

Licensing Sub-Committee Report

Item No:	
Date:	21 March 2018
Licensing Ref No:	18/00503/LIPN - New Premises Licence
Title of Report:	10A Vauxhall Bridge Road London SW1V 2SD
Report of:	Director of Public Protection and Licensing
Wards involved:	Vincent Square
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1872 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	15 January 2018		
Applicant:	Lebanese Gardens Limited		
Premises:			
Premises address:	10A Vauxhall Bridge Road London SW1V 2SD	Ward:	Vincent Square
		Cumulative Impact Area:	None
Premises description:	According to the application the premises will operate as a restaurant providing hot food and drink and a delivery service to customers.		
Premises licence history:	The application is for a new premises licence so no premises licence history exist.		
Applicant submissions:	<p>The Premises comprise of restaurant and home delivery. The site is situated on a high street.</p> <p>The layout comprises a kitchen, counter and a small seating area. There is a basement with seating area for eating in.</p> <p>Our business is primarily delivery business. With eating area during the day our business operation run by home deliveries through other companies. Our store is adequately staffed and we will not allow individuals to bring/serve alcohol at our premises.</p> <p>We have trained staff and will have on duty Supervisors and Managers.</p>		
Plans	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							
Late Night Refreshment:				Indoors, outdoors or both			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	02:00	02:00	02:00	02:00	02:00	02:00	02:00

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	08:00	09:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Metropolitan Police (<i>withdrawn</i>)
Representative:	PC Sandy Russell
Received:	18 th January 2018
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be objecting to this application. The venue is situated outside Westminster's Cumulative Impact Area, however it is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>We are supporting the Westminster Licensing Policy at this stage but will be in touch in due course to discuss your application further.</p> <p>Further email from the Police to the Applicant</p> <p>I've now had the chance to speak to PC Deweltz. Please can you confirm you agree to have the conditions shown on your application and the additional conditions shown below that I understand you discussed with PC Deweltz but they are not shown on the application added to any future operating schedule?</p> <ul style="list-style-type: none"> 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.

- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- 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) any faults in the CCTV system
- (f) any visit by a relevant authority or emergency service

Upon agreement with the proposed conditions by the Police, the Police have withdrawn their representation to the application.

Responsible Authority:	The Environmental Health Service
Representative:	Mr Anil Drayan
Received:	2 nd February 2018

I refer to the application for a new Premises Licence for the above premises.

The applicant has submitted basement and ground floor plans of the premises, dated Oct 16.

The following licensable activities are being sought:

1. To provide Late Night Refreshment 'indoors' and 'outdoors' between 23:00 to 02:00 hours Monday to Sunday.

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

1. 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 undertakings have been offered in the operating schedule and these are under consideration as to whether they are sufficient to allay Environmental Health concerns. Some of them will in any case need to be converted into enforceable conditions.
- ii. I understand the premises is already currently operating prior to 11pm. Nevertheless, the premises will need to be assessed for its food preparation/cooking facilities in order to evaluate whether Public Nuisance may arise from odour and/or noise from the operation of any plant and machinery if operations are to be permitted to 2am. The applicant is therefore requested to submit a nuisance assessment as advised in Appendix 11 of Westminster's Statement of Licensing policy.
- iii. Clarification is also needed as to whether the licensable hours are for home delivery only or for sit down within the premises as well
- iv. The premises will also need to be inspected for Public Safety prior to commencement of the licensable activities.

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

2-B Other Persons

Received:	9 th February 2018
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The Vincent Square Ward Councillors write to object to the late night refreshment licence applied for on behalf of the Lebanese Garden 10A Vauxhall Bridge Road. We consider that the residential amenity of those living above and around this address will suffer severe detriment. With a number of licensed venues in the locality experience suggests it is likely that customers coming from those venues will buy food at the restaurant late into the night and will create a public nuisance. We think that if approved this would be the only local food outlets offering food till 2am accentuating these issues. Since the restaurant is in the proximity of Pimlico tube station it is also likely that late night revellers returning to the area will frequent the restaurant perhaps in some numbers, there may be safety issues as revellers cross the busy Vauxhall Bridge Road. We wish all local businesses to flourish but in harmony with those living round about.

On behalf of the Vincent Square ward members.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies:	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
Policy FFP1 applies:	Applications will only be granted if it can be demonstrated that the proposal meets 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 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

Appendix 1	Applicant supporting documents
Appendix 2	Premises history
Appendix 3	Proposed conditions
Appendix 4	Residential map and list of premises in the vicinity

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

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2017
4	Application Form	15 th January 2018
5	The Metropolitan Police- representation <i>(withdrawn)</i>	18 th January 2018
6	The Environmental Health Service- representation	2 February 2018
7	Representation	9 th February 2018

Applicant Supporting Documents

Appendix 1

None received from the Applicant

Premises History

Appendix 2

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.

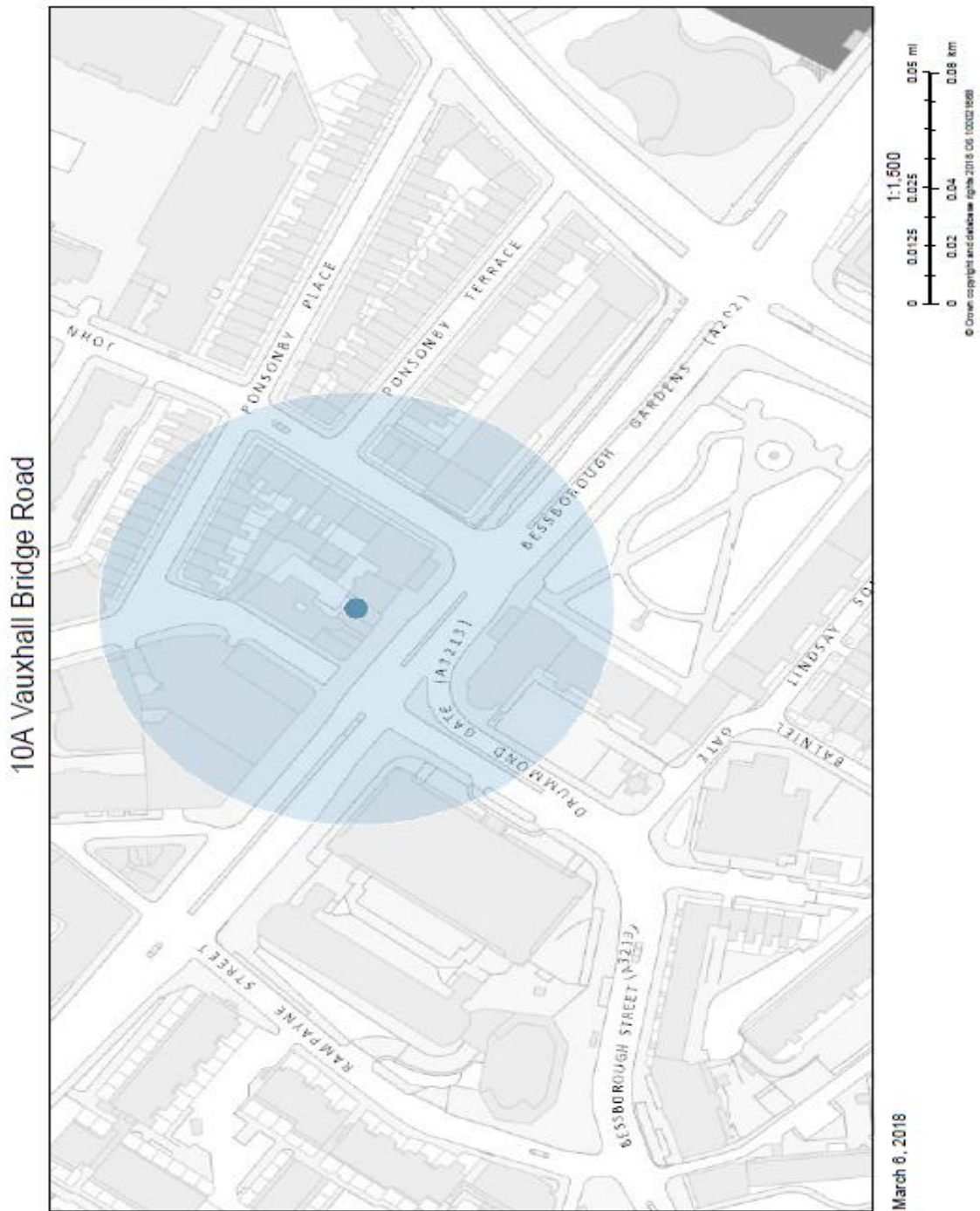
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

9. The premises will not provide any take away service of food or drink for immediate consumption.
10. 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.
11. The premises comply with all requisite health and safety legislation.
12. We carry out regular health and safety risk assessments and are required to do so under the terms of our company.
13. We will keep a booklet for incidents and ensure staff trained and updated with the rules on an annual basis. In the most unlikely event that a great number of people congregate in the premises that is conducive public safety, we will not hesitate to ask people to leave the shop and we will always encourage them to order stakeout which is our primary source of business.
14. Our Doors and windows will be kept closed at night to prevent transmission of noise.
15. Our stores have very few customers who visit to buy our product to take away but those who do visit will be asked to leave the premises quietly and with due consideration for our neighbours.
16. Our delivery drivers are instructed to enter and leave their vehicles quietly and considerably, not to leave engines running to park considerably and at all times have in mind our neighbours (particular the residential.) We would have no hesitation in banning people who visit the store.
17. If any any issues with the drunk and disorderly we will report to the police to remove them.
18. In the likely event we will allow the child to enter and accommodate them while we report to the police.
19. We will keep a record if any incident may arise where a child is harmed. Our staff will be trained to administer Health and Safety protocols.

Conditions proposed by the Police and agreed by the Applicant

20. 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.
21. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
22. 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) any faults in the CCTV system
 - (f) any visit by a relevant authority or emergency service



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Resident Count: 191

DISTANCE	OBJECTID	LicenceNumber	TradingName	Address	PremisesType	TimePeriod
2.008074513	55254	12/04380/LIPN	EMR News	Basement And Ground Floor 10 Vauxhall Bridge Road London SW1V 2SD	Shop	Monday to Sunday; 07:00 - 23:00
34.59382509	58640	17/10206/LIPDPS	White Swan Public House	Flat Above The White Swan 14 Vauxhall Bridge Road London SW1V 2SA	Public house or pub restaurant	Thursday to Saturday; 07:00 - 01:00 Sunday to Wednesday; 07:00 - 00:30