

Licensing Sub-Committee Report

Item No:	
Date:	4 July 2019
Licensing Ref No:	19/05716/LIPN - New Premises Licence
Title of Report:	Tokyo Pizza 47 Maida Vale London W9 1SD
Report of:	Director of Public Protection and Licensing
Wards involved:	Little Venice
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Michelle Steward Senior Licensing Officer
Contact details	Telephone: 020 7641 1872 Email: msteward1@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	8 May 2019		
Applicant:	ZRR Limited		
Premises:	Tokyo Pizza		
Premises address:	47 Maida Vale London W9 1SD	Ward:	Little Venice
		Cumulative Impact Area:	None
Premises description:	According to the application form, this is an application for a new premises licence for a new basement restaurant.		
Premises licence history:	Although this is a new premises licence application, the premises has the benefit of a premises licence numbered 16/04784/LIPDPS, a copy of this licence is attached at Appendix 3 of this report together with the premises history.		
Applicant submissions:	There are no submissions from the applicant.		

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:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:		Late night refreshment for consumption on the premises until 00:00 on Christmas Eve, Boxing Day, and New Year's Eve ie one extra hour on all days except Sunday when the requirement will be an hour and a half.					

Sale by retail of alcohol				On or off sales or both:			On Sales Only
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	11:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:30
Seasonal variations/ Non-standard timings:		Late night refreshment for consumption on the premises until 00:00 on Christmas Eve, Boxing Day, and New Year's Eve ie one extra hour on all days except Sunday when the requirement will be an hour and a half.					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	11:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:30
Seasonal variations/ Non-standard timings:		Late night refreshment for consumption on the premises until 00:00 on Christmas Eve, Boxing Day, and New Year's Eve ie one extra hour on all days except Sunday when the requirement will be an hour and a half.					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Maxwell Koduah
Received:	28 May 2019

I refer to the application for a new Premises Licence for the above mentioned premises. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated January 2016.

The applicant is seeking the following licensable activities:

1. Provision of late-night refreshment “Indoors” at the following times:
Christmas Eve, Christmas Day, Boxing Day and New Year's Eve:
23:00 – midnight
Sunday on Christmas Eve, Christmas Day, Boxing Day and New Year's Eve:
11:00 – 23:30 hours

2. Supply of alcohol for consumption “On” the premises at the following times
Monday to Saturday: 11:00 – 23:00 hours
Sunday: 11:00 – 22:30 hours
Christmas Eve, Christmas Day, Boxing Day and New Year's Eve: 11:00 – midnight
Sunday on Christmas Eve, Christmas Day, Boxing Day and New Year's Eve:
11:00 – 23:30 hours

Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council's Statement of Licensing Policy I wish to make the following representations:

1. The hours requested to provide late night refreshment may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area
2. The supply of alcohol and the hours requested to supply alcohol may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area

Applicant has indicated a maximum capacity, including staff, of 56 persons. The justification for the capacity with reference to means of escape provision at the premises and compliance with Table 10 of BS 6465 shall be discussed further.

It is my view that there is insufficient information to address the concerns of Environmental Health and the granting of this application as presented would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area.

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

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	4 June 2019

Our comments are made as an Amenity Society recognised by Westminster City Council. We are officially charged with working towards the preservation and enhancement of the architectural and environmental quality of Little Venice, Maida Vale and the Paddington Waterway area (including planning and licensing issues).

We recognise that these premises are run as a business and we are aware that it has to be a viable operation, providing services for locals as well as people who are not residents in this area. We are keen to ensure that an appropriate balance is maintained between the legitimate rights of business and the equally legitimate and important rights of residents.

Introduction

With that in mind, this application raises some issues which lead us to conclude that, if granted as applied for, it may constitute an unacceptable risk of harming the licensing objectives. We would ask that if the licensing authority is minded to grant the application, it should be with amendments and extra conditions.

Our representation is made on the basis that the likely impact of the application, if granted, would be to harm the licensing objective of prevention of public nuisance.

The application

We note that the application seeks a new premises licence for the basement of 47 Maida Vale, the site of the former 'Bombay Bicycle Club'. The licence for that operation permitted 'off' sales only; this application would permit 'on' sales only. Whilst we have no concerns with a licence being granted per se, we do have some concerns around some elements of the application which we would like to see addresses should the licensing authority be minded to grant a licence.

The licensable activities sought are:

- 1) To sell alcohol for consumption on the premises to 11pm Mon-Sat; 10.30pm Sun. We do not have any concerns about this.
- 2) To sell alcohol for consumption on the premises for an additional hour on Xmas eve, Xmas day, Boxing Day and New Year's Eve, and an extra hour and a half where these days fall on a Sunday. We object to this.
- 3) To provide late night refreshment to midnight, but seemingly only on Xmas eve, Xmas Day, Boxing Day and New Year's Eve, unless these days fall on a Sunday in which case it would be 12.30am. This section of the application form is slightly unclear as to when the later hour would be applicable. In any event, we oppose this part of the application.
- 4) Premises open to the public in line with the hours for sale of alcohol. We have no concerns about this apart from the additional hours on the specified days.

Reasons for representation

We have the following concerns:

1. The later hours for sale of alcohol, late night refreshment and opening to the public on the days specified in the application, particularly Sundays. These timings are likely to impact adversely on the licensing objectives on these days when residents can and should expect more peace and quiet.
2. We would like a condition making it clear that there can be no drinking outside the premises. We would suggest the following: 'Persons 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.'

We therefore object to this licence being granted as presented, but would be prepared to withdraw our representation subject to amendments to the application to address the two points above.

Conclusion

We are aware that applications are often amended to take into account concerns raised by responsible authorities or other persons. Please let us know if any amendments are made to this application so that we can consider if they resolve our concerns and, if appropriate, liaise with local residents.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

<p>Policy HRS1 applies:</p>	<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> 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 supply of alcohol for consumption off the premises:</u> Monday to Saturday: 08:00 to 23:00 Sundays: 10:00 to 22:30</p> <p><u>For premises for the provision of other licensable activities:</u> 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>
<p>Policy RNT1 applies:</p>	<p>Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.</p>

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.

4. Appendices

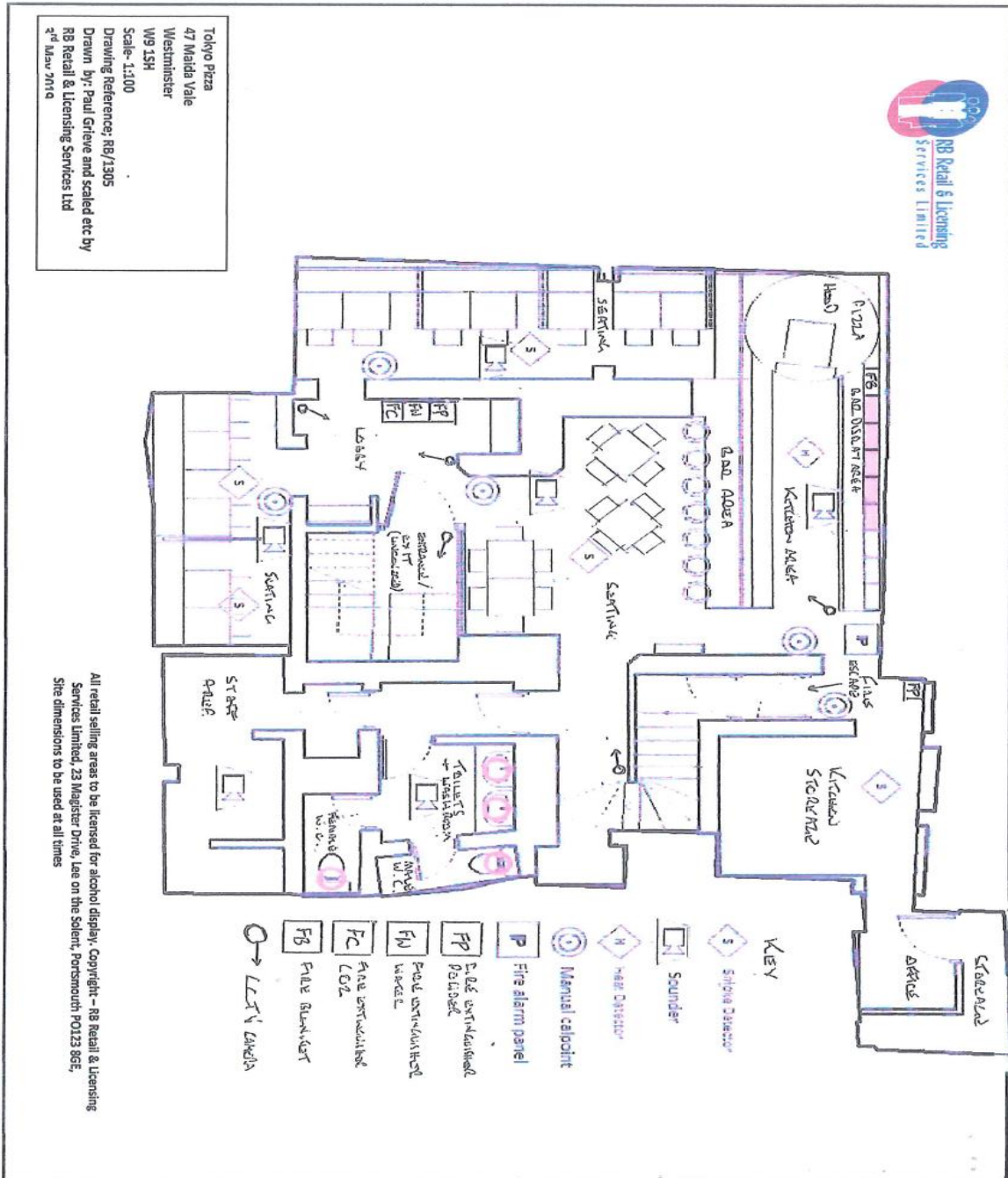
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Michelle Steward Senior Licensing Officer
Contact:	Telephone: 020 7641 1872 Email: msteward1@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 January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Environmental Health Service	28 May 2019
5	Public Representation 1	4 June 2019



Tokyo Pizza
 47 Maida Vale
 Westminster
 W9 1SH
 Scale- 1:100
 Drawing Reference: RB/1305
 Drawn by: Paul Grievie and scaled etc by
 RB Retail & Licensing Services Ltd
 2nd Mar 2019

All retail selling areas to be licensed for alcohol display. Copyright - RB Retail & Licensing Services Limited, 23 Magister Drive, Lee on the Solent, Portsmouth PO13 8GF. Site dimensions to be used at all times

Applicant Supporting Documents

Appendix 2

None



Schedule 12
Part A

WARD: Little Venice
UPRN: 100023607260

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

16/04784/LIPDPS

Original Reference:

11/10210/LIPN

Part 1 – Premises details

Postal address of premises:

Bombay Bicycle Club
Basement
47 Maida Vale
London
W9 1SD

Telephone Number: 0207 266 7675

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

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

Sale by Retail of Alcohol

Monday to Saturday:	10:00 to 23:00
Sunday:	10:00 to 22:30

The opening hours of the premises:

Monday to Saturday:	08:00 to 23:00
Sunday:	10:00 to 22:30

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

Alcohol is supplied for consumption off the Premises.

Part 2

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

New Bombay Club Limited
189 Chester Road
Watford
WD18 0LH

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

8224961

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

Name: Hari Sapkota

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: LN/000008435
Licensing Authority: London Borough Of Greenwich

Date: 2nd June 2016

This licence has been authorised by Miss Heidi Lawrance 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.

Annex 2 – Conditions consistent with the operating Schedule

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
10. 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 to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
11. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
12. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
13. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
14. No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.
15. The sale of alcohol shall only be to credit card holders
16. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
17. There shall be no self service of alcohol on the premises.
18. Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grills, locked screens or locked cabinet doors so as to prevent access to the alcohol.
19. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
20. The licence holder shall ensure that all cashiers are trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 21 years (or older if the licence holder so elects) for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example, thumb print or pupil recognition) is introduced. All cashiers will be instructed, through training, that a sale shall not be made unless this evidence is produced.
21. All cashiers will receive refresher training on relevant alcohol laws and the licence holder's policy on challenging for ID. Such training to take place at least twice a year. Records will be maintained at the premises containing information about the training of any person who may make a sale of alcohol including the date of their training and the nature of the training undertaken. The relevant documentation shall be produced on request to a police officer or a relevant officer of a responsible authority.
22. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, is swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements

23. A direct telephone number for the manager at the premises shall be made available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
24. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.

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

None

Annex 4 – Plans

Attached



City of Westminster
64 Victoria Street, London, SW1E 6QP

Schedule 12
Part B

WARD: Little Venice
UPRN: 100023607260

Premises licence
summary

Regulation 33, 34

Premises licence number:

16/04784/LIPDPS

Part 1 – Premises details

Postal address of premises:

Bombay Bicycle Club
Basement
47 Maida Vale
London
W9 1SD

Telephone Number: 0207 266 7675

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

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

Sale by Retail of Alcohol

Monday to Saturday:	10:00 to 23:00
Sunday:	10:00 to 22:30

The opening hours of the premises:

Monday to Saturday:	08:00 to 23:00
Sunday:	10:00 to 22:30

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

Alcohol is supplied for consumption off the Premises.

Name and (registered) address of holder of premises licence:

New Bombay Club Limited

189 Chester Road
Watford
WD18 0LH

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

8224961

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Name: Hari Sapkota

State whether access to the premises by children is restricted or prohibited:

Restricted

Date: 2nd June 2016

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

Application	Details of Application	Date Determined	Decision
11/10210/LIPN	Application for a new premises licence	25 November 2011	Granted under delegated authority
13/00055/LIPT	Application to transfer the premises licence	24 January 2013	Granted under delegated authority
13/00059/LIPDPS	Application to vary the Designated Premises Supervisor	24 January 2013	Granted under delegated authority
16/04784/LIPDPS	Application to vary the Designated Premises Supervisor	2 June 2016	Granted under delegated authority
18/13904/LIPDPS	Application to vary the Designated Premises Supervisor	Not applicable	Invalid

There is no appeal history for the premises.

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

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

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

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

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or

less in a manner which carries a significant risk of undermining a licensing objective;

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

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

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

9. Spirits will be located behind the counter.
10. The premises shall have sufficient cameras located within the premises to cover all public areas including the outside of the premises covering the entrance/exit.
11. The system shall be able to cope with all levels of illumination throughout the premises. CCTV warning signs to be fitted in public places.
12. The CCTV system must be operating at all times whilst the premises are open for licensable activity. All equipment shall have a constant and accurate time and date generation.
13. The recording system must record to evidential standard and be retained for a minimum of 31 days.
14. CCTV recordings shall be made available to the Police upon reasonable request as soon as is reasonable practicable.
15. Staff shall be trained with regard to their responsibilities in the retail sale of alcohol before they start to sell alcohol. Written records shall be kept of all training. Written refresher training shall be undertaken at least annually. Training records are to be available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority upon request.
16. A refusals book will be operated and maintained. A responsible person will check and sign the refusal book on a weekly basis and the book will be available for inspection upon request by a relevant officer of a responsible authority.
17. A Challenge 25 policy will be operated at the premises. Acceptable forms of identification shall be a passport, a photo driving licence and a PASS accredited identification card.

Alternative wording for condition 17 as proposed by the Metropolitan Police and agreed with the applicant so as to form part of the Operating Schedule:

17. **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.**
18. Challenge 25 posters shall be displayed in prominent positions at the premises.
19. Notices requesting customers to be respectful of local residents when leaving the premises at night.
20. The supply of alcohol at the premises shall only be to a person seated taking a table meal and for consumption by such a person as ancillary to their meal. The supply shall be by waiter or waitress service only.
21. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times. 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.

22. The number of persons permitted in the premises at any one time including staff shall not exceed 56 persons.
23. Patrons will not be able to remove any alcohol purchased from the premises for consumption off the premises.

Conditions proposed by the Environmental Health and agreed by the applicant so as to form part of the Operating Schedule:

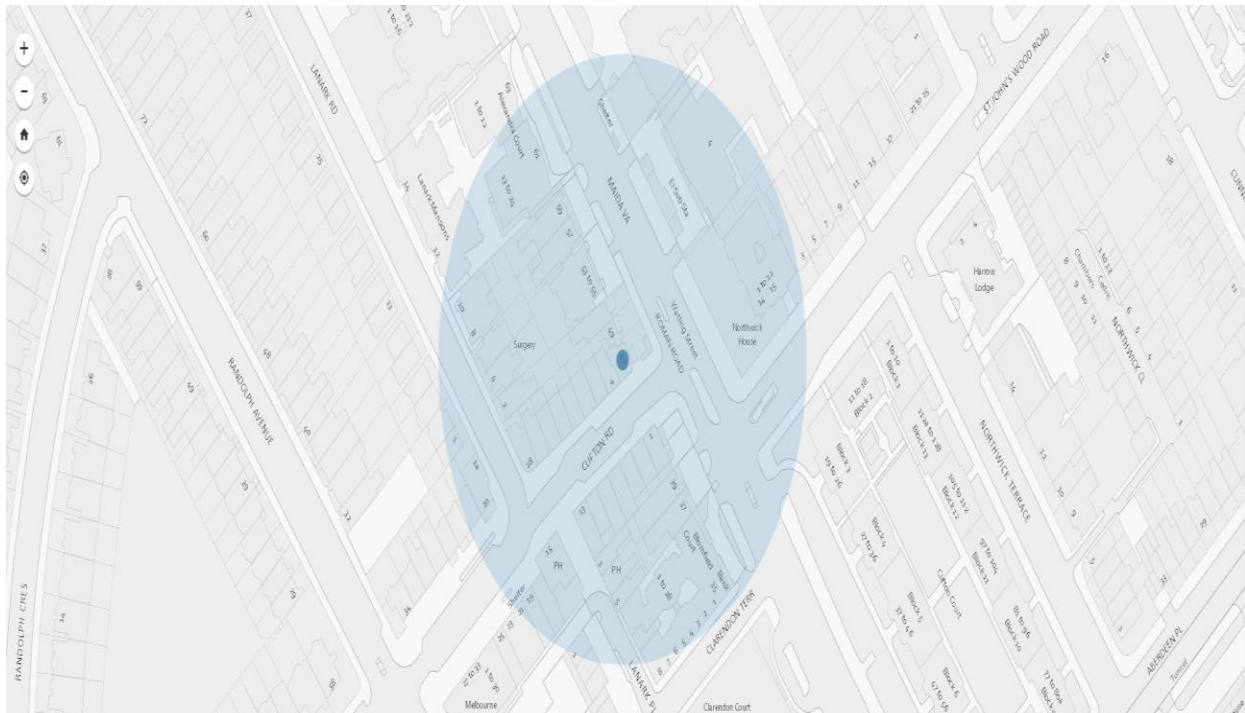
24. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
25. After 23:00 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.
26. 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.
27. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
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.
29. 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.

Conditions proposed by the Police and agreed by the applicant so as to form part of the Operating Schedule:

30. 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.
31. 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.
32. 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.

- 27. 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.
- 28. The supply of alcohol shall be by waiter or waitress service only.



Resident Count: 347

Licensed Premises within 75 metres of Tokyo Pizza, 47 Maida Vale, London W9 1SD				
Licence Number	Trading Name	Address	Premises Type	Time Period
07/00890/WCCMAP	The Winery	4 Clifton Road London W9 1SS	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
08/10345/LIPN	Raoul's Deli	8 Clifton Road London W9 1SS	Cafe	Monday to Friday; 08:00 - 20:30 Saturday; 08:00 - 20:00 Sunday; 10:00 - 19:00
10/05415/LIPD	Raouls Cafe	Basement And Ground Floor 13 Clifton Road London W9 1SZ	Shop	Monday to Saturday; 08:30 - 23:00 Sunday; 12:00 - 22:30
19/03351/LIPDPS	The Eagle	The Eagle 15 Clifton Road London W9 1SZ	Public house or pub restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00

13/10173/LIPDPS	Windsor Castle Public House	3 Lanark Place London W9 1BT	Pub or pub restaurant with lodge	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
10/02038/LIPDPS	Maguro Sushi	5 Lanark Place London W9 1BT	Restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
11/01922/LIPDPS	LV Lounge	4 Clarendon Terrace London W9 1BZ	Public house or pub restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
18/10268/LIPDPS	Portland Express	19 Clifton Road London W9 1SY	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30