

# Licensing Sub-Committee Report

Item No:	
Date:	20 December 2018
Licensing Ref No:	18/11982/LIPN - New Premises Licence
Title of Report:	Cyprus Mangal Basement and Ground Floor 45-47 Warwick Way London SW1V 1QS
Report of:	Director of Public Protection and Licensing
Wards involved:	Warwick
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mrs Shannon Pring Senior Practitioner Street Trading and Enforcement
Contact details	Telephone: 020 7641 3217 Email: spring3@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	9 October 2018		
<b>Applicant:</b>	Two Amigos Restaurant Limited		
<b>Premises:</b>	Cyprus Mangal		
<b>Premises address:</b>	Basement and Ground Floor 45-47 Warwick Way London SW1V 1QS	<b>Ward:</b>	Warwick
		<b>Cumulative Impact Area:</b>	No
<b>Premises description:</b>	<p>According to the application form, the premises currently operates as a Turkish Restaurant with a take away facility. 45 Warwick Way currently has the benefit of a premises licence held by Two Amigos Restaurant Limited also. This new premises licence application seeks to licence premises 45-47 Warwick Way so as to extend the premises current operation.</p> <p>The proposed hours for the sale of alcohol and provision of late night refreshment are identical to those on the existing premises licence for 45 Warwick Way.</p>		
<b>Premises licence history:</b>	45 Warwick Way currently benefits from a premises licence, a copy of which can be found at Appendix 4 of the report. The full licence history can be found at Appendix 3.		
<b>Applicant submissions:</b>	There are no submissions from the applicant.		
<b>Note:</b>	The last date for representations was originally 06 November 2018. However, due to an administrative error on behalf of the Licensing Service, the consultation period for the application had to be restarted resulting in the last date for representations being 29 November 2018.		

1-B Proposed licensable activities and hours							
<b>Regulated Entertainment: Recorded Music</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	12:00	12:00	12:00	12:00	12:00	12:00	12:00
<b>End:</b>	00:00	00:00	00:00	00:00	01:00	01:00	00:00
<b>Seasonal variations/ Non-standard timings:</b>			The terminal hour for licensable activities are to be extended until 02:00 on the day following Christmas Eve, New Year's Eve and Valentine's Day.				

<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>End:</b>	00:00	00:00	00:00	00:00	01:00	01:00	00:00
<b>Seasonal variations/ Non-standard timings:</b>			The terminal hour for licensable activities are to be extended until 02:00 on the day following Christmas Eve, New Year's Eve and Valentine's Day.				

Sale by retail of alcohol				On or off sales or both:			On sales
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	12:00	12:00	12:00	12:00	12:00	12:00	12:00
<b>End:</b>	00:00	00:00	00:00	00:00	01:00	01:00	00:00
<b>Seasonal variations/ Non-standard timings:</b>			The terminal hour for licensable activities are to be extended until 02:00 on the day following Christmas Eve, New Year's Eve and Valentine's Day.				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	12:00	12:00	12:00	12:00	12:00	12:00	12:00
<b>End:</b>	00:00	00:00	00:00	00:00	01:00	01:00	00:00
<b>Seasonal variations/ Non-standard timings:</b>			The terminal hour is to be extended until 02:00 on the day following Christmas Eve, New Year's Eve and Valentine's Day.				

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Mrs Sally Fabbicatore
<b>Received:</b>	26 October 2018
<p>I refer to the application for a new Premises Licence for the above premises. A licence already exists for 45 Warwick Way, 12/01782/LIPV.</p> <p>This representation is based on the Operating Schedule and the submitted plans for the basement and ground floor titled with the address.</p> <p>The applicant is seeking the following on the <b>ground floor and basement level</b>:</p> <ol style="list-style-type: none"> <li>1. To allow the Supply of Alcohol 'on' the premises Sunday to Thursday 12:00-00:00 hours and Friday and Saturday 12:00-01:00 hours.</li> <li>2. To allow the provision of Late Night Refreshment 'indoors' Sunday to Thursday 23:00-00:00 hours and Friday and Saturday 23:00-01:00 hours.</li> <li>3. To allow the provision of Recorded Music 'indoors' Sunday to Thursday 12:00-00:00 and Friday and Saturday 12:00-01:00 hours.</li> <li>4. To allow the above provisions until 02:00 hours on Christmas Eve, New Year's Eve and Valentine's Day.</li> </ol> <p>I wish to make the following representation in relation to the above application:</p> <ol style="list-style-type: none"> <li>1. The provision of the Supply of Alcohol may cause an increase in Public Nuisance in the area, it may also impact on Public Safety.</li> <li>2. The provision of Late Night Refreshment may cause an increase in Public Nuisance in the area.</li> <li>3. The provision of Recorded Music may cause an increase in Public Nuisance in the area.</li> <li>4. The non-standard timings may cause an increase in Public Nuisance in the impact</li> </ol>	

area.

Reference should be made to the British Standard 6465-1:2009 Sanitary Installations if customers are going to dine in the premises. The plans indicated that 34 covers will be provided in the basement and 76 covers on the ground floor, a total of 110 covers. On the plan 2 female WCs, 1 male WC and 2 urinals and a staff WC are shown, a further female WC should be provided in order to comply with the standard.

The applicant has proposed conditions within the Operating Schedule which are being considered. Further conditions may be proposed by Environmental Health in order to help prevent Public Nuisance and protect Public Safety.

**The granting of the new Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public Safety.**

<b>Responsible Authority:</b>	Metropolitan Police Service ( <i>Withdrawn</i> )
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<b>Representative:</b>	PC Adam Deweltz
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<b>Received:</b>	16 October 2018
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With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be making a representation against this application.

It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.

There are insufficient conditions contained within the operating schedule.

**Correspondence from the Applicant to the Police dated 16 October 2018**

Thank you for the email the contents of which are noted and we are happy to confirm that if there are any aspects missing from the "Licensing Objectives" we will automatically include as noted and requested, to ensure appropriate compliance for the prevention of crime and disorder.

As mentioned we agree unreservedly with the inclusion as requested.

***Following the applicant's agreement to the conditions proposed by the police, the police have withdrawn their representation.***

2-B Other Persons	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	09 November 2018
<p>I wish to make a representation objecting to the new premises application for 45 Warwick Way as I believe the operators will not be able to meet the following licensing objectives:</p> <p>prevention of crime and disorder public safety prevention of public nuisance protection of children from harm</p> <p>I note that this is a new premises licence application as it involves two premises being knocked into one. I therefore, ask that the previous hours of trading, sale of alcohol for the single premise not factor into the decision making here as the number of covers is substantially larger and I believe will have a significant and detrimental affect on the area if granted as per applied for. The operator is expanding the current footprint by more than double when taking in the basement areas, the maps included in the application also show two bars on both floors. Warwick Way, although predominantly a commercial area, does have residential property on the first and above floors above the commercial premises in the street. I am also concerned that other licensed premises, if they learn that 45 Warwick Way has been granted a licence for the number of covers up to midnight and to 1am on Fridays and Saturdays will in turn apply for the same to ensure commercial fairness. This is then very likely to add to the cumulative impact on the area. If the licensing authority/committee is minded to grant I would ask that strict conditions are attached to the licence namely the restaurant model conditions MC66. MC 38, MC 61 as well as the relevant off sales model conditions and MC 43 and 65 be attached. I object to the request for an extension to its opening time of 2am for Valentine's Day which his truly excessive for this area which is also likely to fall on a working week day. I would also request that no smoking be permitted outside the front nor the back, the latter backs on to a row of residential terrace houses with bedrooms at the back and hence should have their amenity protected.</p>	
Resident representation 1	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED]
<b>Received:</b>	06 November 2018
<p>I have only just been provided with the drawings for the above application, I understand that you may be extending the consultation period as the application paperwork was only made available on Friday 2nd November 4 days before the deadline. As a result most concerned parties may not even have seen it yet.</p> <p>I am aware that the initial deadline is today and therefore am making my submission by today's date reserving the opportunity to expand on my objections and provide further evidence at a later date.</p> <p>In principle I encourage well managed well run establishments which contribute to the life and</p>	

vibrancy of the area. However operators must be mindful of the effect of their operations on the local residents and community. It is essential that they embark on any new venture by studying the parameters within which they are required to operate, and submitting plans and details that clearly demonstrate an intention to operate within the appropriate regulatory framework.

I personally feel that the drawings are insufficient and far too inaccurate for it to make sense to issue a licence on this occasion clearly the applicant does not have planning permission to carry out the changes to the proposed unit and to issue a licence under these circumstances would merely encourage yet another operator to open up without having complied with the required preconditions and essential community consultations. On this occasion I feel it is important to refuse the licence until the applicant shows clear intent to provide accurate drawings that clearly show an understanding of the applicable fire safety issues and submits a valid planning application showing clear intent to comply with the current planning regulations.

**With regard to the application which has been submitted:**

The current premises is - No. 45 Warwick Way which was issued in 2012 has a licence for 66 people (double the size of the previous licence area).

The proposed premises appears to have 108 seating spaces, with additional space for take away customers and significantly more staff than the current premises.

There is clearly a staircase marked within the proposed licensed area accessing the upper floors (1st/2nd?) there is no indication how many people will be accommodated in/ have access to those areas. Therefore one must assume that the premises will double in size at least.

The current licence includes a condition for on sales only. Considering the positioning of the bar at the front of the main seating area and the somewhat empty floor space between that and the door as well as the operators clear intention to run a large late night take away operation ( as indicated by the adoption of an entire unit almost entirely designed as cooking and standing area) this condition should be also attached to any new licence.

**Public Nuisance**

There are no details as to the extraction of the grill and kitchen area. We can have no confidence as to the intention to protect the public from smells/ odours as there is no substantive planning application detailing extract and openings in the shopfront.

Any licence issued should be conditioned as not to cause nuisance as to smells and odours resulting from extract/ opening vents openings in the shopfront.

Such a large operation being open for either late night dining or takeaway is not reasonably appropriate for the area and will be highly detrimental to the peaceful enjoyment of residents and contrary to the clear desire that the 200 residents who are members of the Neighbourhood Forum in the area have expressed to improve the environment in Warwick way and Belgrave Road. Residents worry that this will also encourage others in the area to increase their capacity and operate for longer hours.

A licence condition to restrict the hours and shut the entire premises and close any take away operation at 11.30pm and midnight at the weekends would go some way toward mitigating the effect of the increased capacity and balance any negative effect on the area whilst still being fair to the operator.

There does not appear to be any rubbish storage within the building and such a large amount of rubbish as the new operation is likely to generate being left outside on what is already a narrow pavement will cause a nuisance not only to passers by but to neighbouring retailers.

A licence condition restricting the time and length of time and quantity of rubbish that may be left outside on the pavement, and a condition to maintain and use suitable storage within the building would be appropriate.

The increased density of parked cars particularly taxi cabs parked in the area from the increase in the licensed area and take away will further reduce the openness of the street and detract from the residents enjoyment of the area there are no proposals for how this will be dealt with .

### **Public safety**

As I have already mentioned the lack of sufficient attention to fire regulation is clearly of concern. As is the density of parking in a busy through street where more people will be crossing the road after dark from between the parked cars.

### **Prevention of crime and disorder**

The application mentions the risk of drunken behaviour but fails to be explicit as to how the licensee will control drunken behaviour both on the premises and off the premises, either by customers who are served on the premises or who arrive drunk late at night in order to buy food.

Selling fast food late at night and running a significant take away operation is clearly likely to attract larger numbers of late night drinkers and create a honey pot effect.

Limiting the hours of operation by condition may help to alleviate these issues however the licences should still be held accountable for the behaviour of their customers whether on or off the premises, whether or not they were responsible for serving them alcohol. If they are responsible for attracting them to the area through their operation they should also be responsible for their actions within the community and its affect on the local residents.

Attaching conditions to the grant of any new licence makes far more sense than trying to solve the problems after the issue of a new licence.

There appears to be a fault on your system currently and it will not accept my representation online.

### **Further correspondence received from the Resident dated 26 November 2018:**

I would like to reiterate my concern.

I feel that the drawings are insufficient and far too inaccurate for it to make sense to issue a licence on this occasion. Clearly the applicant does not have planning permission to carry out the changes to the proposed unit and to issue a licence under these circumstances would merely encourage yet another operator to open up without having complied with the required preconditions and essential community consultations. On this occasion I feel it is important to refuse to the licence until the applicant shows clear intent to provide accurate drawings that clearly show an understanding of the applicable fire safety issues. I also believe that the applicant should submit a valid planning application showing clear intent to comply with the current planning regulations. Granting a licence to an individual is serious responsibility it requires the licensee to demonstrate a level of responsibility toward the public which is not being demonstrated in this case.

If the council are however minded to grant a licence to an additional property which has clearly now been converted to a takeaway when it only has A3 planning permission (47 Warwick Way) then:

I would like to suggest that the following conditions should be added to the overall licence to address/resolve some of the issues which I raised in my representation.

**‘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.’**

**‘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.’**

**‘A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.’**

**‘The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.’**

**‘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.’**

These conditions would only cover some of my concerns – I feel sure that some of the other concerns that I have raised can also be addressed by condition. I realise that it is not usual to condition planning concerns as part of a liquor licence however for a licensee to be granted a licence he needs to demonstrate a level of responsibility. Providing onsite rubbish storage and disabled toilet facilities should therefore be conditions if the council are minded to grant a licence as no planning application has been submitted. I feel that it should be brought to the attention of the committee that the new premises, which is not as drawn in the application, has now been open for over a week despite the fact that a licence has not been issued.

I should also like to reiterate my point that:

Such a large operation being open for either late night dining or takeaway is not reasonably appropriate for the area and will be highly detrimental to the peaceful enjoyment of residents and contrary to the clear desire that the 200 residents who are members of the Neighbourhood Forum in the area have expressed to improve the environment in Warwick way and Wilton Road. Residents worry that this will also encourage others in the area to increase their capacity and operate for longer hours.

A licence condition to restrict the hours and shut the entire premises and close any take away operation [at 11.30pm](#) and midnight at the weekends would go some way toward mitigating the effect of the increased capacity and balance any negative effect on the area whilst still being fair to the operator.

I also have reviewed the conditions which are on the current licence. I see no reason why the restrictions which apply to the current licence should be relaxed in anyway as the applicant does not put forward reasonable argument to do so.

## Resident representation 2

**Name:**

██████████

**Address and/or Residents Association:**

██████████  
██████████  
██████████

**Received:**

26 November 2018

As a local resident and customer of the business it is pleasing to see investment in Pimlico in a business that sells a quality product and is popular.

My concerns / observations would be though

- The licensing hours are longer than other nearby licenced premises eg The Marquis almost opposite. As a local resident we suffer from street noise later at night and have concerns that later licensing hours in an enlarged premises could lead to additional noise as customers leave the premises.
- The pavement along Warwick Way is too narrow for such a busy street and should be considerably widened. Consideration should be given to how refuse left on the pavement awaiting collection and queueing customers could impede footflow along the road. I would encourage the council to look at widening the pavements to support the businesses operating there and make the street more pedestrian friendly.
- The smell from the premises, although not particularly unpleasant, makes it's way up Warwick Way. As an enlarged business I would be keen to ensure that the ventilation is adequate and upgraded to ensure that smells emanating from the premises are reduced or no worse than current.

**Resident representation 3**

**Name:**

[REDACTED]

**Address and/or Residents Association:**

[REDACTED]  
[REDACTED]  
[REDACTED]

**Received:**

13 October 2018

This is a residential area - I think that closing at 1am on weekends and 12 on week days is too late compared to the other licensed premises around and will risk late night noise and disruption. The late times will also attract drinkers from earlier closing premises which may lead to more noise and disruption.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies</b>	<p>(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.</p> <p>(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.</p> <p><b>For premises for the supply of alcohol for consumption on the premises:</b> 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</p> <p><b>For premises for the provision of other licensable activities:</b> Monday to Thursday: 09:00 to 23.30 Friday and Saturday: 09:00 to midnight Sundays immediately prior to Bank Holidays: 09:00 to midnight Other Sundays: 09:00 to 22:30</p>
<b>Policy FFP1 applies</b>	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 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>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Current licence 12/01782/LIPV
<b>Appendix 5</b>	Proposed conditions
<b>Appendix 6</b>	Residential map and list of premises in the vicinity

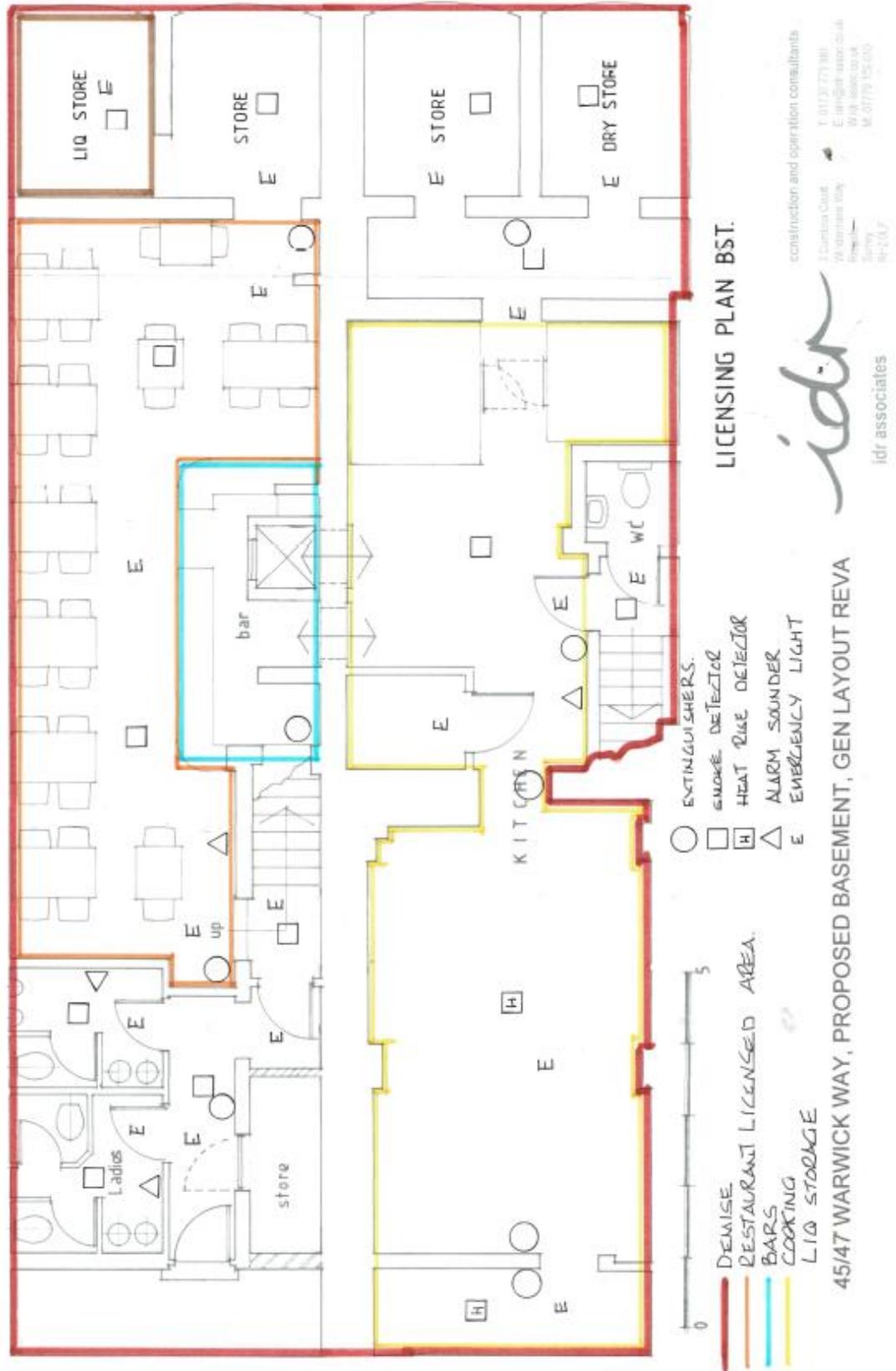
<b>Report author:</b>	Mrs Shannon Pring Senior Practitioner Street Trading and Enforcement
<b>Contact:</b>	Telephone: 020 7641 3217 Email: spring3@westminster.gov.uk

**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**

<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>	Environmental Health Service Representation	26 October 2018
<b>5</b>	Metropolitan Police Service Representation <i>(Withdrawn)</i>	16 October 2018
<b>6</b>	Councillor Nickie Aiken representation	09 November 2018
<b>7</b>	Resident representation 1	06 November 2018
<b>8</b>	Resident representation 2	26 November 2018
<b>9</b>	Resident representation 3	13 October 2018

Basement plan





**Applicant Supporting Documents**

**Appendix 2**

There are no supporting documents from the Applicant.

**Licence & Appeal History for 45 Warwick Way**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/12139/LIPN	New premises licence application	23/02/2006	Granted under delegated authority
07/00538/WCCMAP	Conversion application	23/02/2006	Granted under delegated authority
12/01607/LIPT	Application to transfer the premises licence	20/03/2012	Granted under delegated authority
12/01608/LIPDPS	Application for a variation of the designated premises supervisor	20/03/2012	Granted under delegated authority
12/01782/LIPV	Variation of the premises licence to add a bar and seating area in the basement.	13/06/2012	Granted by Licensing Sub-Committee

**There is no appeal history**

A copy of the current premises licence is enclosed.

**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. Any restaurant policies that assist in the pursuance of licensing legislation and the protection and welfare of both staff and customers and in particular an awareness of protection towards children will be on display for the public.

10. Staff will be aware of their obligation not to serve or accommodate drunks or drunken behaviour. An awareness to prevent the possession or taking of drugs and training for the prevention of any form of criminal activity and disorder.
11. Staff to be fully trained in procedures and use of all equipment, in particular to procedures for means of escape in case of fire, with all equipment held under current and regular maintenance and testing of call points and sounders undertaken as required. Extinguishers kept operational and appropriately located.
12. With all appropriate signage for exit routes and appropriate illumination to keep escape routes illuminated.
13. First aid equipment kept appropriately stocked and accessible.
14. Awareness of all potential allergic reactions to any ingredients used in the preparation and cooking of food. This information to be readily available to both staff and customers with the prompt "do you have any allergic reactions to foods?"
15. Control and awareness of the consumption of alcohol by individuals to be maintained to prevent drunken and rowdy behaviour.
16. The awareness of staff as to the limitations of volume for background music to prevent any local noise pollution and the appropriate design for internal and external lighting to prevent any form of light pollution.
17. The publication where appropriate for the request of customers to be considerate when vacating the premises not to disturb residential neighbours.
18. The notification for takeaway customers to be considerate in the disposing of any takeaway packaging together with a pre closure external inspection of the adjacent areas to clear any discarded packaging.

**Conditions proposed by the Police and agreed by the Applicant so as to form part of the operating schedule**

19. 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.
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. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
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 refusal of the sale of alcohol
  - g) any visit by a relevant authority or emergency service.
23. 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.

***Condition 23 also requested by Environmental Health Service and Cllr Nickie Aiken***

24. The supply of alcohol shall be by waiter or waitress service only.
25. There shall be no sales of alcohol for consumption off the premises.
26. There shall be no sale or supply of draught beer.
27. No licensable activities shall take place at the premises until premises licence 12/01782/LIPV (or such other number subsequently issued for the premises) has been surrendered and is incapable of resurrection.

**Conditions proposed by Environmental Health and agreed with the applicant so as to form part of the operating schedule**

28. 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. (agreed)
29. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
30. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.

***Condition 30 also requested by Councillor Nickie Aiken***

31. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
32. 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.
33. 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.
34. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
35. 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.

36. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
37. All windows and external doors shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

**Further conditions proposed by Environmental Health and not yet agreed with the applicant**

38. 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.
39. The number of seated persons inside the premises (excluding staff) shall not exceed 68 persons on the ground floor and 30 persons in the basement excluding staff.
40. The backyard area shall not be accessed by customers.

**Conditions proposed by Councillor Nickie Aiken**

41. The premises shall only operate as a restaurant
  - (i) in which customers are shown to their table,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (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,
  - (iv) which do not provide any take away service of food or drink for immediate consumption,
  - (v) which do not provide any take away service of food or drink after 23.00, and
  - (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 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.

42. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
43. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
44. No collections of waste or recycling materials (including bottles) from the premises shall take place between **(23.00)** and **(08.00)** on the following day.
45. Notwithstanding condition (MC 38), alcohol may be supplied and consumed prior to their meal in the bar area (designated on the plan), by up to a maximum at any one time, of (TBC) persons dining at the premises.

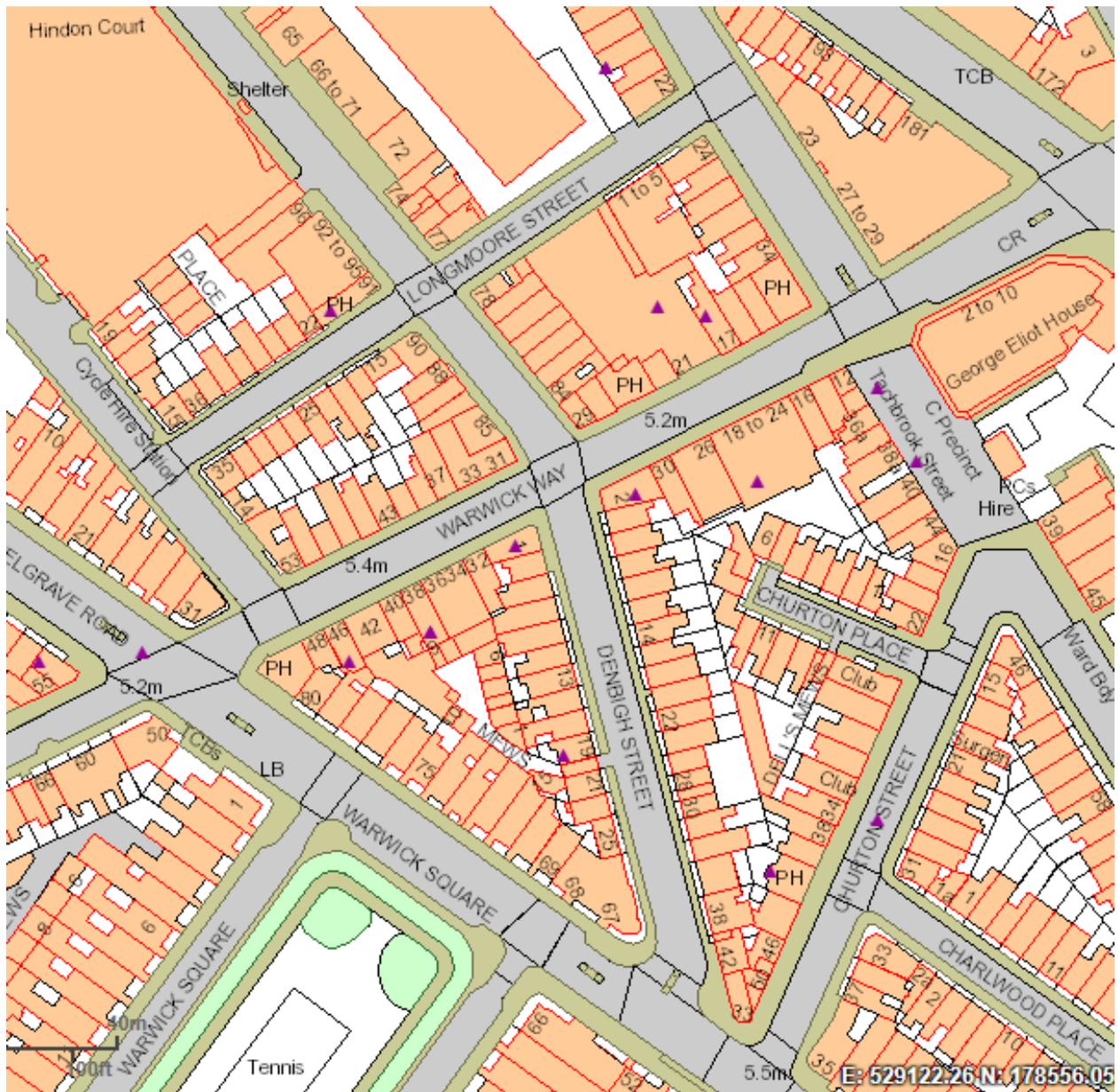
***Condition 45 also requested by Councillor Nickie Aiken***

46. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.

### **Conditions proposed by resident 1**

47. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.'
48. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.'
49. 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.'

Due to a technical issue with this Council's GIS Mapping system, an alternative map of the premises and locality has been provided below.



Resident count: 200

<b>Premises within 75 metres of Cyprus Mangal, 45-47 Warwick Way</b>				
<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
14/01940/LIPV	Delicias De Portugal	43 Warwick Way London SW1V 1QS	Cafe	Monday to Sunday; 08:00 - 23:00
10/02355/LIPDPS	Night Spot	38 Warwick Way London SW1V 1RY	Shop	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30
06/05763/WCCMAP	Marquis Of Westminster Public House	50 Warwick Way London SW1V 1RY	Pub or pub restaurant with lodge	Monday to Thursday; 10:00 - 00:00   Friday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 23:00
18/06331/LIPDPS	Marquis Of Westminster	50 Warwick Way London SW1V 1RY	Public house or pub restaurant	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:30
10/03478/LIPDPS	Uno Restaurant	Basement And Ground Floor 1 Denbigh Street London SW1V 2HF	Restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
07/00638/WCCMAP	Paradise Indian Restaurant	5 Denbigh Street London SW1V 2HF	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
12/08662/LIPDPS	The Prince Of Wales Public House	Prince Of Wales 91 Wilton Road London SW1V 1DN	Public house or pub restaurant	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 23:00   Sundays before Bank Holidays; 10:00 - 00:00
06/12282/WCCMAP	Kazan	93-94 Wilton Road London SW1V 1DW	Restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
07/01079/WCCMAP	Victoria Stanley House Hotel	19-21 Belgrave Road London SW1V 1RB	Hotel, 3 star or under	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
18/07671/LIPDPS	Oddbins	2 Denbigh Street London SW1V 2ER	Shop	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30
17/02875/LIPDPS	Seafresh Restaurant	80-81 Wilton Road London SW1V 1DL	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday;

				12:00 - 00:00
07/00510/WCCMAP	About Thyme Restaurant	82 Wilton Road London SW1V 1DL	Restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00