

**WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.4
("THE COMMITTEE")**

Thursday 25 February 2021

Membership: Councillor Karen Scarborough (Chairman), Councillor Heather Acton and Councillor Rita Begum

**APPLICATION FOR A NEW PREMISES LICENCE, KIN CAFÉ, BASEMENT AND
GROUND FLOOR, 22 FOLEY STREET, LONDON W1W 6DT [20/11005/LIPN]**

SUMMARY

The Committee has considered an application for a new Premises Licence under the Licensing Act 2003 ("the Act"). The Premises intends to operate as a restaurant.

The Premises are in the West End Ward, but not within the Cumulative Impact Area or the Special Consideration Zone.

Applicant

Araza Farm Feed Limited

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 for Sale by Retail of Alcohol (On Sales) for the following hours:
Monday to Thursday: 10:00 to 22:30 hours;
Friday to Saturday: 10:00 to 23:30 hours;
Sunday: 12:00 to 22:30 hours.
Seasonal Variations: None
2. To grant permission for the Hours the Premises are open to the Public as follows:
Monday to Thursday: 07:00 to 23:00 hours;
Friday to Saturday: 07:00 to 00:00 hours;
Sunday: 10:00 23:00 hours.
Seasonal Variations: None
3. That the Licence is subject to relevant mandatory conditions as specified in the Agenda papers.
4. That the Licence is subject to the conditions consistent with the operating schedule as specified in the Agenda papers.

5. That the Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

CONDITIONS IMPOSED BY THE COMMITTEE AT THE HEARING

11. 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) 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.
12. There shall always be a personal licence holder on duty on the premises when the premises are authorised to sell alcohol.
13. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall always be available for inspection at the premises by the Police or an authorised officer of the Council whilst the premises are open.
14. 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.
15. 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 the Police or authorised officer throughout the entire 31-day period.
16. 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 Police or authorised council officer

copies of recent CCTV images or data with the absolute minimum of delay when requested.

17. If a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - (i) The Police (and where appropriate, the London Ambulance Service) are called without delay.
 - (ii) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the Police.
 - (iii) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the Police; and
 - (iv) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
18. An incident log shall be kept at the premises and made available on request to an authorised officer of the 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.
19. The Designated Premises Supervisor (DPS) will ensure that the premises operate in line with existing health and safety legislation and is aware that it is also the responsibility of the premises licence holder that this legislation is adhered to.
20. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
21. 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.
22. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
23. A direct telephone number for the manager at the premises shall always be publicly available whilst the premises are open. This telephone number is to be made available to residents and businesses in the vicinity.
24. 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.

25. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 and 08:00 on the following day.
26. No deliveries to the premises shall take place between 23:00 and 08:00 on the following day.
27. 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.
28. No fumes, steam or odours shall be emitted from the licensed premises to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
29. The DPS will take full responsibility to ensure that all staff training is documented and to include obligations under the Licensing Act 2003, offences under the Act, underage sales, proxy sales, sales of alcohol to drunks, awareness and application of policies particular to the premise and with a comprehensive knowledge of Challenge 25, where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof age card with the PASS Hologram.
30. Training is to be fully documented and refreshed every six months. The training records will be presented to an authorised officer or the Police upon request.
31. There shall be a maximum of 3 tables and 6 chairs placed on the forecourt immediately outside the premises.
32. All outside tables and chairs shall be removed or rendered unusable by 23:00 each day.
33. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

INFORMATIVE:

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
25 February 2021**