



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (6)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (6)** held on **Wednesday 26th August, 2020**, This is a Virtual Meeting.

**Members Present:** Councillors Maggie Carman, Jim Glen and Jacqui Wilkinson (Chairman)

#### 1 MEMBERSHIP

There were no changes to the membership.

#### 2 DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 1 THE COACH MAKERS ARMS, 88 MARYLEBONE LANE, LONDON, W1U 2PY

### LICENSING SUB-COMMITTEE No. 6

*Wednesday 26 August 2020*

Membership: Councillor Jacqui Wilkinson (Chairman), Councillor Jim Glen and Councillor Maggie Carman

Legal Adviser: Vivienne Walker  
Committee Officer: Georgina Wills  
Policy Officer: Aaron Hardy  
Presenting Officer: Jessica Donovan

### The Coachmakers Arms, 88 Marylebone Lane London W1

### Application for a Variation of a Premises Licence [20/05510/LIPV]

Relevant Representation: Environmental Health and Metropolitan Police

Present: Niall McCann (Legal Representative, The Coachmakers Arms), Sarah Fox (Applicant, Head of Operations, The Coachmakers Arms), Nicola Mewitt (General Manager, Head of Operations, The Coachmakers Arms) and Sally Fabbricatore (Environmental Health)

This is an application by Cubitt House Limited (The Applicant) was seeking for the variation of a Premises License for a Public House at 88 Marylebone Lane London W1. It is situated within the Marylebone High Street Ward and is not within one of the Council's Cumulative Impact Areas.

## **DECISION**

### **The application is granted for the following activities and hours:**

To amend the proposed layout of the ground floor in accordance with the application plan on a temporary basis until 30 September 2021 in order to permit a temporary bar in the existing outside area.

## **SUBMISSIONS AND REASONS**

The Sub-Committee considered an application by the Cubitt House Limited (The Applicant) for a variation of a premises licence in respect of The Coachmakers Arms, 88 Marylebone Lane London W1

The Presenting Officer introduced the application and advised that the Premises currently operates as a Public House. The Applicant sought to vary the layout of the Ground floor until 30 September 2021 in order to permit a temporary bar in the existing outside area to ensure better service of customers while queuing at the bar, inside is not permitted due Covid-19 guidance. The premises have had the benefit of a licence from 2005. The premises have also had the benefit of Temporary Event Notices. The Metropolitan Police withdrew their representation following a site visit. The Premises is not situated in the Cumulative Impact Zone

Niall McCann, the Applicant's Legal Representative advised the Sub-Committee that the application had been submitted in response to the social distancing guidelines following the Covid-19 Pandemic. The Premises basement and first floor has been closed. The temporary bar was reported to be small and would allow for patrons to be served quickly and this will allow for staff based in the main bar to focus on diners. The temporary bar will be in operation until 20:00 and the area would be closed to patrons after 21:00. The temporary bar capacity would be limited to 20.

Mr McCann indicated that two agents of the applicant company were also in attendance. He stated that had he been asked to make this application 12 months ago he would have advised against it. The premises have three operational bars on three floors. The basement is now closed, the first floor is rarely used and operation on the ground floor is quiet.

The premises continued to accommodate drinkers at the outside area on Bentinck Street. Half the number of staff operate on the ground floor and the other bars are closed. The premises have had the benefits of Temporary Event Notices (TENs), the last one will be from 26 to 28 August 2020 and there have been no complaints or issues. The TENs were used to test whether the use of the area would work. If they did not the applicant would have withdrawn the application.

The bar entrance at Bentinck Street closes at 21:00 hours and will not impact on the licensing objectives.

Mr. McCann stated that one of the objector's representation was not about the grant of the application but about the lack of consultation of the closure of the road. He advised that the licence holder had been in constant contact with residents. Mr. McCann stated that the application is only a temporary measure and they would seek to close the variation if a vaccine is found.

When asked by Members why the variation would come to an end on 30 September 2021, and that residents may be concerned that it will continue beyond September 2021, Mr. McCann replied that there had to be an end and that date would be when the Business and Planning Act 2020 comes to an end. Mr. McCann stated that the applicant was not seeking an increase in capacity or for more hours.

It was noted that the bar will be closed at 21:00 hours and the sale of alcohol will cease at 20:00 hours. Mr. McCann stated that this will allow longer drinking up time. Reference was made by Members to the photographs at pages 29 and 31 of the additional bundle and asked Mr. McCann how would twenty people stand safely in that area cordoned off. He stated that the area does look small but if the tables and chairs are out, there will be less than twenty people, the applicant wants the flexibility.

Mr. McCann was asked about the numbers of drinkers who in the past have congregated on the pavement and he stated that the area is heavily supervised, the applicant is extremely careful and will use the SIA condition.

Mr. McCann said that the application would be for the period of 1<sup>st</sup> May to 30<sup>th</sup>

September, when asked by Members for the reason why that period was stated he replied that the outside areas are busy during the warmer months.

Members asked whether there was a limit on the numbers of drinkers on the private forecourt and reference was made to condition 26 of the Current Licence which states that throughout licensable hours no more than 30 patrons shall be permitted to take drinks from the premises in open containers and/or smoke outside at any one time.

Members asked how the plan for the SIA will fit with the residents of Bentinck Street, Mr McCann confirmed that there is added condition for member of staff to patrol the area and to clean any mess left outside the premises and beyond.

Sally Fabbriatore, Environmental Health Officer, confirmed that she was satisfied with the responses received from the Applicant to the questions raised by her at page 11 of the additional bundle. Ms Fabbriatore advised that there were complaints about obstruction in March 2019, but there have been no complaints since that date. There were no complaints about the Temporary Event Notices and

about litter in the last 12 months.

Following questions from the Sub-Committee, Ms Fabbriatore advised that that the application was not to introduce a new area and that noise levels should not increase. The Application was noted to reduce the number of drinkers and the designated area would be closed at 21:00 hours and also limit the time that the applicant had prior .

There were eight residents also objected to the application mainly based on public nuisance in the area. One resident had indicated that the Application would be supported if the operation of the outdoor bar is restricted to daylight hours. The operating hours are kept as present and that there are dedicated outdoor staff to guide patrons to stand in areas that are not blocking footpaths or building entrances.

Having listened to all parties the Sub-Committee granted the Application and noted that the external bar was temporary, and its operation would cease in September 2021 or at an earlier date if the Government Guideline regarding the Covid-19 Pandemic alters. The Applicant in their submission had advised that the Premises Licence Variation would be amended if there was a change in the Guidelines on Covid-19. The area would be closed to patrons after 21:00 and the sale of alcohol will cease at 20:00. The temporary bar capacity would be restricted to 20 persons. The Applicant had agreed to Model Condition 71 (MC 71) which prohibited any disturbance arising from the outside area. Members were satisfied that the existing conditions and the additional conditions would ensure that the licensing objectives would be promoted and therefore granted the application.

### **Mandatory Conditions**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
7. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if

any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### **Conditions attached after a hearing by the Licensing Authority**

- 9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.
- 10. From 1st May to 30th September on Thursdays and Fridays, from 10:00 p.m. to close of business, there shall be a minimum of 1 SIA registered door supervisor employed at the premises who shall monitor the use of the outside areas. Outside of those dates and times the premises licence holder shall employ an SIA registered door supervisor where it thinks it is appropriate to do so.
- 11. The staff at all times shall monitor the activity of persons leaving the premises and when necessary remind them to respect the needs of local residents.
- 12. A sufficient number of clearly marked receptacles shall be provided outside the premises for the disposal of cigarette butts.
- 13. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be

swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

14. The highway and other land in the vicinity must be monitored regularly throughout licensable hours to ensure that drinking containers/vessels are removed and best endeavours will be used to prevent public nuisance or obstruction to the public highway.
15. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents in the vicinity.
16. Throughout licensable hours no more than 30 patrons shall be permitted to take drinks from the premises in open containers and/or smoke outside at any one time.
17. The sales of alcohol from the external area shall be between 3:00 p.m. and 8:00 p.m.
18. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
19. The use of the external area shall cease on 30 September 2021 and the conditions and plans of the premises licence number 19/12600/LIPDPS shall prevail
20. The external seating area and bar will be within a raised perimeter cordon to prevent access other than by a prescribed cordon entrance.
21. The maximum number of vertical drinkers in the external area shall be 20.
22. The premises CCTV system shall cover the external seating area and bar.
23. The external area shall be cleared by 9:00 p.m.
24. After 23:00 all sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.

**2 27 CHILTERN STREET, LONDON, W1U 7PJ**

**LICENSING SUB-COMMITTEE No. 6**

*Wednesday 26 August 2020*

Membership: Councillor Jackie Wilkinson (Chairman), Councillor Jim Glen and Councillor Maggie Carman

Legal Adviser: Vivienne Walker  
Policy Officer: Aaron Hardy  
Committee Officer: Georgina Wills  
Presenting Officer: Jessica Donovan

**27 Chiltern Street, London W1U 7PJ**

**Application for a New Premises Licence 20/04433/LIPN**

**Relevant Representation: Environmental Health and Metropolitan Police**

Present: Gareth Hughes (Legal Representative, Chiltern Street Deli Ltd), Rupert Walsh (Applicant, Chiltern Street Deli Ltd) & Mauro Buzzurro (Applicant, Chiltern Street Deli Ltd) Tom Stanley (Witness, Chiltern Street Deli Ltd) Andrew McCulla (Witness, Chiltern Street Deli Ltd), Jonathan Fingerhut (Witness, Chiltern Street Deli Ltd) and Maxwell Koduah (Environmental Health)

This is an application by the Chiltern Street Deli Ltd (The Applicant) was seeking a new premises licence for a delicatessen selling food and drink at 27 Chiltern Street, London W1U 7PJ.

**DECISION**

**The application is granted for the following activities and hours:**

**Retail Sale of Alcohol [On and Off sales]**

The Committee having carefully considered the application and representations made decided to grant the premises licence to permit the sales of alcohol on and off the premises from 11:00 to 20:00 Monday to Saturday and 12:00 to 20:00 on Sunday.

**SUBMISSIONS AND REASONS**

The Sub-Committee considered an application by the Chiltern Street Deli Ltd (The Applicant) for a new premises licence in respect of 27 Chiltern Street, London W1U 7PJ.

The Presenting Officer introduced the application and advised that the Premises currently operates as a delicatessen selling food and drink which can be consumed on and off the premises. The premises consist of four small rooms on the ground floor level, currently food and drinks are produced in the street facing room. The three other rooms provide seating for customers to consume food and beverages. In the basement of the premises there is a preparation kitchen and customer toilets. There is also a small terrace outside the front of the shop with 4 tables and eight chairs. The Applicant sought the sale by retail of alcohol (on and off sales) from

11:00 to 20:00 Monday to Saturday and 12:00 to 20:00 on Sundays. The Premises is not situated in the Cumulative Impact Zone.

The premises have also had the benefit of Temporary Event Notices. The Metropolitan Police withdrew their representation following the Applicants agreement to adopt additional Conditions.

Mr. Gareth Hughes, Applicant's Legal Representative, presented the application and indicated that Mr. Walsh, the owner of the premises and two supporters of the application were in attendance. He advised that the Premises had been in operation since August 2009 . The Premises were reported to be small and had a capacity of 30. The Applicant had sought a new Premises License which would enable a limited variety of alcohol to be supplied to patrons. The alcohol would complement the menu and would only be served until 20:00. The external seating area would be waited and all chairs in this area are to be rendered after 20:00. There have been consultations with Environment Health and the Metropolitan Police.

Mr Hughes said that three Temporary Event Notices (TENs) were granted in February, March and April of this year for later hours than that sought without any problems. He referred to other premises within the vicinity which run beyond the core hours. He stated that the premises are not within the Cumulative Impact Area and the operating hours are 11:00 a.m. to 8:00 p.m. and that the application is not contrary to any other policies. Mr. Hughes stated that the Police were satisfied with the application subject to the agreed conditions in Appendix 4 of the Report. Also, Environmental Service have agreed to the application subject to the conditions at paragraphs 14 to 24 of the Report.

Members asked Mr. Walsh to explain more about how the operation was going forward. Mr. Walsh stated that he has been in operation since August 2009, he has had a great response from the local community, he offers great value food with a glass of wine on the terrace or inside the premises and he has no intention of becoming a bar.

When asked by Members what items were on offer, Mr. Walsh stated fresh salads, sandwiches, coffee, fruits and vegetables. He said that he had applied for the three TENs in order to see whether it worked and it all went well.

Mr. Walsh was asked by Members how the maximum of 30 people impacted by social distancing. He said that customers do not want to sit inside and social distancing has impacted on their capacity. When asked whether the tables and chairs outside were on part of the premises or part of the highway. Mr. Walsh replied that the area is private land owned by Portman. He was asked how the tables and chairs are stored to which he confirmed that they were stored at the rear of the premises. Mr. Walsh was asked about the entrance to the residential flats and for confirmation that all outside drinkers will be seated. He confirmed that it would be in line with the permission, that is, the capacity of 8 patrons outside inclusive of the total capacity of 30.

Members asked Mr. Walsh his anticipation of the off sales. He stated that there will be limited sales of wines and beers in sealed containers and not for consumption in the vicinity.

Mr. Maxell Koduah, Environmental Service, stated that he was satisfied with the application and drew Members attention to paragraphs 14 to 24 of the Report. It was noted that although the condition at paragraph 15 would only be relevant to the operation of a restaurant, the applicant has agreed this condition with Environmental Service. Namely, that the supply of alcohol in the outside area shall be by waiter or waitress service only. This condition was also confirmed by Mr. Hughes.

Mr. Koduah was asked by Members whether there should be a limit placed on the number of the people sitting outside the premises and he replied, that the applicant has committed itself to condition 18 in the Report which states that 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.

Mr. Kodah stated further that the terminal hour is 20:00 hours and the capacity is 30 and with the Police conditions agreed by the applicant his concerns about public nuisance have been complied with and so he had no objection to the grant of the licence.

Mr. McCalla, local resident stated that he lived between 50 to 100 metres away from the premises. He commented that the premises added to the community and neighbours had been met through attending the premises. Mr. McCalla stated that some of the concerns raised by objectors were 'hyperbolic', there was nothing negative about the deli being there. He said that everyone spoke positively of the premises. The Deli was reported to be a great place for take-away lunches and coffee.

Mr. Fingerhut, local resident stated that he had recently moved to the area and the premises was used as a 'meeting hub' of Chiltern Street and played a pivotal role in the community.

Having listened to all parties the Sub-Committee granted the Application and noted that the Premises were good operators. There would be a limited range of alcohol for sale and the supply of alcohol would be ancillary to the main function of the Premises, namely a delicatessen. The sale of alcohol would cease after 20:00 and the supply of alcohol in the outside area was by waiter or waitress service only. The external seating was not part of the Public Highway and would be rendered after 20:00. Members were satisfied that the conditions agreed would promote the licensing objectives and so they unanimously agreed to grant the licence.

### **Mandatory Conditions**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence, or the personal licence is suspended.

3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

7. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### **Conditions attached by the Licensing Authority after a hearing**

- 9. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
- 10. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.

11. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
12. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
13. 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.
14. The supply of alcohol shall be ancillary to the main function of the premises as a delicatessen
15. The supply of alcohol in the outside area shall be by waiter or waitress service only
16. There shall be no draught beer
17. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance
18. All outside tables and chairs shall be removed from the outside area by 20:00 hours each day.
19. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents and businesses in the vicinity
20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
21. No deliveries to the premises shall take place between 20.00 and 07.00 hours on the following day
22. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 30 persons
23. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business
24. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided

25. The 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 are 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.
26. 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 are open. This staff member must be able to provide a Police Officer or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
27. The supply of alcohol at the premises shall only be to a person seated.
28. 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.
29. 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.
30. 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
31. No alcohol to be consumed outside the premises except to those in the seated area immediately in front of the premises.
32. 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.
33. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
34. Notices shall be prominently displayed at all exits and the outside smoking area requesting patrons to respect the needs of local residents and leave the area quietly.

The Meeting ended at 2.00 pm

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

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