

# Licensing Sub-Committee Report

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|--------------------|--|
| Item No:           |  |
| Date:              | 15 February 2018   |
| Licensing Ref No:  | 17/14687/LIPN - New Premises Licence                             |
| Title of Report:   | Boxcar Butchers Limited<br>7A Wyndham Place<br>London<br>W1H 1PN |
| Report of:         | Director of Public Protection and Licensing                      |
| Wards involved:    | Bryanston And Dorset Square                                      |
| Policy context:    | City of Westminster Statement of Licensing Policy                |
| Financial summary: | None   |
| Report Author:     | Ms Daisy Gadd<br>Senior Licensing Officer                        |
| Contact details    | Telephone: 0207 641 2737<br>Email: dgadd@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> | 12 December 2017  |                                |                             |
| <b>Applicant:</b>                 | Boxcar Butchers Limited   |                                |                             |
| <b>Premises:</b>                  | Boxcar Butchers Limited   |                                |                             |
| <b>Premises address:</b>          | 7A Wyndham Place<br>London<br>W1H 1PN   | <b>Ward:</b>                   | Bryanston and Dorset Square |
|                                   |   | <b>Cumulative Impact Area:</b> | None                        |
| <b>Premises description:</b>      | According to the application the premises will operate as a food store with restaurant and café.                            |                                |                             |
| <b>Premises licence history:</b>  | This is an application for a new premises and therefore no history exists.  |                                |                             |
| <b>Applicant submissions:</b>     | None  |                                |                             |
| <b>Plans:</b>                     | Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee. |                                |                             |

| 1-B Proposed licensable activities and hours      |            |   |            |                                  |            |            |            |
|---|------------|---|------------|----------------------------------|------------|------------|------------|
| <b>Late Night Refreshment:</b>                    |            |   |            | <b>Indoors, outdoors or both</b> |            |            | Indoors    |
| <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      |            |
| <b>End:</b>                                       |            |   |            |                                  | 23:30      | 23:30      |            |
| <b>Seasonal variations/ Non-standard timings:</b> |            | <p>From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.</p> <p>Sundays immediately prior to Bank Holidays from 23:00 to 23:30.</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      | 12:00      |
| <b>End:</b>                                       | 23:00      | 23:00  | 23:00      | 23:00                           | 23:30      | 23:30      | 22:00      |
| <b>Seasonal variations/ Non-standard timings:</b> |            | <p>From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.</p> <p>On Sundays immediately prior to Bank Holidays from 12:00 to 23:30.</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 | 09:00 |
| <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>On Sundays immediately prior to Bank Holidays from 09:00 to 00:00.</p> <p>From the end of permitted hours on New Year's Eve 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>   | Metropolitan Police Service ( <b>Withdrawn</b> ) |
| <b>Representative:</b>  | PC Caroline Cockshull                            |
| <b>Received:</b>  | 3 <sup>rd</sup> January 2018                     |
| <p>I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be making a representation against this 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.</p> <p>We have listed the additional conditions we could like to see on the Premises Licence. If these are agreed to we would be willing to withdraw our representation:</p> <ol style="list-style-type: none"> <li>1. No more than 15% of the sales area shall be used at any one time for the sale, exposure of sale, or display of alcohol</li> <li>2. The supply of alcohol shall be by waiter or waitress service only.</li> <li>3. There shall be no self service of spirits on the premises save for spirit mixes less than 5.5% ABV</li> <li>4. No super strength beer, lagers, ciders or spirit mixtures of 5.5% ABV or above shall be sold at the premises.</li> </ol> <p><b><i>Following the agreement of conditions the MET Police have withdrawn their representation.</i></b></p> |  |

|                               |  |
|-------------------------------|--|
| <b>Responsible Authority:</b> | Environmental Health Consultation Team |
| <b>Representative:</b>        | Mr Anil Drayan                         |
| <b>Received:</b>              | 5 <sup>th</sup> January 2018           |

The applicant has submitted a plan of the premises showing the Ground Floor and Lower Ground Floor, drawing no 1852(PL) 003, revision B, dated 31.10.17.

**The following licensable activities are being sought:**

1. To provide for the Supply of Alcohol 'On' and 'Off' the premises between 10:00 and 23.00 Monday to Thursday, 10:00 and 23.30 Friday and Saturday and 12:00 and 22:00 Sunday. Also on Sundays immediately prior to Bank Holidays from 12:00 to 23:30 and from end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.
2. To provide Late Night Refreshment 'indoors' between 23:00 and 23.30 Friday and Saturday. Also on Sundays immediately prior to Bank Holidays from 23:00 to 23:30 and from end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

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

1. The hours requested for and the Supply of Alcohol 'On' and 'Off' the premises may lead to an increase in Public Nuisance in the area
2. The hours requested for and the provision of Late Night Refreshment may lead to an increase in Public Nuisance in the area

Environmental Health also makes the following further comments:

- i. Some conditions have been offered in the operating schedule and these are under consideration if they address all Environmental Health concerns e.g. the opening hours are longer than the licensable hours and it is unclear how the retail display of alcohol for off sales is to be controlled.
- ii. It is also unclear from the application if the premises have already undergone refurbishment for the proposed use. Nevertheless, it will need to be inspected for Public Safety prior to commencement of the licensable activities.
- iii. The premises will also need to be assessed for its food preparation/cooking facilities in order to evaluate whether Public Nuisance may arise from odour and/or from the operation of any plant and machinery. The applicant is therefore also advised of the following considerations:
  - If the premise does not already have planning A3 (or Sui Generis) Use that permits hot food and drink then the applicant is advised that it is also likely to require a subsequent planning change of use. Advice on this should be sought from our

Planning Department.

- The applicant is further advised that any planning application for a change of use to convert an existing premises to a new hot food premises is unlikely to be granted if the methods of prevention of nuisance from cooking odour from the kitchen extract ventilation do not consist either of a system that discharges at 'full height' or operates utilising an 'approved recirculation' system. I can provide, if necessary, further information on this.
  - The applicant is, nevertheless, also advised that the planning status of the premises will not be a material consideration as to whether any Premises License should be granted. Conversely, under planning legislation, the approval of a Premises License does not provide automatic grounds for the planning status to also be changed.
- iv. The provision of sanitary accommodation for any proposed capacity is advised to be in line with British Standard 6465 so as to help prevent an increase in Public Nuisance in the area. In addition, compliance with guidance to Food Hygiene legislation will also require separate facilities for staff if the overall capacity at the premises is more than 25 persons.

The applicant is therefore requested to contact the undersigned to discuss the above issues and to arrange a site visit after which Environmental Health may propose additional conditions for the proposed use.

#### **Further submission submitted on 2 February 2018**

I refer to the application for a new premises licence for the above premises and further to my memo dated 5 January 2018.

A site visit was subsequently carried out and this showed the premises has not yet undergone refurbishment for the proposed use. The premises is sited in a block with commercial premises to the side and immediately above it.

During the visit the applicant explained the proposed operation in more detail by stating that the premises will predominantly run as a retail shop with a small delicatessen operation so that the premises shall retain its planning A1 Use category with the intention to have upto 4 to 6 seated inside and upto 6 to 8 seated outside on the private forecourt, weather permitting.

Nevertheless, advice was given to the applicant to seek guidance from the Planning Department to ensure the proposed operation retained its planning use category.

**2-B Other Persons****Received:** 10<sup>th</sup> January 2018

I object to this application for the following reasons:

1. No 24 hour licences should be granted for Bank Holidays and New Year's Eve. This restaurant is surrounded by homes some elderly this will be a nuisance to all - Bank Holidays are for rest and enjoyment not on edge anticipated issues. There have and are on-going issues with anti-social behaviour especially noise from other restaurants and pubs in the area.

2. Noise from outdoor seating between 2100 - 2300. All outdoor seating should be removed by 2100hrs as this is a residential area.

3. Health and Safety any outdoor seating would be a serious restriction to pedestrians being able to walk safely along the pavement. A quick estimate suggests there is less than 3 feet of council pavement between the end of any potential outdoor furniture due to a lamp post and bollards. How will pavement users especially parents with pushchairs or others with mobility issues using motorised scooters get by any table and chairs without incident.

Boxcar Butchers need to provide further information which will demonstrate how they will prevent accidents if they have outdoor seating.

Westminster City Council need to visit and measure the distances to make sure no DDA issues arise from this application.

4. Boxcar Butcher must clearly demonstrate how they will prevent their patrons using the adjoining Square to drink and smoke which repeatedly occurred when the Duke of Wellington was in operation - there was a broken bottle and glasses constantly outside our apartment. Boxcar are much closer than the Duke of Wellington and this will be a bigger issue.

Finally, please, please for once consider residents and pavement users when reviewing this application as too often they are not thought of.

**Received:** 10<sup>th</sup> January 2018

Although the address of the property in question is 7A Wyndham Place the principal aspect of the property faces onto Crawford Street. I live on 95 Crawford Street, in a flat directly opposite the subject premises.

My objection falls under the heading "prevention of public nuisance".

Until its closure in 2016, the Duke of Wellington pub at 94A Crawford Street (also directly opposite the property in question) had tables outside the front of the pub. As the pavement from the front of the pub to the edge of the curb was only 12 feet, 10 inches, passers by were very frequently forced to step off the curb and onto the roadway to get past the pub in either direction. As your Annex A, paragraphs 11 and 12 refer to outside tables, and the distance from the front of the subject premises to the edge of the curb is shorter (10 feet, 8 inches) than that at the Duke of Wellington, I am concerned that there will be a similar problem of restricted passage for passers by along the pavement. The existing bollards along the edge of the pavement will only exacerbate the problem.

**Received:** 5<sup>th</sup> January 2018

The suggested opening hours are not acceptable. This is a residential area and opening the outlet till midnight -or late night will disturb residents- specially children and elderly. Other commercial outlets do not have these extended opening hours and we strongly oppose setting new standards.

**Received:** 5<sup>th</sup> January 2018

The entrance to the premises are on Crawford Street opposite a pub which has been closed for about 18 months. Some residents on Crawford Street have received letters from the council about the reopening of both these premises. Myself and other residents of Clarewood Court have not received any information from the council. We ask why not?

With respect to 7A Wyndham Place.

1.) This whole area is very definitely residential with houses and flats in Wyndham Place and flats above practically every commercial property on Crawford Street.

Consequently I am of the opinion that the late opening hours in this application are not appropriate to this area. Late opening involves noise which becomes more disturbing as day time activities cease.

2.) I believe the opening hours in this application are for longer periods than other competing or similar premises in this part of Crawford Street. Opening at 08.00 and closing at midnight on two nights a week is and at 23.30 on four others is risking submitting residents to excessive noise at both ends of the day.

If the opening hours in the application are granted this could lead to a distortion of competition and/or a flood of applications for similar hours from other licensed activities.

3.) "All outside tables and chairs shall be rendered unusable by 23.00 each day." This time is far to late for people to be sitting outside immediately underneath peoples bedroom windows.

No mention is made of when tables may be set up outside. If the shop is to open at 08.00 some thought should be given to residents who would be disturbed as the tables would have to be set up outside even earlier if service is to start when the shop opens.

4.) I am not against Sunday trading but believe the hours in the application are excessive.

5.) Late hour trading tends to bring with it more motor traffic and the added noise, including the talking and slamming of car doors, is a nuisance.

**Received:** 22<sup>nd</sup> December 2017

I object strongly to the proposed hours you are suggesting. There were numerous issues with the previous establishment. Bit by bit Crawford Street is becoming more like the very undesirable Edgware Road. You have already permitted the downmarket Twist restaurant to open that is a constant cause for concern with its customers standing outside the restaurant in droves shouting smoking and generally causing a nuisance 6 days/eve per week. In addition, Basilico Pizza with it's staff hanging about outside their

establishment causing a nuisance. We were assured they would be eco friendly and would ride bicycles however we all knew this would be short lived and within no time at all they are now all driving scooters recklessly and leaving the engines running causing a terrible noise late at night. The granting of another establishment selling liquor 7 days per week as you suggest is unacceptable. This is mainly a residential area and therefore it is unacceptable to propose a licence 7 days per week. Further, Fri and Sat eve should be restricted to 23:00 and no later and Sunday closed.

**Received:** 8<sup>th</sup> January 2018

Further to my earlier submission I wish to make one correction.

I referred to residents on Crawford Street having received a letter from the council about the Duke of Wellington Pub. This is not correct but arose due to some local residents assuming that as food and the sale of alcohol was involved the application did refer to the Duke of Wellington. The only letter received referred to 7A Wyndham Place.

With reference to the time by which tables must be cleared away. The Larrik Pub on Crawford Street has a sign in its windows advising customers that the tables outside may not be used after 9pm.

**Received:** 8<sup>th</sup> January 2018

Reference the application by Boxcar Butchers Ltd I have no objection to this application per say but living in Clarewood Court obliquely opposite the proposed site I have strong objection to the requested late opening hours for the sale of alcohol.

1. The address for the application lies in a largely residential area. Furthermore is adjacent to a school and abuts St Mary's Church Sq.

2. A late night alcohol licence is very likely to generate noise and unruly behaviour up until closing time and as experienced with other nearby restaurants noise well after the official closing time.

I strongly recommend that should the licence be granted then it should be allowed only until 2200hrs with no Sunday opening and with outdoor seating denied.

3. The problem is made acute with a likely application by the Duke of Wellington site, which has been empty for months but is now rumoured for reopening, and if two licence premises directly opposite each other have late night licenses it will make life intolerable for Crawford St and abounding residential homes.



### 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.<br><br>(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 PB1 applies:</b>   | Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.  |

### 4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

## 5. Appendices

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

|                       |   |
|-----------------------|---|
| <b>Report author:</b> | Ms Daisy Gadd<br>Senior Licensing Officer                   |
| <b>Contact:</b>       | Telephone: 0207 641 2737<br>Email: dgadd@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  | 12 <sup>th</sup> December 2017 |
| <b>5</b>  | Representation – Environmental Health                               | 5 <sup>th</sup> January 2018   |
| <b>6</b>  | Representation – MET Police   | 3 <sup>rd</sup> January 2018   |
| <b>7</b>  | Representation – resident   | 10 <sup>th</sup> January 2018  |
| <b>8</b>  | Representation – resident   | 10 <sup>th</sup> January 2018  |
| <b>9</b>  | Representation – resident   | 5 <sup>th</sup> January 2018   |
| <b>10</b> | Representation – resident   | 8 <sup>th</sup> January 2018   |
| <b>11</b> | Representation – resident   | 22 <sup>nd</sup> December 2017 |
| <b>12</b> | Representation – resident   | 8 <sup>th</sup> January 2018   |

**Applicant Supporting Documents**

**None Submitted**

**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. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of the local resident and use of the area quietly.
10. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
11. 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.

### **Environmental Health have proposed to amend condition 11 to the following:**

A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

12. 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.
13. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00hours and 08:00hours on the following day.

### **Environmental Health have proposed to amend condition 13 to the following:**

No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23:00) hours and (08:00) hours on the following day unless collections are arranged during the times for the Council's own commercial waste collection service for the street.

14. All waste shall be properly present and placed out for collection no earlier than 30 minutes before the schedule collection time.
15. 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.
16. 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.
17. 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.



18. 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.
19. Save for off-sales in sealed containers for consumption away from the immediate proximity of the premises, alcohol consumed shall only be by patrons seated at tables.
20. All outside tables and chairs shall be rendered unusable by 23.00 each day.

**Conditions proposed by the Police and agreed with the applicant and so as to be incorporated within the operating schedule**

21. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale or display of alcohol.
22. Waiter or waitress service shall be available at all times alcohol is available for onsite consumption.
23. There shall be no self-service of spirits on the premises save for spirit mixtures less than 5.5% ABV.
24. No super strength beer, lagers, cider or spirit mixtures of 5.5% ABV or above shall be sold at the premises, save for premium brands.

**Conditions proposed by the Environmental Health**

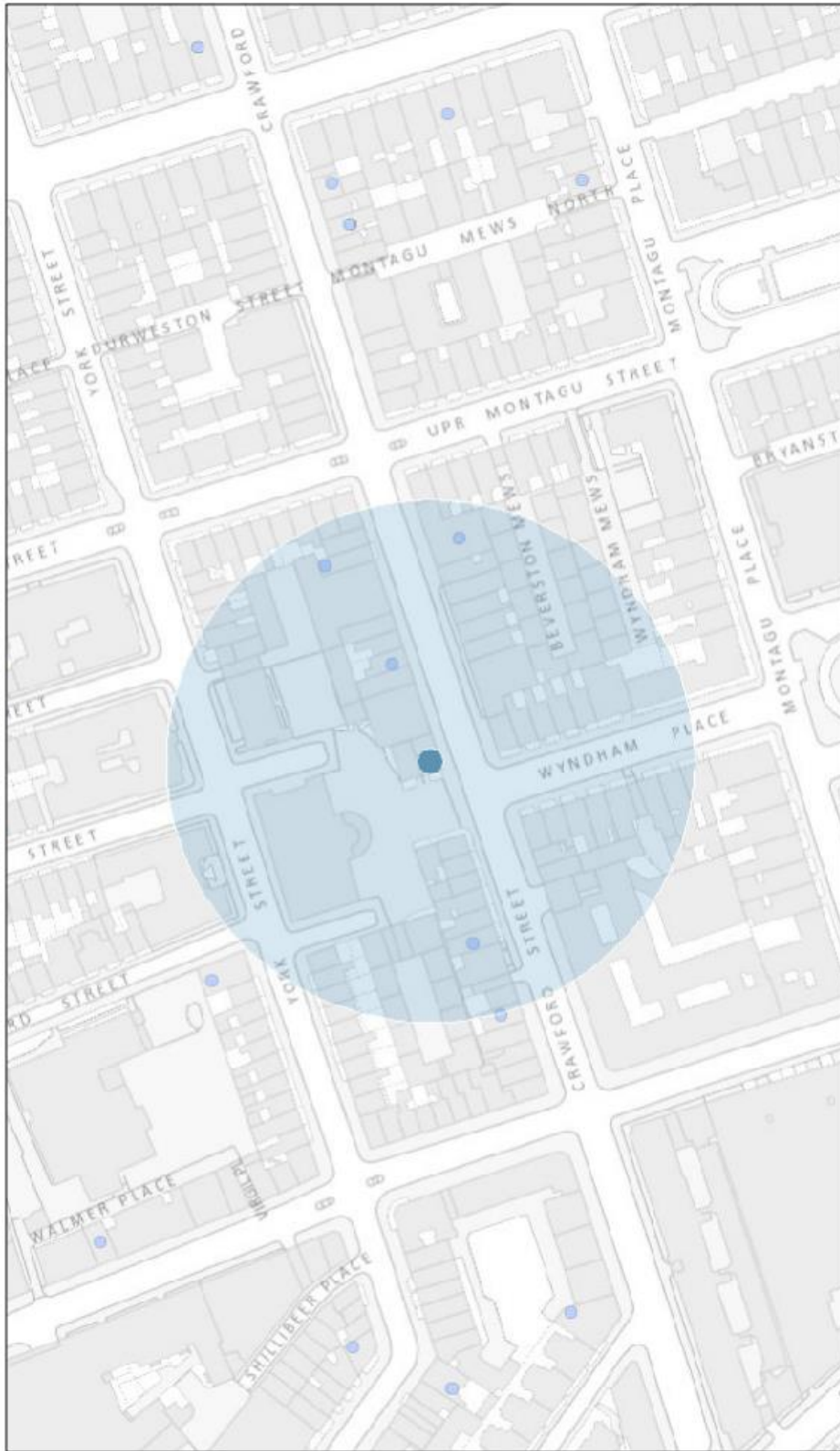
25. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a retail shop and delicatessen.
26. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
27. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
28. The licence holder shall ensure that there will be no obstruction of the public highway from patrons and/or furniture from the premises.
29. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
30. 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.

31. 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. If there are minor changes during the course of construction new plans shall be submitted with the application to remove this condition.

**Residential Map and List of Premises in the Vicinity**

Boxcar Butchers



February 6, 2018

● Live Licensing Act

Resident count = 177

| Licence Number  | Trading Name            | Address   | Premises Type                    | Time Period   |
|-----------------|-------------------------|---|----------------------------------|---|
| 15/10139/LIPV   | Totally Swedish         | Ground 32 Crawford Street London W1H 1LN              | Shop                             | Monday to Tuesday; 10:00 - 18:00   Wednesday; 12:00 - 18:00   Thursday; 10:00 - 20:00   Friday to Saturday; 10:00 - 18:00   Sunday; 12:00 - 16:00 |
| 14/06978/LIPDPS | (Restaurant)            | Basement And Ground 42 Crawford Street London W1H 1JX | Restaurant                       | Monday to Saturday; 09:00 - 00:30   Sunday; 09:00 - 00:00   |
| 15/01453/LIPDPS | Two Point Bar & Kitchen | 26 Crawford Street London W1H 1LL                     | Pub or pub restaurant with lodge | Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00   |
| 16/09201/LIPDPS | Majestic Wine Warehouse | 103-105 Crawford Street London W1H 2HS                | Shop                             | Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30   |