

Licensing Sub-Committee Report

Item No:	
Date:	5 April 2018
Licensing Ref No:	18/01047/LIPN - New Premises Licence
Title of Report:	Ahi Poke 11 Sir Simon Milton Square City Of Westminster London SW1E 5DJ
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
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1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	31 January 2018		
Applicant:	Double Seven Hospitality Ltd		
Premises:	Ahi Poke		
Premises address:	11 Sir Simon Milton Square City Of Westminster London SW1E 5DJ	Ward:	St James's
		Cumulative Impact Area:	None
Premises description:	The premises will operate as a food retail takeaway business with the offer of alcohol been available for off sales.		
Premises licence history:	This is a new premises application so a premises licence history does not exist.		
Applicant submissions:	<p>The premises is part of the new Nova Development over 2 floors. It comprises of a Basement that has office space and a prep kitchen.</p> <p>Ground floor with a service counter and high tables and seating for 16 people.</p> <p>All of the products are takeaway and there is no seating inside of the premises, just 12 seats outside on our demise.</p> <p>The alcoholic item that we are looking to sell is just a beer in a can, no other wines or spirits.</p>		
Plan	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Environmental Health Service
Representative:	Mr Maxwell Kudoah
Received:	7 th March 2018

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

This representation is based on a ground floor plan showing an external seating area submitted with the operating schedule.

The applicant is seeking the following licensable activities:

1. Playing of recorded music “Indoors” Monday to Sunday from 11:30 to 21:00 hours
2. Supply of alcohol for consumption “On & Off” the premises Monday to Sunday from 11:30 to 21:00 hours

I wish to make the following representations:

1. The time requested to play recorded music may have the likely effect of increasing Public Nuisance within the area.
2. The supply of alcohol and the hours requested may have the likely effect of increasing Public Nuisance and impact on Public Safety within the area.

The application makes reference to seating for 16 persons on the ground floor and external area but this has not been adequately shown on the accompanying floor plans.

As presented, the application does not comply with para 6.11 (a) & Table 10 of BS6465-1:2006 as there are no toilet provision for 16 seated persons at the premises. will be discussed further during site visit/meeting.

The applicant has provided some conditions in support of the application which are being considered but do not fully address the concerns of Environmental Health.

The applicant is asked to contact the undersigned to arrange a site visit to assess premises to ensure the premises is satisfactory and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives of Prevention of Public Nuisance and Public Safety.

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 PB1 applies:	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

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	31 st January 2018
5	The Environmental Health Service- representation	7 th March 2018

Applicant Supporting Documents

Appendix 1

None received

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

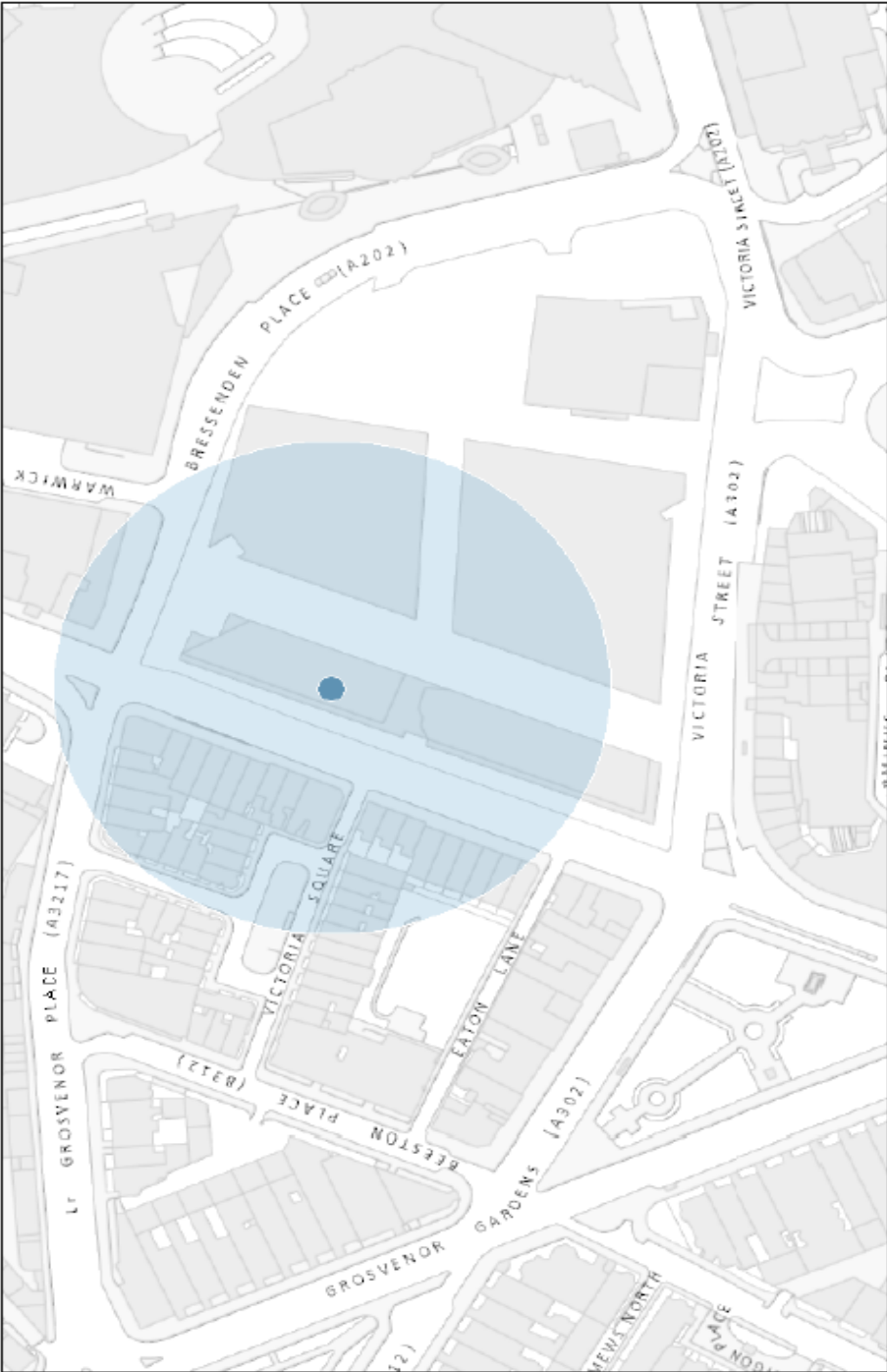
10. The premises have a comprehensive CCTV system. The CCTV system continually recorded whilst the premises are open for licensable activities and during all times when customers remain on the premise.
11. A staff member who is conversant with the operation of the CCTV system shall be on the premises, and made available on request. It 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 seizures of drugs or offensive weapons.
12. All staff employed at the premises will receive safety training to ensure working methods are adopted and staff are trained in evacuation procedures in the event of a fire.
13. When people with disabilities are present, adequate arrangements shall exist to enable their safety evacuation in the event of an emergency.
14. All escape routes that exist shall be kept unobstructed in good order with non slippery and even surfaces.
15. All exit doors whenever the premises are occupied shall be easily openable in the case of an emergency without the use of a key, card or code.
16. A challenge of 25 proof of age scheme shall be operated at the premises where only acceptable forms of ID are recognised identification cards such as driving licence, passport or proof of age cards with the hologram.
17. A record shall be kept detailing the refused sales of alcohol. This record shall be available for inspection by the police or an authorised office of the city council, and staff shall be trained in evacuation procedures in the event of a fire.
18. When people with disabilities are present, adequate arrangements shall exist to enable their safety evacuation in the event of an emergency.
19. Safety checks shall be carried out on a regular basis and these shall correspond with risk assessments and conditions of the licence.
20. All details of the checks will be kept in a log book.
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.

Conditions proposed by the Environmental Health

22. There shall be no sale of draught beer at the premises
23. 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.
24. Food comprising of light meals 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
25. All sales of alcohol for consumption off the premises shall be in sealed containers only, save for alcohol served by way of waiter/waitress who are seated at tables within the within the designated external seating areas shown on the attached plan (*edged and/or cross-hatched/CLEAR MARKING to be confirmed if granted*)
26. All outside tables and chairs within the dedicated ground floor outside seating area shall be rendered unusable by 23.00 hours each day
27. 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
28. 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
29. Other than where deliveries take place in accordance with the NOVA development delivery arrangements allowing delivery to the dedicated basement delivery area no deliveries to the premises shall take place between 23.00 and 08.00 on the following day
30. Other than where refuse is disposed of and collected in accordance with the NOVA refuse collection arrangements allowing collections from the dedicated basement area, all waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times

Residential Map and List of Premises in the Vicinity Appendix 4

Ahi Poke 11 Sir Simon Milton Square City Of Westminster



March 22, 2018

Resident Count: 37

DISTANCE	OBJECTID	Licence Number	Trading Name	Address	Premises Type	Time Period
34.82289252	56976	15/10863/LIPT	New Noodle Noodle Restaurant	Basement And Ground Floor 18 Buckingham Palace Road London SW1W 0QP	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
35.87202688	10706	06/08996/WCCMAP	Cafe Paninni	20 Buckingham Palace Road London SW1W 0QP	Shop	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
44.82559764	38559	17/00606/LIPVM	Maverick	Basement And Ground Floor 14 Buckingham Palace Road London SW1W 0QP	Restaurant	Monday to Wednesday; 08:00 - 00:30 Thursday to Saturday; 08:00 - 01:00 Sunday; 08:00 - 00:00
44.82559764	38560	18/01261/LIPT	Maverick	Basement And Ground Floor 14 Buckingham Palace Road London SW1W 0QP	Restaurant	Monday to Wednesday; 08:00 - 00:30 Thursday to Saturday; 08:00 - 01:00 Sunday; 08:00 - 00:00

50.66601314	159	16/05638/LIPCH	Bag O Nails	6 Buckingham Palace Road London SW1W 0QP	Public house or pub restaurant	Monday to Thursday; 10:00 - 23:30 Monday to Saturday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:00 Sunday; 10:00 - 23:30 Sunday; 10:00 - 22:30 Sundays before Bank Holidays; 10:00 - 00:00
61.87306926	66281	17/03674/LIPT	Cafe Bella Maria	Basement And Ground Floor 4 Lower Grosvenor Place London SW1W 0EJ	Cafe	Monday to Sunday; 07:00 - 20:00
62.38466186	49894	07/00877/WCCMAP	L'arco Restaurant	Ground Floor 79 Buckingham Palace Road London SW1W 0QJ	Restaurant	Monday to Sunday; 10:00 - 02:00

68.18534387	10656	15/08563/LIPDPS	Tiles Wine Bar	36 Buckingham Palace Road London SW1W ORE	Restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
70.04498095	10886	17/04365/LIPDPS	The Stoke House	81 Buckingham Palace Road London SW1W 0QJ	Restaurant	Monday to Saturday; 07:00 - 00:00 Sunday; 07:00 - 23:00
70.15696396	10802	09/00829/LIPDPS	BBAR	43 Buckingham Palace Road London SW1W OPP	Wine bar	Monday to Saturday; 12:00 - 00:30 Sunday; 12:00 - 00:00
71.60160889	50147	11/06678/LIPN	Patisserie Valerie	Basement And Ground Floor 38 Buckingham Palace Road London SW1W ORE	Restaurant	Monday to Sunday; 06:00 - 00:00