



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	17 th September 2015
Licensing Ref No:	15/04754/LIPV
Title of Report:	Barrafina, 43 Drury Lane, London WC2B 5RT
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Sumeet Anand-Patel
Contact details	Tel: 020 7641 2737 E-mail: sanandpatel@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	16 th June 2015		
Applicant:	Barrafina Limited		
Premises:	Barrafina		
Premises address:	Basement and Ground Floor 43 Drury Lane London WC2B 5RT	Ward:	St James's
		Stress Area:	West End
Premises description:	These premises operate as a restaurant on ground floor and basement floors with an outside area. A tables and chairs licence has been applied for however not yet granted.		
Variation description:	<p>Following a refurbishment at the premises, this is a variation to vary the layout of the premises as per the plans attached at Appendix A3.</p> <p>Condition 23 of the current Premises Licence states that there shall be no off sales. This application also seeks to remove that condition and replace it with an alternative condition to allow customers who have dined in the premises to purchase wines in sealed containers for takeaway; therefore adding off sales of alcohol to the licence.</p> <p>An additional email from the applicant is attached at Appendix 3 clarifying the use of the outside area.</p>		
Premises licence history:	These premises currently hold a Premises Licence 12/04020/LIPDPS. Full licence history can be found in Appendix 1 .		

1-B Current and proposed licensable activities, areas and hours

Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		Indoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	00:.30	No variation applied for		Basement and Ground Floor licensed with no variation applied for under this application. However, please note that the designation of the outside tables and chairs have changed. Please refer to the existing and proposed plans at Appendices 1 and 2 .	
Tuesday	23:00	00:.30				
Wednesday	23:00	00:.30				
Thursday	23:00	00:.30				
Friday	23:00	00:.30				
Saturday	23:00	00:.30				
Sunday	23:00	00:00				

Non-standard timings:	Current:	Proposed:
	New Year's Eve from the end of permitted hours to the start of permitted hours on New Year's Day	No variation applied for

Sale by Retail of Alcohol

On or off sales		Current :		Proposed:	
		On the premises		On and Off the premises	
	Current Hours	Proposed Hours (off sales only)		Licensable Area	
	Start: End:	Start: End:		Current:	Proposed:
Monday	10:00 00:00	10:00 00:00		Basement and Ground Floor licensed with no variation applied for under this application. However, please note that the designation of the outside tables and chairs have changed. Please refer to the existing and proposed plans at Appendices 1 and 2.	
Tuesday	10:00 00:00	10:00 00:00			
Wednesday	10:00 00:00	10:00 00:00			
Thursday	10:00 00:00	10:00 00:00			
Friday	10:00 00:00	10:00 00:00			
Saturday	10:00 00:00	10:00 00:00			
Sunday	12:00 23:30	12:00 23:30			

Note: There is no variation applied for the hours permitted for on sales of alcohol.

Non-standard timings:	Current:	Proposed:
	New Year's Eve from the end of permitted hours to the start of permitted hours on New Year's Day	No variation applied for

Hours premises are open to the public

	Current Hours		Proposed Hours		Premises Area	
	Start: End:	Start: End:			Current:	Proposed:
Monday	10:00 00:30				Basement and Ground Floor licensed with no variation applied for under this application. However, please note that the designation of the outside tables and chairs have changed. Please refer to the existing and proposed plans at Appendices 1 and 2.	
Tuesday	10:00 00:30					
Wednesday	10:00 00:30					
Thursday	10:00 00:30					
Friday	10:00 00:30					
Saturday	10:00 00:30					
Sunday	12:00 00:00					

Non-standard timings:	Current:	Proposed:
	New Year's Eve from the end of permitted hours to the start of permitted hours on New Year's Day	No variation applied for

1-C Conditions being varied, added or removed

Condition	Proposed variation
No conditions are being varied, added or removed as part of this application. Conditions have been agreed between the Police, EH and the applicant which are attached at Appendix 2.	

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police
Representative:	PC Adam Deweltz
Received:	9 th July 2015
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be making a representation. It is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>The venue is situated within the 'West End Stress Area', a locality where this is traditionally high crime and disorder. There are concerns that this application will cause further policing problems in an already demanding area and add to the cumulative impact.</p> <p>I would just like some clarification. The application states the following:</p> <p>"The Barrafinna chain specializes in fine wines and wishes to offer its patrons the opportunity to purchase wines in sealed containers for takeaway..."</p> <p>In terms of patrons, are you referring to diners who have taken a table meal there or people just walking in (in essence an off licence)?</p> <p>Note: Following discussions with applicant and agreement to conditions, the Metropolitan Police Service has withdrawn their representation.</p>	
Responsible Authority:	Environmental Health Service
Representative:	Ian Watson
Received:	10 th July 2015
<p>I refer to the application for variation of the Premises Licence.</p> <p>The premises are situated within the West End Stress Area as stated in the City of Westminster Statement of Licensing Policy..</p> <p>This representation is based on the plans submitted BF.D 270C Rev C and BF.D 271T Rev A dated April 2015 and operating schedule submitted.</p> <p>The applicant is seeking the following</p> <ol style="list-style-type: none"> 1. To carryout alterations to the premise including new public toilets, staircase, ventilation, dumb waiter, emergency escapes and general refurbishment of the whole premises. 2. To remove condition 23 relating to 'Off' sales and replace with model conditions concerning 'Off' sales. <p>I wish to make the following representation</p> <ol style="list-style-type: none"> 1. The alterations may impact on Public Safety at the premises and will be subject to final inspection by the district surveyr. 2. The removal of 'Off' sales will have the likely effect of causing an increase in Public Nuisance within the West End Stress Area. 	

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End Stress Area.

The applicant has provided additional information with the application which is being considered but does not fully satisfy Environmental Health's concerns.

Note: Following discussions with applicant and agreement to conditions, the Environmental Health Service has withdrawn their representation.

2-B Other Persons			
Name:		Mr Adrian Davies	
Address and/or Residents Association:		21 Sheridan Buildings, Martlett Court, Covent Garden	
Status:	Pending	In support or opposed:	Opposed
Received:	30 th June 2015		
<p>I object to the application given the likely noise it will cause and so generate on going disturbance in what is a fairly residential area. There are 5 large blocks of flats within 50m of the premises.</p>			
Name:		Mr Ken Woodhouse	
Address and/or Residents Association:		Flat 6, 44 Drury Lane, London	
Status:	Pending	In support or opposed:	Opposed
Received:	2 nd July 2015		
<p>I am a resident @ 44 Drury Lane (flat 6) & have previously represented all residents with regard to planning application @ the above.</p> <p>With regard to the above I note that the opening hours for the internal use is the same as the external. My recollection is that in previous licensing the closing time for the external area was restricted to 23.00hrs as opposed to midnight for internal use.</p> <p>If this is the case, then I, and other residents of 44 Drury Lane would oppose any extension of licensing for the external area. Please note that many of the bedrooms (approx 50%) in the property overlook the restaurant.</p> <p>In addition we would also oppose any change in licensing that permits off-sales.</p>			

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy RNT2	Applications will be granted subject to other policies and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Stress Areas.
Policy HRS1	(i) Applications for hours within the core hours set out below in this policy will

	generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
Policy STR1	(i) It is the Licensing Authority's policy to refuse applications in the Stress Areas for: pubs and bars; fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1. (ii) Applications for other licensable activities in the Stress Areas will be subject to other policies and must demonstrate that they will not add to cumulative impact in the Stress Areas.

4. Appendices

Appendix 1	Current premises plans
Appendix 2	Proposed premises plans
Appendix 3	Applicant email confirming use of outside area
Appendix 4	Premises history
Appendix 5	Proposed conditions
Appendix 6	Residential map and list of premises in the vicinity
Appendix 7	Photos of premises

Report author:	Sumeet K Anand-Patel
Contact:	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2011
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Existing licence	28 th June 2012
5	Application Form	17 th June 2015
6	Emails between Police and applicant	20 th July 2015
7	Emails between EH and applicant	5 th and 20 th August 2015
7	Email conversation between applicant and residents	20 th and 24 th August 2015

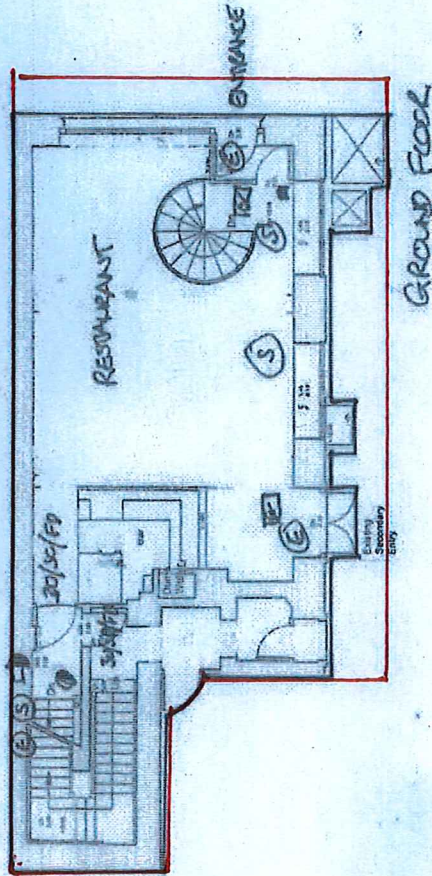
APPENDIX 1

LEGEND

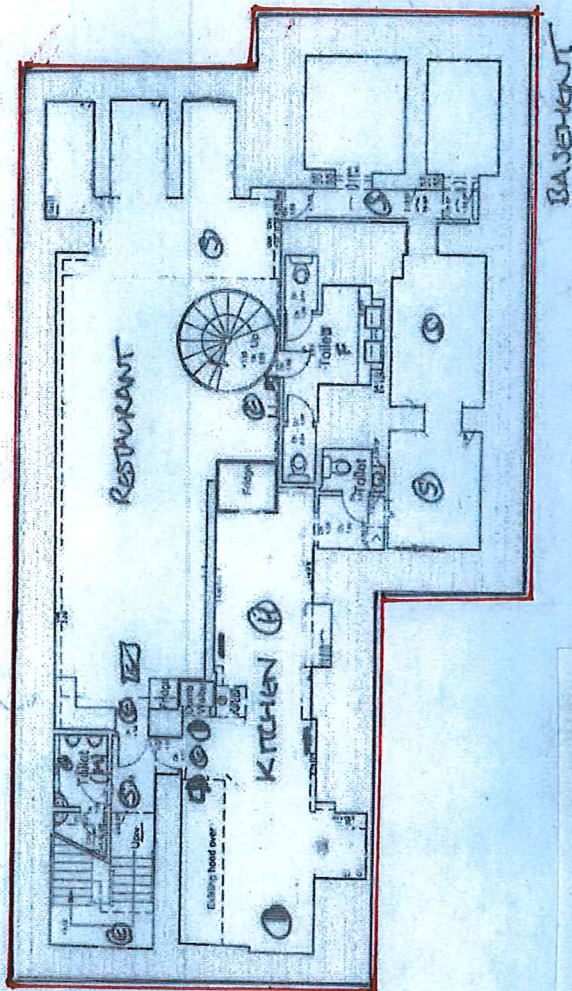
- ⊙ CEILING MOUNTED EMERGENCY LIGHTING
- ⊞ INTERMEDIATE EXIT EMERGENCY LIGHT
- Ⓢ HOT DETECTOR
- Ⓢ SMOKE DETECTOR
- Ⓢ CO2 FIRE EXTINGUISHER
- Ⓢ WATER FIRE EXTINGUISHER
- Ⓢ SOUNDER
- FIRE EXTINGUISHER
- ⊙ BREAK GLASS POINT

30/SC/FO, 30 min self-closing fire door

LOADING PLAN - C1/C1
43 DRIVE LAJOLLE
SCALE 1:100



GROUND FLOOR

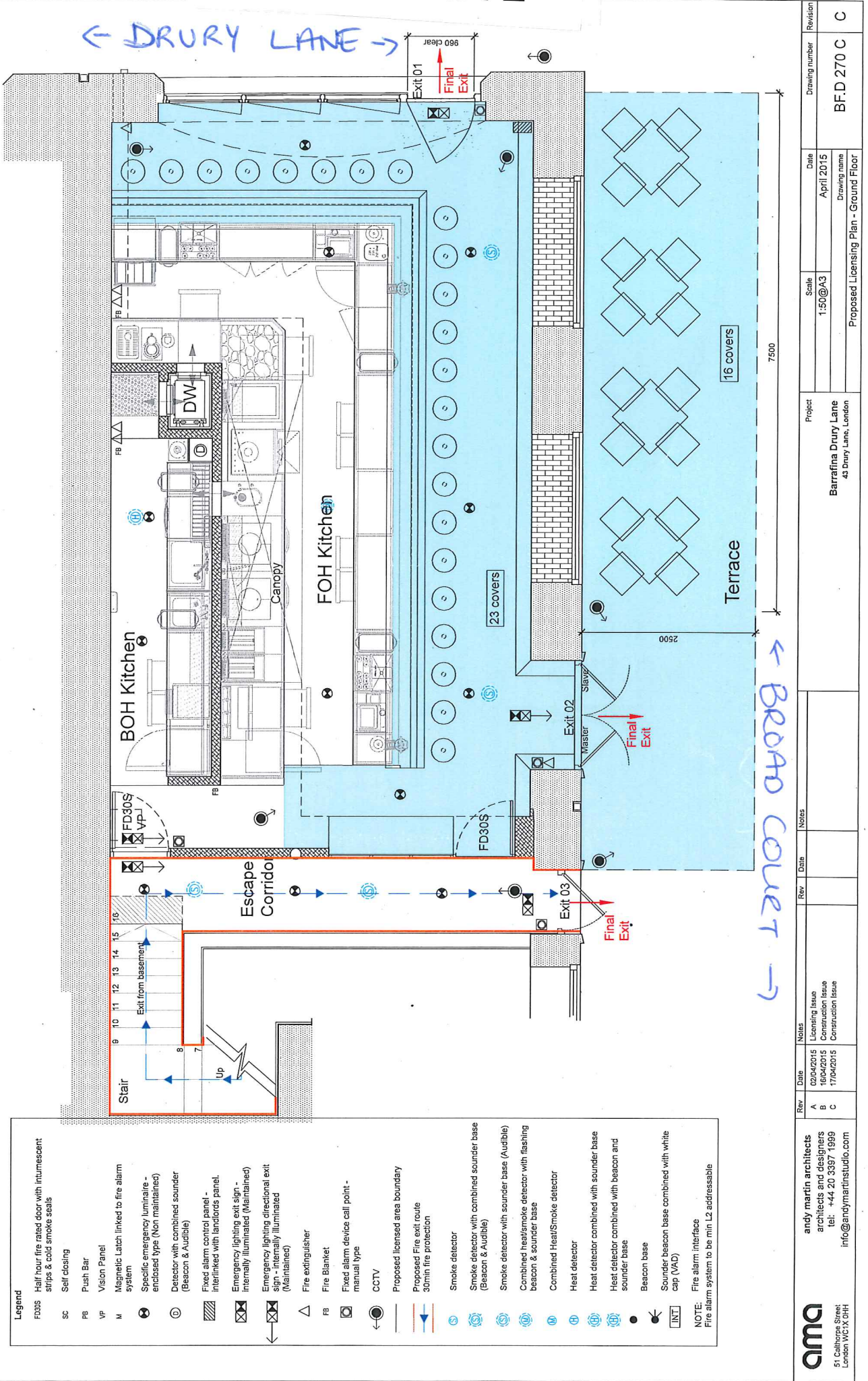


BASEMENT

All licensable activities may take place anywhere within the red line. The position of any loose furniture is shown for diagrammatic purposes only. The location of fire equipment is shown as is on the date hereof but may be moved in consultation with the fire officer.

Dated 19.10.2011

APPENDIX 2

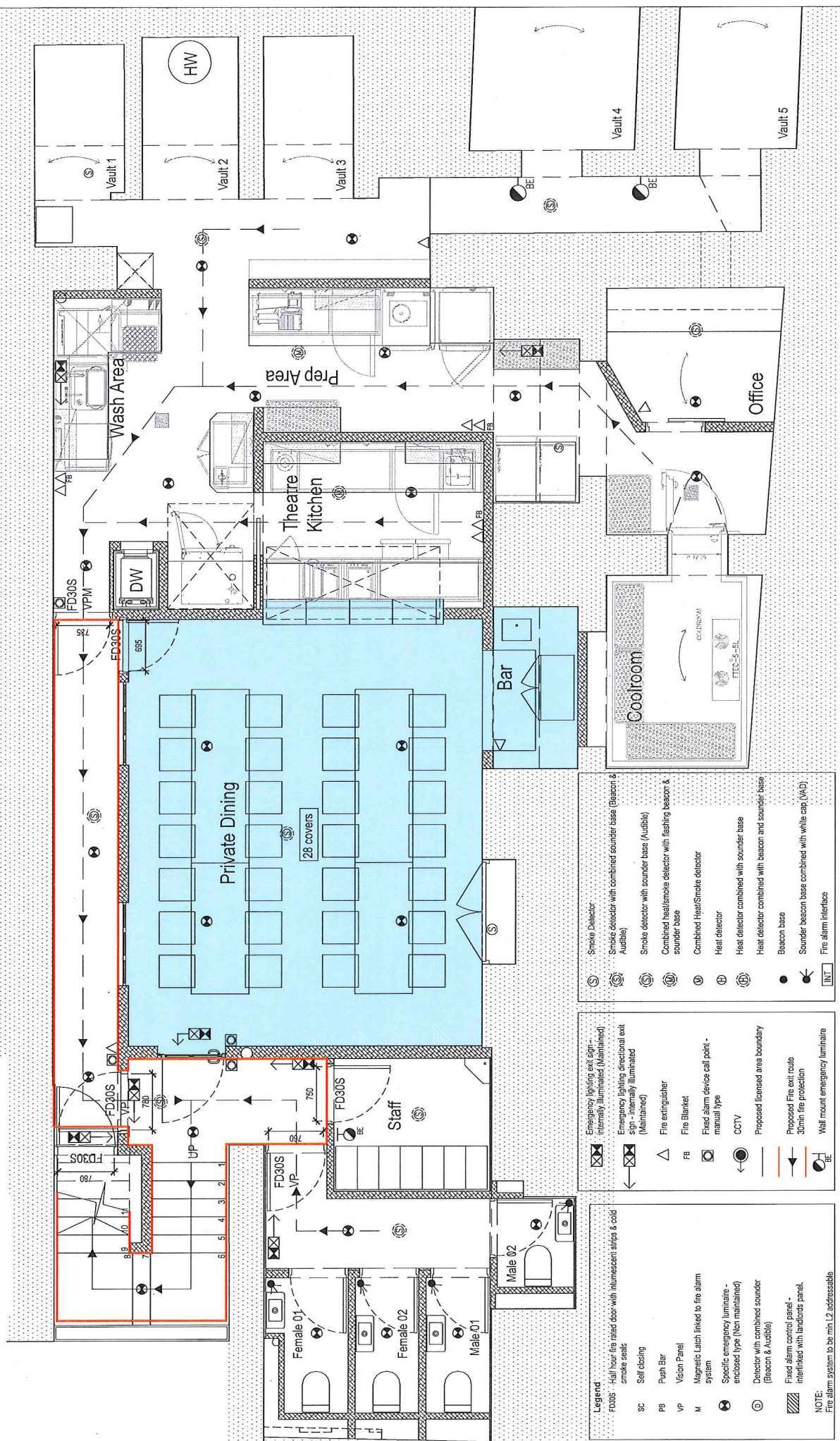


Legend	
FD30S	Half hour fire rated door with intumescent strips & cold smoke seals
SC	Self closing
PB	Push Bar
VP	Vision Panel
M	Magnetic Latch linked to fire alarm system
⊗	Specific emergency luminaire - enclosed type (Non-maintained)
⊙	Detector with combined sounder (Beacon & Audible)
▨	Fixed alarm control panel - interlinked with landlords panel.
⊗	Emergency lighting exit sign - internally illuminated (Maintained)
⊗	Emergency lighting directional exit sign - internally illuminated (Maintained)
△	Fire extinguisher
FB	Fire Blanket
⊗	Fixed alarm device call point - manual type
⊗	CCTV
—	Proposed licensed area boundary
—	Proposed Fire exit route
—	30min fire protection
⊗	Smoke detector
⊗	Smoke detector with combined sounder base (Beacon & Audible)
⊗	Smoke detector with sounder base (Audible)
⊗	Combined heat/smoke detector with flashing beacon & sounder base
⊗	Combined Heat/Smoke detector
⊗	Heat detector
⊗	Heat detector combined with sounder base
⊗	Heat detector combined with beacon and sounder base
●	Beacon base
⊗	Sounder beacon base combined with white cap (VAD)
INT	Fire alarm interface

NOTE: Fire alarm system to be min L2 addressable

Rev	Date	Notes	Rev	Date	Notes
A	02/04/2015	Licensing Issue			
B	16/04/2015	Construction Issue			
C	17/04/2015	Construction Issue			

Project	Barrafina Drury Lane 43 Drury Lane, London
Scale	1:50@A3
Date	April 2015
Drawing name	Proposed Licensing Plan - Ground Floor
Drawing number	BF.D 270 C
Revision	C



- Smoke Detector
- Smoke detector with combined sounder base (Beacon & Audible)
- Smoke detector with sounder base (Audible)
- Combined heat/smoke detector with flashing beacon & sounder base
- Combined Heat/Smoke detector
- Heat detector
- Heat detector combined with sounder base
- Heat detector combined with beacon and sounder base
- Beacon base
- Sounder/beacon base combined with white cap (WB)
- Fire alarm interface

- Emergency lighting exit sign - internally illuminated (Maintained)
- Emergency lighting directional exit sign - internally illuminated (Maintained)
- Fire extinguisher
- Fire Blanket
- Fixed alarm device call point - manual type
- CCTV
- Proposed licensed area boundary
- Proposed Fire exit route
- 30min fire protection
- Wall mount emergency luminaire

- Legend**
- FD30S - Half hour fire rated door with intumescent strips & cold smoke seals
 - SC - Self closing
 - PB - Push Bar
 - VP - Vision Panel
 - M - Magnetic Latch linked to fire alarm system
 - Specific emergency luminaire - enclosed type (Non maintained)
 - Detector with combined sounder (Beacon & Audible)
 - Fixed alarm control panel - interlinked with landlords panel.
- NOTE:**
Fire alarm system to be min L2 addressable

Rev	Date	Notes	Rev	Date	Notes
A	02/04/2015	Licensing Issue			

Project	Barratrina Drury Lane 42 Drury Lane, London
Scale	1:50 @ A3
Date	April 2015
Drawing name	Proposed Licensing Plan - Basement
Drawing number	BFD 271 T
Revision	A

andy martin architects architects and designers tel: +44 20 3357 1959 info@andymartinstudio.com	ama 51 Collyer Street London WC1X 0HH
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Barrafina Drury Lane – Main Fitout

Proposed Scope of Works – Ground and Basement Floors

17.03.2015

Exterior – Drury Lane

- Replace existing stone tile fenestration with Portland Stone tiles.
- Replace existing entrance door with solid timber panel with non-illuminated signage.
- Change 3 No. fixed glass panels with inward opening, timber framed, single glazed sashes on restricted stays to existing fenestration
- Installation of illuminated blade signage
- Installation of boiler flue terminal from basement including new penetration through wall from interior
- Installation of wall mounted illuminate menu board
- Installation of wall mounted CCTV cameras X 2
- Installation of 1 No. single downlighter to entry doorway
- Decoration of fenestration timber framing

Exterior – Broad Court

- Infill existing opening above the double door entry with brickwork to match existing
- Create new opening of approx 900X600mm above single door entry for proposed new
- New Portland Stone step/threshold to double door and single door entry
- Installation of heritage ventilation grilles to existing low level openings in wall, and new opening to HVAC equipment
- Installation of WC extract grille including new penetration through wall from interior
- Installation of 2 No. single downlighters to both entry doorways
- Installation of non-illuminated signage to both entry doorways

Ground Floor Interior

- Sandblasting and sealing of sections of existing brickwork to create feature wall elements, and over-cladding of remaining brickwork with various finishes.
- Construction of new non-load bearing internal partition walls with various finishes, including creation of new dedicated fire escape corridor to basement level.
- Installation of internal doors and windows.
- Construction of new suspended metal framed ceiling including integrated vaulted coffers
- Installation of dumb waiter including new penetration through existing suspended floor slab to basement level
- Installation of cantilevered shelves to existing brick walls, and cladding of sections of existing brick walls with new finishes
- Installation of new floor finish including new screed substrate
- Installation of kitchen catering, refrigeration and bar equipment necessary for the restaurant's operation
- Installation of new HVAC systems, new electrical systems, new security and fire alert and prevention systems

- Creation of new penetration through wall from interior for proposed ductwork over single door entry
- Installation of new lighting scheme throughout
- Installation of new timber framed, timber clad stair to basement level.
- Installation of fixed bar stool furniture

Basement Interior

- Sandblasting and sealing of sections of existing brickwork to create feature wall elements
- Over-cladding of other walls with various finishes
- Construction of new non-load bearing internal partition walls with various finishes, including creation of protected fire escape routes to ground level.
- Installation of internal doors and windows
- Construction of new suspended metal framed ceiling including integrated vaulted coffers, and new suspended metal framed grid ceilings to BOH areas.
- Installation of dumb waiter including new penetration through existing suspended floor slab to ground level
- Installation of new underground drainage runs in cast iron pipework, including new manhole access and stub stacks, connected to existing underground drainage runs.
- Fitout of new public WC facilities including sanitary compartments, hand wash basins and associated equipment.
- Installation of new floor finishes including new screed substrate
- Installation of kitchen catering, refrigeration and bar equipment necessary for the restaurant's operation
- Installation of new HVAC systems, new electrical systems, new security and fire alert and prevention systems including penetrations through existing walls, ceilings, and/or floors
- Creation of new penetration through wall from interior for proposed ductwork over single door entry
- Installation of new lighting scheme throughout
- Installation of new timber framed, timber clad stair to ground level

APPENDIX 3

Anand-Patel, Sumeet

From: BA LAW, Mark Browning <pelhamstreet@gmail.com>
Sent: 09 September 2015 16:28
To: Anand-Patel, Sumeet
Subject: RE: 15/04754/LIPV - Barrafinna, 43 Drury Lane, London

Hi Sumeet,

there have always been tables and chairs outside. Please record in the report the fact that the wrong plan was attached to the Westminster register for several years! The current applicants have merely changed the designation of the tables and chairs. And yes, the premises include the external tables and chairs and always have done. It may be that there is an error with the key, which we can get corrected by the architect. If the tables and chairs are part of the premises, we don't need off sales to serve to persons seated there.

Many thanks

Mark

From: Anand-Patel, Sumeet [<mailto:sanandpatel@westminster.gov.uk>]
Sent: 09 September 2015 15:49
To: BA LAW, Mark Browning <pelhamstreet@gmail.com>
Subject: 15/04754/LIPV - Barrafinna, 43 Drury Lane, London

Hi Mark,

Following our callover with legal I would like to query a couple of things with you regarding the application going to Licensee Sub-Committee next Thursday.

Are you including the outside tables and chairs area within the premises demise? If so, the plan donates a broken line around the outside area however the key indicates the demise of the premises with a solid line.

In turn, are you asking for 'off sales' to apply to the outside area?

I would appreciate a response by tomorrow morning so that I can update the final report before it goes to publish at midday.

Many thanks,

Mrs Sumeet K Anand-Patel
Senior Licensing Officer

Licensing Team
Public Protection and Licensing Department
Westminster City Council
4th Floor East
64 Victoria Street
London SW1E 6QP

Tel: 020 7641 2737
E-mail: sanandpatel@westminster.gov.uk
Web: www.westminster.gov.uk/licensing

APPENDIX 4

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
New Application 11/10412/LIPN	Application for a new premises licence	19.01.2012	Granted by Licensing Sub-Committee
Transfer 12/02595/LIPT	Transfer of premises licence	28.06.2012	Granted Under Delegated Authority
DPS Variation 12/04020/LIPDPS	Variation of the designated premises supervisor	28.06.2012	Granted Under Delegated Authority
Transfer 15/02525/LIPT	Transfer of premises licence	04.09.2015	Granted Under Delegated Authority
DPS Variation 15/02896/LIPDPS	Variation of the designated premises supervisor	04.09.2015	Granted Under Delegated Authority
Variation 15/04754/LIPV	Current Application	Pending	

There is no appeal history

APPENDIX 5

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

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

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

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

Conditions: On Current Licence -

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(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;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;

- (i) the outcome of a race, competition or other event or process, or
- (ii) the likelihood of anything occurring or not occurring;

(e) 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.

5. The responsible person shall ensure that no alcohol is dispensed 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).

6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) 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 a holographic mark.

8. The responsible person shall 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; and

(b) customers are made aware of the availability of these measures.

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.

Annex 2 – Conditions consistent with the operating Schedule

None

Annex 3 – Conditions attached after a hearing by the licensing authority

9. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
10. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times or such other arrangements as may be agreed with the Environmental Health Consultation Team.
11. The pavement from the building line to the kerb edge including Broad Court the length of the premises immediately outside the premises, including gutter/channel at its junction with the kerb edge including Broad Court for the length of the restaurant premises, is swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
12. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises directly off the street.
13. No striptease, no nudity and all persons to be decently attired at all times.
14. Any entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall not be provided.
18. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

Note: upon grant of this application, the above condition shall be replaced with condition 25 below.

19. 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 to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
20. The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) 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, (iii) which do not provide any take away service of food or drink for immediate consumption, and (iv) where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals.

Note: upon grant of this application, the above condition shall be replaced with condition 24 below.

21. 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, which will record the following
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons

- (c) any complaints received
- (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.

- 22. All outside tables and chairs shall be rendered unusable by 23:00 each day.
- 23. There shall be no sales of alcohol for consumption off the premises.

Note: if this application is granted, the above condition shall be deleted and replaced with condition 26 below.

Conditions proposed by Police and EH and agreed with the applicant:

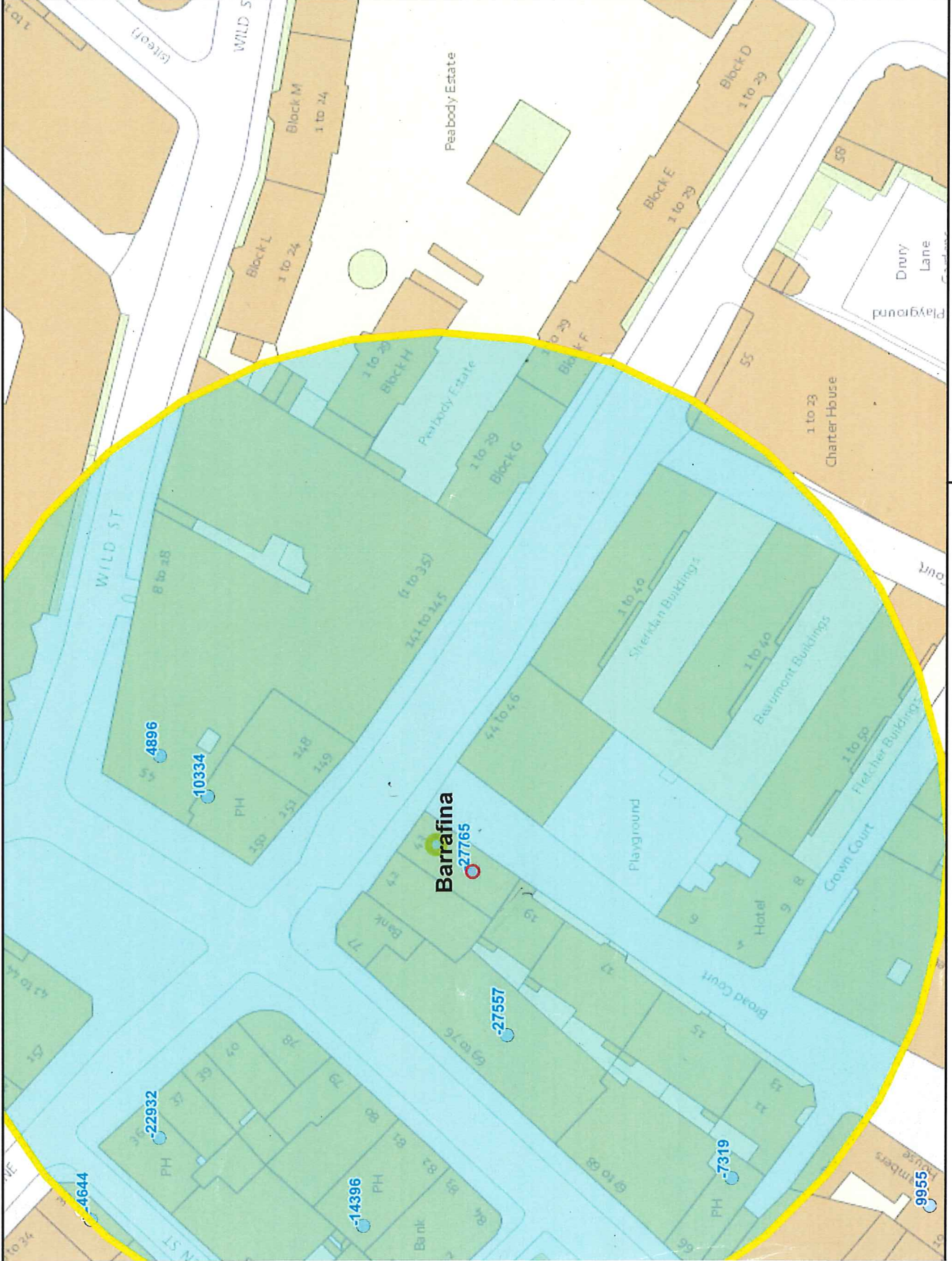
- 24. The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) where the supply of alcohol is by waiter or waitress service only, (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to 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.

- 25. 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 preceding 31 day period
- 26. All sales of alcohol for consumption off the premises shall be to patrons who have dined at the premises, shall be in sealed containers only, and shall not be consumed on the premises
- 27. Alcohol consumed outside the premises building shall only be consumed by patrons seated at external tables.
- 28. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed:
 - o Ground Floor; 43 persons
 - o Basement: 32 persons

APPENDIX 6

 **Barrafina, Ground Floor and Basement, 43 Drury Lane, London**
City of Westminster



Residential / Proposed Residential	22
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

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Data Source: Uniform Database
Date: 24/08/2015

9  Meters

Premises within 75 metres of: Barrafina, Basement and Ground Floor, 43 Drury Lane, London

p / n	Name of Premises	Premises Address	Opening Hours
-22932	Lowlander Grand Cafe	36 Drury Lane London WC2B 5RR	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-24644	Wallacespace	Second Floor And Third Floor 2 Dryden Street London WC2E 9NA	Monday to Sunday 08:00 - 00:00
-27557	Li Veli	69 Long Acre London WC2E 9JS	Monday to Thursday 07:00 - 00:00 Friday to Saturday 07:00 - 00:30 Sunday 09:00 - 23:00
-27765	The Restaurant	Basement And Ground Floor 43 Drury Lane London WC2B 5RT	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
10334	Prince Of Wales Public House	150 - 151 Drury Lane London WC2B 5TB	Friday to Saturday 07:00 - 00:00 Sunday 07:00 - 22:50 Monday to Thursday 07:00 - 23:30 Sundays before Bank Holidays 07:00 - 23:30
4896	Moti Mahal	45 Great Queen Street London WC2B 5AA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-7319	Sun Tavern	66 Long Acre London WC2E 9JD	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
-14396	Freemasons Arms Public House	81-82 Long Acre London WC2E 9NG	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:50

APPENDIX 7









