

Licensing Sub-Committee Report

Item No:	
Date:	26 May 2016
Licensing Ref No:	16/02619/LIPN - New Premises Licence
Title of Report:	Aquavit 1 Carlton Street London SW1Y 4QQ
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Nick Nelson Senior Licensing Officer
Contact details	Telephone: 020 7641 3431 Email: nnelson@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	9 March 2016		
Applicant:	Aquavit London Ltd		
Premises:	Aquavit		
Premises address:	1 Carlton Street London SW1Y 4QQ	Ward:	St James's
		Cumulative Impact Area:	West End
Premises description:	The premises will operate as a high class restaurant with ancillary bar facilities.		
Premises licence history:	The premises has not been previously licensed.		
Applicant submissions:	<p>The applicant has stated the following in their covering letter:</p> <ul style="list-style-type: none"> • What is sought is a restaurant licence but with small derogations which we believe are in line with your Statement of Licensing Policy. Recorded music for the hours outside the deregulated period has been included purely out of an abundance of caution as it is unlikely that music will be played much, if at all beyond background levels. We have discussed the proposed conditions with Mr Nevitt (Environmental Health) and believe that there is broad agreement as to the conditions which should be offered. • In terms of the surrounding area, we note having inspected the site together with Officers from Westminster City Council, there does not appear to be any residential accommodation in the immediate area. In addition, we note that this is part of a wider restaurant development within the area being promoted by the Crown Estate and as such, it is hoped that these premises will form a significant part to the intention to improve and upgrade the surrounding area. The Aquavit restaurant is based on a very successful Michelin starred restaurant based in New York and therefore is aimed at the high class market and as such, we would hope would not cause particular issues. • In terms of the proposed conditions, you will see that a number of model conditions have been 		

	<p>offered with the application and the only departure from restaurant conditions is to allow a small area with limited times for people to drink without food but very much in line we would hope with your policy requirements together with the ability to have pre-booked private events within the private dining area on the mezzanine floor.</p> <ul style="list-style-type: none"> This application has been made with the benefit of pre-application advice from Environmental Health and the District Surveyor. The applicant has proposed 17 conditions (see Appendix 4).
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1-B Proposed licensable activities and hours							
Recorded music:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:30	07:30	07:30	07:30	07:30	07:30	09:30
End:	01:00	01:00	01:00	01:00	01:00	01:00	22:30
Seasonal variations:		None					
Non-standard timings:		None					

Late Night Refreshment:				Indoors, outdoors or both			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	N/A
End:	01:00	01:00	01:00	01:00	01:00	01:00	N/A
Seasonal variations:		None					
Non-standard timings:		None					

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:30	07:30	07:30	07:30	07:30	07:30	09:30
End:	01:00	01:00	01:00	01:00	01:00	01:00	22:30
Seasonal variations:		None					
Non-standard timings:		None					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:30	07:30	07:30	07:30	07:30	07:30	09:30
End:	01:00	01:00	01:00	01:00	01:00	01:00	22:30
Seasonal variations:		None					

Non-standard timings:	None
Adult Entertainment:	N/A

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Mr Dave Nevitt
Received:	6 April 2016
<p>A representation is made in relation to the application as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.</p> <p>The premises is located in the West End Cumulative Impact Area. The hours sought are in excess of the 'Core Hours' as defined in the City Council's Licensing Policy. The application will need to be adjudicated at a Hearing of the Licensing Sub-Committee.</p>	

Responsible Authority:	Westminster Police Licensing Team
Representative:	PC Toby Janes
Received:	24 March 2016
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application.</p> <p>It is our belief that if granted the application would undermine the licensing objectives in relation to the prevention of crime and disorder as there are insufficient conditions within the operating schedule.</p> <p>The venue is situated in the West End cumulative impact area, a locality where there is traditionally high crime and disorder. The hours proposed exceed core hours as set out in the Westminster policy and we have concerns that this application will cause further policing problems in an already demanding area.</p> <p>The conditions offered by you do address some of our concerns in relation to crime and disorder. However Police would like to amend proposed conditions 3 and 4 offered in your application to read:</p> <p>3. The premises shall only operate as a restaurant:</p> <ul style="list-style-type: none"> (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.

4. Notwithstanding conditions 3, alcohol may be supplied to customers without food provided that:

a) Such supply shall only be to persons seated and served by waiter/waitress.

b) Such supply shall begin at 1000 and cease at 20.00 each day.

c) Such supply shall be limited to 25 customers to be seated in the area hatched and shown on ground floor plan.

or

d) The mezzanine floor area whenever it is used for a bona fide pre booked private function to which members of the general public cannot obtain access.

The availability of alcohol without food shall not be promoted or advertised otherwise than on menus and price lists within the premises.

Responsible Authority:	Licensing Authority
Representative:	Miss Heidi Lawrance
Received:	6 April 2016
I write in relation to the application submitted for a new Premises Licence for the above premises.	
As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority have concerns in relation to this application and how the premises would promote the Licensing Objective:	
<ul style="list-style-type: none">· Public Nuisance· Prevention of Crime & Disorder· Public Safety· Protection of Children from Harm	
Please therefore accept this as a formal representation, further details will be provided in due course.	
Received:	3 May 2016
I write in relation to the above premises and further to the representation that I submitted on 6th April 2016 on behalf of the Licensing Authority. As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have now fully considered your application.	
The application seeks to provide sale by retail of alcohol on and off the premises, recorded music and late night refreshment.	
Your clients seek to provide the sale by retail of alcohol Monday to Saturday from 07:30 until 01:00 and Sunday from 09:30 until 22:30, recorded music on the premises Monday to Saturday 07:30 until 01:00 and on a Sunday 09:30 until 22:30. For late night	

refreshment your clients are seeking to provide that activity from 23:00 to 01:00 Monday to Saturday.

As part of the operating schedule within this application your client has set out a number of conditions that it intends to operate too if this licence is granted. I will refer to these conditions later within this representation.

The operation of this premises is proposed to be a high end restaurant which sells food to those seated. The premises has an area described in the plans as a bar which has a number of seats and takes up a small percentage of the overall floor space of the premises. The premises is located within Carlton Street which is located within the West End Cumulative Impact Areas as defined within the Council's Statement of Licensing Policy, January 2016.

Carlton Street runs off Regent Street down to St Alban's Street.

In the immediate area (50m radius) surrounding Carlton Street there are 3 licensed premises which comprise of 2 restaurants and 1 shop. There are also 2 resident premises within the immediate area consisting of 10 housing units.

The Licensing Authority expressed in its original representation that it has concerns in relation to this application and how the premises would promote the Licensing Objective:

- Protection of Children from Harm
- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance

As referred to above this premises is located within the West End Cumulative Impact Area. Cumulative impact is defined in the Home Office Guidance made in accordance with Section 182 of the Licensing Act as the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

In three areas within Westminster the growth, type and density of licensed premises and the number of people who are intoxicated out late at night is such that it causes problems of nuisance and crime and disorder not only in the immediate vicinity of these premises but also some distance away.

The retention of people late at night contributes to cumulative impact. The urban infrastructure cannot sustain any further growth in alcohol sales or in late night-time activity levels without accentuating the risk of a variety of harmful outcomes. This arises both from the lack of late night transport and the existence of facilities such as fast food outlets that encourages people to stay on after other licensed premises have closed.

The West End has been identified as an area where cumulative impact applies. The aim of adopting a Cumulative Impact Area in the West End is to limit the growth of licensed premises within that area.

The Licensing Authority recognises that not all premises operate the same within the cumulative impact areas and the different types of premises are set out within Westminster City Council Licensing Policy under Special Policy on cumulative impact in

Cumulative Impact Areas (CIP1), Premises supplying fast food inside the Cumulative Impact Area (FFP2), Public Houses and Bars in the Cumulative Impact Areas (PB2) & Provision of music and dancing or similar entertainment or the provision of facilities for music and dancing or similar entertainment within the Cumulative Impact Areas (MD2). These policies are intended to be strict and only overridden in genuinely exceptional circumstances.

Where premises are proposing the sale of alcohol for consumption on the premises there is always a potential that this will lead to an increased number of people consuming alcohol and for a longer period and which will add to existing cumulative impact.

The council therefore considers that where applications for licenses to sell alcohol for consumption on the premises are made and:

- (i) are appropriately conditioned so that the consumption of alcohol is not, and cannot become a significant part of the operation of the premises and is regulated to promote responsible drinking.
- (ii) where the character of the premises is such that its customers are not likely to be involved in sustained or heavy drinking at later hours
- (iii) when the sale of alcohol is not permitted beyond 22:00 hours, then permitting the sale of alcohol for consumption on the premises is unlikely to add to cumulative impact in the CIA.

The Licensing Authority will not consider a case to be exceptional merely on the grounds that the premises will be operated within the terms of the condition on the licence, or that the premises will be generally well managed because of reputation or good character of the licence holder or operator. This is expected in the conduct of all licenses premises.

However, as stated above, the Licensing Authority recognises different types of premises have different impacts and one recognised premises is a Restaurants. Customers who have been seated in premises, eating a substantial meal and where the premises are not as crowded will behave differently. They will not have been talking at high volume and therefore will be more likely to leave the premises quietly than if they had been in a premises with a greater number of customers in equivalently sized premises without capacity limits and with more vertical drinking.

Westminster City Council Licensing Policy sets out a clear definition of what a restaurant is and this is set out below:

- (i) in which customers are shown to their table
- (ii) 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
- (iii) which do not provide any take away service of food or drink for immediate consumption and
- (iv) where intoxicating liquor 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 intoxicating liquor by such persons is ancillary to taking such meals. 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.

The applicant describes the premises as a high end restaurant with ancillary bar facilities.

The Licensing Authority believes that the applicant has not provided a clear definition of the premises in conjunction with the policy. Consequently, policy RNT2 cannot be applied and the application will therefore need to be considered under Policy PB2.

Policy PB2 states: *'It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary within the Core Hours under Policy HRS1'*

The applicant has put forward within its operation schedule a number of conditions (17) that it proposes to operate the premises by and I would like to highlight the conditions which state:

3. The premises shall operate primarily as a restaurant where by the supply of alcohol at the premises shall be ancillary to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal other than as provided for in condition [4 below] (and within this condition acknowledges that those waiting to be seated for a table meal may be allowed to consume a pre-dinner drink without food within the bar area).

4. The above condition shall not apply to:-

a. The area marked, hatched and designated as 'bar area' on the approved layout drawing in respect of the ground floor of the premises between the hours of [10am] and [10pm] for up to [25] where customers shall be allowed to consume alcohol without a table meal provided that they are seated (either at banquettes, tables or bar stools) and where the service of alcohol to those seated at banquettes/tables is by waiter waitress seating; or

b. The mezzanine floor whenever it is used for a bona fide pre booked private function to which members of the general public cannot obtain access.

If the premises intend to operate as a restaurant, the Licensing Authority suggests that the model condition 66 is adopted as follows:

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 the area marked, hatched and designated as 'bar area'

on the approved layout drawing in respect of the ground floor of the premises between the hours of [10am] and [10pm] for up to [25] where customers shall be allowed to consume alcohol without a table meal provided that they are seated (either at banquettes, tables or bar stools) and where the service of alcohol to those seated at banquettes/tables is by waiter waitress seating; or
The mezzanine floor whenever it is used for a bona fide pre booked private function to which members of the general public cannot obtain access.

It is the responsibility of the applicant, when applying for a new premises licence within a Cumulative Impact Area to demonstrate that they will not add to cumulative impact. The Licensing Authority does not consider that sufficient evidence has been provided by the applicant to adequately demonstrate that they will not add to cumulative impact within the West End Cumulative Impact Area.

The applicant is therefore requested to provide a clear description of the premises and how it will operate and provided further evidence as to how the premises will not add to cumulative impact.

As a result of this, the Licensing Authority maintains its representation in relation to this application (Holding representation made 6th April 2016).

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

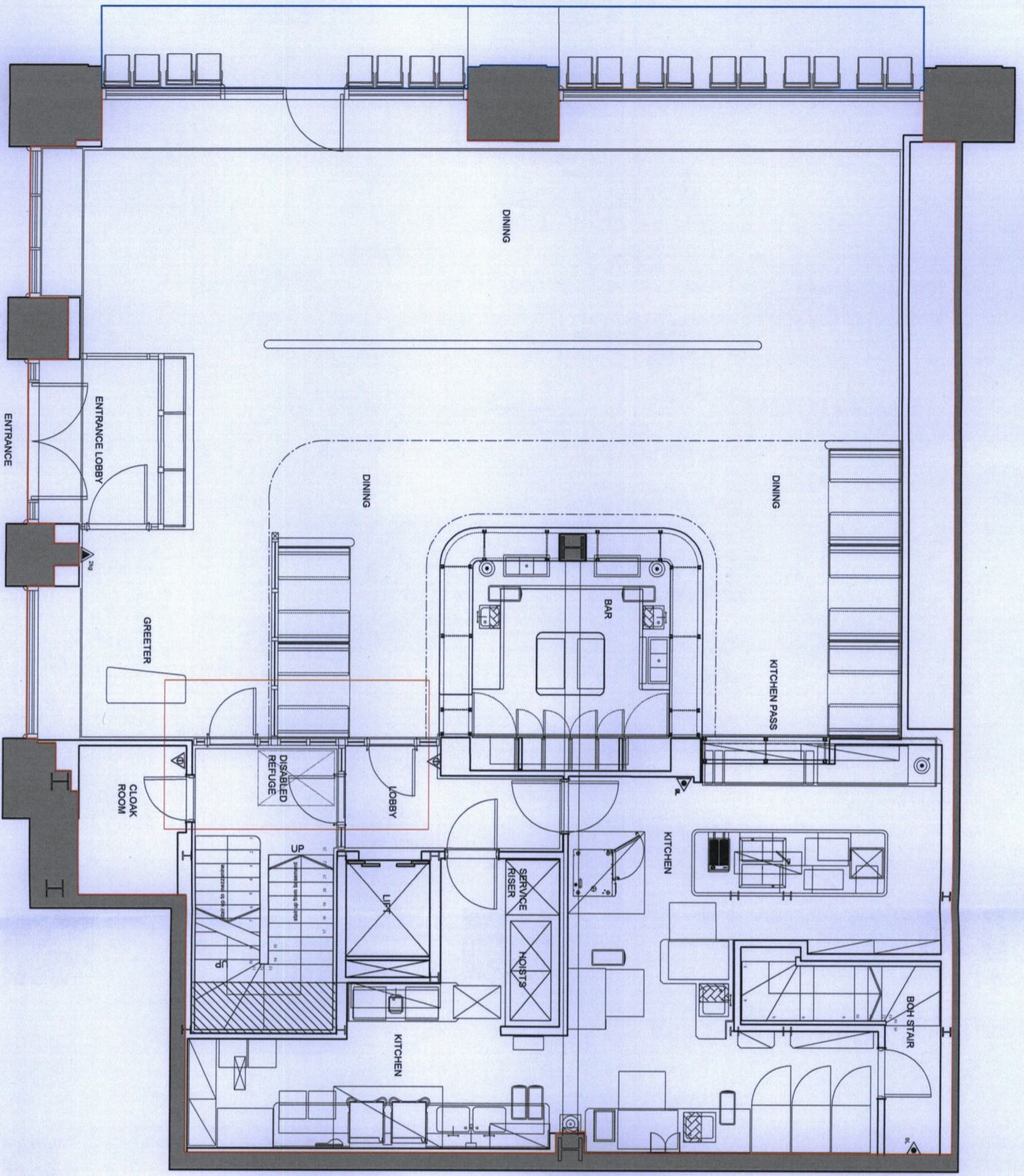
Policy HRS1 applies	(ii) Applications for hours outside the core hours will be considered on their merits, subject to other relevant policies and with particular regard to the criteria specified.
Policy CIP1 applies	(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact 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.
Policy RNT2 applies	Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.
Policy PB2 applies	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents - None
Appendix 3	Premises history - None

Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Mr Nick Nelson Senior Licensing Officer
Contact:	Telephone: 020 7641 3431 Email: nnelson@westminster.gov.uk



COVERS		
RESTAURANT		142
OUTSIDE SEATING		20
TOTAL		162

LIFE SAFETY EQUIPMENT

☐	FIRE ALARM CALL POINT / BREAK GLASS CALL PULL
▲	9 LITRE WATER FIRE EXTINGUISHER
▲	2 KG CARBON DIOXIDE EXTINGUISHER
▲	9 LITRE FOAM FIRE EXTINGUISHER
▲	FIRE BLANKET CONTAINER

— DEMISE LINE
 — DEMISE OF EXTERIOR SEATING

Revision	Date	Comment
A	04/07/16	DOORS UPDATED TO FIRE CONSULTANT COMMENTS

LICENSING

Notes

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- CONTRACTOR/MANUFACTURER TO ENSURE THAT THE FINAL PRODUCT COMPLETS WITH ALL WITH STATUTORY REQUIREMENTS CONTRACTOR/MANUFACTURER TO ENSURE THAT THE FINAL PRODUCT COMPLETS WITH ALL WHERE GLASS IS TO BE USED THE MANUFACTURER IS TO ENSURE THAT RELEVANT HEALTH AND SAFETY REGULATIONS ARE MET OR TO MANUFACTURER TO INSURE THE STABILITY, FUNCTIONALITY AND FIT FOR PURPOSE OF EACH ITEM. RAISING ANY CONCERNS DIRECTLY WITH MBS IMMEDIATELY. AT SITE ACCESS IS SUFFICIENT FOR DELIVERY AND CONSTRUCTION.
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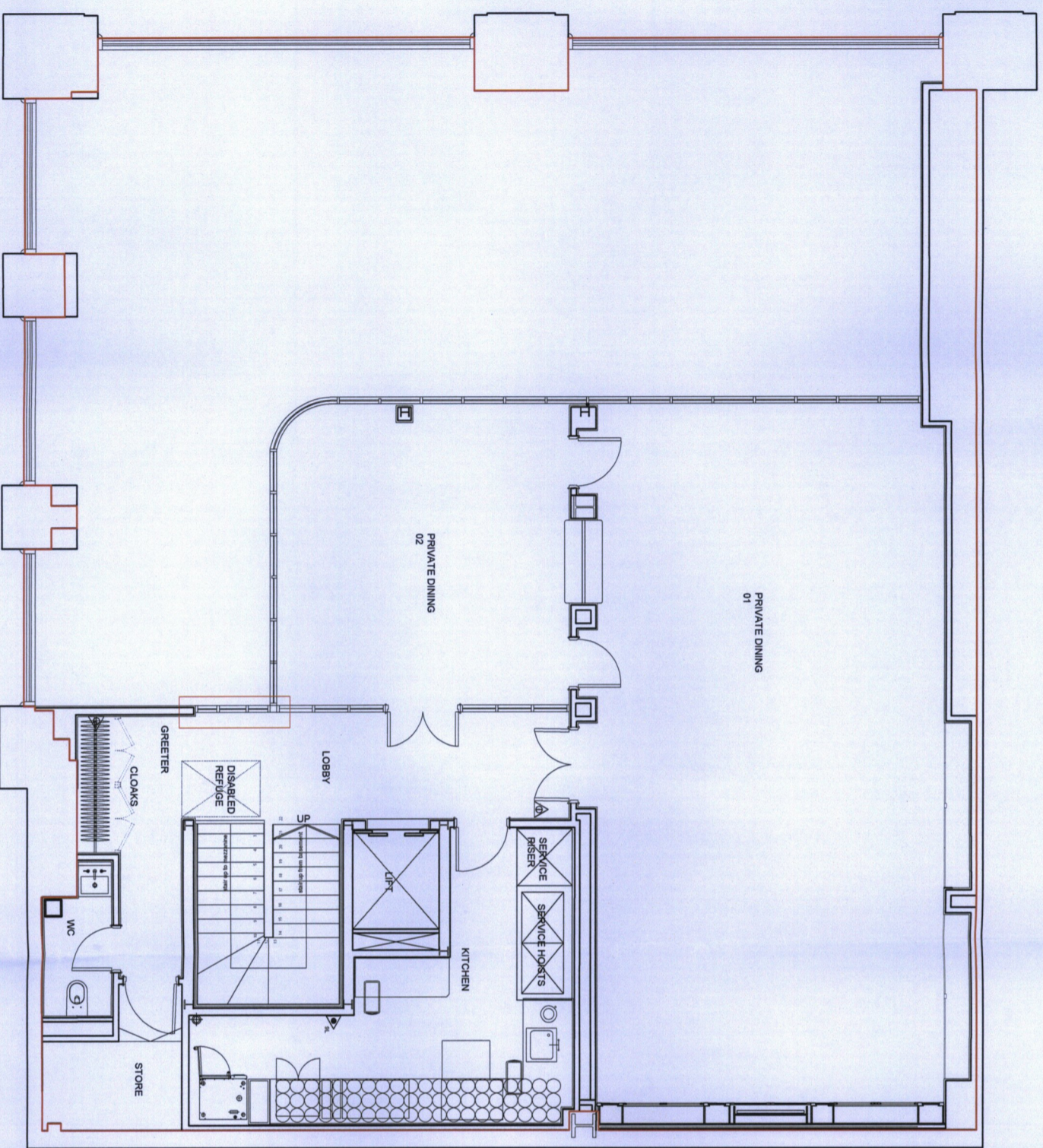
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Title
 GROUND FLOOR LICENSING PLAN

Date	Scale	Sheet Size
17/02/16	1:50	A1
Project No.	Drawing No.	Rev.
15030	LL-FO-02	A



COVERS	
PDR 01 (with removal of loose furniture)	56
PDR 02	14
TOTAL	70
MAX TOTAL COVERS	70

LIFE SAFETY EQUIPMENT

☒	FIRE ALARM CALL POINT / BREAK GLASS CALL PULL
☒	9 LITRE WATER FIRE EXTINGUISHER
☒	2 KG CARBON DIOXIDE EXTINGUISHER
☒	9 LITRE FOAM FIRE EXTINGUISHER
☒	FIRE BLANKET CONTAINER

— DEMISE LINE

Revision Date Comment
A 04/03/16 UPDATED WALL SECTION

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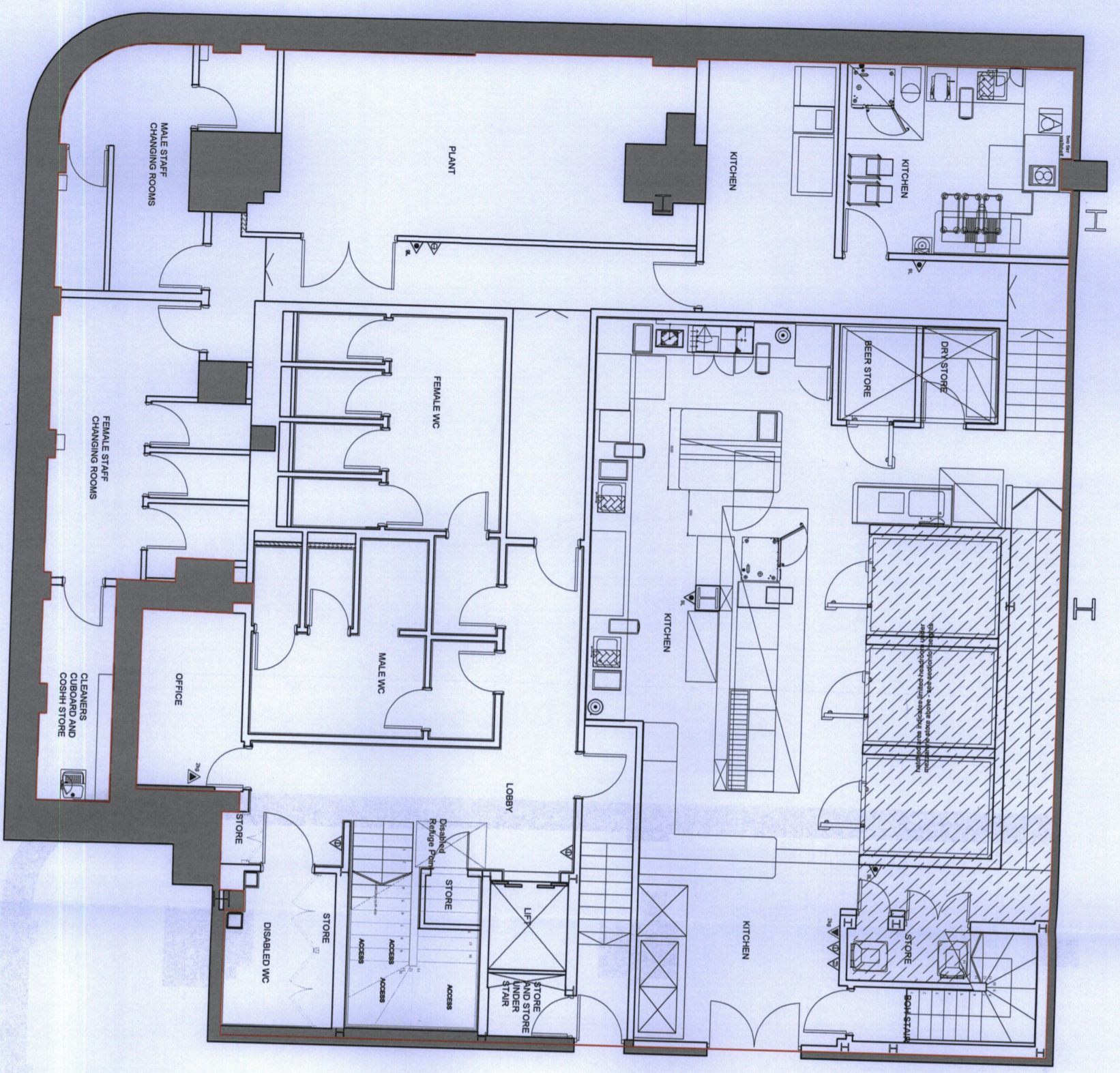
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Project
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Title
MEZZANINE FLOOR LICENSING PLAN

Date 17/02/16
Scale 1:50
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Project No. 15030
Drawing No. LL-FO-03
Rev. A



LIFE SAFETY EQUIPMENT	
	FIRE ALARM CALL POINT / BREAK GLASS CALL PULL
	9 LITRE WATER FIRE EXTINGUISHER
	2 KG CARBON DIOXIDE EXTINGUISHER
	9 LITRE FOAM FIRE EXTINGUISHER
	FIRE BLANKET CONTAINER
DEMISE LINE	

Revision Date Comment

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5. WHERE GLASS, MIRROR OR OTHER POTENTIALLY PANGEROUS MATERIALS ARE TO BE USED, THE MANUFACTURER IS TO SIGN OR EXCEEDER IN THE REACH AND SAFETY REGULATIONS ARE MET OR 10. MANUFACTURER TO INSURE THE STABILITY FUNCTIONALITY AND DURABILITY FOR PURPOSE OF EACH ITEM, RAISING ANY CONCERNS TO THE GENERAL CONTRACTOR AND CLIENT IN SUCH CASE, THE GENERAL CONTRACTOR MAY BE NOMINATED AND RESPONSIBILITY FOR THE OVERALL COORDINATION REMAINS WITH THE GENERAL CONTRACTOR.
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Project
AQUAVIT LONDON

Title
BASEMENT FLOOR LICENSING PLAN

Date 17/02/16 Scale 1:50 Sheet Size A1
Project No. 15030 Drawing No. LL-FO-01 Rev. /

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or

less in a manner which carries a significant risk of undermining a licensing objective;

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police licensing Team. AU entry

and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

10. 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.
11. The premises shall operate primarily as a restaurant where the supply of alcohol at the premises shall be ancillary to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal other than as provided for in condition [12] below (and within this condition acknowledges that those waiting to be seated for a table meal may be allowed to consume a pre-dinner drink without food within the bar area).

Police and the Licensing Authority have proposed the following as an alternative to condition 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 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.

12. Condition [11] shall not apply to:-
 - (a). the area marked, hatched and designated as "bar area" on the approved layout drawing in respect of the ground floor of the premises between the hours of [10am] and [10pm] for up to [25] where customers shall be allowed to consume alcohol without a table meal provided that they are seated (either at banquettes/tables or bar stools) and where the service of alcohol to those seated at banquettes/tables is by waiter waitress seating; or
 - (b) the mezzanine floor area whenever it is used for a bona fide pre booked

private function to which members of the general public cannot obtain access.

Police have proposed the following as an alternative to condition 12:

Notwithstanding conditions 11, alcohol may be supplied to customers without food provided that:

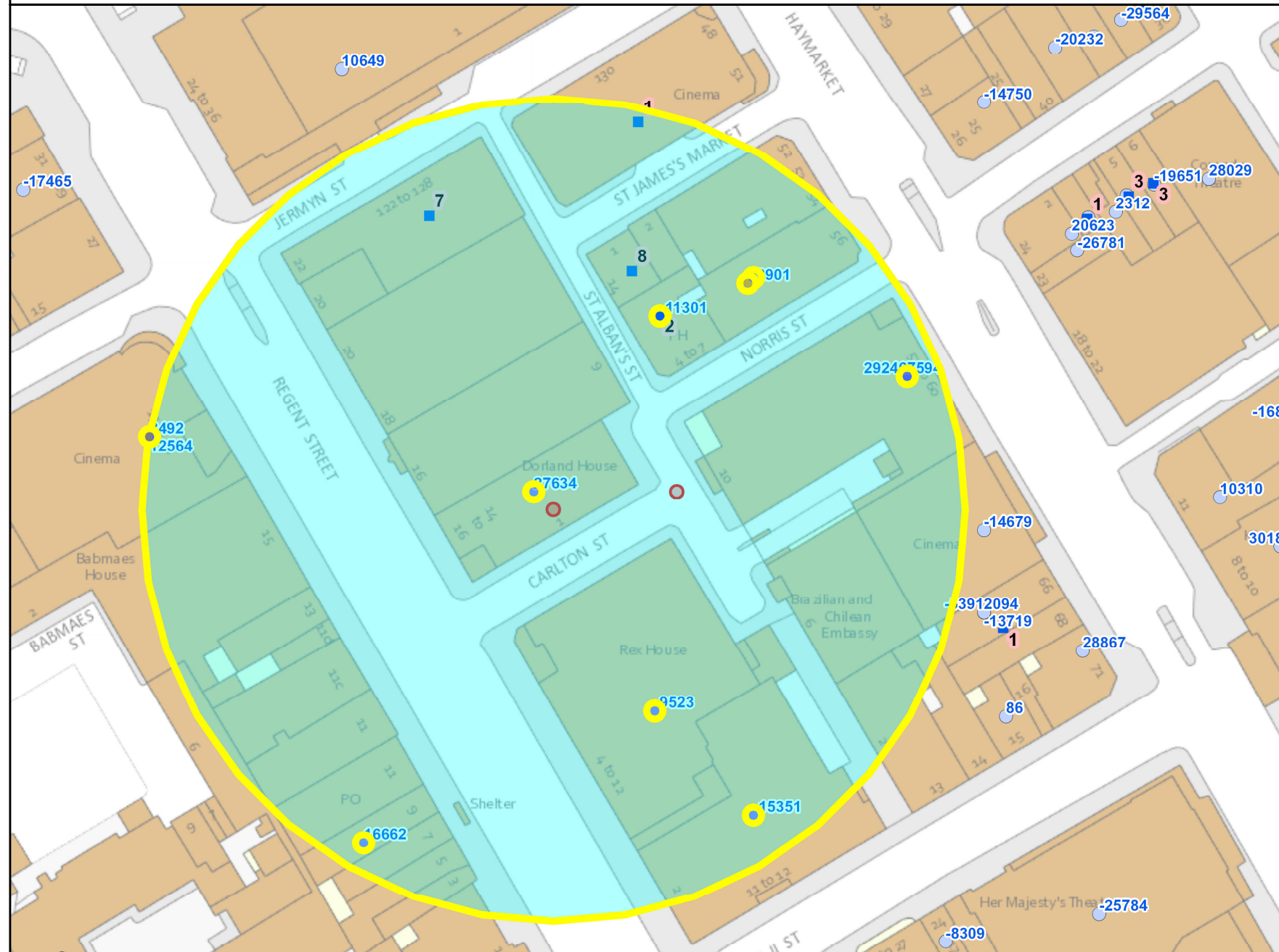
- a) Such supply shall only be to persons seated and served by waiter/waitress.*
 - b) Such supply shall begin at 10.00 and cease at 20.00 each day.*
 - c) Such supply shall be limited to 25 customers to be seated in the area hatched and shown on ground floor plan.*
- or*
- d) The mezzanine floor area whenever it is used for a bona fide pre booked private function to which members of the general public cannot obtain access.*

The availability of alcohol without food shall not be promoted or advertised otherwise than on menus and price lists within the premises.


13. There shall be no off sales of alcohol other than to any dedicated ground floor external seating area or of alcohol in sealed containers.
14. 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.
15. All outside tables and chairs within the ground floor outside seating area shall be rendered unusable by 23.00 hours each day.
16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - a. all crimes reported to the venue;
 - b. all ejections of patrons;
 - c. any complaints received concerning crime and disorder;
 - d. any incidents of disorder;
 - e. all seizures of drugs or offensive weapons;
 - f. any faults in the CCTV system or searching equipment or scanning equipment;
 - g. any refusal of the sale of alcohol; and
 - h. any visit by a relevant authority or emergency service.
17. Notices shall be displayed at the exit of the premises requesting customers leaving the premises to respect the needs of local residents and businesses and leave the area quietly.
18. 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.
19. 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 (accepting that persons seated within the ground floor seating area may consume alcohol as an ancillary to a table meal).

20. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
21. Other than where deliveries take place in accordance with the Crown Estate delivery arrangements allowing delivery to the dedicated delivery area no deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
22. Other than where refuse is disposed of and collected in accordance with the Crown Estate refuse collection arrangements allowing collections from the dedicated area, all waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
23. The number of persons permitted to be within the premises at any one time (excluding members of staff) shall not exceed [figure to be determined by the District Surveyor and the Environmental Health Consultation Team]."
24. This Premises Licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
25. Before the premises are open to the public, the plans are deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed a variation application may be required.



Residential / Proposed Residential	18
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

10
 Meters

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Data Source: Uniform Database
 Date: 18/05/2016

Premises within 75 metres of: Aquavit, 1 Carlton Street

p / n	Name of Premises	Premises Address	Opening Hours
15/03856/LIPDPS	Yo! Sushi	Ground Floor Left St Albans House 57 - 60 Haymarket London	Sunday 12:00 - 23:00 Monday to Saturday 12:00 - 23:30
15/01631/LIPV	Bilbao Berria	Basement And Ground Floor 2 Regent Street London SW1Y 4R	Sunday 08:00 - 00:30 Monday to Saturday 08:00 - 01:30
09/04171/LIPCH	Captains Cabin Public House	4 Norris Street London SW1Y 4RJ	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
16/02010/LIPDPS	Tesco Metro	Ground Floor The Plaza 17 - 25 Regent Street London SW1Y 4R	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
12/09328/LIPN	Shoryu	Ground Floor 9 Regent Street London SW1Y 4LR	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
10/07832/LIPVM	Japan Centre	Basement To Ground Floor Dorland House 14 - 16 Regent Street London SW1Y 4R	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
16/03117/LIPN	Salt Yard	1 - 3 Norris Street London SW1Y 4RJ	Sundays before Bank Holidays 07:00 - 00:00 Monday to Saturday 07:00 - 01:00 Sunday 07:00 - 23:30
15/12092/LIPT	Inamo	Ground Floor Rex House 4 - 12 Regent Street London SW1Y 4R	Monday to Sunday 11:00 - 00:30
13/10245/LIPT	Vue Cinema	The Plaza Cinema 19 Regent Street London SW1Y 4LR	Monday to Sunday 08:30 - 03:00
15/04133/LIPCH	Wagamama	8 Norris Street London SW1Y 4RJ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
12/09928/LIPVM	Planet Hollywood (UK) Ltd	Ground Floor Right St Albans House 57-60 Haymarket London	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 01:30

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application form	9 March 2016
5	Representation – Environmental Health	6 April 2016
6	Representation – Police	24 March 2016
7	Representation – Licensing Authority	6 April 2016