



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (2)** held on **Thursday 28th June, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Tim Mitchell (Chairman), Heather Acton and Aziz Toki

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

1 NORTH AUDLEY CANTEEN, 1 NORTH AUDLEY STREET, LONDON, W1K 6ZP

LICENSING SUB-COMMITTEE No. 2

Thursday 28th June 2018

Membership: Councillor Tim Mitchell (Chairman), Councillor Heather Acton and Councillor Aziz Toki

Legal Adviser: Barry Panto

Policy Adviser: Kerry Simpkin

Committee Officer: Tristan Fieldsend

Presenting Officer: Shannon Pring

Relevant Representations: The Licensing Authority, Environmental Health, Two residents Opposed to the Application and One Resident in Support of the Application.

Present: Mr Alun Thomas (Solicitor, representing the Applicant), Mr Gabriel Cohen and Mr Jeremy Coste (Applicants) and Sally Fabbriatore (Environmental Health).

**North Audley Canteen, 41 North Audley Street, London, W1K 6ZP (“The Premises”)
18/04306/LIPV**

1. Regulated Entertainment

Current:

Proposed:

Licensable Area

Unrestricted

As defined by the red line on the proposed premises plans that include a terrace area.

Non-Standard Timings

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

Amendments to application advised at hearing:

None.

Decision (including reasons if different from those set out in report):

The Sub-Committee considered an application by Double Five Hospitality Ltd for a variation of a premises licence in respect of North Audley Canteen, 41 North Audley Street, London, W1K 6ZP.

The Licensing Officer provided an outline of the application to the Sub-Committee and confirmed that the Metropolitan Police had withdrawn their representation following the agreement of conditions with the Applicant.

Mr Thomas, representing the applicant, advised the Sub-Committee that the applicants had operated the restaurant for five years during which there was no record of any complaints having being made against the Premises. The application was formed of three parts, an increase in hours, amendments to the conditions and the inclusion of an external space within the licensed area.

In terms of the hours sought the application was seeking to increase those for licensable activities to bring it in line with the Council's core hours policy on Monday to Saturdays. It was also proposed to extend the hours for Sundays to between 10:00 and 23:00 although any alcohol consumed at this earlier Sunday hour would be ancillary to the customer taking a table meal. Mr Thomas advised that the Council's Statement of Licensing Policy (SLP) generally granted applications which operated within core hours, although it was recognised that the application did intend for the Premises' opening hours to extend thirty

minutes beyond those permitted for licensable activities. Full restaurant conditions were not attached to the licence but the Sub-Committee was assured that the operation was one essentially of a restaurant. Mr Thomas also highlighted that the Premises was not located within a Cumulative Impact Area (CIA).

With regards to the amendments to the conditions Mr Thomas explained that it was proposed to update several of these to permit waste to be left at the front of the Premises and to reflect changes to the permitted hours. It was also proposed to update the condition relating to permitted hours on New Year's Eve. The Council's Legal Adviser queried if the applicant would be happy to accept the model New Year's Eve condition. Mr Thomas confirmed that the applicant was satisfied for this to be updated accordingly.

Finally, Mr Thomas advised that the third aspect of the application was to include an external seating space within the licensed area as this area was not part of the public highway and consisted of a private forecourt. The Sub-Committee clarified to the applicant that 800mm of the proposed external area, where the planters would be situated, did form part of the public highway. Mr Thomas noted this and agreed to seek further clarification. Mr Thomas advised that the main contention with the private forecourt was that the planning permission permitted the use of tables and chairs within it until 23:30 hours, whereas the Council's licensing model condition requested tables and chairs in the outside area to be rendered unusable after 23:00 hours. It was a matter for the Sub-Committee to decide if the extra thirty minutes would create a disturbance. In response to a question from the Council's Legal Adviser, Mr Cohen confirmed that the capacity of the external area was nine, excluding staff, and was content for this capacity to be appropriately conditioned.

Mrs Fabbricatore, representing Environmental Health (EH), confirmed that their main area of concern related to the use of tables and chairs in the external area after 23:00 hours. The Sub-Committee was requested that this be restricted in line with the Council's model condition to 23:00 in order to reduce any potential disturbance to residents. It was confirmed that no complaints had been submitted to EH against the Premises. A site visit had also been undertaken and the Premises did consist of a restaurant layout. There were no other issues relating to public nuisance or public safety.

In response to questions from the Sub-Committee the applicants confirmed that it was not proposed to offer a delivery service from the Premises. Mr Cohen also detailed the Premises plans and clarified that the bar servery was located on the ground floor. No vertical drinking would be permitted at the bar with all drinks served to the customers tables.

After considering all the evidence, the Sub-Committee agreed to grant the application. It was recognised that whilst the hours requested for licensable activities were in line with the Council's core hours policy, Monday to Saturday, the opening hours requested were thirty minutes beyond this. The Sub-Committee noted however that the applicant was experienced and had operated the Premises, without any issues, for five years. Whilst the model restaurant condition was not attached to the licence the Premises did appear to be laid out

as a restaurant, as evidenced by EH’s site visit, and this provided reassurance that it was not likely to become a drink-led venue. Therefore, the extension in hours for licensable activities to core hours Monday to Saturday with opening hours thirty minutes beyond this were considered appropriate.

With regard to the hours requested on Sundays, the Sub-Committee did express concern as Sunday was considered different to other days of the week and was one day when residents could expect further protection from any disturbance. The proposed earlier hour of 10:00 was considered acceptable as the sale and consumption of any alcohol would be ancillary to the customer taking a table meal. The proposed extension in the terminal hours was not accepted however and would remain at 22:30 hours for sale by retail of alcohol with a terminal hour for closing of 23:00 hours. This was considered appropriate in order to try and minimise any potential disturbance to local residents.

The Sub-Committee gave careful consideration to including the external seating space within the licensed area. The limited size of the external area and the fact the applicant was content for its capacity to be restricted to a maximum of nine customers all provided safeguards that it would not become a source of disturbance. The Sub-Committee noted that planning permission permitted its use until 23:30 but to provide protection for residents the Sub-Committee felt it appropriate to condition this area to ensure all tables and chairs within it would be rendered unusable after 23:00 hours. The Sub-Committee was therefore of the opinion that including this space within the licenced area, with the restrictions imposed, was appropriate in the circumstances.

The Sub-Committee considered that the conditions proposed were appropriate and proportionate and would ensure that the licensing objectives were upheld and promoted. The Sub-Committee also recognised that the Premises was not located within a CIA. Having heard all the evidence (with consideration also being given to the written representations received from the three local residents), the Sub-Committee was satisfied that the application was suitable for the local area, addressed residential concerns and promoted the licensing objectives.

2. Late Night Refreshment – Indoors and Outdoors

Current:

Monday to Saturday: 23:00 to 23:30

Licensable Area

As defined by red line on the premises plans.

Seasonal Variations/Non-Standard Timings

The terminal hour for late night

Proposed:

Monday to Thursday: 23:00 to 23:30
Friday to Saturday: 23:00 to 00:00

As defined by red line on the proposed premises plans that include a terrace area.

From the end of permitted hours on

	refreshment on New Year's Eve is extended to 05:00 on New Year's Day.	New Year's Eve to the start of permitted hours on New Year's Day. Sunday's before bank holidays – 23:00 – 00:00.
	Amendments to application advised at hearing: None.	
	Decision (including reasons if different from those set out in report): The application was granted, the reason for the decision is detailed in section 1.	
3.	Sale by Retail of Alcohol – On and Off Sales	
	<u>Current:</u> Monday to Saturday: 10:00 to 23:00 Sunday: 12:00 to 22:30	<u>Proposed:</u> Monday to Thursday: 10:00 to 23:30 Friday to Saturday: 10:00 to 00:00 Sunday: 10:00 to 23:00
	Licensable Area	
	As defined by red line on the premises plans.	As defined by red line on the proposed premises plans that include a terrace area.
	Seasonal Variations/Non-Standard Timings	
	On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Sunday's before bank holidays – 10:00 – 00:00
	Amendments to application advised at hearing: None.	
	Decision (including reasons if different from those set out in report): The Sub-Committee agreed to permit the hours requested except on Sundays where the hours for the sale of alcohol would be restricted to between 10:00 and 22:30. The reason for the decision is detailed in section 1.	
4.	Hours Premises are Open to the Public	
	<u>Current:</u>	<u>Proposed:</u>

	<p>Monday to Saturday: 10:00 to 23:30 Sunday: 12:00 to 23:00</p> <p>Licensable Area</p> <p>As defined by red line on the premises plans.</p> <p>Seasonal Variations/Non-Standard Timings</p> <p>On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p>	<p>Monday to Thursday: 10:00 to 00:00 Friday to Saturday: 10:00 to 00:30 Sunday: 10:00 to 23:30</p> <p>As defined by red line on the proposed premises plans that include a terrace area.</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Sunday's before bank holidays – 10:00 – 00:30</p>				
	<p>Amendments to application advised at hearing:</p> <p>None.</p>					
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee agreed to permit the hours requested except on Sundays where opening hours would be restricted to between 10:00 and 23:00. The reason for the decision is detailed in section 1.</p>					
<p>5.</p>	<p>Layout Alteration</p> <p>To amend the existing plan with the amended version, including:</p> <ul style="list-style-type: none"> - Fixed seating - Bar counters - Private forecourt 					
	<p>Amendments to application advised at hearing:</p> <p>None.</p>					
	<p>Decision (including reasons if different from those set out in report):</p> <p>The application was granted, the reason for the decision is detailed in section 1.</p>					
<p>5.</p>	<p>Conditions Being Varied, Added or Removed</p> <table border="1" data-bbox="247 1809 1396 1989"> <thead> <tr> <th data-bbox="247 1809 826 1865">Condition:</th> <th data-bbox="826 1809 1396 1865">Proposed Condition:</th> </tr> </thead> <tbody> <tr> <td data-bbox="247 1865 826 1989"> <p>Condition 9</p> <p>No refuse to be left at the front of the</p> </td> <td data-bbox="826 1865 1396 1989"> <p>Proposed for deletion.</p> </td> </tr> </tbody> </table>		Condition:	Proposed Condition:	<p>Condition 9</p> <p>No refuse to be left at the front of the</p>	<p>Proposed for deletion.</p>
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<p>Condition 9</p> <p>No refuse to be left at the front of the</p>	<p>Proposed for deletion.</p>					

premises.	
<p>Condition 10</p> <p>Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.</p> <p>In this condition, permitted hours means:</p> <p>(a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00;</p> <p>(b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30;</p> <p>(c) On Good Friday, 12:00 to 22:30;</p> <p>(d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22.30;</p> <p>(e) On New Year's Eve, except on a Sunday, 10:00 to 23:00;</p> <p>(f) On New Year's Eve on a Sunday, 12:00 to 22:30;</p> <p>(g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p> <p>NOTE - The above restrictions do not prohibit:</p> <p>(a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;</p> <p>(b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;</p> <p>(c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;</p> <p>(d) the sale or supply of alcohol to or the consumption of alcohol by any</p>	Proposed for deletion.

	<p>person residing in the licensed premises;</p> <p>(e) the ordering of alcohol to be consumed off the premises, or the Proposed for deletion despatch by the vendor of the alcohol so ordered;</p> <p>(f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;</p> <p>(g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;</p> <p>(h) the taking of alcohol from the premises by a person residing there;</p> <p>(i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;</p> <p>(j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.</p> <p>In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.</p>	
	<p>Condition 11</p> <p>No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:</p> <p>(a) He is the child of the holder of the premises licence.</p>	<p>Proposed for deletion.</p>

	<p>(b) He resides in the premises, but is not employed there.</p> <p>(c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.</p> <p>(d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to Proposed for deletion which the holding of the licence is ancillary.</p> <p>In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.</p>	
	<p>Condition 12</p> <p>The terminal hour for late night refreshment on New Years Eve is extended to 05:00 on New Years Day.</p>	<p>Proposed to be amended as follows:</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>	
	<p>Decision (including reasons if different from those set out in report):</p> <p>The application was granted, the reason for the decision is detailed in section 1.</p>	

Conditions attached to the Licence
<p><u>Mandatory Conditions</u></p> <ol style="list-style-type: none"> 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 subparagraph 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 may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

10. Between 10:00 and midday on a Sunday, 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.

11. 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.

12. 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.

13. 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 refusal of the sale of alcohol
- g) any visit by a relevant authority or emergency service.

14. 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.

15. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

16. 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.

17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

18. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.

19. 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.

20. 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.

21. All outside tables and chairs shall be rendered unusable by 23.00 each day.

22. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal, save for part-consumed resealed bottles of wine.

23. 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, Save for within the external seating area.

24. There shall be no sales of alcohol for consumption off the premises on Monday to Saturday after 23.00 hours and on Sundays after 22:30 hours.

25. There shall be no self-service of alcohol.

26. The number of persons permitted to use the external seating area (excluding staff) shall not exceed 9.

2 HOME GROWN, 44 GREAT CUMBERLAND PLACE, LONDON, W1H 7BS

The application was granted under delegated authority.

3 MARKS & SPENCER PLC, 169 - 173 OXFORD STREET, LONDON, W1D 2JR

LICENSING SUB-COMMITTEE No. 2

Thursday 28th June 2018

Membership: Councillor Tim Mitchell (Chairman), Councillor Heather Acton and Councillor Aziz Toki

Legal Adviser: Barry Panto
Policy Adviser: Kerry Simpkin
Committee Officer: Tristan Fieldsend
Presenting Officer: Shannon Pring

Relevant Representations: The Licensing Authority

Present: Mr Jon Wallsgrove (Solicitor, representing the Applicant), Mr Jamie Smith (Representing the Applicant Company), Ms Roxsana Haq and Mr Steve Rowe (Licensing Authority).

**Marks & Spencer, 169-173 Oxford Street, London, W1D 2JR ("The Premises")
18/05212/LIPV**

1. Sale by Retail of Alcohol – On Sales

Current:

None

Licensable Area

N/A

Proposed:

Monday to Saturday: 10:00 to 23:00
Sunday: 12:00 to 22:30

First floor only, area hatched red on plan.

Amendments to application advised at hearing:

The applicant advised that the application had been amended so that the sale of alcohol for consumption on the premises would cease at 20:00 hours.

Decision (including reasons if different from those set out in report):

The Sub-Committee considered an application by Marks & Spencer PLC for a variation of a premises licence in respect of Marks & Spencer, 169-173 Oxford Street, London, W1D 2JR.

The Licensing Officer provided an outline of the application to the Sub-

Committee and confirmed that Environmental Health (EH) and the Metropolitan Police had withdrawn their representations following the agreement of conditions with the Applicant.

Mr Wallsgrove, representing the applicant, confirmed that the application was to vary the current licence to permit the sale of alcohol for consumption in the café on the first floor of the Premises. The Sub-Committee was advised that following concerns raised the application was amended so that the sale of alcohol for consumption on the Premises would cease at 20:00 hours. It was acknowledged that the Premises was located within a Cumulative Impact Area (CIA), however it could be considered an exception to policy on several grounds. Firstly, paragraph 2.4.17 of the Council's Statement of Licensing Policy (SLP) recognised that premises such as cafes provided a significant food offer without the sale of alcohol being ancillary to food. The Premises did operate as a café, providing a significant food offer and required all customers to be seated. Due to the café style nature of the operation the applicant did not want a full restaurant condition to be attached to the licence. Secondly, Mr Wallsgrove highlighted that under paragraph 2.4.18 of the SLP it stated that applications for these types of premises, which could demonstrate that they would not add to cumulative impact, would generally be granted provided they operated within core hours.

Mr Wallsgrove explained that a significant hot and cold food offer would be available at the Premises at all times when alcohol was sold. Customers would always be seated and no vertical drinking would be permitted. The alcohol offer would be limited to single glass bottles of wine and on special occasions single glass bottles of prosecco. Several other retailers in close proximity to the premises provided a similar offer where alcohol could be consumed on the premises and this was becoming a significant part of the modern retail experience. The sale of alcohol would remain ancillary to the business and sales would be very limited. It was hoped to offer the service in order to provide customers with an enhanced retail experience.

Ms Haq, representing the Licensing Authority, advised that the Premises was located within a CIA and as it would not operate as a restaurant had to be considered under policy PB2. Therefore for the application to be granted the applicant had to highlight why it could be regarded as an exception to policy. As the application had been amended so that alcohol would cease to be sold after 20:00 for consumption on the Premises this lessened the potential to create cumulative impact. The Sub-Committee had to decide if the application could be considered an exception to policy and subsequently whether to grant the licence variation or not.

In response to questions from the Sub-Committee Mr Wallsgrove confirmed that the only types of alcohol to be sold at the Premises were one red and one white wine and prosecco on special occasions. If the Sub-Committee was minded to grant the application the Legal Adviser to the Sub-Committee queried if the applicant would accept a condition on the licence requiring the sale of alcohol at the café to be ancillary to it being operated by Marks and Spencers? The applicant confirmed that it was satisfied for a relevant condition to be included on the licence. To provide further reassurance that the premises would not become a drink-led venue the applicant also agreed that conditions could be added to the

licence requiring all customers consuming alcohol to be seated and also ensuring non-intoxicating beverages would be available at all times.

After considering all the evidence, the Sub-Committee agreed to grant the application as an exception to policy. It was recognised that whilst the Premises was located within a CIA the nature of the operation (being a café within a large store) meant that it would not become an alcohol-led venue. It would operate as a café and not a bar and due to its location on the first floor was unlikely to attract customers from the street seeking alcohol only. Of particular importance was the applicant's amendment to the application requiring all sales of alcohol for consumption on the Premises to cease by 20:00 hours. The Council's SLP recognised that when the sale of alcohol was not permitted after 20:00 hours it was unlikely to add to cumulative impact. The Sub-Committee recognised that only a limited selection of wine, and no beer, would be available for consumption and this provided further reassurance that the application would not add to cumulative impact in the local area.

The Sub-Committee considered the conditions proposed by the applicant to be appropriate and proportionate in the circumstances. Due to the location of the premises however the Sub-Committee decided to impose several extra conditions on the licence, with the applicant's agreement, in order to ensure the licensing objectives would be promoted. These included:

- ensuring all customers consuming alcohol would be seated;
- the provision of non-intoxicating beverages to be available at all times alcohol was sold or supplied for consumption on the Premises; and
- personalising the licence so that the sale and consumption of alcohol on the first floor café was only permissible when the Premises was operated by Marks and Spencers.

The reason for requiring the café to be operated by Marks and Spencers was to reflect the view of the Sub-Committee that there would be the potential for a different operator to use the café as a bar and it was considered that bar use would add to cumulative impact, even if sales were restricted to 20.0 hours. The Council's policy statements referred to by Mr Wallsgrove only applied when the sale of alcohol was ancillary to other uses. It was accepted that the sale and consumption of alcohol would be ancillary to the main use of the café for the sale of food and non-alcoholic drinks based on the known operating style of the applicant.

Having heard all the evidence the Sub-Committee was satisfied that the application could be considered an exception to policy, would not add to cumulative impact in the local area and would promote the licensing objectives.

2. Conditions Being Varied, Added or Removed

Condition:	Proposed Condition:
Condition 7	To be removed.

	Alcohol shall not be sold in an open container or be consumed in the licensed premises.	
	Amendments to application advised at hearing: None.	
	Decision (including reasons if different from those set out in report): The condition was amended to read “Except for the first floor café, alcohol shall not be sold in an open container or be consumed in the licensed premises”.	

Conditions attached to the Licence
<p><u>Mandatory Conditions</u></p>
<ol style="list-style-type: none"> 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— <ol style="list-style-type: none"> (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to; <ol style="list-style-type: none"> (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 subparagraph 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 which reproduce the effect of any restriction imposed on the use of the premises by specified enactments

Conditions Consistent with the Operating Schedule Applicable to the Sale of Alcohol

9. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, the permitted hours for off-sales means:

- (a) On Monday to Saturday from 07:00 to 23:00;
- (b) On Sunday from 09:00 to 21:00.

NOTE - The above restrictions do not prohibit the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered.

In this condition, the permitted hours for on-sales means:

- (a) On Monday to Saturday from 10:00 to 20:00;
- (b) On Sunday from 12:00 to 20:00.

10. Except for the first floor café alcohol shall not be sold in an open container or be consumed in the licensed premises.

11. Save for premium lines, there shall be no super strength (having an ABV of 5.5% or above) lager or ciders sold by retail at the premises.

Conditions Attached after a Hearing by the Licensing Authority

12. 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.

13. Alcohol shall be displayed in a responsible manner and be subject to appropriate systems of security and supervision by staff, CCTV or a combination of both.

14. 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.

15. 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.

16. 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 refusal of the sale of alcohol
- (g) any visit by a relevant authority or emergency service.

17. Food and non-intoxicating beverages, including drinking water, shall be available in the 1st floor café where alcohol is sold or supplied for consumption on the premises.

18. The sale of alcohol for consumption on the premises is restricted to consumption by persons who are seated in the 1st floor café and the consumption of alcohol must cease by 20:00.

19. The sale and consumption of alcohol on the first floor café is only permissible when the café is being operated by or on behalf of Marks & Spencer PLC.

4 CO-OPERATIVE, 108 WESTBOURNE GROVE, LONDON, W2 5RU

LICENSING SUB-COMMITTEE No. 2

Thursday 28th June 2018

Membership: Councillor Tim Mitchell (Chairman), Councillor Heather Acton and Councillor Aziz Toki

Legal Adviser: Barry Panto

Policy Adviser: Kerry Simpkin

Committee Officer: Tristan Fieldsend

Presenting Officer: Shannon Pring

Relevant Representations: The Licensing Authority, Environmental Health, the Metropolitan Police, the South East Bayswater Residents Association, the Hereford Road Association, the Hereford Mansions Residents Association and eight local residents.

Present: Ms Richard Arnot (Solicitor, representing the Applicant), Mr Craig Smith and Mr Muhammad Rahman (Representing the Applicant Company), Ms Roxsana Haq and Mr Steve Rowe (Licensing Authority), Mr Dave Nevitt (Environmental Health), PC Riaz Guerra (Metropolitan Police), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing SEBRA), Mr John Zamit (South East Baysater Residents Association), Mr Noel Deens (Representing Five Local Residents) and Ms Sally Simpson and Mr George Tzircotis (Local residents)

Co-Operative, 108 Westbourne Grove, London, W2 5RU (“The Premises”) 18/04834/LIPN

1. Sale by Retail of Alcohol – Off Sales

Monday to Saturday: 08:00 to 23:00

Sunday: 10:00 to 22:30

	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by Co-operative Group Food Ltd for a new premises licence in respect of Co-Operative, 108 Westbourne Grove, London, W2 5RU.</p> <p>The Licensing Officer introduced the application to the Sub-Committee.</p> <p>Mr Arnot, representing the applicant, explained that it was planned for the Premises to open as a Co-Op convenience store in October 2018. Formerly it traded as a Carluccio's and the licence for that operation was still in place. It currently permitted the sale and consumption of alcohol on the Premises from 08:00 to 00:00 hours Monday to Saturday and 11:00 until 22:30 on Sundays. These hours were beyond what the applicant was seeking for the new operation. A restaurant style condition was attached to the existing licence but this only applied after 23:00 hours. Mr Arnot confirmed that if the Sub-Committee was minded to grant the application before it the existing licence would be surrendered in exchange.</p> <p>The Sub-Committee was advised by Mr Arnot that the Premises would trade as a busy convenience store where it was hoped to also provide an alcohol offer. Alcohol sales would only account for approximately 15% of turnover, the Premises was not a dedicated off-licence and alcohol sales were ancillary to its function as a convenience store. The applicant was very experienced and was aware of how to build up good relations with local residents and the responsible authorities. A Risk Manager was in place to help resolve any potential issues which might arise and details were provided of the extensive training staff received in alcohol sales. Other safeguards included the installation of CCTV at the Premises both internally and externally, requiring all tills to have age prompts and ensuring all beer and wine displays were located at the rear of the property to try and prevent shoplifting. The store would also have three personal licence holders which meant it was unlikely that there would be a shift where one was not present. The applicant was very community minded and details of how other stores had helped local areas was provided.</p> <p>Mr Arnot explained it was the intention for the store to be open between 07:00 and 23:00 and the application had been amended to ensure the sales of alcohol were within the Council's core hours policy. Discussions had taken place with the Police and they were requesting additional conditions to be added to the licence. The Sub-Committee was advised that these were different to the conditions attached to a similar store in Paddington. Further amendments proposed by the applicant were detailed regarding deliveries including restricting deliveries to the premises to between the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. Mr Arnot confirmed that those were the</p>

conditions applied for in terms of planning.

Mr Arnot brought the Sub-Committee's attention to the conditions proposed by the applicant. It was recognised that the wording was different to the model conditions proposed by Environmental Health (EH), however it was considered that the applicant's were more stringent and more appropriate for the operation of the Premises. It was acknowledged that the store would be located within a Cumulative Impact Area (CIA) but it was considered that the application was policy compliant and demonstrated that it would not add to cumulative impact. The premises was already licensed and it was a relevant policy factor that this would be surrendered if the Sub-Committee was minded to grant the application, especially as the hours sought were more restricted than those currently permitted. The existing capacity was 155 people. This would be significantly reduced through the proposed operation which also would not permit customers to remain on the premises and consume alcohol. The applicant was aware of street drinking issues in the local area and as such a condition had been proposed restricting sales of super strength beer, lagers or ciders. Staff would also be trained to ensure no sales took place to street drinkers. A Challenge 25 policy would also be in place and this would help ensure that there would not be any issues originating from the premises.

Mr Arnot addressed the residents' concerns which had been raised. Firstly, concerns had been expressed over deliveries to the premises. To address these an amended condition had been proposed to restrict the times when deliveries could take place. Assurances were provided that all deliveries would be to the front of the premises in wheeled cages and not to the back of the building therefore not disturbing residents or impeding the use of the garages. Also reassurances were given that the residents bin stores would not be used by the premises. Waste would be stored on site and then removed at the same time deliveries were made. Secondly, a concern had been raised that the premises would increase footfall in the area. Mr Arnot advised that the street it was located on was already very busy and the residential entrances were situated away from the store entrance.

PC Guerra advised that the Metropolitan Police's representation was maintained. The model conditions proposed for the application had been tested, were understandable and enforceable and could be applied appropriately to each application on its merits. PC Guerra and Mr Arnot both confirmed that a condition relating to the Notting Hill Carnival and the sale of alcohol during the event had been agreed.

Mr Nevitt, representing Environmental Health, advised that its representation was maintained as the premises was located in a CIA and also due to the concerns raised by local residents. It was therefore important to ensure suitable conditions that could be enforced and that clear interpretations were placed on the licence. Mr Nevitt explained that he was not suggesting the imposition of standard conditions. The model conditions proposed were considered clear and consistent and appropriate in the circumstances. This was important as the premises was located not only within a CIA but also in the footprint of the Notting Hill Carnival.

Ms Haq, representing the Licensing Authority, confirmed that the premises was located in a CIA and as such, policy OS2, concerning off sales of alcohol within a CIA, needed to be considered. It was acknowledged that the hours permitting the sale of alcohol had been amended to core hours but the Sub-Committee had to decide if the application had demonstrated that it could be considered an exception to policy.

Mr Zamit, representing the South East Bayswater Residents Association (SEBRA), advised that there was a busy bus stop located near the front of the premises, which would make it difficult to undertake deliveries to the front entrance. Details of the proposed loading bay identified by the applicant were provided and the complications of using it were discussed in detail. Mr Zamit also advised the Sub-Committee that a simultaneous planning application had been submitted for the premises for a change of use which would permit it to trade as a convenience store.

Mr Brown from the Westminster Citizens Advice Bureau, clarified that the local residents he was representing did not oppose a Co-Op trading in the area but did have significant concerns over the logistical issues involved at the premises, particularly regarding deliveries. It was proposed for delivery vehicles to use the Hereford Road loading bay, this area however was often very busy and the loading bay occupied. Clarification was requested on what a delivery vehicle would do if it could not use the bay. In addition, would the vehicles have to keep their engines running whilst undertaking a delivery in order to keep any refrigerated food cool as this would impact on pollution levels in the local area?

Ms Simpson, a local resident, addressed the Sub-Committee and explained that she had lived in the area since 2000. She was pleased to note that 85% of the premises sales would be non-alcoholic. Ms Simpson endorsed Mr Zamit's comments and expressed concern over deliveries to the Premises and potential pollution from delivery vehicles.

Mr Deans, representing five local residents, advised that the residents he was representing were opposed to the application. The area was very busy and Mr Deans described in detail residential concerns over deliveries and how the use of wheeled cages on pavements created potential health and safety issues. The Premises could be expected to increase footfall in the area and this would compound problems already experienced by residents regarding deliveries and noise. In terms of waste it was noted that this would be stored internally within the Premises, however concern was raised that this could result in potential pest issues. Mr Zamit requested that the proposed refuse operation be conditioned.

In response to a question from the Sub-Committee Mr Arnot explained that the delivery vehicles to be used were 8 metres long, which was considered quite small. Their engines did not require to be on in order to refrigerate any goods, therefore assurances were made that they would not idle their engines and add to any pollution issues.

Mr Arnot advised that the applicant's delivery vehicles would not commit any parking offences in the local area and this would include not parking in front of or obstructing residential garages. If a loading bay was being used then the

delivery vehicle would move on, it would not loiter in the area or idle its engine. No deliveries would be made outside of the hours proposed in the application. The pavements in the vicinity of the Premises were considered broad and the wheeled cages were narrow therefore limiting their impact during deliveries. There would be ten to fifteen cages per delivery vehicle, with the delivery taking approximately thirty to forty-five minutes. In terms of waste, this would be removed from the Premises within twenty-four hours and the applicant would ensure that there were no pests as it would be a store where food was stored. To provide reassurance to residents that the applicant wished to be a considerate neighbour a phone number to the store's manager would be made available to them.

The Sub-Committee noted that it had received a late submission from a local resident, which had also been circulated to the applicant. The submission had been taken into consideration but did not affect the decision made by the Sub-Committee, which was based on all the other evidence presented to it.

It was noted that the Premises was located in a CIA and also within the footprint of the Notting Hill Carnival and therefore it was important to assess the potential impact granting the licence could have on the local area. In terms of promoting the licensing objectives the principle one associated with the application before it was the prevention of public nuisance. Concerns had been raised that granting the licence could increase pollution levels, increase traffic congestion; elevate noise levels and also have the potential to obstruct public highways. These concerns were only of relevance to the extent that they were associated in some way with the licensable activities proposed and likely to cause a public nuisance or impact on public safety. The Sub-Committee did note however that only a maximum of 15% of the sales area at the Premises would be used for alcohol sales and therefore alcohol would only represent a small portion of the deliveries taking place. As such, it was mainly a decision of the planning authority and not the Sub-Committee to determine the overall delivery arrangements for the Premises. It was expected that the planning authority would require the submission of a detailed operational management plan from the applicant regarding deliveries to the Premises.

Having heard all the evidence and taken into consideration all the representations received, the Sub-Committee decided to grant the application subject to amendments to the conditions. The Sub-Committee was of the opinion that using the applicant's proposed conditions along with the Council's model conditions was appropriate and proportionate in the circumstances and would ensure that sufficient levels of control were in place to ensure that the licensing objectives were promoted. The Sub-Committee felt that the restrictions in place and the reduction in the hours requested for the sale of alcohol would safeguard the local area and prevent the premises from adding to cumulative impact. The Sub-Committee noted that the premises already benefited from a premises licence, which permitted hours for licensable activities in excess of those sought by the applicant. A condition requiring the surrender of the old licence would be imposed and this provided reassurance that there would be no increase in the overall impact of the premises. The concerns of the residents had been noted and they were informed that if there were any breaches of the conditions then they did have the ability to instigate licence review proceedings.

	<p>Of particular importance, the Sub-Committee noted the applicant's guarantee that none of their delivery vehicles would park outside residential garages in the local area.</p> <p>The Sub-Committee also took into account a number of assurances given by Mr Arnot that were not translated into conditions on the licence. These included an assurance that delivery vehicles would move on if the delivery bay was not available; that delivery vehicles would not leave their engines idling whilst the deliveries were being made; that at least three personal licence holders would be engaged by the licensee and that staff would be trained to ensure that no sales were made to street drinkers.</p> <p>Having heard all the evidence the Sub-Committee was satisfied that the applicant had demonstrated that the granting of the premises licence would not add to cumulative impact in the local area and would promote the licensing objectives.</p>
2.	<p>Hours Premises Are Open to the Public</p> <p>Monday to Sunday: 07:00 to 23:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application (see reasons for decision in Section 1).</p>

Conditions attached to the Licence
<p><u>Mandatory Conditions</u></p> <p>1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.</p> <p>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.</p> <p>3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.</p> <p>4. (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.</p> <p>(2) The designated premises supervisor in relation to the premises licence must</p>

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.

5(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.

5(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.

5(iii). Where the permitted price given by Paragraph 5(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that subparagraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(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

6. A CCTV system shall be installed and maintained at the premises which gives coverage of all areas, including the entrance and exit, to which the public have access.

7. The CCTV system shall be recording at all times the licensable activities are taking place at the premises.

8. The CCTV system shall provide clear images at all times.

9. The CCTV footage shall be retained for a minimum of 31-days.

10. A member of staff must be present at the premises at all times when open to the public who can operate the CCTV system and provide copies of images on request to the Police or an authorised Officer of the Council with the absolute minimum of delay.

11. CCTV images shall record the correct date and time, such information shall be checked regularly to ensure accuracy.

12. CCTV images must be retained in an easily downloadable format.

13. 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.

14. 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.

15. No beer, lager or cider with an ABV of 5.5% or more shall be sold at the premises save that this prohibition shall not apply to premium beer, lager or cider.

16. All relevant staff shall be trained in relation to their responsibilities under the

Licensing Act 2003.

17. Training Records shall be correct and made available for inspection upon receipt of request from the Police or an Authorised Officer of the Licensing Authority.

18. No more than 15% of the sales area shall be used at any one time for the sale or display of alcohol.

19. There shall be no self-service of spirits on the premises save that this prohibition shall not apply to spirit mixtures.

20. Outside of the hours permitted for the sale of alcohol, and whilst the premises are open to the public, the Premises Licence Holder shall ensure that all alcohol on display in the premises is secured behind locked screens or cabinet doors so as to prevent access by customers.

21. On the Sunday and Monday of the Notting Hill Carnival:

a) There will be no sale of alcohol in glass vessels from the premises;

b) There will be no external advertisement of alcohol promotions at the premises; and

c) There shall be no sale of alcohol from the premises after 20:00 hours.

22. A notice must be displayed in the premises explaining that it is an offence for persons under the age of 18 to purchase alcohol.

23. A panic alarm and system shall be installed and maintained at the premises.

24. A burglar alarm system shall be installed and maintained at the premises.

25. An electronic till prompt system shall be installed and maintained at the premises which reminds staff to ask for age verification.

26. No spirit measures of less than 20cl shall be sold at the premises.

27. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a public nuisance.

28. Deliveries to the premises shall only take place between 08:00 to 18:00 Monday to Friday, excluding bank holidays, 08:00 to 13:00 on Saturday and 10:00 to 13:00 on Sunday.

29. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

30. 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.

31. 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.

32. 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.

33. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

345. No licensable activities shall take place at the premises until premises licence 18/06350/LIPT (or such other number subsequently issued for the premises) has been surrendered to the Licensing Authority.

The Meeting ended at 3.00 pm

CHAIRMAN: _____

DATE _____