

Licensing Sub-Committee Report

Item No:	
Date:	11 th May 2017
Licensing Ref No:	17/02766/LIPN - New Premises Licence
Title of Report:	Francesca 215 Baker Street London NW1 6XE
Report of:	Director of Public Protection and Licensing
Wards involved:	Bryanston And Dorset Square
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	14 March 2017		
Applicant:	Nirav Gor		
Premises:	Francesca		
Premises address:	215 Baker Street London NW1 6XE	Ward:	Bryanston And Dorset Square
		Cumulative Impact Area:	No
Premises description:	According to the application, the premises will operate as a restaurant on the Ground Floor, serving food, offering both cooked food, a deli style menu and alcohol for consumption on and off the premises. The premises may also sell products for consumption off the premises as part of a takeaway meal.		
Premises licence history:	<p>The premises has benefitted from a previous licence (15/11890/LIPRW) which lapsed in 2016.</p> <p>The applicant has been the director of the company which previously held the licence which lapsed when TGFC Limited went into liquidation in November 2016.</p>		
Applicant submissions:	None		

1-B Proposed licensable activities and hours

Sale by Retail of Alcohol						
On or off sales			Previous Licence 15/11890/LIPRW		Proposed:	
			On		Both	
	Previous licence hours		Hours Sought		Licensable Area	
	Start:	End:	Start:	End:	Previous licence:	Proposed:
Monday	10:00	21:00	11:00	23:00	Ground Floor	No Change
Tuesday	10:00	21:00	11:00	23:00	Ground Floor	No Change
Wednesday	10:00	21:00	11:00	23:00	Ground Floor	No Change
Thursday	10:00	21:00	11:00	23:00	Ground Floor	No Change
Friday	10:00	21:00	11:00	23:00	Ground Floor	No Change
Saturday	10:00	21:00	11:00	23:00	Ground Floor	No Change
Sunday	12:00	21:00	11:00	23:00	Ground Floor	No Change

Hours premises are open to the public

	Previous Licence 15/11890/LIPRW		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	07:00	21:00	07:00	23:30	Ground Floor	No Change
Tuesday	07:00	21:00	07:00	23:30	Ground Floor	No Change
Wednesday	07:00	21:00	07:00	23:30	Ground Floor	No Change
Thursday	07:00	21:00	07:00	23:30	Ground Floor	No Change
Friday	07:00	21:00	07:00	23:30	Ground Floor	No Change
Saturday	07:00	21:00	07:00	23:30	Ground Floor	No Change
Sunday	07:00	21:00	07:00	23:30	Ground Floor	No Change

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Metropolitan Police
Representative:	PC Brian Hunter
Received:	22 nd March 2017
<p>With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be making a representation against this application as there are insufficient details contained within the operating schedule.</p> <p>It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.</p> <p>The Police have withdrawn their representation as proposed conditions have been agreed with the applicant</p>	
Responsible Authority:	The Environmental Health Service
Representative:	Ayesha Bolton
Received:	12 th April 2017
<p>I refer to the application for a new Premises Licence for the above premises.</p> <p>The applicant has submitted floor plans of the premises.</p> <p>This representation is based on the plans and operating schedule submitted.</p> <p>The applicant is seeking the following:</p>	

1. To permit Supply of Alcohol both 'On' and 'Off' the premises Monday to Sunday 11.00 to 23.00 hours.

I wish to make the following representation.

1. The provision and hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area and impact on Public Safety within the 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 area.

A site visit will be arranged to assess the premises to ensure the premises is satisfactory and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety.

Responsible Authority:	The Licensing Authority
Representative:	Mr David Sycamore
Received:	12 th April 2017

I write in relation to the application submitted for a New Premises Licence for the above premises.

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of Children from Harm

The application seeks to permit the following:

Sales of alcohol between 11:00hrs and 23:00 hrs every day of the week. We note that on Sundays these times fall outside the current core Hours.

The licensing authority is concerned that this premises has been in previous operation and has come to cause concerns to the Councils enforcement team. The applicant has been the director of the company which previously held the licence which lapsed when TGFC Limited went into liquidation. The conditions offered in the application are not what was previously on the licence and we are concerned that this could affect its ability to uphold the licensing objectives in an extremely busy area which sees a huge increase in footfall when sporting events take place.

Previous incidents that have required the Councils intervention have included failure to comply with conditions, undermining the licensing objectives. We are particularly concerned with the proposed amended CCTV conditions and how OFF sales will be managed.

The Licensing Authority has received observations from the City Inspectors (**Appendix 3**) to support their representation to the application.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy HRS1 applies:	Policy HRS1 applies: (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 RNT1 applies:	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.

4. Appendices

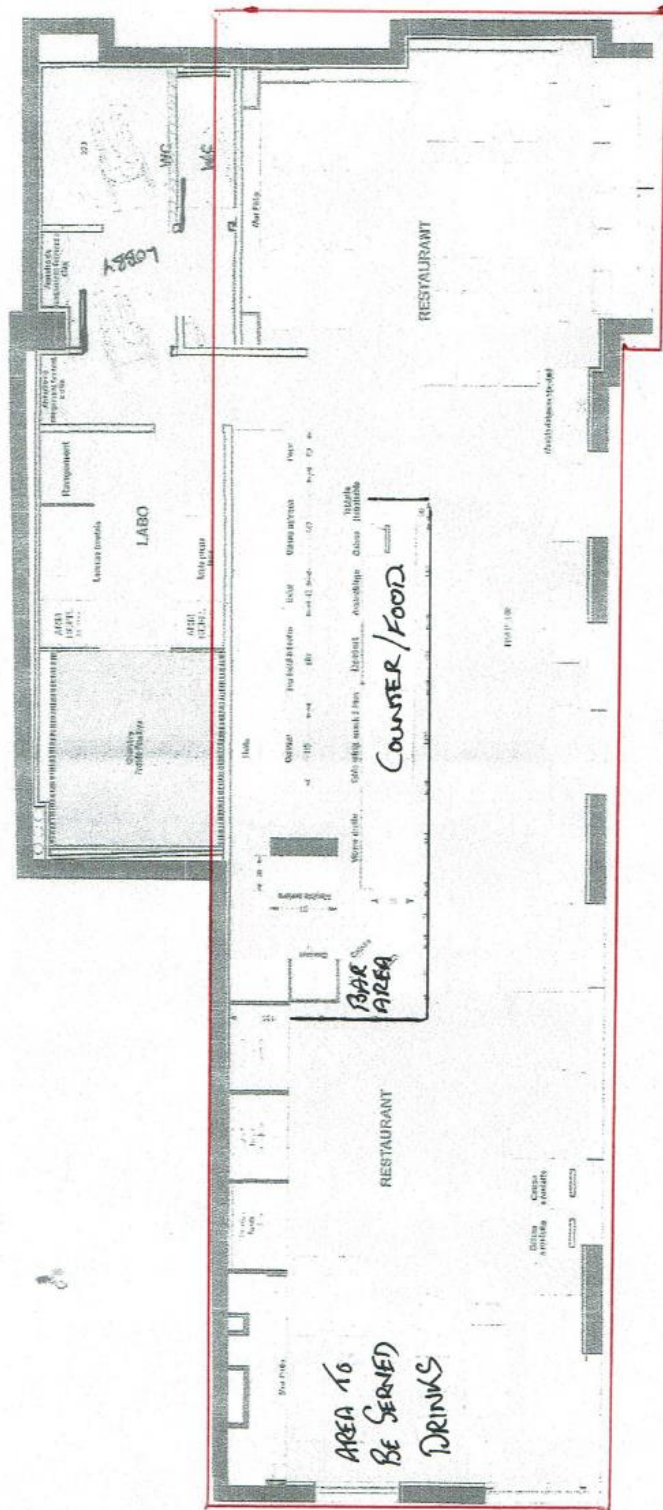
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Memo with City Inspector Observations
Appendix 4	Premises history
Appendix 5	Proposed conditions
Appendix 6	Copy of Previous Lapsed Licence (15/11890/LIPRW)

Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1884 Email: ywade@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 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	14 th March 2017
5	The Metropolitan Police Representation (Withdrawn)	22 nd March 2017
6	The Licensing Authority Representation	12 th April 2017
7	The Environmental Health Service Representation	12 th April 2017
8	Memo From City Inspector	16 th April 2017



FRANCESCA - LONDON
BAKER STREET
LONDON

BAKER STREET

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AP5
PLAN AMENAGEMENT

Applicant Supporting Documents

Appendix 2

None received

**CITY OF WESTMINSTER
PREMISES LICENSING INSPECTOR**

MEMORANDUM

TO Miss Heidi Lawrance
REFERENCE 17/02766/LIPN

FROM Premises Licensing Inspectors, 4th Floor, City Hall, x 3385
REFERENCE 17/012558/LIINSP
BEING DEALT WITH BY

DATE 16 March 2017

FRANCESCA, 215 BAKER STREET, LONDON, NW1 6XE

I refer to the application for a new Premises Licence for the above named venue. The premises previously benefitted from a Premises Licence however I understand that the company that held that licence has recently gone into liquidation hence this application. A check of Companies House however reveals that the applicant Mr. Nirav Gor appears to have been a Director of the old company and the relevance of this will become clear.

The venue is not located within a cumulative impact zone however it is within the footprint of Lords so when there are matches licensed venues in this locality benefit from a much larger customer base. Further the venue is located very close to Baker Street Railway Station so there is a large footfall of customers when there are matches at Wembley.

The applicant has sought a new Premises Licence with opening times for the premises from 07:00 hrs until 23:30 hrs. This represents an extended opening period for the venue of 2.5 hrs compared with their old authorisation. They have applied for licensable activities to commence at 11:00 hrs and end at 23:00 hrs. In view of the difference in opening hours and permitted hours with the venue also seeking to have 'off sales' of alcohol, I would recommend that consideration be given to imposing MC28 requiring lockable cabinets making the alcohol inaccessible outside of permitted hours. Further as they intend to operate as a restaurant then could consideration be given to imposing MC 29 restricting beers etc. to an abv of not more than 5.5%

I note that the applicant has put forward a number of steps that they intend to implement should the application be granted. However I note that these do not include all of the conditions attached to the previous Premises Licence and I would request that consideration be given to imposing additional conditions to those put forward by the applicant with a view to promoting the licensing objectives and for the reasons outlined below.

The applicant has stated that the venue operates as a small restaurant with deli food but has not put forward any food conditions such as MC 41 requiring that substantial food be available or MC 38 making sales of alcohol ancillary to a substantial table meal. In May 2016 on the day of the FA Cup Final a number of males were outside the premises with alcohol. There were lots of bottles on the external tables and whilst some food had been obtained not everyone seen had food despite the venue having a restriction on their Premises Licence at that time. My concern is that with the number of sporting events that take place throughout the year and the large footfall in the area without a restriction on the Premises Licence regarding sales of alcohol there is a potential for 'stand-up' drinking at the premises which could potentially lead to crime and disorder in the area.

The applicant has sought to include a CCTV condition however it is not MC 01 in their application. They have put forward that recordings would be available to Police or other responsible authorities within 48 hours of a request. Under their previous licence it stated:- "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." In addition the applicant has omitted the previously imposed Model Condition MC 02 requiring that "A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested." In May 2016 the venue was unable to comply with either of these conditions. Due to the location of the premises and the potential for crime and disorder particularly when major sporting events take place I would recommend that both of the previous CCTV model conditions be imposed on the Premises Licence should the application be successful. I have referred to this point as the Police Licensing Team may not be aware of the issues found during my visit in May.

Previously the premises had MC 65 requiring that "All deliveries and rubbish collections shall take place between 07:00 and 21:00" I would recommend that similar conditions be imposed however I would recommend that the old condition be varied as follows: "All deliveries shall take place between 07:00 and 21:00" In respect to rubbish collections the

hours should mirror the collection times for this location (which is a Bags off Street area) and state that waste should not be placed outside more than 30 minutes prior to collection times (which are currently 09:00 hrs; 19:30 hrs and 00:30 hrs). In view of the venue being located on a 'Red Route' in an extremely busy area I would recommend that consideration be given to imposing these conditions on the new licence should the application be granted with a view to preventing public nuisance and promoting public safety.

In addition to the above I would recommend that consideration also be given to imposing one or more of the following conditions should the application be successful:-

MC 17 - (off sales of alcohol) only permitted in sealed containers or MC 36 - (off sales of alcohol) only permitted when ancillary to the sale of take away Food. This would prevent the potential of crime and disorder and/or public nuisance from persons consuming alcohol in the street outside this venue.

MC 18 - (alcohol) only to be consumed outside the building by persons seated at tables. Alternatively MC70 - (alcohol) only permitted to outside tables and chairs and when ancillary to food. This would prevent public nuisance from 'stand-up' drinking outside the venue.

As the venue has outside tables and chairs and there are residential premises in the area:-

MC 19 - (tables and chairs) to be rendered unusable after specified time or MC 20 - (tables and chairs) to be removed from outside area by specified time such as 23:00 hrs. This would prevent public nuisance from the use of the outside area for licensable activities.

MC 42 - sweeping and washing of pavement and storage of waste. This would prevent public nuisance from waste or other detrius outside the venue from the use of the tables and chairs.

MC 37 - capacity limit as under the previous licence the venue was restricted to 50 persons (excluding staff). This issue may be addressed further by Environmental Health.

Whilst this venue is a small restaurant/deli with a limited external area for tables and chairs the management of the venue were found in May 2016 to be breaching a number of conditions of the then existing Premises Licence. Despite requests to meet with Director(s) of the company (which would have included Mr. Gov the applicant for the new licence) it took until October 2016 to get a meaningful meeting with a 'share-holder' for the Company Mr. Paresh Pandya. However neither the Designated Premises Supervisor at that time nor a Director of the Company attended the meeting. Further after a long discussion about the conditions of the Premises Licence the venue decided to cease selling

alcohol until they felt able to put sufficient management techniques in place to ensure compliance with their licence conditions. As far as I am aware they have not been selling alcohol since October 2016.

I would not wish to adversely affect this small business however I do consider that sufficient safe-guards in the form of appropriate and proportionate conditions are needed to ensure the promotion of the licensing objectives.

Premises History

Appendix 4

Application	Details of Application	Date Determined	Decision
12/04396/LIPN	Application for a new premises licence	30.07.2012	Granted Under delegated authority
15/00987/LIPDPS	Application to vary a premises licence to specify an individual as designated premises supervisor	16.02.2015	Granted Under delegated authority

There is no appeal history for the premises.

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 necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary 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

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 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 premises 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 sub-paragraph 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 will operate to a high standard, and will do so should this licence be granted in terms of the sale of alcohol. All staff will be fully trained in their responsibilities with regard to the sale of alcohol, and will be retrained every six months, with recorded training records kept for inspection. The DPS will maintain a DPS Written Authorisation Sheet which will show the names of the staff members who have been given delegated authority to make sales of alcohol.
10. All current security measures will remain in operation. All staff will be fully trained in this area. Sufficient staff will be on duty at all busy times. Staff will refuse entry to customers who, in their opinion are drunk. CCTV cameras will be in operation during the opening hours and for a period of two hours after closing. The time and date stamp will be correct and will be generated onto both recorded and real time images. A camera will record clear images of all customers from the waist and above at the entrance/exit. Recordings will be maintained for 31 days and, in the event of an incident/investigation of an offence, will be available for Police/responsible authorities to view on request and will be downloaded into a removable format and provided to Police or other responsible authorities within 48 hours of a request.
11. In the event of a technical failure the premises licence holder will ensure that the DPS, or other named person in their absence, informs the Licensing Authority and Police as soon as is reasonably practicable. This information will be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures will be repaired without undue delay and the Licensing Authority and Police will be informed when the fault is rectified.
12. Staff will be trained to be alert to any potential danger to customers and react accordingly. If they are unable to quickly diffuse the situation without risk to customer or staff, then they are instructed to call the police. Effective management and supervision of the premises shall be maintained. The premises shall comply with all current Health and Safety and Fire legislation. There shall be no smoking on the premises and free drinking water shall be made available. There shall be access to licensed taxi and private hire services for customers if required.
13. Customers will be requested to leave the premises in a quiet and orderly manner. A sign shall be displayed asking customers to leave the premises quietly.
14. Only photographic ID is accepted (passport, driving licence, proof of age card with PASS hologram, and Military ID). Anyone who appears to be under the age of 25 is challenged to provide ID. If the customer is unable to provide identification then no sale is made. No ID no sale. If it is known that a customer intends to purchase

alcohol to provide to minors then that sale will be refused. All refused sales will be recorded in a refusals book, which will be made available for inspection by Police or Licensing Officers of the council on request.

Conditions proposed by the Police and agreed by applicant

15. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises 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.
16. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
17. 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.
18. 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
19. The supply of alcohol on the premises without food shall only be to a person who is seated, where the supply of alcohol is by waiter or waitress service only and is identified within the revised hatch area plan as per your E-Mail dated 14th April 2017

20. The remainder of 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.
- (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals, Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

21. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.

22. Sales of alcohol for consumption off the premises shall only be supplied with ,and ancillary to substantial take away food

23. Whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises is secured behind the counter.

24. No licensable activities shall take place at the premises until premises licence 15/11890/LIPWR or such other number subsequently issued for the premises has been surrendered and is incapable of resurrection.



City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12
Part A

WARD: Bryanston And
Dorset Square
UPRN: 010033619968

Premises licence

Regulation 33, 34

Premises licence number:

15/11890/LIPRW

Original Reference:

12/04396/LIPN

Part 1 – Premises details

Postal address of premises:

Francesca Restaurant
215 Baker Street
London
NW1 6XE

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Sale by Retail of Alcohol

Monday to Saturday:

10:00 to 21:00

Sunday:

12:00 to 21:00

The opening hours of the premises:

Monday to Sunday:

07:00 to 21:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption on the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

TGFC Limited
Jubilee House
Merrion Avenue
Stanmore
Middlesex
HA7 4RY
Electronic Mail : tejas@francescauk.com

Registered number of holder, for example company number, charity number (where applicable)

07624263

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: Aurelio Jr De Guia

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: PERS-LIC631
Licensing Authority: London Borough Of Camden

Date: 18 December 2015

This licence has been authorised by Mr Yiannis Chrysanthou on behalf of the Director - Public Protection and Licensing.

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 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 sub-paragraph 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.

Annex 2 – Conditions consistent with the operating Schedule

9. All deliveries and rubbish collections shall take place between 07:00 and 21:00.
10. A proof of age scheme, such as Challenge 25, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport. (Alternative condition proposed by the police at condition no. 16).
11. The premises shall install and maintain a 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.
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 are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
13. The supply of alcohol shall be by waiter or waitress service only.
14. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises are open.
15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
16. 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.
17. There shall be no sale or supply of alcohol by draught.
18. 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 hot drinks for immediate consumption after 23.00hrs Monday to Saturday and after 22.30hrs on Sundays,
 - 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.
19. The maximum number of persons accommodated at the premises at any one time (excluding staff) shall not exceed 50 persons.

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

None

Annex 4 – Plans

Attached



City of Westminster
64 Victoria Street, London, SW1E 6QP

Schedule 12
Part B

Premises licence
summary

WARD: Bryanston And
Dorset Square
UPRN: 010033619968

Regulation 33, 34

Premises licence number:

15/11890/LIPRW

Part 1 – Premises details

Postal address of premises:

Francesca Restaurant
215 Baker Street
London
NW1 6XE

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Sale by Retail of Alcohol

Monday to Saturday:	10:00 to 21:00
Sunday:	12:00 to 21:00

The opening hours of the premises:

Monday to Sunday:	07:00 to 21:00
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Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption on the Premises.

Name and (registered) address of holder of premises licence:

TGFC Limited
Jubilee House
Merrion Avenue
Stanmore
Middlesex
HA7 4RY

Registered number of holder, for example company number, charity number (where applicable)

07624263

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Name: Aurelio Jr De Guia

State whether access to the premises by children is restricted or prohibited:

Restricted

Date: 18 December 2015

This licence has been authorised by Mr Yiannis Chrysanthou on behalf of the Director - Public Protection and Licensing.