

SUSSEX FISH BAR: SUMMARY DECISION

WCC LICENSING SUB-COMMITTEE NO. 4
("The Committee")

Thursday 4 March 2020

Membership: Councillor Karen Scarborough (Chairman) Councillor Louise Hyams and Councillor Rita Begum

APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF SUSSEX FISH BAR, 20 LONDON STREET, LONDON W2 1HL [20/10970/LIPV]

Summary

The Committee has determined an application for a Variation of Premises Licence under the Licensing Act 2003 ("The Act"). The Premises is currently operating as a restaurant with a take-away facility within the Hyde Park Ward. The Applicant seeks to extend the hours of late-night refreshment to 04:00 Monday to Sunday. The hours from 01:00 to 04:00 will be for deliveries only. The Premises has been licensed since 2008 and is not within any area of Cumulative Impact. The Committee noted that the Applicant had been trading from the Premises for some 19 years free from complaint.

Applicant

Mr Ajmal Daulatzai

SUMMARY DECISION

The Committee decided that the Applicant had provided valid reasons as to why the granting of the application would promote the licensing objectives.

Having carefully considered the committee papers and the submissions made by all of the parties, both orally and in writing, **the Committee has decided**, after taking into account all of the individual circumstances of this case and the promotion of the four licensing objectives: -

1. To grant permission for Late Night Refreshment (Indoors and Outdoors) Monday to Sunday 23:00 to 02:00 hours subject to the restriction below at paragraph 4.
2. To grant permission for Late Night Refreshment Monday to Sunday 00:00 to 02:00 hours for the purpose of deliveries within the local area.
3. To refuse permission for the Opening Hours Monday to Sunday 11:00 to 04:00 hours. Instead, these will remain unchanged Monday to Sunday 11:00 to 01:00 hours that appear currently on the licence.
4. That there shall be no orders taken inside the Premises for the sale of hot food or hot drink Monday to Sunday between 00:00 to 01:00 hours.
5. To add conditions in the terms specified below.
6. That the varied licence is subject to any relevant mandatory conditions.
7. That the existing conditions on the licence shall apply in all respects except in so far as they are varied by this Decision.

8. That the varied 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

9. Late night refreshment from the hours of 00:00 to 02:00 will be by delivery service only and to a bona fide address.
10. The premises will encourage delivery riders/drivers to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the licenced premises; not to leave engines running when the vehicles are parked; and not to obstruct the highway.
11. After 00:00 Monday to Sunday, customers shall not be permitted on the premises and after midnight each day there shall be no sales of hot food or hot drink to persons actually attending the premises for consumption either on or off the premises otherwise than by delivery only to a bona fide address.
12. Vehicles used for delivery must switch off their engines when waiting outside of the Premises for the collection of food for delivery.
13. Drivers shall wait inside the premises between deliveries and for deliveries.
14. A notice shall be displayed by the front door stating the premises opening hours and that all orders after midnight must be phoned through and are by home delivery only.
15. The licence holder shall keep on the premises at all times a record of complaints which shall be made available for immediate inspection by the Responsible Authorities on demand.

If problems are experienced, then an application for a review of the Premises licence can be made.

This is the Summary Decision reached by the Licensing Sub-Committee. The Fully Reasoned Decision will be sent 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
4 March 2021**