

# Licensing Sub-Committee Report

Item No:	
Date:	24 October 2019
Licensing Ref No:	19/08807/LIPN - New Premises Licence
Title of Report:	1 Irving Street London WC2H 7AT
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 020 7641 8094 Email: kjackaman@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>	18 July 2019		
<b>Applicant:</b>	Ahmad Chahine		
<b>Premises address:</b>	1 Irving Street London WC2H 7AT	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	According to the application form the premises intend to trade as a bistro restaurant		
<b>Premises licence history:</b>	This is an application for a new premises licence and therefore has no licence history.		
<b>Applicant submissions:</b>	<p>The business will operate as a small bistro with a maximum of 40 covers inside and at the outside tables and chairs. The sale of alcohol will be ancillary to food and full restaurant conditions are offered. The area of the outside tables and chairs is "delineated by red lines" as it is to be included for the sale of alcohol for consumption on the premises."</p> <p>There is no request for off sales. The permitted and opening hours requested are within Westminster council's hours policy HRS1. A full list of robust conditions are offered to promote the licensing objectives and prevent any increase in negative cumulative impact.</p> <p>We submit that taking the above into account the premises can be exempted from the CIZ policy under WCC policy RNT2.</p> <p>Following consultation, the applicant reduced the terminal hour for licensable activities from 23:30 to 23:00 Monday to Thursday, and the start time for the sale of alcohol on a Sunday to 12:00</p>		

1-B Proposed licensable activities and hours							
<b>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>					23:00	23:00	
<b>End:</b>					00:00	00:00	
<b>Seasonal variations/ Non-standard timings:</b>			None				

Late Night Refreshment:							
<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	
<b>End:</b>					00:00	00:00	
<b>Seasonal variations/ Non-standard timings:</b>			None				

Sale by retail of alcohol				On or off sales or both:			On the premises
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	23:00	23:00	23:00	23:00	00:00	00:00	22:00
<b>Seasonal variations/ Non-standard timings:</b>			None				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	08:00	08:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:30	00:30	22:00
<b>Seasonal variations/ Non-standard timings:</b>			None				
<b>Adult Entertainment:</b>			None				

## 2. Representations

2-A Responsible Authorities																									
<b>Responsible Authority:</b>	Licensing Authority																								
<b>Representative:</b>	Angela Seaward																								
<b>Received:</b>	19 August 2019																								
<p>I write in relation to the application submitted for a new premises licence for 1 Irving Street, London, WC2H 7AT</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority has considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives:</p> <ul style="list-style-type: none"> <li>• Public Nuisance</li> <li>• Prevention of Crime &amp; Disorder</li> <li>• Public Safety</li> <li>• Protection of Children from harm</li> </ul> <p>The application seeks the following Licensable Activities:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 30%;"><b>Recorded Music:</b></td> <td style="width: 30%;">Monday to Thursday:</td> <td style="width: 40%;">23:00 – 23:30</td> </tr> <tr> <td></td> <td>Friday to Saturday:</td> <td>23:00 – 00:00</td> </tr> <tr> <td><b>Late Night Refreshment:</b></td> <td>Monday to Thursday:</td> <td>23:00 – 23:30</td> </tr> <tr> <td></td> <td>Friday to Saturday:</td> <td>23:00 – 00:00</td> </tr> <tr> <td><b>Retail by Sale of Alcohol On and off the premises:</b></td> <td>Monday to Thursday:</td> <td>10:00 – 23:30</td> </tr> <tr> <td></td> <td>Friday to Saturday:</td> <td>10:00 – 00:00</td> </tr> <tr> <td></td> <td>Sunday:</td> <td>10:00 – 22:30</td> </tr> <tr> <td><b>Opening Hours</b></td> <td>Monday to Thursday:</td> <td>08:00 – 23:30</td> </tr> </table>		<b>Recorded Music:</b>	Monday to Thursday:	23:00 – 23:30		Friday to Saturday:	23:00 – 00:00	<b>Late Night Refreshment:</b>	Monday to Thursday:	23:00 – 23:30		Friday to Saturday:	23:00 – 00:00	<b>Retail by Sale of Alcohol On and off the premises:</b>	Monday to Thursday:	10:00 – 23:30		Friday to Saturday:	10:00 – 00:00		Sunday:	10:00 – 22:30	<b>Opening Hours</b>	Monday to Thursday:	08:00 – 23:30
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Friday to Saturday: 08:00 – 00:30  
Sunday: 08:00 – 22:30

At present, the hours applied for licensable activities currently fall outside of Westminster's core hours. For premises for the supply of alcohol for consumption on and off the premises, Westminster's core hours are as follows:

Monday to Thursday: 10:00 – 23:30  
Friday and Saturday: 10:00 – 00:00  
Sunday: 12:00 to 22:30

The Licensing Authority would encourage the applicant to consider reducing the Sunday commencement hours for licensable activities to be in line with those of Westminster's Core Hours Policy, HRS1. It is also noted that unlike Friday to Saturday there is no drink up time allocated for Sunday to Thursday. Paragraph 2.3.6 of the Council's statement of licensing policy states the licensing authority will consider closing times and appropriate conditions. The benefits of "winding down" periods are very widely recognised as helping to reduce crime and disorder and public nuisance. Could you advise me how the premises proposes to manage the terminal hour for licensable activities from Sunday to Thursday nights bearing in mind in that in its current form all customers would have to be off the premises at the same time as purchasing alcohol.

The application proposes to operate the premises as a restaurant, therefore in order to be fully compliant with RNT2 of which it is policy to grant applications subject to other policies. The Licensing Authority would propose model condition Model Condition 66, which reads.

*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.*

Please accept this as a formal representation and I look forward to receiving any further submissions.

<b>Responsible Authority:</b>	Metropolitan Police Service ( <b>withdrawn</b> )
<b>Representative:</b>	Adam Deweltz
<b>Received:</b>	21 August 2019 (withdrawn 3 September 2019)

I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are making a representation against this application.

The venue is situated within the Cumulative Impact Area. It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.

I have been through the operating schedule and note the conditions contained. Police would require the following conditions to be added to the Premises Licence. If these can be agreed, the Police would be in a position to withdraw their representation:

- 1) *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.*
- 2) *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.*
- 3) *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.*

- 4) *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.*
- 5) *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.*

I am content with all other conditions submitted.

In relation to your hours on Sunday, can you please bring the start time to **12:00** hours to reflect Westminster's Core Hours Policy.

**Following agreement of the conditions proposed, the Metropolitan Police Service withdrew their representation on 3 September 2019**

<b>2-B Other Persons</b>	
<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	████████████████████
<b>Received:</b>	3 September 2019
<p>By this document I object to the grant of the requested Licence for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The existing planning use of the premises is that of a sandwich bar. There is no existing licence to allow alcohol to be purchased or consumed on the premises or within the curtilage of the outside area and which I understand has planning use for 4 tables only and 16 chairs with a restriction for use only by the sandwich bar customers and who primarily are takeaway customers. As I shall explain hereafter the planning use has been breached for a very lengthy period of time by the present applicant</li> <li>2. The Application envisages the joinder of the premises at ! Irving Street with the premises at 2/3 Irving Street and hence full service dining facilities will be provided to the "customers" who are accommodated at number 1 but who will not be purchasing food from No:1. Hence there will be a breach of the existing planning consent in respect of both 1 and 2/3 Irving Street as well as a breach of the existing Licence for 2/3 Irving Street relating to the sale of and consumption of alcohol.</li> <li>3. The proposed use of the toilet facilities at No; 2/3 by customers of No:1 will overload and exhaust the toilet facilities at No: 2/3 and which is a health and safety issue. No: 2/3 cannot possibly cope with such an overload!</li> <li>4. The proposed sale of alcohol at No:1 is simply not viable. There are no toilet facilities at No: 1 and what is being sought is to turn these premises into a virtual Public House and as there is miniscule interior room for customers and who will congregate outside the premises and spill onto the pavement and obstruct the Irving Street thoroughfare and which is an important conduit between Leicester Square and Charing Cross Road and which ought not to be blocked (see my subsequent comments).</li> <li>5. Since the present Applicant has taken control over No: 1 the premises have effectively ceased to operate as a sandwich bar and have become effectively joined to 2/3 as a visual inspection and the new signage shows. As a result, customers seated at the tables outside No 1 are served meals from the kitchen at 2/3 Irving Street and which itself is in breach of the restricted planning consent at 2/3 and which does not allow full scale cooking at No: 2/3. This planning breach is currently being considered by the Planning Enforcement Officers of Westminster. Complaints have also been made to Westminster concerning the illegal extraction system at No 2/3 and which is creating a nuisance by way of smoke and smell to the whole area. Enforcement letters have been sent to the Applicant but at the date hereof have not been complied with. Westminster have been requested to take enforcements proceedings via the court. Accordingly, the Applicant cannot expect to succeed on tis present Application whilst seriously in breach of existing planning consents and in respect of the Licence at No:2/3.</li> <li>6. Of further concern is the fact that alcohol is being sold in particular at weekends to mainly young and possibly underage customers in the late evening and who congregate [outside No 1 and generally creating a nuisance by their unruly and noisy behaviour. Shisha (and unfortunately cannabis) is in common use in particular at these late hours. No enforcement action has to my knowledge been taken by Westminster to curb or prevent these continuing and ongoing breaches of planning and licencing and which result from the Applicant's continuing breaches.</li> </ol> <p>COMMENTS ON APPLICANT'S PROPOSED CONDITIONS</p>	

#### A) GENERAL

Please see 6 above. The applicant is not running the existing business in a responsible manner and remains in breach of existing planning and licensing regulations

#### CIZ STATEMENT

There is no existing planning consent for use as a "Bistro". There is insufficient space available to allow any business other than a sandwich bar or similar operation. No cooking is allowed at the premises. The Applicant is disingenuous when he makes this assertion.

There is only room outside for 4 tables and 16 chairs. The sale of alcohol should be prohibited at these premises. Alcohol is presently sold from No: 2/3 for consumption "off" the No: 2/3 premises to

customers who are seated at the tables outside No:1 and who then spill out into the street and on drinking mainly in Irving Street/Leicester Square.

#### B) PREVENTION OF CRIME AND DISORDER

1. Westminster are invited to carry out surveillance at No: 1 and No: 2/3 to ascertain the present breaches of planning and licensing. I have no confidence that such condition will be imposed or observed by the Applicant.

2. If alcohol is ordered and not followed up by a meal, then this merely encourages the continuation of what is now taking place at the premises.

3. This is a simple "get out" and invites and encourages "off" sales as there will be no monitoring thereof and will lead to the rowdy behaviour already referred to.

4. Customers will take their alcoholic drinks outside and consume them there and hence this condition is simply not understood if the intention is to allow table sales only.

5. Without a total restriction of the sale of alcohol these "off" sales will not be prevented.

6. The plan does not provide the location of the camera points or the precise areas to be covered by the CCTV images. It also does not indicate any designated point for internal observation/immediate download of the camera images. It is noted that no daily log will be kept.

7. There is no indication of where image storage will be maintained. Ensuring that recordings are being made should be effected on a daily basis by somebody of managerial status. Challenge 25 is not in use at the moment or if it is it is being demonstrably ignored by the Applicant and his staff. Many under-age alcohol drinkers are observed on a regular basis consuming alcohol outside No: 1 in particular at weekends.

8. Noted

9. The display places of these notices are not set out on the plan

#### C) PUBLIC SAFETY

The proposal for 40 covers is imply unmanageable when linked with the non-existence of toilet facilities. This may result in customers having no alternative other than to seek to urinate in public places.

N:1 has insufficient facilities to service 40 customers with food. The emphasis will be in sales of alcohol. The potential obstruction of pedestrians in Irving Street which is a very busy thoroughfare will create potential safety problems.

#### D) PREVENTION OF PUBLIC NUISANCE

1. The grant of a licence to sell alcohol on or off the premises will result in an immediate breach of this condition.
2. This nuisance will take place and as opposed to prevention thereof bearing in mind that the Applicant has already anticipated the situation he will have to confront and is indicating what the cure will be.
- 4
3. There will be a consistent mess throughout licensing hours, and which will spill out into Irving Street. A final sweep at closing indicates the admission of such nuisance.
4. Noted.
5. Noted.
6. This suggest that customers will be inebriated.

#### E) PROTECTION OF CHILDREN FROM HARM

At the moment the Applicant does not discourage underage drinkers who purchase and consume alcohol and who congregate outside the premises and in Irving Street/Leicester Square. The grant of a Licence is unlikely to curb these occurrences but will allow the same to increase

#### CONCLUSION

The grant of a licence to allow alcohol to be sold at these premises either "On" or "Off" or even to be consumed at the premises or outside the premises at the tables and chairs should not be allowed for the reasons set out above.

### 3. Policy & Guidance

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

<b>Policy CP1 applies</b>	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
<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><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 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>
<b>Policy RNT2 applies</b>	<p>Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas</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.

#### 5. Appendices

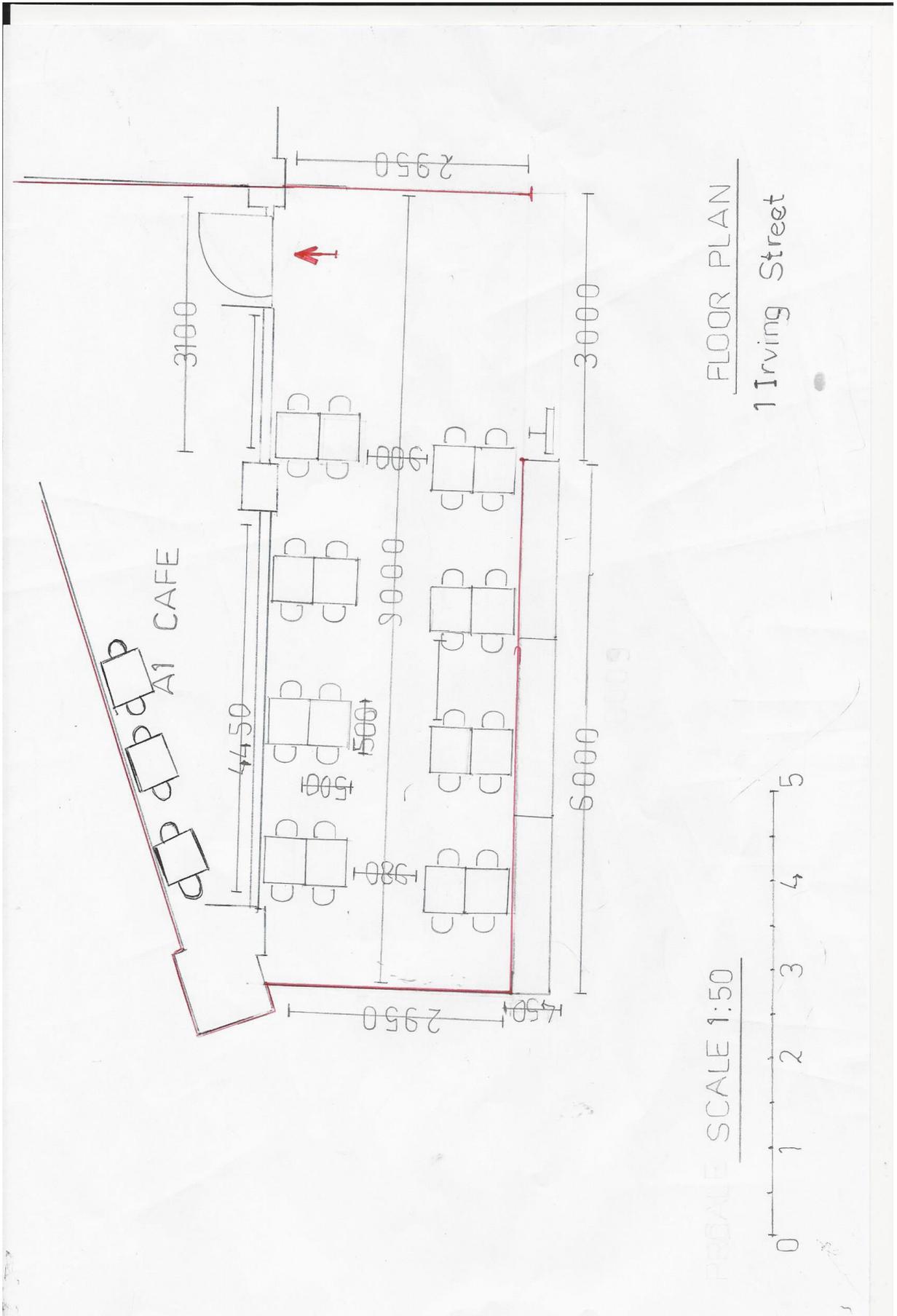
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Kevin Jackaman Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 8094 Email: kjackaman@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 2019
<b>4</b>	Licensing Authority Representation	19 August 2019
<b>5</b>	Metropolitan Police Service Representation	21 August 2019 (withdrawn 3 September 2019)
<b>6</b>	Interested Party Representation	3 September 2019



**Applicant Supporting Documents**

**Appendix 2**

None submitted

## Premises History

## Appendix 3

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
19/07404/STTCF	Tables and Chairs	19.06.2019	Granted under delegated authority
<b>Temporary Event Notices</b>	<b>Date of Event</b>	<b>Activities/Hours</b>	<b>Decision</b>
19/06369/LITENP	07.06.2019 to 09.06.2019	Regulated entertainment, Late night refreshment and Sale of alcohol	Event permitted
19/06375/LITENP	14.06.2019 to 16.06.2019	Regulated entertainment, Late night refreshment and Sale of alcohol	Event permitted
19/06599/LITENP	21.06.2019 to 23.06.2019	Regulated entertainment, Late night refreshment and Sale of alcohol	Event permitted
19/07012/LITENP	05.07.2019 to 06.07.2019	Regulated entertainment, Late night refreshment and Sale of alcohol	Event permitted
19/07016/LITENP	12.07.2019 to 13.07.2019	Regulated entertainment, Late night refreshment and Sale of alcohol	Event permitted
19/06975/LITENP	28.06.2019 to 29.06.2019	Regulated entertainment, Late night refreshment and Sale of alcohol	Event permitted
19/07300/LITENP	19.07.2019 to 20.07.2019	Regulated entertainment, Late night refreshment and Sale of alcohol	Event permitted
19/07682/LITENP	29.06.2019 to 30.06.2019	Regulated entertainment, Late night refreshment and Sale of alcohol	Event permitted
19/09070/LITENP	03.08.2019	Regulated entertainment, Late night refreshment and Sale of alcohol	Event permitted
19/09340/LITENP	10.08.2019	Regulated entertainment, Late night refreshment and Sale of alcohol	Event permitted
19/09666/LITENP	17.08.2019	Regulated entertainment, Late night refreshment	Event permitted

		and Sale of alcohol	
19/10032/LITENP	24.08.2019	Regulated entertainment, Late night refreshment and Sale of alcohol	Event permitted
19/10366/LITENP	31.08.2019	Regulated entertainment, Late night refreshment and Sale of alcohol	Event permitted
19/10748/LITEN	07.09.2019	Regulated entertainment, Late night refreshment and Sale of alcohol	Event permitted

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

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

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

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

### **Mandatory Conditions**

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

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

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

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

9. The premises will operate strictly as a restaurant with the sale of alcohol only being permitted to customers taking a substantial table meal, seated at a table and with service by waiting staff only.

10. Customers consuming a table meal may be permitted to drink alcohol before, during or after their meal.
11. Customers will be permitted to take home a sealed part consumed bottle of wine.
12. There will be no sale or consumption of alcohol permitted at the bar.
13. Customers collecting a take away meal will not be permitted to buy alcohol.
14. CCTV covering the interior & exterior of the restaurant including the outside tables & chairs will be installed and be kept operational at all times the premises are open to the public. It shall be capable of taking a head & shoulders shot of persons entering the premises, be capable of storing images for a minimum of 31 days and a member of staff trained & capable of downloading images shall be on duty at all times the premises are open to the public. Images shall be provided to the police or authorised officers on request.
15. On a minimum daily basis staff shall check that the CCTV system is operational and the date & time print correctly set and on a minimum weekly basis staff shall check that images are being recorded and stored for a minimum of 31 days and can be instantly downloaded.
16. Front of house / waiting staff will receive training for their role on induction & refresher training every 6 months. Written training records will be kept for all staff.
17. Notices will be prominently displayed by the entry/exit door, on the outside area and servery advising customers:
  - That CCTV and challenge 25 are in operation;
  - Advising customers of the provisions of the licensing act regarding underage & proxy sales;
  - Asking customers to respect nearby residents, to leave quietly and not loiter outside the restaurant;
  - That no drinks, glasses or bottles may be taken beyond the outside tables and chairs area or when the area is closed from the restaurant at any time;
  - Asking smokers to dispose of cigarette butts responsibly.
18. A fire risk assessment and emergency plan will be prepared & regularly reviewed. Staff will be given appropriate fire safety training
19. No drinks, glasses or bottles will be permitted to be taken beyond the outside tables and chairs area or when the area is closed from the restaurant at any time.
20. Management & staff will monitor the outside of the restaurant including the conduct of customers outside smoking. A suitable container will be provided for cigarette ends and be regularly emptied.
21. The restaurant front will be kept tidy at all times and shall be swept at close.
22. No deliveries will be received or glass removed between 20.00 and 08.00.
23. A phone number will be displayed for residents to contact management with any concerns. Details of any complaints and the outcome will be recorded in the incident book.
24. A local cab office number will be displayed & staff will call a cab for departing customers on request

25. 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.
26. All refusals of service will be recorded in the incident book (refusals section) and will be made available to the police or authorised officers on request.
27. Waiting staff will be trained on induction and be given refresher training at six monthly intervals in the operation of challenge 25. Training will include identifying persons under 25, making a challenge, acceptable proof of age and checking it, making and recording a refusal, not serving intoxicated persons, avoiding conflict, responsible alcohol retailing & safeguarding children.
28. No child or young person under 18 will be permitted to consume alcohol on the premises at any time.
29. No unaccompanied children will be permitted on the premises after 19.00

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

30. Customers of Number 1 Irving Street must be allowed to use the toilets free of charge at the adjoining Number 2/3 Irving Street. The toilets at Number 2/3 shall be available for use at all times when Number 1 is open for business

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

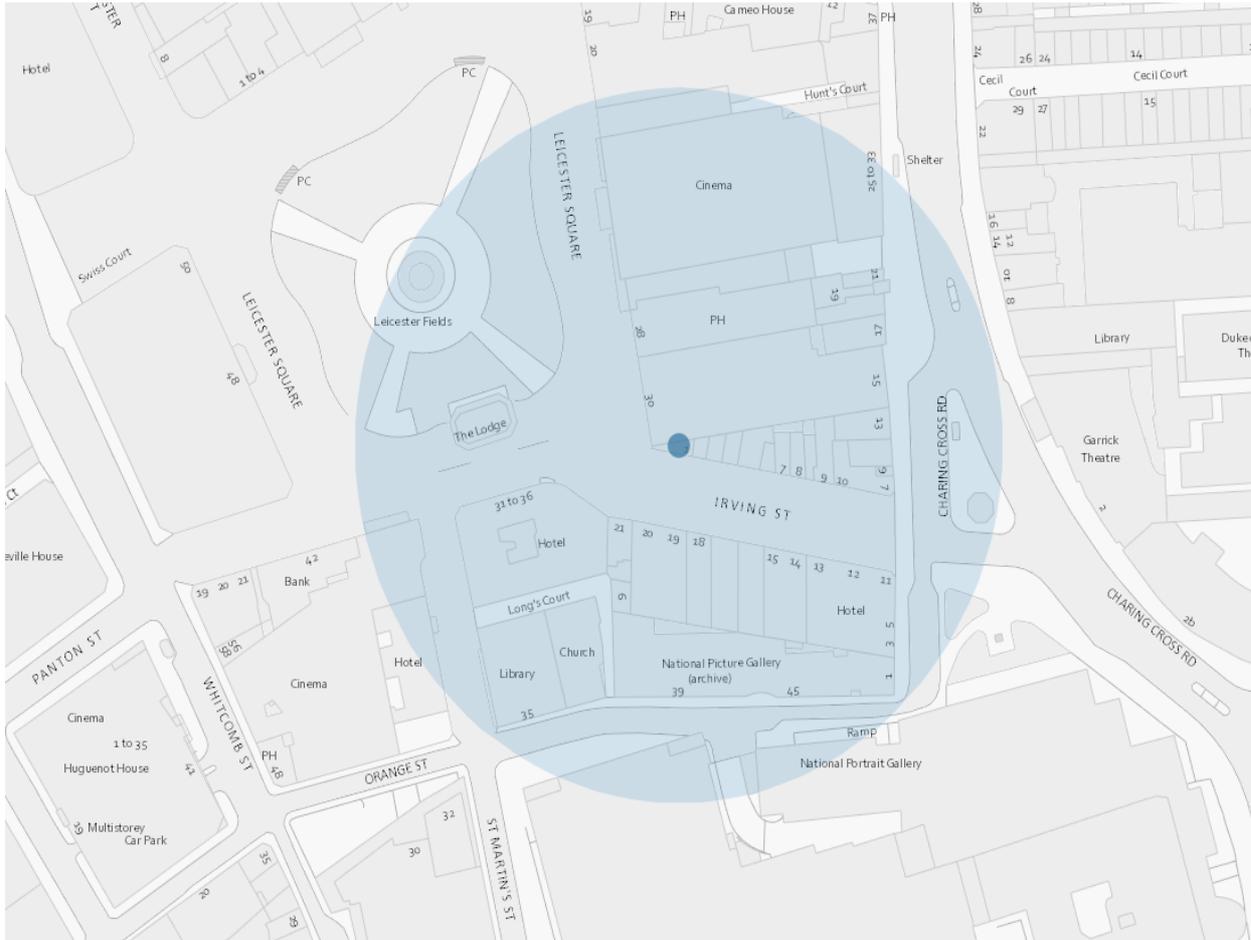
31. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually 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.
32. 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.
33. 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.

34. 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 5**



Resident count: 16

**Licensed premises within 75 metres of 1 Irving Street**

19/02589/LIPDPS	Stephanos Cafe La Chandelle	2-3 Irving Street London WC2H 7AT	Restaurant	Monday to Saturday; 08:00 - 00:30   Sunday; 08:00 - 00:00
18/05674/LIPDPS	Global Radio	29-30 Leicester Square London WC2H 7LA	Office	Monday to Friday; 07:00 - 00:00
19/10149/LIPVM	TGI Fridays	29-30 Leicester Square London WC2H 7LA	Not Recorded	Monday; 09:00 - 01:30   Tuesday; 09:00 - 01:30   Wednesday; 09:00 - 01:30   Thursday; 09:00 - 01:30   Friday; 09:00 - 01:30   Sunday; 09:00 - 01:00   Sundays before Bank

				Holidays; 09:00 - 01:30
19/04918/LIPVM	Il Padrino	6-7 Irving Street London WC2H 7AT	Not Recorded	Monday; 10:00 - 05:00   Tuesday; 10:00 - 05:00   Wednesday; 10:00 - 05:00   Thursday; 10:00 - 05:00   Friday; 10:00 - 05:00   Sunday; 11:00 - 01:30
19/11943/LIPDPS	Club Storm	28A Leicester Square London WC2H 7LE	Night clubs and discos	Monday; 09:00 - 03:30   Monday to Wednesday; 09:00 - 03:30   Tuesday; 09:00 - 03:30   Wednesday; 09:00 - 03:30   Thursday; 09:00 - 03:30   Thursday to Saturday; 09:00 - 06:00   Friday; 09:00 - 03:30   Saturday; 09:00 - 03:30   Sunday; 09:00 - 01:00
18/07437/LIPVM	Moon Under Water	28 Leicester Square London WC2H 7LE	Public house or pub restaurant	Monday to Thursday; 07:00 - 23:30   Friday to Saturday; 07:00 - 00:00   Sunday; 07:00 - 22:50   Sundays before Bank Holidays; 07:00 - 00:00
18/14488/LIPT	Wox	8 Irving Street London WC2H 7AT	Cafe	Monday to Saturday; 23:00 - 05:00
18/09424/LIPDPS	Garfunkels Restaurants	Ground Floor 19 - 20 Irving Street London WC2H 7RR	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
18/14963/LIPDPS	MOD Pizza	17 - 18 Irving Street London WC2H 7AU	Restaurant	Monday to Saturday; 07:00 - 00:30   Sunday; 07:00 - 00:00   Christmas Eve; 07:00 - 02:30

				New Year's Eve; 07:00 - 07:00
18/09120/LIPDPS	Radisson Hampshire Hotel	31-36 Leicester Square London WC2H 7LH	Hotel, 4+ star or major chain	Monday to Sunday; 00:01 - 00:00
17/09529/LIPN	Not Recorded	Basement And Ground Floor 16 Irving Street London WC2H 7AU	Restaurant	Monday to Saturday; 07:00 - 01:00   Sunday; 07:00 - 00:00   Christmas Eve; 07:00 - 02:30   New Year's Eve; 07:00 - 07:00
10/05756/LIPN	Pompidou	9A Irving Street London WC2H 7AT	Cafe	Monday to Saturday; 07:00 - 23:30   Sunday; 09:00 - 23:00
06/12648/WCCMAC	Beefsteak Club	Basement To First Floor 9 Irving Street London WC2H 7AH	Club or institution	Monday to Friday; 13:00 - 15:00   Monday to Friday; 17:30 - 23:30
17/12395/LIPVM	Not Recorded	9A Irving Street London WC2H 7AT	Cafe	Monday to Saturday; 08:00 - 23:30   Sunday; 08:00 - 23:00
18/09520/LIPDPS	Bella Italia	10 Irving Street London WC2H 7AT	Restaurant	Monday to Saturday; 09:00 - 01:00   Sunday; 09:00 - 00:00   Sundays before Bank Holidays; 09:00 - 01:00
19/00179/LIPT	The Halal Guys	Basement And Ground Floor 14-15 Irving Street London WC2H 7AU	Restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 23:30 - 23:00
17/00808/LIPDPS	Wagamama	14A Irving Street London WC2H 7AF	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
18/01279/LIPDPS	Saravana Bhavan	17 Charing Cross Road London WC2H 0EP	Restaurant	Monday to Sunday; 10:00 - 00:30
19/11008/LIPVM	Odeon Cinema	24 - 27	Cinema	Monday to

		Leicester Square London WC2H 7JY		Sunday; 00:00 - 00:00
19/05778/LIPCH	Odeon Cinema	24 - 27 Leicester Square London WC2H 7JY	Cinema	Monday to Sunday; 00:00 - 00:00
16/00395/LIPT	Maharaja Of India	19A Charing Cross Road London WC2H 0ET	Restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
19/01132/LIPVM	Steak & Co	Ground Floor 3 - 5 Charing Cross Road London WC2H 0HA	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
18/12523/LIPT	Assembly Hotel	Basement And Ground Floor Part Alhambra House 27 - 31 Charing Cross Road London WC2H 0AU	Hotel, 3 star or under	Monday to Thursday; 10:00 - 00:00   Friday to Saturday; 10:00 - 01:00   Sunday; 10:00 - 22:30
06/05390/WCCMAP	Leicester Square Gardens	Open Space At Leicester Square London WC2H 7LE	Park / Open Space	Monday to Saturday; 07:30 - 22:30   Sunday; 08:00 - 22:30
15/07167/LIPDPS	Bella Italia	22 Leicester Square London	Restaurant	Monday to Saturday; 09:00 - 01:00   Sunday; 09:00 - 00:00   Sundays before Bank Holidays; 09:00 - 01:00