



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (2)** held on **Thursday 22nd November, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Tim Mitchell (Chairman), Peter Freeman and Aziz Toki

Also Present: Councillor Timothy Barnes

1 MEMBERSHIP

1.1 There were no changes to the Membership.

2 DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

1 ROAST RESTAURANT GROUP, BASEMENT AND GROUND FLOOR, 94 GREAT PORTLAND STREET, LONDON, W1W 7NU

LICENSING SUB-COMMITTEE No. 2

Thursday 22 November 2018

Membership: Councillor Tim Mitchell (Chairman), Councillor Peter Freeman and Councillor Aziz Toki

Legal Adviser: Barry Panto
Committee Officers: Georgina Wills
Presenting Officer: Michelle Steward

Relevant Representations: Environmental Health, Citizen Advice Bureau, All Souls College, Oxford, Fitzrovia Neighbourhood Association, Fitzrovia West Neighbourhood Forum, the Marylebone Association, Portland Apartments Ltd, Managing Agents on behalf of the landlord for a residential building located on Great Portland Street, a local Ward Councillor, C & L Trustees Ltd and 50 other representations (one of which was supporting the application)

Present: Mr Gloag (Licensing Agent, representing the Applicant), Mr Marc

Bevan (Supervisor, Applicant) and Mr John Turner (Applicant) and Mr Maxwell Owusu Koduah (Environmental Health), Richard Brown (Citizen Advice Bureau representing two local residents, Fitzrovia Neighbourhood Association and Sharon Palazzo), Natalie (Surname not provided at the Hearing), (Managing Agent, 30 Langham Street), Austin Carlson (Resident), Councillor Timothy Barnes

<p>Roast Restaurant Group Basement and Ground Floor 94 Great Portland Street London W1W 7NU ("The Premises") 18/07245/LIPN</p>	
<p>1.</p>	<p>Sale of Alcohol : On Sales Only</p> <p>Monday to Thursday: 10:00 to 23:30 Friday to Saturday: 10:00 to 00:00 Sunday: 12:00 to 22:30</p> <p>From the terminal hour for the sale of alcohol on New Year's Eve to 02.00 on New Year's Day</p>
	<p>Amendments to application advised at hearing:</p> <p>Monday to Thursday: 10:00 to 23:00 Friday to Saturday: 10:00 to 23:30 Sunday: 12:00 to 21:00</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by Marc Bevan and John Turner on behalf of the Roast Restaurant Group for a new premises licence in respect of Basement and Ground Floor 94 Great Portland Street London W1W 7NU. The Premises was not situated in the Cumulative Impact Zone.</p> <p>The Licensing Officer introduced the application to the Sub-Committee and advised that the original application had been amended significantly so as to withdraw the application for both live and recorded music and also the 'Off' sales of Late Night refreshment and alcohol. The Metropolitan Police Service was reported to have withdrawn their representation and this was due to the Applicant agreeing to set conditions. The Environmental Health Service were maintaining their representation.</p> <p>The Sub-Committee was advised that late representations had been received from Mr Richard Brown, Citizens Advice Bureau, on behalf of local residents and Councillor Pancho Lewis and both had been circulated to all parties.</p> <p>Mr Gloag, (Applicant's Representative) advised the Sub-Committee that there had been further developments with the Application. He commented that the concerns raised by interested parties could be grouped and largely related to noise emitted from the premises and the measures being put in place to minimise such levels, licensing activities taking place in the Premises' basement, deliveries and refuse collection. There was also a dispute between parties about when the Premises' windows should be opened and closed in particular those</p>

which face and lead to Great Portland Street.

Mr Gloag gave a brief description of the Premises layout and advised that a sealed noise barrier existed between the lobby and the entrance of the Premises. He confirmed that the basement area would have toilets and two fire exits. He advised that the bar area in the basement was a 'service bar' and that this area of the Premises would have restaurant conditions and that alcohol served will be ancillary to a table meal. The bar would be manned by a staff member. The basement would be used for private events; these would largely be birthday parties, private breakfast and private lunches. Service at the tables in this vicinity would also be by waiter or waitress service. He confirmed that the use of the external area of the premises had now been removed from the application

Mr Gloag advised that only background music would be played at the Premises and not live bands. He informed that the Restaurant Branch in Borough Market had live music and performers included singers accompanied by a pianist or guitarist and a harpist. He commented that there had been no complaints received about live music at the branch and that customers would usually request for music to be played whilst having a meal.

The Legal Adviser sought clarification on whether the application for Live Music (Indoors) and Recorded Music had been withdrawn by the Applicant. The Sub-Committee was advised that Live Music (Indoors) had been withdrawn. Mr Gloag made reference to deregulated entertainment and advised that activities under this heading could still cause a nuisance and could be reviewed if required. At present deregulated entertainment do not fall under the remit of the Sub-Committee.

The Sub-Committee highlighted that the Premises was situated in a largely residential area and commented that representations had been made by local residents and Ward Councillors (West End Ward) about potential noise nuisance especially during deliveries. Mr Gloag advised the meeting that the Applicant had to adhere to Westminster City Council guidelines and regulation in relation to deliveries of goods and refuse collection. He stated that deliveries will largely comprise of food stock and that the noise generated when delivering goods would not be different from deliveries which take place around the Capital. All deliveries would be left downstairs in the basement and not on the street level.

Following questions from the Sub-Committee, Mr Marc Bevan advised that a staff member would be present in the Premises during delivery times and that a side gate would be left open and would be used by the persons making the deliveries. Goods would be left in these areas. He commented that delivered goods would be taken directly to the kitchen and not through the front of the restaurant. Mr Bevan advised that the delivery men would have a code to the basement and that the Premises had a vault and this would be used for storage. All deliveries would be removed and packed inside the Premises.

Mr Bevan advised that Westminster City Council required Premises to bag loose bottles and that Model Condition 27 had been agreed. The Legal Adviser informed the Sub-Committee that the Council did not provide specific times in

which refuse would be collected and only gave timeframes. Mr Bevan confirmed that the Premises' refuse would be collected from Great Portland Street and advised that they would be placed outside during agreed set times.

The Sub-Committee noted that the Applicant had agreed to conditions about deliveries and waste collection. There was discussion regarding Condition 29 (Waste) and Condition 30 (Deliveries). Mr Gloag advised that his client would like the ability for deliveries to be undertaken after 07:00 hours if this was permitted.

Following further questions from the Sub-Committee, Mr Bevan advised that the Premises windows would remain open until 21:00hrs and the doors would remain shut throughout the day. He stated that the Premises operated as a restaurant and was not part of a fast food chain. He advised that the Premises would attract a particular type of clientele and these were likely to be professionals and that it was not anticipated that the restaurant would add to current nuisances or cause any damage. Mr Bevan reminded the Sub-Committee that the Premises was located in Central London and advised that there had only been two incidents at the Branch in Borough Market and both were resolved swiftly.

The Chair commented and raised concerns that the proposed opening and closing hours of the Premises had not been specified in the Application and sought clarification on these hours. Mr Gloag advised that the Applicant wished to provide breakfast to patrons and that competitors were open from 07:00hrs. It was preferred for the Premises to be opened from 07:30hrs Monday to Saturday and 10:00hrs on Sunday. The Sale of Alcohol would mirror the Premises opening times apart from Sunday, on this day alcohol would be sold from 12:00hrs onwards. He advised that the operational hours sought were detailed in the Application and these were contained in the latter part of the application under the Operational Management Statement Section. The Sub-Committee noted that this information had not migrated to the mandatory sections of the application form.

The Legal Adviser advised that where the opening and closing hours were not specified in the correct place in the application form, it was usually assumed that the opening and closing hours were the same as the licensable activity hours that were being sought. The Sub-Committee was advised that interested parties should be given an opportunity to comment during their submissions about the requested hours of operation

Mr Bevan advised the Sub-Committee that the operation hours sought were similar to nearby competitors and also to other restaurants. A detailed discussion was held about the Premises operational hours and the sale of alcohol. It was suggested that on Sundays, sale of alcohol stops at 21:00hrs. Mr Bevan advised that further variation of operational hours would be detrimental to the business and be disadvantageous. Mr Bevan advised the Sub-Committee that he had liaised with Environmental Health.

Following questions from the Sub-Committee, Mr Bevan advised that there would be a designated smoking areas for patrons and that only five individuals

would be allowed in this vicinity at any time. He advised that it would be difficult to monitor patrons in public spaces.

Mr Maxwell Owusu Koduah from the Environmental Health Service addressed the Sub-Committee and noted that the Applicant had proposed Condition 12 at page 145 of the report. This amounted to a relaxation of Model Condition 66 as set out at condition 11 on that page. Following questions from Mr Koduah, Mr Bevan confirmed that Model Condition 12 will apply to all areas of the basement and would also be implemented during pre-booked events. He confirmed that all sales of alcohol would be ancillary to meals. Mr Bevan reiterated that the bar in the Premises basement would be for service only. He further stated that Condition 20 would be implemented and that the Premises' windows would be closed at 21:00hrs and all doors, including fire doors' will be kept shut except during emergencies. All refuse would be placed outside at specified times, namely 30 minutes prior to collection.

The Sub-Committee was advised that proposed Condition 13 was now redundant as the Applicant had withdrawn their request for 'Off Sales'. An email was sent to Environmental Health which confirmed the above and was tabled at the Hearing. There were no further representation from Environmental Health.

Mr Richard Brown (Citizens Advice, Westminster) addressed the Sub-Committee. He advised that he was representing two local residents and the Fitzrovia Neighbourhood Association and drew attention to the high number of representations which had been made in relation to the Application. Mr Brown advised the Sub-Committee that local residents had spent an extensive time reviewing the Licensing Application and had kept abreast of all the subsequent amendments that were made. He commented that this demonstrated their desire to ensure that the local area would not be adversely affected by the Application. He commented that there had been confusion over the Application in particular in relation to the hours being sought for some of the licensing activities. The hours of operation of the Premises had not been specified in the appropriate section of the application form. Mr Brown commented that the Council's Policy and Guidance on completing licensing applications stipulated that hours of operations should be specified and that it was unlawful to grant a Licence if the above is not undertaken.

Mr Brown advised that there was a broad range of concerns and issues about the Application and highlighted that Great Portland Street was largely a residential area and the site was not 'busy'. The area was occupied by a wide selection of the community and contained a number of flats which overlooked the Premises. The area also had historical connections to 'the Rag Trade'. He advised that residents were of the view that a Restaurant with the operational times that were being sought by the Applicant was inappropriate and unsuitable for the site. He further stated that residents wished for conditions to be imposed which would ensure that its impact was mitigated and did not cause disproportionate nuisance. Mr Brown advised that the hours of operation which had been disclosed by the Applicant would change the 'nature of the area' and would lead to an increase in the 'footfall' during evening hours.

Mr Brown mentioned two other licensing applications that had been submitted

for Premises in the same locality and this was for a Whisky Shop and Nail Salon. He advised that the concerns which had been raised in relation to those mentioned establishments were similar to those regarding the current Application. These were namely noise nuisance and public drinking. Mr Brown advised that conditions were placed on the Whisky Shop to help mitigate concerns and this included moderating the requested operational hours. The main areas of contention with the Application related to 'The Private Events', late night refreshment, and the operational hours.

Mr Brown highlighted that the amended conditions which had been proposed by the responsible authorities and agreed by the Applicant did not differ much from the original conditions which had been submitted. He noted that a number of Model Conditions (MC) had been deleted and this was due to activities being covered in other areas. Mr Brown noted that the Applicant had withdrawn their request for outdoor seating. The Sub-Committee were requested to delete conditions 12, 13 and 21 and Mr Brown asked that the Applicant be required to submit an amended plan that excluded the external seating areas. This was suggested to ensure that the provision of alcohol was not provided 'off site'. Mr Brown made further comments on the conditions and requested the following, that condition 25 be strongly worded to ensure that patrons that smoke respected local residents and the environment and used the receptacles provided. For MC 28, 29 & 30, it was suggested that the timing be altered in accordance with his written submissions so as to ensure that noise emanating from the moving and collection of bottles and from deliveries to the premises did not cause any nuisance.

Mr Brown requested that an additional Condition be added which stipulated that the Licence Holder was only permitted to allow five smokers to congregate outside the Premises at any given time. Mr Brown advised that residents were willing to discuss and negotiate where the smoking designated area should be located.

Mr Brown advised that the Sub-Committee should take into consideration the proximity of residents' properties to the Premises when determining the latter's operational hours. Mr Brown commented that 23:00hrs would be an appropriate time for the Premises to close and commented that this would enable the business to remain viable and allow for the early dispersal of patrons. He commented that a later closing time would lead to concerns which were associated with dispersals, such as noise emanating from groups when exiting the Premises e.g. Taxis collecting patrons. Mr Brown commented that there was still uncertainty about the Premises windows in particular their size and length.

A local resident addressed the Sub-Committee and advised that his property was located opposite the Premises. He stated that he had lived in his property for a period of four years and had been a resident in the local area for seven years. He commented that the area was quiet especially during the evenings and weekends and that a large restaurant in the proposed site would alter this. He advised that a large restaurant which was open during the morning and night seven days of the week would cause public nuisance and noise and also change the nature of the area. He commented that the residential make-up of the local area had not been taken into consideration by the Applicant. He also highlighted

that the restaurant's branch in Borough Market had a different local setting and was not located in a highly residential area and was surrounded largely by offices.

The local resident advised that residents had met with the Applicant prior to the Sub-Committee at the Borough Market Branch and this meeting had been worthwhile to discuss what compromises could be made. He commented that the Applicant was of the view that their meeting with the residents would be contingent to interested parties withdrawing their representation. This was disputed by Mr Bevan. The Sub-Committee noted that the application at the above stage was still being finalised and this may have created some confusion between both parties.

Ms Sharon Palazzo, a local resident, addressed the Sub-Committee and advised she was representing the 27 leaseholders of a residential building located on Great Portland Street and 51 residents. Ms Palazzo commented that residents came from a wide and mixed demography and professions which included families, elderly residents, university students and city professionals. The residents were concerned over noise which would emanate from the Premises and its effect on their living standards.

Ms Palazzo further advised that there were a number of properties whose bedrooms and living areas faced towards the Premises. She highlighted that two thirds of the Premises' exterior would be glazed and raised concerns over the noise which would emanate from patrons whilst the Restaurant windows are opened. She commented that the noise from the Premises would resonate through the building and drew attention to the close proximity of properties to the restaurant.

Ms Palazzo stated that the local vicinity acted as a 'wind tunnel' and that the locality suffered from noise pollution from the nearby BBC Studios and also when demonstrations took place outside the studios. There were concerns that the Premises would add to these levels of noise in particular when patrons leave the restaurant and congregate outside whilst waiting for taxis and the noise from motor-vehicles during collections and deliveries. She highlighted that there were also restrictions in parking in the locality and this would exacerbate the above concerns.

Ms Palazzo advised that the area was largely quiet in particular during the weekends and had remained as such for a number of decades. She commented on the various photographs which had been submitted by residents and highlighted that these supported the above. She was of the view that the area where the restaurant's Borough Market branch was located differed to that of Great Portland Street and that residents would be more adversely affected by the noise nuisance.

Natalie addressed the Sub-Committee and advised that she was representing the Managing Agents at 30 Langham Street. She did not provide her surname. Natalie commented that the locality was largely a residential area and raised concerns over noise nuisance. She advised that a wide demography lived in the locality which included families and welcomed that the application for 'outdoor

seating' had been withdrawn

Natalie, raised concerns over large events being hosted at the Premises and requested that these were not held late in the evening. She advised that such events would increase the footfall in the area. There were also concerns raised about patrons congregating outside the Premises, noise emanating from motor vehicles, increased traffic and dispersals of patrons.

Another local resident, addressed the Sub-Committee and advised that she had lived in the area for over 14 years and commented that the locality was predominantly residential. She advised that she had taken multiple photographs of the area at the weekends during different times of the day to evidence the quiet nature of the locality. She drew attention to the number of representations which had been received and stressed the importance of maintaining the area's character. She commented that there were less retail units in the area and recently there had been an increase in the number of restaurants. It was envisaged that the Premises would alter the nature and character of the area.

Austin Carlson, resident at 42 Langham Street addressed the Sub-Committee and informed that he was supportive of the representation which had been made by Mr Brown and residents. He confirmed that the residents of Langley Street were concerned about the Application and were affected by the noise nuisance which emanated from a local public house and urged that above be taken into consideration.

Councillor Timothy Barnes addressed the Sub-Committee on behalf of the West End Ward Councillors and read a joint written representation from Councillor's Pancho Lewis and Jonathan Glanz. Councillor Barnes advised that he had resided in the local area for over 25 years. He commented that the local area was predominantly residential and was quiet despite being located in central London and this had been recognised in the Council's 'Draft City Plan'. The Application was noted as being one of the most contentious and also to have generated an unprecedented number of representations and he requested that this be taken into consideration. He advised that a high number of objections had been received from constituents over several months. The main concern raised was the disruption which would be caused by the Premises. There were concerns over the lack of clarity with the Application and in particular what licensing activities were being sought. The Sub-Committee was urged to take into full consideration the Conditions they imposed and also be mindful that residents may be unable to assemble again and make representations if the Applicant made further resubmissions after the decision was provided. He commented that all three Ward Councillors supported the concerns raised by residents.

Mr Gloag commented that issues and concerns raised during the representations had been addressed during his early submission and that a number of concessions had been made by the Applicant which included the closing of windows at specified times, alteration of operational hours, doors remaining closed, restricted use of the Premises basement and the outside seating area being removed. He advised the Sub-Committee that the concessions made were detrimental to the business and commented that the

restaurant chain was professionally run and attracted a high calibre of patrons. Mr Gloag highlighted that no acoustic report had been presented in relation to noise emanating from the Premises to nearby properties and that a majority of patrons would use taxis when leaving the Premises. He further stated that the majority of taxis were ordered via Uber and that these vehicles had electronic engines. Mr Bevan advised that there would not be any difficulties with managing the dispersal of crowds. He reminded the Sub-Committee that there were a number of eateries and public houses in Great Portland Street.

After careful consideration of all of the submissions, including the very comprehensive representations set out in the report, the Sub-Committee decided to grant the application as amended. The concerns of the local residents were fully appreciated and had been very well articulated in their detailed written and oral submissions. It was accepted that the area was highly residential and generally quiet in the evenings. However, the application was not contrary to policy and included the Council's full restaurant condition which required the consumption of alcohol to be ancillary to a substantial meal and the Sub-Committee had decided that alcohol could not be supplied to persons attending a pre-booked private function unless they were complying with that restaurant condition. This ensured that no aspect of the operation could be drink-led.

There would be no provision of late night refreshment for consumption off the premises, no off-sales of alcohol at any time and no use would be made of the external seating area that had been proposed in the application. This would require an amended plan to be submitted to the Licensing Authority before the licence could take effect and this would have to amend the red line showing the boundary of the premises so as to exclude the external seating area.

A whole raft of conditions had been imposed which addressed many of the concerns that had been raised. Most of the conditions had been agreed but the hours for deliveries to and collections from the premises were amended to provide more protection for residents. It was also decided that patrons permitted to temporarily leave the premises to smoke should be limited to 5 persons at any one time. The operating hours were within core hours, apart from the premises being able to open earlier in the day to provide a breakfast service (but with no licensable activities being authorised during those early opening hours).

The Chair thanked local residents, Councillor Barnes and local Councillors for their representations and advised that their undertakings in ensuring that all concerns were known as well as evidenced had been duly noted. The Chair also expressed some frustration about the fact that the applicant had not fully articulated its requirements in the application form, though it was noted that the form had been submitted on their behalf by a firm of solicitors. In the final analysis, the Sub-Committee was of the view that the decision was a proportionate one that properly balanced the legitimate interests of both the applicant and the objectors. It did, therefore, promote the licensing objectives as required by the legislation. It was hoped that the applicant will take careful note of the strength of feeling expressed by local residents and therefore be vigilant in ensuring that all the conditions imposed on the licence are fully complied with. The members noted that residents would potentially be able to bring a review of

	the premises licence if they do experience any nuisance from the provision of any of the licensable activities from those premises.
2.	<p>Late Night Refreshment (Indoors and Outdoors)</p> <p>Monday to Thursday: 23:00 to 23:30 Friday to Saturday: 23:00 to 00:00</p> <p>From the terminal hour for Late Night Refreshment on New Year's Eve to 02.00 on New Year's Day</p>
	<p>Amendments to application advised at hearing:</p> <p>The applicant advised that the outdoor provision of late night refreshment had been withdrawn from the application.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application (see reasons for decision in Section 1).</p>
3.	Hours Premises are Open to the Public – None specified in application form
	<p>Amendments to application advised at hearing:</p> <p>Monday to Thursday: 07:30 to 23:30 Friday: 07:30 to 00:00 Saturday: 09:00 to 00:00 Sunday: 10:00 to 21:30</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application (see reasons for decision in Section 1).</p>

Conditions attached to the Licence
<p>Mandatory Conditions</p> <ol style="list-style-type: none"> 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.
 - (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.

Conditions consistent with the operating schedule

9. A record shall be kept detailing all refused sales of alcohol. The record

should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.

10. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
11. The premises shall only operate as a restaurant
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - (iv) which do not provide any take away service of food or drink for immediate consumption,
 - (v) which do not provide any take away service of food or drink after 23.00 hours, and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

12. 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.
13. 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.
14. 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.
15. There shall be no self-service of alcohol.

16. 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.
17. 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
18. 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.
19. 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.
20. 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 the premises which shall be provided to the Local Authority; interested residents and local businesses and ward councillors. Any changes in the number should be notified to those parties within 7 days of the change
21. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
22. 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.
23. 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.
24. 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.
25. The edges of the treads of steps and stairways shall be maintained so as to

be conspicuous.

26. 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.
27. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
28. No licensable activities shall take place at the premises until the premises have 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.
29. No Licensable activities shall take place at the Premises until the capacity of the Premises (Ground Floor and Basement Floor) has been determined by the Environmental Health Consultation Team and the Licensing Authority has replaced this condition on the License with a condition detailing the capacity so determined. In any event the capacity for the Ground Floor shall not exceed 66 persons excluding staff and the capacity for the basement shall not exceed 36 persons excluding staff.
30. All external doors shall be kept closed at all times except for the immediate access and egress of persons. All windows shall be kept closed after 21.00 hours.
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 waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.30 hours on the following day.
33. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 09.00 hours on the following day.
34. No deliveries to the premises shall take place between 20.00 and 08.00 hours on the following day.
35. 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.
36. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an ordinary manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

37 No licensable activities shall take place at the premises until the licence holder has submitted an amended plan to the Licensing Authority removing the external seating area from the ground floor plan so as to restrict the licence to the premises building, at which time this condition shall be removed from the licence by the licensing authority

2 BILLY AND THE CHICKS, 27-28 ST ANNE'S COURT, LONDON, W1F 0BN

LICENSING SUB-COMMITTEE No. 2

Thursday 22 November 2018

Membership: Councillor Tim Mitchell (Chairman), Councillor Peter Freeman and Councillor Aziz Toki

Legal Adviser: Barry Panto
 Committee Officers: Georgina Wills
 Presenting Officer: Michelle Steward

Relevant Representations: Environmental Health and 8 local residents.

Present: Ms Sophia Firovia, (Owner and Applicant), Mr Massimo Matoni (Management Consultant), Mr Alun Thomas (Applicant's Representative), Richard Brown, Citizens Advice Westminster (Representing residents - Niall MacAnna, Rebecca Taylor, Brooke Bailey, Luke Dixon and Mark Allen)

Billy And The Chicks, 27 – 28 St Anne's Court, London W1F 0BN ("The Premises") 18/11821/LIPV							
1.	Sale by Retail of Alcohol						
	On or Off Sales			Current:		Proposed:	
				On		Off	
		Current Hours		Proposed Hours		Licensable Area	
		Start:	End:	Start:	End:	Current:	Proposed
	Monday	10:00	00:00	No Change		Ground Floor	Ground Floor and external seating area
	Tuesday	10:00	00:00				
Wednesday	10:00	00:00					
Thursday	10:00	00:00					

Friday	10:00	00:00			
Saturday	10:00	00:00			
Sunday	12:00	23:30			
Seasonal variations/ Non - standard timings:	Current:			Proposed:	
	(a)	On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10.00 to 00.00		No Change.	
(b)	On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12.00 to 23:30				
(c)	On Christmas Day: 12.00 to 22.30				
(d)	On New Year's Eve, except on a Sunday, 10.00 to 00.00				
(e)	On New Year's Eve on a Sunday, 12.00 to 23.30				
(f)	On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).				
Amendments to application advised at hearing:					
None					
Decision (including reasons if different from those set out in report):					
<p>The Sub-Committee considered an application by Bowls London Limited, for a variation of a premises licence in respect of Billy And The Chicks, 27 – 28 St Anne's Court, London, W1F 0BN. The Premises was situated in the Cumulative Impact Zone.</p> <p>The Licensing Officer introduced the application to the Sub-Committee and advised that the Metropolitan Police Service had withdrawn their representation and this was due to the Applicant agreeing to set conditions. Representations were also made by the Environmental Health Service.</p>					

The Sub-Committee was advised that representations had been received from Mr Richard Brown, Citizens Advice Bureau, on behalf of local residents on 19 November 2018 and the Applicant on 20 November 2018 and both had been circulated to all parties.

Mr Thomas (Applicant's Representative) explained that Billy and the Chicks was no longer operating and that the premises would operate under the trading name of Bowls. He had previously provided a document setting out the concept for the new restaurant. Mr Thomas advised the Sub-Committee that a Planning Application for external tables and chairs had been submitted and details of the application had been circulated to all parties. He advised that the Applicant had a culinary background and that Bowls was the first restaurant which Ms Firovia (Applicant) had opened. The Applicant planned to expand the chain. Mr Thomas advised that the Premises offered a wide range of meals from different Continents and these were priced from £5 to £17. The Restaurant would have a drinks menu which would comprise of a small selection of alcohol beverages. These would include wines and bottled beers. The Premises operated as a restaurant.

Mr Thomas advised that the Applicant sought to provide the sale/supply of alcohol for consumption off the premises during the current authorised hours to permit the sale of alcohol in the external seating area. The supply of alcohol for consumption off the premises was also proposed to authorise alcohol sales ancillary to take away meals. All alcohol off sales would be supplied in sealed containers. It was envisaged that alcohol off sales with take away meals would account for 2% of all sales. The proposal was also seeking the layout of the premises to be updated. Mr Thomas highlighted that no representation had been received in relation to the proposed amendment of the Premises layout.

Mr Thomas advised that approval for the Premises to have eight external chairs during 11:00hrs to 21:00hrs had been received and commented that the previous tenants also had outside seating. This application differed from the current License in that supply of alcohol in the external area was now sought. Mr Thomas indicated that the Applicant had agreed to the Conditions which had been proposed by Environmental Health apart from Model Conditions (MC), 34 & 35 which related to the collection of waste and recyclable materials. Mr Thomas advised that the Applicant had to adhere to Westminster City Council's timeframe for refuse collection.

Mr Thomas advised that MC 38 was not needed and reminded the Sub-Committee that the Premises operated as a restaurant and that the Application did not include any amendments which would warrant a new Condition. He commented that the Applicant was willing to work with Environmental Health. Mr Thomas advised that it was sought to vary the Model Condition for 'Off Sales' for the sale of alcohol in order to reflect the planning permission that had been granted for the external seating area. The proposed condition would be that 'The sale of alcohol for consumption off the premises shall be: (a) in a sealed container supplied with and ancillary to a take-away meal: or (b) be restricted to alcohol consumed by persons who are seated in an area of appropriately authorised for the use of tables and chairs on the highway and bona fide taking a substantial table meal there, and where the consumption of alcohol by such

persons is ancillary to taking such a meal, and where the supply of alcohol is by waiter or waitress service only.

A further condition was also proposed that "All outside tables and chairs be rendered unusable by 21.00 hours each day.

Mr Thomas advised that residents had been informed about the proposed amended conditions and had been met. He highlighted that the concerns raised by residents, which were mainly related to anti-social behaviour (ASB) and vagrancy, did not all stem from St Anne's Court and these issues needed to be reviewed more broadly. Mr Thomas advised that the CCTV will capture all of the external buildings and that the staff waiting at tables will deter ASB. He stated that the application did not contradict any Council Policy or oppose any of the licensing objections and that it would not cause any public nuisance.

Mr Dave Nevitt, representing Environmental Health advised had that were no concerns over the proposed layout of the Premises. Mr Nevitt advised that the current License stipulated that the Premises should operate only as a restaurant and that there were concerns about noise emanating from the Premises and its effects on residents who reside above the Restaurant. It had been proposed that the building be made 'sound proof' to address the above. Mr Nevitt welcomed that the operational hours for the outside tables and chairs had been reduced.

Following questions from the Legal Officer concerning the size of the external seating area (which was greater on the plans submitted than the area for which planning permission had been granted), Mr Thomas advised that the Premises had a pre-existing Plan for external seating and that the Planning documents had been amended to reflect the proposed external seating. Mr Thomas advised that the Applicant was willing to 'cap' the number of patrons who would be seated outside to ten individuals.

Mr Richard Brown (Citizens Advice, Westminster) addressed the Sub-Committee. He advised that he was representing local residents and residents from Clarion House. Mr Brown advised that a number of residents had lived in the area for a number of decades and had mixed physical abilities. He advised that there were concerns over the recent renovation of the area. Mr Brown advised that St Anne's Court had a number of licensed properties and that a majority of these premises did not have 'off sales'. He commented that the proposed external seating would have an effect on the 'footfall' and that the area had narrow streets. It was envisaged that Crossrail link would increase the number of pedestrians and would exacerbate current concerns.

Mr Brown noted that the proposed layout plan included a large bar area and stressed the importance that the Premises continue to operate as a restaurant. He commented that if the Application was approved, the Premises would add to current ASB, which included noise nuisance and littering. Mr Brown advised that there were concerns with the off sales and commented that Patrons may congregate in the immediate area to consume their purchases and leave litter. This was a particular concern to residents who had limited mobility. Mr Brown stated that nearby Premises which had external seating and supplied alcohol off sales acted as a magnet for 'street drinkers', 'beggars' and also individuals who

supply and consume prohibited substances. He advised that the local Police Service resources were strained due to the high level of ASB. Mr Brown commented that the mentioned actives had an adverse effect on resident's quality of life. He advised that residents were extremely concerned over the Application and this was due to past experiences. Residents were also concerned over the proposed changes to the Premises.

Mr Thomas advised the Premises was a small restaurant which contained between 50 and 60 seats. He advised that the Bar would not be a 'standing bar' and instead was a 'dining bar' which would be used by the Chef and was in effect an open kitchen. He advised that the basement floor was to be redesigned and the toilets in this area would be reconfigured. In response to questions from the Sub-Committee, Mr Thomas advised that the Premises would have two external tables and a bench and that a Planning Application had been submitted to increase the outdoor space. He commented that previous occupiers had a similar external layout.

Mr Thomas informed the Sub-Committee that Bowls was different to the previous restaurant that occupied the premises and that the Applicant was sympathetic to the concerns raised by local residents and would work with them. He advised that there would be difficulties in eliminating litter and commented that these could come from a number of sources. He also reiterated that take away would be supplied in sealed containers. Mr Thomas reminded the Sub-Committee that there was already permission for external seating and take-away and that the supply of alcohol was the only variation in the Licence that was being sought.

Mr Thomas advised that the Applicant would continue to work with Environmental Health and commented that the Restaurant had no history of complaints. He advised that the Applicant should not be penalised because of the types of individuals that are drawn to the locality. In response to questions from the Sub-Committee, Mr Thomas advised that no 'super strength beers', 'draught beer' and 'cider' would be available on the drink list and this could be conditioned. He advised that the alcohol offered at the Premises were priced highly and those offered would largely be cocktails. The beverage list had been chosen in order to compliment the menu.

Mr Thomas stated that the Applicant was willing to adopt Model Condition 71 and would ensure that patrons are supervised by staff whilst they are smoking and when seated outside. He advised that the conditions proposed by Environmental Health apart from those relating to servicing had been agreed and commented that the Premises had to adhere to Westminster City Council's timeframe for refuse collection. Mr Thomas advised that refuse was left outside the Premises when they closed and this pattern was followed by other nearby eateries. Mr Thomas advised that deliveries were received after 08:00hrs apart from milk.

After carefully considering the Application and the evidence provided by all parties (including those who did not attend the hearing) the Sub-Committee decided to grant the application with additional conditions which would ensure that the Premises did not add to the cumulative impact or exacerbate stated concerns which were raised by Parties or emulate those which had occurred with previous license holders. The Sub-Committee agreed that the style of Premises

	offered a better offer to patrons and would improve the quality of the commercial premises within the area. The Sub-Committee noted that there was already permission for the external area to be used and the key issue was whether the addition of off-sales of alcohol in accordance with the condition proposed would add to cumulative impact. The Sub-Committee was satisfied that the variation application would not add to cumulative impact.					
2.	Hours premises are open to the public					
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	00:30	No change		Ground Floor	No change
Tuesday	10:00	00:30				
Wednesday	10:00	00:30				
Thursday	10:00	00:30				
Friday	10:00	00:30				
Saturday	10:00	00:30				
Sunday	12:00	00:00				
	Seasonal variations/ Non-standard timings:		Current:		Proposed:	
			None		On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.	
	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).					
3.	Layout alteration:					
	Changes include: Basement <ul style="list-style-type: none"> • Redesign of WC layout Ground Floor <ul style="list-style-type: none"> • Addition of fixed bar counter to front of premises Removal of bar to rear of premises					
	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).
4.	Conditions being added
	Condition
	Authorise the sale/supply of alcohol for consumption off the premises during the current authorised hours to permit the supply of alcohol in the external seating area as delineated by a broken red line on the attached plans.
	The supply of alcohol for consumption off the premises is also proposed to authorise alcohol sales ancillary to takeaway meals.
	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	
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.

Conditions reproducing the effect of conditions subject to which the relevant existing licences have effect

9. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.

10. 'The sale of alcohol for consumption off the premises shall be:

(a) in a sealed container supplied with and ancillary to a take-away meal:

or

(b) restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway and bona fide taking a substantial table meal there, and where the consumption of alcohol by such persons is ancillary to taking such a meal, and where the supply of alcohol is by waiter or waitress service only.

11. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactment

Alcohol may be sold or supplied:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10.00 to 00.00
- (b) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12.00 to 23:30
- (c) On Christmas Day: 12.00 to 22.30
- (d) On New Year's Eve, except on a Sunday, 10.00 to 00.00
- (e) On New Year's Eve on a Sunday, 12.00 to 23.30
- (f) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (b) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in

charge of the business on the premises.

12. Alcohol shall not be sold or supplied unless the premises have been structurally and bona fide used, or intended to be used, for the purposes of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises.
13. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.
14. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
15. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
16. 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.
17. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
18. There shall be no sales of alcohol for consumption off the premises after (23.00).
19. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
20. 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.
21. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.

22. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
23. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
24. The Premises Licence Holder shall ensure that any persons drinking and/or smoking outside the Premises do so in an orderly manner and are supervised by staff so to ensure that there is no public nuisance.
25. The number of persons permitted to use the external table and chairs shall not exceed ten persons at any one time.
26. All outside tables and chairs be rendered unusable by 21:00 hrs each day.
27. No super strength beers, lagers and ciders of 5.5% ABV or above shall be sold on the premises except for premium beers, lagers and ciders supplied in glass bottles.

The Meeting ended at 3.30 pm

CHAIRMAN: _____

DATE _____