

Licensing Sub-Committee Report

Item No:	
Date:	12 July 2018
Licensing Ref No:	18/02152/LIPN - New Premises Licence
Title of Report:	Sushi Murasaki 12 Lauderdale Parade Lauderdale Road London W9 1LU
Report of:	Director of Public Protection and Licensing
Wards involved:	Maida Vale
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: spring3@westminster.gov.uk

Seasonal variations/ Non-standard timings:	None
Adult Entertainment:	N/A

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Mr Maxwell Koduah
Received:	04 June 2018
Status:	Maintained
<p>I make a representation to above application on grounds of Public Nuisance & Public Safety as there is insufficient undertakings/conditions within the operating schedule to uphold the Licensing objectives.</p> <p>Attached is proposed conditions to replace those contained within the operating schedule that address the concerns of Environmental Health. Please be advised that the police may propose additional conditions to satisfy their concerns.</p> <p>The applicant agreed the proposed conditions on 07 June 2018.</p>	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Cheryl Boon
Received:	15 May 2018
Status:	Withdrawn
<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 at this stage in the application process. 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>I have looked through the application and would like to try and arrange a meeting with you at the venue to discuss this fully and then try and propose some conditions for your application. Would you be free for me to visit in the afternoon of Friday 25th May 2018?</p> <p>Following a visit to the premises the Police have proposed a series of conditions (which can be found at Appendix 4 of the report). The applicant agreed the proposed conditions on 05 June 2018 and following the Applicants agreement to the proposed conditions the Police have withdrawn their representation on 06 June 2018.</p>	

2-B Other Persons	
Name:	Planning And Licensing Paddington Waterways and Maida Vale Society (PWMVS)
Address and/or Residents Association:	4 Browning House 19-21 Formosa Street London W9 2JS
Received:	06 June 2018
Status:	Maintained
<p>As a recognised amenity society by Westminster City Council, we are officially charged with working towards the preservation and enhancement of the architectural and environmental quality of Little Venice, Maida Vale and the Paddington Waterway area (including planning and licensing issues). We are concerned with the well-being and sense of community of its residents, including those who live in the vicinity.</p> <p>Noticing that the sale of alcohol timings are proposed to be identical to the opening hours, we would ask that</p> <ul style="list-style-type: none"> - Sale of alcohol to finish 10.30pm Mon-Sat, 10pm Sun - Opening time 11pm Mon-Sat, 10.3pm Sun <p>The earlier times on Sundays would be in line with the 'core hours' policy on Sundays and a recognition that residents can expect some more respite before the start of the normal working week.</p> <p>We would also ask that alcohol is ancillary to a table meal and only served to persons seated.</p> <p>We see no need for there to be any noise after 11.00pm and would like the refuse handling to be dealt with by the model condition.</p> <p>There is no mention of any tables and chairs outside and if so, what time they are taken in. If there are to be, then we would like the use of the tables and chairs to be terminated by 10.30pm.</p> <p>On other aspects of operation, we believe model conditions will be imposed.</p> <p>We feel sure that this can all be discussed once this next stage is reached and hopefully be sensibly resolved.</p> <p>We would ask that neighbours' views are taken into account.</p> <p><u>On 26 June 2018 the Licensing Service sent a list of the agreed conditions to the PWMVS for their consideration. On 4 July 2018 the PWMVS replied to the Licensing Service to propose that the Applicant amend their application for the terminal hour for sale of alcohol to be within the Council's Core Hours Policy. The Licensing Service contacted the Applicant to forward the proposal. The applicant responded on 04 July confirming that they are content to amend their application to hours proposed by the PWMVS.</u></p>	

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.

Core hours when customers are permitted to be on the premises (see Policy HRS1)

• For premises for the supply of alcohol for consumption on the premises:

Monday to Thursday: 10:00 to 23:30

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

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

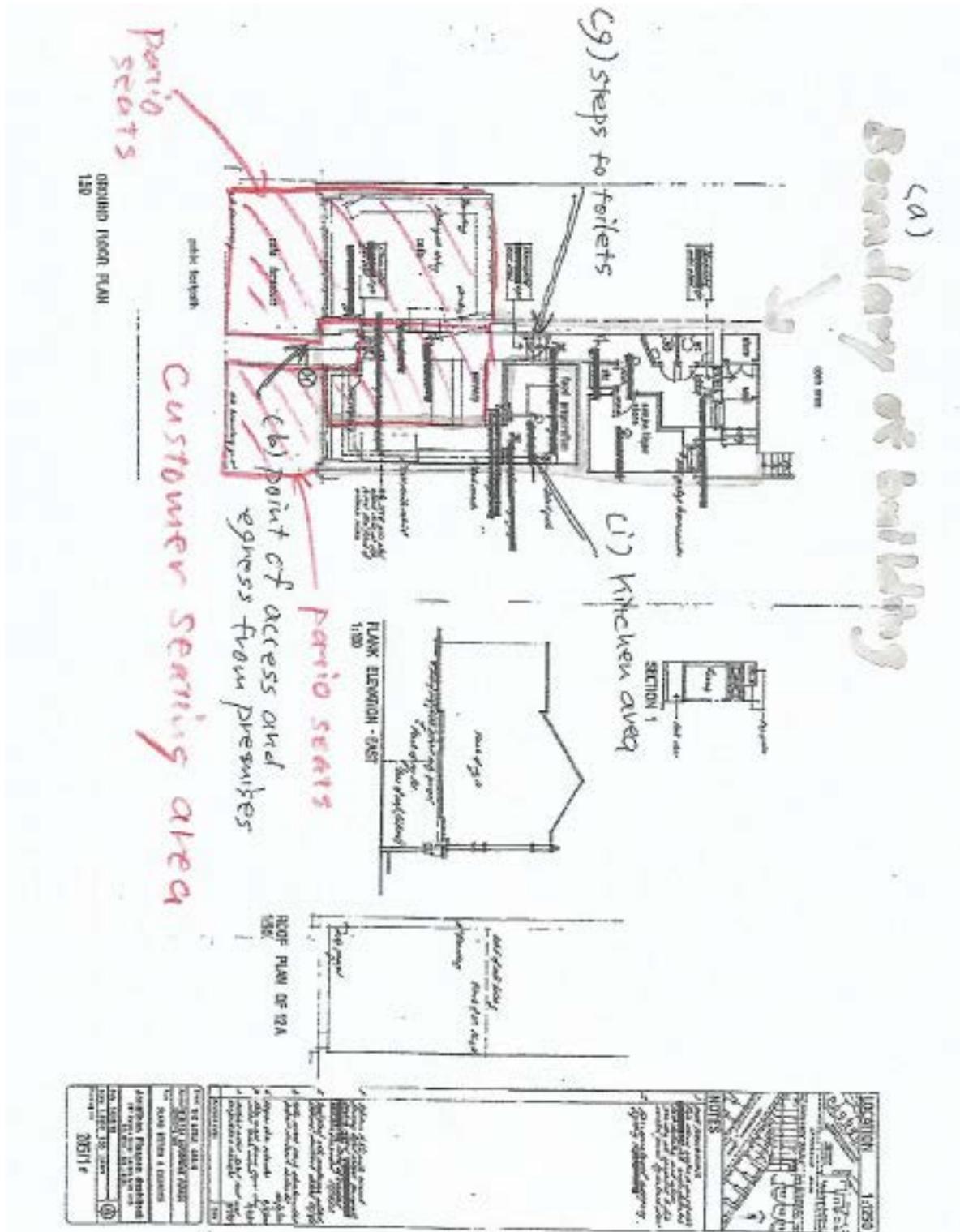
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Mrs Shannon Pring Senior Licensing Officer
Contact:	Telephone: 020 7641 3217 Email: spring3@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 2018
4	Suspended premises licence 07/06381/WCCMAP	30 July 2007
5	Environmental Health representation	04 June 2018
6	Metropolitan Police representation	15 May 2018
7	Email from Applicant to the Police	05 June 2018
8	Email from Police withdrawing their representation	06 June 2018



Applicant Supporting Documents

Appendix 2

There are no supporting documents from the Applicant.

Premises licence (07/06381/WCCMAP) – Suspended on 16 July 2014

Application	Details of Application	Date Determined	Decision
07/03491/LIPN	New premises licence application	17/05/2007	Granted under delegated authority
07/06411/LIPDPS	Application to vary the designated premises supervisor	10/07/2007	Granted under delegated authority
07/06381/WCCMAP	Master Premises Licence	31/07/2007	Granted under delegated authority

Temporary Event Notice History

Notice reference	Date of event	Date determined	Decision
18/01733/LITENP	22/02/2018 – 24/02/2018	20/02/2018	Event allowed to proceed
18/02673/LITENP	17/03/2018 – 23/03/2018	21/03/2018	Event allowed to proceed

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. There will be effective training of all staff so that they are aware of the premises licence and the requirements to meet the four licensing objectives with particular attention to:
- a) no selling of alcohol to underage people
 - b) no drunk and disorderly behavior on the premises area
 - c) vigilance in preventing the use and sale of illegal drugs at the retail area
 - d) no violent and anti-social behavior
 - e) no any harm to children

10. There will be clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.
11. Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.
12. Internal and external lighting fixed will be provided to promote the public safety objective.
13. All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.
14. Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.
15. Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.
16. The Licensee will ensure that staff who arrive early morning or depart late at night (ex. for unpacking, pricing newly delivered goods) when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.
17. Customers will be asked not to stand around loudly talking in the street outside the premises.
18. The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises.
19. Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.

Conditions proposed by Environmental Health and accepted by the applicant to form part the operating schedule

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

This condition has also been requested by the Paddington Waterways & Maida Vale Society

21. The supply of alcohol shall be by waiter or waitress service only.
22. 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.
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. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

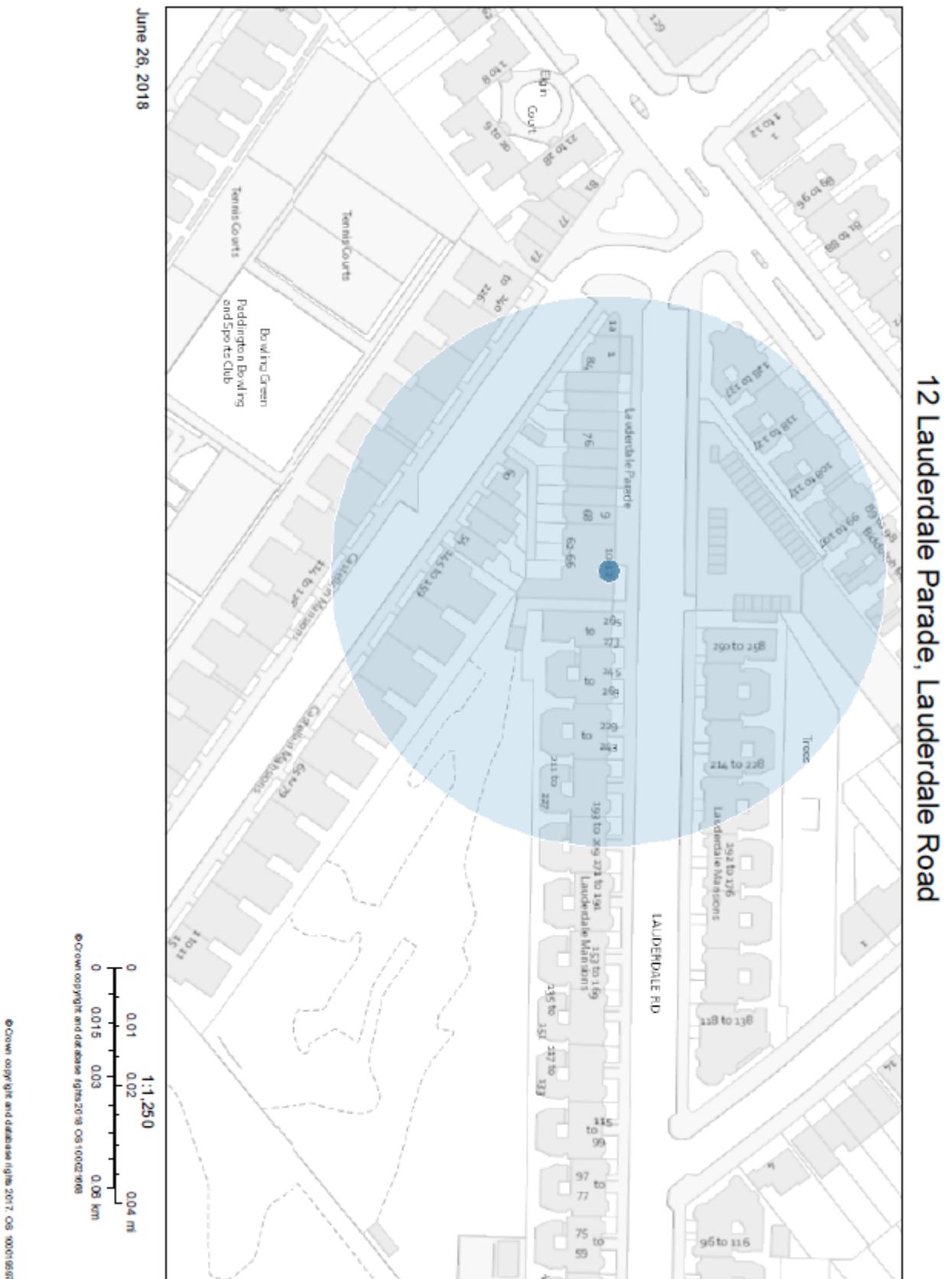
15. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.
16. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 hours on the following day.

Conditions 15 and 16 have also been requested by the Paddington Waterways & Maida Vale Society

17. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 30 persons.
18. 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.
19. 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.

Conditions proposed by the Police and accepted by the applicant to form part of the operating schedule

20. 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.
21. 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.
22. All outside tables and chairs shall be rendered unusable by 2300hrs each day.
23. 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.
24. 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.



Resident count: 320

Premises within 75 metre radius of 12 Lauderdale Parade, Lauderdale Road

Licence Number	Trading Name	Address	Premises Type	Time Period
16/09147/LIPN	La Piccola Dely	6 Lauderdale Parade Lauderdale Road London W9 1LU	Shop	Monday to Saturday; 07:00 - 20:00 Sunday; 07:00 - 19:00
14/07858/LIPDPS	Oddbins	4 Lauderdale Parade Lauderdale Road London W9 1LU	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
06/03719/WCCMAP	Le Cochonnet	Basement And Ground Floor 1 Lauderdale Parade Lauderdale Road London W9 1LU	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00