environmental Health) then addressed the Sub-Committee and advised that he had been involved with previous planning and licensing applications concerning the premises. A number of measures were in place to address concerns in respect of the licensing objectives (prevention of crime and disorder, prevention of public nuisance, public safety, and protection of children from harm). The club was located in the basement area of the Premises and there were no concerns about noise breakout from inside. Mr Nevitt stated that queuing was not problematic because of the large reception area on the ground floor for customers to wait before they gained entry to the club in the basement. Customers also remained in the reception area whilst waiting for taxis when leaving the Premises. Mr Nevitt advised that he was not aware of any specific complaints about the Premises in relation to the TENs that it had held. There had been some complaints received about other premises in the area, including a hotel. A complaint had also been received regarding Uber taxis in the area. Mr Nevitt stated that his only concern was the dispersal of customers at very late hours and whether this would add to the disturbance that some residents already experienced.

Mr Nevitt pondered whether the Applicant intended to operate until late hours on all days of the week or whether their intention was to mainly stay open later on Fridays and Saturdays and also whether the Applicant would give consideration to reducing capacity as these factors would have a bearing on the impact upon the potential for public nuisance. In respect of enhanced arrangements to minimise impact on local residents, Mr Nevitt asked whether the Applicant would consider operating a dedicated car service during later

hours. In reply to a query from the Chairman, Mr Neville stated that overall he was satisfied with the Outside Management Plan and Dispersal Policy although these documents required updating, .

Richard Brown (Solicitor, Citizens Advice Bureau, representing Fitzrovia Neighbourhood Association and David Thompson) then addressed the Sub-Committee and advised that Fitzrovia Neighbourhood Association's main concern was the inevitable increase in noise that would be generated if the Premises was permitted to operate at the later hours proposed. The present hours on the licence were already generous and if the application was granted, the Premises would be operating at much later hours than other establishments in the area and there would be an increase public nuisance. Mr Brown stated that there were already issues arising from dispersal at the Premises and this was highlighted in David Thompson's (local resident) representation and the email providing evidence to representations from local residents that was circulated at the beginning of the hearing. Mr Brown asserted that noise and disturbance had increased since the Premises had opened and this had disturbed residents such as Mr Thompson. Mr Brown added that the Applicant had erroneously stated that Mr Thompson had also objected to their earlier licencing application when in fact he had not. Furthermore, Mr Thompson had exchanged phone numbers with the Applicant and there had been an agreement that he contact them rather than the Police or Environmental Health if he was disturbed by noise from the Premises. Mr Thompson had contacted the Applicant with regard to management of customers outside the Premises and although this did lead to improvements, there was still inevitable noise when customers left the Premises. The Applicant's assertion that a hotel was the source of noise did have an element of truth, but the club was also the cause of this and in any case the hotel did not open until September 2017.

With regard to the letters of support for the application, Mr Brown asserted that only one lived in close proximity to the Premises and they would not be so disturbed by noise as they were awake and working at later hours. Mr Brown stated that the Premises was located near a cumulative impact area and regard should be given to paragraph 2.2.12 of the City Council's Statement of Licensing Policy which recognised that "Residents are often subjected to nuisance from the noise of people on their way to and from premises, and loitering in the streets after they have left premises" and this was true even for customers who were not behaving badly. Furthermore, paragraph 2.2.12 recognised that "The degree of nuisance caused by noise increases with the lateness of the hour; especially if it disturbs or prevents sleep." Mr Brown concluded his submission by stating that proposals to operate to 06.00 hours were unusual and excessive and that it was not appropriate to grant the application considering the circumstances.

David Thompson (local resident) then addressed the Sub-Committee and confirmed that he had not objected to the Applicant previous licensing application and he was not living in the area during that time. Mr Thompson had contacted the Premises and exchanged phone numbers because he and his family had been disturbed by noise relating to crowd management outside of the Premises. The Premises had actively responded to his concerns and this had led to the situation improving. However, there continued to be spikes of noises

with customers arriving and leaving the Premises throughout the night which continued to disturb sleep and therefore affected his family. Furthermore, customers leaving the Premises would often be talking loudly or listening to loud music after having consumed alcohol. Mr Thompson stated that the narrowness of the street also meant traffic coming to a halt when taxis stopped to pick up customers and this would lead to the sounding of car horns that would cause further disturbance. He asserted that if the application was granted as proposed, it would effectively prevent any meaningful sleep until after 06:00 hours at weekends. Mr Thompson concluded by stating that the street was mainly of residential and office use and was an inappropriate location for such an application to be approved.

The Sub-Committee then asked whether drinks were available to customers in the reception area of the ground floor when they arrived. Mr Chance sought further details with regard to dispersal and security arrangements and had there been any issues occurring inside the Premises itself.

In reply, Mr Thobani stated that no consumption of alcohol took place in the reception area on the ground floor which was used as a holding area only. Mr Hughes then clarified that no licensable activities were permitted on the ground floor. In respect of dispersal and security arrangements, Mr Thobani informed the Sub-Committee that during the TENs, upon leaving customers would pay their bill and be escorted to an internal door by one door staff member, then to an external door by another door staff member who would enquire if they are ordering a taxi. For those customers leaving the Premises by foot, door staff would remind them to leave quietly. Those waiting for taxis would be asked to wait in the reception room. Mr Thobani stated that there were no issues concerning the behaviour of customers inside the Premises as it was a private members club with members attending regularly and well known to staff and other members alike. Any customers behaving over exuberantly in the past had been contacted by the Premises to remind them of the standards they expect from them as club members.

The Chairman enquired whether the Applicant would consider reducing the extended hours that they had applied for or reduce capacity in view of the fact that the proposals would mean their Premises being able to operate at significantly later hours than other Premises in the area.

In reply, Aristole Tsallious of the Applicant stated that under the current licence, customers were compelled to drink over a shorter period and this impacted on dispersal with more customers leaving over a shorter period and more likely to impact upon noise levels. Mr Tsallious stated that arrangements had worked effectively when the Premises was open until 06:00 under the TENs because of the more spaced out dispersal of customers. It was submitted that fighting was frowned upon in Greek culture and the families who were club members all knew each other. Furthermore, inappropriate behaviour of a club member could lead to their expulsion so members were mindful of this rule. Mr Thobani added that Thursdays, Fridays and Saturdays were more important days to the business of the Premises, although a small reduction in hours could be considered. In respect of Sundays to Wednesdays, consideration could be given to reducing hours perhaps to around 01:00 hours.

The Chairman noted that the Premises had operated three TENs over the last month or so and asked Mr Thompson if he had been affected by any of these. The Chairman also further enquired whether the Applicant would consider amending their proposals to earlier terminal hours.

Mr Thompson replied that he did not keep a diary recording the dates of when he was disturbed, however there had been some nights in the last month when he had been woken by disturbances around 05:00 hours and 06:00 hours.

Mr Hughes advised that the Applicant could consider retaining the current hours for Sunday to Wednesday, however they would wish to pursue the proposed hours for Thursday, Friday and Saturday and that a last entry of 03:00 hours condition could be added to the licence.

PC Lewis stated that such changes would reduce, but not completely alleviate, his concerns.

Mr Nevitt stated that he had no concerns about Sunday to Wednesday hours, however his concerns remained regarding Thursdays, Fridays and Saturdays and he suggested that more could be done in respect of customers leaving the Premises, including transport arrangements for customers. Stationary taxis in the middle of the road was also an issue as it caused traffic to pile up and lead to the tooting of car horns thereby causing nuisance.

Mr Brown stated that he would welcome the retention of hours from Sunday to Wednesday but concerns remained for Thursdays, Fridays and Saturdays. With regard to improved dispersal if the Premises remained open until 06:00 hours, Mr Brown contended that this could only work if all customers remained at the Premises until that time.

In response to the comments from PC Lewis, Mr Nevitt and Mr Brown, Mr Hughes stated that the Applicant Company had operated under a number of TENs that had demonstrated their ability to operate at later hours.

Mr Thobani added that an additional doorman could be placed outside on Thursdays, Fridays and Saturdays. With regard to stationary taxis, he commented that there was not much traffic between 03:00 hours and 06:00 hours and the door supervisors played an active role in ensuring the smooth flow of traffic and this was also an issue the additional doorman could monitor.

After careful consideration of all the matters raised, the Sub-Committee refused the application for variation. In determining the application, the Sub-Committee acknowledged that the Premises was well run, however it was not convinced that the dispersal of patrons at such late hours would not give rise to public nuisance, thereby undermining the public nuisance licensing objective. The Sub-Committee had due regard to paragraph 2.2.12 of the SLP which recognised that disturbances at later hours were more likely to have a greater impact on local residents. The Sub-Committee noted that the Police and Environmental Health had maintained their representations because of the late hours proposed. The Sub-Committee also had regard to its Public Sector Equality Duty under

	Section 149 of the Equality Act 2010 in its determination of the matter.	
<b>2.</b>	<b>Performance of live music</b>	
	<u>Current</u>	<u>Proposed</u>
	Thursday to Saturday: 23:00 to 01:00	Monday to Wednesday: 23:00 to 03:00 Thursday to Saturday: 23:00 to 06:00 Sunday: 23:00 to 03:00
	Amendments to application advised at hearing: None.	
	Decision (including reasons if different from those set out in report): Refused.	
<b>3.</b>	<b>Late night refreshment</b>	
	<u>Current</u>	<u>Proposed</u>
	Monday to Wednesday: 23:00 to 00:00 Thursday to Saturday: 23:00 to 03:00 Sunday: 23:00 to 00:00	Monday to Wednesday: 23:00 to 03:00 Thursday to Saturday: 23:00 to 06:00 Sunday: 23:00 to 03:00
	Amendments to application advised at hearing: None.	
	Decision (including reasons if different from those set out in report): Refused.	
<b>4.</b>	<b>Sale by retail of alcohol: On and off sales</b>	
	<u>Current</u>	<u>Proposed</u>
	Monday to Wednesday: 07:00 to 23:30 Thursday to Saturday: 07:00 to 02:30 Sunday: 07:00 to 23:30	Monday to Wednesday: 07:00 to 02:30 Thursday to Saturday: 07:00 to 05:30 Sunday: 07:00 to 02:30



	Amendments to application advised at hearing: None.								
	Decision (including reasons if different from those set out in report): Refused.								
<b>5.</b>	<b>Hours premises are open to the public</b>								
	<table border="0"> <thead> <tr> <th style="text-align: left;"><u>Current</u></th> <th style="text-align: left;"><u>Proposed</u></th> </tr> </thead> <tbody> <tr> <td>Monday to Wednesday: 07:00 to 00:00</td> <td>Monday to Wednesday: 07:00 to 03:00</td> </tr> <tr> <td>Thursday to Saturday: 07:00 to 03:00</td> <td>Thursday to Saturday: 07:00 to 06:00</td> </tr> <tr> <td>Sunday: 07:00 to 00:00</td> <td>Sunday: 07:00 to 03:00</td> </tr> </tbody> </table>	<u>Current</u>	<u>Proposed</u>	Monday to Wednesday: 07:00 to 00:00	Monday to Wednesday: 07:00 to 03:00	Thursday to Saturday: 07:00 to 03:00	Thursday to Saturday: 07:00 to 06:00	Sunday: 07:00 to 00:00	Sunday: 07:00 to 03:00
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	Amendments to application advised at hearing: None.								
	Decision (including reasons if different from those set out in report): Refused.								
	Amendments to application advised at hearing: None.								
	Decision (including reasons if different from those set out in report): Refused.								

**2 BASEMENT AND GROUND FLOOR, 18 FORMOSA STREET, W9 1EE**

**LICENSING SUB-COMMITTEE No. 5**

*Thursday 11th June 2018*

Membership: Councillor Murad Gassanly (Chairman), Councillor Peter Freeman and Councillor Aicha Less.

Legal Adviser: Horatio Chance  
Committee Officer: Toby Howes  
Presenting Officer: Samantha Eaton

Relevant Representations: Environmental Health, 3 local residents and 1 local amenity society.

Present: Maximilien Parfentieff and Kadir Oketokuni both for the Applicant (“The Applicant”) and Richard Brown (Solicitor, Citizens Advice Bureau, representing Paddington Waterways and Maida Vale Society).

<b>Formasina, Basement and Ground Floor, 18 Formosa Street W9 18/02695/LIPV (“The Premises”)</b>					
<b>1.</b>	<b>Sale by retail of alcohol: On and Off sales</b>				
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Monday to Saturday: 10:00 to 22:30 Sunday: 12:00 to 22:30	Monday to Thursday: 16:00 to 23:00 Friday and Saturday: 12:00 to 23:30 Sunday: 12:00 to 22:30				
	<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>Samantha Eaton (Presenting Officer) confirmed that Environmental Health and the Police had withdrawn their representations following agreement of conditions with the Applicant.</p> <p>Maximilien Parfentieff began by stating that the application to extend the terminal hour for sale of alcohol and opening times was so that customers had a longer period to finish their meals if they arrived at the Premises later in the evening. This was the rationale for submitting the application in the first place. He stated that the hours proposed would be similar to those of other restaurants in the area. Mr Parfentieff added that the hours for the sale of alcohol on Sundays had been amended to an earlier time of 22:30 as he acknowledged that this was a less busy day for the restaurant than other days of the week.</p> <p>Richard Brown (Solicitor, Citizens Advice Bureau, representing Paddington Waterways and Maida Vale Society) stated that the Premises was located in a residential street and residents wanted the Premises to operate to core hours. He acknowledged that the Applicant had amended the proposed hours for the sale of alcohol so that they be within core hours, however he stated that consideration should be given with regard to appropriate conditions for the hours proposed in the application.</p>				

	<p>The Chairman acknowledged the additional conditions that the Applicant had agreed with Environmental Health and the Police. It was considered by the Sub-Committee that these conditions would help promote the licensing objectives.</p> <p>The Sub-Committee granted the application. In determining the application, the Sub-Committee noted that the hours proposed for the sale of alcohol were within core hours and the Premises was not located within a cumulative impact area. The Sub-Committee noted that the Police and Environmental Health had withdrawn their representations after agreeing additional conditions with the Applicant . The Sub-Committee also considered that these additional conditions, along with the existing conditions on the premise licence, would assist the Applicant in upholding the promotion of the licensing objectives (prevention of crime and disorder, prevention of public nuisance, public safety, and protection of children from harm) and accordingly the application was granted.</p>				
<b>2.</b>	<b>Hours premises are open to the public</b>				
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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>Granted, subject to conditions as set out below (see reasons for decision 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 sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**Additional Conditions**

9. The supply of alcohol at the premises shall only be to persons intending to take a table meal there and for consumption by such a person as ancillary to their table meal.

10. The supply of alcohol shall be by waiter or waitress service only.

11. The supply of alcohol for consumption off the premises shall be by way of sealed container only.

12. Substantial food and non-intoxicating beverages shall be available in all parts

of the premises where alcohol is sold or supplied for consumption on the premises.

13. Licensable activities shall be restricted to the ground floor of the premises.
14. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
15. All windows and external doors shall be kept closed after 21:00 hours, except for the immediate access and egress of persons.
16. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
17. 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.
18. Patrons temporarily leaving the premises shall not be permitted to bring drinks outside with them.
19. There shall be no tables and chairs placed outside the premises.
20. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
21. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
22. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
23. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.
24. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
25. A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.
26. Not selling of alcohol to drunk or intoxicated customers.
27. Customers will not be sought by means of personal solicitation outside or in the vicinity of the premises.

28. Prevention and vigilance in illegal drug use at the retail unit area.
29. Staff will be well trained in asking customers to use premises in an orderly and respectful manner and prevent drinking alcohol at the retail unit.
30. Internal and external lighting fixed to promote the public safety objective.
31. Well trained staff adherence to environmental health requirements.
32. Training and implementation of underage ID checks.
33. All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.
34. Noise reduction measures to address the public nuisance objective.
35. Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.
36. Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.
37. The Licensee will ensure that staff who arrive early morning or depart late at night (except for unpacking, pricing newly delivered goods) when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.
38. Customers will be asked not to stand around loudly talking in the street outside the premises.
39. "Challenge 25" sign which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol.
40. Well trained staff about requirement for persons' identification, age establishment etc.
41. 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.



42. 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.
43. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
44. 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) any faults in the CCTV system
  - (f) any refusal of the sale of alcohol
  - (g) any visit by a relevant authority or emergency service.

The Meeting ended at 12.06 pm

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

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