



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (2)** held on **Thursday 29th August, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Tim Mitchell (Chairman), Peter Freeman and Shamim Talukder

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

1 1 KEYHAM HOUSE, WESTBOURNE PARK ROAD, LONDON, W2 5UH

LICENSING SUB-COMMITTEE No. 2

Thursday 29th August 2019

Membership: Councillor Tim Mitchell (Chairman), Councillor Peter Freeman and Councillor Shamim Talukder

Legal Adviser: Barry Panto

Policy Adviser: Kerry Simpkin

Committee Officer: Tristan Fieldsend

Presenting Officer: Kevin Jackaman

Relevant Representations: Environmental Health, the Westbourne Safer Neighbourhood Panel, one local resident and the South East Bayswater Resident's Association

Present: Mr Ureshi Hirani (Applicant), Mrs Sally Fabbricatore (Environmental Health), Mr John Zamit (South East Bayswater Residents Association) and Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing the South East Bayswater Residents Association)

**1 Keyham House, Westbourne Park Road, London, W2 5UH
(The Premises")
19/07407/LIPN**

1. Sale by Retail of Alcohol – Off Sales

Monday to Saturday: 08:00 to 23:00
Sunday: 10:00 to 22:30

Amendments to application advised at hearing:

None.

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

The Sub-Committee considered an application by Nilkanth Express Superstore Ltd ("The Applicant") for a new premises licence in respect of 1 Keyham House, Westbourne Park Road, London, W2 5UH.

The Licensing Officer introduced the application and confirmed that the Police had withdrawn their representation following the agreement of conditions with the applicant.

Mr Hirani, the applicant, explained that the Premises operated as a convenience store providing a wide range of products to the local community. He had operated the Premises for 6 years and had previously had a licence to sell alcohol. This had been surrendered in order to allow his son, who was under the age of 18 at the time, to take over the management of the Premises. His son was now aged 18 and therefore an application had been made to once more allow the provision of off sales of alcohol from the Premises. All staff who worked at the store were provided with the required training and a personal licence holder would be on site at all times when alcohol was available for sale.

Mrs Fabbricatore, representing Environmental Health, confirmed that she attended a site visit to the Premises. The aspects to the late-night refreshment provision included a self-service microwave where customers could heat up food, a hot cabinet which displayed heated food products for sale and a self-service coffee machine. No hot food would be consumed on the Premises with the late-night refreshment element forming only a small part of the operation. In terms of the proposed alcohol provision the applicant had been agreeable to accepting the conditions proposed by EH and the Police. The hours originally proposed for the sale of alcohol had also been scaled back to a terminal hour of 23:00 hours Monday to Saturday and 22:30 on Sundays. Mrs Fabbricatore also advised of some potential changes to the conditions to avoid any duplication. Overall, EH was satisfied that appropriate training would be provided to the staff, the layout of the Premises was considered acceptable and sufficient controls would be in place to appropriately control sales of alcohol and late-night refreshment.

Mr Zamit, representing the South East Bayswater Residents Association, advised that he had observed the operation of the Premises during the Notting

Hill Carnival held in 2018. Following his observations, he was reassured by what he had seen and was satisfied that it was run by a responsible operator. The late-night refreshment aspect of the application was not a cause for concern however a couple of areas still required addressing. To help ensure that any potential future problems could be resolved appropriately it was requested that a direct telephone number to the manager of the Premises be made available to local residents. Also, to prevent any potential street drinking issues from arising a further condition was suggested to prevent the sale of any spirit miniatures.

Mr Brown, from the Citizens Advice Bureau Licensing Advice Project, addressed the Sub-Committee on behalf of The South East Bayswater Residents Association. He advised of some potential duplication of conditions on the licence and how several could be substituted with the Council's model conditions. There was an initial concern over the potential for the Premises to operate as a late-night refreshment venue but the condition requiring any licensable activities to be ancillary to the main function of the Premises as a convenience store addressed this.

In response to questions from the Sub-Committee Mr Hirani advised that waste from the Premises was disposed of by the Council's waste disposal services on Mondays, Wednesdays and Fridays. It was stored at the side of the Premises and not on the public highway. With regards to the sale of spirit miniatures Mr Hirani explained that these would be mainly sold to elderly customers who enjoyed a single drink in the evenings and therefore did not want to buy a full bottle. He was not aware of any street drinking issues in the area and all miniatures would be displayed behind the counter. Following discussions between all parties Mr Hirani agreed for conditions to be added to the licence to address any concerns raised. These included prohibiting any sales of spirit miniatures less than 7cl and for prominent signage to be displayed indicating the permitted hours for the sale of alcohol.

After careful consideration the Sub-Committee agreed to grant the application. The Sub-Committee welcomed that following consultation the applicant had reduced the terminal hour for the sale of alcohol to 23:00 Monday to Saturday. The agreement for further conditions to be added to the licence was also noted to prevent any potential street drinking issues. These included prohibiting sales of miniatures less than 7cl and requiring prominent signage to be on display setting out the permitted hours for the sale of alcohol. A further additional condition was also imposed, with the applicant's agreement, that a direct telephone number for the manager should be publicly available at all times the Premises was open. Additional restrictions also provided reassurance to the Sub-Committee including ensuring licensable activities would be ancillary to the Premises operating as a convenience store and prohibiting any sales of super strength beer, lager or cider. It was also noted that there were to be no sales of late-night refreshment for consumption on the premises. The Sub-Committee was satisfied that the proposed conditions, as amended, were appropriate and proportionate for the local area and would ensure that the licensing objectives were promoted. The Sub-Committee therefore granted the application accordingly.

2.	<p>Late Night Refreshment</p> <p>Monday to Saturday: 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 Sub-Committee granted the application (see reasons for decision in Section 1).</p>
3.	<p>Hours Premises are Open to the Public</p> <p>Monday to Saturday: 07:00 to 00:00 Sunday: 08:00 to 23:00</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 Sub-Committee granted the application (see reasons for decision in Section 1).</p>

Conditions attached to the Licence	
<u>Mandatory Conditions</u>	
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.	<p>(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.</p> <p>(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.</p>

(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.

5(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.

5(ii) For the purposes of the condition set out in paragraph 5(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.

- 5(iii). Where the permitted price given by Paragraph 5(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.
- 5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(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

6. On the Sunday and Monday of the Notting Hill Carnival:
a) There will be no sale of alcohol in glass vessels from the premises; and
b) There will be no external advertisement of alcohol promotions at the premises.
c) There shall be no sale of alcohol from the premises after 20:00 hours.
7. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as newsagents/convenience store.
8. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
9. There shall be no consumption of hot food or hot drink on the premises between the hours of 23:00-05:00 hours.
10. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
11. No more than 15 % of the sales area to be used at any one time for the sale, exposure for sale, or display of alcohol.
12. No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises except for premium beers, lagers or ciders, sold in glass bottles.
13. There shall be no self service of spirits on the premises except for spirit mixtures below 5.5% Alcohol by Volume.
14. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
15. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured

in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.

16. 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.
17. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
18. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log 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.
19. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
21. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23.00 hours and 07.00 hours.
22. Deliveries to the premises shall only take place between 0700 and 2300 hours.
23. 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.
24. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence. Conditions proposed by interested party
25. No miniature bottles of spirits of less than 7cl or shall be sold from the premises.
26. 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.

2 SUCRE, 47 GREAT MARLBOROUGH STREET, LONDON, W1F 7JP

LICENSING SUB-COMMITTEE No. 2

Thursday 29th August 2019

Membership: Councillor Tim Mitchell (Chairman), Councillor Peter Freeman and Councillor Shamim Talukder

Legal Adviser: Barry Panto
Policy Adviser: Kerry Simpkins
Committee Officer: Tristan Fieldsend
Presenting Officer: Kevin Jackaman

Relevant Representations: Environmental Health, Licensing Authority and the Soho Society

Present: Mr Alun Thomas (Solicitor, representing the Applicant), Mr Greg Godik and Mr Zeev Godik (on behalf of the Applicant company), Mr Anil Drayan (Environmental Health), Ms Karyn Abbot (Licensing Authority) and Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing the Soho Society)

Sucre, 47 Great Marlborough Street, London, W1F 7JP ("The Premises") 19/07930/LIPN	
1.	Sale by Retail of Alcohol – On and Off Sales Monday to Saturday: 10:00 to 00:30 Sunday: 12:00 to 22:30 Seasonal Variations / Non-Standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays immediately prior to bank holidays to 00:30.
	Amendments to application advised at hearing: The Sub-Committee was advised by the applicant that the provision of off sales had been withdrawn from the application.
	Decision (including reasons if different from those set out in report): The Sub-Committee considered an application by Ba Restaurants Ltd ("The Applicant") for a new premises licence in respect of Sucre, 47 Great Marlborough Street, London, W1F 7JP. The Licensing officer introduced the application and confirmed that the Police had withdrawn their representation following the agreement of conditions with

the applicant.

Mr Thomas, representing the applicant, advised the Sub-Committee that restaurants, even those with a post-dining bar area, were recognised in the Council's Statement of Licensing Policy as operating differently to either pubs or bars. With this application before it there were two main issues which needed to be considered. The first was the operation of the post-dining bar located in the basement and the second was that the hours requested permitting the sale of alcohol were outside the Council's core hours policy. The post-dining bar area could only be used by customers before, during or after having a meal. The hours sought also only represented a slight extension to core hours of one hour on Monday to Thursday and 30 minutes on Fridays and Saturdays. Mr Thomas advised that policies RNT2 and HRS1 needed to be considered and neither required the applicant to demonstrate the application was an exception to policy. The applicant therefore had to establish the case on its merits and show how it would not add to cumulative impact. The reasons why the application would not add to cumulative impact were because of its location, the fact it would operate as a restaurant and because it was located in a low-density residential area. The applicant was also very experienced in operating licensed premises not only within Westminster but throughout the UK.

Mr Zeev Godik, on behalf of the applicant company, provided the Sub-Committee with an overview of his experience as a restaurateur. He explained that the Premises would operate as a sister restaurant to a premises located in Buenos Aires, Argentina. It would be a chef-led restaurant providing a diverse food offer in an attractive location. The sale and consumption of alcohol would therefore be a secondary feature at the restaurant. A post-dining bar area would be located in the basement which would be available to those customers who had finished their meal and who then wanted to have a coffee or digestif. It was expected that those customers using the bar area would be present for approximately 30 to 40 minutes and it would not become a destination bar. There would be two sittings at 8 pm and 10 pm. The opening hours had been applied for as they represented the Latin style of the operation where customers tended to primarily have meals later in the evening. The use of the bar would allow customers to wind down before leaving the Premises. The restaurant was located on Great Marlborough Street in close proximity to Oxford Circus tube station.

Mr Thomas provided an overview of the location of the Premises and advised that there was a low number of residential properties in the vicinity, especially for the Soho area. It was highlighted that the planning permission granted for the Premises had also described the area as non-residential, characterised by commercial use. The planning permission had also imposed a condition requiring any bar use at the Premises to be ancillary to it operating as a restaurant with the bar available to be used by customers before, during or after their meal.

To address the concerns raised in the representations received Mr Thomas highlighted the following:

- Patrons permitted to temporarily leave and then re-enter the Premises to

smoke would be limited to 10;

- No delivery or takeaway services would be provided from the Premises;
- The provision of off sales of alcohol would be withdrawn from the application;
- Patrons temporarily leaving and re-entering the Premises e.g. to smoke would not be permitted to take drinks or glass containers with them;
- No fumes, steam or odour to be emitted from the Premises so as to cause a nuisance;

Mr Thomas acknowledged that the Soho Society had requested that the hours permitting the servicing and waste collections from the Premises be restricted. It was requested however that the times mirror those set out in the Council's model waste and servicing conditions which prohibited any from taking place between the hours of 23:00 and 07:00. These hours were more closely aligned with the Council's waste collection hours and would prevent any waste being displayed on the public highway for extended periods of time. To address any further concerns Mr Thomas also advised that the conditions could be amended to limit the number of persons in the basement drinking to a maximum of 30, all of which would have to be seated. Every customer located in the basement would have to have ordered a meal, be having a meal or have had a meal at the Premises. A staffed meet and greet station would be sited at the entrance to the Premises therefore ensuring no one could enter the establishment to drink only.

Mr Thomas advised that the Council's Statement of Licensing Policy recognised that restaurants did not have the same impact as vertical drinking establishments and were therefore afforded more flexibility than bars. It stated that the granting of later hours depended on various factors including whether customers leaving the Premises were likely to give rise to public nuisance and the proximity of residential property. Mr Thomas highlighted that their customers were less likely to add to cumulative impact as there would not be any vertical drinking, the Premises was located close to numerous transport options to aid dispersal (Oxford Circus station being very close) and there was a low density of residential properties in the vicinity. Therefore, the slight extension to core hours requested did not encourage any prolonged drinking and were unlikely to add to cumulative impact. The Sub-Committee was advised that the nature of the operation, which was not one of a drinking establishment, meant that policy PB2 did not apply. Customers were required to have a meal at the Premises with stringent conditions to be added to the licence and therefore there was no presumption to refuse the application. The Policy did state that after 01:00 hours there was the increased likelihood of crime and disorder and disturbance and as such the Premises would close by this time. In terms of dispersal the applicant had formulated a detailed dispersal plan. The Premises was located in an area of the West End which had numerous transport options available. SIA staff would be employed on Thursday, Friday and Saturday evenings, the level of which would be determined on a risk-assessment basis.

Mr Drayan, representing Environmental Health, confirmed that they had no concerns over the hours requested as the Premises would operate as a restaurant with a low number of residential properties located in its vicinity. In terms of the bar area, this would be located in the basement and was not

viewable from the street. The hours requested would keep people in the CIA in excess of core hours but the customers were more likely to stay at the Premises rather than disperse wider into the CIA therefore reducing any potential cumulative impact issues. The provision requiring all customers in the basement bar area to be seated was welcomed in addition to limiting the number of drinkers to 30. Environmental Health (EH) had no other concerns over the application and therefore it was a matter for the Sub-Committee to decide if it complied with Policy.

Ms Abbot, representing the Licensing Authority, noted that the Premises would operate as a restaurant and the full model restaurant condition had been offered by the applicant to ensure it was in line with Policy RNT2. However, the operating schedule suggested that the Premises would also include an ancillary bar area. Paragraph 2.5.3 stated that the Council was particularly concerned with restaurants operating, even in part, as bars within the CIA. Therefore, Policy PB2 had to be considered, in particular as the growth in the number of premises that primarily served alcohol, was likely to result in or add to cumulative impact. The Licensing Authority considered that the grant of variations or new licences for pubs and bars in the CIA should be limited to exceptional circumstances.

Mr Brown, from the Citizens Advice Bureau Licensing Advice Project, addressed the Sub-Committee on behalf of The Soho Society. He noted that the hours sought had been described as a slight extension to core hours. However, Mr Brown advised that they should be considered a significant increase beyond core hours as the core hours represent the time when the premises have to be closed and from Monday to Thursday they were one and a half in excess. The Soho Society's position was that, with acceptable conditions, they were content for the application to be granted to core hours. The area had been described as having a low density of residential properties, however Policy looked at the global and cumulative effects of licensed premises within the CIA. This was an important consideration, especially as the Premises had a fairly significant capacity of 300 customers. The Policy was clear that even permitting incremental increases to a licence in a CIA would add to cumulative impact. This application was seeking a terminal hour beyond core hours to 01:00. Paragraph 2.2.12 stated that noise and nuisance from customers leaving a premises were more likely to effect residents the later the hour it happened. Paragraph 2.5.14 also highlighted that the sale of alcohol in restaurants operating later than core hours must form part of the consumption of a table meal and not be a retiring bar. This was to ensure restaurants continued to function as restaurants and not as late-night bars. In this instance if a customer finished their meal at 20:00 hours and continued to drink alcohol until 01:00 this could not constitute the bar operating ancillary to the Premises being a restaurant. Finally, in terms of the hours requested by The Soho Society for the servicing of the Premises, the Sub-Committee was advised that these reflected the times granted in the planning permission but it was a matter for the Sub-Committee to decide.

In response to questions from the Sub-Committee EH confirmed that under the current arrangements the capacity of the basement was 60 but depending on works undertaken could be extended to approximately 80 or 90.

The Council's Legal Adviser noted that model condition 66 would operate on both the ground and basement floors of the Premises. Further clarification was therefore requested on how the proposed amended condition restricting the number of drinkers in the bar area to 30 would operate. Mr Thomas advised that in the basement, save where customers were already taking a meal, 30 customers could be seated drinking alcohol only on condition that they had already consumed a table meal. The reason this condition was proposed was to ensure that the applicant did not breach the conditions on the licence if a customer ate a meal on the ground floor and then afterwards had a drink in the basement. The applicant provided an overview of the operation and explained that customers who had finished their meal on the ground floor could then retire to the basement for a drink, allowing the ground floor table to be cleared ready for the next customers.

The Council's Legal Adviser understood the explanation given but pointed out that the proposed condition restricting the number of customers who could consume alcohol in the basement might inadvertently impact on those customers who were actually consuming their meals in the basement in any event (rather than moving to the basement for an alcoholic beverage after consuming their meal on the ground floor). The point was made that, if (and only if) the members were to accept that 30 persons drinking in the basement after a meal would not add to cumulative impact, then any larger number would not add to cumulative impact and it might be more appropriate not to impose any capacity restrictions in that regard so as to avoid confusion. Mr Thomas agreed that the capacity limitation might well have had the inadvertent impact identified.

After careful consideration, the Sub-Committee agreed to grant the application. It was acknowledged that the key issues centred on the proposed hours being in excess of core hours and the post-dining bar located in the basement. The Licensing Sub-Committee did carefully note the policy points that had been well made by Mr Brown on behalf of the Soho Society. However, it was noted that the basement could be operated as a restaurant with customers in that area remaining behind after they had finished their meal for as long as they wanted up until closing hours. Although it was recognised that any premises licence could be transferred to another operator, the Licensing Sub-Committee was of the view that a certain amount of weight had to be given to how the applicant proposed to operate the premises and it did not think that this operator was likely to operate a business where many customers would remain behind for lengthy periods of time having concluded their meals. In reaching its decision the Sub-Committee also had regard to the low residential density of Great Marlborough Street and the numerous transport options available to customers leaving the Premises. This provided reassurance to the Sub-Committee that the dispersal of customers, even beyond core hours, would not create any additional noise or disturbance in the cumulative impact area.

The Sub-Committee was of the opinion that the Premises would clearly be operating as a restaurant. Therefore, consideration of policy RNT2, and not PB2, was required which stated that applications for restaurants in a CIA would be granted if it could be demonstrated that it would not add to cumulative impact

	<p>in a CIA. Due to the nature of the operation and the conditions on the licence it was considered this would mitigate any potential cumulative impact. Serious consideration was given to the proposals to limit the number of customers drinking in the basement bar area to a maximum of 30. The fact that the full restaurant condition (MC66) would apply across both floors of the Premises however, which required all customers to be seated taking a table meal, meant that this restriction was not considered appropriate. Imposing a limit was deemed likely to complicate the situation and the restrictions imposed by model condition 66 were sufficient to ensure it could not become a drink-led establishment. It was also recognised that the ancillary bar area was located in the basement and not visible, or advertised, from the street. The Sub-Committee welcomed the proposals to withdraw off-sales from the application and prohibit any takeaway or delivery service from operating from the Premises. It was considered that this would further limit any potential disturbance in the local area. In terms of servicing the Premises, the Sub-Committee imposed the hours as set out in the Council's model condition as they better reflected the hours of operation of the Council's waste collection service. In making its decision the Sub-Committee noted the experience of the applicant and his good track record in operating similar establishments in Westminster.</p> <p>Having taken into account all the evidence (with consideration being given to the representation received from The Soho Society), the Sub-Committee was satisfied that the application was suitable for the local area and had addressed the concerns raised concerning the CIA. The applicant had demonstrated that the application was appropriate with the conditions proposed restrictive enough to ensure that it would not add to cumulative impact and promoted the licensing objectives. The Sub-Committee therefore granted the application accordingly.</p>
<p>2.</p>	<p>Late Night Refreshment – Indoors</p> <p>Monday to Saturday: 23:00 to 00:30</p> <p>Seasonal Variations / Non-Standard Timings:</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>On Sundays immediately prior to bank holidays to 00:30.</p>
	<p>Amendments to application advised at hearing:</p> <p>The Sub-Committee was advised by the applicant that the provision of off sales 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.	<p>Hours Premises are Open to the Public</p> <p>Monday to Saturday: 07:00 to 01:00 Sunday: 07:00 to 23:00</p> <p>Seasonal Variations / Non-Standard Timings:</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>On Sundays immediately prior to bank holidays to 00:30.</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 Sub-Committee granted the application (see reasons for decision in Section 1).</p>

Conditions attached to the Licence	
<u>Mandatory Conditions</u>	
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.	<p>(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.</p> <p>(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—</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;</p>

- (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. 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,
- (v) 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.

10. Notwithstanding condition 9 customers may be supplied alcohol in the basement before, during or after their meal. For the avoidance of doubt the supply of alcohol must still be by waiter/waitress service to seated customers.

11. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
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. 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.
15. 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
16. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 300 persons.
17. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
18. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
19. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.
20. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 on the following day.
21. 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.

22. 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.
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. Before the premises are open to the public, the plans deposited with the application (or subsequently substituted plans where there have been changes to layout) will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Conditions proposed by the Environmental Health None Conditions proposed by the Police None Conditions proposed by Interested Party
25. 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.'
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. 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. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 10 persons at any one time.

The Meeting ended at 12.34 pm

CHAIRMAN: _____

DATE _____