

# Licensing Sub-Committee Report

Item No:	
Date:	22 September 2016
Licensing Ref No:	16/07182/LIPN - New Premises Licence
Title of Report:	Frankie & Benny's 20-21 Leicester Square London WC2H 7LE
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:	Ms Claire Hayes Senior Licensing Practitioner
Contact details	Telephone: 020 7641 7816 Email: <a href="mailto:chayes@westminster.gov.uk">chayes@westminster.gov.uk</a>

# 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	11 July 2016		
<b>Applicant:</b>	The Restaurant Group (UK) Limited		
<b>Premises:</b>	Frankie & Benny's		
<b>Premises address:</b>	20-21 Leicester Square London WC2H 7LE	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	The premises are described as a restaurant and bar		
<b>Premises licence history:</b>	<p>The premises are currently licensed as part of Chiquitos which covers the ground and first floors. This new application is intended to split the premises in to two licensed premises. This application is to cover the first floor. A separate application to vary the current licence 14/10026/LIPDPS to remove the first floor from the licence is listed for hearing to be determined at the same time.</p> <p>This application is requesting the same activities and times as the existing licence except that playing of recorded music is currently unrestricted and this application seeks to restrict the hours. Additionally the performance of dance, anything of a similar description to Live Music, recorded music or performance of dance and private entertainment have not been requested.</p>		
<b>Applicant submissions:</b>	No additional submissions have been received		

1-B Proposed licensable activities and hours							
Regulated Entertainment : Live Music				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
<b>Start:</b>	09:00	09:00	09:00	09:00	09:00	09:00	n/a
<b>End:</b>	23:00	23:00	23:00	00:30	00:30	00:30	n/a
<b>Seasonal variations/ Non-standard timings:</b>	From the end of licensable activities on New Year's Eve to the commencement of licensable activities on New Year's Day						

<b>Regulated Entertainment : Recorded Music</b>				<b>Indoors, outdoors or both</b>			<b>Indoors</b>
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thurs</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	08:00	08:00
<b>End:</b>	00:30	00:30	00:30	01:00	01:00	01:00	00:00
<b>Seasonal variations/ Non-standard timings:</b>			From the end of licensable activities on New Year's Eve to the commencement of licensable activities on New Year's Day				

<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			<b>Indoors</b>
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thurs</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>End:</b>	00:30	00:30	00:30	01:00	01:00	01:00	00:00
<b>Seasonal variations/ Non-standard timings:</b>			From the end of permitted hours on New Year's Eve to 05:00 on New Year's Day				

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			<b>Both</b>
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thurs</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	00:00	00:00	00:30	00:30	00:30	00:30	23:30
<b>Seasonal variations/ Non-standard timings:</b>			From the end of permitted hours on New Year's Eve to the commencement of permitted hours on New Year's Day				

<b>Hours premises are open to the public</b>							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thurs</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	08:00	08:00
<b>End:</b>	00:00	00:00	00:00	01:00	01:00	01:00	00:00
<b>Seasonal variations/ Non-standard timings:</b>			From the end of permitted hours on New Year's Eve to the commencement of permitted hours on New Year's Day				
<b>Adult Entertainment:</b>			None				

## 2. Representations

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Ian Watson
<b>Received:</b>	05 August 2016

I wish to make the following representation

1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the West End CI Area.
2. The hours requested to permit the provision of late night refreshment will have the likely effect of causing an increase in Public Nuisance within the West End CI Area.
3. The hours requested to permit the provision of regulated entertainment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End CI Area.

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End CI Area.

The applicant has not provided any conditions in support of the application.

Update:

Conditions to replace those proposed by the applicant have been sent to the applicant. At the time of publication of this report no comments have been received in relation to the new proposed conditions. Please see the proposed conditions in **Appendix 4**.

**2-B Responsible Authorities**

<b>Responsible Authority:</b>	Metropolitan Police
<b>Representative:</b>	PC Toby Janes
<b>Received:</b>	03 August 2016

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.

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.

The venue is situated in the West End cumulative impact area, a locality where there is traditionally high crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

Police would like to propose the following conditions which we believe would address our concerns:

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

2. 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.
  
3. 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.
  
4. 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.
  
5. 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
  - (d) any incidents of disorder
  - (e) any faults in the CCTV system.
  - (f) any visit by a relevant authority or emergency service.
  
6. 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.
  
7. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

**2-C Responsible Authorities**

**Responsible Authority:** Licensing Authority

**Representative:** Steven Rowe

**Received:** 05 August 2016

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 has concerns in relation to this application and how the premises would promote the Licensing Objectives:

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

As it stands the application does contravene Westminster's Statement of Licensing Policies CIP1, RNT2 (PB2 depending on how the premises operate) and HRS1. The application is requesting the sale of alcohol on the premises between 10:00 to 00:00 Monday to Wednesday, 10:00 to 00:30 Thursday to Saturday and 12:00 to 23:30 on Sunday. For Late Night Refreshment between 23:00 to 00:30 Monday to Wednesday, 23:00 to 01:00 on Thursday to Saturday and 23:00 to 00:00 on Sunday. The applicants have requested Live Music Monday to Wednesday 09.00 to 23.00, Thursday to Saturday 09.00 to 00.30 and Recorded Music on Monday to Wednesday 08.00 to 00.30, Thursday to Saturday 08.00 to 01.00 and Sunday between 08.00 to 00.00. The premises is located inside the Cumulative Impact Area.

Policy CIP1 states (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. However part (ii) states: 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.

Policy HRS1 states at paragraph 2.3.2: "It is the intention to generally grant licences... where the hours when customers are permitted to be on the premises are within the 'core hours' as set out in Policy HRS1. This is not a policy to refuse applications for longer hours than the core hours and consideration will in all cases be given to the individual merits of an application. Where a proposal is made to operate outside these core hours each application will be considered on its merits against the criteria as set out in paragraph (ii) (of Policy HRS1)".

The current application is beyond core hours:

#### Alcohol

30 minutes beyond 'core hours' of 23:30 on Monday to Wednesday  
1 hour beyond 'core hours' of 23:30 on Thursday  
30 minutes beyond 'core hours' of 00:00 Friday to Saturday  
1 hour beyond 'core hours' of 22:30 on Sunday

#### Late Night Refreshment

1 hour beyond 'core hours' of 23:30 on Monday to Wednesday

1 hour 30 minutes beyond 'core hours' of 23:30 on Thursday  
1 hour beyond 'core hours' of 00:00 on Friday to Saturday  
1 hour 30 minutes beyond 'core hours' of 22:30 on Sunday (obviously LNR starts at 23:00)

#### Regulated Entertainment

#### Live Music

1 hour beyond 'core hours' of 23:30 on Thursday  
30 minutes beyond 'core hours' of 00:00 on Friday to Saturday

#### Recorded Music

1 hours commencing before 'core hours' of 09:00 Monday to Sunday  
1 hour beyond 'core hours' of 23:30 Monday to Wednesday  
1 hour 30 minutes beyond 'core hours' of 23:30 on Thursday  
1 hours beyond 'core hours' of on Friday to Saturday  
1 hour 30 minutes beyond 'core hours' of 22:30 on Sunday

Policy RNT2 which relates to restaurants within the CIA states '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 which relates to pubs and bars states 'It is the Licensing Authority's policy to refuse applications in the CIA other than applications to vary the hours within the core hours under policy HRS1'.

Please therefore accept this as a formal representation, further details will be provided in due course including a discussion relating to conditions. The applicants have stated that they have provided conditions as part of their submissions however I could not see them. In the meantime, please provide a suitable date to arrange a site visit.

### 3. Policy & Guidance

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

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.
- (ii) 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.

Policy HRS1 applies:	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.  (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies
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

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Ms Claire Hayes Senior Licensing Practitioner
<b>Contact:</b>	Telephone: 020 7641 7816 Email: chayes@westminster.gov.uk

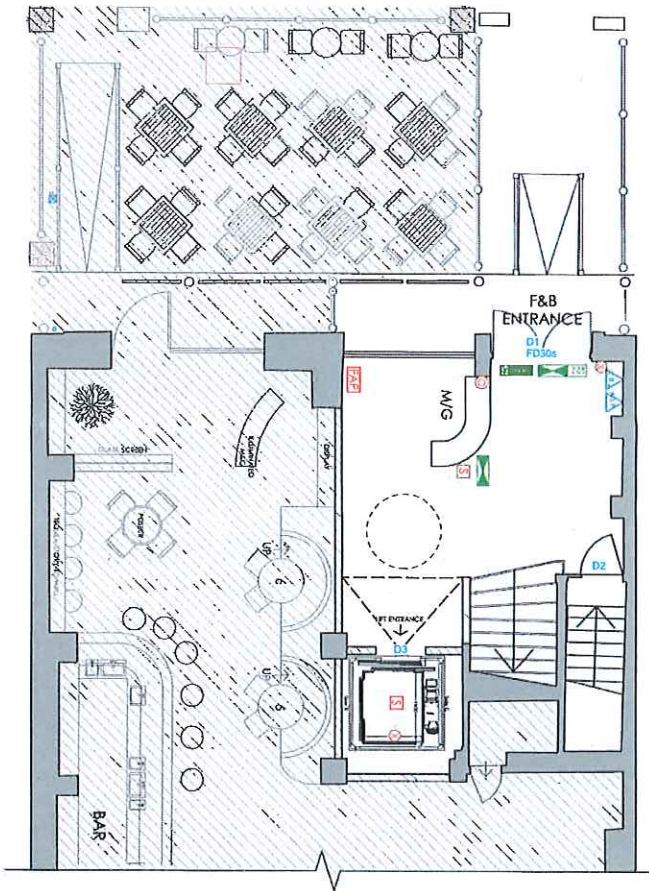
**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application form	11 <sup>th</sup> July 2016
<b>5</b>	Environmental Health Representation	5 <sup>th</sup> August 2016
<b>6</b>	Police Representation	3 <sup>rd</sup> August 2016
<b>7</b>	Licensing Authority Representation	5 <sup>th</sup> August 2016
<b>8</b>	Environmental Health proposed conditions	15 <sup>th</sup> September 2016



# APPENDIX 1



**EMERGENCY LIGHTING SYSTEM:**  
 AN INDEPENDENT - CONTROLLED NON-MANAGED SYSTEM, THE NON-RL WILL BE INSTALLED IN ACCORDANCE WITH BS 5266 - PART 1. THE SYSTEM IS DESIGNED TO PROVIDE EMERGENCY LIGHTING OF FUGES FOR EVACUATION AND BEEN PROVIDED IN ACCORDANCE WITH BS 5266 - PART 1. THE SYSTEM IS DESIGNED TO PROVIDE EMERGENCY LIGHTING OF FUGES FOR EVACUATION AND BEEN PROVIDED IN ACCORDANCE WITH BS 5266 - PART 1. APPROXIMATE POSITIONS INDICATED ON THIS DRAWING.

**EMERGENCY LIGHTING KEY:**

- 3 HR NON-MANAGED LIGHT
- 3 HR MAINTAINED BATT LEGEND
- 3 HR NON-MANAGED BATTERY BATT LIGHT

**FIRE ALARM SYSTEM:**

A FIRE ALARM SYSTEM WILL BE INSTALLED TO BS 5839-1: 2015 CODE OF PRACTICE FOR THE DESIGN, INSTALLATION AND MAINTENANCE OF FIRE ALARM SYSTEMS. THE SYSTEM IS SUBJECT TO THE FOLLOWING VARIATIONS: 1. THE SYSTEM SHALL BE A CONVENTIONAL SYSTEM WITH A CENTRAL CONTROL PANEL AND SOUNDER. 2. THE SYSTEM SHALL BE A CONVENTIONAL SYSTEM WITH A CENTRAL CONTROL PANEL AND SOUNDER. 3. THE SYSTEM SHALL BE A CONVENTIONAL SYSTEM WITH A CENTRAL CONTROL PANEL AND SOUNDER. 4. THE SYSTEM SHALL BE A CONVENTIONAL SYSTEM WITH A CENTRAL CONTROL PANEL AND SOUNDER. 5. THE SYSTEM SHALL BE A CONVENTIONAL SYSTEM WITH A CENTRAL CONTROL PANEL AND SOUNDER.

**FIRE ALARM KEY:**

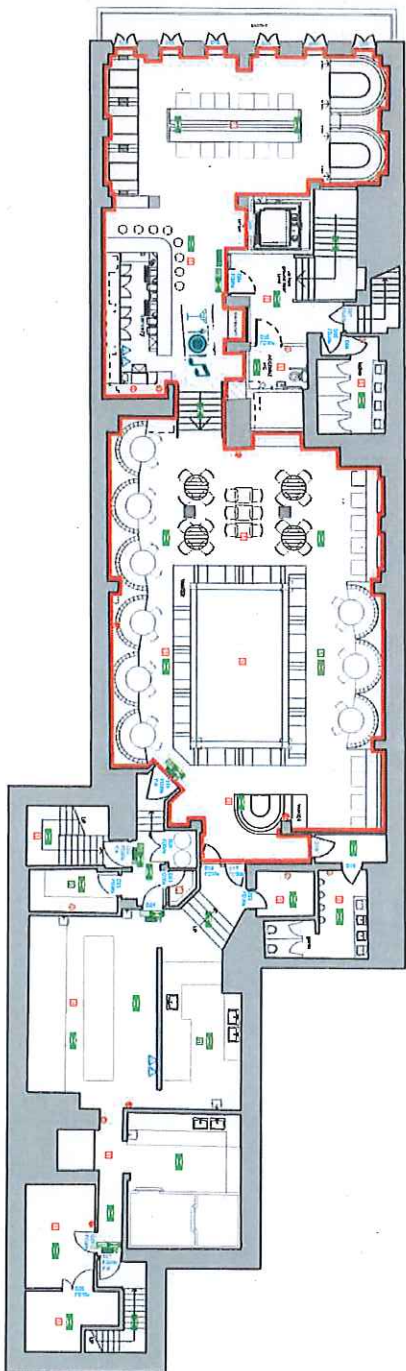
- MANUAL CALL POINT
- SMOKE DETECTOR
- VOID DETECTOR
- HEAT DETECTOR
- SOUNDER/BELL

diff multi purpose extinguishers are provided in accordance with BS 5499-1: 2002  
 6 The wet chemical extinguisher  
 8 The wet chemical extinguisher  
 fire blanket  
 ALL THE PERFORMANCE AND OTHER REQUISITES ARE TO COMPLY WITH REQUIREMENTS OF BS 5499-1: 2002  
 LOCAL AREA TO BE USED TO BE CONSIDERED  
 RED LINE INDICATES ERROR OF AREA, NOT UNDESIRABLE

Revision	Date	Description

Project: **Frederick & Berny's - Leicester St**  
 Client: **The Restaurant Group**  
 Design Title: **Ground Floor Licensing Plan**  
 Drawing No: **TR\_15\_1278\_700** Rev: **00**  
 Scale: **1:100 @ A3**  
 Date: **July 2016**  
 Status: **FOR INFORMATION**

NOTE: Design is shown on this drawing. Do not install. All dimensions to be checked on site. Turnouts and level to be checked and approved without permission.



**EMERGENCY LIGHTING SYSTEM:**  
 ALL INFORMATION IS - CONVENIENT NON-MANAGED SYSTEM,  
 120V 1 AMPERAGE LIGHTING - 70WATT - CODE OF FINANCIAL CODE,  
 EMERGENCY LIGHTING OF PRELIMINARY SYSTEMS, AND  
 EMERGENCY LIGHTING SYSTEMS WILL BE COORDINATED WITH  
 APPROXIMATE POSITIONS INDICATED ON THIS DRAWING.

**EMERGENCY LIGHTING KEY:**

- 1 31R NON-MANAGED LIGHT
- 2 31R NON-MANAGED EXIT LIGHT
- 3 31R NON-MANAGED EXIT LIGHT
- 4 31R NON-MANAGED EXIT LIGHT

**FIRE ALARM SYSTEM:**  
 ALL INFORMATION IS - CONVENIENT NON-MANAGED SYSTEM,  
 120V 1 AMPERAGE LIGHTING - 70WATT - CODE OF FINANCIAL CODE,  
 EMERGENCY LIGHTING OF PRELIMINARY SYSTEMS, AND  
 EMERGENCY LIGHTING SYSTEMS WILL BE COORDINATED WITH  
 APPROXIMATE POSITIONS INDICATED ON THIS DRAWING.

**FIRE ALARM KEY:**

- 1 31R NON-MANAGED LIGHT
- 2 31R NON-MANAGED EXIT LIGHT
- 3 31R NON-MANAGED EXIT LIGHT
- 4 31R NON-MANAGED EXIT LIGHT

**KEY TO LICENSED AREAS**

- 1 Sale & Supply of Alcohol
- 2 Late Night Refreshment
- 3 Regulated Entertainment
- 4 Outside Consumption

Revision	Date	Description

**tunerbates**  
 DESIGN & ARCHITECTURE

Project: Profile & Barry's - Licensed R/R  
 Client: The Restaurant Group  
 Design Title: Proposal for floor plan

Dwg No. **TR\_15\_1278\_104** Rev. **00**  
 Scale: 1/200 @ A3  
 Date: June 2014  
 Status: **FOR INFORMATION**

NOTE: Design when drawing; Do not scale. All dimensions to be checked on site. Numbers and lines to be reproduced without permission.

**Applicant Supporting Documents**

No additional supporting documents have been received

Application	Details of Application / Notice	Date Determined	Decision
05/09993/LIPC	Conversion of the Justices' On licence, supper hours certificate, special hours certificate and music and dancing licence	01 November 2005	Granted under delegated authority
06/04123/LIPDPS	Variation of the DPS	20 June 2006	Granted under delegated authority
07/01104/LIPDPS	Variation of the DPS	05 March 2007	Granted under delegated authority
07/09077/LIPDPS	Variation of the DPS	16 November 2007	Granted under delegated authority
08/06154/LIPDPS	Variation of the DPS	06 August 2008	Granted under delegated authority
10/09036/LIPDPS	Variation of the DPS	20 January 2011	Granted under delegated authority
11/06685/LIPDPS	Variation of the DPS	15 July 2011	Granted under delegated authority
11/07813/LIPDPS	Variation of the DPS	19 August 2011	Granted under delegated authority
12/00425/LIPVM	Minor variation to change the layout	07 February 2012	Refused under delegated authority
12/11244/LIPV	Variation to change the layout	08 February 2013	Granted under delegated authority
13/00475/LIPDPS	Variation of the DPS	08 February 2013	Granted under delegated authority
14/02328/LIPVM	Minor variation to amend the opening hours to 08:00	08 April 2014	Granted under delegated authority
14/10026/LIPDPS	Variation of the DPS	03 February 2015	Granted under delegated authority
16/07199/LIPV	Variation to remove the first floor from the remit of the licence, change the layout of the ground floor and remove conditions	Still pending	n/a

**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 bar shall be closed at midnight and shall be vacated by 00:20 for these persons not using the restaurant facilities
10. Last entry and orders for the restaurant shall be midnight.
11. Refuse bins situated in the rear alleyway leading to Charing Cross Road, will be secured to the wall.
12. The number of persons accommodated at any one time (excluding staff) shall not exceed: 240
13. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

### **Also requested by Metropolitan Police and Environmental Health**

14. *The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.*
15. 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 to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.

### **Similar condition requested by Metropolitan Police and Environmental Health**

- 15a. *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 licensable activities are provided. 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.*
16. The number of persons accommodated at any one time (excluding staff) shall not exceed 360 (or such other limit agreed with the Environmental Health Consultation Team).
17. The variation application will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the district surveyor and the reasonable requirements of Westminster environmental health consultation team, at which time the condition will be removed from the licence.

### **Conditions proposed by the Environmental Health – not agreed by the applicants**

18. The premises licence shall be surrendered if the holder of the premises licence ceases to be The Restaurant Group (UK) Ltd
19. After 23.00 hours Sunday to Wednesday the sale of alcohol 'On' the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal, or Thursday to Saturday ancillary to the use of the premises for music and dancing and substantial refreshment.



20. 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.
21. The maximum number of persons permitted in the premises at any one time (excluding staff) shall not exceed
  - First Floor 240 persons

**Also requested by Metropolitan Police**

22. *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.*
23. The bar shall close at midnight and shall be vacated by 00:20 hours for these persons not using the restaurant facilities.
24. Last entry and orders for the restaurant shall be midnight.

**Also proposed by Metropolitan Police**

25. *All sales of alcohol for consumption 'Off' the premises shall be in sealed containers only, and shall not be consumed on the premises.*
26. There shall be no sales of alcohol for consumption 'Off' the premises after 23.00 hours.
27. There shall be no sales of hot food or hot drink for consumption 'Off' the premises after 23.00 hours.
28. The inner entrance doors giving access/egress to the premises and any openable windows shall be closed by 23:00 hours or whenever regulated entertainment is provided at the premises except for immediate access/egress or in the case of emergency.
29. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
30. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

**Also proposed by Metropolitan Police**

31. *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.*
32. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
33. 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.
34. 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.

35. 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.
36. 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.
37. 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.
38. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
39. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
40. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
41. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
42. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
43. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
  - dry ice and cryogenic fog
  - smoke machines and fog generators
  - pyrotechnics including fireworks
  - firearms
  - lasers
  - explosives and highly flammable substances.
  - real flame.
  - strobe lighting.

**Also proposed by Metropolitan Police**

44. *An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:*
  - (a) *all crimes reported to the venue*
  - (b) *all ejections of patrons*
  - (c) *any complaints received concerning crime and disorder*
  - (d) *any incidents of disorder*
  - (e) *all seizures of drugs or offensive weapons*
  - (f) *any faults in the CCTV system or searching equipment or scanning equipment*

*(g) any refusal of the sale of alcohol*

*(h) any visit by a relevant authority or emergency service.*

45. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.
46. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day.
47. No licensable activities shall take place at the premises until the premises have 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.

**Additional Condition requested by the Metropolitan Police – not agreed by the applicants**

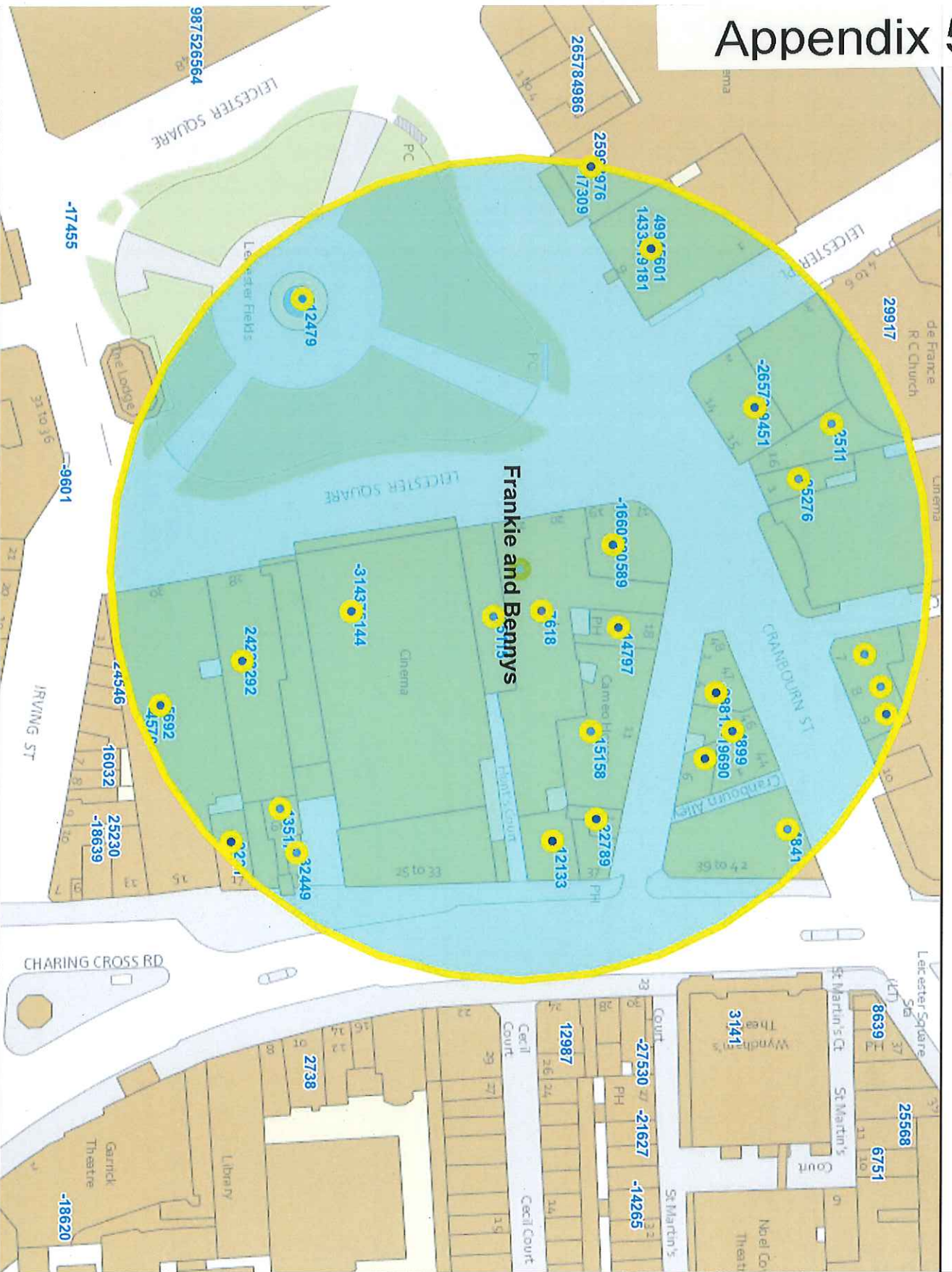
48. The premises shall only operate as a restaurant
  - (i) in which customers are shown to their table,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and 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.



# Frankie and Bennys 20-21 Leicester Square

# Appendix 5



10 Meters

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Residential / Proposed Residential	25
Under Construction	Not Stated
Other Uses	Not Stated
Proportion Residential of all Uses	Not Stated
Data Source: Uniform Database	
Date: 06/09/2016	

**Premises within 75 metres of: Frankie and Bennys 20-21 Leicester Square**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Licensed Hours</b>
2422	Club Storm	28A Leicester Square London WC2H 7LE	Sunday 09:00 - 02:00 Sundays before Bank Holidays 09:00 - 02:30 Monday to Wednesday 09:00 - 03:30 Thursday to Saturday 09:00 - 06:00
2599	The Empire Poker Room	Basement To Second Floor 5 - 6 Leicester Square London WC2H 7NA	Monday to Saturday 10:00 - 06:30 Sunday 12:00 - 06:30
4699	Cork And Bottle Wine Bar	Basement 44-46 Cranbourn Street London WC2H 7AN	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
4994	Napoleon's Casino And Restaurant	Basement Queens House 1 Leicester Place London WC2H 7BP	Saturday 10:00 - 04:30 Monday to Friday 10:00 - 06:30 Sunday 12:00 - 06:30
9221	Lotus	17 Charing Cross Road London WC2H 0EP	Monday to Sunday 10:00 - 00:30
13517	Maharaja Of India	19A Charing Cross Road London WC2H 0ES	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-19690	Noodle Stop	Ground 44-46 Cranbourn Street London WC2H 7AN	Monday to Saturday 10:00 - 05:00 Sunday 12:00 - 05:00 Monday to Wednesday 10:00 - 00:00 Thursday 10:00 - 01:00 Friday to Saturday 10:00 - 02:00 Sunday 12:00 - 23:00
-14797	Zoo Too	18 Bear Street London WC2H 7AS	
-4570	Global Radio	29-30 Leicester Square London WC2H 7LA	Monday to Friday 07:00 - 00:00
-2511	American Fried Chicken	16A Leicester Square London WC2H 7NG	Monday to Thursday 23:00 - 00:00 Friday to Sunday 23:00 - 02:30
4841	Cafe Fiori	42 Cranbourn Street London WC2H 7JH	Monday to Saturday 10:00 - 05:00 Sunday 12:00 - 05:00
7618	Chiquitos	20-21 Leicester Square London WC2H 7LE	Sunday 08:00 - 00:00 Monday to Wednesday 08:00 - 00:30 Thursday to Saturday 08:00 - 01:00
14334	Muriel's Kitchen	Queens House 7-9 Leicester Square London WC2H 7NA	Sunday 08:00 - 00:00 Monday to Saturday 08:00 - 01:00
-32449	Fornetto	21 Charing Cross Road London WC2H 0ES	Monday to Sunday 11:00 - 03:00
-31437	Odeon Cinema	24-27 Leicester Square London WC2H 7LE	Monday to Sunday 00:00 - 00:00
-28817	Rimini Coffee Bar	Basement And Ground Floor West 47 Cranbourn Street London WC2H 7AN	Monday to Thursday 10:00 - 02:00 Monday to Thursday 10:00 - 02:00 Friday to Saturday 10:00 - 03:00 Friday to Saturday 10:00 - 04:00 Sunday 12:00 - 01:30 Sunday 12:00 - 02:00
-26573	Haagen Dazs UK Ltd	Ground Floor Victory House 14 Leicester Square London WC2H 7NG	Monday to Saturday 10:00 - 03:00 Sunday 12:00 - 01:00 Friday to Saturday 07:00 - 00:00 Sunday 07:00 - 00:00
-22769	Bear & Staff Public House	10-12 Bear Street London WC2H 7AS	Sundays before Bank Holidays 07:00 - 00:00 Monday to Saturday 07:00 - 00:30 Sunday 07:00 - 22:30 Monday to Thursday 07:00 - 23:30
-17309	The Empire Casino	Basement To Second Floor 5 - 6 Leicester Square London WC2H 7NA	Monday to Saturday 10:00 - 06:30 Sunday 12:00 - 06:30
-16608	Burger King	17-18 Leicester Square London WC2H 7LE	Monday to Sunday 23:00 - 03:00
-15158	The Zoo Bar And Club	Basement And Ground Floor Cameo House 13-17 Bear Street London WC2H 7AQ	Sunday 09:00 - 01:00 Monday to Saturday 09:00 - 02:30 Sundays before Bank Holidays 09:00 - 02:30 Monday to Saturday 09:00 - 03:30
-12479	Leicester Square Gardens	Open Space At Leicester Square London WC2H 7LE	Monday to Saturday 07:30 - 22:30 Sunday 08:00 - 22:30
-12133	K. S. Food And Wine	Ground Floor 35 Charing Cross Road London WC2H 0AT	Monday to Sunday 08:00 - 05:00
-9451		Basement Victory House 14 Leicester Square London WC2H 7NG	Sunday 20:00 - 03:00 Monday to Wednesday 20:00 - 03:30 Thursday to Saturday 20:00 - 06:00 Sundays before Bank Holidays 20:00 - 06:00
-2733	Ruby Blue	Ground Floor Queens House 1 Leicester Place London WC2H 7BP	Monday to Saturday 09:00 - 03:00 Sunday 09:00 - 23:00

3976	Empire Cinemas	Ground Floor To Upper Floor 5 - 6 Leicester Square London WC2H 7NA	Monday to Sunday 09:00 - 05:00
5144	Odeon Cinema	24-27 Leicester Square London WC2H 7LE	Monday to Sunday 00:00 - 00:00
5601	Premier Inn	Queens House 1 Leicester Place London WC2H 7BP	Monday to Sunday 00:00 - 00:00 Monday to Sunday 08:00 - 01:00
5692	TGI Fridays	29-30 Leicester Square London WC2H 7LA	Sunday 09:00 - 01:00 Monday to Saturday 09:00 - 01:30 Sundays before Bank Holidays 09:00 - 01:30
8292	Moon Under Water	28 Leicester Square London WC2H 7LE	Friday to Saturday 07:00 - 00:00 Sundays before Bank Holidays 07:00 - 00:00 Sunday 07:00 - 22:50 Monday to Thursday 07:00 - 23:30
19181	Angus Steakhouse	Queens House 7-9 Leicester Square London WC2H 7NA	Sunday 08:00 - 00:00 Monday to Saturday 08:00 - 01:00
20589	Pizza Hut	19 Leicester Square London WC2H 7LE	Monday to Thursday 10:00 - 02:00 Friday to Saturday 10:00 - 05:00 Sunday 12:00 - 02:00
25115	Bella Italia	22 Leicester Square London	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 01:00 Sundays before Bank Holidays 09:00 - 01:00
25276	Bella Italia	1 Cranbourn Street London WC2H 7AJ	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 01:00 Sundays before Bank Holidays 09:00 - 01:00