



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (4)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** held on **Thursday 2nd August, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Karen Scarborough, Louise Hyams and Rita Begum

1 MEMBERSHIP

There were no changes to the Membership.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

1 LONDON ZOO, OUTER CIRCLE, REGENTS PARK, LONDON, NW1 4RY

LICENSING SUB-COMMITTEE No. 4

Thursday 2nd August 2018

Membership: Councillor Karen Scarborough (Chairman), Councillor Louise Hyams and Councillor Rita Begum

Legal Adviser: Barry Panto

Committee Officer: Tristan Fieldsend

Presenting Officer: Heidi Lawrance

Relevant Representations: Environmental Health, Councillor Pat Callaghan (Camden London Borough Council), Freehold Company of Ormonde Terrace, Twenty Three Prince Albert Road (Management) Ltd and two local residents

Present: Mr Simon Lee, Mr Rich Storton, Ms Kathryn England and Ms Victoria Sage (Representing the Applicant Company); Mr Anthony Findlay and Mr Jonathan Marks (Representing Raymond Gubbay), Mrs Sally Fabbricatore (Environmental Health) and Ms Clare Eames (Solicitor, representing Twenty Three Prince Albert Road Management Ltd).

**London Zoo, Outer Circle, Regent's Park, London, NW1 4RY ("The Premises")
18/05443/LIPV**

1. Conditions Being Varied

Condition:	Proposed Condition:
<p>Condition 43</p> <p>After 18:00 the provision of licensable activity at outside events attended by more than 1000 persons shall be limited to no more than 10 events per calendar year and have a maximum capacity of 5000 persons excluding staff at any one time.</p>	<p>Condition 43</p> <p>After 18:00 the provision of licensable activity at outside events attended by more than 1000 persons shall be subject to consultation with the licensing authority.</p>

Amendments to application advised at hearing:

The applicant advised that it was now proposed to amend condition 43 to the following:

43. After 18:00 hours the provision of licensable activities at outside events attended by more than 1,000 persons shall be limited as detailed below:

- a. No more than 10 events per calendar year to take place with a maximum capacity of 5,000 persons excluding staff at any one time. Such events shall have a terminal hour of 10pm for licensable activities and customer dispersal shall have concluded by 11:00pm
- b. For each of the 10 events noted above, the premises licence holder shall notify the Licensing Authority and Environmental Health Service no later than 4 weeks before the start date of the event with the date of the up and coming event and provide the event management plan for that event, including but not limited to noise management policy, customer dispersal policy, security and stewarding arrangements. Such notice shall also be provided to any local resident associations, ward councillors and any other residents who have requested notification formally in writing from Zoological Society of London (ZSL).
- c. Copies of event management plans to be made available to the local resident associations, ward councillors and any other residents who have requested notification formally in writing from Zoological Society of London (ZSL).
- d. In addition to the 10 events listed above, during the months of November to January each year licensable activities at an outside Christmas light themed event, beyond 18:00 hours shall be permitted on no more than 35 days, and shall have a maximum capacity of 3,000 persons excluding staff at any one time. Such events shall have a terminal hour of 10pm for licensable activities which for these 35 days will be in the form for the sale

	<p>of alcohol only and customer dispersal shall have concluded by 11:00pm. Notice of the dates of the Christmas light themed dates shall be provided to any local resident associations, ward councillors and any other residents who have requested notification formally in writing from Zoological Society of London (ZSL) at least 4 weeks before the start date of the first event.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by Zoo Enterprises Ltd for a variation of a premises licence in respect of London Zoo, Outer Circle, Regent's Park, London, NW1 4RY.</p> <p>The Licensing Officer provided an outline of the application to the Sub-Committee and confirmed that the Metropolitan Police had withdrawn their representation following the agreement of conditions with the applicant.</p> <p>Mr Storton, representing the Zoological Society of London (ZSL), explained that the application before the Sub-Committee was to vary the current premises licence in order to permit a number of events to be held over the Christmas period. As an outdoor venue, this period was historically quiet and the events would help bring extra customers into the premises. The company that would design and help run the events, Raymond Gubbay, was very experienced in providing such attractions and already operated a similar Christmas experience at Kew Gardens. The Sub-Committee was advised that local residents had been consulted on the proposals and as such, the application had been amended to address concerns raised. The Zoo was currently permitted to hold ten evening events in June and July each year with a maximum capacity of 5,000 people, starting at 6pm and closing by 10pm with the site clear by 10.30pm. Some corporate events were held at indoor venues on the site but the number of outdoor events was very limited.</p> <p>Mr Storton informed the Sub-Committee that it was planned to hold 35 Christmas events with a maximum capacity of 3,000 customers at any one time. Customers would walk along a Christmas light trail, which was one mile in length. The events were not animal viewing experiences and therefore there would be no disruption to the animals.</p> <p>Mr Marks, representing Raymond Gubbay, provided a background to the similar events already held at Kew Gardens. Following their success, it was now planned to replicate them at other venues. They worked very closely with neighbours of such events and the responsible authorities. There had been no reported incidents at the Kew Gardens events; they promoted a very relaxed environment with no excessive drinking of alcohol. Entrance to the event was staggered through timed tickets resulting in a steady flow of customers throughout the evening. The event would start at 4.40pm with allocations of thirty-minute time slots lasting approximately one hour. The earlier slots tended to be busier due to the events popularity with children, 10% of visitors were children aged under 5.</p> <p>Following concerns raised by local residents the Council's Legal Adviser</p>

requested clarification on the engagement undertaken with local residents and in particular, what sound testing had been undertaken. Mr Marks explained that leaflets outlining the proposals had been delivered to 3,000 households. A meeting had also been organised to answer any questions and at this meeting, sound testing had been discussed. Free tickets were offered to local residents and they were also provided with a phone number they could use 7 days a week, 364 days a year so that they could contact the Zoo if they had any concerns over noise or light issues during the operation of the events. No regulated entertainment was being applied for and any music played would be for background purposes only.

Mrs Fabbricatore, representing Environmental Health (EH), explained that there had been initial concerns over the capacity of the events but this had been addressed by the applicant who had limited them to 3,000 customers, excluding staff, at any one time. Other concerns initially raised had also been addressed, as the number of events would now be limited to 35 with no regulated entertainment applied for. History checks had been undertaken for the premises and no Westminster residents had submitted complaints. Checks had also been undertaken with the London Borough of Camden where no complaints had been received from residents. From a noise perspective no noise complaints had been received but residents had been informed that if they experienced any disturbance to contact EH. In terms of dispersal, the timed ticketing in operation provided reassurance that it would be staggered and end at a reasonable hour. Although alcohol would be for sale, the event would be family focused with a relaxed environment. The Sub-Committee was informed that the dispersal element could be further addressed under the event management plan which was still to be submitted.

Mrs Fabbricatore brought to the Sub-Committee's attention several conditions on the existing licence. Current condition 17 would ensure all licensable activities would be for pre-booked events only, which the proposed Christmas events would be. Condition 18 would also ensure that any licensable activities in the outdoor areas would cease by 22:00 hours. It had been suggested that a noise limiter condition be added to the licence but this was not considered practical for an outdoor event. Introducing proposed noise levels at the boundary of the premises could be considered and if necessary addressed in the event management plan.

Ms Eames, representing Twenty Three Prince Albert Road Management Ltd, provided the Sub-Committee with an overview of where local residents lived in relation to the premises. It was advised that the leaflets circulated by the applicant had not been delivered to her clients, which was considered disappointing. The residents located on the boundary with the premises did experience disturbance from the 10 evening events already held. No complaints had been submitted, as it was only 10 events per year however the addition of an extra 35 events was a cause for concern. Condition 12 stated that any licensable activities had to be ancillary to the primary use of the premises as a zoological park. This application further eroded this condition, which was a further cause for concern to residents. A meeting had been held with the applicant where the experiences of residents had been discussed. During these discussions residents were generally content with the holding of the Christmas

events however still had reservations that the premises was operating as something other than a zoo. To address concerns Ms Eames requested that the terminal hour for such events should clearly state 22:00 hours. In addition, in terms of the sound limiter condition, it could potentially be added to the licence and consideration should be given to this. Going forward residents were looking to build good relationships with the zoo and working positively with them in the future.

In response to questions for the Sub-Committee Mr Marks explained that music would be played at the event when customers walked through a light tunnel experience. The music was of a background nature only and would be directed internally so it should not be heard beyond the actual light installation. There would be a total of 15 installations at the event. In terms of the hours, the last entry slot was at 20:00 hours with a team sweeping the light trail behind to ensure no customers were on the premises after the terminal hour. Concerning dispersal, most customers would use public transport to arrive and depart from the premises; however, the car park would be free from 18:00 hours providing various alternative transport methods to the events.

As some concerns had been expressed about the welfare of the animals within the Zoo, the Council's Legal Adviser clarified that the welfare of the animals was paramount. However, their welfare was regulated by the Zoo Licensing Act 1981 which was a different piece of legislation to the Licensing Act 2003 which concerned the licensable activities that were being applied for. The welfare of the animals was not something that was covered by the licensing objectives in the 2003 Act but their welfare was fully protected by the 1981 Act.

Having heard all the evidence and taken into consideration all the representations received, the Sub-Committee decided to grant the application. The concerns raised by local residents were fully acknowledged and understood, however the family nature of the application and the restrictions to be imposed on the licence provided reassurance that it would promote the licensing objectives and not be alcohol led. In particular, the Sub-Committee considered that the last entry time slot of 20:00 hours with a terminal hour for licensable activities of 22:00 hours was reasonable and appropriate in the circumstances. The staggered entry times and the various transport options available to customers would help ensure there was no disturbance to local residents from customers dispersing from the premises. The Sub-Committee was also pleased to note that the capacity of the events would be limited to 3,000, excluding staff, and no regulated entertainment had been applied for. Music would be of a background nature only and this all provided the Sub-Committee with assurance that there would be no additional impact on residents.

Applying a noise limiter condition to the licence was not considered to be necessary or appropriate due to the outdoor nature of the events and as the music would be for background purposes only. It was expected that issues around noise levels, in particular acceptable noise levels at the boundary of the premises, would be picked up in the event management plan which would be submitted by the applicant and agreed by EH. The Sub-Committee was particularly keen to ensure that a dedicated telephone number would be available to residents at all times in case of any issues arising. The addition of a

condition requiring a number to be available to residents, resident associations and Ward Councillors was welcomed along with the applicant's assurances that it would be maintained 7 days a week, 364 days a year.

The Sub-Committee was encouraged that there was dialogue between the applicant and local residents and stressed the importance of this in the future to ensure that if any issues arose from the Christmas events these could be addressed at an early stage. The Sub-Committee considered that the conditions proposed, as amended, were appropriate and proportionate and addressed all of the residential concerns. Having heard all the evidence, the Sub-Committee was satisfied that the application was suitable for the local area and would promote the licensing objectives.

Conditions attached to the Licence

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of

drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

(b) "permitted price" is the price found by applying the formula - $P = D + (D \times V)$

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

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

Conditions Attached After a Hearing by the Licensing Authority

10. All staff will be provided with training in relation to the licensing objectives that are commensurate with their duties. This will include the individual's responsibilities, age verification and licensing offences, as appropriate. Details of the training will be

recorded in a personnel file or log book and will be refreshed at regular intervals.

11. No licensable activities shall be undertaken on the Outer Circle under the terms of this licence.

12. The primary use of the premises shall be a Zoological Park and any licensable activity shall be incidental to this use.

13. 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.

14. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

15. An incident log shall be kept at the premises and made available on request to an authorised officer of the 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 identified in the CCTV system
- (g) any refusal of the sale of alcohol.

16. After 18.00 hours at least one Personal Licence Holder shall be present during the whole time alcohol is sold.

17. After 18.00 hours all licensable activities shall only be provided to members of the Zoological Society of London or for pre-booked functions only.

18. After 22.00 hours all licensable activities in the outdoor areas shall cease, including the consumption of alcohol, except in the following buildings: Regent Building (1st Floor [Prince Albert], Mezzanine and Roof Terrace, Ground Floor), Mappin Café (Ground Floor) , Nuffield Building (Ground Floor and Mezzanine) and Education Centre (Ground Floor) and their associated terraces.

19. No alcohol purchased on site shall be removed from site, with the exception of alcoholic gifts in a sealed container for consumption off site.

20. There shall be no self-service of alcohol except in the restaurant of the Regent Building.

21. No noise generated from the provision of licensable activities on the premises, or by associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

22. Licensable activities and the consumption of alcohol are permitted in the outdoor areas and those buildings listed below.

- o Regent Building 1st floor (Prince Albert) - 300
- o Regent Building Mezzanine and roof terrace - 300
- o Regent Building ground floor - 500
- o Mappin Café ground floor - 200
- o Bugs Building (includes ground and lower ground) - 350
- o Blackburn Pavilion ground floor - 150
- o Reptile House ground floor (includes Kiosk) - 300
- o Aquarium ground floor - 500
- o Clore Building ground floor - 80
- o Nuffield Building ground floor and mezzanine - 300
- o Education Centre ground floor - 200

23. Emergency and primary lighting shall be provided throughout the means of escape routes in the absence of adequate daylight.

24. All parts of the licensed area intended to be used in the absence of adequate daylight and all essential safety signage shall be suitably illuminated.

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

26. 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.

27. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.

28. 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.

29. Any special effects or mechanical installations used for a licensable activity 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 upon 10 days prior written notice being given to the Licensing Authority and clearance by the London Fire and Emergency Planning authority and the Environmental Health Consultation Team, Westminster City Council:

- a. Dry ice and cryogenic fog
- b. Smoke machines and fog generators
- c. Pyrotechnics including fireworks
- d. Firearms

- e. lasers
- f. explosives and highly flammable substances
- g. Real flame
- h. Strobe lighting.

30. Sufficient staff shall be engaged to ensure that the public can be evacuated from any building being used for a licensable activity in the case of an emergency.

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

32. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.

33. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

34. Emergency exits and entrances to the event area must be kept clear at all times and must be provided with clearly visible signage.

35. Flashing or particularly bright lights used in conjunction with a licensable activity on or outside the premises or used in events shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime or public safety).

36. The certificates listed below shall be submitted to the Licensing Authority upon written request:

- a. Any emergency lighting battery or system
- b. Any electrical installation
- c. Any emergency warning system

37. All staff engaged in supervising or controlling queues outside the entrance to the licensed premises shall wear high visibility jackets or vest.

38. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

39. Unless the premises are operating under the benefit of a Sexual Entertainment Venue licence there shall be no striptease, no nudity and all persons to be decently attired at all times.

40. Unless otherwise agreed in writing with the Licensing Authority, and except at private or pre-booked events or intended as a gift for another person, the sale of alcohol in glassware shall be limited to the Regent Building and this shall not be taken outside of this building. All alcoholic drinks in all other areas shall be served in vessels or containers of polycarbonate or other shatterproof material.

41. All doors and windows of buildings shall be kept closed after 22.00 hours when used for a licensable activity, except for immediate access and egress.

42. The current Event Management Plan for the premises shall be made available to the Police and an authorised Council Officer on request.

43. After 18:00 hours the provision of licensable activities at outside events attended by more than 1,000 persons shall be limited as detailed below:

- a) No more than 10 events per calendar year to take place with a maximum capacity of 5,000 persons excluding staff at any one time. Such events shall have a terminal hour of 10pm for licensable activities and customer dispersal shall have concluded by 11:00pm.
- b) For each of the 10 events noted above, the premises licence holder shall notify the Licensing Authority and Environmental Health Service no later than 4 weeks before the start date of the event with the date of the up and coming event and provide the event management plan for that event, including but not limited to noise management policy, customer dispersal policy, security and stewarding arrangements. Such notice shall also be provided to any local resident associations, ward councillors and any other residents who have requested notification formally in writing from Zoological Society of London (ZSL).
- c) Copies of event management plans will be made available to the local resident associations, ward councillors and any other residents who have requested notification formally in writing from Zoological Society of London (ZSL).
- d) In addition to the 10 events listed above, during the months of November to January each year, licensable activities at an outside Christmas light themed event, beyond 18:00 hours shall be permitted on no more than 35 days, and shall have a maximum capacity of 3,000 persons excluding staff at any one time. Such events shall have a terminal hour of 10pm for licensable activities which for these 35 days will be in the form for the sale of alcohol only and customer dispersal shall have concluded by 11:00pm. Notice of the dates of the Christmas light themed events shall be provided to any local resident associations, ward councillors and any other residents who have requested notification formally in writing from Zoological Society of London (ZSL) at least 4 weeks before the start date of the first event.

44. A dedicated telephone number for the designated premises supervisor or duty manager shall be maintained to be used by any one person who may wish to make a complaint during the operation of events under condition 43 which shall be provided to the Local Authority; and local resident associations, ward councillors and any other residents who have requested notification formally in writing from Zoological Society of London (ZSL). Any changes in the number should be notified to those parties within 7 days of the change.

45. The premises licence holder shall host local resident meetings on no fewer than two occasions per calendar year and details to be provided to local resident associations, ward councillors and any other residents who have requested notification formally in writing from Zoological Society of London (ZSL).

46. A log will be kept of all complaints received by the premises in relation to events permitted under Condition 43, whether through the dedicated telephone number or by other means. The log shall be available for inspection by Council Officers at all times when the premises are open to the public.

47. During any event permitted under Condition 43, there shall be no supply of alcohol otherwise than to persons with pre-booked tickets or to members of ZSL.

48. No external lighting shall be emitted from the premises so as to give rise to nuisance within neighbouring dwellings, and Lighting shall be provided within the grounds during the hours of darkness when any licensable activity takes place.

49. No amplified sound (including public announcements) in connection with any event shall continue beyond the permitted hours of entertainment.

50. The Premises Licence Holder shall ensure that no smell generated from cooking processors at the premises shall cause a nuisance to occupiers of neighbouring properties.

51. The Premises Licence Holder will instruct the catering units operating within the premises not to dispose of bottles other than between 7am and 10pm.

52. Security staff or Stewards shall assist with the departure of guests or attendees from events and encourage them to depart quietly and safely from the premises.

53. All exit points from the premises shall be manned for the duration of any events until 60 minutes after licensable activities have ceased.

54. Guests or attendee's at an event (excluding members of staff) shall vacate the premises within 60 minutes after the terminal hour for licensable activities.

55. Clearly legible Notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

56. Security staff or stewards will assist with and ensure that patrons, guests and performers depart from the premises following any event quietly, whether on foot or via vehicle after 22.00 hours until all patrons, guests and performers have left the premises.

57. On days when an event is taking place beyond 23.00 hours there shall be 4 Stewards on duty for every 100 patrons (or part thereof) to manage the effective dispersal of guests from the premises until all guests have left.

58. The Premises Licence Holder shall ensure that any queue to enter the premises which forms outside of the premises is orderly and supervised by door staff to ensure that there is no public nuisance or obstruction to the public highway. Any queue shall be restricted to a designated area.

2 MEGA FOOD, 330 HARROW ROAD, LONDON, W9 2HP

LICENSING SUB-COMMITTEE No. 4

Thursday 2nd August 2018

Membership: Councillor Karen Scarborough (Chairman), Councillor Louise Hyams and Councillor Rita Begum

Legal Adviser: Barry Panto
Committee Officer: Tristan Fieldsend
Presenting Officer: Heidi Lawrance

Relevant Representations: Metropolitan Police and one local resident.

Present: Ms Anusha Anwari and Mr Munir Anwari (Representing the Applicant) and PC Sandy Russell (Metropolitan Police)

Mega Food, 330 Harrow Road, London, W9 2HP (“The Premises”) 18/06172/LIPN	
1.	Late Night Refreshment - Indoors Monday to Sunday: 23:00 to 01:00
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee considered an application by Mega Foods Ltd for a new premises licence in respect of Mega Food, 330 Harrow Road, London, W9 2HP. The Licensing Officer introduced the application to the Sub-Committee and confirmed that the premises had previously been licensed; however, the corporate licence holder had been dissolved on 12 January 2016. The Licensing Authority had not been aware of this and the licence holder had continued to pay the annual licensing fees. In May 2018 the Licensing Authority became aware that the company had been dissolved and notified the company that was operating the premises that the licence had therefore lapsed. That company had subsequently submitted the new application that was before the Sub-Committee. The Licensing Officer confirmed that Environmental Health (EH) had withdrawn their representation following the agreement of conditions with the applicant. Ms Anwari, representing the applicant, explained that the premises was a family run business which was seeking permission to provide late night refreshment from 23:00 to 01:00 Monday to Sunday. Ms Anwari confirmed that the applicant was aware that the premises had previously been licenced but this had lapsed as the corporate licence holder had been dissolved in January 2016. PC Russell, representing the Metropolitan Police, confirmed that the applicant

had accepted their proposed conditions and as such their representation had now been withdrawn.

In response to questions from the Sub-Committee Ms Anwari advised that CCTV had been installed at the premises, all staff had been trained in its use and recordings would be kept for 30 days. All the conditions proposed by EH had been agreed. The application sought had the same characteristics as the licence that had lapsed and it was not proposed to change the operation of the premises. The conditions agreed with EH and the Police were more stringent than those on the previous licence and would ensure that the licensing objectives were upheld. This included limiting the number of customers allowed in the shop at anyone time to ten people after 23:00 hours. It was acknowledged that a resident had submitted a representation but Ms Anwari questioned its relevance. Due to the number of food operations in the vicinity of the premises it would be impossible to confirm where the smells and noise mentioned originated from. The premises had received no complaints since it had been in operation and this included whilst the previous owners operated it. To provide reassurance however a condition would be added to the licence preventing any fumes, steams or odours to be emitted from the premises.

The Sub-Committee was interested to learn further details about the previous licence which had lapsed. Ms Anwari advised that the applicant had bought the licence in May 2017 and had been informed by the then licence holder that they could use the licence. They were subsequently unaware that the corporate licence holder had been dissolved and therefore continued to pay the annual licencing fee to the Council. They were only aware the licence had lapsed when the Licensing Authority brought it to their attention. The Council's Legal Adviser confirmed that if this was the case then the applicant had been misinformed when buying the licence. Therefore, any allegations made against the Council in the applicant's written representation were incorrect. Ms Anwari agreed that this was the case and the issue of operating the licence whilst it had lapsed was due to an error on the applicant's behalf.

Ms Anwari confirmed that the original proposal to permit the premises to remain open until 04:00 hours during religious celebrations and UK bank holidays had been withdrawn.

The Council's Legal Adviser clarified that the residential representation received detailing a nuisance allegation had only been submitted by one person and therefore did not constitute a public nuisance.

After careful consideration, the Sub-Committee agreed to grant the application. The premises was not seeking to extend its permitted hours for licensable activities and would operate in the same manner to which it had under the previous licence, for which no complaints had been received. It was noted that conditions had been agreed with both EH and the Police following which they had both subsequently withdrawn their representations. The Sub-Committee considered that the conditions proposed were more stringent than those on the previous licence and were appropriate and proportionate in the circumstances to ensure the licensing objectives were upheld and promoted. It was noted that a residential representation had been submitted, however as it was from one

	person it did not constitute a public nuisance and therefore the Sub-Committee did not have regard to it. Having heard all the evidence the Sub-Committee was satisfied that the application was suitable for the local area and promoted the licensing objectives.
2.	Hours Premises Are Open to the Public Monday to Sunday: 11:00 to 01:00
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted the application (see reasons for decision in Section 1).

Conditions attached to the Licence

Conditions Consistent with the Operating Schedule

1. The roller metal exterior window shutter will be maintained to ensure that shop front is safe and secure at all times.
2. 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.
3. 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.
4. A clear and legible notice shall be prominently displayed outside the premises indicating the hours during which licensable activities are permitted.
5. Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed.
6. The premises licence holder will ensure that staff are well trained in asking

customers to use premises in an orderly and respectful manner and prevent drinking.

7. The premises licence holder will ensure that internal and external lighting will be fixed to promote the public safety objective.
8. The premises licence holder will ensure that all staff are well trained to adherence to environmental health requirements.
9. A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.
10. 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.
11. Notices shall be prominently displayed at exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
12. No deliveries to the premises shall take place between 23.00 hours and 08.00 hours on the following day.
13. Customers will be asked not to stand around loudly talking in the street outside the premises.
14. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
15. The premises licence holder will ensure that when they serve customers there are enough storage facilities for waste to prevent any overspill from containers. The premises licence holder will further ensure that they have fully contained and lockable bins which can be thoroughly cleaned and kept away or screened from public areas.
16. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
17. The premises licence holder will encourage customers to dispose of litter responsibly using posters inside premises and on bins.

18. After 23:00 hours, the number of persons permitted in the premises at any one time (excluding staff) shall not exceed 10 persons.
19. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
20. The external door shall be kept closed after 23:00 hours except for the immediate access and egress of persons.
21. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
22. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 hours and 08.00 hours on the following day.
25. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
23. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system,
 - (g) any visit by a relevant authority or emergency service.
24. No drinks shall be served in glass containers at any time.

3 FOXLOW, 8-10 LOWER JAMES STREET, LONDON, W1F 9EL

LICENSING SUB-COMMITTEE No. 4

Thursday 2nd August 2018

Membership: Councillor Karen Scarborough (Chairman), Councillor Louise Hyams and Councillor Rita Begum

Legal Adviser: Barry Panto
Committee Officer: Tristan Fieldsend
Presenting Officer: Heidi Lawrance

Relevant Representations: The Licensing Authority, Environmental Health and one local resident

Present: Mr Thomas O'Maoileoin (Solicitor, representing the Applicant), Ms Blanca Mateo (Applicant), Miss Daisy Gadd (Licensing Authority) and Mr Maxwell Koduah (Environmental Health)

Foxlow, 8-10 Lower James Street, London, W1F 9EL ("The Premises") 18/06624/LIPV			
1.	Sale by Retail of Alcohol (Off Sales) Monday to Saturday 10.00 to 23.00 Sunday 12.00 to 23.00		
	Amendments to application advised at hearing: The proposed hours on a Sunday were amended to: 12.00 to 22.30		
2.	Conditions Being Varied, Added or Removed		
	<table border="1"> <tr> <td>Condition: Condition 21: The premises shall only operate as a restaurant: a) in which customers are shown to their table, b) where the supply of alcohol is by waiter or waitress service only, c) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, d) which do not provide any take away service of food or drink for immediate consumption, e) which do not provide any take away service of food or drink after 23.00, and f) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. Notwithstanding this condition customers are permitted to take from the premises part consumed and</td> <td>Proposed Condition: Condition 21 be amended to read: Save for the area hatched black on the plan the premises shall only operate as a restaurant: a) in which customers are shown to their table, b) where the supply of alcohol is by waiter or waitress service only, c) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, d) which do not provide any take away service of food or drink for immediate consumption, e) which do not provide any take away service of food or drink after 23.00, and f) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. Notwithstanding this condition customers are permitted to take from</td> </tr> </table>	Condition: Condition 21: The premises shall only operate as a restaurant: a) in which customers are shown to their table, b) where the supply of alcohol is by waiter or waitress service only, c) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, d) which do not provide any take away service of food or drink for immediate consumption, e) which do not provide any take away service of food or drink after 23.00, and f) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. Notwithstanding this condition customers are permitted to take from the premises part consumed and	Proposed Condition: Condition 21 be amended to read: Save for the area hatched black on the plan the premises shall only operate as a restaurant: a) in which customers are shown to their table, b) where the supply of alcohol is by waiter or waitress service only, c) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, d) which do not provide any take away service of food or drink for immediate consumption, e) which do not provide any take away service of food or drink after 23.00, and f) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. Notwithstanding this condition customers are permitted to take from
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	resealed bottles of wine supplied ancillary to their meal.	the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
	Condition to be Added	Sales of alcohol for consumption off the premises shall: (a) only be supplied ancillary to food; (b) only be supplied by courier service; and (c) only be in sealed containers.
	Condition to be Added	Sales of alcohol for consumption off the premises shall cease at 11pm.
	Condition to be Added	In the area hatched black on the plan a maximum of 12 customers may consume alcohol until 9pm.
	<p>Amendments to application advised at hearing:</p> <p>The applicant advised the Sub-Committee that the following amendments had been made to the application:</p> <ul style="list-style-type: none"> • A proposed additional condition would be amended to read: “In the area hatched black on the plan a maximum of 9 customers may consume alcohol until 8pm.” • Regarding off sales of alcohol it be conditioned that these be ancillary to deliveries of substantial takeaway meals only. 	
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by Foxlow Restaurants Ltd for a variation of a premises licence in respect of Foxlow, 8-10 Lower James Street, London, W1F 9EL.</p> <p>The Licensing Officer provided an outline of the application to the Sub-Committee and confirmed that the applicant had submitted late documents detailing the draft Age Verification Policy and Operational Management Statement. These had been circulated to all parties.</p> <p>Mr O’Maoileoin, representing the applicant, advised the Sub-Committee of two slight amendments proposed to the application. Firstly, the variation of the condition to permit the sale of alcohol for consumption off the premises in order that it could be supplied with a meal ordered for delivery had been varied so that it could only now be supplied ancillary to customers ordering substantial takeaway meals. Secondly, the variation seeking to permit 12 people to be able to consume alcohol without a meal in the bar area had been amended to reduce it to 9 people. The original application proposed to restrict the use of the bar area for the consumption of alcohol only until 21:00 but this had also been reduced to</p>	

20:00 hours.

To address concerns raised over deliveries of alcohol to underage customers Mr O'Maoileoin explained that a draft age verification policy had been developed. The Sub-Committee was advised that the Police were content with the policy. It required the operation of a Challenge 25 age verification scheme, staff would notify delivery drivers if an order contained alcohol and drivers must understand and comply with the verification scheme at all times. The policy would also require drivers to turn their engines off whilst waiting, prevent them from gathering so as to not cause a nuisance, drivers would have to wait inside the restaurant and would be permitted to use the restaurant's toilet facilities. Constructive meetings had been held with the local residents association and O'Maoileoin advised that they were content with the application. They had raised initial concerns but these had been addressed and they now supported the application. The residents association had objected to the original application in 2016 but following successful engagement with local residents, they supported the proposed variation before the Sub-Committee.

O'Maoileoin suggested that the conditions proposed and the amendments made to the application addressed the concerns raised by the Licensing Authority and Environmental Health (EH) and would ensure that the premises did not add to cumulative impact. Food deliveries were already taking place from the premises, without alcohol, and a procedure was currently in place to ensure that they did not cause any public nuisance. The initial application was proposing to permit off sales of alcohol until 23:00 but to bring the hours in line with the Council's policy this had been amended to 22:30 on Sundays.

As the premises was located in a Cumulative Impact Area (CIA) the Sub-Committee was interested to learn why the application could be considered an exception to policy? Mr O'Maoileoin explained that permitting customers to consume alcohol in the bar area without a meal would cease at 20:00 hours. The customers in the bar area would be restricted to 9 people and would have to be seated at fixed bar stools. The premises was a restaurant and the small bar area was set back from the windows next to the public highway. No active promotion of the bar area would take place and assurances were provided that any intoxicated customers would not be served alcohol. The premises was part of a restaurant chain, which did not wish their operations to be regarded as bars that served alcohol. The goodwill built up with local residents was to be commended, this relationship had taken 2 years to develop and therefore it was in the applicant's interest to ensure it would not be damaged in anyway. The premises would not become a drink-led venue and this was not the intention of the application. The management of the premises were very experienced and this, plus the restrictions proposed, should allay any concerns over the application.

Mr Koduah, representing Environmental Health, brought to the Sub-Committee's attention two conditions on the existing licence, which prevented any licensable activities from taking place at the premises until EH, had determined its capacity and ensured it had been constructed in accordance with regulations. Mr Koduah confirmed that he had visited the premises recently and was content for these conditions to be now removed from the licence. With regards to the original application made in 2016 the Sub-Committee had granted the licence as the

applicant had amended its proposals by removing a dedicated bar area to ensure that the premises could only operate as a restaurant. The Sub-Committee had considered this amendment at the time to be necessary and appropriate and EH was of the opinion that this was still relevant at the present time. For these reasons EH therefore maintained its representation.

Mr O'Maoileoin stressed that the original application made in 2016 was very different to the one currently being considered by the Sub-Committee as originally no restaurant condition had been offered therefore proposing to permit customers to consume alcohol without taking a table meal. The original intention of permitting off sales as well had also been to allow customers to consume alcohol outside in front of the premises. Residents expressed concerns over the proposals at that time and that was why the application had been amended substantially. The off sales requested now were very particular and applied only to the delivery service. In relation to the two conditions highlighted by EH Mr O'Maoileoin confirmed that the applicant had provided licensable activities at the premises without them having been removed from the licence. An application should have been submitted requesting that these be removed from the licence, however this had not happened due to an oversight. When the applicant took over the premises it was a building site and when the works had been completed and signed off by Building Regulations the applicant mistakenly thought this meant that the conditions had been addressed. The Sub-Committee was advised that this was an honest mistake and EH's subsequent inspection had raised no concerns.

Miss Gadd, representing the Licensing Authority, confirmed that their representation was maintained on two grounds. Firstly, the element of off sales was a concern, as the delivery element was likely to cause public nuisance in the local area and therefore add to cumulative impact in the CIA. Secondly, the introduction of a bar area would allow customers to consume alcohol in this area without it being ancillary to food. However, it was acknowledged that the applicant had amended this element of the application by reducing the number of customers allowed in the area to 9 and restricting it to a terminal hour of 20:00.

The Council's Legal Adviser requested clarification that if the Sub-Committee was minded to grant the application was the applicant content for a condition to be placed on the licence prohibiting any promotion or advertisement of the bar area? Mr O'Maoileoin confirmed that the applicant was happy for this restriction to be placed on the licence if granted.

Following careful consideration of the application and the evidence provided by all parties the Sub-Committee decided to partly grant the application. It was noted that the premises was located in a CIA and was seeking to establish a bar area where customers could consume alcohol without it being ancillary to a meal until 20:00. The Sub-Committee recognised that this was contrary to the Council's Statement of Licensing Policy and was of the opinion that allowing alcohol to be consumed without food would create a bar area which would alter the character of the premises. Permitting even a reduced number of nine customers to consume alcohol without taking a meal until 20:00 hours was considered inappropriate in the circumstances and likely to add to cumulative impact in the local area which would undermine the licensing objectives. The

Sub-Committee was of the opinion that it had not been proven that the application was a genuine exception to policy and therefore this aspect of the application was refused accordingly.

With regards to permitting the sale of alcohol for consumption off the premises to allow alcohol to be supplied with meals ordered for delivery the Sub-Committee agreed to grant this aspect of the application after considering all the evidence. The premises already operated a food-only delivery service and had procedures in place to prevent any nuisance to local residents. To provide further reassurance that there would be no nuisance to residents it was agreed to add conditions to the licence requiring delivery drivers to wait inside the premises and also permitting them to use the premises toilet facilities. The Sub-Committee noted that no representations objecting to the application had been received from residents. The applicant had circulated a draft age verification policy and the stringent guidelines set out in it regarding deliveries provided the Sub-Committee with reassurance that it would uphold the protection of children from harm licensing objective. This included the applicant and the delivery company operating a Challenge 25 age verification scheme, drivers being informed of any deliveries including alcohol and the training of staff. The applicant's amendment to also only permit off sales of alcohol when substantial takeaway meals for delivery had been ordered was considered appropriate and proportionate in the circumstances. Having heard all the evidence the Sub-Committee was satisfied that this aspect of the application was suitable for the local area and promoted the licensing objectives.

The Sub-Committee also noted that conditions 16 and 23 on the original licence could be removed following EH's recent inspection of the premises.

Conditions attached to the Licence

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed

material which is available to customers on the premises; and
(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

(b) "permitted price" is the price found by applying the formula - $P = D + (D \times V)$

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

rate of duty or value added tax.

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

Conditions Consistent with the Operating Schedule

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

11. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

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

13. 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.

14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

15. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.

16. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 on the following day.

17. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

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

a) all crimes reported to the venue

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

19. No deliveries to the premises shall take place between 20.00 and 08.00 on the following day.

20. The premises shall only operate as a restaurant:

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

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

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

22. 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.

23. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.

24. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

25. On Fridays and Saturdays there shall be no new entries after midnight.

26. On Fridays and Saturdays the area immediately outside the restaurant shall be monitored by staff so as to ensure that customers leave quietly.

27. Sales of alcohol for consumption off the premises shall:

- (a) only be supplied ancillary to a substantial takeaway meal ordered for delivery;
- (b) only be supplied by courier service; and
- (c) only be in sealed containers.

28. Sales of alcohol for consumption off the premises shall cease at 11pm on Monday to Saturday and 10.30 pm on Sunday.

29. Delivery drivers will be given clear, written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the licenced premises; not to leave engines running when the vehicles are parked; and not to obstruct the highway. The licence holder will positively encourage delivery drivers to use quieter vehicles that are less likely to cause a nuisance such as bicycles.

30. When accepting delivery orders including alcohol, staff must remind the customer the premises operate Challenge 25. Customers will be asked to provide ID on delivery if they look younger than 25. Restaurant staff must notify delivery drivers if an order contains alcohol. Similar procedures shall be implemented in respect of online orders.

31. Drivers will be requested to wait inside the restaurant whilst waiting for delivery orders to be prepared.

32. Drivers shall be permitted to use the premises WC facilities at the licensed premises.

4 SOHO THEATRE, BASEMENT AND GROUND FLOOR, 21 DEAN STREET, LONDON, W1D 3NE

The application was adjourned.

The Meeting ended at 2.11 pm

CHAIRMAN: _____

DATE _____