

# Licensing Sub-Committee Report

Item No:	
Date:	13 July 2017
Licensing Ref No:	17/05529/LIPN - New Premises Licence
Title of Report:	32 Henrietta Street London WC2E 8NA
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:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	22 May 2017		
<b>Applicant:</b>	Oystermen Events Limited		
<b>Premises:</b>			
<b>Premises address:</b>	32 Henrietta Street London WC2E 8NA	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>			
<b>Premises licence history:</b>	This an application for a new premises and therefore no history exist.		
<b>Applicant submissions:</b>	Please see document attached at Appendix 2		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>		Both	
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	
<b>Seasonal variations/ Non-standard timings:</b>			<p>Sunday immediately prior to a Bank Holiday 23:00 to 00:00.</p> <p>New Year's Eve all activities are permitted throughout the night until the start of permitted hours on New Year's Day.</p>				

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>		Both	
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	10:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>			<p>Sunday immediately prior to a Bank Holiday 12:00 to 00:00.</p> <p>New Year's Eve all activities are permitted throughout the night until the start of permitted hours on New Year's Day.</p>				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	08:00	08:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:30	00:30	23:00
<b>Seasonal variations/ Non-standard timings:</b>		<p>Sunday immediately prior to a Bank Holiday 08:00 to 00:30.</p> <p>New Year's Eve all activities are permitted throughout the night until the start of permitted hours on New Year's Day.</p>					
<b>Adult Entertainment:</b>		Not applicable.					

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Mr David Sycamore
<b>Received:</b>	15 <sup>th</sup> June 2017
<p>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:</p> <ul style="list-style-type: none"> <li>• Public Nuisance</li> <li>• Prevention of Crime &amp; Disorder</li> <li>• Public Safety</li> </ul> <p>It is difficult to fully assess the application as the description of the premises is 'Licensed Premises' and the plan appears to show no fixed seating. The premises is located in the Cumulative Impact Area as defined in the Westminster City Council Licensing Policy.</p> <p>The application for alcohol on and off the premises is currently outside of those as stated in the statement of licensing policy.(HRS1) We would ask that the provision of off sales is reduced to core hours and on Sunday, the start time of on sales is moved to 12:00hrs so they are in line with core hours. We also note that the full model condition 66 has not been offered.</p>	

As there is no proposed capacity, it is again difficult to assess the applications full cumulative impact and as such, CIP1 is difficult to assess. As this is a new premises, with no previous history, any additional people will add to cumulative impact.

Please accept this as a formal representation and we look forward to receiving some more information and amendments so we might withdraw our representation.

<b>Responsible Authority:</b>	Environmental Health Consultation Team
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<b>Representative:</b>	Mr Ian Watson
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<b>Received:</b>	16 <sup>th</sup> June 2017
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**The premises are located within the West End Cumulative Impact Area as stated in the City of Westminster's Statement of Licensing Policy.**

The applicant has submitted floor plans of the premises dated March 2017.

This representation is based on the plans and operating schedule submitted.

The applicant is seeking the following

1. To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Thursday 10.00 to 23.30 hours, Friday and Saturday 10.00 and 00.00 hours and Sunday between 10.00 to 22.30 hours. Sunday immediately before a Bank Holiday 12.00 to 00.00 hours and New Year's Eve to New Year's Day.
2. To provide Late Night Refreshment 'Indoors' and 'Outdoors' Monday to Thursday 23.00 to 23.30 hours, Friday and Saturday 23.00 and 00.00 hours. Sunday immediately before a Bank Holiday 23.00 to 00.00 hours and New Year's Eve to New Year's Day.

I wish to make the following representation

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

The applicant has provided additional information with the application which is being addressed.

<b>Responsible Authority:</b>	Metropolitan Police Service ( <b>Withdrawn</b> )
<b>Representative:</b>	PC Sandy Russell
<b>Received:</b>	25 <sup>th</sup> May 2017

I am writing to inform you that the Metropolitan Police, as a responsible authority, will be objecting to this application. At this stage it is our belief that if granted the application would undermine the Licensing Objectives.

The conditions submitted in the application are acceptable to police. We require the following further condition:

- 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.

Should you client be willing to agree to the above condition being added to any future operating schedule we may be in a position to withdraw our representation.

***The applicant has agreed to the condition above and as a result the MET Police Service have WITHDRAWN their representation.***

<b>2-B Other Persons</b>	
<b>Name:</b>	Mr Paul Goulding
<b>Address and/or Residents Association:</b>	Flat 2 34A Henrietta Street London WC2E 8NA
<b>Received:</b>	11 <sup>th</sup> June 2017

The application relates to premises immediately adjoining our small residential block. We object to a licence to sell alcohol, or to have tables outside, after 1030pm. This is due to likely noise and disturbance late at night and its impact on the peaceful enjoyment of our home.

<b>Name:</b>	Mrs Linda Campin
<b>Address and/or Residents Association:</b>	Flat 1 34A Henrietta Street London WC2E 8NA
<b>Received:</b>	6 <sup>th</sup> June 2017

These premises were previously a sandwich shop /diner that was open until 5pm. It did not serve alcohol.

Henrietta Street is a mixed residential and commercial street with a few restaurants.

There has been an increase in the proportion of residential property in the street over the last few years.

Covent garden is a busy area and already has a substantial number of licensed premises. We do not see the need to have another one.

There was no pre-consultation with immediate neighbours as to the impact of the creation of a new licensed premises.

In the proposed conditions of the applications it suggests that the premises are to be operated as a restaurant. The applications states alcohol will only be sold to those that are seated eating food, but it does not give any indication of the number of tables that will be provided or the number of people that will be allowed in the premises.

The layout in the plan makes it look like a bar.

This is a a very small site and it is very concerning that there may be a significant number of people in it.

It also makes reference to tables outside. Currently there are no tables outside these premises.

We already have problems with people sitting on the steps outside our front door and people loitering around the entrance. The entrance to this site is very near to our front door and we would be concerned about any diners who come outside of the restaurant to smoke. If it in fact operates more like a bar there is likely to be substantial noise and disruption well into the night with these proposed late opening hours.

This is a significant change in use from a much loved sandwich shop closing at 5pm to a restaurant /bar open after midnight. We strongly object to the application for a license to serve alcohol and the increased opening hours.

### 3. Policy & Guidance

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

<b>Policy HRS1 applies</b>	(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.
<b>Policy RNT2 applies:</b>	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.

<b>Policy CIA1 applies:</b>	<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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## 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

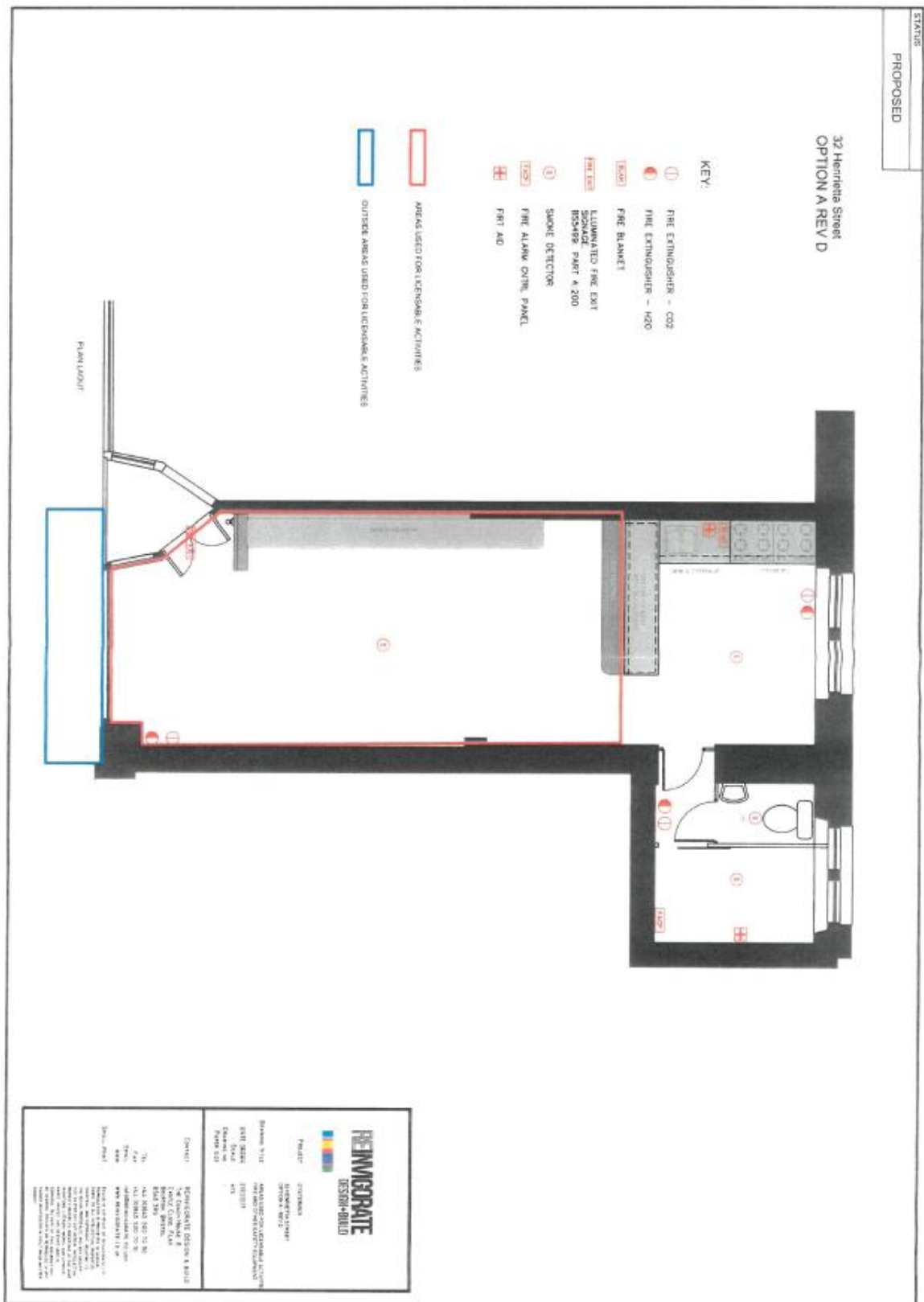
<b>Report author:</b>	Miss Heidi Lawrance Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

**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	22 <sup>nd</sup> May 2017
<b>5</b>	Representation – Licensing Authority	15 <sup>th</sup> June 2017
<b>6</b>	Representation – Environmental Health	16 <sup>th</sup> June 2017
<b>7</b>	Representation – MET Police (withdrawn)	25 <sup>th</sup> May 2017
<b>7</b>	Representation – Mr P Goulding	11 <sup>th</sup> June 2017
<b>8</b>	Representation – Ms L Campin	6 <sup>th</sup> June 2017

## Premises Plans





**Applicant Supporting Documents****Proposed Conditions  
32 Henrietta Street, London, WC2E 8NA**

1. 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 or chopsticks,
  - (iv) which do not provide any take away service of food or drink for immediate consumption,
  - (v) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to 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.

2. There shall be no sales of hot food or hot drink for consumption 'Off" the premises after 23.00 hours.
3. The maximum number of persons permitted in the premises at any one time (excluding staff) shall not exceed:-  
Ground Floor –
4. 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 preceding 31 day period.
5. 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 are 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.
6. 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.
7. Where the provision of food and/or drink includes delivery to the customer, the

licence holder shall ensure that specific procedures are in place and that the activity does not cause nuisance at or near to the premises.

8. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
9. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
10. All windows and external doors shall be kept closed after 22:00 hours except for the immediate access and egress of persons.
11. All outside tables and chairs shall be rendered unusable by 22:00 each day.
12. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
13. No rubbish, including bottles, shall be removed or placed in an outside area between 23:00 hours to 07:00 hours, Monday to Friday, and 23:00 hours to 08:00 hours, Saturday and Sunday.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before collection time.
15. 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.
16. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
17. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
18. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

19. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
20. 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.



#### Oysters

Maldon Rocks	2.00
Blackwater Wild	2.60
Hot Buffalo Oysters (x2)	5.50
Hot Oysters (x2), Pancetta, Fennel, Parmesan	6.50

#### Snacks

Crispy Cayenne Mussels	3.50
Smoked Cods Roe, Black Sesame Lavash	3.50
Crab Beignet, White Meat, Lemon, Parsley	3.50
Pickled Mussels & Cockles, Fennel, Parsley	3.50

#### Starters

Smoked Mackerel Pate, Grilled Multigrain Bread	7.50
Scorched Mackerel, Pickled Cucumber, Capers, Salted Citrus Yoghurt	8.00
Bream Ceviche, Apple, Calamansi, Kosho, Jalapeño	9.00
Grilled Squid, Smoked Paprika, Almonds, Green Olives	9.50
Cannon & Cannon Charcuterie Selection, Cornichon, Pane Carasatu	10.00

#### Mains

Whole Devon Brown Crab (see board)	MP
Summer Salad: New Potatoes, Treviso, Peas, Mint, Lemon	10.00
Coley Bap, Tartare Sauce, Pickles, Old Bay Fries	12.00
Curried Clam Chowder, Bread	12.00
Whole Plaice, Burnt Butter, Capers, Samphire	15.00

#### Sides

Old Bay Fries	3.50
Chopped Side Salad	3.50

#### Dessert

White Chocolate & Yoghurt Ganache, Macerated Strawberries, Basil	6.50
Buchanan's British Cheese Selection, Chutney	11.00

## Sparkling

	125ml	Btl.
Croix Montjoie, Cremant de Bourgogne	8.00	36.00
Juillet-Lallement Brut - Rosé, Champagne Grand Cru NV	7.00	39.00
Vincent Careme, Vouvray 'Ancestrale' NV		45.00
Piollot 'Come des Tallant', Champagne NV	11.00	60.00
R. H. Coutier, Champagne Grand Cru NV	12.00	70.00
Charles Dufour 'La Pulpe et le Grain', Champagne 2009		70.00
Pol Roger 'Reserve', Champagne NV		75.00
Eric Rodez 'Cuvee des Grand Vintage, Champagne Grand Cru NV		90.00

## White

	175ml	Btl.
Cal y Canto, La Mancha, Verdejo 2015	5.50	19.00
Sibiano, Sicily, Grillo 2016	6.00	22.00
Camino Real, Rioja, Garnacha Blanca 2015	6.50	24.00
Château du Coing de St. Fiacre, Muscadet, Melon de Bourgogne 2014		28.00
Alex K 'Big Backyard', Marlborough, Sauvignon Blanc 2015	8.00	29.00
Iraklion, Assyrtiko 2016	8.50	31.00
Clos Ricard, Jurancon (Sec), Gros Manseng/Petit Manseng 2015		33.00
Remi Jeanniard, Bourgogne, Aligote 2015	10.00	36.00
Thomas Labaille, Sancerre, Sauvignon Blanc 2016		42.00
Chateau Val de Mercy, Chablis Premiere Cru, Chardonnay 2014		48.00
Le Soula, Cotes Catalanes, Vermentino 2012		68.00
Christian Bellang & Fils, Meursault, Chardonnay 2014		78.00

## Rosé

	175ml	Btl.
Château Saint-Pierre, Cote de Provence, Grenache 2015	7.00	28.00
Domaine Tempier, Bandol, Grenache 2016		42.00
Le Soula 'Le Maceration' (Orange), Cotes Catalanes, Vermentino/Macabeu		50.00

## Red

	175ml	Btl.
Cal y Canto, La Mancha, Tempranillo/Merlot/Syrah 2014	6.50	19.00
Lucale, Puglia, Primitivo 2015	7.00	24.00
Jean Marie Rimert 'Cousin Oscar', Languedoc, Cinsault	8.00	28.00
The Scoundrel, Barossa Valley, Shiraz 2013		36.00
Gaston Hocha - Chateau Musar, Bekaa Valley - Lebanon, Cabernet Sauvignon 2004		45.00

## Beer

Harviestoun 'Schiehallion' - Lager	4.50
Canopy 'Brockwell' - IPA	5.00
The Oystermen 'Into The Deep' - Imperial Oyster Stout	12.00

## Softs

Juice - Orange, Tomato	3.00
Coke/Diet Coke/Tonic	3.00
Sparkling Mineral Water	3.50

## INTRODUCTION

Matt Lovell and Robin Hampton have created Hampton Lovell & Sons Ltd to launch their new exciting friendly concept of a champagne, fine wine, oyster, and sea food restaurant in the heart of the vibrant area of London. After careful market research Matt and Rob firmly believe this fresh, innovative idea will soon become a strong attraction to theatre goers, executives and office workers, discerning diners and fun lovers. They also plan to expand the idea to include takeaway and retail sales. They are now seeking suitable premises in which to trade as Oystermen.



**Matt Lovell**  
Co-Founder / Director

Matt has spent the last 15 years perfecting his skills as a solid business operator in the bar, nightclub and restaurant industries, throughout which he has overseen the successful openings of five market leading independent food led businesses in London which continue to grow rapidly.

Under his watchful eye, he has also been able to turn around previously under achieving bars and restaurants

to exceed their target GPs and budgeted KPIs, generating strong EBITDA. Matt has the strength in knowledge of ordering, budgeting, forecasting and all the necessary back of house process that are involved in the day to day running of these businesses as well as front of house excellence.

Matt is passionate about service, food and drinks and has undertaken many courses and training programs to better his knowledge and skills in all of these fields, such as Excellence in Customer Service, WSET Professional Exams, BIA Cellar Management, the Personal License and others.

Matt's motivation is driven primarily by the desire to exceed customer's expectations and deliver excellence in both service and product, but also with a passion for not only the food and drink, but also business, figures and financials. He has a love for motivating teams to deliver excellent results every time and in turn those teams develop the business.

— OYSTERMEN —

Robin's career has included top level site management for leading London restaurant brand Wyliea and currently Burnie Gulf Seafood Shack and has also included developing a highly successful independent unit in New Zealand on behalf of two young entrepreneurs. Successful sales growth and cost management has always been at the forefront for him as well as training and delivering informal yet perfect service. Robin has also received professional training from the BIAAB and WSET.



**Robin Hampton**  
Co-Founder / Director

At 16, Robin entered the world of hospitality as a kitchen porter and food runner in a local fish restaurant and oyster bar. It was there that he fell in love with industry, working hard to become a bartender and then a waiter in a busy restaurant. This time formed the foundations for a long time love of fresh fish and shellfish as well as a long career in the industry.

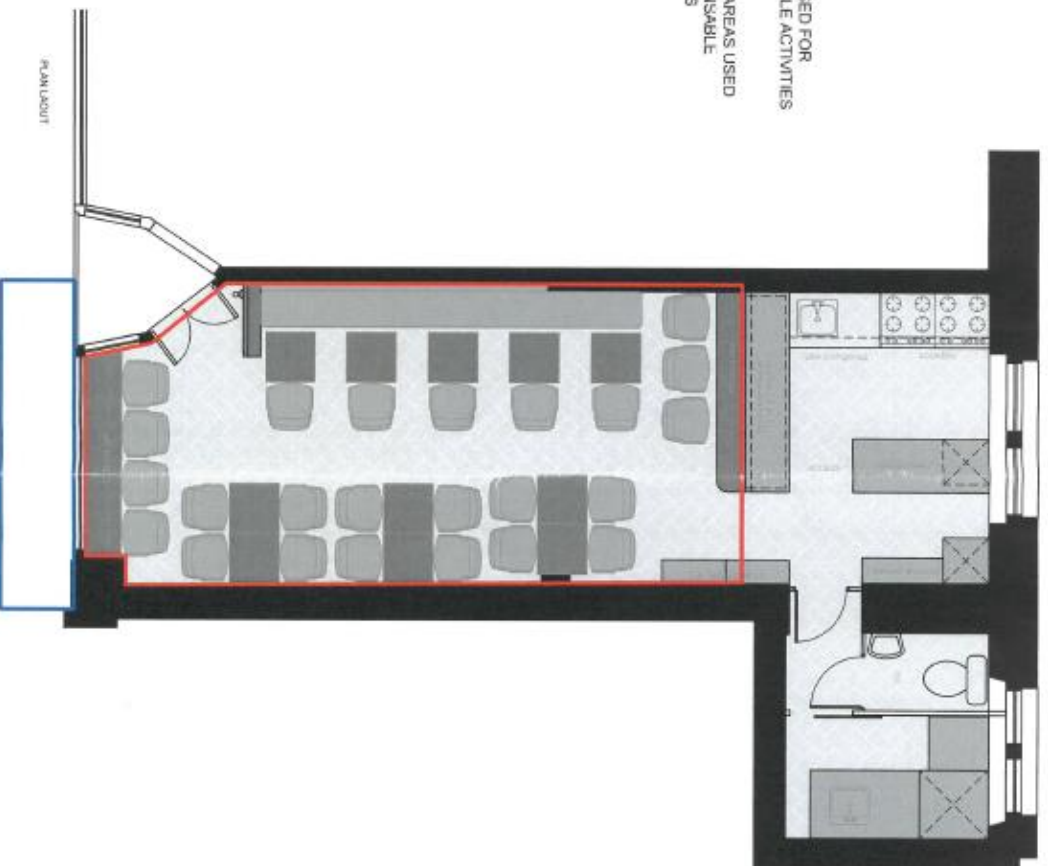
Robin's university years were paid for by working in various bar and restaurant positions which in turn led to him leading up the venues team at the student union, running wide ranging live music nights as well as creating the Waverfront Bar - a student venue focused on a better quality and value food offering. The knowledge gained from this varied hospitality career have bolstered the drive to learn as much as possible before the ultimate goal of starting his own business. Now is that time.

mat@lovel | robin@hampton | 020792 230 293 | 020710 212 114 | [enquiries@lovelandhampton.co.uk](mailto:enquiries@lovelandhampton.co.uk)

**KEY:**

AREAS USED FOR  
LICENSABLE ACTIVITIES

OUTSIDE AREAS USED  
FOR LICENSABLE  
ACTIVITIES



## RELATION LAOUT

[illegible]

# · OYSTERMEN ·

SEAFOOD BAR & KITCHEN

New Store Concept  
32 HENRIETTA STREET

*Version 1.02*

*21.03.17*





## CONTENT:

- Inspirations for Design
- Store Concept
  - *Layout Plan*
  - *3D Visuals*

## Inspiration for Design

### *FURNITURE & FIXINGS*

- Up-cycled tables & chairs where possible
- Clever re-use of ready made low-cost items

### *FINISHES*

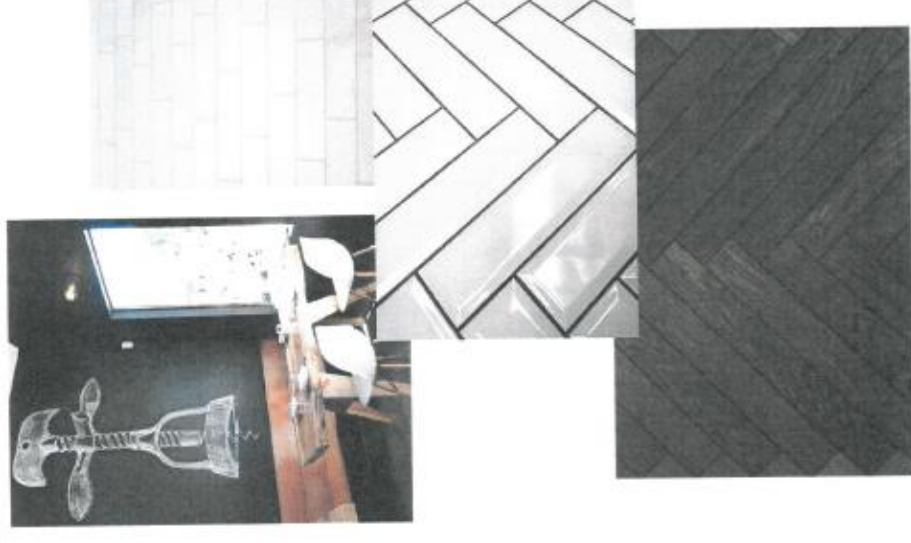
- Up-cycled 'British' materials
- Existing finishes found in property
- Re-use of items found in reclamation shops



## Inspiration for Design

### *WALLS/VERTICAL SURFACES*

- White tiles with pearlescent properties (hygienic look and easy clean)
- Large printed wall graphics and vinyls
- Simple high quality painted surfaces



### *FLOOR SURFACES*

- New dark timber herringbone parquet floor
- Anti-slip floor to cooking area
- Welcome Matt

## Inspiration for Design

### EXTERIOR

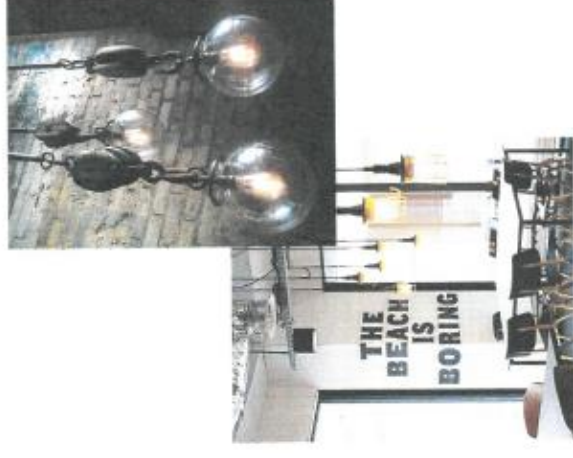
- Supplied by Landlord
- Cool & Funky use of window space



## Inspiration for Design

### *LIGHTING*

- Use of low-cost warm & welcoming lighting
- Clever re-use of ready made low-cost items
- Cool & Funky pendants for an outdoor feel



### *BRANDING*

- Gorilla branding where possible
- Inject fun into the experience



## Inspiration for Design



QUAINT



FUN



FRESH

"To create something **exceptional**, your  
mindset must be relentlessly focused on  
the smallest **detail**"

*- Giorgio Armani -*

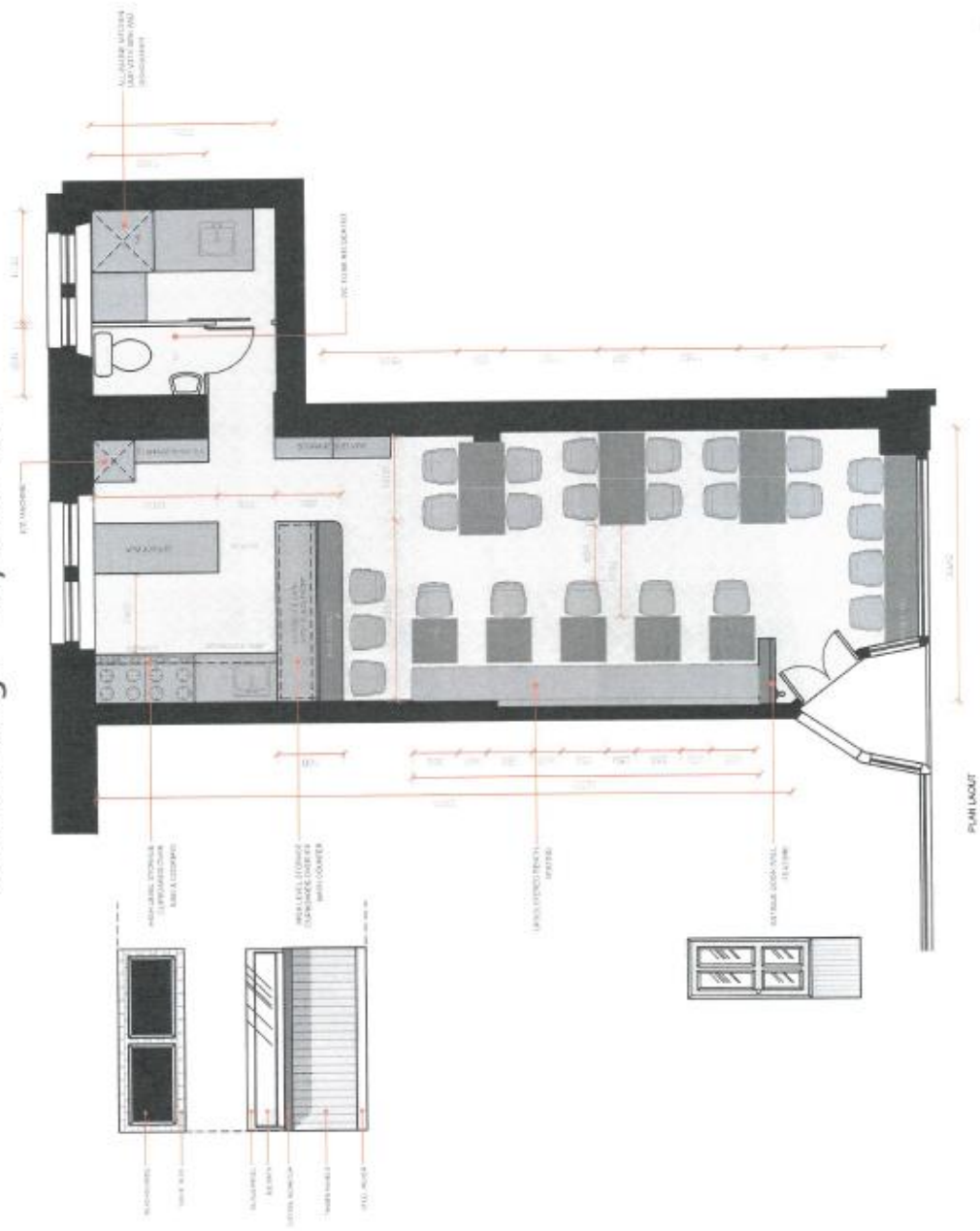




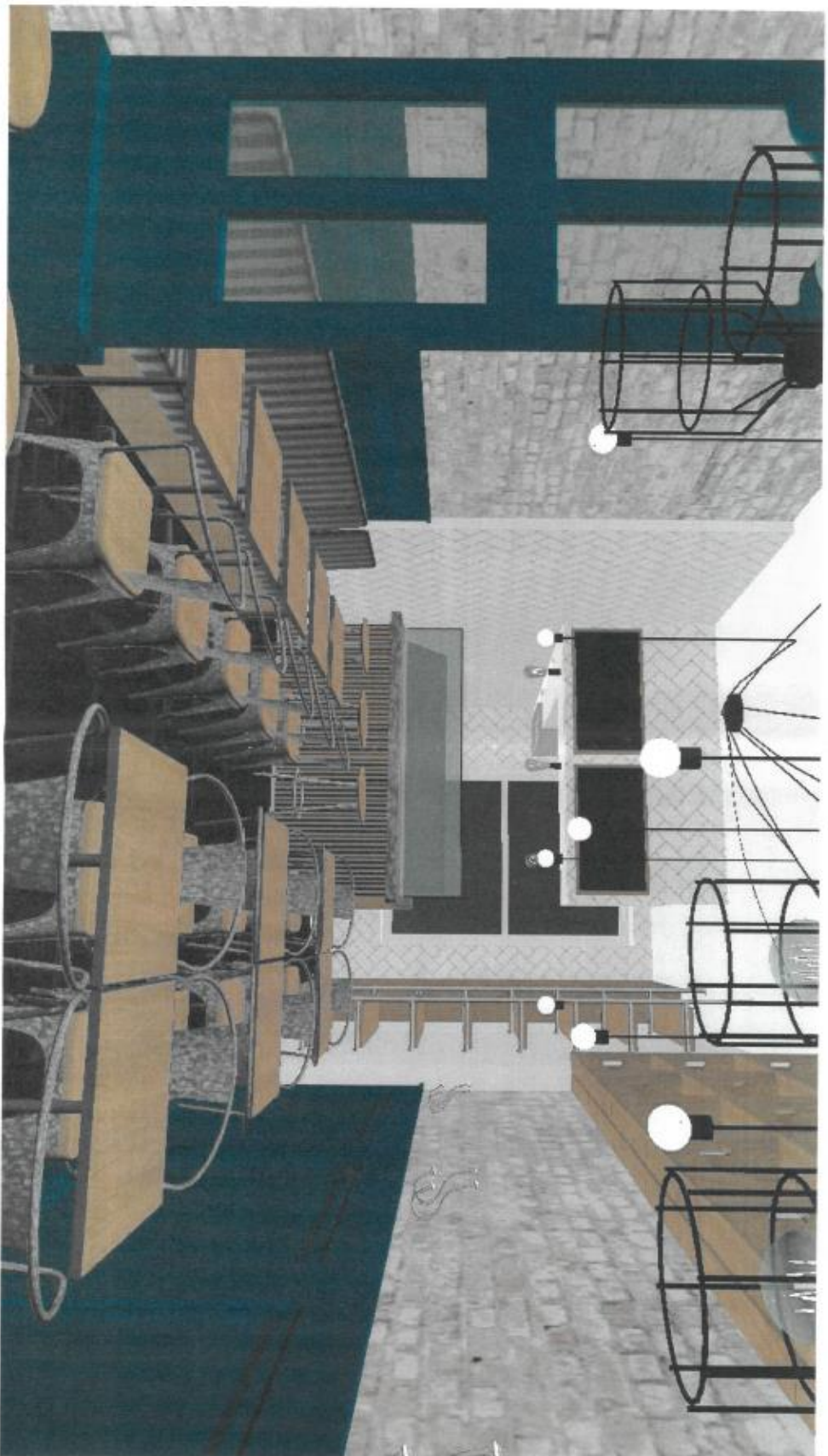
## Store Design - 3D Visuals (FOR REFERENCE USE)



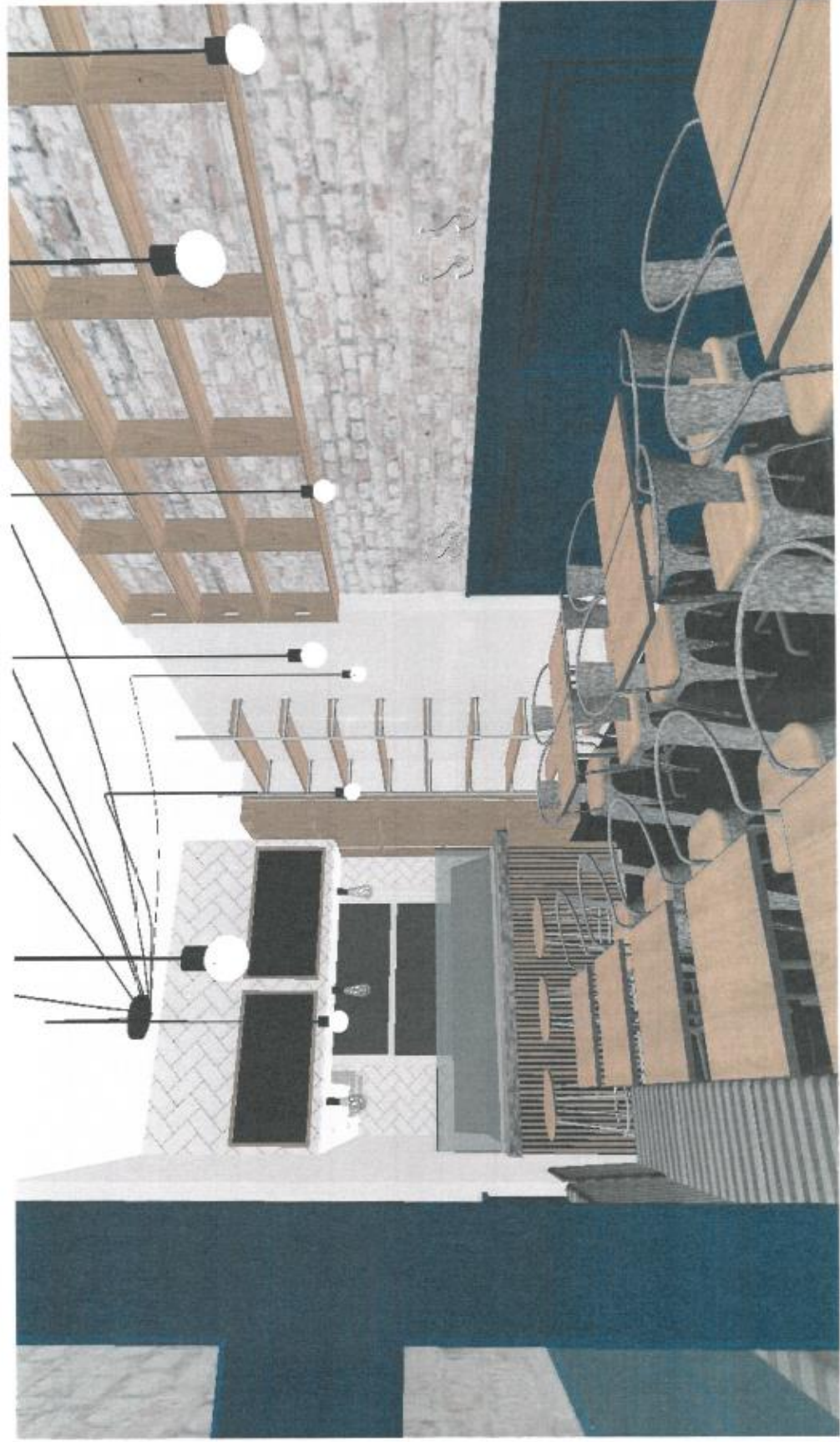




## Store Design - 3D Visuals (FOR REFERENCE USE)

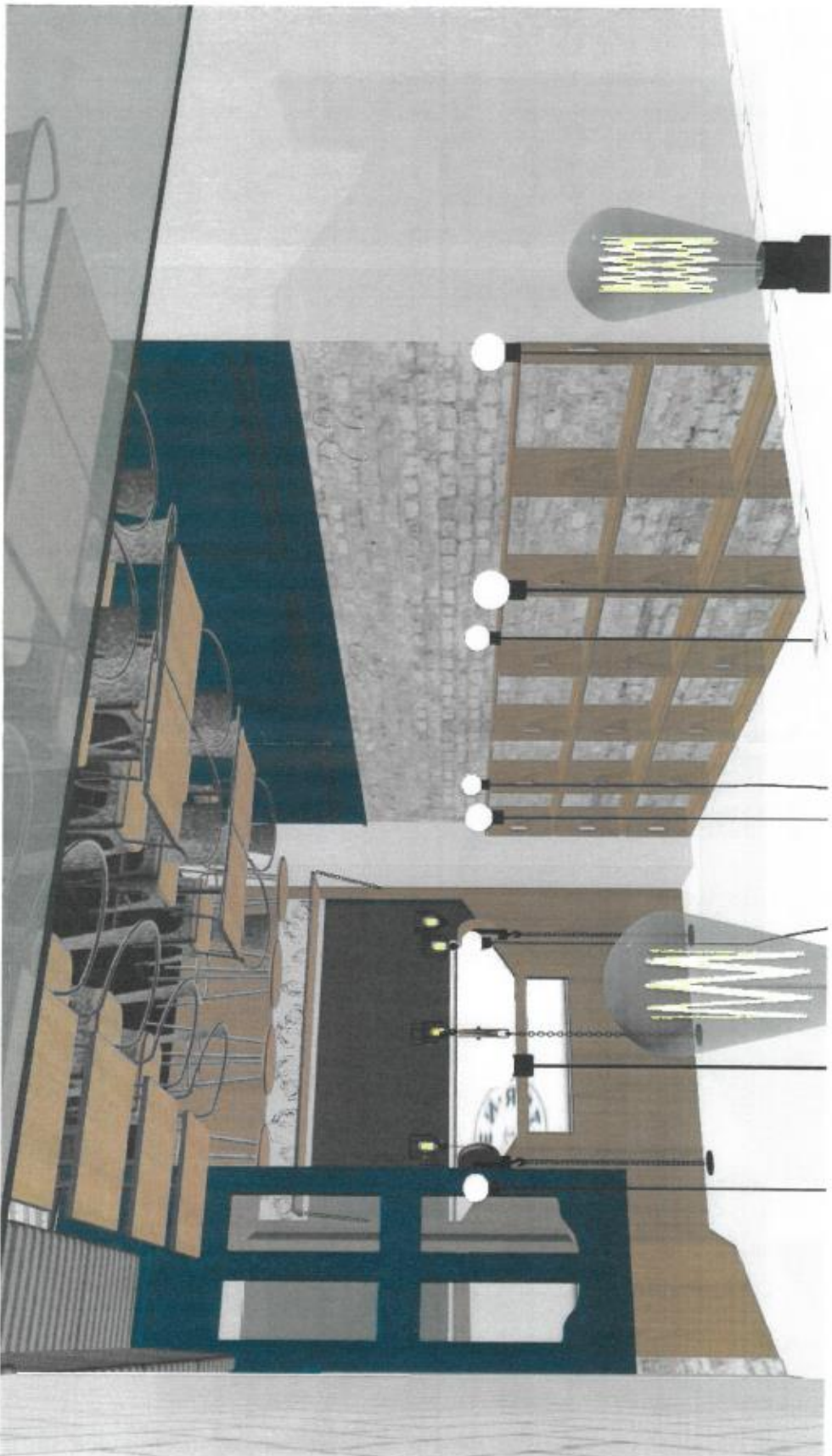


## Store Design - 3D Visuals (FOR REFERENCE USE)

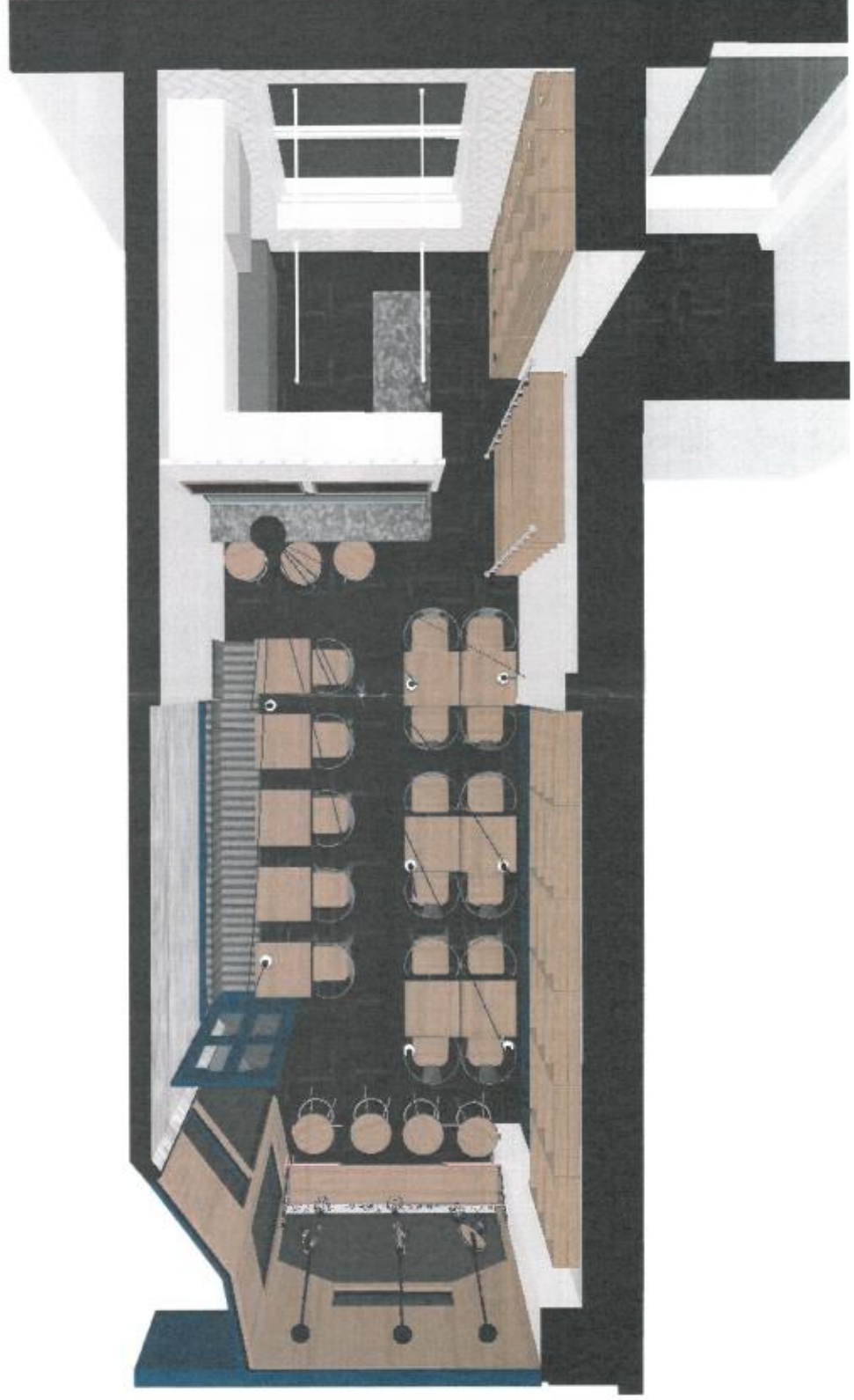




## Store Design - 3D Visuals (FOR REFERENCE USE)



## Store Design - 3D Visuals (FOR REFERENCE USE)



THANK YOU













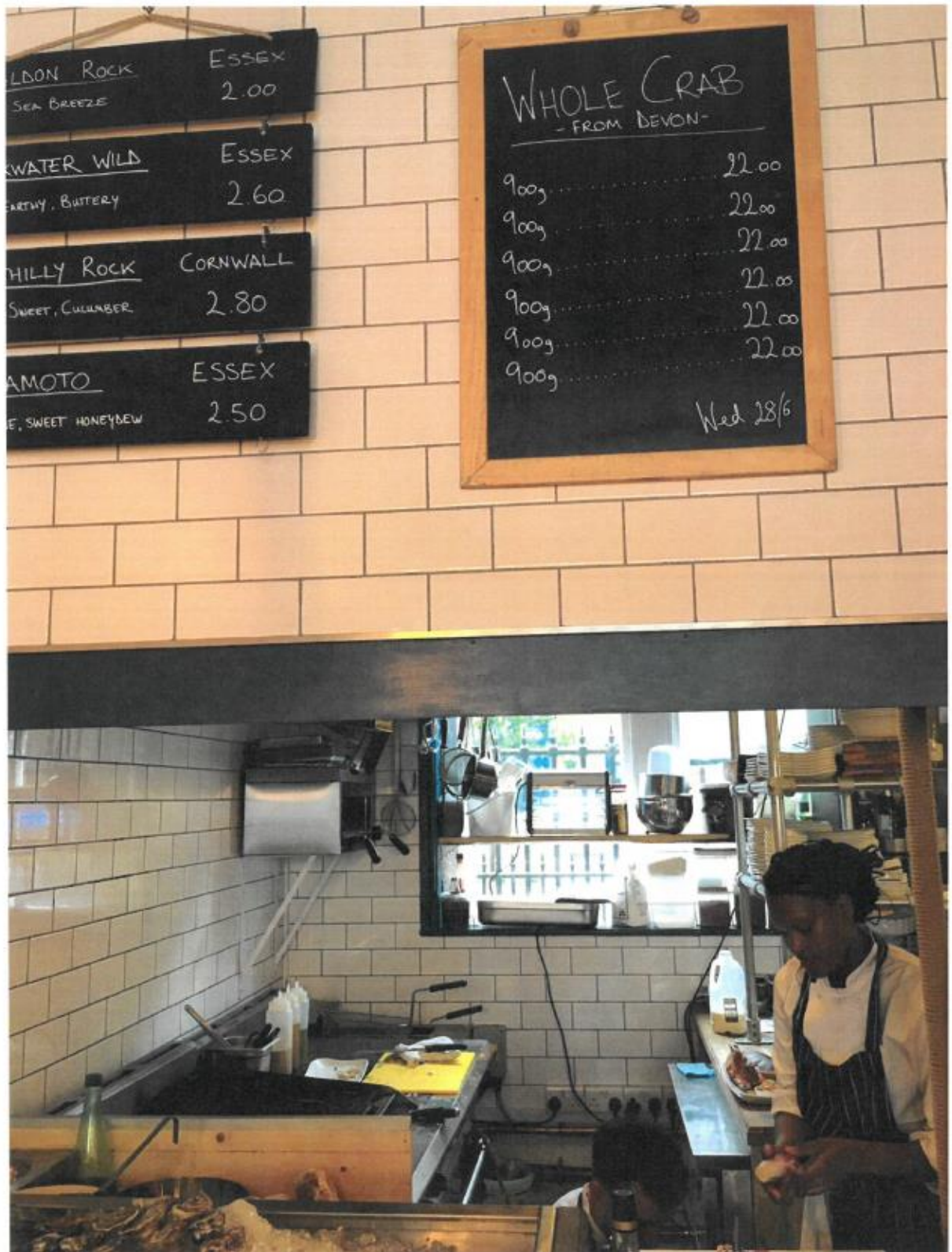


















## **Premises History**

There is no licence or appeal history for the premises.



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

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

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

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

### **Mandatory Conditions**

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

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

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

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

## **Conditions consistent with the operating schedule**

9. The premises shall 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 or chopsticks,
  - (iv) which do not provide any take away service of food or drink for immediate consumption,
  - (v) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to 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.

10. There shall be no sales of hot food or hot drink for consumption "Off" the premises after 23.00 hours.
11. The maximum number of persons permitted in the premises at any one time (excluding staff) shall not exceed:-  
Ground Floor –
12. 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 preceding 31 day period.
13. 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 are 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.
14. 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.
15. Where the provision of food and/or drink includes delivery to the customer, the licence holder shall ensure that specific procedures are in place and that the activity does not cause nuisance at or near to the premises.
16. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

17. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
18. All windows and external doors shall be kept closed after 22:00 hours except for the immediate access and egress of persons.
19. All outside tables and chairs shall be rendered unusable by 22:00 each day.
20. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
21. No rubbish, including bottles, shall be removed or placed in an outside area between 23:00 hours to 07:00 hours, Monday to Friday, and 23:00 hours to 08:00 hours, Saturday and Sunday.
22. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before collection time.
23. 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.
24. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
25. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
26. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
27. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

28. 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.

**Conditions proposed by the Police (agreed by applicant)**

29. 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.

**Conditions proposed by the Environmental Health**

Residential Map and List of Premises in the Vicinity

