



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (4)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** held on **Thursday 26th September, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Karen Scarborough (Chairman), 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 DAISY GREEN, 1 CANALSIDE WALK, LONDON, W2 1DG

LICENSING SUB-COMMITTEE No. 4

Thursday 26th September 2019

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

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

Relevant Representations: Environmental Health, Metropolitan Police and the Paddington Waterways and Maida Vale Society (PWMVS), South East Bayswater Residents Association (SEBRA)

Present: Mr Richard Brown (Westminster Citizen Advice Bureau on behalf of The South East Bayswater Residents' Association (SEBRA) and the Paddington Waterways and Maida Vale Society (PWMVS), Mr John Zamit, (SEBRA), Mr Alun Thomas (Solicitor, representing the Applicant), Ms Prudence

Freeman (Applicant) Mr James Rankin (Landlord) and Mr David Nevitt
(Environmental Health)

Daisy Green, 1 Canalside Walk, London, W2 1DG (“The Premises”) 19/09141/LIPN	
1.	Sale by Retail of Alcohol – On and Off Sales Monday to Thursday: 10:00 to 23:30 Friday to Saturday: 10:00 to 00:00 Sunday: 12:00 to 22:30 Seasonal Variations/Non-Standard Timings: New Year’s Eve from end of permitted hours to start of permitted hours on New Year’s Day. On Sundays prior to Bank Holidays 23:00 to 00:00.
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee considered an application by Daisy Green Food Ltd (“The Applicant”) for a new premises licence in respect of Daisy Green, 1 Canalside Walk, London, W2 1DG. The Premises were formed of a downstairs bar and external area and a mezzanine. The Applicant was seeking to permit sales of alcohol (On and Off Sales) between the hours of 10:00 to 23:30 Monday to Thursday, 10:00 to 00:00 Friday to Saturday and 12:00 to 22:30 on Sundays. It was also proposed for late night refreshment (indoors only) between the hours of 23:00 to 23:30 Monday to Thursday and 23:00 to 00:00 Friday to Saturday. Mr Kevin Jackaman, Presenting Officer, introduced the application to the Sub-Committee and advised that representations had been received from the Metropolitan Police, Environmental Health, The South East Bayswater Residents' Association (SEBRA) and the Paddington Waterways and Maida Vale Society (PWMVS). The Sub-Committee was informed that the Applicant and Interested Parties had submitted additional documentation, and these were circulated to all parties on 23 September 2019 and 24 September 2019. These documents were noted by the Sub-Committee. It was confirmed that the Metropolitan Police Service had withdrew their representation and that the Premises was not situated in a Cumulative Impact Area. Mr Thomas, the Applicant’s Legal Representative, advised that Ms Prudence Freeman of the Applicant had several premises in Westminster. The Sub-Committee was informed that Daisy Green had first opened at Cardinal Place in 2012 and that the business had expanded into a branch led business. All of the Daisy Green Branches are located in the Zone 1 area and are situated in mixed surroundings which included offices, business and residential buildings. It was

stated that the Unit at 1 Canalside Walk, London, W2 1DG will be the businesses 'flag ship' branch and will offer a wide range of produce which includes a bakery, hot beverages and sandwiches. The Unit is located within an Office complex which will comprise of over 2500 office workers. In addition to offering food and beverages the Premises will also provide a recreational space for office workers during the lunch period and after working hours.

Mr Thomas highlighted that the Premises was in an area which was undergoing major regeneration and that this included a new Crossrail train station. The Sub-Committee noted that the regeneration along the Paddington Basin comprised of a mixture of commercial and residential buildings and raised concerns of anti-social behaviour emanating from the Premises. Mr Thomas advised that it was proposed for the outside seating to be subject to the Restaurant Model Condition. He noted that the Interested Parties had preferred for the Restaurant Model Condition to be applied to all areas of the Premises and explained that this would place restrictions on the business model causing practical issues for the Applicant. The Sub-Committee noted this and based on the evidence felt that it would not be appropriate in the circumstances to place such a restriction on the licence.

Mr Thomas advised that a 'mixed used' of the Unit was sought and that the Applicant wished to retain some flexibility which would enable the Premises to operate during the day and evening. The Sub-Committee was advised that it was proposed for the Premises to be used as a 'meeting point' for after working hours and for alcohol to be served during these periods. Mr Thomas advised that the proposed business model replicated those which were in operation in premises that were similar to the Unit. This model was noted as being successful and well suited to the building's environment. Mr Thomas advised that the identified leaseholders had agreed to take up the lease of the building and that this was on the proviso that the Applicant was able to operate within the Unit by securing the premises licence.

The Sub-Committee noted that the Premises was located near a waterway and commented that water acted as a conduit for noise. Mr Thomas reminded the Sub-Committee that the Unit was located near two bridges and that in addition these structures acted as a noise barrier. The Sub-Committee was advised that there would be no designated smoking area for smokers and that it was preferred that such persons do not congregate in one area which had the potential to cause nuisance. The Sub-Committee was informed that the current Planning Permission permits activities in the external areas of the Premises until 23:30hrs. There will be no 'off-sales' of alcohol after 23:00hrs.

Mr Thomas advised that the Mezzanine was located above the kitchen and was used as part of an office and would be primarily used for events and for hired non-seated events. The area would also contain a multi screening room.

Mr Thomas reminded the Sub-Committee that the Premises was not situated in the Cumulative Impact Zone and that the Applicant was required to demonstrate that the licensing objectives would be promoted. He advised that the Premises would be 'food led' and that the restaurant Model Condition would be applicable to half of the Premises only. He further explained that the building usage was classified as A3 under Planning rules and that the Premises would not be 'bar

led'. Mr Thomas advised that the sale of alcohol in the 'non- hatched area' of the Premises would be ancillary to a seated meal. He also advised that there would be one-point of entry into the Premises.

Mr David Nevitt, Environmental Health officer advised that his representation had been maintained and this was in relation to the Premises location and its proximity to residential buildings. Mr Nevitt explained that the locality was relatively quiet and had little traffic. The Sub-Committee was advised that the mentioned area was pedestrianised and that there were concerns over noise nuisance. He advised that water was a good conduit for noise and that there were a few insulators in the localities which could absorb noise emanating from the Premises.

Mr Nevitt explained that the Premises was located near Bishop Bridge Road and that there were several residential buildings which were located near to the Service Bay. The placing of screens around tables in the external area would help to negate concerns over noise nuisance. Mr Nevitt raised concerns over the dispersal of patrons during the late evening and highlighted that a 'dispersal policy' had not yet been provided by the Applicant. He commented about the Premises capacity and noted that most of the floor space had been portioned for the restaurant. At current there is uncertainty at what capacity should be stipulated for standing patrons; this needs to be determined.

Following questions from the Sub-Committee, Mr Thomas advised that the Mezzanine would have a dual use and would be used by patrons and for private functions. He advised that the private functions would largely be corporate events and that the Mezzanine would operate in a similar style to other Units. Mr Thomas advised that the Applicant wished to retain some flexibility in how this area of the Premises could be used. It was stated that all private functions will have a waited service. There is no direct access to the Mezzanine from the street.

Mr Richard Brown, representing SEBRA and PWMVS, advised the Sub-Committee that he had met with the Applicant at the Premises Site. He advised that the main contentious issues were the sale of alcohol and the Premises proximity to residential buildings. There were also concerns that the Premises Licence will set a precedent and encourage similar applications from other establishments. Mr Brown acknowledged that the Applicant had other similar Premises in Westminster and commented that the locations of these Units differed to those of 1 Canalside Walk. The Sub-Committee was advised that 1 Canalside Walk was pedestrianised and therefore could not be compared to the other localities. Mr Brown advised that it was preferred for the sale of alcohol to be ancillary to food in the external seating area and in the internal non-ancillary area (hatched area) for patrons to be seated and have a waited service. He commented that he understood that the Applicant wished to have a degree of 'flexibility' on how the Premises could be used and stressed the importance of stipulating a capacity for the Unit.

Mr John Zamit, South East Bayswater Residents Association, addressed the Sub-Committee and advised that complaints had been received from local residents at Sheldon Square, Paddington, about noise emanating from a

	<p>building in which the Applicants other premises was located. Mr Zamit highlighted that the Unit was within an Office complex which would house 3000 office workers and raised concerns about the Premises becoming a ‘drink led’ establishment. The Sub-Committee was advised that there were concerns that the roof bar would be transferred into a bar area and would therefore encourage vertical drinking. This was of particular concern during the latter part of the week.</p> <p>Mr Zamit advised that it was preferred for the Premises to operate as a restaurant and that a similar application for another operator which had been granted required their patrons to be seated. He commented about the Premise’s proximity to residential buildings and raised concerns about smokers and the Applicant not having provided a dispersal policy for consideration.</p> <p>Mr Thomas advised the Sub-Committee that the Applicant was currently devising a ‘dispersal plan’. He highlighted that the Premises was surrounded by several stations and bus routes. The Sub-Committee was advised that local residents would be aware of the mixed setting of the locality and that the hours sought were within the City Council’s core hours policy.</p> <p>The Sub-Committee was advised that there was no history of complaints from the other premises which were operated by the Applicant. Following questions from the Sub-Committee, Mr Thomas advised that there was no physical boundary between the hatched area and designated restaurant. He advised that the Applicant would alter the floor plan so that the potential for vertical drinking was reduced and would liaise with Environmental Health on how best to achieve this.</p> <p>The Sub-Committee was pleased to note the level of communication between the Applicant and the interested parties leading to several proposed conditions being imposed on the premises licence. This included imposing maximum capacities subject to determination by Environmental Health. After taking into consideration all the evidence before it, the Sub-Committee considered that the conditions it had imposed on the premises licence (which included a dispersal strategy) as agreed between the parties were appropriate and proportionate and would have the overall effect of promoting the licensing objectives. The Sub-Committee also requested that the Applicant submit amended plans of the Premises and this included the hatched area</p> <p>The Sub-Committee therefore granted the application accordingly.</p>
<p>2.</p>	<p>Late Night Refreshment – Indoors</p> <p>Monday to Thursday: 23:00 to 23:30 Friday to Saturday: 23:00 to 00:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>New Year’s Eve from end of permitted hours to start of permitted hours on New Year’s Day.</p>

	On Sundays prior to Bank Holidays 23:00 to 00:00.
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted the application (see reasons for decision in Section 1).
3.	<p>Hours Premises are Open to the Public</p> <p>Monday to Thursday: 07:30 to 23:30 Friday to Saturday: 07:30 to 00:00 Sunday: 07:30 to 22:30</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>New Year's Eve from end of permitted hours to start of permitted hours on New Year's Day.</p> <p>On Sundays prior to Bank Holidays 23:00 to 00:00.</p>
	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	
<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.	(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;

(b) "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;

(c) "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

(d) "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.

Additional Conditions imposed by the Licensing Authority after a hearing:-

9. 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.

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. Save for any external area shown cross hatched on the plan, all sales of alcohol for consumption off the premises shall be in sealed containers only.
13. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
14. 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.
15. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
16. 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.
17. 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.
18. No deliveries to the premises shall take place between (23.00) and (07.00) on the following day.
19. 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.
20. 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.
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, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

22. 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.
23. 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.
24. Save for the external area hatched on the Premises Plan, no super-strength beer, lagers, ciders, or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises for consumption off the premises, except for premium beers and ciders supplied in glass bottles and cans
25. There shall be no sales of alcohol for consumption off the premises after 23.00hrs Monday-Saturday, 22.30 Sunday.
26. Patrons permitted to temporarily leave and then re-enter the premises including the blue hatched area, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
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. The Licence should remain ancillary to the main use of the building as Offices
29. The supply of alcohol at the Premises should only be to person seated taking a table meal there and for consumption by such person as ancillary to their meal say for the area hatched on the plan which includes the mezzanine

2 DAISY GREEN, 2 CANALSIDE WALK, LONDON, W2 1DG

LICENSING SUB-COMMITTEE No. 4

Thursday 26th September 2019

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

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

Relevant Representations: Environmental Health, Metropolitan Police and the Paddington Waterways and Maida Vale Society

(PWMVS), South East Bayswater Residents Association (SEBRA)

Present: Mr Richard Brown (Westminster Citizen Advice Bureau on behalf of The South East Bayswater Residents' Association (SEBRA) and the Paddington Waterways and Maida Vale Society (PWMVS), Mr John Zamit, (SEBRA), Mr Alun Thomas (Solicitor, representing the Applicant), Ms Prudence Freeman (Applicant Company) Mr James Rankin (Landlord) and Mr David Nevitt (Environmental Health)

Daisy Green, 2 Canalside Walk, London, W2 1DG (“The Premises”) 19/09114/LIPN	
1.	Sale by Retail of Alcohol – On and Off Sales Monday to Thursday: 10:00 to 23:30 Friday to Saturday: 10:00 to 00:00 Sunday: 12:00 to 22:30 Seasonal Variations/Non-Standard Timings: New Year’s Eve from end of permitted hours to start of permitted hours on New Year’s Day. On Sundays prior to Bank Holidays 23:00 to 00:00.
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee considered an application by Daisy Green Food Ltd (“The Applicant”) for a new premises licence in respect of Daisy Green, 2 Canalside Walk, London, W2 1DG. The Premises were formed of a roof area linked to the Premises at 1 Canalside Walk. The Applicant was seeking to permit sales of alcohol (On and Off Sales) on the roof area between the hours of 10:00 to 23:30 Monday to Thursday, 10:00 to 00:00 Friday to Saturday and 12:00 to 22:30 on Sundays. Mr Kevin Jackaman, Presenting Officer introduced the application to the Sub-Committee and advised that representations had been received from the Metropolitan Police, Environmental Health, The South East Bayswater Residents' Association (SEBRA) and the Paddington Waterways and Maida Vale Society (PWMVS). The Sub-Committee was pleased to note the level of communication between the Applicant and interested parties which led to several proposed conditions being imposed on the licence. This included a Condition which required a register of persons attending private functions or events to be kept at the Premises and to be made available to the Police or the Local Authority on

	<p>request. A further Condition was also imposed which required for all licensable activities provided at the Premises to be ancillary to the main function of the building as offices.</p> <p>After taking into consideration all the evidence before it, the Sub-Committee considered that the conditions it had imposed on the licence were appropriate and proportionate and would have the overall effect of promoting the licensing objectives. The Sub-Committee therefore granted the application accordingly.</p>
<p>2.</p>	<p>Late Night Refreshment – Indoors</p> <p>Monday to Thursday: 23:00 to 23:30 Friday to Saturday: 23:00 to 00:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>New Year’s Eve from end of permitted hours to start of permitted hours on New Year’s Day.</p> <p>On Sundays prior to Bank Holidays 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>
<p>3.</p>	<p>Hours Premises are Open to the Public</p> <p>Monday to Thursday: 07:30 to 23:30 Friday to Saturday: 07:30 to 00:00 Sunday: 07:30 to 22:30</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>New Year’s Eve from end of permitted hours to start of permitted hours on New Year’s Day.</p> <p>On Sundays prior to Bank Holidays 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</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 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 premise 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 -

Act (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 attached by the Licensing Authority after a hearing:-

9. The licensable activities authorised by this Licence and provided at the Premises shall be ancillary to the main function of the building as offices.
10. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
11. Alcohol shall not be sold or supplied otherwise than to:
 - a. Directors, partners, officers and employees of the business occupants of the building (and subsidiaries and affiliated companies thereof) and their bona fide guests; and
 - b. Persons attending a pre-booked and bona fide private function or event to which members of the public are not admitted. A register of persons attending the event shall be kept at the premises and made available for immediate inspection by police or an authorised officer of the Council.
12. 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.
13. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
14. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises 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.
15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
16. 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.

17. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
18. 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.
19. 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.
20. No deliveries to the premises shall take place between (23.00) and (07.00) on the following day.
21. 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.
22. 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.
23. 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.
24. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. 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, searching equipment or scanning equipment (g)any refusal of the sale of alcohol (h)any visit by a relevant authority or emergency service.
25. 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.
26. There shall be no sales of alcohol for consumption off the premises after 23.00 Monday-Saturday, 22.30 Sunday
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. The number of persons accommodated at the premises (excluding staff) shall

not exceed (tbc).

29. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises for consumption off the premises, except for premium beers and ciders supplied in glass bottles and cans.

**3 UNITED CHIP, UNIT 34A, THE TROCODERO, 19A RUPERT STREET,
LONDON, W1D 6DF**

WITHDRAWN

**4 SHAMPERS WINE BAR, GROUND FLOOR, 4 KINGLY STREET, LONDON,
W1B 5PE**

WITHDRAWN

The Meeting ended at 12.00 pm

CHAIRMAN: _____

DATE _____