



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	20 October 2016
Licensing Ref No:	16/07372/LIPV - Premises Licence Variation
Title of Report:	San Carlo Fumo Basement And Ground Floor 37 St Martin's Lane London
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:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	14 July 2016		
Applicant:	Harnbury Holdings Limited		
Premises:	San Carlo Fumo		
Premises address:	Basement and Ground Floor 37 St Martin's Lane London WC2N 4ER	Ward:	St James's
		Cumulative Impact Area:	West End
Premises description:	The premises operates as an Italian restaurant over the ground floor and basement of the premises.		
Variation description:	<ol style="list-style-type: none"> 1. Vary the layout of the premises in accordance with the plans submitted with the application (Ground Floor - FCOV1203B & Basement FCOV1214). 2. Replace condition 9(iv) with the following: 'where, in the area hatched yellow on the attached plan, intoxicating liquor shall not be sold, supplied or consumed on the premises other 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.' 3. Remove condition 10 as this refers to a historic plan. 4. Add the following additional conditions: <ol style="list-style-type: none"> (i) There shall be no sales of draught beer on the premises. (ii) In the area on the plan attached to the licence where alcohol need not be ancillary to food, complimentary stuzzichini shall be available to customers at all times. 5. To amend condition 11 to read: The number of persons permitted on the premises at any one time (excluding staff) shall not exceed 134 persons. 		

<p>Premises licence history:</p>	<p>The premises has held a premises licence since 2012 and previously operated as Garfunkels. The applicant became the licence holder as of 4 July 2016.</p>
<p>Applicant submissions:</p>	<p>In an email to the Police dated 26 August 2016, the applicant has provided an amended plan for the ground floor (attached at Appendix 1). The revised plan removes seven covers from the bar area to the right of the entrance door, and adds them to the exclusive dining area. It also adds an extra seventh stool to the bar counter. The applicant has given the assurance that the bar countertop will be laid up for dining from noon onwards.</p> <p>In an email to the objectors dated 13 October 2016, the applicant offered the following measures:</p> <ul style="list-style-type: none"> • To amend the plan originally submitted to reduce the area around the bar where alcohol would not be ancillary to food and reduce the number of seats so that there would only be 7 stools available at the bar. The applicant would like to provide very minimal room for standing around the bar too, so would suggest that there be a total of 12 persons permitted in this area (including the 7 seats, so there would only be scope for 5 standing). • To reduce the capacity of the premises (currently Condition 11 – see Appendix 4) from 152 persons to 134 persons (excluding staff). The applicant states that this reduction brings the proposals in line with policy as the cumulative impact policy states at 2.4.7 that the reduction in capacity of a premises may be a reason for exception to the policy. • To add the following condition to provide additional comfort and future proofing: <p style="margin-left: 40px;">‘In the area on the plan attached to the licence where alcohol need not be ancillary to food, complimentary stuzzichini shall be available to customers at all times.’</p> <p style="margin-left: 40px;">Stuzzichini is the southern Italian equivalent of antipasti, so there will be small dishes at the bar available to be eaten at all times.</p> <p>On the basis of these proposals, the Covent Garden Community association withdrew their representation.</p>

1-B Current and proposed licensable activities, areas and hours

Late night refreshment						
Indoors, outdoors or both		Current :			Proposed:	
		Indoors			No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	No change		Ground floor and basement	No change
Tuesday	23:00	23:30	No change		Ground floor and basement	No change
Wednesday	23:00	23:30	No change		Ground floor and basement	No change
Thursday	23:00	23:30	No change		Ground floor and basement	No change
Friday	23:00	00:00	No change		Ground floor and basement	No change
Saturday	23:00	00:00	No change		Ground floor and basement	No change
Sunday	N/A	N/A	No change		Ground floor and basement	No change
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	N/A				No change	
	<ul style="list-style-type: none"> Sundays before Bank Holidays: 23:00 – 00:00 From the end of permitted hours on New Year's Eve until 05:00 on New Year's Day 				No change	

Sale by Retail of Alcohol – On sales						
On or off sales		Current :			Proposed:	
		On and off			No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	No change		Ground floor and basement	No change
Tuesday	10:00	23:30	No change		Ground floor and basement	No change
Wednesday	10:00	23:30	No change		Ground floor and basement	No change
Thursday	10:00	23:30	No change		Ground floor and basement	No change
Friday	10:00	00:00	No change		Ground floor and basement	No change
Saturday	10:00	00:00	No change		Ground floor	No change

				and basement	
Sunday	12:00	22:30	No change	Ground floor and basement	No change
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	From 10:00 on New Year's Eve until 00:00 on New Year's Day			No change	
	Sundays before Bank Holidays: 12:00 to 00:00			No change	

Sale by Retail of Alcohol – Off sales						
On or off sales			Current :		Proposed:	
			On and off		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	23:00	No change		Ground floor and basement	No change
Tuesday	08:00	23:00	No change		Ground floor and basement	No change
Wednesday	08:00	23:00	No change		Ground floor and basement	No change
Thursday	08:00	23:00	No change		Ground floor and basement	No change
Friday	08:00	23:00	No change		Ground floor and basement	No change
Saturday	08:00	23:00	No change		Ground floor and basement	No change
Sunday	10:00	22:30	No change		Ground floor and basement	No change
Seasonal variations/ Non-standard timings:	Current:			Proposed:		
	N/A			No change		
	N/A			No change		

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	07:00	23:30	No change		Ground floor and basement	No change
Tuesday	07:00	23:30	No change		Ground floor and basement	No change
Wednesday	07:00	23:30	No change		Ground floor and basement	No change
Thursday	07:00	23:30	No change		Ground floor and basement	No change
Friday	07:00	00:00	No change		Ground floor and basement	No change
Saturday	07:00	00:00	No change		Ground floor	No change

				and basement	
Sunday	07:00	22:30	No change	Ground floor and basement	No change
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	New Year's Eve: 07:00 to 06:59			No change	
	Sundays before Bank Holidays: 07:00 to 00:00			No change	

1-C Layout alteration

Proposal 1 of the application is to vary the layout of the premises on the ground floor and basement. Please refer to the plans at **Appendix 1**.

1-D Conditions being varied, added or removed		
Condition	Proposed variation	
<p>9. The premises shall only operate as a restaurant:</p> <p>(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.</p>	<p>To be amended to read:</p> <p>(iv) where, in the area hatched yellow on the attached plan, intoxicating liquor shall not be sold, supplied or consumed on the premises other 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.</p>	
<p>10. Notwithstanding condition 9 above, alcohol may only be supplied and consumed by persons dining at the premises prior to and after their meal in the designated area hatched black on the deposited plan.</p>	<p>To be removed from the licence.</p>	
<p>11. The number of persons permitted on the premises at any one time (excluding staff) shall not exceed 152 persons.</p>	<p>To be amended to read:</p> <p>The number of persons permitted on the premises at any one time (excluding staff) shall not exceed 134 persons.</p>	
<p>There shall be no sales of draught beer on the premises.</p>	<p>To be added to the licence.</p>	
<p>In the area on the plan attached to the licence where alcohol need not be ancillary to food, complimentary stuzzichini shall be available to customers at all times.</p>	<p>To be added to the licence.</p>	
Adult entertainment:	Current position:	Proposed position:
	None	No change

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Michael Day
Received:	10 August 2016
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, are making a representation. It is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>The venue is situated within the West End Cumulative Impact Area, a locality where this is traditionally high crime and disorder but I believe this application may cause further policing problems in the area.</p>	
Responsible Authority:	Environmental Health
Representative:	Mr David Nevitt
Received:	10 August 2016
<p>I wish to make Representations on the following grounds:</p> <p>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 as defined by the City Council's Licensing Policy.</p> <p>I am particularly concerned that part of the variation sought appears to be contrary to the City Council's Licensing Policy. The Council is particularly concerned that restaurant premises in the Cumulative Impact Areas do not, even in part, come to operate as bars (see Para 2.5.3 on Page 45).</p>	
<p>On 2 September 2016, Mr Nevitt made the further submissions below:</p> <p>I have no objection to the application to vary the layout or to add a Condition to prohibit sales of draught beer.</p> <p>I do, however, maintain my Representation in respect of the application to vary the manner in which alcohol is supplied. The current Licence includes the following Conditions:</p> <p>9. The premises shall only operate as a restaurant (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</p>	

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.

10. Notwithstanding Condition 9 above, alcohol may only be supplied and consumed by persons dining at the premises prior to and after their meal in the designated area hatched black on the deposited plan.

According to 2.5.3 of the City Council's Licensing Policy the current Licence Conditions mean that the premises fits the definition of a Restaurant.

The proposal to allow customers to consume alcohol without it being ancillary to a substantial table meal as described in Condition 9 above changes the operation of the premises from a purely Restaurant operation as defined in the City Council's Licensing Policy to a Restaurant with a Bar.

Granting the Variation would mean that a limited number of patrons would be able to consume alcohol without having a substantial table meal for the whole of the permitted hours.

Paragraph 2.5.3 of the Policy states: ***'The Council is particularly concerned that restaurant premises in the Cumulative Impact Areas do not, even in part, come to operate as bars.....The Council is not minded to relax Conditions for restaurants where alcohol may only be consumed by persons as an ancillary to their substantial table meal. However, it will prioritise its enforcement efforts at preventing a change of character of the premises towards bar use.'***

The premises is located in the West End Cumulative Impact Area. The application would therefore appear to be against the City Council's Policy.

If the applicant withdraws this part of the application I may be in a position to withdraw the EH Representation. If not, the matter should be listed for Hearing by the Licensing Sub Committee for determination.

3. Policy & Guidance

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

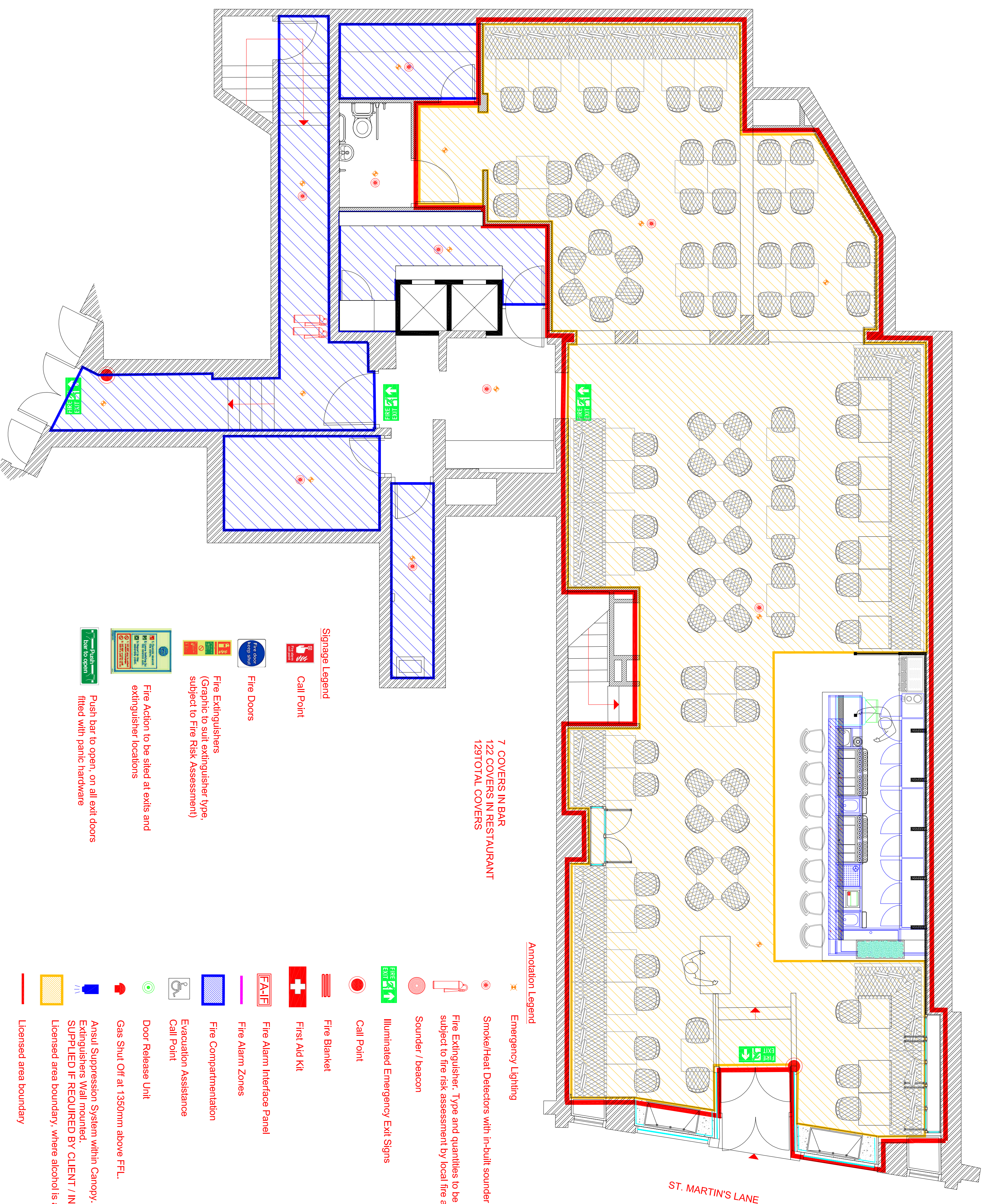
Policy CIP1 applies	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) 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.</p>
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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 (in relation to the bar area)	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
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



7 COVERS IN BAR
122 COVERS IN RESTAURANT
129 TOTAL COVERS

Annotation Legend

- Emergency Lighting
- Smoke/Heat Detectors with in-built sounder
- Fire Extinguisher: Type and quantities to be determined subject to fire risk assessment by local fire authority.
- Sounder / beacon
- Illuminated Emergency/Exit Signs
- Call Point
- Fire Blanket
- First Aid Kit
- Fire Alarm Interface Panel
- Fire Alarm Zones
- Fire Compartmentation
- Evacuation Assistance Call Point
- Door Release Unit
- Gas Shut Off at 1350mm above FFL.
- Ansul Suppression System within Canopy. Extinguishers wall mounted. SUPPLIED IF REQUIRED BY CLIENT / INSURERS TO CANOPY
- Licensed area boundary, where alcohol is ancillary to food
- Licensed area boundary

- Signage Legend**
- Call Point
 - Fire Doors
 - Fire Extinguishers (Graphic to suit extinguisher type, subject to Fire Risk Assessment)
 - Fire Action to be sited at exits and extinguisher locations
 - Push bar to open, on all exit doors fitted with panic hardware

NOTE:

All emergency equipment shown is indicative only. All equipment placement, zoning and compartmentation is to be in accordance with local legislation and regulations, and to be agreed with the local Fire Authority.

Fire alarm zones should be determined in accordance with a suitable qualified fire alarm engineer. Fire alarm is to be installed to comply with BS 5839. Smoke detectors must be installed in excess of 800mm.

All sounders are to be finished in black.

Note that all emergency equipment must be displayed on suitable wall brackets, and with appropriate luminescent signage. See adjacent Signage legend.

Sprinkler and Ansul Suppression requirements are to be in accordance with landlord, and Building Control requirements, to specialist design, to be installed where required by statutory bodies only.

All emergency lighting to conform with BS 5266 Pt.1.

All emergency and safety signage must comply with BS 5499:2014

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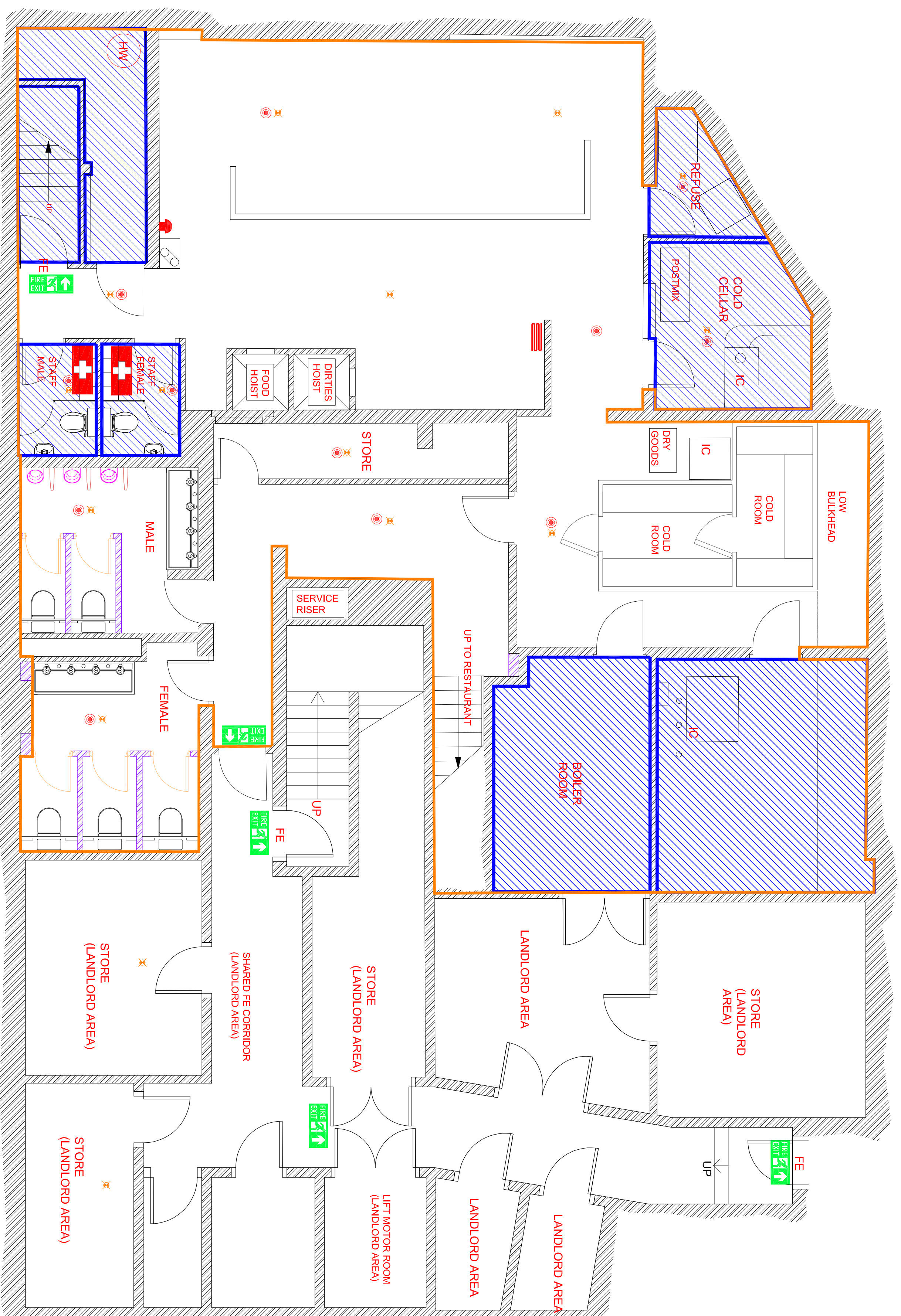
HARBURY HOLDINGS
BIRMINGHAM

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PROJECT
ST. MARTIN'S LANE

GF LICENSING

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BASEMENT PLAN

NOTE:

All emergency equipment shown is indicative only. All equipment placement, zoning and compartmentation is to be in accordance with local legislation and regulations, and to be agreed with the local Fire Authority.

Fire alarm zones should be determined in accordance with a suitable qualified fire alarm engineer. Fire alarm is to be installed to comply with BS 5839. Smoke detectors must to voids in excess of 800mm.

All sounders are to be finished in black.

Note that all emergency equipment must be displayed on suitable wall brackets, and with appropriate luminescent signage. See adjacent Signage legend.

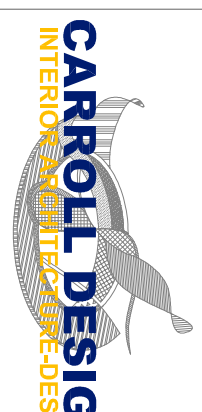
Sprinkler and Ansil Suppression requirements are to be in accordance with landlord and Building Control requirements, to specialist design, to be installed where required by statutory bodies only.

All emergency lighting to conform with BS 5266 Pt.1.

All emergency and safety signage must comply with BS 5499:2014

Annotation Legend

- Emergency Lighting
- Smoke/Heat Detectors with in-built sounder
- Fire Extinguisher. Type and quantities to be determined subject to fire risk assessment by local fire authority.
- Sounder / beacon
- Illuminated Emergency Exit Signs
- Call Point
- Fire Blanket
- First Aid Kit
- Fire Alarm Interface Panel
- Fire Alarm Zones
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- Fire Extinguishers (Graphic to suit extinguisher type, subject to Fire Risk Assessment)
- Fire Action to be sited at exits and extinguisher locations
- Push bar to open, on all exit doors fitted with panic hardware



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INTERIOR SCHEMATIC DESIGN

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HARNBURY HOLDINGS
BIRMINGHAM

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PROJECT
ST. MARTIN'S LANE

BASEMENT LICENSING

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Licence & Appeal History

Application	Details of Application	Date Determined	Decision
12/00391/LIPN New application	A new application for a premises licence to permit late night refreshment and the sale by retail of alcohol	15.03.2012	Granted by Licensing Sub-Committee
13/02382/LIPDPS Vary DPS	Application to vary the designated premises supervisor	01.05.2013	Granted under delegated authority
15/11602/LIPVM Minor variation	Application to amend the seating layout	06.01.2016	Granted under delegated authority
16/05154/LIPDPS Vary DPS	Application to vary the designated premises supervisor	29.06.2016	Granted under delegated authority
16/06948/LIPT Transfer application	Application to transfer the premises licence from The Restaurant Group (UK) Ltd to Harnbury Holdings Limited	19.07.2016	Granted under delegated authority

There is no appeal history

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 appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate 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

Conditions: On Current Licence -

Mandatory:

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.

Annex 2 – Conditions consistent with the operating Schedule

None

Annex 3 – Conditions attached after a hearing by the licensing authority

- 9. The premises shall only operate as a restaurant
 - (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 application proposes to replace part (iv) above with:

- (iv) where, in the area hatched yellow on the attached plan, intoxicating liquor shall not be sold, supplied or consumed on the premises other 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.
- 10. Notwithstanding Condition 9 above, alcohol may only be supplied and consumed by persons dining at the premises prior to and after their meal in the designated area hatched black on the deposited plan.

The application proposes to remove condition 10 above.

11. The number of persons permitted on the premises at any one time (excluding staff) shall not exceed 152 persons.

The application proposes to amend condition 11 above with the following:

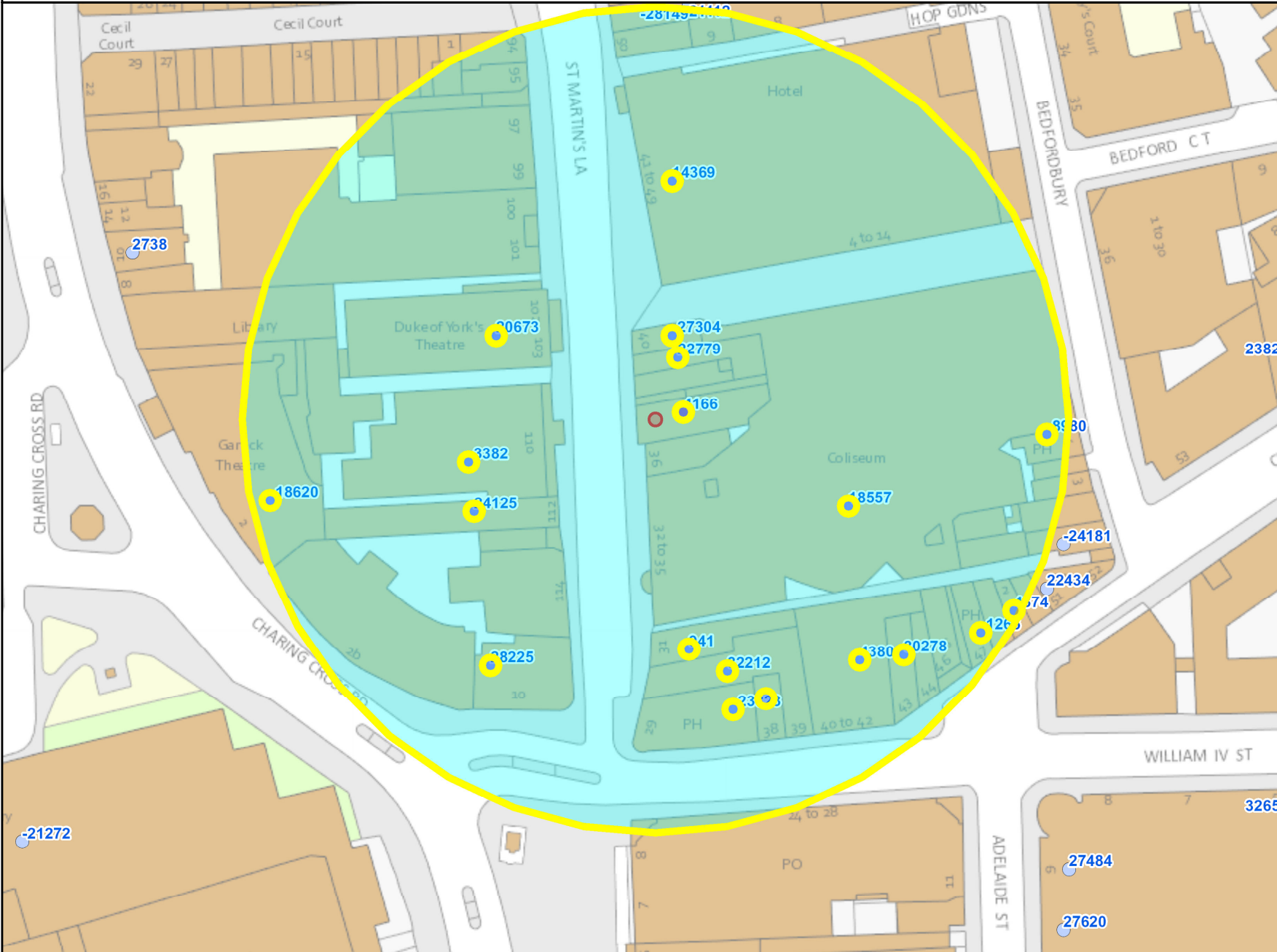
The number of persons permitted on the premises at any one time (excluding staff) shall not exceed 134 persons.

12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
13. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.
14. No striptease, no nudity and all persons to be decently attired at all times.
15. All sales of alcohol for consumption off the premises shall be ancillary to a person taking a table meal.
16. 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.
17. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
18. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
19. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 0000 hours and 0800 hours.
20. No deliveries shall be made to the premises between 00:00 and 08:00 hours.
21. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
22. 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

23. 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 shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
24. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance.

Conditions proposed by the applicant:

25. There shall be no sales of draught beer on the premises.
26. In the area on the plan attached to the licence where alcohol need not be ancillary to food, complimentary stuzzichini shall be available to customers at all times.



Residential Properties	69
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: 09/10/2016

Premises within 75m of: San Carlo Fumo, 37 St Martin's Lane			
p / n	Name of Premises	Premises Address	Opening Hours
06/04687/WCCMAP	The 2 Brydges Club	2 Brydges Place London WC2N 4HP	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 23:00
15/09567/LIPT	The Library	112 St Martin's Lane London WC2N 4AZ	Monday to Sunday 00:00 - 00:00 Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sundays before Bank Holidays 12:00 - 00:30 Sunday 12:00 - 23:30
16/05294/LIPDPS	Prezzo	Ground 10 St Martin's Place London WC2N 4JL	Monday to Saturday 09:00 - 02:30 Sunday 09:00 - 23:00
06/08094/WCCMAP	Hazuki Japanese Restaurant	Basement And Ground Floor 43 Chandos Place London WC2N 4HS	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
15/08053/LIPVM	Garrick Theatre	2 Charing Cross Road London WC2H 0HH	Monday to Saturday 09:00 - 00:00 Sunday 09:00 - 23:00
15/06774/LIPDPS	Hub By Premier Inn	110 St Martin's Lane London WC2N 4BA	Monday to Sunday 00:00 - 00:00 Friday to Saturday 06:00 - 00:30 Sunday 06:00 - 23:00 Monday to Thursday 06:00 - 23:30
16/05154/LIPDPS	Garfunkels	Basement And Ground Floor 37 St Martin's Lane London WC2N 4ER	Friday to Saturday 07:00 - 00:00 Sundays before Bank Holidays 07:00 - 00:00 New Year's Eve 07:00 - 06:59 Sunday 07:00 - 22:30 Monday to Thursday 07:00 - 23:30
15/12087/LIPDPS	Les Deux Salons	Ground 40 - 42 William IV Street London WC2N 4DD	Monday to Sunday 10:00 - 00:30
15/04518/LIPDPS	St Martin's Lane Hotel	Ground Floor 42 - 49 St Martin's Lane London WC2N 4ER	Monday to Sunday 00:00 - 00:00
16/07907/LIPT	Spaghetti House	Spaghetti House Restaurant 39 William IV Street And 30 St Martin's Lane London WC2N 4ER	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
16/03895/LIPDPS	Rosetta	38 William IV Street London WC2N 4DD	Friday to Saturday 07:00 - 00:00 Sunday 07:00 - 22:30 Monday to Saturday 07:00 - 23:30
15/00994/LIPDPS	Cafe St Martins	40 St Martin's Lane London WC2N 4ER	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
15/05976/LIPCH	The Chandos Public House	29 St Martin's Lane London WC2N 4ER	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
11/04971/LIPDPS	The Lemon Tree Public House	4 Bedfordbury London WC2N 4BP	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
16/06902/LIPCHD	Harp Public House	47 Chandos Place London WC2N 4HS	Friday to Saturday 10:00 - 00:00 Sundays before Bank Holidays 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
11/08058/LIPDPS	Notes Music And Coffee	31 St Martin's Lane London WC2N 4ER	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
16/03779/LIPV	English National Opera	London Coliseum 32 - 35 St Martin's Lane London WC2N 4ES	Monday to Sunday 09:00 - 00:00
15/08929/LIPV	Duke Of York's Theatre	Duke Of York's Theatre 103 - 104 St Martin's Lane London WC2N 4BG	Monday to Sunday 09:00 - 00:00
15/02806/LIPN	La Roche Cafe	39 St Martin's Lane London WC2N 4ER	Monday to Sunday 08:00 - 23:00

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	14 July 2016
5	Current licence	29 June 2016
6	Representation – Police	10 August 2016
7	Representation – Environmental Health	10 August 2016
8	Environmental Health further submissions	2 September 2016
9	Email from applicant	26 August 2016
10	Email from applicant	13 October 2016