



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (4)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** held on **Thursday, 25th February 2021**, This was a virtual meeting.

Members Present: Councillors Karen Scarborough (Chairman), Heather Acton and Rita Begum

1. MEMBERSHIP

There were no changes to the Membership of the Sub Committee.

For the purposes of this meeting, the Chairman proposed that Councillor Heather Acton be appointed Substitute Chairman. Councillor Rita Begum seconded the nomination and Councillor Heather Acton was duly elected Substitute Chairman.

2. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

1. 10.00 AM: DINNER JACKETS, JUBILEE HALL, JUBILEE MARKET, THE PIAZZA, COVENT GARDEN WC2E 8BE

Present: Stuart Gibson, Solicitor (SG Licensing); Nicholas Henry (Premises Licence Holder); and Charlie Henry (applicant).

Representations: Representations had been received from the Licensing Authority and the Environmental Health Service

Applicant: Mr Charlie Henry

Ward: St James's

CIA¹: West End

SCZ²: N/A

Summary of Application

The application was for a new Premises Licence.

INTRODUCTION

The Chairman welcomed everyone to the meeting and introduced the Members of the Sub-Committee and the Council Officers who would be supporting the Sub-Committee. The Chairman explained the procedure that would be followed

¹ Cumulative Impact Area

² Special Considerations Zone

at the meeting before inviting the Presenting Officer, Ms Donovan to present the report.

PRESENTATIONS AND SUBMISSIONS

Presenting Officer

Ms Jessica Donovan, Senior Licensing Officer

Ms Donovan summarised the application set out in the report before the Sub-Committee. She explained that the application was for a variation in the Premises Licence seeking permission for the sale of alcohol for consumption off the premises between the hours of 11.00 to 21:00 Monday to Sunday. She advised that both Environmental Health and the Police had withdrawn their representations however the Licensing Authority had maintained their representation against the application. She further advised that additional submissions had been received from the applicant which had been circulated to all the relevant parties before the Sub-Committee hearing.

Applicant

Mr Stuart Gibson, Solicitor (SG Licensing) On Behalf of The Applicant.

During the course of his presentation, Mr Gibson advised that the premises had benefited from a Premises Licence since 2010 and was currently licensed to sell mulled wine only between 15 November to 15 February between the hours of 11:00 to 19:00. The Sub-Committee noted that the premise was a market stall serving hot food, snacks, and refreshments.

Mr Gibson explained that this application requested the removal of the restrictive condition of retailing mulled wine only as well as seeking the extension of sale of alcohol by retail consumption (off the premise) between the hours of 11.00am and 21:00 hours Monday to Sunday. This would allow the applicant to sell a small range of beers, wines, and spirits for consumption off the premises with the purchase of takeaway food which would enable the applicant to increase the transactional spend of its regular customers in order to remain in business during these difficult times.

Mr Gibson advised that discussions had taken place with Environmental Health and that conditions 17-19 on page 30 of the report were not the conditions agreed with Environmental Health. He further advised that conditions had been agreed with the Police who had subsequently withdrawn their representation against the application.

Mr Gibson commented that the Licensing Authority had maintained their representation due to their concern regarding street and underage drinking. Mr Gibson highlighted that street drinkers would not be drawn to the market stall as alcohol could only be purchased with takeaway food and no alcohol of 5.5% ABV would be sold at the premises. He also emphasised that alcohol could only be obtained on request and therefore the premises holders would have complete discretion on the sale of alcoholic drinks.

Mr Gibson concluded that the proposed Premises Licence falls well within the Council's recently adopted Statement of Licensing Policy (SoL) and the provision was that the Sub-Committee would consider applications from premises within the CIA that were open until 21:00 hours. He emphasised again that alcohol could only be served with the purchase of takeaway food.

In response to Members' questions, Mr Gibson and Mr Charlie Henry provided the following information.

- (a) Mr Charlie Henry advised that he had obtained his own personal Premises Licence holder certificate and confirmed that he was happy to send all his employees on the course. He further confirmed the CCTV arrangements installed and surrounding the market stall.
- (b) Mr Gibson advised that conditions 17 and 18 on page 30 of the report had already been agreed with Environmental Health and that he would prefer that condition 19 'A personal licence holder to be on duty at all times alcohol is sold' was not placed on the Premises Licence as he considered it was not necessary due to the small nature and operation of the market stall.
- (c) Mr Gibson advised that mulled wine would continue to be sold between the months of November and February, there were no tables or chairs located near the market stall so all purchases were for takeaway only and there were adequate rubbish bins located in the surrounding area.

Responsible Authorities

Mr Kevin Jackaman, Senior Licensing Officer, On Behalf of The Licensing Authority

The Sub-Committee noted that both Environmental Health and the Police had withdrawn their representations as they had agreed conditions with the applicant. The Licensing Authority had maintained their representation on the grounds of how the premises would promote the four licensing objectives and that the applicant needed to demonstrate that the variation to the Premises Licence would not add to the West End cumulative impact in the area. The Sub-Committee noted, however, that the Licensing Authority considered that the proposed conditions setting out that alcohol shall only be sold for consumption off the premises as ancillary to takeaway food and no alcohol of 5.5% ABV or above be sold at the premises would alleviate resident's concerns.

QUESTIONS BY OFFICERS

In response to questions regarding the existing and proposed conditions attached to the Premises Licence, by the Sub-Committee's Legal Officer, Ms Vivien Walker, Mr Gibson provided the following information.

Mr Gibson confirmed that he was happy that the mandatory condition 3 'Every supply of alcohol under the licence must be made or authorised by a person who holds a personal licence' would replace the proposed condition 19.

- (a) Mr Gibson also confirmed that he was happy with the suggested amendments made by the legal advisor regarding condition 17 'Alcohol shall only be sold for consumption off the premises as ancillary to food. No alcohol to be sold for off sales without food. He further confirmed that he was happy that condition 18 would read 'No alcohol shall be on open sale. All alcohol to be stored behind the counter, and only sold on request for a named item by the customer'.
- (b) Mr Gibson emphasised that everyone working at the premises would be a personal licence holder which would ensure that, whoever is serving that day, would have a sense of responsibility.

SUMMING UP

At this stage of the proceedings, the Chairman invited the various parties who had made representations to sum up their representations, if they so wished.

Mr Stuart Gibson, Solicitor, On Behalf of the Applicant

In summing up his representations, Mr Gibson stated that this premises would not add to the cumulative impact of the West End area as this was a very small premises, alcohol would only be served with takeaway food and the hours fell well within the Council's recently adopted Statement of Licensing Policy (SoL).

ADJOURNMENT

At this stage in the proceedings, the Chairman adjourned the meeting to allow Members to retire to consider their decision. Cllr Scarborough stated that the Sub-Committee would not announce its decision today but that a summary of the Decision would be sent to the various parties within five working days.

The Chairman then closed the live part of the virtual meeting.

DECISION

It was the Sub-Committee's decision to **Approve** the application, **as set out in the Summary & Full Reasoned Decision attached to these Minutes as Appendices 1&2.**

REASONS FOR THE DECISION

Having read the report by the Director of Public Protection and Licensing that was before it; the written submissions of the applicant and those parties objecting to the application; and, having heard presentations and representations by, and/or on behalf of, those parties present at the proceedings, as well as the responses by those parties to questions put to them by Members of the Sub-Committee, the Sub-Committee was satisfied that, in accordance with the Home Office Guidance,³ and on the evidence before it, it was reasonable, appropriate and proportionate, in all the circumstances, to **APPROVE** the application.

In reaching its decision, the Sub-Committee took into consideration that the conditions had been agreed with all the responsible authorities, that the premises were well run, there was no history of noise complaints and that the applicant, of his own initiative, and without there being any condition to this effect, cleans around the area of the premises. The Sub-Committee were also of the opinion that the small nature and operation of the market stall would not add to the cumulative impact in the West End area and in addition the conditions imposed on the Premises Licence were appropriate and would ensure that the licensing objectives were promoted.

The meeting ended at 11 AM

Chairman:

Date:

³ Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018

SUMMARY DECISION

**WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.4
("THE COMMITTEE")**

Thursday, 25 February 2021

Membership: Councillor Karen Scarborough (Chairman), Councillor Heather Acton and Councillor Rita Begum

**APPLICATION FOR A VARIATION OF PREMISES LICENCE, DINNER JACKETS,
UNIT 18 AND UNIT 19 JUBILEE HALL, JUBILEE MARKET, THE PIAZZA,
COVENT GARDEN, WC2E 8BE 20/11204/LIPV**

SUMMARY

The Committee has determined an application for a Variation of Premises Licence under the Licensing Act 2003 ("The Act"). The premises operate as a market stall in the Jubilee Market Hall, serving hot food, snacks, and refreshments. The premises are in St. James's Ward and are within the West End Cumulative Impact Area. The premises have had the benefit of a licence (10/049774/LIPN) since August 2010.

Applicant

Mr Nicolas Henry

Summary Decision

The Committee decided that the Applicant had provided valid reasons as to why the granting of the application would not add to negative cumulative impact in the Cumulative Impact Area and promote the licensing objectives.

Having carefully considered the committee papers and the submissions made by all the parties, both orally and in writing, **the Committee has decided**, after taking into account all of the individual circumstances of this case and the promotion of the four licensing objectives:

1. To grant permission for the sale of alcohol for consumption off the premises between the hours of 11:00 to 21:00 Monday to Sunday 365 days per year, and 366 days in a leap year.
2. To grant permission for the Hours Premises are open to the Public
Monday to Sunday: 10:00 to 21:00.
3. To grant permission for the removal of condition 5 from the operating schedule to the effect to remove "the supply of alcohol shall only be permitted from 15th November until 15th February each year".
4. To grant permission for the removal of condition 6 of the operating schedule, to the effect to remove "the supply of alcohol shall be restricted to mulled wine only".

5. To grant permission for the removal of condition 7 of the operating schedule, to the effect to remove “all sales of alcohol shall be for immediate consumption and supplied in plastic containers only”.
6. To add conditions in the terms specified below.
7. That the varied licence is subject to any relevant mandatory conditions.
8. That the existing conditions on the licence shall apply in all respects except in so far as they are varied by this Decision.
9. That the varied licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

CONDITIONS IMPOSED BY THE COMMITTEE AFTER A HEARING

10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises 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.
11. A staff member from the premises who is conversant with the operation of the CCTV system shall always be on the premises when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
12. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or 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 incident of disorder;
 - (e) all seizures of drugs or offensive weapons;
 - (f) any faults in the CCTV system, searching equipment or scanning equipment;
 - (g) any refusal of the sale of alcohol;
 - (h) any visit by a relevant authority or emergency service.
13. 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.
14. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a takeaway meal.
15. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked

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

16. 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.
17. Save for mulled wine supplied between 15th November and 15th February each year, the sale of alcohol shall be in sealed containers only, and shall not be consumed on the premises.
18. Alcohol shall only be sold for consumption off the premises as ancillary to food. No alcohol to be sold for off sales without food.
19. No alcohol shall be on open sale. All alcohol to be stored behind the counter, and only sold on request for a named item by the customer.
20. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the Structure of the premises which gives rise to a nuisance.

INFORMATIVE

The Premises Licence Holder shall ensure that all staff are trained regarding the Premises obligations under the Licensing Act 2003 ("the Act"), namely, offences under the Act, underage sales, sales of alcohol to drunks and a comprehensive knowledge of Challenge 25 proof of age scheme, 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.

This is the summary Decision reached by the Licensing Sub-Committee. The Fully Reasoned Decision will be sent to all parties as soon as possible.

The date for appealing the decision will not start until the full, Reasoned Decision has been sent to the Parties.

**Licensing Sub-Committee
25 February 2021**

FULL REASONED DECISION

**WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.4
("The Committee")**

Thursday 25 February 2021

Membership: Councillor Karen Scarborough (Chairman), Councillor Heather Acton and Councillor Rita Begum

Officer Support: Legal Advisor: Vivien Walker
Policy Officer: Aaron Hardy
Committee Officers: Sarah Craddock
Presenting Officer: Jessica Donovan

APPLICATION FOR A VARIATION OF A PREMISES LICENCE – DINNER JACKETS, UNIT 18 AND UNIT 19 JUBILEE HALL, JUBILEE MARKET, THE PIAZZA, COVENT GARDEN, WC2E 8BE – 20/11204/LIPV

FULL DECISION

Premises

Dinner Jackets, Unit 18 and Unit 19 Jubilee Hall, Jubilee Market, The Piazza, Covent Garden, WC2E 8BE

Applicant

Mr Nicholas Henry

Cumulative Impact Area?

West End

Ward

St James's

Proposed Licensable Activities and Hours

The application was for a variation of a Premises Licence as follows –

This variation seeks to permit the sale of alcohol for consumption off the premises between the hours of 11:00 to 21:00 Monday to Sunday 365 days a year, and 366 in a leap year.

The sale of alcohol is not to be restricted to mulled wine, the applicant is seeking to sell a small range of beers wines and spirits for consumption off the premises.

Representations Received

- Metropolitan Police Service (PC Brian Hunter) (withdrawn)
- Environmental Health Service (Maxwell Koduah) (withdrawn)
- Licensing Authority (Kevin Jackaman)

Summary of Objections

The Licensing Authority expressed concern that the Premises would not promote the four licensing objectives, noting the Premises is within the West End CIA

Summary of Application

This was an application for a Variation of Premises Licence under the Licensing Act 2003 ("The Act"). The premises operate as a market stall in the Jubilee Market Hall, serving hot food, snacks, and refreshments. The premises are in St. James's Ward and are within the West End Cumulative Impact Area. The premises have had the benefit of a licence (10/049774/LIPN) since August 2010.

Policy Position

Under Policy CIP1, "It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1. Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies and must demonstrate that they will not add to cumulative impact in the cumulative impact areas".

Under Policy OS1 Applications inside the West End Cumulative Impact Zone will generally be granted subject to: 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1; 2. The hours for licensable activities are within the council's Core Hours Policy HRS1; 3. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone; 4. The application and operation of the venue meeting the definition for a premises that provides off sales of alcohol as per Clause C.

SUBMISSIONS AND REASONS

Ms Donovan, Senior Licensing Officer, summarised the application set out in the report before the Sub-Committee. She explained that the application was for a variation in the Premises Licence seeking to permit the sale of alcohol for consumption off the Premises between the hours of 11.00 to 21:00 Monday to Sunday. She advised that both Environmental Health and the Police had withdrawn their representations however the Licensing Authority had maintained their representation against the application. She further advised that additional submissions had been received from the applicant which had been circulated to all the relevant parties before the Sub-Committee hearing.

Mr Stewart Gibson acting on behalf of the Applicant, of SG Licensing, advised that the Premises had benefited from a Premises Licence since 2010 and was currently licensed to sell mulled wine only between 15 November to 15 February between the hours of 11:00 to 19:00. The Sub-Committee noted that the premise was a market stall serving hot food, snacks, and refreshments.

Mr Gibson explained that this application requested the removal of the restrictive condition of retailing mulled wine only as well as seeking the extension of sale of alcohol by retail consumption (off the premise) between the hours of 11.00am and 21:00 hours Monday to Sunday. This would allow the applicant to sell a small range of beers, wines, and spirits for consumption off the Premises with the purchase of takeaway food which would enable the applicant to increase the transactional spend of its regular customers in order to remain in business during these difficult times.

Mr Gibson advised that discussions had taken place with Environmental Health and that conditions 17-19 on page 30 of the report were not the conditions agreed with Environmental Health. He further advised that conditions had been agreed with the Police who had subsequently withdrawn their representation against the application.

Mr Gibson commented that the Licensing Authority had maintained their representation due to their concern regarding street and underage drinking. Mr Gibson highlighted that street drinkers would not be drawn to the market stall as alcohol could only be purchased with takeaway food and no alcohol of 5.5% ABV would be sold at the Premises. He also emphasised that alcohol could only be obtained on request and therefore the Premises holders would have complete discretion on the sale of alcoholic drinks.

Mr Gibson concluded that the proposed Premises Licence falls well within the Council's recently adopted Statement of Licensing Policy (SoL) and the provision was that the Sub-Committee would consider applications from Premises within the CIA that were open until 21:00 hours. He emphasised again that alcohol could only be served with the purchase of takeaway food.

In response to Members' questions, Mr Gibson and Mr Charlie Henry provided the following information.

- (a) Mr Charlie Henry advised that he had obtained his own personal Premises Licence holder certificate and confirmed that he was happy to send all his employees on the course. He further confirmed the CCTV arrangements installed and surrounding the market stall.
- (b) Mr Gibson advised that conditions 17 and 18 on page 30 of the report had already been agreed with Environmental Health and that he would prefer that condition 19 'A personal licence holder to be on duty at all times alcohol is sold' was not placed on the Premises Licence as he considered it was not necessary due to the small nature and operation of the market stall.
- (c) Mr Gibson advised that mulled wine would continue to be sold between the months of November and February, there were no tables or chairs located near the market stall, so all purchases were for takeaway only and there were adequate rubbish bins located in the surrounding area.

Conclusion

Having read the report by the Director of Public Protection and Licensing that was before it; the written submissions of the applicant and those parties objecting to the application; and, having heard presentations and representations by, and/or on behalf of, those parties present at the proceedings, as well as the responses by those parties to questions put to them by Members of the Sub-Committee, the Sub-Committee was satisfied that, in accordance with the Home Office Guidance and on the evidence before it, it was reasonable, appropriate and proportionate, in all the circumstances, to **APPROVE** the application.

In reaching its decision, the Sub-Committee took into consideration that the conditions had been agreed with all the responsible authorities, that the Premises were well run, there was no history of noise complaints and that the applicant, of his own initiative, and without there being any condition to this effect, cleans around the area of the Premises. The Sub-Committee were also

of the opinion that the small nature and operation of the market stall would not add to the cumulative impact in the West End area and in addition the conditions imposed on the Premises Licence were appropriate and would ensure that the licensing objectives were promoted.

Having carefully considered the committee papers and the submissions made by all the parties, both orally and in writing, **the Sub-Committee has decided**, after taking into account all the circumstances of this application and the promotion of the licensing objectives to **grant** the application with the following permissions:

1. To grant permission for the sale of alcohol for consumption off the premises between the hours of 11:00 to 21:00 Monday to Sunday 365 days per year, and 366 days in a leap year.
2. To grant permission for the Hours Premises are open to the Public
Monday to Sunday: 10:00 to 21:00.
3. To grant permission for the removal of condition 5 from the operating schedule to the effect to remove “the supply of alcohol shall only be permitted from 15th November until 15th February each year”.
4. To grant permission for the removal of condition 6 of the operating schedule, to the effect to remove “the supply of alcohol shall be restricted to mulled wine only”.
5. To grant permission for the removal of condition 7 of the operating schedule, to the effect to remove “all sales of alcohol shall be for immediate consumption and supplied in plastic containers only”.
6. To add conditions in the terms specified below.
7. That the varied licence is subject to any relevant mandatory conditions.
8. That the existing conditions on the licence shall apply in all respects except in so far as they are varied by this Decision.
9. That the varied licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

CONDITIONS IMPOSED BY THE COMMITTEE AFTER A HEARING

10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.

All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises 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 31day period.

10. A staff member from the premises who is conversant with the operation of the
11. CCTV system shall always be on the premises when the premises are open. This staff member must be able to provide a Police or authorised council officer

copies of recent CCTV images or data with the absolute minimum of delay when requested.

12. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or 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 incident of disorder;
 - (e) all seizures of drugs or offensive weapons;
 - (f) any faults in the CCTV system, searching equipment or scanning equipment;
 - (g) any refusal of the sale of alcohol;
 - (h) any visit by a relevant authority or emergency service.
13. 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.
14. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a takeaway meal.
15. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked storeroom or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
16. 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.
17. Save for mulled wine supplied between 15th November and 15th February each year, the sale of alcohol shall be in sealed containers only, and shall not be consumed on the premises.
18. Alcohol shall only be sold for consumption off the premises as ancillary to food. No alcohol to be sold for off sales without food.
19. No alcohol shall be on open sale. All alcohol to be stored behind the counter, and only sold on request for a named item by the customer.
20. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the Structure of the premises which gives rise to a nuisance.

If problems are experienced, then an application for a Review of the Premises Licence can be made.

INFORMATIVE

The Premises Licence Holder shall ensure that all staff are trained regarding the Premises obligations under the Licensing Act 2003 (“the Act”), namely, offences under the Act, underage sales, sales of alcohol to drunks and a comprehensive knowledge of Challenge 25 proof of age scheme, 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.

This is the Full Decision reached by the Licensing Sub-Committee. This Decision takes immediate effect.

**The Licensing Sub-Committee
25 February 2021**

2. 1.00 PM: KIN CAFÉ, BASEMENT & GROUND FLOOR, 22 FOLEY STREET, LONDON W1W 6DT

Present: Noel Samaroo, Solicitor (NTAD Consultants Ltd).

Representations: Representations had been received from the Metropolitan Environmental Health Service (EHS); and the Police Service (MPS) (subsequently withdrawn); and two local residents (not in attendance).

Applicant: Araz Farm Feed Ltd

Ward: St James's West End

CIA⁴: N/A

SCZ⁵: N/A

Summary of Application

The application was for a new Premises Licence.

INTRODUCTION

The Chairman welcomed everyone to the meeting and introduced the Members of the Sub-Committee and the Council Officers who would be supporting the Sub-Committee. The Chairman explained the procedure that would be followed at the meeting before inviting the Presenting Officer, Ms Donovan to present the report.

PRESENTATIONS AND SUBMISSIONS

Presenting Officer

Ms Jessica Donovan, Senior Licensing Officer

Ms Jessica Donovan summarised the application set out in the report before the Sub-Committee. She advised that the Sub-Committee had before it an application for a new Premises Licence which intended to operate as a restaurant. The Sub-Committee heard that the applicant had requested Sale by Retail of Alcohol (On Sales) Monday to Thursday: 10:00 to 22:30, Friday to Saturday: 10:00 to 23:30 and Sunday: 12:00 to 22:30 but that during consultation the applicant had agreed to reduce the hours for the sale of alcohol on Sundays to 12:00 to 22:30. The Sub-Committee further noted that the applicant had also reduced the opening hours on Sundays to 10:00 to 23:00.

Applicant

Mr Noel Samaroo, Solicitor (NTAD Consultants Ltd) on behalf of the applicant

During the course of his presentation, Mr Samaroo advised that the premises had been operating for four years and that patrons had been allowed to 'bring their own' alcohol to the premises to consume with their meal. The Sub-Committee noted that it was a very small premises and that the applicant now

⁴ Cumulative Impact Area

⁵ Special Considerations Zone

wished the premises to be regulated so that he could control what alcoholic drinks his customers were consuming with their meals.

Mr Samaroo advised that the applicant had been surprised to receive representations against the application from local residents as he had never received any noise complaints. Mr Samaroo emphasised that he was disappointed that the residents were not in attendance at the hearing as he would have liked to explore and hopefully alleviate their concerns regarding the new proposed licence.

In response to Members' questions, Mr Samaroo provided the following information.

- (a) There had been no noise complaints regarding patrons eating and drinking in the outside area of the premises in the past four years. Mr Samaroo confirmed that the outside area was used until 11pm when the weather permitted.
- (b) The premises had been trading as Kim Café for the past four years.
- (c) The benches and tables were within the private boundary of the premises and not situated on the public highway. Mr Samaroo confirmed that once the tables and benches were taken down only four people would be allowed to smoke outside of the premises. Mr Samaroo further confirmed the plan of the premises was accurate.

Responsible Authorities

Mr Anil Drayan, Environmental Health Service (EHS)

The Sub-Committee heard that Environmental Health and two local residents had maintained their representation against the application on the grounds that the supply of alcohol and the hours requested may have the effect of increasing Public Nuisance in the area. The Sub-Committee noted, however, that Environmental Health considered that the proposed conditions setting out that all alcohol sold would be ancillary to a meal would alleviate resident's concerns and that the premises was well managed. The Sub-Committee further noted that the Police had withdrawn their representation.

QUESTIONS BY OFFICERS

In response to questions regarding the existing and proposed conditions attached to the Premises Licence, by the Sub-Committee's Legal Officer, Ms Vivien Walker, Mr Samaroo provided the following information.

- (a) The opening hours for Sunday trading had already been agreed with the police and the sale of alcohol would not commence until noon.
- (b) The premises only had the capacity for 20 patrons.
- (c) The Environmental Health Officer confirmed that he was happy with the proposed condition regarding smoking to be attached to the Premises Licence.

SUMMING UP

At this stage of the proceedings, the Chairman invited the various parties who had made representations to sum up their representations, if they so wished.

Both Mr Samaroo and Mr Drayan stated that they had nothing further to add to the representations they had already made.

ADJOURNMENT

At this stage in the proceedings, the Chairman adjourned the meeting to allow Members to retire to consider their decision. Cllr Scarborough stated that the Sub-Committee would not announce its decision today but that a summary of the Decision would be sent to the various parties within five working days.

The Chairman then closed the live part of the virtual meeting.

DECISION

It was the Sub-Committee's decision to **Approve** the application, **as set out in the Summary & Full Reasoned Decision attached to these Minutes as Appendices 3&4.**

REASONS FOR THE DECISION

Having read the report by the Director of Public Protection and Licensing that was before it; the written submissions of the applicant and those parties objecting to the application; and, having heard presentations and representations by, and/or on behalf of, those parties present at the proceedings, as well as the responses by those parties to questions put to them by Members of the Sub-Committee, the Sub-Committee was satisfied that, in accordance with the Home Office Guidance,⁶ and on the evidence before it, it was reasonable, appropriate and proportionate, in all the circumstances, to APPROVE the application.

In reaching its decision, the Sub-Committee took the following matters into consideration –

1. The Applicant has agreed conditions with all the responsible Authorities.
2. The Metropolitan Police Service (MPS) had withdrawn their representations following consultation.
3. The applicant following consultation with the responsible authorities had reduced their hours for the sale of Alcohol on Sundays to 12:00 to 22:30 and their opening hours on Sunday to 10:00 to 23:00.
4. The Premises had been operating for four years and had no history of complaints. The Sub-Committee noted that the applicant now wished for the premises to be properly regulated with a Premises Licence.
5. The Sub-Committee was of the opinion that the conditions imposed on the Premises Licence were appropriate and would ensure the licensing objectives were promoted.
6. The Sub-Committee further considered that if any problems were experienced than an application for a review of the Premises Licence could be made by local residents.

The meeting ended at 1.30 PM

Chairman:

Date:

⁶ Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018

SUMMARY DECISION

**WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.4
("THE COMMITTEE")**

Thursday, 25 February 2021

Membership: Councillor Karen Scarborough (Chairman), Councillor Heather Acton and Councillor Rita Begum

**APPLICATION FOR A NEW PREMISES LICENCE, KIN CAFÉ, BASEMENT AND
GROUND FLOOR, 22 FOLEY STREET, LONDON W1W 6DT [20/11005/LIPN]**

SUMMARY

The Committee has considered an application for a new Premises Licence under the Licensing Act 2003 ("the Act"). The Premises intends to operate as a restaurant.

The Premises are in the West End Ward, but not within the Cumulative Impact Area or the Special Consideration Zone.

Applicant

Araza Farm Feed Limited

Summary Decision

The Committee has considered the committee papers and the submissions made by all of the parties, both orally and in writing.

In reaching its decision the Committee has had regard to the relevant legislation, the Secretary of State's Guidance ("Guidance") and the Authority's Statement of Licensing Policy ("SLP").

In summary, the Committee has decided, after taking into account all of the individual circumstances of this application and the promotion of the four licensing objectives:

1. To grant permission for Sale by Retail of Alcohol (On Sales) for the following hours:

Monday to Thursday: 10:00 to 22:30 hours;

Friday to Saturday: 10:00 to 23:30 hours;

Sunday: 12:00 to 22:30 hours.

Seasonal Variations: None

2. To grant permission for the Hours the Premises are open to the Public as follows:

Monday to Thursday: 07:00 to 23:00 hours;

Friday to Saturday: 07:00 to 00:00 hours;

Sunday: 10:00 to 23:00 hours.

Seasonal Variations: None

3. That the Licence is subject to relevant mandatory conditions as specified in the Agenda papers.
4. That the Licence is subject to the conditions consistent with the operating schedule as specified in the Agenda papers.
5. That the Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

CONDITIONS IMPOSED BY THE COMMITTEE AT THE HEARING

11. 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 takeaway service of food or drink for immediate consumption;
 - (v) which do not provide any takeaway 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.
12. There shall always be a personal licence holder on duty on the premises 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 always be available for inspection at the premises by the Police or an authorised officer of the Council whilst the premises are open.
14. 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.
15. 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 the Police or authorised officer throughout the entire 31-day period.

16. 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 Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
17. If a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - (i) The Police (and where appropriate, the London Ambulance Service) are called without delay.
 - (ii) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the Police.
 - (iii) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the Police; and
 - (iv) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
18. An incident log shall be kept at the premises and made available on request to an authorised officer of the 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.
19. The Designated Premises Supervisor (DPS) will ensure that the premises operate in line with existing health and safety legislation and is aware that it is also the responsibility of the Premises Licence holder that this legislation is adhered to.
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.
21. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
22. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
23. A direct telephone number for the manager at the premises shall always be publicly available whilst the premises are open. This telephone number is to be made available to residents and businesses in the vicinity.
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. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 and 08:00 on the following day.
26. No deliveries to the premises shall take place between 23:00 and 08:00 on the following day.
27. 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.
28. No fumes, steam or odours shall be emitted from the licensed premises to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
29. The DPS will take full responsibility to ensure that all staff training is documented and to include obligations under the Licensing Act 2003, offences under the Act, underage sales, proxy sales, sales of alcohol to drunks, awareness and application of policies particular to the premise and with a comprehensive knowledge of Challenge 25, where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof age card with the PASS Hologram.
30. Training is to be fully documented and refreshed every six months. The training records will be presented to an authorised officer or the Police upon request.
31. There shall be a maximum of 3 tables and 6 chairs placed on the forecourt immediately outside the premises.
32. All outside tables and chairs shall be removed or rendered unusable by 23:00 each day.
33. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

INFORMATIVE:

If problems are experienced, then an application for a review of the Premises Licence can be made.

This is the summary Decision reached by the Licensing Sub-Committee. The Fully Reasoned Decision will be sent to all parties as soon as possible.

The date for appealing the decision will not start until the full, Reasoned Decision has been sent to the Parties.

**Licensing Sub-Committee
25 February 2021**

FULL REASONED DECISION

**WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 4
("The Committee")**

Thursday, 25 February 2021

Membership: Councillor Karen Scarborough (Chairman), Councillor Heather Acton and Councillor Rita Begum

Officer Support: Legal Advisor: Vivien Walker
Policy Officer: Aaron Hardy
Committee Officers: Sarah Craddock
Presenting Officer: Jessica Donovan

APPLICATION FOR A NEW PREMISES LICENCE – KIN CAFÉ, BASEMENT AND GROUND FLOOR, 22 FOLEY STREET, LONDON W1W 6DT – 20/11005/LIPN

FULL DECISION

Premises

Kin Café, Basement and Ground Floor, 22 Foley Street, London W1W 6DT

Applicant

Araz Farm Feed Ltd

Cumulative Impact Area?

N/A

Ward

St James's West End

Proposed Licensable Activities and Hours

Sale by Retail of Alcohol (On-sales)

Sunday to Thursday: 10:00 hours to 22:30 hours
Friday to Saturday: 10:00 hours to 23:30 hours

Hours Premises Are Open to the Public

Sunday to Thursday: 07:00 hours to 23:00 hours
Friday to Saturday: 07:00 hours to 00:00 hours

Representations Received

- Environmental Health (Anil Drayan)
- Metropolitan Police (PC Adam Deweltz) (withdrawn)
- Robert Lux (local resident)
- Hanna Gough (local resident)

Summary of Objections

- Environmental Health stated that the supply of alcohol and for the hours requested may have the effect of increasing public nuisance in the area;
- Local residents were concerned that if granted the licence would undermine the peaceful nature of the surrounding area

Summary of Application

The application was for a new Premises Licence to operate as a restaurant.

Policy Position

Under Policy HRS1, applications within the core hours will generally be granted subject to not being contrary to other policies in the SLP.

Under Policy RTN1(a), applications outside the West End Cumulative Impact Zone will generally be granted subject to matters set out in Policy RTN1(a).

SUBMISSIONS AND REASONS

Ms Donovan, Senior Licensing Officer, summarised the application set out in the report before the Sub-Committee. She advised that the Sub-Committee had before it an application for a new Premises Licence which intended to operate as a restaurant. The Sub-Committee heard that the applicant had requested Sale by Retail of Alcohol (On Sales) Monday to Thursday: 10:00 to 22:30, Friday to Saturday: 10:00 to 23:30 and Sunday: 12:00 to 22:30 but that during consultation the applicant had agreed to reduce the hours for the sale of alcohol on Sundays to 12:00 to 22:30. The Sub-Committee further noted that the applicant had also reduced the opening hours on Sundays to 10:00 to 23:00.

Mr Noel Samaroo acting on behalf of the applicant, of NTAD Consultants Ltd, advised that the Premises had been operating for four years and that patrons had been allowed to 'bring their own' alcohol to the Premises to consume with their meal. The Sub-Committee noted that it was a very small Premises and that the applicant now wished the Premises to be regulated so that he could control what alcoholic drinks his customers were consuming with their meals.

Mr Samaroo advised that the applicant had been surprised to receive representations against the application from local residents as he had never received any noise complaints. Mr Samaroo emphasised that he was disappointed that the residents were not in attendance at the hearing as he would have liked to explore and hopefully alleviate their concerns regarding the new proposed licence.

In response to Members' questions, Mr Samaroo provided the following information.

- (a) There had been no noise complaints regarding patrons eating and drinking in the outside area of the Premises in the past four years. Mr Samaroo confirmed that the outside area was used until 11pm when the weather permitted.
- (b) The Premises had been trading as Kim Café for the past four years.
- (c) The benches and tables were within the private boundary of the Premises and not situated on the public highway. Mr Samaroo confirmed that once the tables and benches were taken down only four people would be allowed to smoke outside of the Premises. Mr Samaroo further confirmed the plan of the Premises was accurate

The Sub-Committee heard that Environmental Health and two local residents had maintained their representation against the application on the grounds that the supply of alcohol and the hours requested may have the effect of increasing Public Nuisance in the area. The Sub-Committee noted, however, that Environmental Health considered that the proposed conditions setting out that all alcohol sold would be ancillary to a meal would alleviate resident's concerns and that the Premises was well managed. The Sub-Committee further noted that the Police had withdrawn their representation.

In response to questions regarding the existing and proposed conditions attached to the Premises Licence, by the Sub-Committee's Legal Officer, Ms Vivien Walker, Mr Samaroo provided the following information.

- (a) The opening hours for Sunday trading had already been agreed with the police and the sale of alcohol would not commence until noon.
- (b) The Premises only had the capacity for 20 patrons.
- (c) The Environmental Health Officer confirmed that he was happy with the proposed condition regarding smoking to be attached to the Premises Licence.

Conclusion

The Sub-Committee were grateful to all parties for their representations. They noted that they have a duty to determine each application on its individual merits. In this case, the Committee had to consider whether to grant a Premises Licence for a restaurant which had been operating for the last 4-years.

The Committee noted that no noise complaints had been made against the restaurant. Whilst local residents had expressed concerns about the noise that may be caused by the granting of the licence, the Committee concluded that the lack of previous complaints alongside Environmental Health's considering that the proposed condition would alleviate residents' concerns would ensure that the licensing objectives were promoted. The applicant had stated that he wished for the Premises to be properly regulated by the grant of a licence.

The Committee placed weight on the fact that conditions had been agreed with all responsible authorities, noting that the Police representation had been withdrawn. Furthermore, the applicant following consultation with the responsible authorities had reduced their hours for the sale of Alcohol on Sundays to 12:00 to 22:30 and their opening hours on Sunday to 10:00 to 23:00

In light of the consultation with responsible authorities leading to agreed conditions, the Committee considered that the Premises Licence would promote the licensing objectives. Furthermore, the Sub-Committee further considered that if any problems were experienced than an application for a review of the Premises Licence could be made by local residents.

Having carefully considered the committee papers and the submissions made by all the parties, both orally and in writing, **the Sub-Committee has decided**, after taking into account all the circumstances of this application and the promotion of the licensing objectives to **grant** the application with the following permissions:

In summary, the Committee has decided, after taking into account all of the individual circumstances of this application and the promotion of the four licensing objectives:

1. To grant permission for Sale by Retail of Alcohol (On Sales) for the following hours:

Monday to Thursday:	10:00 to 22:30 hours;
Friday to Saturday:	10:00 to 23:30 hours;
Sunday:	12:00 to 22:30 hours.
Seasonal Variations:	None
2. To grant permission for the Hours the Premises are open to the Public as follows:

Monday to Thursday:	07:00 to 23:00 hours;
Friday to Saturday:	07:00 to 00:00 hours;
Sunday:	10:00 23:00 hours.
Seasonal Variations:	None
3. That the Licence is subject to relevant mandatory conditions as specified in the agenda papers.
4. That the Licence is subject to the conditions consistent with the operating schedule as specified in the agenda papers.
5. That the Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed by the Committee at the Hearing

11. 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 takeaway service of food or drink for immediate consumption,
 - (v) which do not provide any takeaway 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.
12. There shall always be a personal licence holder on duty on the premises 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 always be available for inspection at the premises by the Police or an authorised officer of the Council whilst the premises are open.

14. 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.
15. 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 the Police or authorised officer throughout the entire 31-day period.
16. 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 Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
17. If a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that
 - (i) The Police (and where appropriate, the London Ambulance Service) are called without delay;
 - (ii) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the Police;
 - (iii) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the Police; and
 - (iv) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
18. An incident log shall be kept at the premises and made available on request to an authorised officer of the 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 any complaints received concerning crime and disorder
 - (c) any incidents of disorder all seizures of drugs or offensive weapons
 - (d) any faults in the CCTV system
 - (e) any refusal of the sale of alcohol
 - (f) any visit by a relevant authority or emergency service.
19. The Designated Premises Supervisor (DPS) will ensure that the premises operate in line with existing health and safety legislation and is aware that it is also the responsibility of the Premises Licence holder that this legislation is adhered to.

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.
21. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
22. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
23. A direct telephone number for the manager at the premises shall always be publicly available whilst the premises are open. This telephone number is to be made available to residents and businesses in the vicinity.
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. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 and 08:00 on the following day.
26. No deliveries to the premises shall take place between 23:00 and 08:00 on the following day.
27. 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.
28. No fumes, steam or odours shall be emitted from the licensed premises to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
29. The DPS will take full responsibility to ensure that all staff training is documented and to include obligations under the Licensing Act 2003, offences under the Act, underage sales, proxy sales, sales of alcohol to drunks, awareness and application of policies particular to the premise and with a comprehensive knowledge of Challenge 25, where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof age card with the PASS Hologram.
30. Training is to be fully documented and refreshed every six months. The training records will be presented to an authorised officer or the Police upon request.
31. There shall be a maximum of 3 tables and 6 chairs placed on the forecourt immediately outside the premises.
32. All outside tables and chairs shall be removed or rendered unusable by 23:00 each day.
33. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

If problems are experienced, then an application for a review of the Premises Licence can be made.

This is the Full Decision reached by the Licensing Sub-Committee. This Decision takes immediate effect.

**The Licensing Sub-Committee
25 February 2021**

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