

Licensing Sub-Committee Report

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| Item No: | |
| Date: | 21 February 2019 |
| Licensing Ref No: | 18/16217/LIPN - New Premises Licence |
| Title of Report: | 52-54 Brooks Mews London W1K 4EG |
| Report of: | Director of Public Protection and Licensing |
| Wards involved: | West End |
| Policy context: | City of Westminster Statement of Licensing Policy |
| Financial summary: | None |
| Report Author: | Angela Seaward Senior Licensing Officer |
| Contact details | Telephone: 0207 641 8116 Email: aseaward@westminster.gov.uk |

1. Application

| 1-A Applicant and premises | | | |
|-----------------------------------|---|--------------------------------|----------|
| Application Type: | New Premises Licence, Licensing Act 2003 | | |
| Application received date: | 21 December 2018 | | |
| Applicant: | Azur Limited | | |
| Premises address: | 52 - 54 Brook's Mews London W1K 4EG | Ward: | West End |
| | | Cumulative Impact Area: | None |
| Premises description: | According to the application form, the premises intends to operate as a restaurant and bar. | | |
| Premises licence history: | <p>A premises licence is currently in existence at 53-54 Brooks Mews under reference 16/02087/LIPDPS. A copy of this licence is attached as Appendix 4.</p> <p>In summary, this premises licence permits the following licensable activities and operating hours:</p> <p>Playing of Recorded Music Unrestricted</p> <p>Late Night Refreshment Monday to Saturday: 23:00 to 00:30 Sunday: 23:00 to 00:00</p> <p>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted</p> <p>Sale by Retail of Alcohol Monday to Saturday: 10:00 to 00:00 Sunday: 12:00 to 23:30</p> <p>53-54 Brooks Mews has been licensed since at least 2005. A full premises licence history for this premises has been provided at Appendix 3 of this report.</p> | | |
| Applicant submissions: | <p>The applicant provided the following supporting statement on submission of the application:</p> <p>“The premises currently operates as a restaurant and bar at 53-54 Brooks Mews. It is intended to add 52 Brook’s Mews as part of the licensed area.</p> <p>The application follows pre-application advice reference 18/04516/PREAPM.</p> <p>Save for an increase in internal capacity of 20 persons, the application is on the same terms, hours and conditions as existing premises licence reference 16/02087/LIPDPS, which will be surrendered prior to the new licence taking effect.”</p> | | |

| 1-B Proposed licensable activities and hours | | | | | | | |
|---|------------|-------------|--|----------------------------------|------------|------------|------------|
| Late Night Refreshment: | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 |
| End: | 00:30 | 00:30 | 00:30 | 00:30 | 00:30 | 00:30 | 00:00 |
| Seasonal variations/ Non-standard timings: | | | Late night refreshments are only licensed until 05:00 therefore seasonal variations do not apply | | | | |

| | | | | | | | |
|---|------------|-------------|--|---------------------------------|------------|------------|------------|
| Sale by retail of alcohol | | | | On or off sales or both: | | | Both |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 12:00 |
| End: | 00:00 | 00:00 | 00:00 | 00:00 | 00:00 | 00:00 | 23:30 |
| Seasonal variations/ Non-standard timings: | | | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. | | | | |

| | | | | | | | |
|---|------------|-------------|-------------------|----------------------------------|------------|------------|------------|
| Recorded Music: | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 00:00 | 00:00 | 00:00 | 00:00 | 00:00 | 00:00 | 00:00 |
| End: | 24:00 | 24:00 | 24:00 | 24:00 | 24:00 | 24:00 | 24:00 |
| Seasonal variations/ Non-standard timings: | | | None applied for. | | | | |

| | | | | | | | |
|---|------------|-------------|-------------------|----------------------------------|------------|------------|------------|
| Anything of a similar description to that falling within live music, recorded music or performance of dance: | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 00:00 | 00:00 | 00:00 | 00:00 | 00:00 | 00:00 | 00:00 |
| End: | 24:00 | 24:00 | 24:00 | 24:00 | 24:00 | 24:00 | 24:00 |
| Seasonal variations/ Non-standard timings: | | | None applied for. | | | | |

| Hours premises are open to the public | | | | | | | |
|---|------------|-------------|--|-------------|------------|------------|------------|
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 12:00 |
| End: | 00:30 | 00:30 | 00:30 | 00:30 | 00:30 | 00:30 | 00:00 |
| Seasonal variations/ Non-standard timings: | | | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. | | | | |
| Relevant Entertainment: | | | None | | | | |

2. Representations

| 2-A Responsible Authorities | |
|---|---|
| Responsible Authority: | Metropolitan Police Service (withdrawn) |
| Representative: | PC Cheryl Boon |
| Received: | 3 January 2019 |
| <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 process. The venue is situated outside Westminster's Cumulative Impact Area, however it is our belief that if granted it would undermine the Licensing Objectives with regards to the prevention of crime and disorder.</p> <p>I have looked through the application. Overall it is agreeable but there are a couple of Police conditions we require, they are as follows:</p> <ol style="list-style-type: none"> 1. 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. 2. 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: <ol style="list-style-type: none"> (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 (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service <p>Following the agreement of the above conditions being added to any future operating schedule, the Police have since withdrawn their representation to this application.</p> | |
| Responsible Authority: | Environmental Health |
| Representative: | Anil Drayan |
| Received: | 11 January 2019 |
| <p>I refer to the application for a new Premises Licence for the above premises as replacement for existing licence, reference 16/02087/LIPDPS.</p> <p>The applicant has submitted plans of the premises, ref.01.GA.00 dated, 23.11.2018.</p> <p>The applicant is seeking the following:</p> | |

1. Add 52 Brooks Mews to the licensed area and save for an increase in internal capacity of 20 persons, the application is on the same terms, hours and conditions as existing premises licence reference 16/02087/LIPDPS.

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

1. The proposed additional licensed area and increase in capacity may lead to an increase in Public Nuisance and impact on Public Safety.

The applicant has offered conditions consistent with the existing licence and a premises history check for the last two years shows the operation of this licence has raised no issues with regards to the licensing objectives.

Nevertheless Environmental Health is likely to propose additional conditions for the new licence and the applicant is requested to contact the undersigned to discuss these.

2-B Other Persons

| | | | |
|--|------------------|-------------------------------|---------|
| Name: | | [REDACTED] | |
| Address and/or Residents Association: | | [REDACTED] | |
| Status: | Valid | In support or opposed: | Opposed |
| Received: | 31 December 2018 | | |

The neighbourhood infrastructure cannot support more late night patrons, particularly if any alcohol is involved. I am an [REDACTED] since 2008. In that time, noise has become progressively a greater problem due to the bars and restaurants in the area. I note that, in any interaction I have had with Westminster Council (with the noise pollution prevention or planning application teams), it has been repeatedly stated to me that one of the Council's main priorities is to ensure that the area maintains its residential character and any decisions made by the Council have regard to such priority. This latest application for planning is of grave concern to the area remaining adequate for residential use and runs contrary to the Council's stated strategic objectives in the "Westminster City Plan" published in November 2016. One of the many statements I could extract from the Plan includes the objective to "maintain and enhance the quality of life, health and wellbeing of Westminster's residential communities". I fail to see how the approval of this application would maintain or enhance the quality of life of any residents in this area.

3. Policy & Guidance

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|--|---|
| The following policies within the City Of Westminster Statement of Licensing Policy apply: | |
| Policy HRS1 applies: | <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><u>For premises for the supply of alcohol for consumption on the premises:</u></p> <p>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><u>For premises for the provision of other licensable activities:</u></p> <p>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> |
| Policy PB1 applies: | Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1. |

4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

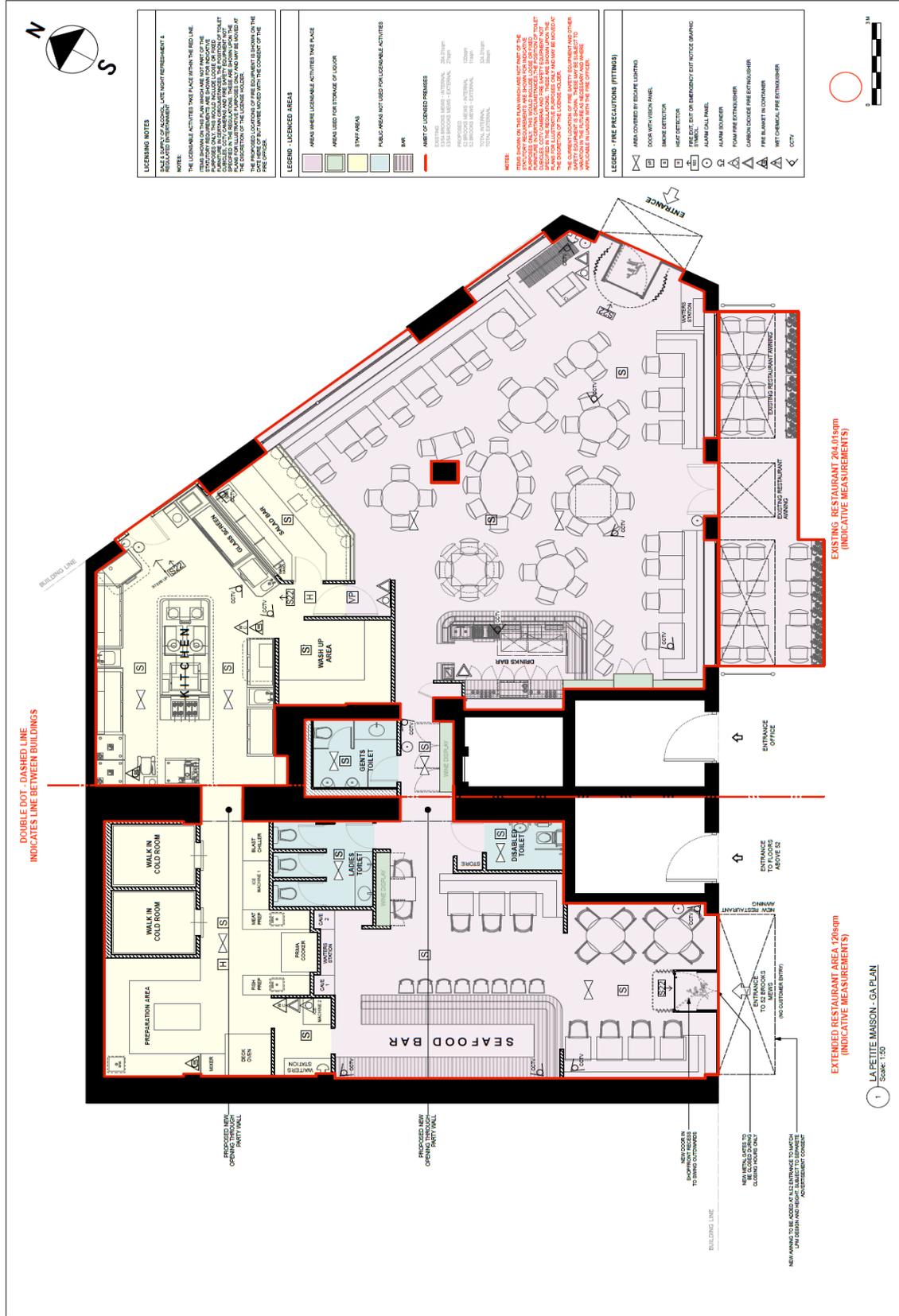
| | |
|-------------------|--|
| Appendix 1 | Premises plans |
| Appendix 2 | Applicant supporting documents |
| Appendix 3 | Premises history |
| Appendix 4 | Copy of existing premises licence 16/02087/LIPDPS |
| Appendix 5 | Proposed conditions |
| Appendix 6 | Residential map and list of premises in the vicinity |

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| Report author: | Angela Seaward Senior Licensing Officer |
| Contact: | Telephone: 0207 641 8116 Email: aseaward@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 | Representation Metropolitan Police Service (withdrawn) | 3 January 2019 |
| 5 | Representation Environmental Health Service | 11 January 2019 |
| 6 | Representation Interested Party | 31 December 2018 |



Drawing No: 01 GA-00

Rev:

Client: LA PETITE MAISON
Project: 52 BRINDING MEWS LONDON
Project No:

Drawn: 23.11.2018
Check:

Rev:

Scale: AS SHOWN @ A1

Project No:

Project Name:

Project Address:

Project City:

Project Country:

Project State:

Project Zip:

Project Phone:

Project Email:

Project Website:

General Note:

1. All dimensions, drawings and specifications are to be verified on site and any discrepancies reported to SAGRADA prior to the commencement of work.

2. Contractor to ensure all work is completed in accordance with the relevant building regulations and to the relevant standards.

3. All dimensions are to be taken in accordance with the manufacturer's recommendations.

4. The contractor is to be responsible for obtaining all necessary planning and building regulations approvals for the proposed work.

5. The contractor is to be responsible for obtaining all necessary planning and building regulations approvals for the proposed work.

6. The contractor is to be responsible for obtaining all necessary planning and building regulations approvals for the proposed work.

7. The contractor is to be responsible for obtaining all necessary planning and building regulations approvals for the proposed work.

8. The contractor is to be responsible for obtaining all necessary planning and building regulations approvals for the proposed work.

9. The contractor is to be responsible for obtaining all necessary planning and building regulations approvals for the proposed work.

10. The contractor is to be responsible for obtaining all necessary planning and building regulations approvals for the proposed work.

Applicant Supporting Documents

Appendix 2

None provided by the applicant.

Premises History

Appendix 3

Below is the premises licence history for 53-54 Brooks Mews, London, W1K 4EG

| Application reference | Application details | Date of determination | Decision |
|------------------------------|---|------------------------------|-----------------------------------|
| 05/07811/LIPC | Converted licence | 11 September 2005 | Granted under Delegated Authority |
| 06/07332/LIPT | Application to transfer the licence from La Bastide (Restaurant) Ltd to Teca Restaurant Ltd. | 15 August 2006 | Granted under Delegated Authority |
| 07/00048/LIPDPS | Application to vary the designated premises supervisor | 17 January 2007 | Granted under Delegated Authority |
| 07/05160/LIPDPS | Application to vary the designated premises supervisor | 9 July 2007 | Granted under Delegated Authority |
| 07/03261/LIPDPS | Application to vary the designated premises supervisor | 23 April 2007 | Granted under Delegated Authority |
| 06/05873/WCCMAP | Master premises Licence | 7 May 2008 | Granted under Delegated Authority |
| 09/03797/LIPDPS | Application to vary the designated premises supervisor | 10 August 2009 | Granted under Delegated Authority |
| 11/10859/LIPDPS | Application to vary the designated premises supervisor | 25 November 2011 | Granted under Delegated Authority |
| 13/02086/LIPVM | Application to change layout for main door, removal of the second means of escape and removal of staff changing rooms | 18 April 2013 | Granted under Delegated Authority |
| 15/09703/LIPDPS | Application to vary the designated premises supervisor | 4 December 2015 | Granted under Delegated Authority |
| 16/02087/LIPDPS | Application to vary the designated premises supervisor | 30 March 2016 | Granted under Delegated Authority |



**City of
Westminster**

Schedule 12
Part A

WARD: West End
UPRN: 100023620258

64 Victoria Street,
London, SW1E 6QP

Regulation 33, 34

Premises licence

**Premises licence
number:**

16/02087/LIPDPS

Original Reference:

05/07811/LIPC

Part 1 - Premises details

Postal address of premises:

La Petite Maison
54 Brook's Mews
London
W1K 4ED

Telephone Number: 020 7495 4774

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind
for consideration and with a view to profit
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Playing of Recorded Music

Unrestricted

Late Night Refreshment

Monday to Saturday: 23:00 to 00:30

Sunday: 23:00 to 00:00

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 00:00

Sunday: 12:00 to 23:30

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1

The opening hours of the premises:

Monday to Saturday:

10:00 to 00:30

Sunday:

12:00 to 00:00

:

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Azur Ltd
St Pauls House
Warwick Lane
London
EC4M 7BP

Registered number of holder, for example company number, charity number (where applicable)

05762290

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: Andrea Fasan

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: 06/08683/LIPERS

Licensing Authority: City Of Westminster Council

Date: 30th March 2016

This licence has been authorised by Miss Yolanda Wade on behalf of the Director - Public Protection and Licensing.

Annex 1 - 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 reproducing the effect of conditions subject to which the relevant existing licences have effect

Conditions for Sale of Alcohol

- 9. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
- 10. A closed circuit television shall be installed, maintained and operated correctly as specified by the Metropolitan Police Crime prevention officer.
- 11. No application shall be made for a Public Entertainment Licence or Special Hours Certificate
- 12. There shall be seating for no more than 100 persons, the tables and chairs to be permanently laid out.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactment

Conditions related to the Sale of Alcohol

- 13. (i) Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00
- (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30

- (c) On Good Friday, 12:00 to 22:30
- (d) On Christmas Day, 12:00 to 15:00. and 19:00 to 22:30
- (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00
- (f) On New Year's Eve on a Sunday, 12:00 to 22:30
- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

- (ii) Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve), and on Christmas Day, between 15.00 and 19.00, to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the Vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
 - (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
 - (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

14. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (a) He is the child of the holder of the premises licence.
- (b) He resides in the premises, but is not employed there.
- (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

15. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

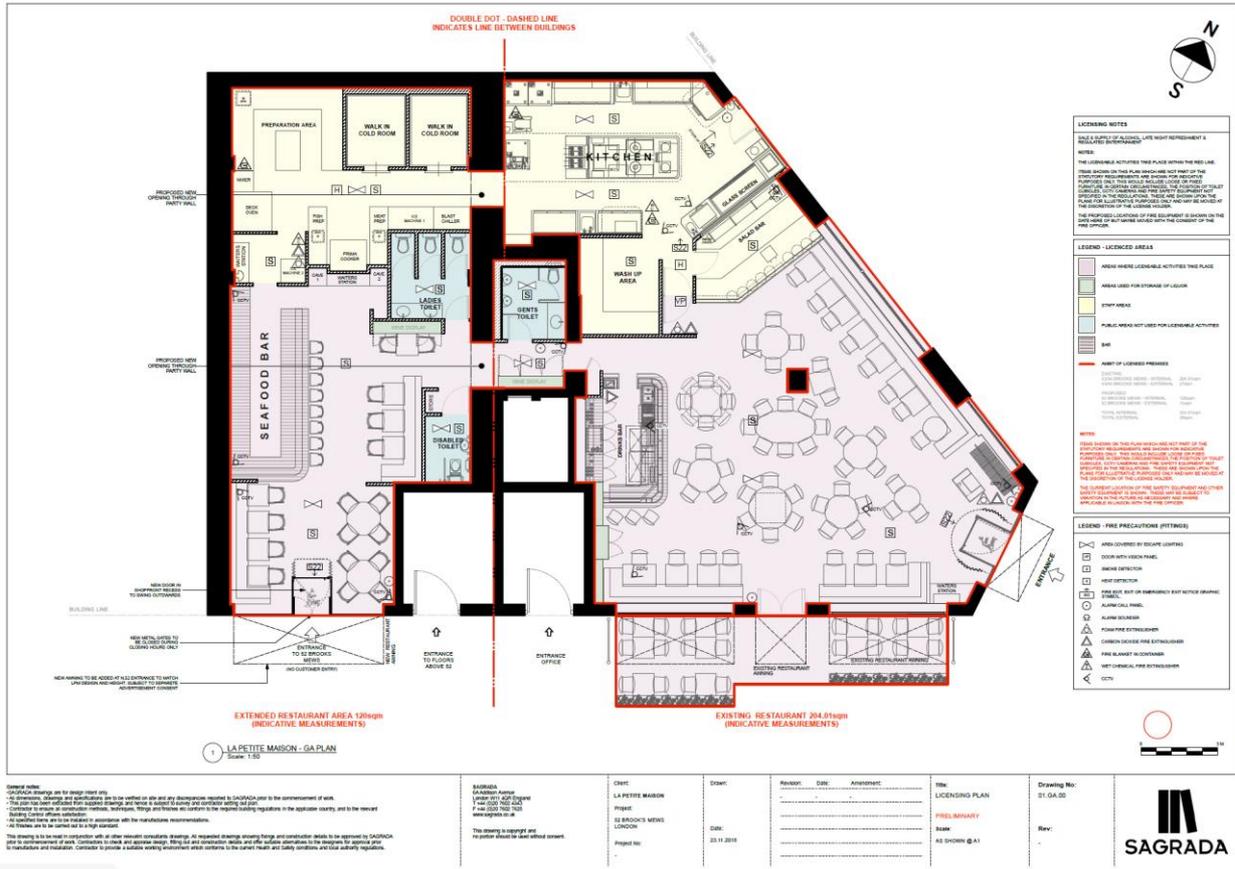
Annex 2 – Conditions consistent with the operating Schedule

None

Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 – Plans



**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. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
11. 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.
12. There shall be seating for no more than 120 persons inside the premises with tables and chairs to be permanently laid out.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactment

Conditions related to the Sale of Alcohol

13. (i) Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00
- (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30
- (c) On Good Friday, 12:00 to 22:30
- (d) On Christmas Day, 12:00 to 15:00. and 19:00 to 22:30
- (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00
- (f) On New Year's Eve on a Sunday, 12:00 to 22:30
- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

(ii) Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve), and on Christmas Day, between 15.00 and 19.00, to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises. In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

14. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.
 - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary. In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.
15. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.
16. No licensable activities shall take place at the premises until premises licence 16/02087/LIPDPS (or such other number subsequently issued for the premises) has been surrendered.
17. No licensable activities shall take place at the premises until the works have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

Conditions proposed by the Environmental Health

None

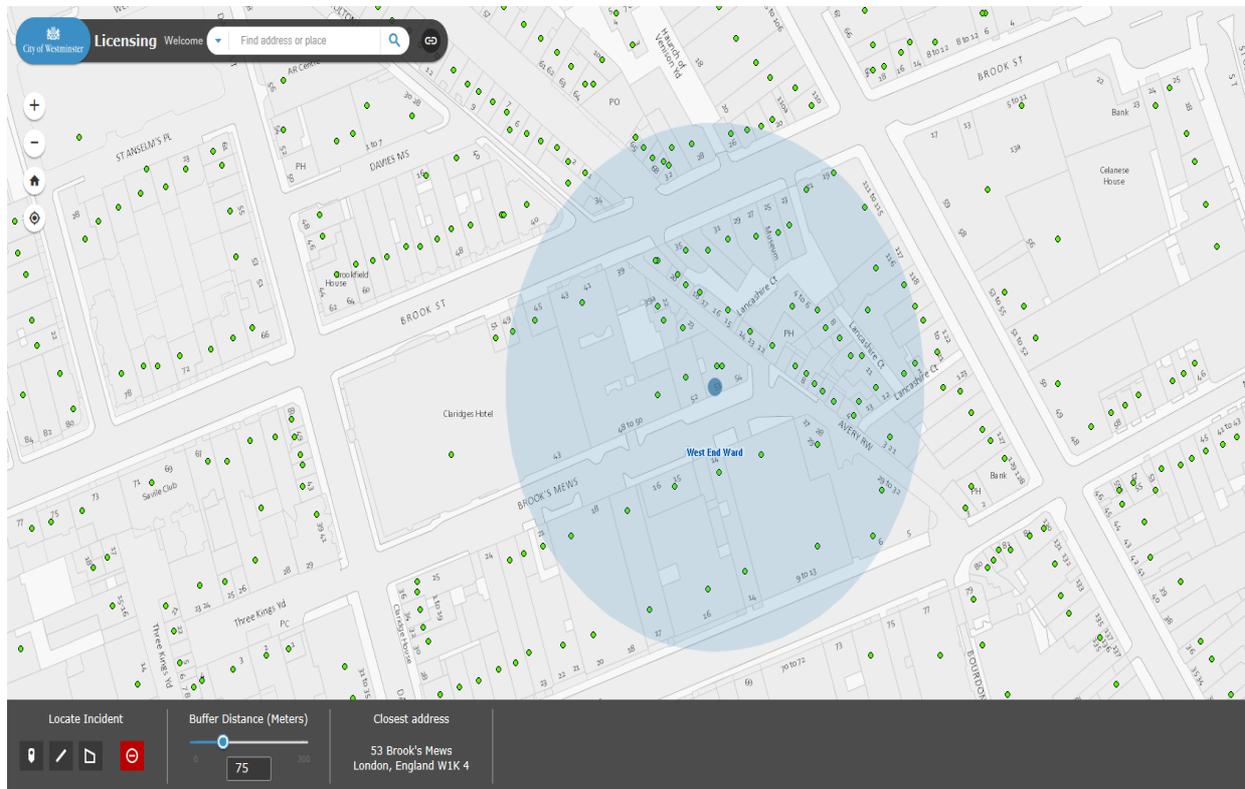
Conditions proposed by the Police and agreed with the applicant so as to form part of the operating schedule

18. 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.
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
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service

Residential Map and List of Premises in the Vicinity

Appendix 6

Due to a technical issue with the Council's GIS Mapping System an alternative map has been provided:



| Licence Number | Trading Name | Address | Premises Type | Time Period |
|-----------------|--------------------------|-----------------------------------|----------------------------------|--|
| 16/02087/LIPDPS | La Petite Maison | 54 Brook's Mews London W1K 4EG | Restaurant | Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |
| 16/08607/LIPDPS | The Bath & Racquets Club | 49 Brook's Mews London W1K 4EB | Private sports centre (no pool) | Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00 |
| 18/08554/LIPDPS | Iron Duke | 11 Avery Row London W1K 4AN | Pub or pub restaurant with lodge | Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00 |
| 12/10172/LIPDPS | La Cave | 7 Lancashire Court London W1S 1EY | Restaurant | Monday to Saturday; 08:00 - 23:30 Sunday; 10:00 - 23:00 |
| 16/11290/LIPDPS | Hush | 8 Lancashire Court London W1S 1EY | Restaurant | Monday to Saturday; 10:00 - 00:30 Sunday; 10:00 - 00:00 |

| | | | | |
|-----------------|---------------------------|--|----------------------------------|--|
| 12/10178/LIPT | Mews | 10 Lancashire Court London W1S 1EY | Pub or pub restaurant with lodge | Monday to Sunday; 09:00 - 02:00 |
| 12/10430/LIPDPS | Leander Ventures Limited | 4-6 Lancashire Court London W1S 1EY | Restaurant | Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |
| 18/02645/LIPV | Not Recorded | Avery House 1 - 3 Avery Row London W1K 4AJ | Restaurant | Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00 Sundays before Bank Holidays; 12:00 - 00:30 |
| 15/09517/LIPN | Not Recorded | 19 Brook's Mews London W1K 4DX | Cafe | Monday to Sunday; 07:00 - 22:00 |
| 06/03942/WCCMAP | Ikeda Japanese Restaurant | Basement And Ground Floor 30 Brook Street Mayfair London W1K 5DJ | Restaurant | Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |
| 18/10174/LIPDPS | Itsu | 4 - 5 Grosvenor Street London W1K 4PY | Restaurant | Monday to Saturday; 07:00 - 23:30 Sunday; 07:00 - 23:00 |