



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (4)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** held on **Thursday 3rd August, 2023**, This will be an MS Teams Virtual Meetin.

**Members Present:** Councillors Angela Piddock (Chair), Md Shamsed Chowdhury and Jim Glen

#### 1. MEMBERSHIP

1.1 It was noted that there were no changes to the membership.

#### 2. DECLARATIONS OF INTEREST

2.1 It was noted that there were no declarations of interest.

#### 1. OKA RESTAURANT, UNITS 1.14 TO 1.16, KINGLY COURT, KINGLY STREET, W1B 5PW

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

Thursday 3<sup>rd</sup> August 2023

Membership: Councillor Angela Piddock (Chair),  
Councillor Md Shamsed Chowdhury  
Councillor Jim Glen

Officer Support: Legal Adviser: Steve Burnett  
Policy Officer: Aaron Hardy  
Committee Officer: Katherine Stagg  
Presenting Officer: Emanuela Meloyan

Other Parties: Alun Thomas, Thomas and Thomas Partners (Solicitor for the Applicant, Oka Restaurant Carnaby Ltd)  
Ohad Kastro (Director of the Applicant Company),  
Olivia Russell-Jones (Landlord and owner of Kingly Court).  
Kevin Jackaman – Licensing Authority

**Application for a variation of a Premises Licence for Oka Restaurant, Units 1.14 - 1.16, Kingly Court, Kingly Street, London W1B 5PW - 23/03025/LIPV**

**Full Decision**

**Premises:**

Oka Restaurant,  
Units 1.14 - 1.16,  
Kingly Court,  
Kingly Street,  
London  
W1B 5PW

**Applicant**

Oka Restaurant Carnaby Limited

**Ward**

West End

**Cumulative Impact Zone**

West End

**Licensable Activities and Hours:**

No change

**Summary of Application**

This is an application for a variation of a premises licence under the Licensing Act 2003 ("The Act"). This variation application seeks to permit the following:

1. To amend, add and delete conditions, following initial pre-application advice ref 23/01260/PREAPS
2. Update the plans in line with planned refurbishment work. The change of plans includes.
  - a) Extension of restaurant into neighbouring unit space
  - b) Infill floor of existing staircase and dumbwaiter location
  - c) Relocation of kitchen
  - d) Installation of 4 WCs 3 unisex, 1DDA
  - e) Installation of fire protected lobby by WCs
  - f) Installation of bar counter with perch dining
  - g) Installation and relocation of fixed booths and fixed dining.

There is a resident count of 25

## **Representations Received**

- Kudzaishe Mondhlani – Environmental Health Services (EHS) (**Withdrawn on the 8<sup>th</sup> June**)
- Kevin Jackaman – Licensing Authority (LA)

## **Issues raised by Objectors**

The premises are located within the West End Cumulative Impact Area.

The Licensing Authority note that the premises trade as a restaurant and the existing licence contains the Council's model restaurant condition. As such various policy points must be considered, namely RTN1(B) and CIP1.

It is proposed that the premises will be extended into neighbouring unit, increasing the area for licensable activities. Currently there is a condition on the premises licence which restricts the capacity at the premise to no more than 30 persons excluding staff. The updated capacity condition proposed in the variation application would increase the capacity to no more than 90 persons excluding staff.

As the premises fall within the West End cumulative impact area, it is for the applicant to demonstrate how a potential increase of 60 people will have no adverse impact within the West End Cumulative Impact Area in accordance with Policy CIP1.

## **Policy Considerations**

### **Policy RTN1(B) states:**

"B. 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 operation of any delivery services for alcohol and/or late-night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.
- 4.The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.
- 5.The application and operation of the venue meeting the definition of a restaurant as per Clause C.

C. For the purposes of this policy a restaurant is defined as:

- 1.A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.

2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table
3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.
4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal”

**Policy CIP(1) states:**

A. It is the Licensing Authority’s policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:

1. Vary the hours within Core Hours under Policy HRS1, and/or
2. Vary the licence to reduce the overall capacity of the premises.

C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.

D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.

**SUBMISSIONS AND REASONS**

Ms Meloyan, the Presenting Officer, outlined the application to the Committee and introduced the parties.

Mr Thomas on behalf of the Applicant, Oka Restaurant Carnaby Ltd advised the Committee that the remaining objection to this application was on the basis of Policy as the Premises is located in a Cumulative Impact Zone (CIZ). He reminded the Members that there is not a presumption to refuse the application, but the onus is on the Applicant to show how the grant of the application will not added to the CIZ.

Mr Thomas referred the Committee to Policy D4 and confirmed the operation was not a pub or club. It is a restaurant with existing ‘restaurant conditions’ and it had traded without incident. The Premises is located on the first floor of Kingly Court and the increase in the internal area results from space at the back of the premises. There is no increase to the frontage.

There have been complaints and social media reviews that the current capacity of 30 is cramped, hence this application.

The Committee was informed that there is one outstanding policy representation from the Licensing Authority, but there is no evidence that the operation will add to

the CIZ. The Committee was referred to Policy D9 and F125 and Mr Thomas stated there is no association with the restaurant operation with crime and disorder, there is no representation from the Metropolitan Police or Environmental Health and although there is an increase of 60 covers, there is also an increase in facilities for dining and sanitary provisions. Currently patrons wanting to use the toilets would have to leave the Premises and go to communal facilities in Kingly Court.

Mr Thomas continued and stated that Kingly court is a safe place to visit, as there are security guards, 24 hour security, 30 CCTV cameras externally and 3 exits from the Court.

In response to questions from the Committee, Mr Thomas explained the Premises does not have patron standing around. There are staggered dining times resulting in customers leaving at different times during the evening. Furthermore, Kingly Court closes at 00.00. Mr Thomas also stated that in his view, the percentage increase in capacity, relative to the total capacity of Kingly Court, is small and the increase will not add to the whole CIZ.

Mr Jackaman of the Licensing Authority, confirmed to the Committee that his Policy objection is maintained, and it is for the Applicant to demonstrate to the Committee that the application will not add to the CIZ. The addition of people will inevitably lead to an increase in the number of people remaining in the CIZ. Mr Jackaman agreed that the operation of the premises did place it at the lower end of the scale of premises which adversely impact the CIZ.

In response to the Members' questions, Mr Jackaman stated The increase toilet provision is welcomed but the overall consideration is how the additional people will affect the area and this is a difficult hurdle for the Applicant.

Mr Thomas in summary stated that he is happy to exclude the back of office and toilet areas from the ambit of the licensed area. He stated that the additional 60 covers don't add to the CIZ. He stated that a majority of customers are walk-ins and are therefore already in the area. So there is no increase in the number of people in the CIZ area. He felt the burden should be on the Local Authority to show how the application adds to the CIZ.

The demographics of the Customer base are families, business people, the elderly. In summary not those who wish to leave Oka and then go on to a bar or nightclub. There are no objections from the police, EHO or the Soho Society.

Kingly Court is a unique operation. It is well managed and have proper security in place. The area has a low association with crime and disorder. The application is to keep customers in an internationally renowned city and to help an independent operator prosper and to add more employment to the area.

Mr Thomas concluded by informing the Committee that the extended area to the rear of the premises was a retail store.

## **Conclusion**

The Committee has determined an application for a grant of a variation of a Premises Licence under the Licensing Act 2003. This case was decided on its individual merits.

The Committee noted that the Premises Licence is already subject of a full restaurant condition. The operator is established and there are security systems in place at Kingly Court which is gated.

It was recognised that the Licensing Authority are the only objectors and there have been no representations from residents, the Soho Society or the police. The additional toilets are of benefit and on balance, the Committee felt that whilst any increase in numbers adds to cumulative Impact, in this case, the granting of an appropriately conditioned restaurant Premises Licence in this particular well controlled location is unlikely to adversely add to the CIZ.

The Committee reinforced that Westminster's Licence Policy is clear that the onus is on the Applicant to provide evidence that their application will not add to the CIZ.

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

### **To grant permission to:**

1. Update the current approved plans in line with planned refurbishment work, detailed on the proposed plans submitted in support of this application, subject to the removal of 'back of house'/office areas and toilets from the ambit of the licensed area.
  2. **Apply relevant Mandatory Conditions**
  3. **Delete Conditions 18, 23 and 24 on the current Premises Licence.**
  4. **Conditions added and agreed by the applicant to form part of the operating schedule**
9. The premises shall only operate as a restaurant:
- (i) in which customers are shown to their table,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - (iv) which do not provide any take away service of food or drink for immediate consumption,
  - (v) which do not provide any take away service of food or drink after 23.00,
- and

(vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

10. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

11. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points shall be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and shall include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

12. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

13. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

14. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

15. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which shall record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) any faults in the CCTV system or searching equipment or scanning equipment
- (f) any refusal of the sale of alcohol
- (g) any visit by a relevant authority or emergency service.

16. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.

17. 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.

18. 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.

19. 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.

20. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.

21. 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.

22. The hours for late night refreshment and the sale of alcohol may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

23. No licensable activities shall take place until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the licence by the licensing authority.

24. No licensable activities shall take place at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined. Such capacity shall not exceed 90 persons, excluding staff.

25. Before the premises open to the public, the plans as deposited shall be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed and that the back of house/office areas and toilets are removed from the licensed area.

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

**Licensing Sub-Committee  
3 August 2023**



2. **SOFRA, 11-12 SOUTH MOLTON STREET, W1K 5QL**

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

**Thursday 3<sup>rd</sup> August 2023**

Membership: Councillor Angela Piddock (Chair),  
Councillor Md Shamsed Chowdhury  
Councillor Jim Glen

Officer Support: Legal Adviser: Steve Burnett  
Policy Officer: Aaron Hardy  
Committee Officer: Katherine Stagg  
Presenting Officer: Emanuela Meloyan

Other Parties: Mark Browning, BA Law (Solicitor for the Applicant, Sofra International Ltd)  
Mr Huseyin Ozer (Director of the Applicant Company),  
Chris Naylor – STEF Property Management Limited  
Kudzaishe Mondhlani – Environmental Health Services (EHS)

**Application for a new Premises Licence for Sofra, 11-12 South Molton Street, London W1K 5QL- 23/03152/LIPN**

**Full Decision**

**Premises:**

Sofra,  
11-12 South Molton Street,  
London  
W1K 5QL

**Applicant**

Sofra International Limited

**Ward**

West End

**Cumulative Impact Zone**

N/A

## **Special Consideration Zone**

N/A

### **Licensable activities and hours:**

- 1) Late Night Refreshment:  
Monday to Thursday 23.00 to 23.30  
Friday and Saturdays 23.00 to 00.00
- 2) Recorded Music:  
Monday to Thursday 10.00 to 23.30  
Friday and Saturdays 10.00 to 00.00  
Sundays 12.00 to 22.30
- 3) Sale of alcohol (Both):  
Monday to Thursday 10.00 to 23.30  
Friday and Saturdays 10.00 to 00.00  
Sundays 12.00 to 22.30
- 4) Opening Hours:  
Sunday to Thursday 09.00 to 00.00  
Friday and Saturdays 09.00 to 00.30

## **Summary of Application**

This is an application for a new premises licence under the Licensing Act 2003 (“The Act”). This application seeks to permit the Premises to trade as a restaurant, with seated customers and waiter/waitress service.

The Premises previously had the benefit of a Premises Licence which lapsed in March 2018 after the Premises Licence Holder was dissolved.

There is a resident count of 21

## **Representations Received**

- Kudzaishe Mondhlani – Environmental Health Services (EHS)
- Chris Naylor – Interested Party
- Mike Dunn – RSMSJ Association (**Withdrawn on the 2<sup>nd</sup> August 2023.**)

## **Issues raised by Objectors**

1. The supply of alcohol would have the likely effect of causing an increase in Public Nuisance in the area and may also impact on Public Safety.
2. The provision of late night refreshment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety
3. The provision of regulated entertainment will have the likely effect of causing an increase Public Nuisance and impact on Public Safety.

The application will result in disturbance to the offices facing South Molton Street during office hours caused by the playing of recorded music as well as the customers to the restaurant,

The application will result in noxious smells

The external tables and chairs in front of the building adjacent to the entrance to the offices will accentuate all of the above noise and smells disturbance and nuisance.

The entrance to the offices may be impeded by restaurant customers and staff as employees and clients trying to access the offices will have to walk between tables in front of both 11 and 12 South Molton Street.

Condition 19 in the Agenda should be expanded to all deliveries and collections.

Condition 17 be expanded so as not to permit smokers to take alcohol or glass containers with them when leaving the Premises to smoke. (Now condition 25)

Mr Dunn withdrew his objections after the following was agreed with the Applicant: Replace Condition 19 of the published report with:

No deliveries to the Premises or collections from the Premises shall take place between 23.00 and 07.00 hours on the following day.

Add a New Condition

Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers or drinks with them.

### **Policy Considerations**

#### **Policy HRS1**

B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:

1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
5. The proposed hours when any music, including incidental music, will be played.
6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.

8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
9. The capacity of the premises.
10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.

For this purpose, the Core Hours for this application as defined within this policy is:

Restaurants:

Monday to Thursday: 9am to 11.30pm.

Friday and Saturday: 9am to 12am.

Sunday: 9am to 10.30pm.

### **Policy RNT1**

- A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:
- B.
  1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
  2. The hours for licensable activities being within the council's Core Hours Policy HRS1.
  3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.
  5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.

C. For the purposes of this policy a restaurant is defined as:

1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.
2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.
3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.
4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.

### **SUBMISSIONS AND REASONS**

Ms Meloyan, the Presenting Officer, outlined the application to the Committee and introduced the parties.

Mr Browning on behalf of the Applicant, Sofra International Ltd advised the Committee that the Premises is located outside the CIZ and SCZ areas. He confirmed there are no police objections and the EHS had inspected the Premises.

The Premises consists of two shop fronts, with offices above. The area is a mixed commercial use with limited residents. Oxford Road is nearby and the underground runs along Molton Street. The objections are from the EJHS and one commercial property owner. The Applicant has explained the operation and acoustic proposals.

The Committee was told that the Premises will be air-conditioned and that everything will be done to prevent issues with the offices above the Premises. Mr Browning went through the conditions and explained that the Applicant has two other restaurants and have a good relationship with his neighbours.

Mr Ozer informed the Committee that he has residents above his other restaurants, and he has never had any complaints or problem. He has employed acoustic experts to mitigate potential issues and had installed an extractor, higher than the offices to prevent a nuisance. He does not have a bar in the restaurant, so there will be no vertical drinking.

In response to questions from the Committee, The Applicant confirmed that he does not have music at the premises and agreed to the application for recorded music being withdrawn.

Mr Browning also confirmed to the Committee that the outside area is not private and therefore a Pavement Licence would be required. They agreed that area being removed from the ambit of the red line on the plan. The Applicant also agreed to a condition which requires clear access to the offices to be maintained.

Ms Mondhlani, EHS, confirmed her agreement to the conditions and the conditions agreed with Mr Dunn.

In response to the Committee, the EHS stated that a terminal time for use of the outside area can be attached, and Mr Browning agreed to 23.00 as this is not a residential area.

Mr Naylor, confirmed to the Committee that he leases the 1<sup>st</sup> to 3<sup>rd</sup> floors of the Premises. 32 patrons seated outside will cause substantial disturbance to the office users and will impede the office environment. He confirmed that other restaurants in the area does cause a noise, but they are not located underneath the offices.

Mr Naylor confirmed to the Committee that the offices open from 09.00 to 18.00 and he assumes that disturbance from the restaurant would start at 11.00 and go on until the afternoon.

A condition requiring clear access to the offices would be helpful, but Mr Naylor expects that anyway. He went on to confirm that if the use of the pavement was reduced to only during the evening, that would help, but it was confirm that this would be governed under a Pavement Licence, rather that the Premises Licence.

During summing-up, the EHS withdraw their representations. Mr Browning agreed to remove the outside area from the red line and confirmed that he would rather retain off sales of alcohol, especially since there have been no representations in relation to this aspect of the application.

Mr Browning also agreed to the conditions in the agenda papers including additions and amendments as discuss with Mr Burnett, the Committee's Legal Advisor.

## **Conclusion**

The Committee has determined an application for a grant of a New Premises Licence under the Licensing Act 2003.

The Committee noted that the Premises is not located in a SCZ or CIZ area and that licensable activities are requested for Core Hours. The Applicant has officered a number of conditions which, taking into account that the premises is located in a commercial area, were appropriate and proportionate.

There are no representations from the Police and the EHS and residents' association representative, Mr Dunn were satisfied with the proposals.

The Committee also noted that the outside area requires permission form the Highways Department for a Pavement Licence to be used for tables and chairs. Furthermore, the operator would be permitted to provide hot food and drinks up to 23.00 each day without a Premises Licence. The offices above the Premises operated from 09.00 to 18.00.

Having carefully considered the committee papers, the additional papers and the submissions made by all of the parties orally, **the Committee has decided**, after

taking into account all of the individual circumstances of this particular case and the promotion of the four licensing objectives: -

**1) To grant permission for:**

Licensable activities and hours:

1) Late Night Refreshment:

Monday to Thursday 23.00 to 23.30  
Friday and Saturdays 23.00 to 00.00

From the end of permitted hours to the start of permitted hours on New Year's Day.

2) Sale of alcohol (Both):

Monday to Thursday 10.00 to 23.30  
Friday and Saturdays 10.00 to 00.00  
Sundays 12.00 to 22.30

From the end of permitted hours to the start of permitted hours on New Year's Day

3) Opening Hours:

Sunday to Thursday 09.00 to 00.00  
Friday and Saturdays 09.00 to 00.30

From the end of permitted hours to the start of permitted hours on New Year's Day

**2) To refuse permission for recorded music.**

**3) Add conditions agreed by the applicant to from part of the operating schedule:**

9. The premises shall only operate as a restaurant,

- (i) in which customers are shown to their table or the customer will select a table themselves,
- (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,
- (iv) which do not provide any takeaway service of food or drink for immediate consumption off the premises,
- (v) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises or at the external tables and chairs 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.

For the purpose of this condition 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

Customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

10. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

11. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points shall be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and shall include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

12. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

13. 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 shall 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
- (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

14. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram

15. All sales of alcohol for consumption off the premises shall be ancillary to customers purchasing food and in sealed containers only, except for consumption off the premises by persons who are dining in an area appropriately authorised for the use of tables and chairs on the highway.



16. 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.

17. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

18. No deliveries to the premises or collections from the premises shall take place between 23.00 and 07.00 hours on the following day.

19. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

20. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

21. No fumes, steam or odours shall be emitted from the licenced premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

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. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

24. The premises licence holder shall ensure that any patrons smoking outside the premises do so on an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

25. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.

26. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.

27. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

28. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.

29. All fabrics, curtains, drapes and similar features shall be either non-combustible or be durably or inherently flame retarded fabric.

30. No licensable activities shall take place at the premises until the Environmental Health Consultation Team has determined the capacity of the premises and the Licensing Authority has replaced this condition on the licence with a condition detailing the capacity so determined.

31. Before the premises open to the public, the plans as deposited shall be checked by the Environmental health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

32. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

33. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers or drinks with them, except to the area appropriately authorised for the use of tables and chairs on the highway.

34. All outside tables and chairs shall be rendered unusable by 23.00 hours each day.

35. Clear access to the front door leading to the offices on the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floors, 12 South Molton Street, London, shall be maintained at all times.

36. Updated plans removing the outside area from the ambit of the licensed area shall be provided to the Licensing Authority prior to trade under this Premises Licence.

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

**Licensing Sub-Committee  
3 August 2023**

The Meeting ended at 12.33 pm