



City of Westminster

# Committee Agenda

Title: **Licensing Sub-Committee (5)**

Meeting Date: **Monday 11th June, 2018**

Time: **10.00 am**

Venue: **Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR**

Members: **Councillors:**

Murad Gassanly  
Peter Freeman  
Aicha Less



**Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda.**

**Admission to the public gallery is via a visitor's pass which is available from the main ground floor reception at 5 Strand from 9.30am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.**



**An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Kisi Smith-Charlemagne, Senior Committee and Governance Officer.**

**Email: [kscharlemagne@westminster.gov.uk](mailto:kscharlemagne@westminster.gov.uk) Tel: 020 7641 2783**

**Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

## AGENDA

### PART 1 (IN PUBLIC)

#### 1. MEMBERSHIP

To report any changes to the membership.

#### 2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of any personal or prejudicial interests in matters on this agenda.

#### Licensing Applications for Determination

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

(Pages 1 - 42)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	West End Ward / not in cumulative impact area	Mimi's Bars Limited 19 Newman Street London W1T 1PF	Variation of a Premises Licence	18/03431/LIPV

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

(Pages 43 - 62)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	Little Venice Ward / not in	Formasina Basement And Ground	Variation of a Premises Licence	18/02695/LIPV

	cumulative impact area	Floor 18 Formosa Street London W9 1EE		
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**Stuart Love**  
**Chief Executive**  
**5 June 2018**

In considering applications for premises licences under the Licensing Act 2016, the sub-committee is advised of the following:

### **POLICY CONSIDERATIONS**

The City of Westminster statement of licensing policy applies to all applications where relevant representations have been made. The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy and the guidance issued by the Secretary of state under Section 182 of the Licensing Act 2016.

### **GUIDANCE CONSIDERATIONS**

The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2016.

### **CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES** (As set out in the Council's Statement of Licensing Policy 2011)

- For premises for the supply of alcohol for consumption on the premises:

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

Monday to Thursday: 10:00 to 23:30.

- For premises for the supply of alcohol for consumption off the premises:

Monday to Saturday: 08:00 to 23:00

Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight

Sundays immediately prior to Bank Holidays: 09.00 to midnight

Other Sundays: 09.00 to 22.30

Monday to Thursday: 09.00 to 23.30.



City of Westminster

# Licensing Sub-Committee Report

Agenda Item 1

Item No:	
Date:	11 June 2018
Licensing Ref No:	18/03431/LIPV - Premises Licence Variation
Title of Report:	Mimi's Bars Limited 19 Newman Street London W1T 1PF
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Sam Eaton Senior Licensing Officer
Contact details	Telephone: 020 7641 2700 Email: <a href="mailto:seaton@westminster.gov.uk">seaton@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	29 March 2018		
<b>Applicant:</b>	Mimi's Bars Ltd		
<b>Premises:</b>	Mimi's Bars Limited		
<b>Premises address:</b>	19 Newman Street London W1T 1PF	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	None.
<b>Premises description:</b>	The premises operate as a members club and restaurant.		
<b>Variation description:</b>	<p>The variation application is to increase the hours of operation and times during which licensable activities may be carried out.</p> <p>The proposal is to extend the terminal hour for Regulated Entertainment and Late Night Refreshment to 0300 hours on the days following Sunday to Wednesday and to 0600hours on the days following Thursday to Saturday.</p> <p>In respect of Sale by Retail of Alcohol to extend the terminal hour from 2330 to 0230 on days following Sunday to Wednesday and from 0230 to 0530 on the days following Thursday to Saturday.</p>		
<b>Premises licence history:</b>	The premises have benefitted from a premises licence since July 2014. A full history can be found at Appendix 2.		
<b>Applicant submissions:</b>	None.		

<b>1-B Current and proposed licensable activities, areas and hours</b>						
<b>Regulated Entertainment</b>						
<b>Exhibition of films, Performance of Dance and Playing of Recorded Music</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	07:00	00:00	07:00	03:00	Basement and First Floor	No change
<b>Tuesday</b>	07:00	00:00	07:00	03:00		
<b>Wednesday</b>	07:00	00:00	07:00	03:00		
<b>Thursday</b>	07:00	03:00	07:00	06:00		
<b>Friday</b>	07:00	03:00	07:00	06:00		
<b>Saturday</b>	07:00	03:00	07:00	06:00		
<b>Sunday</b>	07:00	00:00	07:00	03:00		
<b>Seasonal variations:</b>	<b>Current:</b>				<b>Proposed:</b>	
	None				No change	
<b>Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	None				No change	

<b>Performance of live music</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>			23:00	03:00	Basement and First Floor	No change
<b>Tuesday</b>			23:00	03:00		
<b>Wednesday</b>			23:00	03:00		
<b>Thursday</b>	23:00	01:00	23:00	06:00		
<b>Friday</b>	23:00	01:00	23:00	06:00		
<b>Saturday</b>	23:00	01:00	23:00	06:00		
<b>Sunday</b>			23:00	03:00		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	None				No change	
	None				No change	

Late night refreshment						
Indoors, outdoors or both			Current :			Proposed:
			Indoors			No change
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	00:00	23:00	03:00	Basement and First Floor	No change
Tuesday	23:00	00:00	23:00	03:00		
Wednesday	23:00	00:00	23:00	03:00		
Thursday	23:00	03:00	23:00	06:00		
Friday	23:00	03:00	23:00	06:00		
Saturday	23:00	03:00	23:00	06:00		
Sunday	23:00	00:00	23:00	03:00		
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		None			No change	
		None			No change	

Sale by Retail of Alcohol						
On or off sales			Current :			Proposed:
			On the premises			No change
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	07:00	23:30	07:00	02:30	Basement and First Floor	No change
Tuesday	07:00	23:30	07:00	02:30		
Wednesday	07:00	23:30	07:00	02:30		
Thursday	07:00	02:30	07:00	05:30		
Friday	07:00	02:30	07:00	05:30		
Saturday	07:00	02:30	07:00	05:30		
Sunday	07:00	23:30	07:00	02:30		
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		None			No change	
		None			No change	



Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	07:00	00:00	07:00	03:00	Basement and First Floor	No change
<b>Tuesday</b>	07:00	00:00	07:00	03:00		
<b>Wednesday</b>	07:00	00:00	07:00	03:00		
<b>Thursday</b>	07:00	03:00	07:00	06:00		
<b>Friday</b>	07:00	03:00	07:00	06:00		
<b>Saturday</b>	07:00	03:00	07:00	06:00		
<b>Sunday</b>	07:00	00:00	07:00	03:00		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	None				None	
	None				None	

1-C Conditions being varied, added or removed	
Condition	Proposed variation
None	None

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Mr Dave Nevitt
<b>Received:</b>	26 <sup>th</sup> April 2018
<p>I wish to make Representations on the following grounds:</p> <p>Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance.</p>	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Adam Deweltz
<b>Received:</b>	5 <sup>th</sup> April 2018
<p>With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be making a representation against this application.</p> <p>It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.</p> <p>This application will need to be heard before the Licensing Sub Committee due to the late extension of hours sought for licensable activity.</p> <p><b><u>Further correspondence between the Applicant and the Police:</u></b></p> <p>Many thanks for your recent visit to the premises and meeting with my clients.</p> <p>As promised I said I would get back to you on the issue of a no entry condition and as you could probably imagine we would be seeking a later hour than your suggestion. They realise that entry up to 06.00 would be unrealistic in the circumstances but would wish to go with a no entry post 03.00 condition if this assists.</p> <p>They have of course had a number of evenings at the club carried on under the authority of temporary events notices which themselves have run to 06.00. Police and council officers have had no objection to these notices and they have all gone off without incident and no complaints from local residents. Indeed many of the local residents, I am instructed support the club and its activities.</p> <p>The Greek ex pat community in London tend to arrive late and disperse throughout the evening so there are not really issues with many people arriving at once and leaving at the same time which is probably the reason why there are no complaints from locals in this respect. Further the premises also benefits from a very generous reception area which allows members to wait inside before moving downstairs to the club or before leaving. This minimises quite substantially any noise that may occur in Newman Street.</p>	

I know that on previous occasions where they have had a 01.00 entry condition imposed it has ended up in many members all arriving at about the same time in order to get in whereas a later hour would also reduce that any problems with that issue. The experience is that members tend to arrive and leave sporadically throughout the evening as you might expect in a members club such as this.

We would therefore submit that even without an entry condition there will be no issues arising but my client is prepared to offer a compromise on this issue to 03.00 if it provides some comfort to you.

There have been no issues with drunkenness at the premises because, again, members tend to arrive later without really having been drinking anywhere else. The community is quite strict and there is much opprobrium to be attached to any member who loses an important membership because of any anti-social behaviour and I suspect that this is why there have been no such incidents at the club during its years of operation.

#### **Further correspondence between the Police and the Applicant**

Many thanks for the comprehensive response.

I would be happy with a last entry time of 03:00 Thur, Fri and Sat.

Would you agree to a last entry time of 01:00 on Sun, Mon, Tue and Wed seeing as the venue wishes to close at 3am on those days?

#### **Further correspondence between the Applicant and the Police**

My client is happy to accept your proposed condition as set out below.

Does this mean that you are now able to withdraw your rep?

<b>2-B Other Persons</b>	
<b>Name:</b>	Fitzrovia Neighbourhood Association
<b>In support or opposed:</b>	Opposed
<b>Received:</b>	24 <sup>th</sup> April 2018
<p>Our association strongly objects to this extension of hours for licensable activities to 0300 hours on the days following Sunday to Wednesday and to 0600 hours on the day following Thursday to Saturday; and we also object to sale by retail of alcohol to extend the terminal hour from 2330 to 0230 on days following Sunday to Wednesday and from 0230 to 0530 on the days following Thursday to Saturday. This variation would cause unacceptable noise nuisance to residents living in Newman Street, and opposite in Eastcastle Street. This area has a large residential population which would be disturbed by the operation of the premises. The application should be rejected.</p> <p><b>Licensing Service Note: A Request has been received from the Solicitor representing the Fitzrovia Neighbourhood Association to include an out of time representation as evidence in support of the Fitzrovia Neighbourhood Association representation.</b></p>	
<b>In support or opposed:</b>	Opposed
<b>Received:</b>	16 <sup>th</sup> April 2018
<p>The application should be rejected on the grounds of public safety, the prevention of public nuisance and for the prevention of crime and disorder.</p> <p>The area already has issues with public safety, nuisance and crime and the problem will be yet again the noise and public disorder and crime that results from those leaving the premises at such hours all the way to 3am and 6am. This has a detrimental effect on residential neighbours.</p>	
<b>In support of opposed:</b>	Opposed
<b>Received:</b>	18 <sup>th</sup> April 2018
<p>Mimi's already creates a lot of noise when the customers are leaving in the early hours of Saturday and Sunday mornings.</p> <p>Uber's are lined up on the right hand side of Newman Street, and parked cars on the single yellow on the left hand side create problems for cars and a lot of vans trying to pass. Often Uber's stop in the middle of the road to collect customers.</p> <p>There's people always outside the venue. Their security is always outside the venue which is also intimidating when walking home.</p> <p>With Nordic Bar, Mandrake Hotel and Mimi's, this area of Newman Street is now very noisy and congested for residents.</p>	
<b>In support or opposed:</b>	Opposed
<b>Received:</b>	8 <sup>th</sup> April 2018
<p>Since the opening of Mimi's Bar in 2015 the noise level on Newman street has increased significantly, particularly on Friday and Saturday nights when intoxicated patrons loiter outside the establishment until the early hours of the morning, often well past 4 am. When Mimi's has a busy night, sleep has become almost impossible for my family as we live in one of the buildings opposite the bar. Extending the hours at that Mimi's will mean</p>	

reliable sleep is a thing of the past for those of us living on Newman street. I love living here but will be forced to relocate should this application be approved. Please decline the application.

**In support of opposed:** Opposed

**Received:** 26<sup>th</sup> April 2018

I have only just seen notice and wish to primarily object to the ridiculous hours that are proposed for a mixed use residential district.  
These proposals will have a detrimental effect on residents peace and sleep time.  
They will cause an increase in crime and disorder.

**In support of opposed:** Support

**Received:** 19<sup>th</sup> April 2018

As office users above we have not known of a complaint regarding public nuisance or crime since the bar has operated below.

**In support of opposed:** Support

**Received:** 23<sup>rd</sup> April 2018

I am a Resident in Fitzrovia I live a 5 minute walk away from Mimis. I am also a Member of Mimis. Living in Fitzrovia I am frequently experiencing the negative impact licensed premises have on my neighbourhood.

Different licensed premises have their own character and business model and this I believe is the reason why some premises have a real negative impact in our neighbourhood and others like Mimis have none at all.

Mimis is always quiet outside during operations and you will find that Members of the club maintain respect for the area. Attending the premises and also living in the neighbourhood I cannot ever remember their being any incident of noise or public nuisance from Mimis. As a Member I have experienced many events at Mimis with special time extensions approved by the Council. On these occasions I am not drinking more I am spreading out my drinking over a longer period of time, I do not feel rushed to drink. The Club on these occasions does not experience many people leaving all at the same time. With more time people leave in smaller groups at their own pace. If I do not have any early next day commitments I usually will always stay till 6am on these special extension nights and there are not many people left at the end of the night.

The Extension of time would enhance the Members experience without having an impact on residents. The Extension makes it a lot easier for the Mimi's to keep its excellent track record of no complaints.

**In support of opposed:** Support

**Received:** 24<sup>th</sup> April 2018

I Have been working in the offices above Mimi's for 5 years.  
Since Mimi's has traded as a Greek Private Members Club, I have never witnessed or heard about any incident of Public Nuisance, Noise Nuisance or Crime and Disorder.

**In support of opposed:** Support

<b>Received:</b>	25 <sup>th</sup> April 2018
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I have been a resident in the heart of Fitzrovia for over 3 years. I know Newman Street well as its the road I walk through to get to work and come back from work.

I am often meeting friends in the Soho area for dinner or drinks and Newman Street will be the shortest route for me to walk towards Soho, Oxford Street direction. All my important transport links I choose to take from buses or tubes are all located within Oxford Street.

When I am walking late at night from Oxford Street back home I walk through Newman Street. I have been walking through for some years and I have become familiar with the door staff outside Mimi's. They are always polite and courteous. I have not experienced any public nuisance or crime and disorder from Mimi's. Every time I walk past at night, Mimi's is very quiet from the outside and having door staff who are polite and respectful to residents during the night time gives me a sense of security and protection.

Extending the hours for Mimi's will only extend the sense of security and protection in Fitzrovia neighbourhood. I have never seen any police in Fitzrovia late night while walking home so to see familiar and friendly door men consistently all the time whenever I walk past late at night is very important for me and I am sure other residents can feel this sense of security.

<b>In support of opposed:</b>	Support
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<b>Received:</b>	24 <sup>th</sup> April 2018
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I work in the offices above the application for many years. Mimi's is located in the basement of the building. I can work quite late and have left the Spa at 10pm or close to midnight on some occasions. Since the applicants operation started in 2014 i have not had any complaint. I have never experienced any noise from the club neither have i witnessed any public nuisance or crime and disorder to date. I have neither heard of any complaints from direct neighbours in the area.

<b>In support of opposed:</b>	Support
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<b>Received:</b>	24 <sup>th</sup> April 2018
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The establishment of the Hellenic Institute of Cultural Diplomacy was dictated by the need to rethink Greece's position in the world, not in terms of reproduction but of creation and to build bridges of cultural dialogue. The Institute aims to shift perceptions of Greece, abroad. How? By fostering a move away from the reproduction of our heritage, towards the creation of modern Greek Culture.

The Hellenic Institute of Cultural Diplomacy regularly attends and hosts events at Mimi's. The institute features talks, meetings, social gatherings, we experience Greek artists and performers, and we as members are able to listen to Greek music by the new and established artists from Greece.

Mimi's is the only Greek private members club for professionals in London. Mimi's provides a social base for the Greek Community to stay in touch and to have a place where we can enjoy all aspects of our culture through performance, Music, Art & Special Events.

We as a Greek community in London have a culture for eating late and socialising late. We would wish that the Licence of our club truly reflects our social needs. The Greek Community takes pride of being a member of Mimi's. All members are fully aware that membership can be

cancelled if there are any instances of public nuisance or any disturbance when arriving or leaving Mimi's.

The Hellenic Institute urges Westminster Council to grant the extension of hours. Mimi's has proven that it can operate on many occasions till 6am without complaint.

**In support of opposed:** Support

**Received:** 24<sup>th</sup> April 2018

Thank you for your notification letter received. York house is located on the Corner of Newman Steet and Eastcastle Street. From my flat I am able to look out my window to Newman Street and Eastcastle Street.

I can experience from my flat a lot of disturbance from cars, ambulances, dustbin trucks, police sirens and during the night time there can be incidents of noise disturbance from drunk people walking from Soho and Oxford Street. In York House we do not have double glazing so even with my windows shut noise can get through.

I have been living in my apartment for 4 years. A yea ago I decided to become a member of Mimi's Club. I lived very close and I never experienced any noise or public disorder from the premises.

In my opinion the main reason Mimi's does not have any noise and public disorder issues is that everyone knows everybody, it is not open to the public. I would say that it has a very social family atmosphere which self regulates. So for example if one of the group has one too many drinks we will all make sure that they do not drink another. Or if we see a conversation that is becoming a little too heated we can foster a hug and friendship.

I remember when I first applied for membership and I met the management. They called me for an informal meeting at the office. Apart fro wanting to know about me, I was also told the main theme of the membership riles: that I should have respect for the residents in the area. To arrive and leave quietly. This was very heart warming to hear living pretty much directly opposite.

I have attended events with longer extensions till 6am at Mimi's. These extensions have worked very well for us Greeks as a community, as we do not drink more however drink over a longer period of time without a rush. Also people will leave of their own time rather than leave all together at the same time. We also traditionally socialise till a lot later than 3am.

I generally would oppose any type of late night extension where I live however I have first hand knowledge living next to the premises and also attending the premises at least once a month. I would be very surprised if the Council did have any complaints of noise or public nuisance from Mimi's.

I hope this letter informs the Council in making the correct decision to grant the time extension to Mimi's.

**In support of opposed:** Support

**Received:** 24<sup>th</sup> April 2018

I am located in the offices above the applicant. I have been working in thee offices for 7 years. I have never experienced any disturbance of noise or nuisance from Mimi's. The extension of time would in no way harm or add to any kind of nuisance or noise in the area from Mimi's.

<b>In support of opposed:</b>	Support
<b>Received:</b>	24 <sup>th</sup> April 2018

I am a resident in Fitzrovia so I know how horrible it is to be woken up at night from people shouting after a night out. I know in the past many residents and resident s associations gather to object against any kind of extension proposed to premises licence applications. It makes general sense to protect against where the public nuisance, noise, crime and disorder usually starts. However this default approach does not account for premises who are not to blame for any of these issues or are very well managed licences that are very different from the rest like Mimi's in Newman Street.

I am a member of Mimi's. So I do have first hand knowledge of operations and the type of clients attending the premises and also the events that take place Mimi's is an establishment that is very unique not just in Fitzrovia, but in London as a whole.

We as members of the club are there to socialise and enjoy Greek music in a happy atmosphere all sharing the same culture, a lot of us grew up in the same towns or cities in Greece. A lot of us went to school together and have strong family connections. Its not the place where mobile phones go missing (my last experience when I went out for drinks in Soho) unless my cousins best friend from primary school accidently picked it up. The Greeks love to argue and sometimes debates can get heated but that will be between family friends and ends in a hug instead of crime and disorder. Mimi's is the only club that brings in beloved Greek performers to perform for us, so the prestige and honour it is to be a member here is very important to everyone in the community. So keeping quiet when arriving and leaving as per members rules is very easy and does not turn into noise nuisance. We have a very strong community feeling at Mimi's. The door men themselves are usually not the ones who seem to be controlling the members its actually the members themselves. So for example if one of our friends has one too many drinks we will warn them to stop drinking, or if they are talking too loud we will tell them ourselves to keep their voices down or wait inside for a taxi.

I hope the Council can grant Mimi's and its members a chance to further prove that we can have a late night premises which does not cause any nuisance or disturbance to neighbours. We are able to enjoy socialising at Mimi's till a lot later without any harm to the area.

<b>In support of opposed:</b>	Support
<b>Received:</b>	24 <sup>th</sup> April 2018

My flat is directly opposite Mimi's. I believe I am the closest resident to Mimi's. My main window looks into Mimi's directly. My flat is located on the second floor close to the street, which enables me to observe and hear all goings on in Newman Street. My flat does not have double glazing so I am very sensitive to all types of noise.

Living in Newman Street, is very noisy affair night and day. There is always traffic, ambulances, buses are constantly being re routed due to road closures, dustbin trucks frequent the street early morning and night, horns are very loud from cars and the street is becoming busier with pedestrians. Newman Street has become a parking spot location after 6:30pm as I see many people park up and return from Oxford Street/Soho area and Charlotte Street shouting and screaming drunk through Newman Street. There are other licensed premises on Newman Street who frankly do a horrible job with maintaining peace and quiet on Newman Street (and I have informed the Council whenever I have felt its become intolerable).

I observe all of the above from my window. I use my computer frequently and I sit by my window many times past midnight and some weekends till 2-3am. Mimi's is always very quiet. Not a squeak. I will always be alerted to some noise or disturbance in the street and it will not



be associated with Mimi's.

I have observed their clients entering and leaving after midnight and until the early hours of the morning. Their patrons always enter and leave the premises quietly. I have observed their door staff and their management take a very pro active approach. Many times I see them communicating with people outside my window to keep quiet who are completely un-associated with their premises. I have observed first hand that they care about the residents in the area and take concern for public nuisance and anti social behaviour in Newman Street.

Mimi's has demonstrated that they can operate a late night establishment with no public nuisance or any anti-social behaviour. I feel compelled to support this application as there are always objections for extension of hours due to increase of public nuisance ad anti-social behaviour. Which I have to say in most cases is a fact. However, I have witnessed first hand tat Mimi's is the exception as it has clearly demonstrated that they can operate a late night establishment without harming the amenity of the area. Mimi's enhances Newman Street by helping security and safety and showing a professional presence which is invaluable to me as a resident. I am not a member nor have I ever been in the Private Members Club but living directly opposite the club I would say I like the prestigious feel it has and I feel it is an asset to Newman Street.

<b>In support of opposed:</b>	Support
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<b>Received:</b>	24 <sup>th</sup> April 2018
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I support Mimi's Licensing Variation application, 18/03431/LIPV.

I am a resident (just 5 minutes walk away) from Mimi's and I have been a member of the club for just over 2 years.

As a resident for over 3 years I have always liked the vibrancy and excitement of living in central London. I feel living in Fitzrovia gives me the benefit of living in the heart of London but also I benefit from living in a very charming residential neighbourhood which is quiet most of the time.

Residents like myself should not tolerate any kind of anti-social behaviour or noise disturbance. I do not believe the argument that we live in central London so we should deal with it. For me a good night sleep is very important and I have in the past been woken up by noise elements on my street.

However, it is sometimes very hard for a resident to understand where noise and disturbance has originated from so I am aware it is just easier for us as a community to resist time extensions.

Mimi's is a Greek Private Members Club. As a Greek professional living in London we all share a sense of community at Mimi's. I guess we are protective over our social venue as its valuable to us so we all have a stake to make sure it exists for the long term.

Extending hours at Mimi's will not result in added noise or disturbance in the area. I as Greek living in London want a social place where we feel at home and have a licence that reflect the need for longer hours for our events and social time. This may seem long to be able to socialise until 6am, however this is the way we socialise as Greeks and how we experience events like birthdays, Name days and religious days.

<b>In support of opposed:</b>	Support
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<b>Received:</b>	24 <sup>th</sup> April 2018
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My name is Ioannis Amoutzas and I work as a finance officer in London. I am part of many Hellenic Networking Organisations and I am currently serving as a president of ONNED UK, the youth Organisation of the Greek Conservative Party in the United Kingdom.

In my role at the Greek Political Organisation, I visit regularly and also host and attend events at Mimi's Private Members Club. This is an important place as it has the capacity to enhance our community through allowing greater networking opportunities.

Mimi's is the only – to my knowledge – Greek Private Members Club in London and plays a vital role in bringing together the Greek community within London. It also plays an important role for showing Greek Culture, art, music and performance.

As an active member of many societies and as president of one of them, I support the licensing application and I do believe that Mimi's will continue bringing together more people and promote Greek culture.

<b>In support of opposed:</b>	Support
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<b>Received:</b>	24 <sup>th</sup> April 2018
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Camden Beauty Spa head office is located above Mimi's, in the same building. I have been working at the company for over 5 years and I cannot remember ever having any issue regarding noise, public nuisance, crime and disorder from Mimi's Club. I find the door men and personnel to be very friendly when I am leaving. Their clients are very well behaved. The time extension is no cause for concern in the area as they have a very quiet operation.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

<b>Policy HRS1 applies:</b>	(i) 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.  (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
<b>Policy MD1 applies:</b>	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.
<b>Policy PB1 applies:</b>	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

## 4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

## 5. Appendices

<b>Appendix 1</b>	Applicant supporting documents
<b>Appendix 2</b>	Premises history
<b>Appendix 3</b>	Existing premises licence - 16/00451/LIPRW
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Miss Sam Eaton Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 2700 Email: seaton@westminster.gov.uk

**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

**Background Documents – Local Government (Access to Information) Act 1972**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Representation – Objection	24 <sup>th</sup> April 2018
<b>5</b>	Representation – Objection	8 <sup>th</sup> April 2018
<b>6</b>	Representation – Objection	16 <sup>th</sup> April 2018
<b>7</b>	Representation – Objection	18 <sup>th</sup> April 2018
<b>8</b>	Representation – Objection	26 <sup>th</sup> April 2018
<b>9</b>	Representation – Support	19 <sup>th</sup> April 2018
<b>10</b>	Representation – Support	23 <sup>rd</sup> April 2018
<b>11</b>	Representation – Support	24 <sup>th</sup> April 2018
<b>12</b>	Representation – Support	25 <sup>th</sup> April 2018
<b>13</b>	Representation – Support	24 <sup>th</sup> April 2018
<b>14</b>	Representation – Support	24 <sup>th</sup> April 2018
<b>15</b>	Representation – Support	24 <sup>th</sup> April 2018
<b>16</b>	Representation – Support	24 <sup>th</sup> April 2018
<b>17</b>	Representation – Support	24 <sup>th</sup> April 2018
<b>18</b>	Representation – Support	24 <sup>th</sup> April 2018
<b>19</b>	Representation – Support	24 <sup>th</sup> April 2018
<b>20</b>	Representation – Support	24 <sup>th</sup> April 2018
<b>21</b>	Representation – Support	24 <sup>th</sup> April 2018

None.

### Licence & Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
14/03744/LIPN	New Premises Application	Granted Under Licensing Sub-Committee	10.07.2014
14/09916/LIPV	Variation Application	Granted Under Licensing Sub-Committee	22.01.2015
15/04928/LIPVM	Minor Variation Application	Refused Licence	02.07.2015
16/00451/LIPRW	Removal of a works condition	Granted Under Delegated Authority	28.01.2016
<b>Application</b>	<b>Details of Application</b>	<b>Decision</b>	<b>Date Determined</b>
17/03452/LITENP	Temporary Event Notice	Event allowed to proceed	12.04.2017
16/14057/LITENP	Temporary Event Notice	Event allowed to proceed	03.01.2017
16/13043/LITENP	Temporary Event Notice	Event allowed to proceed	20.12.2016
15/07173/LITENP	Temporary Event Notice	Application Withdrawn	10.09.2015

**There is no appeal history**

A copy of the current Premises Licence reference 16/00451/LIPRW is enclosed.



**City of Westminster**  
64 Victoria Street, London, SW1E 6QP

**Premises licence**

Regulation 33, 34

**Premises licence number:**

16/00451/LIPRW

**Original Reference:**

14/03744/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

Mimi's Bars Limited  
19 Newman Street  
London  
W1T 1PF

**Telephone Number:** 0207 339 7010

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Performance of Dance  
Exhibition of a Film  
Performance of Live Music  
Playing of Recorded Music  
Late Night Refreshment  
Sale by Retail of Alcohol

**The times the licence authorises the carrying out of licensable activities:**

**Performance of Dance**

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

**Exhibition of a Film**

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

**Performance of Live Music**

Thursday to Saturday: 23:00 to 01:00

**Playing of Recorded Music**

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

**Late Night Refreshment**

Sunday to Wednesday: 23:00 to 00:00  
Thursday to Saturday: 23:00 to 03:00



**Sale by Retail of Alcohol**

Sunday to Wednesday: 07:00 to 23:30  
Thursday to Saturday: 07:00 to 02:30

**The opening hours of the premises:**

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

**Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:**

Alcohol is supplied for consumption on the Premises.

**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Mimi's Bars Ltd  
Cartwrights Regency House  
33 Wood Street  
Barnet  
EN5 4BE  
*Electronic Mail : [ajc@jgrlaw.co.uk](mailto:ajc@jgrlaw.co.uk)*

**Registered number of holder, for example company number, charity number (where applicable)**

8762373

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:**

**Name:** Amin Thobani

***Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.***

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:**

**Licence Number:** 14/10862/LIPERS  
**Licensing Authority:** City Of Westminster Council

**Date:** 28 January 2016

**This licence has been authorised by Mr Ola Owojori on behalf of the Director - Public Protection and Licensing.**

## Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.
  
- 7. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
  
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
  - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) "permitted price" is the price found by applying the formula -
 
$$P = D + (D \times V)$$
 Where -
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,

- (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.
10. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

**Annex 2 – Conditions consistent with the operating Schedule**

None

### **Annex 3 – Conditions attached after a hearing by the licensing authority**

11. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
12. No noise should emanate from the premises nor vibration be transmitted through the structure of the premises which given rise to a nuisance.
13. A direct number for the manager at the premises should be publically available at all times the premises is open. This telephone number is to be made available to residents and business in the vicinity.
14. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
15. There should be rules of the club for the election of members and copy of such rules any other rules should be kept at the premises and made available for inspection by Council or Police Officers. A copy of such rules, and any updated version of such rules, shall also be sent to the Council's licensing service.
16. A list of the names and address of members of the club should be kept on the premises together with a book showing the names of any guest introduced by members and should be produced on demand for inspection by an officer of the Council or Police.
17. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
18. No unaccompanied customer under 18 years of age shall be permitted on the premises.
19. No intoxicating liquor should be sold or supplied on the premises other than to:
  - a. Members of the club and bona fide guests of such members or accompanied by a member. No member to be permitted more than 3 guests at a time. Guests must be accompanied by a member at all times.
  - b. Persons attending a private or pre-booked function organised by a member of the club and booked at least 24 hours in advance, a register of such events and persons attending to be kept for a period of 1 year and made available for inspection by the responsible authorities on request. Such functions shall be limited to no more than 12 per year.
  - c. Persons admitted to the premises between 12:00 to 3pm for purposes of taking a table meal must pre-book.
  - d. Bonafide guests of the management limited to a maximum number of 15 persons. A list of such guests to be kept at reception for inspection by officers of the Council or the police.

- e. No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.
20. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
  21. A staff member from the premises who is conversant with the operation of the CCTV system should be on the premises at all times when the premises is open under the terms of this licence. This staff member must be able to show police or authorised council officer recent data or footage with the absolute minimum delay when requested.
  22. There should be personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
  23. After 22.00 hours when there are more than 100 persons on the premises (excluding staff) a minimum of two SIA registered door supervisors should be employed and when there are more than 200 people on the premises a minimum of three SIA registered door supervisors shall be employed.
  24. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
    - (a) all crimes reported to the venue
    - (b) all ejections of patrons
    - (c) any complaints received concerning crime and disorder
    - (d) any incidents of disorder
    - (e) all seizures of drugs or offensive weapons
    - (f) any faults in the CCTV system or searching equipment or scanning equipment
    - (g) any refusal of the sale of alcohol
    - (h) any visit by a relevant authority or emergency service.
  25. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
  26. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
  27. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
  28. 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.
  29. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.

30. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
  - dry ice and cryogenic fog
  - smoke machines and fog generators
  - pyrotechnics including fireworks
  - firearms
  - lasers
  - explosives and highly flammable substances.
  - real flame.
  - strobe lighting.
31. 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.
32. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.
33. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
34. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
35. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
36. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
37. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
38. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
39. The premise licence holder shall ensure that any patrons leaving the premises shall do so in an orderly manner and are supervised by staff so as to ensure there is no public nuisance or obstruction of the highway.
40. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be restricted to the designated smoking area (marked on plan...) and limited to 5 persons at any one time.
41. 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.
42. The supply of alcohol at the premises between the hours of 07:00 to 10:00 hours shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
43. Persons seeking entry into the premises shall not be permitted to queue outside the premises.



44. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
45. 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.
46. There shall be no cinema style showing of films.
47. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 215 persons.
48. No licensable activities shall take place on the first floor part of the premises until this area 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.

**Annex 4 – Plans**

Attached



Schedule 12  
Part B

WARD: West End  
UPRN: 100023467507

**City of Westminster**  
64 Victoria Street, London, SW1E 6QP

**Premises licence  
summary**

Regulation 33, 34

**Premises licence number:**

16/00451/LIPRW

**Part 1 – Premises details**

**Postal address of premises:**

Mimi's Bars Limited  
19 Newman Street  
London  
W1T 1PF

**Telephone Number:** 0207 339 7010

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Performance of Dance  
Exhibition of a Film  
Performance of Live Music  
Playing of Recorded Music  
Late Night Refreshment  
Sale by Retail of Alcohol

**The times the licence authorises the carrying out of licensable activities:**

**Performance of Dance**

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

**Exhibition of a Film**

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

**Performance of Live Music**

Thursday to Saturday: 23:00 to 01:00

**Playing of Recorded Music**

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

**Late Night Refreshment**

Sunday to Wednesday: 23:00 to 00:00  
Thursday to Saturday: 23:00 to 03:00

**Sale by Retail of Alcohol**

Sunday to Wednesday: 07:00 to 23:30  
Thursday to Saturday: 07:00 to 02:30

**The opening hours of the premises:**

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

**Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:**

Alcohol is supplied for consumption on the Premises.

**Name and (registered) address of holder of premises licence:**

Mimi's Bars Ltd  
Cartwrights Regency House  
33 Wood Street  
Barnet  
EN5 4BE

**Registered number of holder, for example company number, charity number (where applicable)**

8762373

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:**

Name: Amin Thobani

**State whether access to the premises by children is restricted or prohibited:**

Restricted

Date: 28 January 2016

This licence has been authorised by Mr Ola Owojori on behalf of the Director - Public Protection and Licensing.

*CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING*

When determining an application for a variation of a premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

**Conditions: On Current Licence -**

**Mandatory:**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor.

For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

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

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

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

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

## **Annex 2 – Conditions consistent with the operating Schedule**

None

## **Annex 3 – Conditions attached after a hearing by the licensing authority**

11. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
12. No noise should emanate from the premises nor vibration be transmitted through the structure of the premises which given rise to a nuisance.
13. A direct number for the manager at the premises should be publically available at all times the premises is open. This telephone number is to be made available to residents and business in the vicinity.
14. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
15. There should be rules of the club for the election of members and copy of such rules any other rules should be kept at the premises and made available for inspection by Council or Police Officers. A copy of such rules, and any updated version of such rules, shall also be sent to the Council's licensing service.
16. A list of the names and address of members of the club should be kept on the premises together with a book showing the names of any guest introduced by members and should be produced on demand for inspection by an officer of the Council or Police.
17. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
18. No unaccompanied customer under 18 years of age shall be permitted on the premises.
19. No intoxicating liquor should be sold or supplied on the premises other than to:
  - a. Members of the club and bona fide guests of such members or accompanied by a member. No member to be permitted more than 3 guests at a time. Guests must be accompanied by a member at all times.



- b. Persons attending a private or pre-booked function organised by a member of the club and booked at least 24 hours in advance, a register of such events and persons attending to be kept for a period of 1 year and made available for inspection by the responsible authorities on request. Such functions shall be limited to no more than 12 per year.
  - c. Persons admitted to the premises between 12:00 to 3pm for purposes of taking a table meal must pre-book.
  - d. Bonafide guests of the management limited to a maximum number of 15 persons. A list of such guests to be kept at reception for inspection by officers of the Council or the police.
  - e. No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.
20. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
21. A staff member from the premises who is conversant with the operation of the CCTV system should be on the premises at all times when the premises is open under the terms of this licence. This staff member must be able to show police or authorised council officer recent data or footage with the absolute minimum delay when requested.
22. There should be personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
23. After 22.00 hours when there are more than 100 persons on the premises (excluding staff) a minimum of two SIA registered door supervisors should be employed and when there are more than 200 people on the premises a minimum of three SIA registered door supervisors shall be employed.
24. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
- (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
25. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

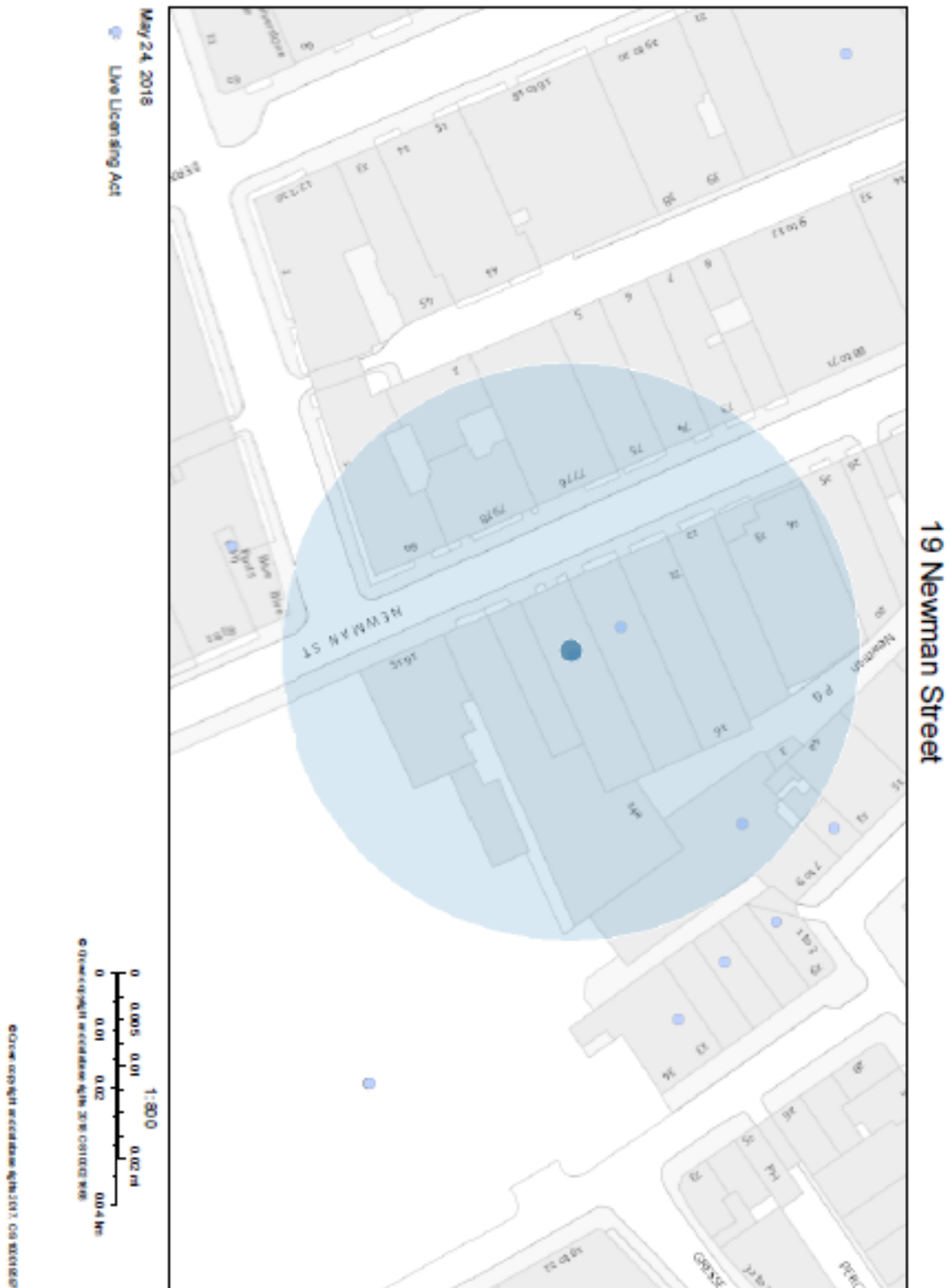
26. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
27. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
28. 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.
29. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
30. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
  - dry ice and cryogenic fog
  - smoke machines and fog generators
  - pyrotechnics including fireworks
  - firearms
  - lasers
  - explosives and highly flammable substances.
  - real flame.
  - strobe lighting.
31. 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.
32. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.
33. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
34. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
35. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
36. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
37. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
38. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.

39. The premise licence holder shall ensure that any patrons leaving the premises shall do so in an orderly manner and are supervised by staff so as to ensure there is no public nuisance or obstruction of the highway.
40. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be restricted to the designated smoking area (marked on plan...) and limited to 5 persons at any one time.
41. 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.
42. The supply of alcohol at the premises between the hours of 07:00 to 10:00 hours shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
43. Persons seeking entry into the premises shall not be permitted to queue outside the premises.
44. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
45. 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.
46. There shall be no cinema style showing of films.
47. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 215 persons.
48. No licensable activities shall take place on the first floor part of the premises until this area 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.

**Condition proposed by the Police and agreed by the Applicant to form part of the Operating Schedule**

49. The venue will have a last entry time of 01:00 hours on Sunday, Monday, Tuesday and Wednesday and a last entry time of 03:00 hours on Thursday, Friday and Saturday.

Residential Map and List of Premises in the Vicinity



Resident Count: 214

<b>Premises within 50 metres of: 19 Newman Street</b>			
<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Licensed Hours</b>
64155	Mimi's Bars Limited	19 Newman Street London W1T 1PF	Thursday to Saturday; 07:00 - 03:00   Sunday to Wednesday; 07:00 - 00:00
12353	Hotel	Development Site At 20- 21 Newman Street London W1T 1PF	Monday to Sunday; 07:00 - 01:30
64067	CHI Club	7 - 9 Rathbone Street London W1T 1LY	Monday to Friday; 18:00 - 23:00

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# Licensing Sub-Committee Report

Item No:	
Date:	11 June 2018
Licensing Ref No:	18/02695/LIPV - Premises Licence Variation
Title of Report:	Formasina Basement And Ground Floor 18 Formosa Street London W9 1EE
Report of:	Director of Public Protection and Licensing
Wards involved:	Little Venice
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mrs Shannon Pring Senior Licensing Officer
Contact details	Telephone: 020 7641 3217 Email: <a href="mailto:spring3@westminster.gov.uk">spring3@westminster.gov.uk</a>

# 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	12 March 2018		
<b>Applicant:</b>	FBT Consulting Ltd		
<b>Premises:</b>	Formasina		
<b>Premises address:</b>	Basement And Ground Floor 18 Formosa Street London W9 1EE	<b>Ward:</b>	Little Venice
		<b>Cumulative Impact Area:</b>	No
<b>Premises description:</b>	The premises currently operates as a cafe/restaurant.		
<b>Variation description:</b>	According to the application, the variation seeks to vary the premises licence to amend the opening time and the hours for retail sale of alcohol to better suit the business needs.		
<b>Premises licence history:</b>	The premises currently benefits from a premises licence. Full details of the premises licence history can be found at Appendix 2 of the report.		
<b>Applicant submissions:</b>	There are no submission from the Applicant.		
<b>Plans</b>	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		
<b>NOTE</b>	The Applicant has amended the application in relation to the terminal hour for the Sale of Alcohol for Sunday.		

1-B Current and proposed licensable activities, areas and hours						
Sale by Retail of Alcohol – Original application						
On or off sales		Current :			Proposed:	
		Both On and Off			No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	10:00	22:30	16:00	23:00	Ground Floor	No change
<b>Tuesday</b>						
<b>Wednesday</b>						
<b>Thursday</b>						
<b>Friday</b>						
<b>Saturday</b>						
<b>Sunday</b>	12:00	22:30	12:00	23:30		



<b>Sale by Retail of Alcohol – Application amended during consultation</b>						
<b>On or off sales</b>			<b>Current :</b>		<b>Proposed:</b>	
			Both On and Off		No change	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	10:00	22:30	16:00	23:00	Ground Floor	No change
<b>Tuesday</b>						
<b>Wednesday</b>						
<b>Thursday</b>						
<b>Friday</b>			12:00	23:30		
<b>Saturday</b>						
<b>Sunday</b>	12:00	22:30	12:00	22:30		

<b>Hours premises are open to the public</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	10:00	22:30	16:00	23:00	Ground Floor	No change
<b>Tuesday</b>						
<b>Wednesday</b>						
<b>Thursday</b>						
<b>Friday</b>			12:00	23:30		
<b>Saturday</b>						
<b>Sunday</b>	12:00	22:30	12:00	23:30		

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Service (Withdrawn)
<b>Representative:</b>	Mr Dave Nevitt
<b>Received:</b>	10 April 2018
<p>I wish to make Representations on the following grounds: Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.</p> <p><b><i>Following the Applicant's proposal of conditions and the Applicant's acceptance of the conditions proposed by the Police, EH have withdrawn their condition.</i></b></p>	
<b>Responsible Authority:</b>	Metropolitan Police Service (withdrawn)
<b>Representative:</b>	PC Toby Janes
<b>Received:</b>	11 April 2018
<p>It is our belief that if granted the application would undermine the licensing objectives in relation to the prevention of crime and disorder as there are insufficient conditions within the operating schedule.</p> <p>We have concerns that this application will cause further policing problems in an already demanding area.</p> <p>Police propose the following conditions are attached to your operating schedule. These conditions will address the concerns of Police in relation to the prevention of crime and disorder.</p> <ol style="list-style-type: none"> <li>1.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.</li> <li>2. 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.</li> <li>3. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification</li> </ol>	

cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

4. 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.

***Correspondence between the Applicant and the Police:***

We would like to confirm to you we are happy to include the below conditions proposed by the police to our operating schedule.

In regards to the CCTV we have the system already operating and covering every angle of entrance and exit of the premise. We will prepare the incident log starting from now and also we will put the challenge 25 in place.

We look forward to hear back from you.

***Following the Applicant's agreement of the proposed conditions, the Police have withdrawn their representation.***

**2-B Other Persons**

<b>Received:</b>	10 April 2018
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9:57 PM on 10 Apr 2018 The proposed extension on Sundays to 23:30 is beyond core hours and so should be refused; instead the standard closing time of 22:30 should be agreed.

Owing to the vicinity of residential dwellings nearby, and the fact that Formasina is located in a narrow street, special consideration should be given to controlling noise after 10pm. Clients of Formasina should not be allowed to smoke or drink nearby after 10pm on any evening. In addition, a condition of the license should be that all external doors (to the front onto Formosa Street, and to the side onto Castellain Road) should remain closed after 10pm.

In the past tables and chairs at this site have been placed around the corner onto Catellain Road. I suggest that a condition of the license is that this is never permitted.

<b>Received:</b>	26 March 2018
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9:20 PM on 26 Mar 2018 I object to the application to serve alcohol on yet another premises to such a late hour.

Formosa Street is a narrow road with dozens of flats above the commercial premises and this is a predominantly residential area.

We already have many businesses serving alcohol into the late evening and it seems to be growing and growing. Now we have the Prince Alfred pub, the Red Pepper restaurant and Boca Cha Cha restaurant and nightspot - all with outside seating as does the Petite Gourmet restaurant. We recently had the Real Ale off license granted permission to serve alcohol on premises until late evenings.

The council must decide if this is a residential area or a nightspot where people view it as a destination to drink alcohol. Local residents are being constantly inconvenienced and kept awake by loud and drunken behaviour from all of these businesses and the trend seems to be to allow more and more businesses to serve alcohol until well past the time children are meant to be sleeping. Flats are literally feet away from these businesses. We would very much appreciate the council balancing the needs of local residents with the desire to have a vibrant business area. We have put up with the granting of many late night alcohol related licensing applications. Please may we ask that you think also about us as people who must live with this night after night. We also deserve to enjoy peace and quiet in the evenings. The more businesses allowed to serve alcohol until past 8pm, the louder and more unpleasant it is for us who do not always wish to hear shouting and singing as we are trying to sleep.

<b>Received:</b>	13 May 2018
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10:07 PM on 13 May 2018 I do not agree with the proposed change in hours. They should not deviate from the core hours. This is a mainly residential area & I would be very concerned about additional noise in a narrow street, with the business in close proximity to many residents. Thank you.

<b>Received:</b>	05 April 2018
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As a recognised amenity society by Westminster City Council, we are officially charged with working towards the preservation and enhancement of the architectural and environmental quality of Little Venice, Maida Vale and the Paddington Waterway area (including planning and licensing issues). We are concerned with the well-being and sense of community of its residents, including those who live in the vicinity of this part of Formosa Street, which is at this point a narrow street, with residential accommodation above first floor level on either side. In this short stretch, there are already one public house, one café, three licensed restaurants (all with table licences outside), a beer shop and a newsagent with an off licence.

We consider that the hours should be kept to Core Hours on Sundays.

We recognise that this proposal is designed to provide services for locals as well as people who are not residents in this area. We consider it important to attracting people to the stretch of street which we would like to see "kept alive" but would ask that you take neighbours' views on prolonged noise into account. We should be interested to see what the views of local residents are to the longer hours, and we may wish to make some further comments on this in due course if there is concern.

Should there be a hearing, I hope to attend but if unable, will ask Richard Brown to represent us.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

<b>Policy HRS1 applies</b>	(i) 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. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
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### 4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

## 4. Appendices

<b>Appendix 1</b>	Applicant supporting documents
<b>Appendix 2</b>	Premises history
<b>Appendix 3</b>	Proposed conditions
<b>Appendix 4</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Mrs Shannon Pring Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 3217 Email: spring3@westminster.gov.uk

**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

### **Background Documents – Local Government (Access to Information) Act 1972**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Environmental Health Service (Withdrawn)	10 April 2018
<b>5</b>	Metropolitan Police Service (Withdrawn)	11 April 2018
<b>6</b>	Representation	10 April 2018
<b>7</b>	Representation	26 March 2018
<b>8</b>	Representation	13 May 2018
<b>9</b>	Representation	05 April 2018

There are no additional submissions from the Applicant.

### Licence & Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
10/10775/LIPN	Application for a new premises licence	17/02/2011	Granted by Licensing Sub-Committee
13/00489/LIPVM	Application for a minor variation	12/02/2013	Refused under delegated authority
14/03005/LIPT	Application to transfer the premises licence	15/07/2014	Granted under delegated authority
15/04062/LIPDPS	Application to vary the designated premises	18/11/2015	Granted under delegated authority
17/06827/LIPVM	Application for a minor variation	12/07/2017	Refused under delegated authority
18/00023/LIPT	Application to transfer the premises licence	02/03/2018	Granted under delegated authority
18/02695/LIPV	Current application		

**There is no appeal history**



*CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING*

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

**Conditions: On Current Licence -**

**Mandatory:**

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.

### **Annex 2 – Conditions consistent with the operating Schedule**

None

### **Annex 3 – Conditions attached after a hearing by the licensing authority**

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.

**Conditions proposed by the Applicant to form part of the operating schedule**

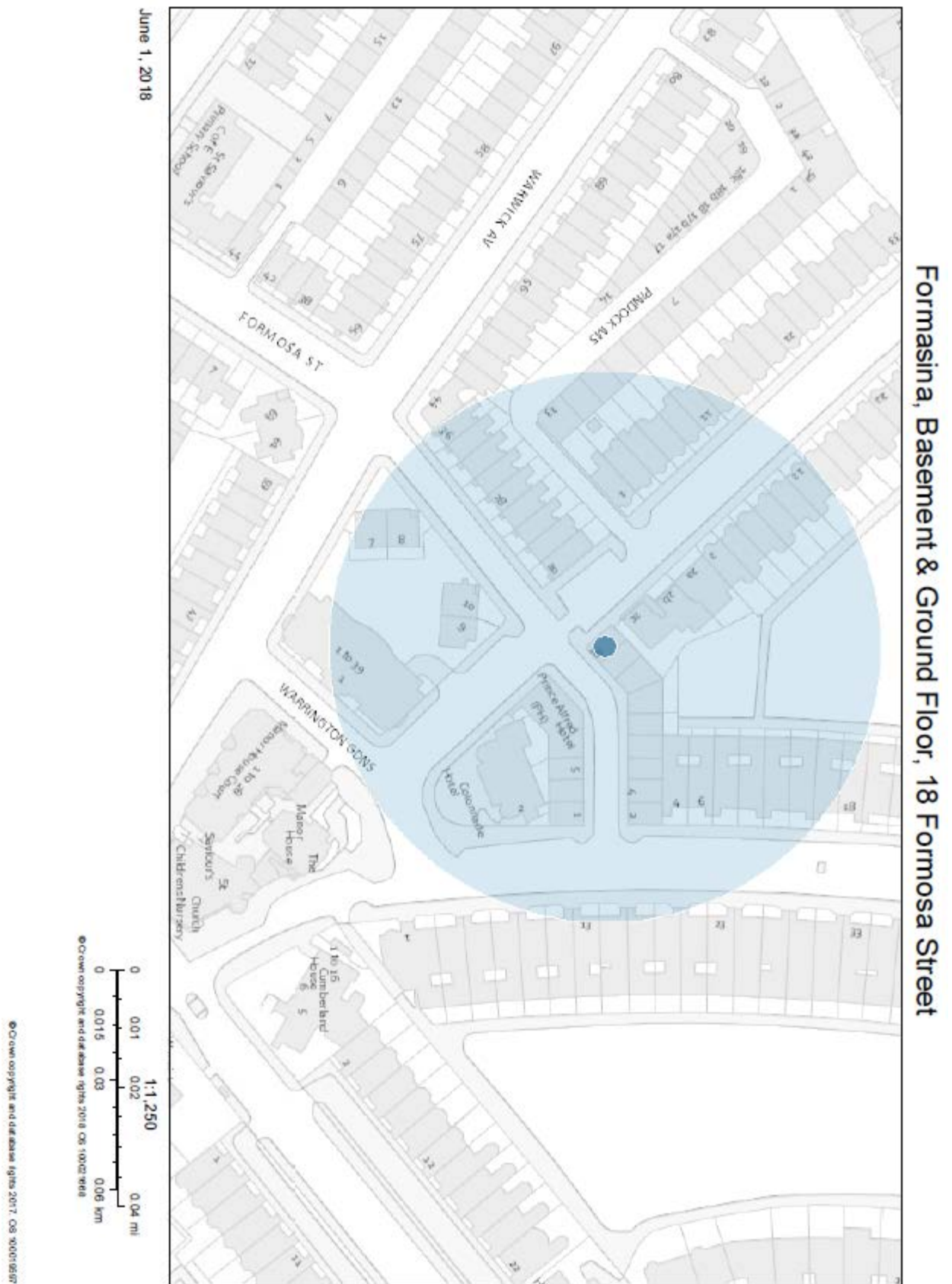
25. A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.
26. Not selling of alcohol to drunk or intoxicated customers.
27. Customers will not be sought by means of personal solicitation outside 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 (ex. 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.

**Conditions proposed by the Police and accepted by the Applicant to form part of the operating schedule**

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.



Resident Count: 263



Licence Number	Trading Name	Address	Premises Type	Time Period
18/00023/LIPT	Formasina	Basement And Ground Floor 18 Formosa Street London W9 1EE	Restaurant	Monday to Saturday; 10:00 - 22:30   Sunday; 12:00 - 22:30
09/08178/LIPN	Amoul Deli	Basement And Ground Floor 14 Formosa Street London W9 1EE	Restaurant	Monday to Sunday; 08:30 - 23:00
09/02209/LIPRW	Dhigs	Formosa Street Post Office 12 Formosa Street London W9 1EE	Shop	Monday to Sunday; 06:00 - 21:00
18/01814/LIPDPS	Prince Alfred Public House	Prince Alfred Public House 5A Formosa Street London W9 1EE	Pub or pub restaurant with lodge	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 23:30
16/00829/LIPDPS	The Red Pepper Restaurant	Basement And Ground Floor 8 Formosa Street London W9 1EE	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
17/09346/LIPDPS	Real Ale Ltd	4 Formosa Street London W9 1EE	Shop	Monday; 10:00 - 21:30   Tuesday to Sunday; 10:00 - 22:00
13/09243/LIPDPS	Colonnade Hotel	2 Warrington Crescent London W9 1ER	Hotel, 4+ star or major chain	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:30

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