



**CITY OF WESTMINSTER**

# MINUTES

## Licensing Sub-Committee (4)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** held on **Thursday 21st February, 2019**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

**Members Present:** Councillors Karen Scarborough, Peter Freeman and Aicha Less

#### 1 MEMBERSHIP

There were no changes to the membership.

#### 2 DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 1 52-54 BROOKS MEWS, LONDON, W1K 4EG

#### LICENSING SUB-COMMITTEE No.4

Thursday 21 February 2019

Membership: Councillor Karen Scarborough (Chairman), Councillor Peter Freeman and Councillor Aicha Less

Legal Adviser: Horatio Chance  
Committee Officer: Georgina Wills  
Presenting Officer: Kevin Jackaman

Relevant Representations: Environmental Health and a Local Resident.

Present: Mr Thomas (Solicitor representing the Applicant), Mr Rashad (Applicant, Azur Limited) and Ms Rachel Bravard (Local Resident)

#### 52-54 Brooks Mews London W1K 4EG ("The Premises") 18/16217/LIPN

#### 1. Sale by retail of alcohol (Both):

Monday to Saturday: 10:00 to 00:00  
Sunday: 12:00 to 23:30

	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by Azur Limited, (“the Applicant”) for a New Premises licence in respect of 52-54 Brooks Mews London W1K 4EG.</p> <p>The Presenting Officer provided an outline of the application to the Sub-Committee. He confirmed that Environmental Health had withdrawn their representation and that the Premises was not located in the West End Cumulative Impact Area (“CIA”). He further confirmed that a representation had been received by a local resident and this was in relation to public nuisance.</p> <p>Mr Thomas (Applicant’s Representative) submitted that in his opinion Le Petit Maine was the ‘best restaurant in the world’. He stated that the restaurant had numerous branches in several Continents and served high quality Mediterranean food. The restaurant had also received a number of acclaims from the food and drink industry. Mr Thomas advised that the premises’ lease was to end and that the increase in demand had led the Applicant to expand the Premises and apply for a New Premises License. A premises licence was currently in existence at 53-54 Brooks Mews, it was sought to add 52 Brook’s Mews as part of the licensed area. Save for an increase in internal capacity of 20 persons the application was on the same terms, hours and conditions as the existing premises licence.</p> <p>Mr Thomas advised that the Applicant had agreed to the Model Conditions which had been proposed by Environmental Health and the Police. There had also been constructive discussions held with local residents. He advised that the Premises was ‘well run’, had a good reputation amongst local residents and that the Applicant wanted to remain at the current site.</p> <p>Ms Rachel Bravard, Local Resident, addressed the Sub-Committee and advised that she had resided in the area for a decade. She commented that the Applicants were ‘great neighbours’ and that she supported the Application. Ms Bravard stated that she had concerns over noise emanating from the Premises, especially during refuse collections and deliveries. She commented that it would be beneficial if collections and deliveries did not occur between 23:00hrs and 07:00hrs to minimise the impact on nuisance for residents. The Sub-Committee commented that residents could contact Environmental Health if they had any concerns over noise nuisance.</p> <p>In response to questions from the Sub-Committee, Mr Rashad advised that the customer entry and exit points to the Premises would not change and the new entrance would only be used by staff members and during emergency exits. The restaurant’s busiest period was during 13:00hrs – 13:30hrs and there was usually only one sitting. The Premises also had external seating. Mr Rashad</p>

	<p>advised that if the Sub-Committee was minded to grant the application he would agree to surrender the existing Premises Licence.</p> <p>The Sub-Committee carefully considered all the evidence and decided to grant the application accordingly. The Sub-Committee was pleased to note the constructive discussions that had taken place between the Applicant and the local resident. To address concerns raised at the Hearing model condition 24 was imposed which required the Applicant to provide a staff contact number for residents to use for reporting any potential noise nuisance which emanated from the Premises. The Sub-Committee considered the conditions imposed on the Premises Licence to be appropriate and proportionate and was satisfied that they would help promote the licensing objectives. The Sub-Committee also commented on the importance that the dialogue between local residents and Applicant was sustained.</p>
<b>2.</b>	<p><b>Late Night Refreshments</b></p> <p>Monday to Saturday: 23:00 to 00:30  Sunday: 23:00 to 00:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The application was granted, (reasons for decisions are detailed in Section 1) subject to conditions as set out below</p>
<b>3.</b>	<p><b>Opening Hours of the premises</b></p> <p>Monday to Saturday: 10:00 to 00:30  Sunday: 12:00 to 00:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The application was granted, the reason for the decision is detailed in section 1.</p>

## 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 consistent with the operating schedule**

9. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
10. 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.
11. 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.
12. There shall be seating for no more than 120 persons inside the premises with tables and chairs to be permanently laid out.

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

#### **Conditions related to the Sale of Alcohol**

13. (i) Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00
- (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30
- (c) On Good Friday, 12:00 to 22:30
- (d) On Christmas Day, 12:00 to 15:00. and 19:00 to 22:30
- (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00
- (f) On New Year's Eve on a Sunday, 12:00 to 22:30
- (g) 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).

(ii) Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve), and on Christmas Day, between 15.00 and 19.00, to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) 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;
- (c) 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;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) 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;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) 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;
- (j) 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.

14. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (a) He is the child of the holder of the premises licence.
- (b) He resides in the premises, but is not employed there.
- (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary. In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

15. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.
16. No licensable activities shall take place at the premises until premises licence 16/02087/LIPDPS (or such other number subsequently issued for the premises) has been surrendered.
17. No licensable activities shall take place at the premises until the works 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.
18. 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.
19. 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

20. 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.
21. All outside tables and chairs shall be removed or rendered unusable by 23.00 each day.
23. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
24. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 hours and 07:00 hours on the following day or alternatively can be as specified on the Council's website for Commercial Waste collection times for the street.
25. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
26. 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 washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
27. 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.
28. No licensable activities shall take place at the premises until premises licence **xxxx/xxxxxx/xxxx** (or such other number subsequently issued for the premises) has been surrendered [*and is incapable of resurrection*].

**2 DAISY GREEN, GROUND FLOOR, 2 - 4 NOEL STREET, LONDON, W1F 8GB**

**LICENSING SUB-COMMITTEE No. 4**

Thursday 21 February 2019

Membership: Councillor Karen Scarborough (Chairman), Councillor Peter Freeman and Councillor Aicha Less

Legal Adviser: Horatio Chance  
 Committee Officer: Georgina Wills  
 Presenting Officer: Kevin Jackaman

Relevant Representations: Licensing Authority and Soho Society

Present: Mr Thomas (Solicitor, representing the Applicant), Mr Richard Brown (Representing Soho Society and Residents)

<b>Daisy Green Ground Floor 2-4 Noel Street London W1F 8GB (The Premises") 18/13958/LIPV</b>							
<b>1.</b>	<b>Late night refreshments</b>						
	<b>Indoors, outdoors or both</b>			<b>Current:</b>		<b>Proposed:</b>	
				On sales only		No Change	
			<b>Current Hours</b>		<b>Proposed Hours</b>	<b>Licensable Area</b>	
			<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>
	<b>Monday</b>	23:00	23:30	No change		Ground Floor and Basement	No change
	<b>Tuesday</b>	23:00	23:30				
	<b>Wednesday</b>	23:00	23:30				
	<b>Thursday</b>	23:00	23:30				
	<b>Friday</b>	23:00	00:00				
<b>Saturday</b>	23:00	00:00					
<b>Sunday</b>	N/A	N/A					
<b>Seasonal variations/ Non - standard timings:</b>		<b>Current:</b>			<b>Proposed:</b>		
		Sundays before Bank Holidays 12:00 to 00:00			No change		

	<p>Amendments to application advised at hearing: None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by Ms Prue Freeman for a variation of a premises licence in respect of Daisy Green Ground Floor 2-4 Noel Street London W1F 8GB. The Premises was situated in the West End Cumulative Impact Area (CIA).</p> <p>The Presenting Officer provided an outline of the application to the Sub-Committee and advised that representations had been received both from the Licensing Authority and The Soho Society. He advised that the representation from Environmental Health had been withdrawn following a satisfactory check and that there was no history of public nuisance at the Premises.</p> <p>Mr Thomas (Applicant's Representative) at the start of his submissions advised that Ms Prue Freeman, the Applicant, was unable to attend the Hearing due to personal reasons. He advised that the Premises could be described as a 'coffee-based café' which offered a wide range of pastries, salads and vegetarian food. The Applicant was reported to operate a number of similar eateries around the Capital. Mr Thomas advised that the Applicant sought to vary conditions 9 and 10 of the Premises Licence so as to permit private functions in the basement area of the Premises. He commented that this was sought from the Applicant following an increase in demand for this type of provision. He advised that under the previous Premises Licence, licensable activities were permitted in the basement.</p> <p>Mr Thomas reminded the Sub-Committee that the Applicant was entitled to apply for up to 21 Temporary Events Notice (TENs) during the course of the year and stated that the rationale for submitting the application was to formalise the process. In total, it was anticipated that 50 private functions would occur each year at an average of one per week and be attended by up to a maximum of 100 persons excluding staff. Mr Thomas advised that the majority of the private functions would be corporate led events and that the Applicant would not be promoting this aspect of the business. Mr Thomas noted that the City Council had changed its Policy on Private Members Clubs and these establishments were not to be considered in the same light as a night club or pub when considering the policy presumption with regard to the CIA as a different test applied. Mr Thomas advised that the alcohol would be ancillary to refreshments and that prospective patrons would be served canapés whilst consuming alcohol.</p> <p>Ms Roxsana Haq from the Licensing Authority addressed the Sub-Committee and advised that there were concerns with the Application, in particular with the number of private events and the management of them. She confirmed that the Environmental Health historical check for public nuisance at the Premises proved satisfactory and commented that it would be appropriate for the Sub-Committee to impose Conditions which would mitigate concerns if it were minded to approve the application. The capacity of the basement was deemed appropriate to hold the proposed number of patrons.</p>

Mr Richard Brown (Citizens Advice, Westminster) addressed the Sub-Committee. He advised that he was representing The Soho Society. Mr Brown raised grave concerns over the number of applications which had been made to vary the Premises License since 2015. The Applicant was reported to have made successive applications in recent years and these included changing the Premises terminal hour, capacity and bar area. Mr Brown advised that the Sub-Committee should take into consideration these various changes and stressed that the Premises operational hours had been extended and that prospective customers would have access to a bar for longer periods.

Mr Brown noted that the Applicant had advised that the events would be 'modest' and 'discreet' and commented that these descriptions could not be quantified. He highlighted that the proposed variation of Condition 9 to allow alcohol to be ancillary to refreshments was not a 'high bar' and was less restrictive when compared to Model Condition 66 (Restaurant Condition). He advised that potentially there could be public nuisance in particular during the dispersal of patrons. He reminded the Sub-Committee that the Premises was located in the CIA and the potential 'net effect' on surrounding areas should be taken into consideration when considering the evidence and the promotion of the licensing objectives, in particular the public nuisance licensing objective.

In answer to questions from the Sub-Committee, Mr Thomas advised that he was uncertain on how private events would be marketed by the Applicant and commented that enquiries about this facility are often directly made by Patrons wanting to use the space. Mr Thomas advised that the Applicant would accept a Condition which prohibited the Applicant from advertising this aspect of the business within the Premises and that they would adopt a passive approach when marketing this service. The Sub-Committee noted that the Applicant's website listed a contact number for enquiries for the holding of such private events.

Mr Thomas reminded the Sub-Committee that the CIA Policy was primarily aimed at Public Houses and Bars and not 'private hire'. He advised that under the previous Premises Licence the basement was licensed for the licensable activities permitted under the licence. He commented that food would be ancillary to alcohol and Condition 9 could further be amended in order for refreshments to be replaced with substantial food. Mr Thomas advised that Noel Street was highly residential and that only a diminutive number of events would occur during the year and would average one per week. Mr Thomas advised that the Applicant was willing to accept a Personal Use Condition and highlighted that the Premises did not have a history of complaints or any public nuisance. He commented that events would not add to the cumulative impact.

Mr Brown welcomed the amendment proposed by Mr Thomas in relation to substantial food being ancillary to alcohol. Ms Haq highlighted that the Applicant had anticipated that there would be up to 50 events per year and commented that this number could increase by a further 21, if TENS were applied for. Mr Thomas advised that the Applicant would not be exceeding the stated number of events, which was 50 per year. The Sub-Committee noted that they could not limit the number of TENS the Applicant could apply for because this would be interfering with a statutory right and furthermore, the only conditions that could be

imposed on a TENS are those conditions imposed on a premises licence in any event. .

The Legal Advisor advised that public nuisance could occur at any single event and stated that during these periods there would be a concentration of people within the CIA. The Sub-Committee noted the concerns regarding the dispersal of a large number of patrons and were advised by Mr Thomas that the 'private events' would be largely corporate led events and not social events and it was anticipated that patrons would not exit the Premises on mass but steadily throughout the evening.

Mr Thomas advised that the Applicant would be willing to reduce the number of private events to 40 per year and also the number of customers permitted at private events. It was preferred that private events be held within the core hours. He stated that in his opinion the proposed amended conditions would prevent there being any negative impact within the CIA.

After carefully considering the Application on its individual merits and the evidence provided by all parties the Sub-Committee refused the Application. The Sub-Committee noted that although the Applicant was willing to amend Condition 9 so that the sale of alcohol was ancillary to substantial food rather than refreshments and reduced the number of proposed private events and number of customers at such events, on balance, the Sub-Committee agreed that the Application did not demonstrate that there was an exception to policy and would not add negatively to the Cumulative Impact Area. The Sub-Committee had to also consider whether the style, nature and character of the Premises was likely to change if the application was granted, particularly where there is no restriction on vertical drinking. The Sub-Committee took the view that the public nuisance licensing objective would be undermined in terms of the additional numbers entering the CIA and how this would affect residents in terms of noise and dispersal of those customers. The Sub-Committee was disappointed to note that the Applicant did not attend the Hearing nor send a representative so that the various issues identified above by the Sub-Committee could be properly addressed

**2. Sale by Retail of Alcohol**

<b>On or off sales</b>		<b>Current:</b>		<b>Proposed:</b>		
		On sales only		No Change		
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start</b>	<b>End</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	10:00	23:30	No Change		Ground Floor and Basement	No Change
<b>Tuesday</b>	10:00	23:30				
<b>Wednesday</b>	10:00	23:30				
<b>Thursday</b>	10:00	23:30				
<b>Friday</b>	10:00	00:00				
<b>Saturday</b>	10:00	00:00				
<b>Sunday</b>	12:00	22:30				
<b>Seasonal</b>	<b>Current:</b>			<b>Proposed:</b>		

<b>variations / Non – Standard timings:</b>	Sundays before Bank Holidays 12:00 to 00:00	No Change				
Amendments to application advised at hearing:  None						
Decision (including reasons if different from those set out in report):  The Sub-Committee refused the application (see reasons for decision in Section 1).						
<b>3. Hours premises are open to the public</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Premises Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Ground:</b>	<b>Proposed:</b>
<b>Monday</b>	08:00	00:00	No Change		Ground Floor And Basement	No Change
<b>Tuesday</b>	08:00	00:00				
<b>Wednesday</b>	08:00	00:00				
<b>Thursday</b>	08:00	00:30				
<b>Friday</b>	08:00	00:30				
<b>Saturday</b>	08:00	00:30				
<b>Sunday</b>	08:00	23:00				
<b>Seasonal variations/ Non-standard timings:</b>			<b>Current:</b> None		<b>Proposed:</b> No Change	
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).						
<b>4. Layout alteration:</b>						
No Change						
Amendments to application advised at hearing:  None						
Decision (including reasons if different from those set out in report):  The Sub-Committee refused the application (see reasons for decision in Section 1).						

<b>5. Conditions being varied, added or removed.</b>	
9. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal, save for in the area hatched black (such sale of alcohol without a table meal being restricted to 8pm)	9. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal, save for:  a) in the area hatched black (such sale of alcohol without a table meal being restricted to 8pm);  or  b) pre-booked, private events in the basement where the sale of alcohol s ancillary to substantial refreshment.
10. The supply of alcohol shall be by waiter or waitress service to seated customers only.	10. With the exception of private, pre-booked functions the supply of alcohol shall be by waiter or waitress service to seated customers only.
Amendments to application advised at hearing:  That the proposed Condition 9 (b) be amended to that the sale of alcohol is ancillary to substantial food rather than refreshments.	
Decision (including reasons if different from those set out in report):  The Sub-Committee refused the application (see reasons for decision in Section 1).	

The Meeting ended at 11.45 am

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

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