



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	4 th May 2017
Licensing Ref No:	17/01629/LIPV - Premises Licence Variation
Title of Report:	Hibiscus 29 Maddox Street London W1S 2PA
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 Senior Licensing Officer
Contact details	Telephone: 020 7641 1872 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	14 February 2017		
Applicant:	SMD Concepts Limited		
Premises:	Hibiscus		
Premises address:	29 Maddox Street London W1S 2PA	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	The premises currently operates a restaurant		
Variation description:	<p>The application seeks to:</p> <ol style="list-style-type: none"> 1) Vary the layout of the premises which increases the capacity on both the basement and ground floors as noted below: <ul style="list-style-type: none"> Ground Floor (current) = 52 Ground Floor (proposed) = 80 Basement (current) = 16 Basement (proposed) = 60 2) Remove conditions 9 and 19 of the current premises licence (16/08222/LIPT) 3) Amend/replace conditions 10, 12, 14, 15 and 16 of the current premises licence 		
Premises licence history:	The premises currently benefits from a premises licence 16/08222/LIPT		
Applicant submissions:	See (Appendix 2)		

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:
Monday	23:00	00:00	No	No	Basement &	Increase capacity

			change	change	Ground Floor	in Basement & Ground Floor
Tuesday	23:00	00:00	No change	No change	Basement & Ground Floor	Increase capacity in Basement & Ground Floor
Wednesday	23:00	00:00	No change	No change	Basement & Ground Floor	Increase capacity in Basement & Ground Floor
Thursday	23:00	00:00	No change	No change	Basement & Ground Floor	Increase capacity in Basement & Ground Floor
Friday	23:00	00:00	No change	No change	Basement & Ground Floor	Increase capacity in Basement & Ground Floor
Saturday	23:00	00:00	No change	No change	Basement & Ground Floor	Increase capacity in Basement & Ground Floor
Sunday						

Sale by Retail of Alcohol

On or off sales			Current :		Proposed:	
			On		On	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	00:00	No change	No change	Basement & Ground Floor	Increase capacity in Basement & Ground Floor
Tuesday	10:00	00:00	No change	No change	Basement & Ground Floor	Increase capacity in Basement & Ground Floor
Wednesday	10:00	00:00	No change	No change	Basement & Ground Floor	Increase capacity in Basement & Ground Floor
Thursday	10:00	00:00	No change	No change	Basement & Ground Floor	Increase capacity in Basement & Ground Floor
Friday	10:00	00:00	No change	No change	Basement & Ground Floor	Increase capacity in Basement & Ground Floor
Saturday	10:00	00:00	No change	No change	Basement & Ground Floor	Increase capacity in Basement & Ground Floor
Sunday	12:00	23:00	No change	No change	Basement & Ground Floor	Increase capacity in Basement & Ground Floor

Hours premises are open to the public

	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	00:00	No	No	Basement &	Increase capacity in

			change	change	Ground Floor	Basement & Ground Floor
Tuesday	10:00	00:00	No change	No change	Basement & Ground Floor	Increase capacity in Basement & Ground Floor
Wednesday	10:00	00:00	No change	No change	Basement & Ground Floor	Increase capacity in Basement & Ground Floor
Thursday	10:00	00:00	No change	No change	Basement & Ground Floor	Increase capacity in Basement & Ground Floor
Friday	10:00	00:00	No change	No change	Basement & Ground Floor	Increase capacity in Basement & Ground Floor
Saturday	10:00	00:00	No change	No change	Basement & Ground Floor	Increase capacity in Basement & Ground Floor
Sunday	12:00	23:00	No change	No change	Basement & Ground Floor	Increase capacity in Basement & Ground Floor

1-C Layout alteration

To vary the layout of the premises by increasing the capacity on both the basement and ground floors.

1-D Conditions being varied, added or removed

Condition	Proposed variation
<p>Condition 9</p> <p>Persons under the age of 16 shall not be permitted onto the premises unless accompanied by an adult.</p> <p>Condition 19</p> <p>A refuse store of sufficient size shall be provided.</p>	<p>To be removed</p>
<p>CONDITIONS</p> <p>Condition 10</p> <p>The number of persons accommodated at the premises shall be: Ground Floor - 52 persons excluding staff Basement - 16 persons excluding staff</p>	<p>TO BE REPLACED WITH</p> <p>The number of persons accommodated at the premises (excluding staff) shall not exceed Ground Floor - 80 persons Basement - 60 persons</p>

<p>Condition 12</p> <p>Suitable beverages other than alcohol (including drinking water) shall be equally available during the hours when licensable activities take place.</p> <p>Condition 14</p> <p>The supply of alcohol shall only be by waiter or waitress service to persons seated at tables.</p> <p>Condition 15</p> <p>The premises will maintain a comprehensive CCTV system that ensures that all entry and exit points and bar areas of the premises are monitored which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept available for a minimum of 31 days with time and date stamping. Recordings shall be made available to an authorised officer or a police officer together with facilities for viewing. The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice (subject to the Data Protection Act 1998). The CCTV system will be installed and maintained as agreed with the Metropolitan Police Crime Prevention Officer</p> <p>Condition 16</p> <p>No noise may emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.</p>	<p>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.</p> <p>The supply of alcohol within the restaurant (hatched) shall only be by waiter or waitress service to persons seated at tables.</p> <p>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.</p> <p>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.</p> <p>No noise generated on the premises or by it's 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.</p>
<p>CONDITIONS</p>	<p>TO BE ADDED</p>
<p>A Challenge 21 roof of age scheme shall</p>	<p>TO BE ADDED</p>

<p>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.</p> <p>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, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.</p> <p>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.</p> <p>No licensable activities shall take place at the premises until the premises have been assessed by the Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority.</p> <p>Before the premises is open to the public the plans as deposited will be checked by the Environmental Health Consultation Team to ensure that they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority</p>	<p>TO BE ADDED</p> <p>TO BE ADDED</p> <p>TO BE ADDED</p> <p>TO BE ADDED</p>
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2. Representations

Responsible Authority:	The Licensing Authority
Representative:	Mr Steve Rowe
Received:	14.03.2017

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, RNT2 and PB2.

The application seeks to:

- Vary the layout of the premises
- Remove conditions 9 and 19 of the current premises licence
- Amend/replace conditions 10, 12, 14, 15 and 16 of the current premises licence

The premises do not intend to vary any of the licensable activities or hours at the premises.

It is noted that the change to the layout of the premises will increase the capacities in both the ground floor and basement as detailed below:

Ground Floor (current) = 52

Ground Floor (proposed) = 80 which = overall increase of 28

Basement (current) = 16

Basement (proposed) = 60 which = overall increase of 44

Overall increase in capacity of 72

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 terminal hour for LNR and alcohol on Monday to Saturday is 00:00 which is 30 minutes beyond core hours on each of the days Monday to Thursday. The current terminal hour for alcohol on a Sunday is 23:00 again 30 minutes beyond core hours. As stated above the premises are currently licensed for these hours and they have not applied to vary them.

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.

Paragraph 2.5.3 of the Council's Policy relating to restaurants states in part that '.....The Council is particularly concerned that restaurant premises in the cumulative impact areas do not, even in part, come to operate as bars and particularly not as "vertical drinking" premises where customers consume alcohol standing throughout the evening.'

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'. The application is seeking to increase the capacity by 72 people by virtue of the change of layout. The applicants have not demonstrated that this increase will not add to cumulative impact in the CIA in a premises which terminal hour is not consistent with the Councils core hours between a Sunday to Thursday. Further the applicants have not stated whether there will be any increase in the number of persons waiting at the bar area at any one time.

Please therefore accept this as a formal representation, further details will be provided in due course including a discussion relating to conditions. In the meantime, please provide a suitable date to arrange a site visit.

Responsible Authority:	The Metropolitan Police
Representative:	PC Toby Janes
Received:	9 th March 2017
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application.</p> <p>It is our belief that if granted the application would undermine the licensing objectives in relation to the prevention of crime and disorder as there are insufficient conditions within the operating schedule.</p> <p>The venue is situated in the West End cumulative impact area, a locality where there is traditionally high crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.</p>	

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIA1 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>
Policy HRS1 applies:	<p>(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.</p> <p>(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.</p>

4. Appendices

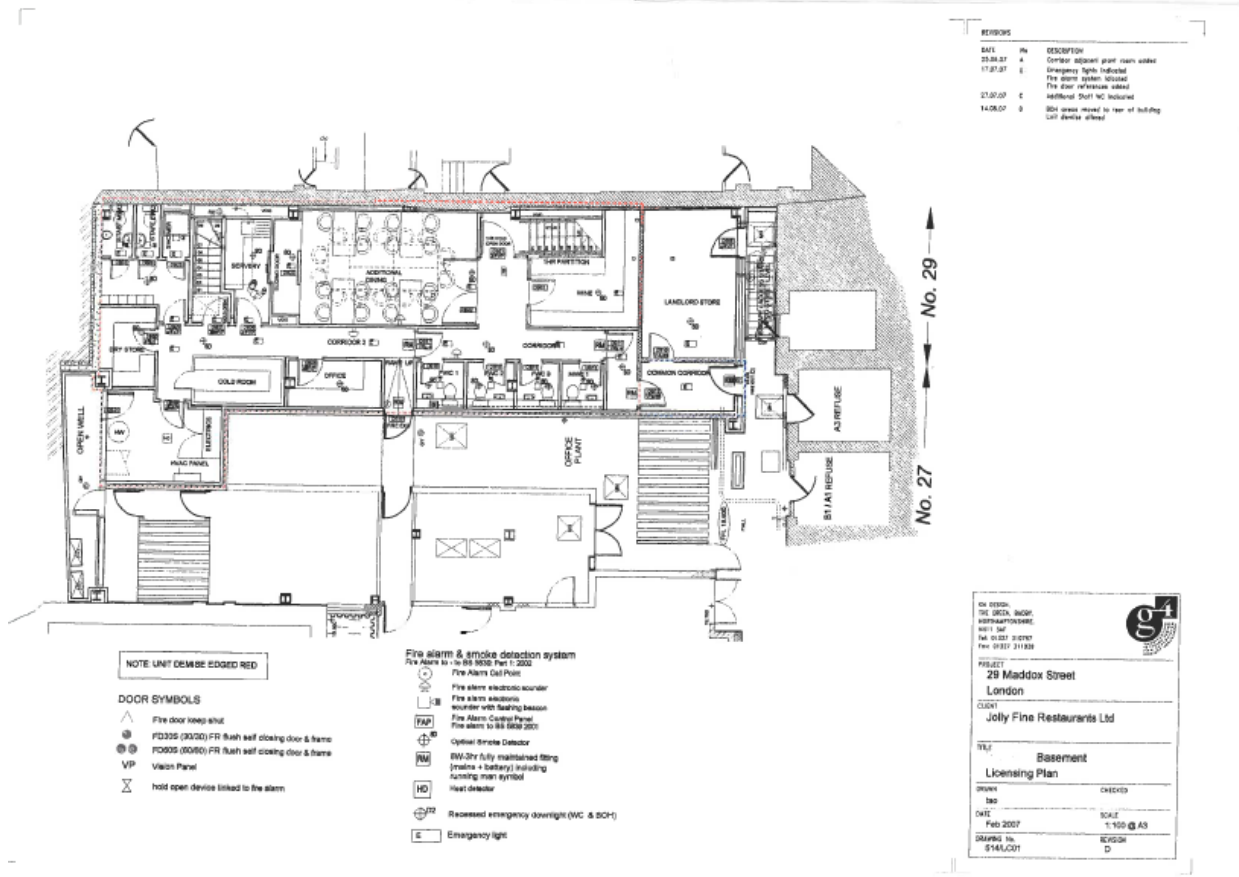
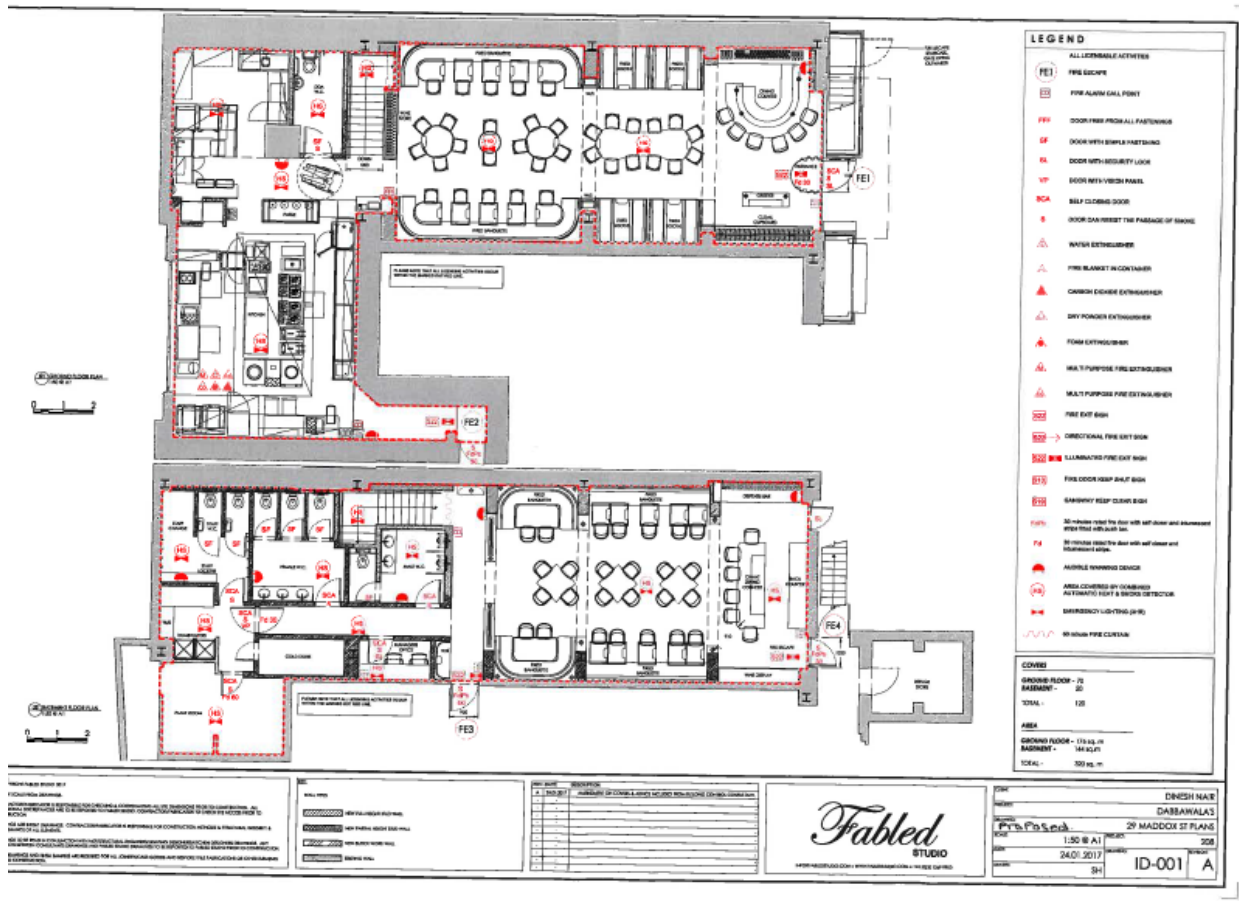
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map

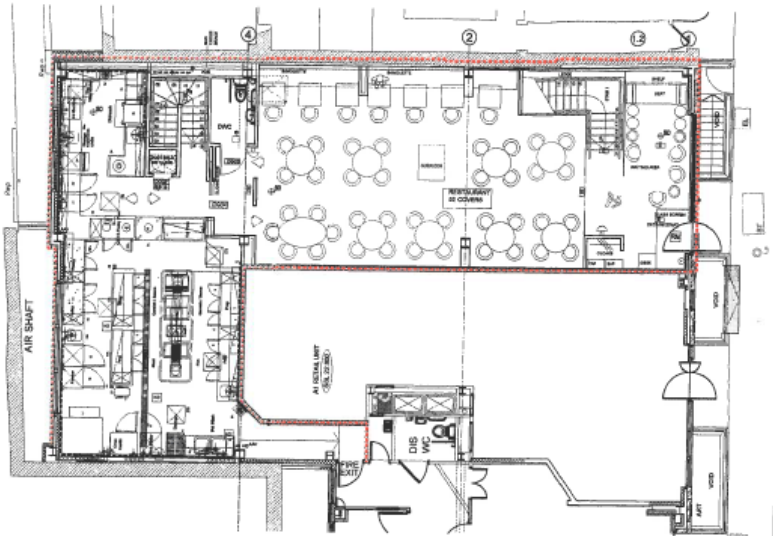
Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1872 Email: ywade@westminster.gov.uk

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

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 th February 2017
5	The Licensing Authority Representation	14 th March 2017
6	The Metropolitan Police Representation	9 th March 2017





NOTE UNIT DEMARCATED RED

DOOR SYMBOLS

- ⊕ ⊕ FD30S (FD30) FR flush self closing door & frame
- ⊕ Fire door keep locked

Fire alarm & smoke detection system

Fire Alarm to BS 5839 Part 1: 2002

Fire Alarm Call Point

- ⊕ Fire alarm electronic sounder
- ⊕ Fire alarm electronic monitor with flashing beacon
- ⊕ Fire Alarm Control Panel
- ⊕ Fire alarm to BS 6838:2001
- ⊕ Crystal Smoke Detector
- ⊕ M/S fully maintained fitting (main + battery) including running man symbol
- ⊕ Heat detector
- ⊕ Recessed emergency downlight (MC & BCH)
- ⊕ Emergency light

REVISED
DATE: 15.07.07
14.08.07

BY: [Signature]
A
B

REVISIONS
Emergency Alarm Inducted
Fire alarm system checked
Fire door interlocks added
New chair re-positioned

IN DESIGN, 145, DORSET ROAD, BERTHAMPTON, WILT, WILT, BA1 2JF TEL: 01247 310787 FAX: 01247 311188		
PROJECT: 29 Maddox Street London		
CLIENT: Jolly Fine Restaurants Ltd.		
TITLE: Ground Floor Licensing Plan		
SCALE: 1:50	DATE: Feb 2007	REVISION: B

PROPOSED CONDITIONS

1: TO REMOVE CONDITIONS 9 AND 19 IN ANNEX 3 OF PREMISES LICENCE 16/08222/LIPT WHICH ARE OBSOLETE AND OUTDATED

2: TO RETAIN CONDITIONS 11, 13, 17, 18 IN PREMISES LICENCE 16/08222/LIPT

3: TO REPLACE CONDITIONS 10, 12, 14, 15, 16 AS FOLLOWS:-

- The number of persons accommodated at the premises (excluding staff) shall not exceed:-
Ground floor – 80 persons
Basement – 60 persons
- 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.
- The supply of alcohol within the restaurant (hatched) shall only be by waiter or waitress service to persons seated at tables.
- 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 front or identification of every person entering in any like condition. The CCTV system shall continually recall 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 dates and times stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
- 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 with copies of recent CCTV images or data with the absolute minimum of delay when requested.
- 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 nuisance.

TO ADD NEW CONDITIONS AS FOLLOWS:

- 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.

- 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 this order;
 - 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.

- 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.

- 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.

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

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
07/07583/WCCMAP	Application for a new premises licence	08.08.2007	Granted under delegated authority
16/08222/LIPT	Application to transfer premises licence from Jolly Fine restaurants limited to SMD Concepts Limited	26.01.2017	Granted under delegated authority
17/01328/LIPDPS	Application to vary a premises licence to specify an individual as designated premises supervisor	02.03.2017	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 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 -

Annex 1 – 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.

Annex 2 – Conditions consistent with the operating Schedule

None

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

9. Persons under the age of 16 shall not be permitted onto the premises unless accompanied by an adult. **(proposed to be removed)**
10. The number of persons accommodated at the premises shall be:
Ground Floor - 52 persons excluding staff
Basement - 16 persons excluding staff
Proposed to be amended to:

The number of persons accommodated at the premises (excluding staff) shall not exceed
Ground Floor - 80 persons
Basement - 60 persons
11. The supply of alcohol shall only be to persons taking table meals there and consumption by such a person as ancillary to their meal.
12. Suitable beverages other than alcohol (including drinking water) shall be equally available during the hours when licensable activities take place.
Proposed to be amended to:

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.
13. Alcohol served in the bar shall only be to patrons waiting to be seated in the Restaurant area.
14. The supply of alcohol shall only be by waiter or waitress service to persons seated at tables. **proposed to be amended to:**

The supply of alcohol within the restaurant (hatched) shall only be by waiter or waitress service to persons seated at tables.
15. The premises will maintain a comprehensive CCTV system that ensures that all entry and exit points and bar areas of the premises are monitored which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept available for a minimum of 31 days with time and date stamping. Recordings shall be made available to an authorised officer or a police officer together with facilities for viewing. The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice (subject to the Data Protection Act 1998). The CCTV system will be installed and maintained as agreed with the Metropolitan Police Crime Prevention Officer
Proposed to be amended to:

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.

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.

16. No noise may emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

Proposed to be amended to:

No noise generated on the premises or by it's 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.

17. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
18. No rubbish including bottles will be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
19. A refuse store of sufficient size shall be provided. **(proposed to be removed)**

Proposed conditions by Police

20. 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.
21. Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
22. Notwithstanding condition MC66, alcohol may be supplied and consumed prior to their meal in the bar area (designated on the plan), by up to a maximum at any one time, of 10 persons dining at the premises.

Proposed conditions by the applicant as part of the Operating schedule

23. The number of persons accommodated at the premises (excluding staff) shall not exceed
Ground Floor - 80 persons
Basement - 60 persons
24. The supply of alcohol within the restaurant (hatched) shall only be by waiter or waitress service to persons seated at tables.
25. 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.
26. 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.
27. 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.
28. A Challenge 21 roof 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.
29. 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, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
30. 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.
31. No licensable activities shall take place at the premises until the premises have been assessed by the Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority.
32. Before the premises is open to the public the plans as deposited will be checked by the Environmental Health Consultation Team to ensure that they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

Residential Map of Premises

Hibiscus



April 26, 2017

- ★ Public House
- Live Licensing Act

