

**WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.2
("THE COMMITTEE")**

Thursday 18 March 2021

Membership: Councillor Tim Mitchell (Chairman), Councillor Richard Elcho and Councillor Maggie Carman

Application for a Variation of Premises Licence – Bellaria Restaurant Basement and Ground Floor 71 Great Titchfield Street London W1W 6 RB (20/11567/LIPV)

SUMMARY DECISION

Case Summary

This is an application for a variation of a premises licence under the Licensing Act 2003 ("the Act"). The Premises are a restaurant situated in the West End Ward, but not within the Cumulative Impact Area or the Special Consideration Zone.

Applicant

Mr. Nimet Oner

Summary Decision

The Committee has considered the committee papers and the submissions made by all of the parties, both orally and in writing.

In reaching its decision the Committee has had regard to the relevant legislation, the Secretary of State's Guidance ("Guidance") and the Authority's Statement of Licensing Policy ("SLP").

In summary, the Committee has decided, after taking into account all of the individual circumstances of this application and the promotion of the four licensing objectives:

1. To grant permission to extend the hours the premises are open to the public, Monday to Wednesday 10:00 to 23:30; Thursday to Saturday 10:00 to 00:30 hours; Sunday 12:00 to 23:00.
2. To grant permission to add Live Music operation Thursday to Saturday 10:00 to 00:30 hours.
3. To grant permission to change and extend the hours of Recorded Music, Monday to Wednesday 10:00 to 23:30; Thursday to Saturday 10:00 to 00:30 hours; Sunday 12:00 to 23:00.
4. To grant permission to change and extend the hours of Late-Night Refreshment, Monday to Wednesday 23:00 to 23:30; Thursday to Saturday 23:00 to 00:30 hours.
5. To grant permission to change and extend the Sale of Alcohol on the Premises, Monday to Wednesday 10:00 to 23:00; Thursday to Saturday 10:00 to 00:30 hours; Sunday 12:00 to 22:30.
6. That the Licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed by the Committee after a hearing

7. 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 are 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.
8. 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 are 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.
9. A Challenge 21 or 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.
10. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service
11. On Thursday, Friday and Saturday after 23:00hrs until 00:30 hours the following day. 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 takeaway service of food or drink for immediate consumption,
 - (v) which do not provide any takeaway service of food or drink after 23.00, and

- (vi)(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.
12. All outside tables and chairs shall be rendered unusable by 23:00 hours each day.
 13. On Thursday, Friday and Saturday, entry to the venue after 21:00 hours will be by prior reservation only and the last entry will be at 2300 hours.
 14. All windows and external doors shall be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
 15. On Thursday, Friday and Saturday, a minimum of one (1) SIA licensed door supervisor shall be on duty at the premises from 21:00 hours until 30 minutes after licensing hours.
 16. Live entertainment shall cease at midnight.
 17. Save for in any permitted external area, 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.
 18. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
 19. 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.
 20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
 21. Regulated Entertainment (live music/recorded music after 2300 hours) will only take place in the Basement
 22. There will be a designated smoking area and the number of smokers permitted at any one time will be limited to 6 persons.
 23. There shall be no sales of hot food or hot drink for consumption off the premises after 23:00 hours.
 24. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
 25. No deliveries to the premises shall take place between (23:00) and (08:00) on the following day.

This is a summary of the decision reached by the Licensing Sub-Committee. The fully reasoned decision will be sent out to all parties as soon as possible.

The date for appealing the decision will not start until the full reasoned decision has been sent to the Parties.

Licensing Sub-Committee
8 March 2021