

# Licensing Sub-Committee Report

Item No:	
Date:	24 May 2018
Licensing Ref No:	18/02620/LIPN - New Premises Licence
Title of Report:	Second Floor Carriage House 29 Floral Street London WC2E 9DP
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:	Mrs Shannon Pring Senior Licensing Officer
Contact details	Telephone: 020 7641 3217 Email: <a href="mailto:spring3@westminster.gov.uk">spring3@westminster.gov.uk</a>

# 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	8 March 2018		
<b>Applicant:</b>	Robinson Webster (Holdings) Ltd		
<b>Premises:</b>			
<b>Premises address:</b>	Second Floor Carriage House 29 Floral Street London	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	The premises will operate as a restaurant.		
<b>Premises licence history:</b>	This is a new premises licence and therefore no licence history exists.		
<b>Applicant submissions:</b>	There are no applicant submissions.		
<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>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			On
<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	23:00	23:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day						

Hours premises are open to the public							
<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>	08:00	08:00	08:00	08:00	08:00	08:00	08:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day						

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Ms Daisy Gadd
<b>Received:</b>	21 March 2018
<p>I write in relation to the application submitted for a New Premises Licence for Carriage House, 29 Floral Street.</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><li>• Protection of Children from harm</li></ul> <p>The premises is located within the West End Cumulative Impact Area and as such a number of policy points must be considered, namely CIP1 and RNT2.</p> <p>The premises currently falls within policy RNT2. The applicant has given an indication within the proposed operating schedule that the capacity of the premises will not exceed 125 persons. However, the applicant has not yet demonstrated how the additional 125 persons will not add to cumulative impact in the cumulative impact area. No additional information has been received which addresses this policy concern, and the Licensing Authority encourages the applicant for further submissions as to how the premises will not add to cumulative impact. At present, the applicant has offered a condition where the supply of alcohol at the premises shall only be to a person seated taking a table meal and for consumption by such a person as ancillary to their meal. The Licensing Authority would ask that the applicant considers adding the following condition to the operating schedule on the licence to support the Council's policy relating to the sale of alcohol for consumption on the premises:</p> <ol style="list-style-type: none"><li>1) The premises shall only operate as a restaurant:<ol style="list-style-type: none"><li>(i) In which customers are shown to their table,</li><li>(ii) Where the supply of alcohol is by waiter or waitress service only,</li><li>(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,</li><li>(iv) Which do not provide any take away service of food or drink for immediate consumption,</li><li>(v) Which do not provide any take away service of food or drink after 23:00, and</li><li>(vi) Where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the</li></ol></li></ol>	

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. 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.

As separate to the supply of alcohol being to seated persons taking a table meal, the applicant has proposed a condition whereby alcohol may be supplied and consumed in the bar area, by up to a maximum at any one time, of 15 persons. The Licensing Authority are concerned that the supply of alcohol in this bar area may lead to vertical drinking. Paragraph 2.5.3 of the Council's Statement of Licensing Policy states in part that "The council is particularly concerned that restaurant premises in the cumulative impact areas do not, even in part, come to operate as bars and particularly not as "vertical drinking" premises where customers consume alcohol standing throughout the evening". The Licensing Authority encourages the applicant to provide further information in to the operation of this bar area, and its use, if any, as part of the restaurant operation (i.e. as a holding area).

Further discussions will be held with the applicant prior to the hearing and any further submissions will be forwarded on for Members information.

Please accept this as a formal representation.

<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Mr Anil Drayan
<b>Received:</b>	03 April 2018

**I refer to the application for a new Premises Licence for the above premises which are located in the West End Cumulative Impact area.**

The applicant has submitted following plans of the premises:

- Ground Floor, drawing no 12623\_ GA01, Rev K, dated Sep 17.
- First Floor, drawing no 12623\_ GA02, Rev K, dated Sep 17
- 2<sup>nd</sup> Floor, drawing no JCH – GA203 – 2, Rev A, dated 22.02.2018

**The following licensable activity is being sought:**

1. To provide for the Supply of Alcohol 'On' the premises between 10:00 and 23:00 Monday to Saturday, 12:00 and 22:30 Sunday and from the end of permitted hours on New Year's Eve to 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 may lead to an increase in Public Nuisance in the West End Cumulative Impact Area

Environmental Health also makes the following further comments:

- i. Although an extensive list of conditions have been offered in the operating schedule these are being considered as to whether they are sufficient to allay Environmental Health concerns eg it appears that the 'model restaurant condition' for a proposal in a Cumulative Impact Area has not been offered as part of the application.
- ii. It is 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 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 noise from the operation of any plant and machinery.

The applicant should also be made aware of the following considerations:

- If the premises do not already have planning A3 Use then the applicant will also be required to submit a subsequent planning change of use application.
  - Any planning application for a change of use to a new A3 use will be objected to by Environmental Health (and Planning Department) if the kitchen extract ventilation does not discharge at 'full height' or does not operate using an 'approved recirculation' system.
  - Nevertheless, the applicant is further 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.
- v. The provision of sanitary accommodation for any proposed capacity must be in line with the minimum standards as provided in British Standard 6465 to help prevent an increase in Public Nuisance in the West End Cumulative Impact Area. In addition, compliance with Food Hygiene guidance will also require separate facilities for staff if the overall capacity at the premises is more than 25 persons.

Representations are therefore made to this application on grounds of Public Nuisance, Public Safety and being against Westminster's Statement of Licensing Policy.

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.

<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Toby Janes
<b>Received:</b>	28 March 2018

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application.

It is our belief that if granted the application would undermine the licensing objectives in relation to the prevention of crime and disorder as there are insufficient conditions within the operating schedule.

The venue is situated in the West End cumulative impact area, a locality where there is traditionally high crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

**2-B Other Persons**

<b>Received:</b>	01 April 2018
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I am objecting to the application on the following grounds:

1. This is a quiet residential street in Covent Garden. This section of Floral Street predominantly consists of residential flats and retail shops which shut at 6pm on weekdays or at latest 8pm on Thursdays and weekends. To propose a venue which sells alcohol until 11pm every evening will create a public nuisance.
2. Residents will be forced to make frequent police complaints due to the inevitable noise and disturbance created by patrons of the venue, as anticipated by clause 11 of the schedule of proposed conditions ("Incident Log"). This is an unnecessary waste of police time and resource.
3. Deliveries from 8am to 11pm each day is unworkable. As mentioned, this is a quiet area and the presence of delivery vehicles will clearly be felt by the residents.
4. To suggest the venue will not generate noise is misleading. The premises will be selling food and alcohol, there will be a bar and if music licences are applied for there will be a constant level of noise during operating hours.
5. Encouraging smokers to smoke outside of the premises will essentially mean that patrons will be smoking outside the residential blocks of flats, leading to unnecessary unpleasant smoke and a likely increase in disturbances. There may also be times when patrons will be smoking on the steps to our properties making access difficult.

I would appreciate it if the applicant could consider the following:

1. Sales of food and alcohol/deliveries until 6pm on weekdays and 8pm on Thursdays/weekends which reflects the way commercial businesses on this section of Floral Street are operating.
2. Sales of food and alcohol to be restricted to table service only - although a small bar area is proposed, it is inevitable this is will attract a noisier crowd and it is likely the number of patrons proposed will go above capacity.
3. A designated smoking area outside, beside TK Maxx, not near the residential flats.

**Received:**

18 March 2018

I am surprised that the application is for a licence up to 2300 hours Monday to Saturday and 2230 hours on Sundays when customers are not permitted on the premises after 2200 hours Monday to Saturday and 1900 hours on Sundays (see planning permission 13/05176/FULL). I am therefore concerned that the applicant may not be aware of these and other conditions, eg not more than 15 customers shall be permitted on the second floor terrace at any time and the terrace shall not be accessible to customers outside the following hours: 0800 to 1900 Monday to Saturday and 1000 to 1899 Sundays and bank holidays

**Received:**

23 March 2018

This representation is being made by the Covent Garden Community Association (CGCA). The CGCA is recognised by both Camden and Westminster as the Amenity Society for the Covent Garden area (defined as the area bounded by High Holborn, New Oxford Street, Charing Cross Road, St. Martin's Place, Northumberland Avenue, Victoria Embankment, Lancaster Place, Aldwych and Kingsway) and so represents the interests of those who live and work in this area. The CGCA's Licensing Subcommittee is authorised by the Association to make Representations on any Licensing Applications which the Subcommittee believes may have an effect on local residents or other members of the community through likely impact on one or more of the Licensing Objectives. This authorisation was last renewed at a meeting of the Executive Committee of the CGCA on 5th December 2017.

The Representation is being made with respect to the grant of a licence for the Second Floor of Carriage House, 29 Floral Street. The premises are intended to be a restaurant which operates on the 2nd floor of the building. The other floors are in A1 retail use. The restaurant will be of substantial size, with a capacity of 125 customers. The hours requested are within WCC's Core Hours.

The CGCA believes that it is possible to operate a premises of this type without harming the Licensing Objectives or adding to Cumulative Impact within the CIA. However we wish to ensure that the conditions included on the Licence ensure that the premises only operates in the way intended and that any change in way in which it operates in the future will require an application for Variation. We believe that unless these conditions are put on the face of the Licence there is a risk that the Licensing Objectives will be harmed.

We would therefore ask that the conditions proposed by the applicant are modified or added to as follows:

Condition number	Condition	Reason
1. (9 in the report)	The supply of alcohol at the premises shall only be to a person seated taking a <i>substantial</i> table meal there and for consumption by such a person as ancillary to their meal.	The definition of table meal is vague. Requiring it to be substantial supports the nature of the premises being a genuine restaurant
13 (21 in the report)	No deliveries relating to licensable activities at the premises shall take place between <i>20:00 and 08:00 on the following day or between 20:00 on Saturday and 10:00 on Sunday</i>	The adjustment in timing is to ensure that delivery and waste vehicles do not disturb residents in the vicinity in the later part of the evening or on Sunday morning. The street is one way and narrow and noise from these vehicles can give rise to a nuisance
14 (22 in the report)	No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between <i>20:00 and 08:00 on the following day or between 20:00 on Saturday and 10:00 on Sunday</i>	
	The use of the premises for licensable activities will at all times be ancillary to the use of the remainder of the building for retail use. Entry to these premises will only be permitted during the times when the rest of the building is open for A1 retail use or 22:00 whichever is earlier.	This ensures that the restaurant remains dependent on the remainder of the building being in retail use and cannot effectively have a separate existence
	The use of the bar area for customers who are not dining at the premises is limited to the hours during which the rest of the building is open for A1 retail use.	We believe that the bar should close at the time when new customers can no longer enter the building in order to shop. This allows people who wish to drink whilst their companion are shopping to do so but does not encourage additional drinking without a meal beyond this time.
	The premises will not supply food or drink for consumption off the premises at any time no matter whether or not this supply would be licensable if provided.	The applicant has stated that they do not intend to supply food for consumption off the premises. This is to ensure that this is the case.

The CGCA's view is that with the modification/addition of these conditions the Licence could be granted without harming the Licensing Objectives. If these are not included on the Licence then there is a significant risk that the nature of the use of the premises could change and cause harm and so the application should be refused.



We hope that this representation is clear. If you have any questions please contact the undersigned.

**Received:**

28 March 2018

At the moment, this part of Floral Street is a relatively quiet spot in Covent Garden. In particular, it is quiet in the evenings after 6pm. The proposed licence will materially adversely affect that situation and as a close neighbour (the premises adjoin my block of flats) I object on the following grounds:-

1. The selling of alcohol up to 23.00 hours is unreasonable and will attract drinkers to the area. The sale should be restricted to 21.00 hours. We were told that the premises would be a café/restaurant, not a bar.
2. The sale of alcohol other than to people sitting at a table who have ordered food should be refused. The planning consent was for the provision of a cafe/restaurant, however a separate bar area has been provided which will attract drinkers.
3. The application naturally envisages customers standing outside the premises to smoke. This will cause noise, litter and obstruction to the neighbours. The conditions include a provision that
  - (a) such smokers will be supervised by a member of staff; and
  - (b) that smokers should not take their drinks outside with them. These conditions are not enforceable and it is inevitable that they will be constantly broken. The only way to alleviate the detrimental effect caused by smokers standing outside the premises drinking and smoking is to restrict the hours of sale of alcohol to finish by 21.00.
4. Deliveries are envisaged to take place from 08.00 to 23.00. This is unreasonable and the increase in noise and traffic to an area which is quiet at this time should not be supported. The granting of a licence should be conditional on deliveries taking place from Monday to Friday, 08.00 - 18.00.
5. It should be noted that the conditions envisage sales to up to 125 people: this is a large number of people in a relatively small space and the concomitant noise will be considerable.

**Received:**

02 April 2018

My one bedroom flat has all its windows facing Floral Street, is on the 1st floor, so is closest to the entrance of the proposed café/restaurant and uniquely has a party wall in my bedroom with the premises at 29 - activity by previous occupants has been audible in the past, but only during the day not as this will be, at night as well. I have lived at this address for over 30 years and have hitherto enjoyed and valued the quiet of Floral St. after the commercial premises have shut for the day by 19:00hrs. The arrival of a licensed establishment serving alcohol until 23:00hrs bringing with it the inevitable noise of arrivals and departures of customers, cars and taxis, likely until well after that time and the chatter of knots of smokers standing around on Floral St., plus deliveries allowed up to 23:00hrs, will deprive me of it. I am only a few months short of my 81st birthday, consequently seldom away from my home and feel dread, and fear possible detriment to my health, at the possibility of the disruption and litter this unwelcome development will bring 7 days a week.

### 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 RNT2 applies**

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.

## 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>	Mrs Shannon Pring Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 3217 Email: <a href="mailto:spring3@westminster.gov.uk">spring3@westminster.gov.uk</a>

**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 2018
<b>4</b>	Licensing Authority	21 March 2018
<b>5</b>	Environmental Health Service	03 April 2018
<b>6</b>	Metropolitan Police Service	28 March 2018
<b>7</b>	Representation	01 April 2018
<b>8</b>	Representation	18 March 2018
<b>9</b>	Representation	23 March 2018
<b>10</b>	Representation	28 March 2018
<b>11</b>	Representation	02 April 2018

**Applicant Supporting Documents**

There are no supporting documents from the Applicant.

**Premises History**

There is no licence or appeal history for the premises.

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

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

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

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

**Mandatory Conditions**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;



- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

9. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

### **Proposed amendment by the Covent Garden Community Association**

- 9a.** The supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.
10. Notwithstanding condition 1, alcohol may be supplied and consumed in the bar area (**hatched red on the attached plan**), by up to a maximum at any one time, of 15 persons.
11. With the exception of customers in the bar area (**hatched red on the attached plan**), the supply of alcohol shall be by waiter or waitress service only.
12. 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.
13. A direct telephone number for the manager at the premises shall be available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
14. There shall be no admittance or re-admittance to the premises after 22:00 except for patrons permitted to temporarily leave the premises to smoke.
15. 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.
16. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 125 persons.
17. 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.

18. 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.
19. 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.
20. 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.
21. No deliveries relating to licensable activities at the premises shall take place between 23:00 and 08:00 on the following day.

#### **Proposed amendment by the Covent Garden Community Association**

- 21a. No deliveries relating to licensable activities at the premises shall take place between 20:00 and 08:00 on the following day or between 20:00 on Saturday and 10:00 on Sunday.
22. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 08:00 on the following day.

#### **Proposed amendment by the Covent Garden Community Association**

- 22a. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20:00 and 08:00 on the following day or between 20:00 on Saturday and 10:00 on Sunday.
23. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

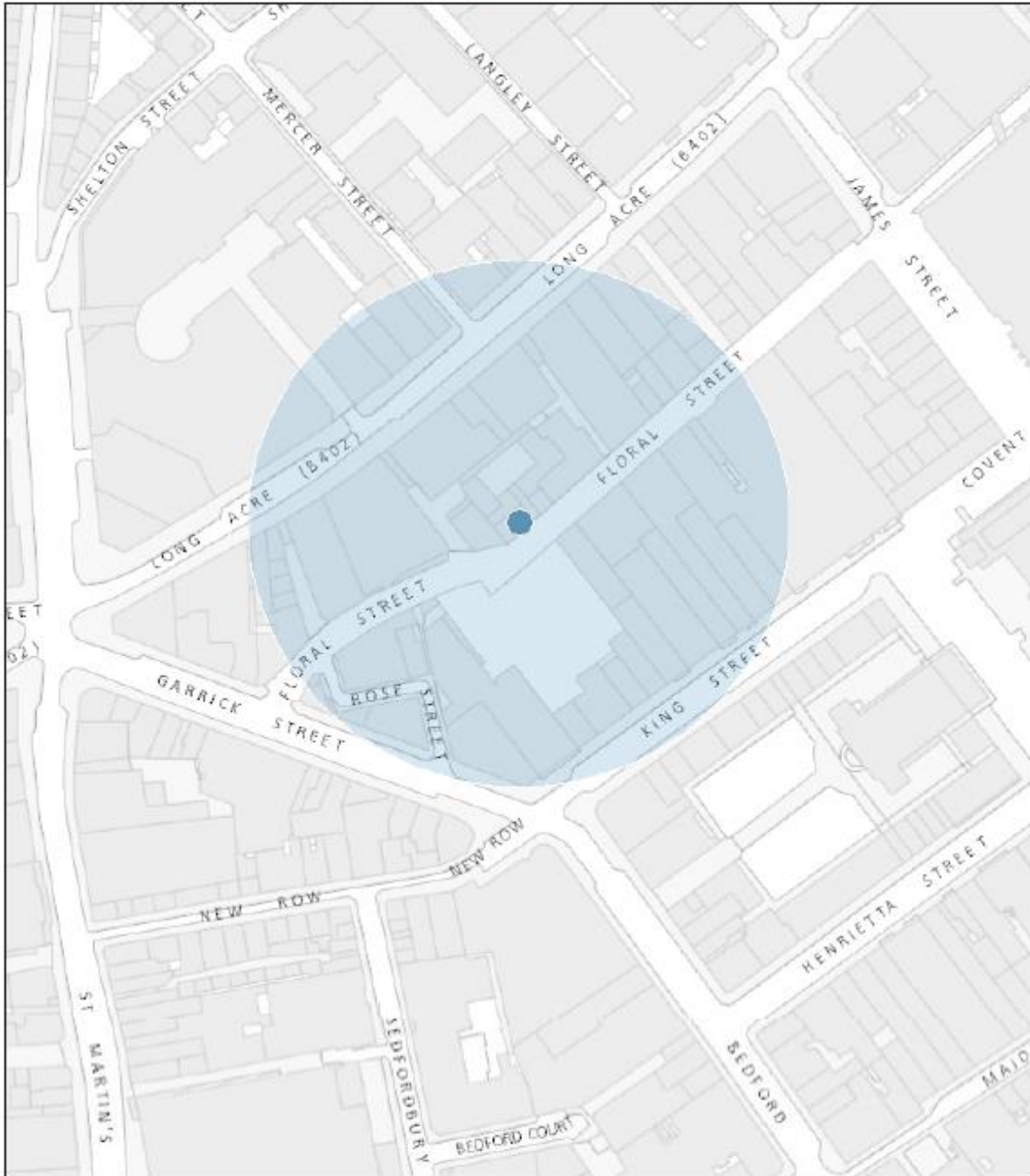
24. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
25. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
26. 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.
27. 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.
28. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
29. 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 Premises Licence by the Licensing Authority.
30. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises as constructed. Where there are minor changes to the layout of the premises during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority and shall be attached to this licence in substitution of the existing plans, at which time this condition shall be removed from the licence.

### **Conditions proposed by the Covent Garden Community Association**

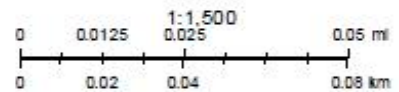
31. The use of the premises for licensable activities will at all times be ancillary to the use of the remainder of the building for retail use. Entry to these premises will only be permitted during the times when the rest of the building is open for A1 retail use or 22:00 whichever is earlier.
32. The use of the bar area for customers who are not dining at the premises is limited to the hours during which the rest of the building is open for A1 retail use.
33. The premises will not supply food or drink for consumption off the premises at any time no matter whether or not this supply would be licensable if provided.

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

**Second Floor, Carriage House, 29 Floral Street**



May 2, 2018



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Resident count: 94

Licence Number	Trading Name	Address	Premises Type	Time Period
17/03360/LIPDPS	Joes Southern Table & Bar	34 King Street Covent Garden London WC2E 8JD	Restaurant	Monday to Saturday; 08:00 - 00:30   Sunday; 08:00 - 00:00
17/05460/LIPDPS	Clos Maggiore	Basement And Ground Floor 33 King Street Covent Garden London WC2E 8JD	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
13/09067/LIPDPS	Trevor Sorbie	27 Floral Street London WC2E 9DP	Hairdresser or beauty salon	Monday to Saturday; 09:00 - 21:00   Sunday; 09:00 - 18:00
17/14697/LIPN	Mariage Freres	38 King Street Covent Garden London WC2E 8JS	Cafe	Monday to Sunday; 07:00 - 23:00
16/06523/LIPVM	Carluccio's	2A Garrick Street London WC2E 9BH	Restaurant	Monday to Thursday; 08:00 - 23:30   Friday to Saturday; 08:00 - 00:00   Sunday; 10:00 - 22:30
17/10537/LIPVM	Carluccio's	2A Garrick Street London WC2E 9BH	Restaurant	Monday to Thursday; 08:00 - 23:30   Friday to Saturday; 08:00 - 00:00   Sunday; 10:00 - 22:30
13/02048/LIPT	Steak & Co	4 - 6 Garrick Street London WC2E 9BH	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
14/07843/LIPDPS	Com Viet	2 Garrick Street London WC2E 9BH	Restaurant	Monday to Sunday; 10:00 - 00:30

16/01378/LIPDPS	Palm Court Brasserie	39 King Street Covent Garden London WC2E 8JS	Restaurant	Monday to Saturday; 08:00 - 01:30   Sunday; 08:00 - 00:00
14/06002/LIPDPS	Lima Floral	Ground Floor 14 Garrick Street London WC2E 9BJ	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
17/12525/LIPDPS	La Goccia, The Petersham & The Deli	King Street Covent Garden London	Restaurant	Monday to Thursday; 08:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 08:00 - 22:30
11/07100/LIPT	Le Garrick	Ground Floor And Basement 10 - 12 Garrick Street London WC2E 9BH	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00