



City of Westminster

# Licensing Sub-Committee Report

|                    |   |
|--------------------|---|
| Item No:           |   |
| Date:              | 27 April 2017   |
| Licensing Ref No:  | 17/02305/LIPV - Premises Licence Variation  |
| Title of Report:   | Foxlow<br>8-10 Lower James Street<br>London<br>W1F 9EL  |
| Report of:         | Director of Public Protection and Licensing   |
| Wards involved:    | West End  |
| Policy context:    | City of Westminster Statement of Licensing Policy   |
| Financial summary: | None  |
| Report Author:     | Miss Yolanda Wade<br>Senior Licensing Officer   |
| Contact details    | Telephone: 020 7641 1872<br>Email: <a href="mailto:ywade@westminster.gov.uk">ywade@westminster.gov.uk</a> |

# 1. Application

| 1-A Applicant and premises        |   |                                |          |
|-----------------------------------|---|--------------------------------|----------|
| <b>Application Type:</b>          | Variation of a Premises Licence, Licensing Act 2003   |                                |          |
| <b>Application received date:</b> | 3 March 2017  |                                |          |
| <b>Applicant:</b>                 | Foxlow Restaurants Limited  |                                |          |
| <b>Premises:</b>                  | Foxlow  |                                |          |
| <b>Premises address:</b>          | 8-10 Lower James Street<br>London<br>W1F 9EL  | <b>Ward:</b>                   | West End |
|                                   |   | <b>Cumulative Impact Area:</b> | West End |
| <b>Premises description:</b>      | The premises are described as a restaurant on the ground and basement floors.   |                                |          |
| <b>Variation description:</b>     | <p>According to the application the applicant is seeking to vary the following:</p> <ol style="list-style-type: none"> <li>1) To permit the sale of alcohol to commence at 08:00 Monday to Sunday.</li> <li>2) To extend the permitted hours for the sale of alcohol and late night refreshment until 01:00 the morning following Friday and Saturday evenings.</li> </ol> <p>Condition 21 attached to the licence requires the premises to operate only as a restaurant and this condition will continue to have effect during the hours proposed above.</p> |                                |          |
| <b>Premises licence history:</b>  | The premises currently benefits from a premises licence (16/03177/LIPN)   |                                |          |
| <b>Applicant submissions:</b>     | None  |                                |          |

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

| Late night refreshment    |               |       |                |       |                           |           |
|---------------------------|---------------|-------|----------------|-------|---------------------------|-----------|
| Indoors, outdoors or both | Current :     |       |                |       | Proposed:                 |           |
|                           | Indoors       |       |                |       | Indoors                   |           |
|                           | Current Hours |       | Proposed Hours |       | Licensable Area           |           |
|                           | Start:        | End:  | Start:         | End:  | Current:                  | Proposed: |
| <b>Monday</b>             | 23:00         | 23:30 | 23:00          | 23:30 | Ground and Basement floor | No change |
| <b>Tuesday</b>            | 23:00         | 23:30 | 23:00          | 23:30 | Ground and Basement floor | No change |
| <b>Wednesday</b>          | 23:00         | 23:30 | 23:00          | 23:30 | Ground and                | No change |

|   |  |       |       |       |                           |           |
|---|--|-------|-------|-------|---------------------------|-----------|
|   |  |       |       |       | Basement floor            |           |
| <b>Thursday</b>                                       | 23:00  | 23:30 | 23:00 | 23:30 | Ground and Basement floor | No change |
| <b>Friday</b>   | 23:00  | 00:00 | 23:00 | 01:00 | Ground and Basement floor | No change |
| <b>Saturday</b>                                       | 23:00  | 00:00 | 23:00 | 01:00 | Ground and Basement floor | No change |
| <b>Sunday</b>   |  |       |       |       |                           |           |
| <b>Seasonal variations/<br/>Non-standard timings:</b> | <b>Current:</b>  |       |       |       | <b>Proposed:</b>          |           |
|   | The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day |       |       |       | No change                 |           |

| <b>Sale by Retail of Alcohol</b>                      |  |                  |                       |             |                           |                  |
|---|--|------------------|-----------------------|-------------|---------------------------|------------------|
| <b>On or off sales</b>                                |  | <b>Current :</b> |                       |             | <b>Proposed:</b>          |                  |
|   |  | On               |                       |             | No Change                 |                  |
|   | <b>Current Hours</b>   |                  | <b>Proposed Hours</b> |             | <b>Licensable Area</b>    |                  |
|   | <b>Start:</b>  | <b>End:</b>      | <b>Start:</b>         | <b>End:</b> | <b>Current:</b>           | <b>Proposed:</b> |
| <b>Monday</b>   | 10:00  | 23:30            | 08:00                 | 23:30       | Ground and Basement floor | No change        |
| <b>Tuesday</b>  | 10:00  | 23:30            | 08:00                 | 23:30       | Ground and Basement floor | No change        |
| <b>Wednesday</b>                                      | 10:00  | 23:30            | 08:00                 | 23:30       | Ground and Basement floor | No change        |
| <b>Thursday</b>                                       | 10:00  | 23:30            | 08:00                 | 23:30       | Ground and Basement floor | No change        |
| <b>Friday</b>   | 10:00  | 00:00            | 08:00                 | 01:00       | Ground and Basement floor | No change        |
| <b>Saturday</b>                                       | 10:00  | 00:00            | 08:00                 | 01:00       | Ground and Basement floor | No change        |
| <b>Sunday</b>   | 12:00  | 22:30            | 08:00                 | 22:30       | Ground and Basement floor | No change        |
| <b>Seasonal variations/<br/>Non-standard timings:</b> | <b>Current:</b>  |                  |                       |             | <b>Proposed:</b>          |                  |
|   | The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day |                  |                       |             | No change                 |                  |

| Hours premises are open to the public |               |       |                |       |                           |           |
|---------------------------------------|---------------|-------|----------------|-------|---------------------------|-----------|
|                                       | Current Hours |       | Proposed Hours |       | Premises Area             |           |
|                                       | Start:        | End:  | Start:         | End:  | Current:                  | Proposed: |
| <b>Monday</b>                         | 10:00         | 23:30 | 08:00          | 23:30 | Ground and Basement floor | No Change |
| <b>Tuesday</b>                        | 10:00         | 23:30 | 08:00          | 23:30 | Ground and Basement floor | No Change |
| <b>Wednesday</b>                      | 10:00         | 23:30 | 08:00          | 23:30 | Ground and Basement floor | No Change |
| <b>Thursday</b>                       | 10:00         | 23:30 | 08:00          | 23:30 | Ground and Basement floor | No Change |
| <b>Friday</b>                         | 10:00         | 00:00 | 08:00          | 01:00 | Ground and Basement floor | No Change |
| <b>Saturday</b>                       | 10:00         | 00:00 | 08:00          | 01:00 | Ground and Basement floor | No Change |
| <b>Sunday</b>                         | 12:00         | 22:30 | 08:00          | 22:30 | Ground and Basement floor | No Change |

## 2. Representations

| 2-A Responsible Authorities   |                                  |
|---|----------------------------------|
| <b>Responsible Authority:</b>   | The Environmental Health Service |
| <b>Representative:</b>  | Ayesha Bolton                    |
| <b>Received:</b>  | 31 <sup>st</sup> March 2017      |
| <p>I refer to the application for variation of Premises Licence for the above premises. This representation is based on the application and operating schedule submitted.</p> <p><b>The premises are located within the West End Cumulative Impact Area as stated in the City of Westminster's Statement of Licensing Policy.</b></p> <p>The applicant is seeking the following:</p> <ol style="list-style-type: none"> <li>1. To extend the commencement hour for supply of alcohol from 08:00 hours on each of the days Monday to Sunday.</li> <li>2. To extend the terminal hour for supply of alcohol and late night refreshment until 01:00 hours on Friday and Saturday only.</li> </ol> <p>I wish to make a representation to this application. The hours requested for Supply of alcohol and Late Night Refreshment will have the likely effect of causing an increase in Public Nuisance within the West End Cumulative Impact Area and may impact on Public Safety.</p> |                                  |

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 area.

Should you wish to discuss the matter further please do not hesitate to contact me.

|                               |                             |
|-------------------------------|-----------------------------|
| <b>Responsible Authority:</b> | The Licensing Authority     |
| <b>Representative:</b>        | Mr Steve Rowe               |
| <b>Received:</b>              | 31 <sup>st</sup> March 2017 |

I write in relation to the application submitted for a variation of the 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 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, HRS1 and RNT2.

The application seeks to permit the following:

To extend the commencement hour for alcohol until 08:00 on each of the days Monday to Sunday; and

To extend the terminal hour for alcohol and late night refreshment until 01:00 on Friday and Saturday

The applicants have stated that condition 21 of the current premises licence which requires the premises to operate as a restaurant will remain.

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. Further, 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.

The application seeks to depart from the councils core hours for commencement (10:00) by 2 hours on Monday to Saturday and 4 hours on a Sunday (12:00)

The application seeks to further departing from the councils core hours on Friday and Saturday (midnight) by 1 hour.

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 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.

Please accept this email as a formal representation.

Please could you provide further submissions that demonstrate that the premises will not add to cumulative impact in the Cumulative Impact Area if the application were to be granted.

| 2-B Other Persons  |                             |                               |         |
|--|-----------------------------|-------------------------------|---------|
| <b>Name:</b>   |                             | Unknown                       |         |
| <b>Address and/or Residents Association:</b>   |                             | Unknown                       |         |
| <b>Status:</b>   | Resident                    | <b>In support or opposed:</b> | Opposed |
| <b>Received:</b>   | 30 <sup>th</sup> March 2017 |                               |         |
| <p>12:31 PM on 30 Mar 2017 I object to this application on the grounds of public nuisance and prevention of crime and disorder and cumulative impact. At the hearing, Foxlow, having withdrawn their application for a bar, agreed to fix their hours at 10am and closure at 23.30 Mon to Thurs and midnight Saturday and Sunday. This is not the place for later or earlier hours - there are residents immediately next door and the square with its residents very close. Smokers will be outside with noise echoing through narrow streets. Residents are also questioning the late request on the licence: at the hearing Foxlow appeared to be in tune with the area. These hours are not. Please refuse this Variation.</p> |                             |                               |         |
| <b>Name:</b>   |                             | The Soho Society              |         |

|  |                             |                                     |         |
|--|-----------------------------|-------------------------------------|---------|
| <b>Address and/or Residents Association:</b> |                             | 55 Dean Street<br>London<br>W1D 6AF |         |
| <b>Status:</b>                               | Local Resident Association  | <b>In support or opposed:</b>       | Opposed |
| <b>Received:</b>                             | 27 <sup>th</sup> March 2017 |                                     |         |

I write to make a relevant representation to the above application on behalf of The Soho Society.

The Soho Society objects to this application as it is currently presented, on the grounds of prevention of public nuisance, prevention of crime and disorder, and cumulative impact in the West End Cumulative Impact Area.

### [About The Soho Society](#)

The Soho Society is a charitable company limited by guarantee established in 1972. The society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment. In particular, the society supports the Westminster City Council's policies, including the cumulative impact policy, as set out in the Statement of Licensing Policy 2016.

### [Application summary](#)

The application is described in Westminster Licensing News (5 March 2017 edition) as follows:

*Part A To permit the sale of alcohol to commence at 08:00 Monday to Sunday. Part B To extend the permitted hours for the sale of alcohol and late night refreshment until 01:00 the morning following Friday and Saturday evenings. Condition 21 attached to the licence requires the premises to operate only as a restaurant and this condition will continue to have effect during the hours proposed above.*

### Hours of operation

The proposal includes licensable activities, including sale of alcohol, outside of Westminster core hours. We therefore feel it is necessary to restrict the onsite sale of alcohol to be within the defined core hours, namely Monday to Thursday 10am – 11.30pm, Friday and Saturday 10 am – 12 midnight and Sunday 12 noon – 10.30 pm. The extension of licensable activities, particularly sale of alcohol, to 8 am on every day of the week including Sunday is of particular concern. The Golden Square area has a concentration of residents in nearby buildings. The area has a much lower density of licensed premises than other parts of Soho which permits the square to form a more tranquil location in the city. The extension of licensable activities would be against Westminster City Council noise policy of "Protecting peaceful spaces" (found in Westminster Noise Strategy 2010-2015). The proposed extension of licensable activities would cause a loss of residential amenity through destruction of a quiet space in the city.

### [Licensing policy and cumulative impact](#)

The Licensing Authority recognises in its Statement of Licensing Policy 2016 that Westminster has a substantial residential population and that the Council has a duty to protect it from nuisance (Policy 2.2.10).

This area has been identified by the City Council (Policy 2.4.1)) as a cumulative impact area because the cumulative effect of the concentration of late night and drink led premises and/or night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The Policy states that the extent of crime and disorder and public nuisance...arises from the number of people there late at night; a particular number of them being intoxicated, especially in the West End Cumulative Impact Area (Policy 2.4.1).

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (Policy 2.4.5). The policies are intended to be strict and will only be overridden in 'genuinely exceptional circumstances' (Policy 2.4.2).

The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from the problems identified in the 'Characteristics of Cumulative Impact Areas' (Policy Appendix 14). These include, but are not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of historic areas.

#### Conclusion

Para 9.37 of the s182 Guidance requires the licensing authority to determine the application with a view to promoting the licensing objectives in the overall interests of the local community.

For the reasons I have set out, we believe that the application, if granted in its present form, would fail to promote the licensing objectives of prevention of public nuisance and prevention of crime and disorder. I respectfully urge the Licensing Sub-Committee to reject this application.

Please let me know if any proposals are made to amend the application; particularly in respect of the hours sought or any further conditions proposed.

|   |  |                               |         |
|---|--|-------------------------------|---------|
| <b>Name:</b>                                | Marina Tempia                                      |                               |         |
| <b>Address and/or Residents Association</b> | John Broadwood House,<br>1 Bridle Lane,<br>W1F 9BT |                               |         |
| <b>Status:</b>                              | Resident   | <b>In support of opposed:</b> | Opoosed |
| <b>Received:</b>                            | 30 <sup>th</sup> March 2017                        |                               |         |

I write to make representation in respect of the above application to vary the premises licence, Part A to permit the sale of alcohol from 08.00 hours Monday - Saturday and Part B extend permitted hours for the sale of alcohol until 01.00 hours Friday and Saturday. The representation is made on the basis that the likely impact of the



application, if granted, would be to harm the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder. I also object on the basis of cumulative impact.

### **Proximity of residents**

John Broadwood House on Bridle Lane comprises of 12 flats, all residents live in close proximity to these premises. Bridle Lane is extremely narrow and residents already experience a range of anti-social behaviour during the day and night in the form of drug dealing and drug taking, street fouling and noise nuisance from people leaving other licensed premises in the area.

### **The application**

I object to this licence being granted, the hours sought is contrary to the core hours policy, the proposed terminal hour is later than other nearby premises, this is a new large restaurant in a quiet street within the cumulative impact area and if granted will harm the licensing objectives.

Soho has the highest number of licensed and late night establishments in Westminster and the council acknowledges in its Licensing Policy the impact of the night time economy and the cumulative effect of the concentration of late night establishments which has led to serious problems of crime and disorder and public nuisance affecting residents.

I am therefore very concerned that this variation is highly likely to have an adverse impact on residential amenity and fail to promote the licensing objectives.

The application fails to promote the licensing objectives and I object on the following grounds.

### **Prevention of crime and disorder**

It is well documented that the consumption of alcohol late at night increases the level of violent crime, public order offences, theft, robbery, property damage and anti-social behaviour. Residents in Bridle Lane frequently experience crime and disorder, the lane is very narrow, it is very dark at night and has a number of secluded areas, for many years it has been a magnet for drug dealers and it is not unusual to witness people openly injecting drugs at night and during the daytime. At night Bridle Lane feels very unsafe. This type of criminal behaviour will only increase with the creation of a new restaurant with a late night licence.

### **Prevention of public nuisance**

Bridle Lane is very narrow and noise nuisance including loud voices from people in high spirits is amplified by its narrowness. Late night disturbance is an existing and real problem for residents in Bridle Lane. A new late night restaurant licence will exacerbate the existing disturbance already experienced by residents. We currently experience noise nuisance by people talking in loud and raised voices, waste disposable collections during the night and crime and disorder in the form of drug dealing and drug taking and coupled with significant anti-social behaviour of people fouling in our doorways.

### **Cumulative impact**

The application as presented is contrary to the Cumulative Impact Policy CIP1 in the City Council's Statement of Licensing Policy 2016. I and other residents in John Broadwood House already experience high levels of noise nuisance and anti-social behaviour, a large new restaurant with extended hours will increase the numbers of people discharged on to the streets which will increase levels of existing disturbance.

### **Conclusion**

For the reasons stated above, I oppose this application on the basis that if it is granted it would fail to promote the licensing objectives. I therefore ask the Licensing Sub-Committee to reject this application.

Gt. Pulteney Street and Bridle Lane residents have been successful in persuading the Licensing Authority that an extension of hours to 1am for restaurants in near proximity of our flats was not appropriate for the promotion of the licensing objectives. The current application is also for a licence to 1am. I would ask the Licensing Authority to make a similar decision in this case, and refuse all parts of this variation which is contrary to policy.

## **3. Policy & Guidance**

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

Policy CIA1 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 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. |
|--|---|

#### 4. Appendices

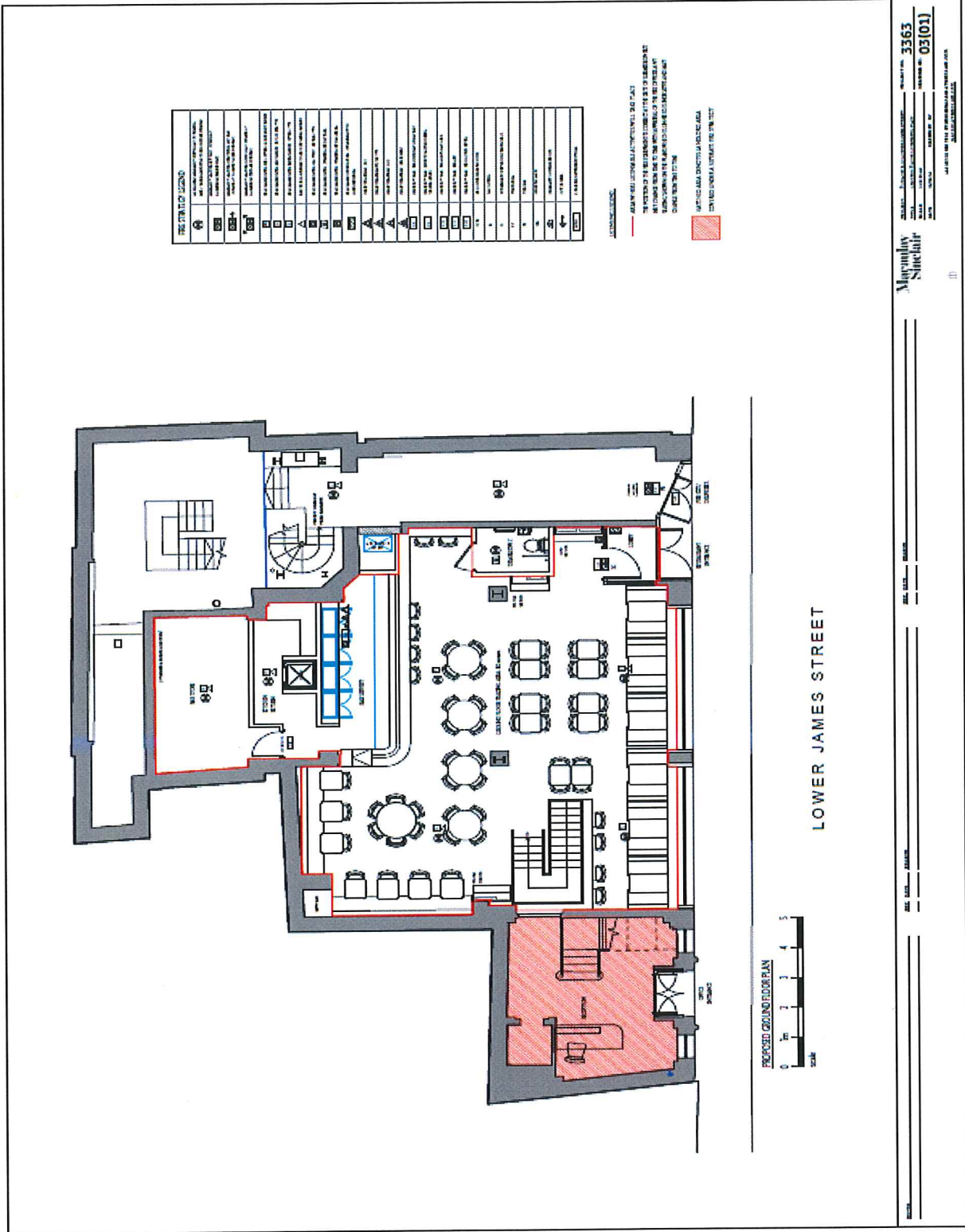
|                   |  |
|-------------------|--|
| <b>Appendix 1</b> | Premises plans                                       |
| <b>Appendix 2</b> | Applicant supporting documents                       |
| <b>Appendix 3</b> | Premises history                                     |
| <b>Appendix 4</b>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

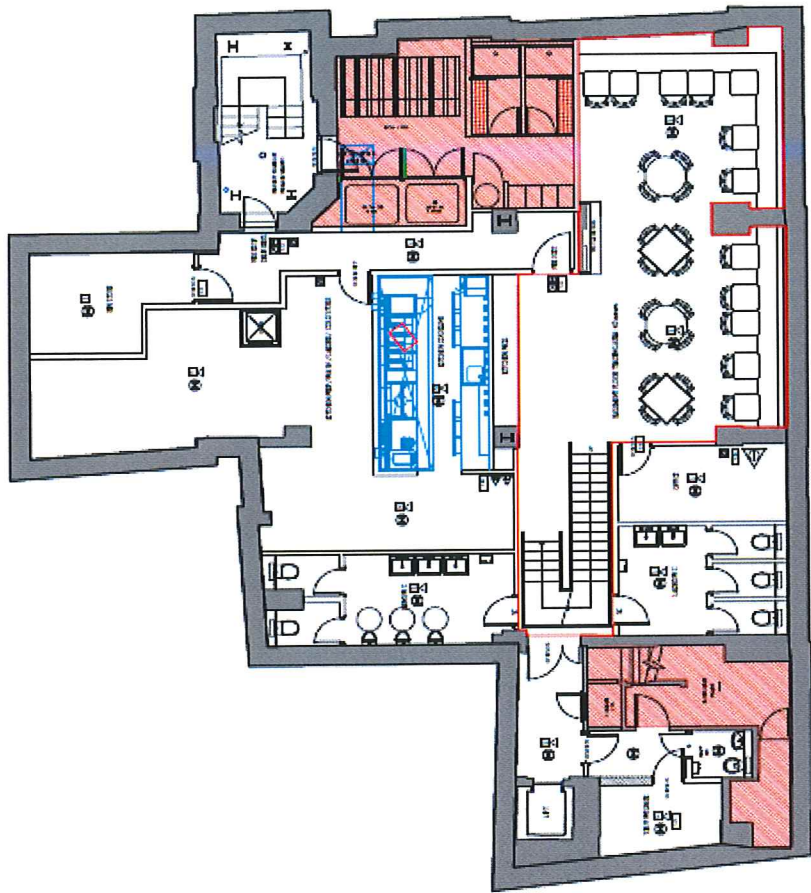
|                       |   |
|-----------------------|---|
| <b>Report author:</b> | Miss Yolanda wade<br>Senior Licensing Officer               |
| <b>Contact:</b>       | Telephone: 020 7641 1872<br>Email: ywade@westminster.gov.uk |

**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  | 3 <sup>rd</sup> March 2017   |
| <b>5</b> | The Environmental Health Service                                    | 31 <sup>st</sup> Marchh 2017 |
| <b>6</b> | The Licensing Authority   | 31 <sup>st</sup> March 2017  |
| <b>7</b> | Resident Representation   | 30 <sup>th</sup> March 2017  |
| <b>8</b> | The Soho Society  | 27 <sup>th</sup> March 2017  |
| <b>9</b> | Marina Tempia   | 30 <sup>th</sup> March 2017  |





SECOND FLOOR PLAN  
0 1m 2 3 4 5  
SCALE

| PRELIMINARY LEGEND | DESCRIPTION |
|--------------------|-------------|
| ①                  | STAIRS      |
| ②                  | ELEVATOR    |
| ③                  | STAIRS      |
| ④                  | ELEVATOR    |
| ⑤                  | STAIRS      |
| ⑥                  | ELEVATOR    |
| ⑦                  | STAIRS      |
| ⑧                  | ELEVATOR    |
| ⑨                  | STAIRS      |
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**LEGEND**

— ALL WALLS, DOORS AND PARTITIONS WILL BE IN PLACE  
 — ALL FLOORING TO BE INSTALLED UNDER THE NEW FLOORING  
 — ALL CEILING TO BE INSTALLED UNDER THE NEW CEILING  
 — ALL LIGHTING TO BE INSTALLED UNDER THE NEW LIGHTING  
 — ALL MECHANICAL AND ELECTRICAL TO BE INSTALLED UNDER THE NEW MECHANICAL AND ELECTRICAL

— ALL NEW WALLS AND PARTITIONS TO BE INSTALLED  
 — ALL NEW FLOORING TO BE INSTALLED  
 — ALL NEW CEILING TO BE INSTALLED  
 — ALL NEW LIGHTING TO BE INSTALLED  
 — ALL NEW MECHANICAL AND ELECTRICAL TO BE INSTALLED

Applicant Supporting Documents

Appendix 2

None submitted

**Licence & Appeal History**

| <b>Application</b>   | <b>Details of Application</b>          | <b>Date Determined</b> | <b>Decision</b>                    |
|----------------------|--|------------------------|------------------------------------|
| <b>16/03177/LIPN</b> | Application for a new premises licence | 02.06.2016             | Granted by Licensing Sub-Committee |

**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 variation of a 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 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.
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. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance
12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
13. 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.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

15. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
16. No licensable activities shall take place at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined. The capacity shall not exceed 125 persons excluding staff.
17. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 on the following day.
18. 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. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - a) all crimes reported to the venue
  - b) all ejections of patrons
  - c) any complaints received concerning crime and disorder
  - d) any incidents of disorder
  - e) all seizures of drugs or offensive weapons
  - f) any faults in the CCTV system
  - g) any refusal of the sale of alcohol
  - h) any visit by a relevant authority or emergency service.
20. No deliveries to the premises shall take place between 20.00 and 08.00 on the following day.
21. The premises shall only operate as a restaurant:
  - a) in which customers are shown to their table,
  - b) where the supply of alcohol is by waiter or waitress service only,
  - c) 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,
  - d) which do not provide any take away service of food or drink for immediate consumption,
  - e) which do not provide any take away service of food or drink after 23.00, and
  - f) 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.

22. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
23. No licensable activities shall take place at the premises 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 shall be removed from the licence by the licensing authority.
24. 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.
25. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.
26. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.