

Licensing Sub-Committee Report

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| Item No: | |
| Date: | 14 June 2018 |
| Licensing Ref No: | 18/02048/LIPN - New Premises Licence |
| Title of Report: | 12 Cardinal Walk London SW1E 5JE |
| 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: | Miss Sam Eaton Senior Licensing Officer |
| Contact details | Telephone: 020 7641 2700 Email: seaton@westminster.gov.uk |

1. Application

| 1-A Applicant and premises | | | |
|-----------------------------------|--|--------------------------------|------------|
| Application Type: | New Premises Licence, Licensing Act 2003 | | |
| Application received date: | 23 February 2018 | | |
| Applicant: | Balans Restaurants Limited | | |
| Premises: | | | |
| Premises address: | 12 Cardinal Walk London SW1E 5JE | Ward: | St James's |
| | | Cumulative Impact Area: | None. |
| Premises description: | According to the application the premises will operate as a restaurant with ancillary bar. | | |
| Premises licence history: | The premises is already licensed and a full history is provided at Appendix 3. | | |
| Applicant submissions: | None. | | |
| Plan: | Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee. | | |
| Note: | The premises failed its notice check on 20 th March 2018. The notice was displayed again on 22 nd March 2018 with last date for representations as 19 th April 2018. | | |
| Note: | The application was due to be heard on 24 th May 2018, however the application was adjourned to 14 th June 2018 upon request of the residents. | | |
| Amendment to application: | The applicant has amended the application so that the terminal hour for sale of alcohol and the closing hour are now 22:30. In addition the applicant has now withdrawn Late Night Refreshment from the application. | | |

| 1-B Proposed licensable activities and hours | | | | | | | |
|---|------------|--|------------|---------------------------------|------------|------------|------------|
| Sale by retail of alcohol | | | | On or off sales or both: | | | Both |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 12:00 |
| End: | 23:30 | 23:30 | 23:30 | 23:30 | 00:00 | 00:00 | 22:30 |
| Seasonal variations/ Non-standard timings: | | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays/public holidays to 00:00 | | | | | |

| Amended sale of alcohol hours | | | | | | | |
|---|-------|-------|--|--------------------------|-------|-------|-------|
| Sale by retail of alcohol | | | | On or off sales or both: | | | Both |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 12:00 |
| End: | 22:30 | 22:30 | 22:30 | 22:30 | 22:30 | 22:30 | 22:30 |
| Seasonal variations/ Non-standard timings: | | | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. | | | | |
| | | | On Sundays prior to bank holidays/public holidays to 00:00 | | | | |

| Hours premises are open to the public | | | | | | | |
|---|-------|-------|--|-------|-------|-------|-------|
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 08:00 | 08:00 | 08:00 | 08:00 | 08:00 | 08:00 | 08:00 |
| End: | 23:30 | 23:30 | 23:30 | 23:30 | 00:00 | 00:00 | 22:30 |
| Seasonal variations/ Non-standard timings: | | | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. | | | | |
| | | | On Sundays prior to bank holidays/public holidays to 00:00 | | | | |
| Adult Entertainment: | | | None. | | | | |

| Amended hours premises are open to the public | | | | | | | |
|---|-------|-------|--|--------------------------|-------|-------|-------|
| Sale by retail of alcohol | | | | On or off sales or both: | | | Both |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 12:00 |
| End: | 22:30 | 22:30 | 22:30 | 22:30 | 22:30 | 22:30 | 22:30 |
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| | | | On Sundays prior to bank holidays/public holidays to 00:00 | | | | |

2. Representations

| 2-A Responsible Authorities | |
|---|------------------------------|
| Responsible Authority: | Environmental Health Service |
| Representative: | Anil Drayan |
| Received: | 20 th March 2018 |
| <p>I wish to make the following representations based on the plans submitted and the supporting operating schedule:</p> <ol style="list-style-type: none"> 1. The hours requested for and the Supply of Alcohol 'On' and 'Off' the premises may lead to an increase in Public Nuisance in the area 2. The hours requested for and the provision of Late Night Refreshment may lead to an increase in Public Nuisance in the area <p>Environmental Health also makes the following further comments:</p> <ol style="list-style-type: none"> i. Some conditions have been offered in the operating schedule and these are under consideration to see if they address all Environmental Health concerns ii. It is unclear from the application if the premises have already undergone refurbishment for the proposed use. Nevertheless, it will need to be inspected for Public Safety prior to commencement of the licensable activities. iii. The premises will also need to be assessed for its food preparation/cooking facilities in order to evaluate whether Public Nuisance may arise from odour and/or noise from the operation of any plant and machinery. <p>The applicant is therefore requested to contact the undersigned to discuss the above issues and to arrange a site visit after which Environmental Health may propose additional conditions for the proposed use.</p> | |
| Responsible Authority: | Metropolitan Police Service |
| Representative: | PC Reaz Guerra |
| Received: | 12 th April 2018 |
| <p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>There is insufficient detail within the operating schedule to promote the prevention of crime and disorder and protection of children from harm licensing objectives.</p> <p>An officer from this unit will be in contact with you shortly to discuss the application. However it is for the applicant to prove that this application will not add to the cumulative impact problems already experienced in this area.</p> <p>It is for these reasons that we are objecting to the application.</p> | |

2-B Other Persons

Received: 18th April 2018

I am writing with an objection to the new license application ref: 18/02048/LIPN for 12 Cardinal Walk, London, SW1E 5JE.

With regards to the license application itself, I note that the supply of alcohol and proposed provision for late night refreshment is up to 23.30 Mon-Thurs, 00.00 Sat-Sun and 00.00 on Sundays prior to bank holidays, to be consumed indoors on the premises.

The application is completely at odds with all previous communication with Land Security and the original change of use application - When approved the potential of noise disruption to local residents was a key concern and the following were provisions of the approval of this application.

Customers shall not be permitted within the restaurant premises before 09.00 or after 22.30 each day. (C12AD) Reason: To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE8 of our Unitary Development Plan that we adopted in January 2007. (R12AC) 7

You must not allow customers to use the tables and chairs outside the restaurant after 21.00 daily. Reason: To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7

Even with the recent alteration to the application on Tuesday 17th April this still extends the outside use by 30 mins and more importantly will allow patrons to be exiting 90 mins after the time stated in the original application (22.30). With the architectural design of Cardinal Place all noise is amplified and increased as the noise of the city dies down, so this has strong potential to disrupt local residents.

Another grave concern of mine is the amended section "All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons."

Does this mean the doors and windows will be open until this time with noise polluting the environment on top of the patrons leaving the establishment?

With the Summer approaching, this will further affect my ability to have our windows open and doors open thus compounding any additional noise and disruption. We can clearly hear Wagamama who is twice the distance from us and not a bar pretending to be a restaurant.

The applicants have the below paragraph as their 'about' text on their website. This does not suggest to me a company sympathetic to noise and disruption to local residents living less than 10 metres from their new premises but has the potential to be a damning indictment of their attitude towards local residents.

"We are Balans Soho Society and we live by the philosophy that too much of a good thing is a good thing, the best plan is no plan and that the pursuit of pleasure is a noble one. Even if the pleasure itself might not be. Let us banish the jobsworth, the wet blanket, the killjoy. Those who are easily shocked should be shocked more often. Let curtains twitch. All hail the rogue, the rascal and the reprobate. We have a way of dealing with outsiders: invite them in for a drink."

I hope you will take the clear outline and referenced negative effects on local residents into consideration and refuse this extended license application and instead restrict it to the hours

originally laid out in the planning application, without the right to appeal.

Received:

18th April 2018

We are writing to challenge the above Licence Application.

We are residents in The View, 20 Palace Street, SW1E5BB which overlooks the proposed site on the Mezzanine floor of Cardinal Place.

You have apparently granted an application to Balans Restaurants for the opening of a Bar and Restaurant in this location.

We were notified by the Landlords, Land Securities, when Balans applied for the original licence which allowed them to serve food and alcohol inside and more importantly, outside until 21.30.

This is in keeping with the Wagamama restaurant already existing next door. When Wagamama applied for a similar licence in 2006, it was denied any extension on the basis of the Residents complaints. We now see that Balans are applying for an extension to serve alcohol and food indoors and outdoors up to 23.30 Mon-Thurs and 00.00 Fri, Sat and Bank Holiday Sundays.

Suspiciously, none of the local Residents were notified either by Land Securities, Balans' representatives or yourselves, the Council, that this extended application was being sought. Fortunately, a vigilant Resident noticed a notification posted amongst other incidental bits and pieces on the door of the building site.

We understand that the original timetable for challenges had expired but that you are now accepting emailed complaints until Thursday, 19th April, 2018.

As stated, the View overlooks the Mezzanine and due to the form of construction you have allowed in Cardinal Place, any noise rises and is seriously magnified within the cone formed by this construction.

We already have considerable sound from the various outdoor restaurants on the ground floor with serious noise when they are putting out and taking in the metal tables and chairs, early and late.

We also endure the various entertainments you allow Land Securities to stage during the year, outdoor movies, the broadcasting of Wimbledon, various dance and exercise classes with loud music etc which are quite disruptive to our peace.

To now suggest that you will allow Balans to remain open so late, meaning patrons will not be clearing the area until well after midnight after extended alcohol consumption is totally unfair to the Residents.

We pay substantial council taxes for the privilege of living in this area and expect, therefore, to have the right to have the quiet and peaceful enjoyment of our homes.

If you grant this extension, no doubt Wagamama and other establishments will endeavour to extend their licences as you will have set a precedent.

For these valid reasons we wish to seriously challenge this application.

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| Received: | 16 th April 2018 |
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I am writing to register my objection to the licensing application by Balans Restaurants Limited to allow the sale of food and alcohol until 23.30 Monday to Thursday and to midnight on Saturday and Sunday. I note that the proposed licence application is for both inside and outside the premises.

I live in Flat 1403, 20 Palace Street (The View), facing the direction of the Cardinal Place Roof Gardens, and which is directly above the proposed restaurant. I am concerned that the licence would create a public nuisance due to a significant level of sound being generated in the enclosed space of the Roof Gardens late at night. I would like to object to the application on this basis.

If the licence were to be restricted to 10pm, as with the Wagamama restaurant next door in

Cardinal Place, I would not object.

Received: 17th April 2018

We are an owner and resident of a flat at The View, 20 Palace Street which faces the Cardinal Walk gardens and am writing to express our objection and concerns in relation to the licence application Ref: 18/02048/LIPN for Balans. 12 Cardinal Walk London SW1E 5JE.

Our object/concerns are as follows:

- 1) Due to the proximity of this bar/restaurant to the flats and residences, there will be a significant amount of noise that would cause a huge disturbance and disruption, especially during the after-hours; and,
- 2) Given the experience we have had with Browns on Cardinal Place which serves alcohol, we believe there will be a higher probability of drunk behaviour and disturbances (incl. shouting and annoyance towards residents) as well as damage to property and rubbish left by drunkards as a result of this licence.

Furthermore, it is with huge disappointment that this application was only made aware to the residents of The View over the weekend of 13th April 2018, giving residents very short notice to comment and object! We understand it is the responsibility and obligation of the Westminster City Council to provide sufficient notice on any planning application which will affect the residents however, this was not fulfilled on this occasion. In addition to our objection and concerns in relation to this licence, we would also like to raise a formal complaint regarding the very short notice that was provided to residents of The View.

We hope these points are seriously considered as there is a very high probability that the inappropriate approval of this licence will clearly amount to a high level of noise, disturbance and disruption to the residents living at The View, 20 Palace Street and the surrounding areas.

The noise that comes from Browns in Cardinal Place, which is a bar and restaurant that most people frequent after working hours, is clearly heard from the flats that face Cardinal Place despite it being a further distance away to where Balans is planned to be set up. The idea that another bar/restaurant could potentially be given permission to sell alcohol and have extended hours on Cardinal Walk, which is much closer to the flats at The View, is highly inappropriate. To reiterate, we absolutely object to licence application Ref: 18/02048/LIPN for Balans, 12 Cardinal Walk London SW1E 5JE for the right/licence to sell alcohol and operate after hours. We hope you respect our right to have peace and quiet at our place of residence.

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| | |
|------------------|-----------------------------|
| Received: | 18 th April 2018 |
|------------------|-----------------------------|

I cannot understand why this License allows longer opening hours than the Restaurant next door.(Wagamama) These Wagamama hours include opening Mon to Sat until 10.00pm and Sunday until 9.30pm.
If you extend the opening hours for the Balans License you will only create more noise and disturbance for local residents later at night as they leave the Restaurant.
The Wagamama licensing hours work well for all parties.
I accept that the outside tables must be vacated by 21.30 and think this is satisfactory.

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| Received: | 19 th April 2018 |
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I received a note yesterday, 16thApril, from the Thomas & Thomas Partnership, inviting my comments to yourselves about their planned extension of outside drinking hours at their establishment just below my balcony and window till midnight.

Astonishingly, the notice permitted me until just Thursday 19thApril – three days – to get in a reply to yourselves on this matter, before my ‘consultation window’ apparently closes. I, and my many neighbours who are equally affected by this proposal, understand that it was only because one of our number accidentally heard about the plans and protested, that the ‘consultation window’ was opened in the first place.

It goes without saying that to allow only three days reply period within a working week is an intolerable gesture of bad faith. Next, presumably Thomas and Thomas will assure us their outside drinkers will be of the quiet variety who will not keep families and people needing to work the next day awake. To add to the insult, this extension of hours is planned 24/7 all year.

Given that every other eaterie in Cardinal Place has for years abided by a far stricter regime, namely closing their outside areas down from 10pm, the brazen nature of this proposal seems even more troubling and unacceptable. The position of this new establishment managed by Thomas & Thomas is far closer to residents than any of the others. In fact these drinkers will be talking and smoking just feet from my own bedroom window and that of many others.

I will be alerting as many of them as possible to this threat to their quietude in the time that is available, but let me assure you that my Residents’ Committee will not be letting this matter pass lightly and we not only oppose this proposal in the strongest possible terms, but will be demanding an enquiry into the failure to give adequate notice or warning to residents in the proper manner. I regard the Council’s failure to follow correct procedures in this matter as a serious dereliction that merits full investigation.

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|--|-----------------------------|
| Name: | Steven Inns |
| Address and/or Residents Association: | Not Supplied |
| Received: | 19 th April 2018 |

I am writing in connection with the attached licence application.

In light of the proximity of the establishment to The View and the proposed extension of licensing hours, we, Westway Global Limited, as the owner of apartment 201, 20 Palace Street, London SW1E 5BA, strongly object to the proposed licence as outlined under application number 18/02048/LIPN.

We feel that the extension would lead to undue noise and disturbance outside of our property given the fact that this is a drinking establishment and the customers would be allowed to drink and smoke outside the premises to as late as 00:00 on a Friday and to 23:30 Monday through Thursday.

We would also like to air our disappointment with what appears to be an extremely short notice period under which an objection can be raised. Our understanding is that visible notice of the extension was given on 16 April 2018, only allowing 3 days for any objections to be raised.

Now that the residence have been made aware of the proposed licence the Residents' Committee have been alerted and will also be raising their objection to the proposal before the given deadline.

3. Policy & Guidance

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| The following policies within the City Of Westminster Statement of Licensing Policy apply: | |
| 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 FFP1 applies: | Applications will only be granted if it can be demonstrated that the proposal meets relevant criteria in Policies CD1, PS1, PN1 and CH1. |
| Policy PB1 applies: | Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1. |

4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

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| Appendix 1 | Premises plans |
| Appendix 2 | Applicant supporting documents |
| Appendix 3 | Premises history |
| Appendix 4 | Proposed conditions |
| Appendix 5 | Residential map and list of premises in the vicinity |

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| Report author: | Miss Sam Eaton Senior Licensing Officer |
| Contact: | Telephone: 020 7641 2700 Email: seaton@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 | 23 rd February 2018 |
| 5 | Representation - Environmental Heath Service | 20 th March 2018 |
| 6 | Representation – Metropolitan Police Service | 12 th April 2018 |
| 7 | Representation | 18 th April 2018 |
| 8 | Representation | 18 th April 2018 |
| 9 | Representation | 18 th April 2018 |
| 10 | Representation | 16 th April 2018 |
| 11 | Representation | 17 th April 2018 |
| 12 | Representation | 17 th April 2018 |
| 13 | Representation | 17 th April 2018 |
| 14 | Representation | 18 th April 2018 |
| 15 | Representation | 19 th April 2018 |
| 16 | Representation | 19 th April 2018 |

Premises Plans



Applicant Supporting Documents

None.

Premises History

| Application | Details of Application | Decision | Date Determined |
|--------------------|--|------------------------------------|------------------------|
| 11/02181/LIPN | New Premises Application | Granted by Licensing Sub-committee | 19.05.2011 |
| 12/03085/LIPDPS | Application to Vary the Designated Premises Supervisor | Granted under Delegated Authority | 10.05.2012 |
| 17/10207/PREAPM | Pre-Application Advice | Pending | To be determined |

| Application | Details of Application | Decision | Date Determined |
|--------------------|-------------------------------|--------------------------|------------------------|
| 17/12421/LITENN | Temporary Event Notice | Event allowed to proceed | 18.12.2017 |
| 17/06872/LITENN | Temporary Event Notice | Event allowed to proceed | 27.06.2017 |
| 17/06842/LITENN | Temporary Event Notice | Event allowed to proceed | 31.07.2017 |
| 17/05587/LITENN | Temporary Event Notice | Application Withdrawn | 21.06.2017 |
| 17/05584/LITENN | Temporary Event Notice | Application Withdrawn | 21.06.2017 |
| 16/11685/LITENN | Temporary Event Notice | Event allowed to proceed | 20.12.2016 |
| 16/04245/LITENN | Temporary Event Notice | Event allowed to proceed | 29.04.2016 |
| 16/04233/LITENN | Temporary Event Notice | Event allowed to proceed | 12.05.2016 |

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| 15/10549/LITENN | Temporary Event Notice | Event allowed to proceed | 17.12.2015 |
| 15/03946/LITENN | Temporary Event Notice | Event allowed to proceed | 25.02.2016 |
| 15/03945/LITENN | Temporary Event Notice | Event allowed to proceed | 25.02.2016 |

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 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.

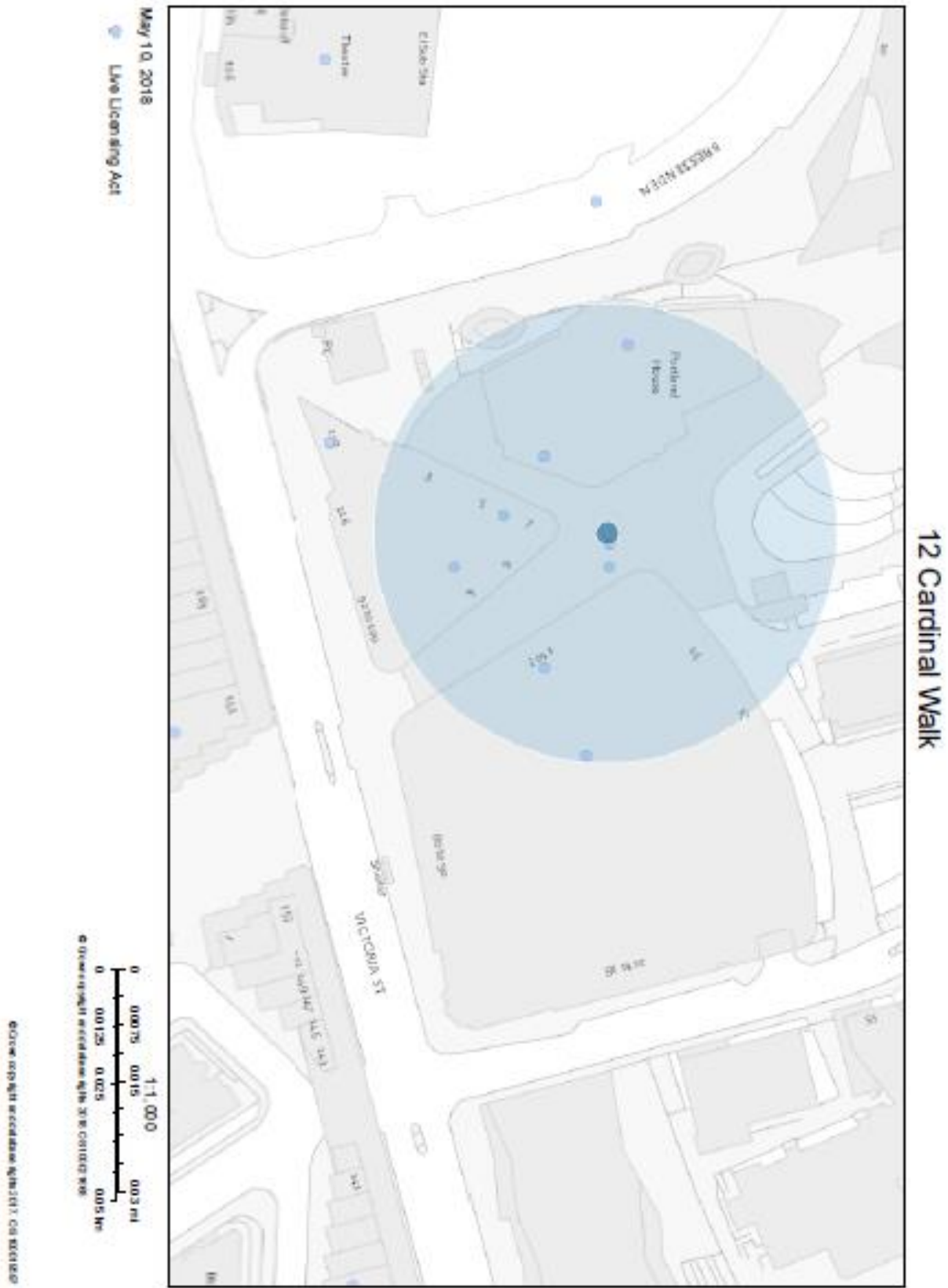
Conditions consistent with the operating schedule

9. 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.

10. 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.
11. 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.
12. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
13. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
14. There shall be no sales of alcohol for consumption off the premises after 22.00.
15. All outside tables and chairs shall be rendered unusable by 21.00 each day.
16. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
17. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
18. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
19. 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.
20. 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, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

Residential Map and List of Premises in the Vicinity



Resident Count: 92

Premises within 50 metres of: 12 Cardinal Walk

| p / n | Name of Premises | Premises Address | Licensed Hours |
|--------------|---------------------------|---|---|
| 79714 | SW1 Gallery | 12 Cardinal Walk London SW1E 5JE | Monday to Sunday; 12:00 - 18:00 Monday to Sunday; 10:00 - 21:00 |
| 70370 | Marks And Spencer | Ground Floor 10 Cardinal Walk London SW1E 5JE | Monday to Saturday; 06:00 - 00:00 Sunday; 10:00 - 22:30 |
| 18093 | Browns | 2 Cardinal Walk London SW1E 5JE | Monday to Sunday; 08:00 - 00:30 |
| 70400 | Wagamama | Unit 8 Ground Floor 5 Cardinal Walk London SW1E 5JE | Monday to Sunday; 10:00 - 00:30 |
| 18108 | Zizzi | 15 Cardinal Walk London SW1E 5JE | Monday to Sunday; 08:00 - 00:00 |
| 18120 | Bills | 6 Cathedral Walk London SW1E 5JH | Monday to Sunday; 08:30 - 00:30 |
| 4493 | Browns (Redevelopment) | Portland House Bressenden Place London SW1E 5BH | Monday to Sunday; 08:00 - 00:30 |
| 74037 | Nandos | Ground Floor 17 Cardinal Walk London SW1E 5JE | Monday; 11:00 - 00:30 Tuesday; 11:00 - 00:30 Wednesday; 11:00 - 00:30 Thursday; 11:00 - 00:30 Friday; 11:00 - 00:30 Sunday; 12:00 - 00:00 |