



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (4)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** held on **Thursday 10th October, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Karen Scarborough (Chairman), Louise Hyams and Rita Begum

#### 1 30 - 32 FOUBERT'S PLACE, LONDON, W1F 7PS

#### LICENSING SUB-COMMITTEE No. 4

*Thursday 10th October 2019*

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

Legal Adviser: Horatio Chance  
Committee Officer: Sarah Craddock  
Policy Officer: Kerry Simpkin  
Presenting Officer: Kevin Jackaman

Relevant Representations: Licensing Authority and the Soho Society

Present: Jack Spiegler (Solicitor, representing the Applicant), Mesut Baki Efe (Project Manager on behalf of the Applicant) and Karyn Abbott (Licensing Authority).

**30-32 Foubert's Place, London, W1F 7PS**  
**("The Premises")**  
**19/09717/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:**

	<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 00:00 (closing 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 considered an application by Zahter Limited ("The Applicant") for a new premises licence in respect of 30-32 Foubert's Place, London, W1F 7PS.</p> <p>The Presenting Officer introduced the application. He advised that the Licensing Authority had maintained their representation on policy grounds. The Soho Society had also made a representation and had proposed conditions to be added to the licence. The Premises are located in the West End Ward and in the West End Cumulative Impact Area.</p> <p>Mr Jack Spiegler, representing the Applicant, advised that this was a new premises licence for a restaurant to operate over basement, ground, first, second and third floors with an external seating area at street level. The Sub-Committee heard that the Applicant was seeking to permit late night refreshments indoors between the hours of 23:00 to 23:30 Monday to Thursday and 23:00 to 00:00 on Friday and Saturday. It was proposed for the sale of alcohol (on and off sales) to be permitted between 10:00 to 23:30 Monday to Thursday and 10:00 to 00:00 Friday and Saturday and 12:00 to 22:30 Sundays. The Sub-Committee noted that the restaurant would have a capacity for 80 persons, that the chef currently running Spitalfields kitchen would be managing the Premises and that the model restaurant condition 66 would be attached to the licence as per condition 9 recorded below.</p> <p>Mr Spiegler advised that the majority of the proposed conditions had been agreed with the Responsible Authorities except for two conditions regarding waste collection and the external seating area which had been proposed by the Soho Society. He advised that it was important for the business to be allowed to use the outside area until 23:00hrs and not have it rendered unusable at 22:00hrs and that the collection of waste could not take place between 07:00hrs and 21:00hrs as bags of rubbish would have to be brought through the restaurant whilst customers were dinning. The Sub-Committee noted that there were no residents living above or on either side of the Premises.</p> <p>The Licensing Authority had maintained their representation on policy grounds as the application was outside of Westminster's Core Hours Policy and because the Applicant needed to demonstrate that they would not add to cumulative impact in the area.</p> <p>The Sub-Committee welcomed the approach by the Applicant and were content</p>

	<p>that the application met the promotion of the licensing objectives. The Sub-Committee noted the concerns of the Licensing Authority and the Soho Society regarding deliveries and the use of the external area but considered that it would not be appropriate or proportionate to add the proposed conditions by the Soho Society to the licence.</p> <p>After taking into consideration all of the evidence before it and the various undertakings given by the Applicant, the Sub-Committee was of the opinion that the conditions imposed on the licence were appropriate and proportionate and would have the overall effect of promoting the licensing objectives. The Sub-Committee considered the application to be an exception to policy that would not lead to negative impact within the West End cumulative impact area and therefore granted the application accordingly</p>
<p><b>2.</b></p>	<p><b>Late Night Refreshment – Indoors</b></p> <p>Monday to Thursday: 23:00 to 23:30 Friday to Saturday: 23:00 to 00:00</p> <p><b>Seasonal Variations / Non-Standard Timings:</b></p> <p>From 23:00 on New Year’s Eve to 05:00 on New Year’s Day.</p> <p>On Sundays immediately prior to Bank Holidays to 00:00 (closing 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>
<p><b>3.</b></p>	<p><b>Hours Premises are Open to the Public</b></p> <p>Monday to Thursday: 08:00 to 00:00 Friday to Saturday 08:00 to 00:30 Sunday: 09:00 – 23:00</p> <p><b>Seasonal Variations / Non-Standard Timings:</b></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>
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<b>Conditions attached to the Licence</b>	
<b><u>Mandatory Conditions</u></b>	
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> <p style="padding-left: 40px;">(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</p> <p style="padding-left: 40px;">(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</p> <p>(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;</p> <p>(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;</p>

- (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 imposed by the Licensing Authority after a hearing:-**

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 for immediate consumption,
  - (v) which do not provide any take away service of food or drink after 23.00,
- and
- (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

10. 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.
11. 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.
12. 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.

13. Except for designated external seating areas, all sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
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 (80) 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.

25. The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway and bona fide taking a substantial table meal there, and where the consumption of alcohol by such persons is ancillary to taking such a meal, and where the supply of alcohol is by waiter or waitress service only or alcohol sold in sealed containers for consumption off the premises.
26. 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.
27. There shall be no sales of alcohol for consumption off the premises after 23.00
28. 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.'
29. 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.'
30. All external seating be rendered unusable by 23.00.

**2 CO-OP, 207 SHIRLAND ROAD, LONDON, W9 2EX**

**LICENSING SUB-COMMITTEE No. 4**

*Thursday 10th October 2019*

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

Legal Adviser: Horatio Chance  
Committee Officer: Sarah Craddock  
Policy Officer: Kerry Simpkin  
Presenting Officer: Kevin Jackaman

Relevant Representations: Metropolitan Police Service

Present: Richard Arnot-Ward (Solicitor, representing the Applicant), Muhammad Rahman (Area Manager on behalf of the Applicant Company) and PC Bryan Lewis (Metropolitan Police)

<b>Co-op, 207 Shirland Road, London, W9 2EX</b> <b>("The Premises")</b> <b>19/09518/LIPN</b>	
<b>1.</b>	<b>Sale by Retail of Alcohol – Off Sales only</b>  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 Co-operative Group Food Limited ("The Applicant") for a new premises licence in respect of Co-op, 207 Shirland Road, London, W9 2EX.  The Presenting Officer introduced the application. He confirmed that the Environmental Health Service had withdrawn their representation as conditions had been agreed with the Applicant. The Metropolitan Police Force had maintained their representation as agreement had not been reached regarding two specific conditions. The Premises were located in the Harrow Road Ward but not in a Cumulative Impact Area.  Richard Arnot (Solicitor, representing the Applicant), advised the Sub-Committee that it had before it an application for a new premises licence. The Sub-Committee heard that the Premises intended to trade as a convenience store and open seven days a week selling groceries, sundry items and alcohol for consumption off the Premises. It was proposed for the sale of alcohol (off

	<p>sales) to be permitted between 08:00 to 23:00 Monday to Saturday and 10:00 to 22:30 on Sunday. The Sub-Committee further heard that the wording of two model conditions (conditions 28 and 29) were the only points of contention between the Applicant and the Police. Mr Arnot advised that the Applicant wished to sell premium beers and ciders in cans as well as glass bottles and that the word 'selection' should replace the word 'service' in the condition so that the revised condition reads '<i>There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV</i>'. Mr Arnot confirmed that bottled spirits would remain located behind a counter so that customers still needed to be served the bottles by a shop assistance but that it would enable them to use the self service checkout tills and this would have the effect of promoting the licensing objectives in particular the crime and disorder licensing objective.</p> <p>PC Bryan Lewis, representing the Metropolitan Police Service, advised that the Police were trying to prevent street drinking by prohibiting premium beers and ciders in cans but noted that many premium beers and ciders were now sold in cans. The Police further noted that the bottled spirits would remain located behind a counter so customers could not help themselves. The Sub-Committee was reassured that the Applicant had proper procedures in place to ensure that the sale of alcohol could not take place without intervention from staff</p> <p>The Sub-Committee discussed these suggested amendments and noted that the Police were content with the minor amendments to both conditions.</p> <p>After carefully taking into consideration all of the evidence before it and the various undertakings given by the Applicant during the course of the hearing, the Sub-Committee was of the opinion that the wording of the two conditions appearing as conditions 28 and 29 below should be amended to reflect changes in practices, were enforceable as conditions imposed on the licence and that all the other conditions 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><b>2.</b></p>	<p><b>Hours Premises are Open to the Public</b></p> <p>Monday to Sunday: 06:00 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

### 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 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.
- 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.
6. The premises will be fitted with a burglar alarm system.
7. The premises will be fitted with a panic button system for staff to utilise in the case of an emergency.
8. All staff will receive comprehensive training in relation to age restricted products and in particular the sale of alcohol. No member of staff will be permitted to sell age restricted products until such time as they have successfully completed the aforementioned training.
9. An age till prompt system will be utilised at the premises in respect of age restricted products.
10. A refusals register (whether kept and written or electronic form) will be

maintained at the premises and will be made available for inspection upon request by an authorised Officer of the Police or the Local Authority.

11. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
13. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23.00 hours and 07.00 hours.
14. Deliveries to the premises shall only take place between 0700 and 2300 hours.
15. 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.
16. 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.
17. 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.
18. 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.
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. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
21. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
22. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
23. 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.
24. No more than (15)% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
25. 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.
26. No miniature bottles of spirits of 20 cl or below shall be sold from the premises.
27. On the Sunday and Monday of the Notting Hill Carnival:
- a) There will be no sale of alcohol in glass vessels from the premises;
  - b) There will be no external advertisement of alcohol promotions at the premises; and
  - c) There shall be no sale of alcohol from the premises after 19:00 hours.
28. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles and cans

29. There shall be no self-selection of spirits on the premises, save for spirit mixtures than 5.5% ABV.



**3 BOMBAY BUSTLE, GROUND FLOOR, 29 MADDOX STREET, LONDON, W1S 2PA**

**LICENSING SUB-COMMITTEE No. 4**

*Thursday 10 October 2019*

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

Legal Adviser: Horatio Chance  
Committee Officer: Sarah Craddock  
Policy Officer: Kerry Simpkin  
Presenting Officer: Kevin Jackaman

Relevant Representations: Licensing Authority

Present: Philip Somarakis (Solicitor, representing the Applicant) and Karyn Abbott (Licensing Authority)

<b>Bombay Bustle, Ground Floor, 29 Maddox Street, London W1S 2PA</b> <b>("The Premises")</b> <b>19/09327/LIPV</b>					
<b>1.</b>	<b>Sale by Retail of Alcohol – On Sales</b>  <table><tr><td><u>Current:</u></td><td><u>Proposed:</u></td></tr><tr><td>Monday to Saturday: 10:00 to 00:00 Sunday 12:00 to 23:00</td><td>Sunday: 11:00 to 23:00</td></tr></table>	<u>Current:</u>	<u>Proposed:</u>	Monday to Saturday: 10:00 to 00:00 Sunday 12:00 to 23:00	Sunday: 11:00 to 23:00
<u>Current:</u>	<u>Proposed:</u>				
Monday to Saturday: 10:00 to 00:00 Sunday 12:00 to 23:00	Sunday: 11:00 to 23:00				
	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 SMD Concepts Limited ("The Applicant") for a new premises licence in respect of Bombay Bustle, Ground Floor, 29 Maddox Street, London W1S 2PA.  The Presenting Officer introduced the application. He advised that the Premises wished to change the layout of the Premises, vary conditions 16 and 17 on the premises licence and vary the opening time and sales of alcohol on Sundays from 11.00 hrs. He further advised that the Licensing Authority had maintained their representation on policy grounds. The Sub-Committee noted that the Premises were located in the West End Ward and the West End Cumulative Impact Area.  Philip Somarakis, representing the Applicant, advised that the Sub-Committee had before it an application for a variation of a premises licence. The Sub-				

	<p>Committee heard that the Applicant sought to change: the layout of the Premises to allow customers to enter/exit on both ground and basement levels, to vary conditions 16 and 17 to permit customers to consume alcohol in a designated bar area in the basement with a capacity of 10 people, to vary the opening hours and commence sales of alcohol from 11am on Sundays as the Premises had started offering brunch to customers. The Sub-Committee noted that the Premises were a fine dining restaurant who wished to open earlier on a Sunday to offer brunch to its customers with an offer of a glass of champagne or wine.</p> <p>Mr Somarakis outlined how the Premises would be operated and the Sub-Committee noted that all customers were greeted and directed to the appropriate table/seated holding bar area on arrival at the Premises. Once at the bar customers would be required to confirm that they had a table reservation/or make a table reservation. Mr Somarakis emphasised that he did not consider that the extra morning opening hour would add to the West End Cumulative Impact Area as the majority of overcrowding and public nuisance occurred during the late evening.</p> <p>Karyn Abbott, representing the Licensing Authority, had maintained their representation on policy grounds as the application was outside of Westminster's Core Hours Policy and because the Applicant needed to demonstrate that they would not add to cumulative impact in the area. The Sub-Committee heard that the Licensing Authority had visited the Premises, had been greeted on arrival and had been escorted to the holding bar to confirm their table reservation. The Sub-Committee noted that the consumption of alcohol in the bar was ancillary to a table meal at the Premises.</p> <p>The Sub-Committee noted that the Licensing Authority were satisfied with the Applicant's proposal to have a holding bar in the basement purely for patrons waiting to be seated in the restaurant and had only maintained their representation on policy grounds due to the variation being outside of core hours.</p> <p>The Sub-Committee welcomed the approach by the Applicant and considered that the application to open and commence the sale of alcohol at 11.00 hrs on a Sunday would not add to the cumulative impact or cause public nuisance in the West End area and that exceptional reasons had been given by the Applicant and accepted by the Sub-Committee.</p> <p>After taking into consideration all the evidence and undertakings by the Applicant, the Sub-Committee was of the opinion that the conditions it had imposed on the licence as agreed by the parties were appropriate and proportionate would have the overall effect of promoting the licensing objectives . The Sub-Committee therefore granted the application accordingly.</p>				
<p><b>2.</b></p>	<p><b>Hours Premises are Open to the Public</b></p> <table border="0"> <tr> <td data-bbox="271 1904 798 1960"><u>Current:</u></td> <td data-bbox="845 1904 1372 1960"><u>Proposed:</u></td> </tr> <tr> <td data-bbox="271 1982 798 2027">Monday to Saturday: 10:00 to 00:00</td> <td data-bbox="845 1982 1372 2027">Sunday: 11:00 to 23:00</td> </tr> </table>	<u>Current:</u>	<u>Proposed:</u>	Monday to Saturday: 10:00 to 00:00	Sunday: 11:00 to 23:00
<u>Current:</u>	<u>Proposed:</u>				
Monday to Saturday: 10:00 to 00:00	Sunday: 11:00 to 23:00				

	Sunday 12:00 to 23:00					
	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).					
<b>3.</b>	<b>The layout changes sought by way of this application is to create entrance and exits points on both the ground and basement levels.</b>					
	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).					
<b>4.</b>	Conditions being varied:					
	<table border="1"> <thead> <tr> <th>Condition</th> <th>Proposed variation</th> </tr> </thead> <tbody> <tr> <td>16. The premises shall only operate as a fine dining restaurant (i) in which customers are shown to their table, (ii) where, save for the ground floor bar area, the supply of alcohol is by waiter or waitress service only, (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) where alcohol shall not be sold</td> <td>16. The premises shall only operate as a fine dining restaurant (i) in which customers are shown to their table, (ii) where, save for the ground floor bar area, the supply of alcohol is by waiter or waitress service only, (iii) where, save for the ground floor and basement bar areas, the supply of alcohol is by waiter or waitress service only. (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by</td> </tr> </tbody> </table>	Condition	Proposed variation	16. The premises shall only operate as a fine dining restaurant (i) in which customers are shown to their table, (ii) where, save for the ground floor bar area, the supply of alcohol is by waiter or waitress service only, (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) where alcohol shall not be sold	16. The premises shall only operate as a fine dining restaurant (i) in which customers are shown to their table, (ii) where, save for the ground floor bar area, the supply of alcohol is by waiter or waitress service only, (iii) where, save for the ground floor and basement bar areas, the supply of alcohol is by waiter or waitress service only. (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by	
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	<p>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.</p> <p>Notwithstanding this condition, customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.</p>	<p>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.</p> <p>Notwithstanding this condition, customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.</p>
	<p>17. Notwithstanding condition 16, alcohol may be supplied and consumed prior to their meal in the bar area (designated on the plan), by up to a maximum at any one time, of 10 persons dining at the premises.</p>	<p>17. Notwithstanding condition 16, alcohol may be supplied and consumed prior to their meal in the designated ground floor and basement bar areas as shown on the plan, by up to a maximum at any one time, of 10 persons in each bar area, dining at the premises.</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>		

<b>Conditions attached to the Licence</b>	
<p><b><u>Mandatory Conditions</u></b></p> <p>1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.</p>	

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 imposed by the Licensing Authority after a hearing:-

9. The number of persons accommodated at the premises (excluding staff) shall not exceed:

Ground Floor - 70 persons

Basement - 50 persons

10. 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.
11. 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.
12. 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.
13. 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.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. No rubbish including bottles will be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
16. The premises shall only operate as a fine dining restaurant
  - (i) in which customers are shown to their table,
  - (ii) where, save for the ground floor bar area, the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - (iv) which do not provide any take away service of food or drink for immediate consumption,
  - (v) which do not provide any take away service of food or drink after 23.00, and
  - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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



17. Notwithstanding condition 16, alcohol may be supplied and consumed prior to their meal in the bar area (designated on the plan), by up to a maximum at any one time, of 10 persons dining at the premises.
18. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
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. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.

**4 CAFÉ MONICO, 39 - 45 SHAFTESBURY AVENUE, LONDON, W1D 6LA**

**LICENSING SUB-COMMITTEE No. 4**

*Thursday 10 October 2019*

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

Legal Adviser: Horatio Chance  
Committee Officer: Sarah Craddock  
Policy Officer: Kerry Simpkin  
Presenting Officer: Kevin Jackaman

Relevant Representations: Licensing Authority

Present: Jack Spiegler (Solicitor, representing the Applicant), William Differ (on behalf of Applicant Company) and Karyn Abbott (Licensing Authority)

<b>Café Monico, 39-45 Shaftesbury Avenue, London W10 6LA</b> <b>("The Premises")</b> <b>19/10048/LIPN</b>	
<b>1.</b>	<b>Sale by Retail of Alcohol – On Sales</b>  Monday to Thursday: 10:00 to 23:30 Friday to Saturday: 10:00 to 00:00 Sunday: 12:00 to 22:30  <b>Seasonal Variations / Non-Standard Timings:</b>  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 00:00.
	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 Delfont Mackintosh Theatres Limited ("The Applicant") for a new premises licence in respect of 39-45 Shaftesbury Avenue, London, W1D 6LA.  The Presenting Officer introduced the application. He advised that this was an application for a new premises licence for a restaurant, although the Premises already had a premises licence with licensable activities until 01:00 Monday to Saturday and 00:00 Sundays. He advised that the Licensing Authority had maintained their representation for the new licence on policy grounds. The

	<p>premises were located in the West End Ward and within the West End Cumulative Impact Area.</p> <p>Jack Spiegler, representing the Applicant, advised that the application was for a new premises licence for a restaurant with ancillary bar area over ground and mezzanine floor levels. The Sub-Committee heard that the Applicant was seeking to reduce the sale of alcohol to “Core Hours” and that condition 13 of the existing licence would be changed from “holding bar” to “ancillary bar” with the condition being amended. The Sub-Committee noted that the existing premise licence would be surrendered prior to the new licence taking effect. The Sub-Committee heard that it was proving difficult for the Applicant to interest people in the Premises and that incorporating a bar area for a capacity of 25 people seated, who would mainly be theatre goers, would encourage a new high-class hospitality business to operate the Premises. The Sub-Committee noted that that there was already a bar area currently operating at the Premises for persons taking a table meal there and for consumption by such a person as ancillary to their meal.</p> <p>Mr Spiegler referred to Policy HRS1 of the City Council’s Statement of Licensing Policy (“SLP”) and advised that the application be granted under exceptional circumstances due to the application for hours being within core hours and that it would reduce Crime and Disorder or Public Nuisance in the West End Cumulative Impact Area. He further added that the Premises would still operate as a restaurant with a capacity of 200 persons and the model restaurant condition 20 attached to the licence except for this very small bar area.</p> <p>Ms Karyn Abbott, representing the Licensing Authority, had maintained their representation on policy grounds in accordance with Policies CIPI, HRS1 and PB2. Policy PB2 states that “the grant of new licences for pubs and bars in the Cumulative Impact Areas should be limited to exceptional circumstances” and it is therefore for the Sub-Committee based on the evidence to determine whether the Applicant has proven exceptionality as required by the terms of the SLP policy.</p> <p>Mr Spiegler emphasised that customers would be seated in the bar area and advised that any new operator would be encouraged to sell bar snacks to patrons drinking at the bar. He further emphasised that the reduction in hours to Core Hours should be considered as an exceptional circumstance to policy.</p> <p>After carefully taking into consideration all the evidence before it and the various undertakings, given by the Applicant, the Sub-Committee was of the opinion that this application was an exception to policy due to the Premises reducing the sale of alcohol to “Core Hours” and that the conditions imposed on the premises licence as agreed by the parties were appropriate and proportionate and would have the overall effect of ensuring the promotion of the licensing objectives . The Sub-Committee therefore granted the application accordingly.</p>
<p><b>2.</b></p>	<p><b>Late Night Refreshment – Indoors</b></p> <p>Monday to Thursday: 23:00 to 23:30 Friday to Saturday 23:00 to 00:00</p>

	<p><b>Seasonal Variations / Non-Standard Timings:</b></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>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>
<b>3.</b>	<p><b>Hours Premises are Open to the Public</b></p> <p>Monday to Thursday: 08:00 to 00:00  Friday to Saturday: 08:00 to 00:30  Sunday: 08:00 – 23:00</p> <p><b>Seasonal Variations / Non-Standard Timings:</b></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 prior to bank holidays/public holidays until 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>
<b>4.</b>	<p><b>Recorded Music – Indoors</b></p> <p>Monday to Thursday: 09:00 to 23:30  Friday to Saturday: 09:00 to 00:00  Sunday 09:00 to 22:30</p> <p><b>Seasonal Variations / Non-Standard Timings:</b></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 00:00.</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).

<b>Conditions attached to the Licence</b>	
<b><u>Mandatory Conditions</u></b>	
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> <p style="padding-left: 40px;">(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</p> <p style="padding-left: 40px;">(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</p> <p>(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</p>

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.
9. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 06:00 hours on the following day.
10. No collection of waste or recycling materials (including bottles) from the premises shall take place between 23:00 and 06:00 hours on the following day.
11. With the exception of bakery, newspapers, dairy and fruit and vegetable deliveries which can be delivered from 06:00, no deliveries to the premises shall take place between 23.00 hours and 08.00 hours on the following day.
12. The number of persons (excluding staff) permitted in the premises at any one time shall not exceed:
- Ground floor and mezzanine: 200
13. Save for the area hatched blue on the plan:
- a) 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; and
- b) The supply of alcohol shall be by waiter or waitress service only.
14. In the area hatched blue alcohol will only be sold:
- a) to persons who are seated; and
- b) where the number of persons in that area at any time (excl staff) does not exceed 25.
15. 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.



16. 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 preceding 31 day period.
17. 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.
18. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
19. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
21. 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.
21. 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.
23. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

24. 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.
25. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
26. 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.
27. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
28. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
29. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
30. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame- retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
31. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.

Dry ice and cryogenic fog  
Smoke machines and fog generators  
Pyrotechnics including fireworks  
Firearms  
Lasers  
Explosives and highly flammable substances  
Real flame  
Strobe lighting

- 32 Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
- 33 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, which will record the following:
- a) all crimes reported to the venue
  - b) all ejections of patrons
  - c) any complaints received concerning crime and disorder
  - d) any incidents of disorder
  - e) all seizures of drugs or offensive weapons
  - f) any faults in the CCTV system or searching equipment or scanning equipment
  - g) any refusal of the sale of alcohol
  - h) any visit by a relevant authority or emergency service
- 34 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.
- 35 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.
36. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
37. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
38. No licensable activities shall take place at the premise until premises licence 18/12307/LIPDS (or such other number subsequently issued for the premises) has been surrendered.

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

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

