



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	30 October 2017
Licensing Ref No:	17/09470/LIPV - Premises Licence Variation
Title of Report:	19 Ganton Street London W1F 9BN
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 1884 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>	24 August 2017		
<b>Applicant:</b>	Lars Pasta Ltd		
<b>Premises:</b>			
<b>Premises address:</b>	19 Ganton Street London W1F 9BN	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	Yes
<b>Premises description:</b>	The premises currently operates as a restaurant.		
<b>Variation description:</b>	<p>According to the application, the applicant is seeking to vary the premises licence to 1)to change the layout which includes:</p> <ul style="list-style-type: none"> <li>a)Changes to WC configuration</li> <li>b)Changes to position of servery and addition of bar area</li> <li>c)Changes to situation of kitchen</li> <li>d)Addition of banquette seating</li> <li>e)Change to situation of entrance/exit</li> <li>f)Changes to back of house areas</li> </ul> <p>and to increase the internal capacity from 60 covers to 70.</p>		
<b>Premises licence history:</b>	The premises currently benefits from a premises licence (17/03301/LIPN) which can be found at Appendix 4 of the report.		
<b>Applicant submissions:</b>	None		
<b>Plans</b>	Plans are available upon request to the Licensing Authority and will be available at the Licensing Sub-Committee.		

1-B Current and proposed licensable activities, areas and hours			
<b>Regulated Entertainment (Indoors)</b>			
<b>Playing of recorded music</b>			
	<b>Current Hours</b>		<b>Proposed Hours</b>
	<b>Start:</b>	<b>End:</b>	
<b>Monday</b>	10:00	23:30	No Change
<b>Tuesday</b>	10:00	23:30	
<b>Wednesday</b>	10:00	23:30	
<b>Thursday</b>	10:00	23:30	
<b>Friday</b>	10:00	00:00	
<b>Saturday</b>	10:00	00:00	
<b>Sunday</b>	12:00	22:30	

<b>Late night refreshment</b>				
<b>Indoors, outdoors or both</b>			<b>Current :</b>	<b>Proposed:</b>
			Indoors	No change
	<b>Current Hours</b>		<b>Proposed Hours</b>	
	<b>Start:</b>	<b>End:</b>	No Change	
<b>Monday</b>	23:00	23:30		
<b>Tuesday</b>	23:00	23:30		
<b>Wednesday</b>	23:00	23:30		
<b>Thursday</b>	23:00	23:30		
<b>Friday</b>	23:00	00:00		
<b>Saturday</b>	23:00	00:00		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>		<b>Proposed:</b>	
	From the end of permitted hours on New Year's Eve to the start of permitted hours 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>
			Both	No Change
	<b>Current Hours</b>		<b>Proposed Hours</b>	
	<b>Start:</b>	<b>End:</b>	No Change	
<b>Monday</b>	10:00	23:30		
<b>Tuesday</b>	10:00	23:30		
<b>Wednesday</b>	10:00	23:30		
<b>Thursday</b>	10:00	23:30		
<b>Friday</b>	10:00	00:00		
<b>Saturday</b>	10:00	00:00		
<b>Sunday</b>	12:00	22:30		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>		<b>Proposed:</b>	
	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		No Change	

<b>Hours premises are open to the public</b>			
	<b>Current Hours</b>		<b>Proposed Hours</b>
	<b>Start:</b>	<b>End:</b>	
<b>Monday</b>	10:00	00:00	No Change
<b>Tuesday</b>	10:00	00:00	
<b>Wednesday</b>	10:00	00:00	
<b>Thursday</b>	10:00	00:00	
<b>Friday</b>	10:00	00:30	
<b>Saturday</b>	10:00	00:30	
<b>Sunday</b>	12:00	23:00	

<b>1-C Change of layout</b>
<p>The variation application is to make the various changes listed below at the premises which include:</p> <ul style="list-style-type: none"> <li>a) Changes to WC configuration</li> <li>b) Changes to position of servery and addition of bar area</li> <li>c) Changes to situation of kitchen</li> <li>d) Addition of banquet seating</li> <li>e) Change to situation of entrance/exit</li> <li>f) Changes to back of house area</li> </ul>
<p><b>Licensable Area</b></p> <p>No changes have been sought by the applicant to the current Ground Floor licensable area</p>

## **2. Policy & Guidance**

<b>The following policies within the City Of Westminster Statement of Licensing Policy apply:</b>	
Policy HRS1 applies:	<ul style="list-style-type: none"> <li>(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.</li> <li>(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.</li> </ul>
Policy CIA1 applies:	<ul style="list-style-type: none"> <li>(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.</li> </ul>

Policy RNT2 applies:	(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.  Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.
Policy PB2 applies:	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.

### 3. Representations

<b>3-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	The Licensing Authority
<b>Representative:</b>	Mr David Sycamore
<b>Received:</b>	21 <sup>st</sup> September 2017
<p>I write in relation to the application submitted for a variation of a Premises Licence for the following premises –</p> <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>The premises is located within the West End Cumulative Impact and as such a number of policy points must be considered.</p> <p>The premises currently falls within policy RNT2 and it must demonstrate how the additional 10 people will not add to the cumulative impact area. The currently licence has hours that allow customers to stay on the premises outside of core hours, whilst we accept that the licensable</p>	

activities are in line with core hours. No additional information has been received which addresses the policy concerns and we ask that this is addressed by the submission to address the above concerns.

Please accept this as a formal objection and we look forward to receiving documents as soon as possible.

<b>Responsible Authority:</b>	The Environmental Health Service ( <b>withdrawn</b> )
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<b>Representative:</b>	Mr Anil Drayan
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<b>Received:</b>	20 <sup>th</sup> September 2017
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I refer to the application to vary the Premises Licence, 17/07266/LIPVM, for the above premises which is located in the West End Cumulative Impact Area.

The applicant has submitted new Ground Floor plans, drawing title: 713PGS\_100\_GA\_PL dated 17.08.17.

**The applicant is seeking the following:**

1. Change layout in accordance with the submitted plans
2. Increase the internal capacity from 60 to 70 covers

**I wish to make the following representations based on the submitted plans and operating schedule:**

1. The changes in layout may adversely impact on Public Safety and may lead to an increase in Public Nuisance in the Cumulative Impact Area
2. The increase in capacity may adversely impact on Public Safety and may lead to an increase in Public Nuisance in the Cumulative Impact Area

The applicant sought pre-application advice on the proposed changes and increase in capacity which included site visits to the premises. On further consideration Environmental Health agrees the Public Nuisance Public Safety licensing objectives have been met and is minded to withdraw its representations.

However the plans provided with this variation application appear to differ slightly from that submitted for the pre-application advice, e.g. the submitted plans for the variation appear to show no lobby to the staff WC accommodation – there needs to be such a lobby for compliance with Food Hygiene standards.

***Nevertheless Environmental Health will agree to withdraw its representations if the applicant agrees to replace the ‘works condition’ numbered 18 on the current licence 17/07266/LIPVM, with the following wording:***

- *The variation of this premises licence 17/09470/LIPV will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from this licence by the licensing authority. If there are minor layout changes during course*

*of construction new plans shall be deposited with the licensing authority when requesting removal of this condition.*

***The Environmental Health Service has withdrawn their representation as the applicant has agreed to their proposed condition***

#### **4. Appendices**

<b>Appendix 1</b>	Applicant supporting documents
<b>Appendix 2</b>	Premises history
<b>Appendix 3</b>	Proposed conditions
<b>Appendix 4</b>	Existing Licence
<b>Appendix 5</b>	Pre-Application Report
<b>Appendix 6</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Miss Yolanda Wade Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 1884 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	April 2017
<b>4</b>	Application Form	24 <sup>th</sup> August 2018
	The Licensing Authority Representation	21 <sup>st</sup> September 2017
<b>6</b>	The Environmental Health Service Representation- <b>withdrawn</b>	20 <sup>th</sup> September 2017

(None)



**Licence & Appeal History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
<b>17/03301/LIPN</b>	Application for a new premises licence	15.05.2017	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 the 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**

- 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,
  - (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, 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. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry 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.
- 11. 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.

12. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
13. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance
14. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received
  - (d) any incidents of disorder
  - (e) any faults in the CCTV system or searching equipment or scanning equipment
  - (f) any refusal of the sale of alcohol
  - (g) any visit by a relevant authority or emergency service.
15. No striptease, no nudity and all persons to be decently attired at all times except when the premises are operating under the provision of a Sexual Entertainment Venue Licence.
16. Notices shall be prominently displayed at exits requesting the patrons to respect the needs of local residents and businesses and to leave the area quietly.
17. The number of persons permitted on the premises at any one time (excluding staff) shall not exceed 60 persons.
18. No licensable activities shall take place at the premises until the premises has 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.
19. No licensable activities shall take place at the premises until premises licence 17/00557/LIPT and 17/01442/LIPT (or such other number subsequently issued for the premises) has been surrendered and is incapable of resurrection.
20. Save for persons using the external seating areas, 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.
21. 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

**Conditions proposed by Environmental Health and agreed by the applicant**

22. The variation of this premises licence 17/09470/LIPV will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from this licence by the licensing authority. If there are minor layout changes during course of construction new plans shall be deposited with the licensing authority when requesting removal of this condition.

# Copy of the premises licence

Appendix 4



**City of Westminster**  
64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part A

WARD: West End  
UPRN: 100023471202

Premises licence

Regulation 33, 34

Premises licence number:

17/03301/LIPN

Original Reference:

17/03301/LIPN

## Part 1 – Premises details

### Postal address of premises:

17 Ganton Street  
London  
W1F 9BN

Telephone Number: Not supplied

### Where the licence is time limited, the dates:

Not applicable

### Licensable activities authorised by the licence:

Playing of Recorded Music  
Late Night Refreshment  
Sale by Retail of Alcohol

### The times the licence authorises the carrying out of licensable activities:

#### Playing of Recorded Music

Monday to Thursday: 10:00 to 23:30  
Friday to Saturday: 10:00 to 00:00  
Sunday: 12:00 to 22:30

#### Late Night Refreshment

Monday to Thursday: 23:00 to 23:30  
Friday: 23:00 to 00:00  
Saturday: 23:00 to 00:00

#### Sale by Retail of Alcohol

Monday to Thursday: 10:00 to 23:30  
Friday to Saturday: 10:00 to 00:00  
Sunday: 12:00 to 22:30

### The opening hours of the premises:

Monday to Thursday: 10:00 to 00:00  
Friday to Saturday: 10:00 to 00:30  
Sunday: 12:00 to 23:00



**Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:**

On and Off Sales

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Shaftesbury AV Ltd  
22 Ganton Street  
London  
W1F 7FD

**Registered number of holder, for example company number, charity number (where applicable)**

09379734

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:**

**Name:** TBC

*Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.*

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:**

**Licence Number:**  
**Licensing Authority:**

**Date:** 7<sup>th</sup> June 2017

**This licence has been authorised by Miss Heidi Lawrance on behalf of the Director - Public Protection and Licensing.**

## 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.
- (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.
- (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.
- (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

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,
  - (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, 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. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry 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.
11. 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.
12. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
13. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance
14. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
- (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received
  - (d) any incidents of disorder
  - (e) any faults in the CCTV system or searching equipment or scanning equipment
  - (f) any refusal of the sale of alcohol
  - (g) any visit by a relevant authority or emergency service.
15. No striptease, no nudity and all persons to be decently attired at all times except when the premises are operating under the provision of a Sexual Entertainment Venue Licence.
16. Notices shall be prominently displayed at exits requesting the patrons to respect the needs of local residents and businesses and to leave the area quietly.
17. The number of persons permitted on the premises at any one time (excluding staff) shall not exceed 60 persons.

18. No licensable activities shall take place at the premises until the premises has 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.
19. No licensable activities shall take place at the premises until premises licence 17/00557/LIPT and 17/01442/LIPT (or such other number subsequently issued for the premises) has been surrendered and is incapable of resurrection.
20. Save for persons using the external seating areas, 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.
21. 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

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

Not applicable







**City of Westminster**  
64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part B

WARD: West End  
UPRN: 100023471202

Premises licence  
summary

Regulation 33, 34

Premises licence number:

17/03301/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

17 Ganton Street  
London  
W1F 9BN

**Telephone Number:** Not supplied

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Playing of Recorded Music  
Late Night Refreshment  
Sale by Retail of Alcohol

**The times the licence authorises the carrying out of licensable activities:**

**Playing of Recorded Music**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30

**Late Night Refreshment**

Monday to Thursday:	23:00 to 23:30
Friday:	23:00 to 00:00
Saturday:	23:00 to 00:00

**Sale by Retail of Alcohol**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30

**The opening hours of the premises:**

Monday to Thursday:	10:00 to 00:00
Friday to Saturday:	10:00 to 00:30
Sunday:	12:00 to 23:00

**Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:**

On and Off supplies

**Name and (registered) address of holder of premises licence:**

Shaftesbury AV Ltd  
22 Ganton Street  
London  
W1F 7FD

**Registered number of holder, for example company number, charity number (where applicable)**

09379734

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:**

**Name:**

**State whether access to the premises by children is restricted or prohibited:**

Restricted

**Date:** 7<sup>th</sup> June 2017

**This licence has been authorised by Miss Heidi Lawrance on behalf of the Director - Public Protection and Licensing.**

**Copy of Pre-Application Report**

City of Westminster

Office Name: Anil Drayan  
 Designation: EHO  
 Date: 7/08/17  
 Contact number: 020 7641 1774  
 Email: [adrayan@westminster.gov.uk](mailto:adrayan@westminster.gov.uk)  
 Signed: Anil Drayan  
 WCC Uniform Ref Number:  
 17/08003/PREAPM

<b>Trading name of business and Address:</b> 19 Ganton Street,		
<b>Existing License:</b> 17/03301/LIPN	<b>Applicant/solicitor:</b> Alun Thomas Thomas & Thomas Partners Llp	<b>Is Premises in a Cumulative Impact Area (CIA) :</b> Yes
<b>Type of Business:</b> Restaurant		
<b>Current Area:</b> Not used - under refurbishment		
<b><u>Pre application advice purpose:</u></b>		
<i>Pre-Application Licensing Advice request:</i>		
<i>We act for the premises licence holder and refer further to the licence above.</i>		
<i>We enclose Drawing no. 713PGS_100_GA.</i>		
<i>Advice is required for a change of layout and change of sanitary requirements.</i>		
<i>Revised drawing no. 1178 /101 Rev T2</i>		
<b><u>The main Environmental Health considerations to the proposal as submitted are the following:</u></b>		
<b>1. Westminster's Statement of Licensing policy.</b>		
<ul style="list-style-type: none"> <li>i. Environmental Health bases any recommendations on achieving compliance with Westminster's Statement of Licensing Policy as well as being consistent with promoting the Licensing objectives.</li> </ul> <p>The advice in this report should be read in conjunction with the policy, particularly as the premises is in a CIA, which can be found on the Council's website at the following link:</p> <p><a href="https://www.westminster.gov.uk/statement-licensing-policy">https://www.westminster.gov.uk/statement-licensing-policy</a></p>		

- ii. In addition this link gives access to the list of **Model Conditions** (MC) which should be used as the basis for any conditions that may be proposed in an operating schedule.

## 2. Environmental Health comments on the proposed variation application:

- i. With regards to the provision of sanitary accommodation one of the reasons for a CIA as stated in the Policy (page 137) is;
  - *'(e) The fouling of doorways, alleyways and streets, which in addition to being antisocial, has consequences for public safety and health (Public Safety and Public Nuisance).'*

Environmental Health therefore requires that any variation application should not result in the provision of sanitary accommodations for the public to be reduced below the minimum provision as stated in British Standard 6465 - 1:2006 + A1:2009; Sanitary installations – Part 1: Code of practice for the design of sanitary facilities and scale of provision of sanitary and associated appliances: Table 10; restaurants and other places where seating is provided for eating and drinking.

- The provision on the current licence 17/03301/LIPN is 1 male WC + 2 urinals, 2 female WC's and 1 disabled and has a capacity of 60 (*please note -this provision could allow for upto 120 if disabled is counted as part of the female provision*)
- The proposals in the pre-app plan (as shown in drawing no. 1178 /101 Rev T2) appears to **reduce** the provision to 3 unisex + 1 disabled.
- In accordance with Table 10 of BS6465 this reduction in provision would allow for a capacity of 60 (ie by equating the proposals to 2 of the unisex equivalent to 2 male WC's no urinals and the other unisex and disabled as equivalent to 2 Female WC's)

In order to allow for a capacity of 90 Environmental Health advise that at least **one additional** unisex facility needs to be provided ( Environmental Health do not normally advise that unisex facilities are acceptable due to issues of Public Safety that have arisen in 'bar' led premises. However in this case unisex facilities are acceptable as this is clearly a 'restaurant' operation'.)

Looking at the plan, drawing no. 1178 /101 Rev T2, the storage room off the back of house kitchen nearest the existing sanitary block **appears it could be converted** as an additional unisex facility.

- ii. The changes in layout (as shown in drawing no. 1178 /101 Rev T2) and increase in capacity are acceptable with regards to Public Safety considerations.

As the premises are in the CIA any variation to increase capacity is likely to require that such a request would be a matter for the Licensing – sub Committee for determination and any applicant will need to demonstrate that this will not add to cumulative impact.

**Should you wish to discuss the matter further or seek further clarification or information please do not hesitate to contact me.**

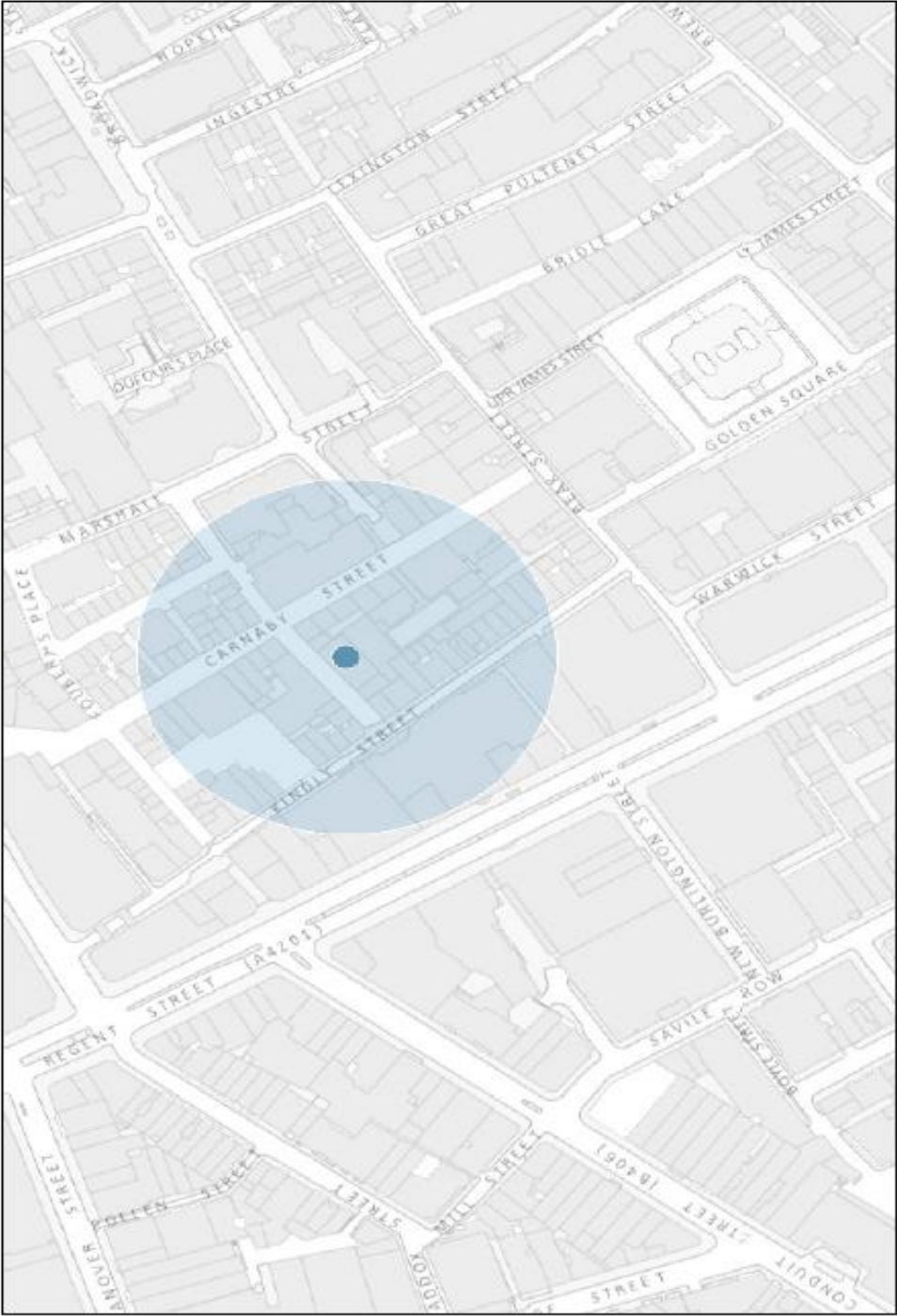
**Anil Drayan**

**Environmental Health Officer,**

**EH Consultation Team**

Please note that any advice given will not guarantee that your application will be granted by the Licensing Service and the Environmental Health Consultation Team may still choose to make a representation to the application submitted.

19 Ganton Street



October 20, 2017

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Resident Count: 24