



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	14 June 2018
Licensing Ref No:	18/03063/LIPV - Premises Licence Variation
Title of Report:	Assa 23 Romilly Street London W1D 5AQ
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Ms Shannon Pring Senior Licensing Officer
Contact details	Telephone: 020 7641 3217 Email: spring3@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	20 March 2018		
Applicant:	Rainbow Assa Limited		
Premises:	Assa		
Premises address:	23 Romilly Street London W1D 5AQ	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	The premises currently operates as a Korean restaurant.		
Variation description:	<ol style="list-style-type: none"> 1. To vary the basement plans at Annex 4 of the premises licence to remove the karaoke rooms, move the toilet facilities to the south end of the basement, add additional toilets, add a servery bar and rearrange back of house areas (escapes are in the same place and have been approved by LFEPA at a recent inspection - see letter attached). Karaoke rooms in the basement were added to the layout in 2010 and this variation in change of layout is in essence to revert back to the previous layout. 2. To delete the conditions in relation to karaoke; namely conditions 18 and 23. 3. To delete irrelevant conditions, namely 15, 16. 4. To delete the capacity condition 14 (which is not enforceable) and replace it with (as per current numbers permitted): "The number of persons permitted on the premises (excluding staff) shall not exceed: <ul style="list-style-type: none"> •Basement – 25 •Ground Floor – 60 •First Floor – 42" 5. To update/propose additional conditions in line with WCC's model conditions – please see attached list of conditions. 		
Premises licence history:	The premises currently benefits from a premises licence. Full details of the premises licence history can be found at Appendix 3 of the report.		
Applicant submissions:	The applicant has included a letter from the Fire Authority with their application. Details of this letter can be found at Appendix 2 of the report.		

Plans	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.
--------------	---

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

Regulated Entertainment

Exhibition of films

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	00:00	No change		Basement, Ground Floor, First Floor, Second Floor, Third Floor	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday	12:00	23:30				
Seasonal variations:	Current:				Proposed:	

Performance of live music

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	00:00	Remove Licensable Activity from licence		Basement	N/A
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday	12:00	23:30				

Recorded Music				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:	Unrestricted						

Late night refreshment						
Indoors, outdoors or both		Current :			Proposed:	
		Indoors			No Change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	00:30	No change		Basement & First Floor	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday	23:00	00:00				
Seasonal variations		Current:			Proposed:	
		17. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.			No change	

Late night refreshment						
Indoors, outdoors or both		Current :			Proposed:	
		Indoors			No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	No change		Ground floor and third floor	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday	N/A	N/A				
Seasonal variations		Current:			Proposed:	
		17. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.			No change	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			Both		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	00:00	No change		Basement and First Floor	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday	12:00	23:30				
Seasonal variations	Current:			Proposed:		
	<p>15. (i)Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.</p> <p>In this condition, permitted hours means:</p> <p>(a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00;</p> <p>(b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30;</p> <p>(c) On Good Friday, 12:00 to 22:30;</p> <p>(d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30;</p> <p>(e) On New Year's Eve, except on a Sunday, 10:00 to 23:00;</p> <p>(f) On New Year's Eve on a Sunday, 12:00 to 22:30;</p> <p>(g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p>			<p>The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hours for those activities on New Year's Day through to commencement time for those activities on New Year's Day.</p>		

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			Both		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:00	No change		Ground floor and Third Floor	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday	12:00	22:30				
Seasonal variations	Current:			Proposed:		
	<p>15. (i) Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.</p> <p>In this condition, permitted hours means:</p> <p>(a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00;</p> <p>(b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30;</p> <p>(c) On Good Friday, 12:00 to 22:30;</p> <p>(d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30;</p> <p>(e) On New Year's Eve, except on a Sunday, 10:00 to 23:00;</p> <p>(f) On New Year's Eve on a Sunday, 12:00 to 22:30;</p> <p>(g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p>			<p>The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hours for those activities on New Year's Day through to commencement time for those activities on New Year's Day.</p>		

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	00:30	No change		Basement and First Floor	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday	12:00	00:00				
Seasonal variations	Current: N/A				Proposed: The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Day through to commencement time for those activities on New Year's Day.	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	No change		Ground floor and Third Floor	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday	12:00	23:00				
Seasonal variations	Current: N/A				Proposed: The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Day through to commencement time for those activities on New Year's Day.	

Layout alteration
<p>The application seeks to vary the basement plans to:</p> <ul style="list-style-type: none"> • Remove the Karaoke Rooms • Move the toilet facilities to the south end of the basement • Add additional toilets • Add a servery bar • Rearrange the back of house areas

1-D Conditions being varied, added or removed	
Condition	Proposed variation
<p><u>Remove Condition 10:</u> Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.</p>	<p>Replace with: 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.</p>
<p><u>Remove Condition 13:</u> No striptease, no nudity and all persons on the premises to be decently attired.</p>	<p>Replace with: There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.</p>
<p><u>Remove Condition 14:</u> The maximum numbers of persons, including staff, to be present in the licensed premises shall not exceed the numbers specified from time to time by the proper officer of the London Fire and Civil Defence Authority. The numbers currently specified:</p> <ul style="list-style-type: none"> - As to the Basement 30 persons. - As to the Ground Floor 30 persons. - As to the First Floor 30 persons. 	<p>Replace with: The number of persons permitted on the premises (excluding staff) shall not exceed:</p> <ul style="list-style-type: none"> • Basement – 25 • Ground floor – 60 • First Floor - 42
<p><u>Delete Condition 15:</u> Basement, Ground, First and Third Floors:</p> <p>15. (i) Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.</p>	<p>N/A</p>

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00;
- (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30;
- (c) On Good Friday, 12:00 to 22:30;
- (d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30;
- (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00;
- (f) On New Year's Eve on a Sunday, 12:00 to 22:30;
- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Basement and First Floor only:

- (ii) Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve), and on Christmas Day, between 15:00 and 19:00, to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes (thirty minutes on the Basement and First Floors) after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes (thirty minutes on the Basement and First Floors) after the above

<p>hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;</p> <p>(c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;</p> <p>(d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;</p> <p>(e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;</p> <p>(f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;</p> <p>(g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;</p> <p>(h) the taking of alcohol from the premises by a person residing there;</p> <p>(i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;</p> <p>(j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or</p>	
---	--

<p>the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.</p> <p>In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.</p>	
<p><u>Delete Condition 16:</u> No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:</p> <p>(a) He is the child of the holder of the premises licence.</p> <p>(b) He resides in the premises, but is not employed there.</p> <p>(c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.</p> <p>(d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.</p> <p>In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.</p>	<p>N/A</p>
<p><u>Remove Condition 17:</u> The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.</p>	<p>Replace with: The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to commencement time for those activities on New Year's Day.</p>

<p><u>Delete Condition 18:</u> The showing of films in the basement is ancillary to/for the purpose of karaoke.</p>	<p>N/A</p>
<p><u>Delete Condition 23:</u> Notwithstanding Conditions 9 and 14 of the premises licence, when karaoke is taking place in the basement of the premises:</p> <p>(a) The provision of live music to the public shall be restricted to karaoke in the basement</p> <p>(b) The retail sale of alcohol shall take place by waitress services only into the karaoke rooms to the permitted terminal hour</p> <p>(c) There shall be CCTV in each of the karaoke rooms</p> <p>(d) The maximum number of patrons in each of karaoke rooms 2 and 3 (as shown on the plans) is 8 and in Karaoke 1 (as shown on plans) is 14.</p>	<p>N/A</p>
	<p>(i) Add the following condition: Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.</p>
	<p>(ii) Add the following condition: No deliveries to the premises shall take place between (23:00 and (08:00) on the following day.</p>
	<p>(iii) Add the following condition: All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.</p>
	<p>(iv) Add the following condition: No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.</p>
	<p>(v) Add the following condition: All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.</p> <p><i>Duplicate of condition (iii) above</i></p>

	<p>(vi) Add the following condition: The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.</p>
	<p>(vii) Add the following condition: The variation will have no effect until the Licensing Authority are satisfied that the premises are constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.</p>
	<p>(viii) Add the following condition: Prior to the variation taking effect, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority.</p>

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Licensing Authority
Representative:	Ms Daisy Gadd
Received:	10 April 2018
<p>I write in relation to the application to vary the premises licence for Assa, situated at 23 Romilly Street.</p> <p>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.</p> <p>The variation application being considered seeks the following:</p> <ul style="list-style-type: none">• To vary the basement plans to remove the karaoke rooms• To delete conditions 18, 23, 15 and 16• To amend condition 14 which relates to the capacity of the premises• To add and update existing conditions on the premises licence <p>The premises is located within a Cumulative Impact Area and as such a number of policy points must be considered, namely CIP1, HRS1, MD2 and PB2.</p> <p>Condition 14 currently reads as the following:</p> <p><i>The maximum number of persons, including staff, to be present in the licensed premises shall not exceed the numbers specified from time to time by the proper officer of the London Fire and Civil Defence Authority. The numbers currently specified:</i></p> <ul style="list-style-type: none">- <i>As to the Basement 30 persons</i>- <i>As to the Ground Floor 30 persons</i>- <i>As to the First Floor 30 persons</i> <p>The applicant is seeking to amend condition 14 to the following:</p> <p><i>The number of persons permitted on the premises (excluding staff) shall not exceed:</i></p> <ul style="list-style-type: none">• <i>Basement – 25</i>• <i>Ground Floor – 60</i>• <i>First Floor – 42</i> <p>The Licensing Authority are concerned about the proposed increase of capacity of the premises from 90 persons to 127 persons, which would mean an increase of 37 persons within the Cumulative Impact Area. The Licensing Authority encourages the applicant to provide further submissions relating to the management and control of these extra persons.</p>	

Furthermore, policy MD2, as outlined in the Council's Statement of Licensing Policy 2016, states that our "policy is to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours, under Policy HRS1". Paragraph 2.5.48 of the policy also states that "On the basis the Licensing Authority considers that the grant of variations or new licences for premises offering facilities for music and dancing in the Cumulative Impact Areas should be limited to exceptional circumstances". The applicant is yet to demonstrate that this application is an exception to policy.

It would be useful for the applicant to provide the Licensing Authority with further information regarding the proposed use and operation of the premises, especially the basement floor, given the removal of the karaoke element.

Further discussions will be held with the applicants prior to the hearing and any further submissions will be forwarded on for Members information. However, please accept this as a formal representation.

Please contact me upon receipt of this email where we can then schedule in a convenient time and date to meet and discuss this application.

I look forward to hearing from you.

Correspondence between the Applicant and the Licensing Authority

Assa has previously traded as a restaurant on the ground and first floors (without a specific restaurant condition on the licence) with ancillary karaoke rooms in the basement. We are not seeking any change to the ground and upper floors as part of the variation. The application for variation is therefore essentially, to vary the layout plans in the basement and to remove the karaoke permission in the basement and change that operation, from karaoke, to restaurant. As part of this variation we are updating some model conditions and offering a capacity condition so it reflects the fire risk assessment, both beneficial.

As per above, the applicant is now seeking to remove the karaoke element of its offering and operate as a restaurant in the basement. As a result of this, we have spoken further to our client and we are instructed to amend our application to:

- a. remove the provision of live music from the face of the licence- the live music is only permitted in the basement for karaoke in any event by way of condition and so this is not required anymore as we have sought to remove the karaoke element as part of the variation
- b. add a new condition to read "The supply of alcohol in the basement at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal." This new condition will ensure that the operation in the basement, the area of the premises to which the variation application relates, is controlled and within policy- and cannot trade as a bar etc

We will write to the licensing team and advise them of the above formally shortly.

On the capacity point, the current capacity condition on the licence is one proposed by the LFPA and is not enforceable under the Licensing Act 2003. The premises have been trading to the numbers proposed under this variation application, as per

their fire risk assessment. Further, following a visit to the premises yesterday, the District Surveyor (Alan Lynagh) has confirmed that the premises could in fact accommodate 60 persons on each of the floors, however we have proposed much fewer numbers than that within our application. Taking all that into consideration, we don't believe this is an increase in capacity. We are seeking to place an enforceable condition on the licence and are proposing a capacity which is very much within the LFEPA and DS recommendations. Therefore we believe we will not be attracting extra persons to our premises and therefore not adding to cumulative impact.

Correspondence between the Licensing Authority and the Applicant

With regards to this application, the Licensing Authority would like to encourage the applicant to consider model condition 66 for the basement floor as opposed to the condition currently offered whereby the supply of alcohol in the basement at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

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 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. 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.

As you have said, this variation is to seek to change the operation of the basement level from a karaoke operation to a restaurant, and therefore adding the above condition to the licence, with specific regard to the basement floor, will support the Council's policy relating to the sale of alcohol for consumption on the premises.

With regards to the capacity of the premises, the Licensing Authority are still concerned that there is to be additional persons within the cumulative impact area as a result of this variation application. It is for this reason that the Licensing Authority will maintain their representation. It will be for Members to determine this application.

I look forward to hearing from you regarding the Licensing Authority's proposed condition.

Responsible Authority:	Environmental Health Service
Representative:	Mr Maxwell Koduah
Received:	10 April 2018

I refer to the application for the variation of the Premises Licence for the above mentioned premises. The premises is located within the West End Cumulative Impact area. I have considered the information that you have provided within and accompanying this application. I have also considered the proposed variation in line with the relevant policies within the Councils Statement of Licensing Policy dated January 2016.

The licensee is seeking the following variations to their licence:

1. To vary the basement plans to remove the karaoke rooms, move the toilet facilities to the south end of the basement, add additional toilets, add a servery bar and rearrange back of house areas
2. To delete the conditions in relation to karaoke; namely conditions 18 and 23.

C18 reads:

The showing of films in the basement is ancillary to/for the purpose of karaoke

C23 reads

Notwithstanding Conditions 9 and 14 of the premises licence, when karaoke is taking place in the basement of the premises:

- (a) The provision of live music to the public shall be restricted to karaoke in the basement
- (b) The retail sale of alcohol shall take place by waitress services only into the karaoke rooms to the permitted terminal hour
- (c) There shall be CCTV in each of the karaoke rooms
- (d) The maximum number of patrons in each of karaoke rooms 2 and 3 (as shown on the plans) is 8 and in Karaoke 1 (as shown on plans) is 14.

3. To delete conditions 15 & 16 as they are irrelevant

Condition 15 reads

(i) Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours. In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00;
- (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30;
- (c) On Good Friday, 12:00 to 22:30;
- (d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30;
- (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00;
- (f) On New Year's Eve on a Sunday, 12:00 to 22:30;
- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Basement and First Floor only:

(ii) Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve), and on Christmas Day, between 15:00 and 19:00, to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by

such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes (thirty minutes on the Basement and First Floors) after the above hours the consumption of the alcohol on the premises;
 - (b) during the first twenty minutes (thirty minutes on the Basement and First Floors) after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
 - (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
 - (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
 - (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
 - (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
 - (h) the taking of alcohol from the premises by a person residing there;
 - (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
 - (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.
- In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

Condition 16 reads

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (a) He is the child of the holder of the premises licence.
- (b) He resides in the premises, but is not employed there.
- (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

4. To amend condition 14 from:

The maximum numbers of persons, including staff, to be present in the licensed premises shall not exceed the numbers specified from time to time by the proper officer of the London Fire and Civil Defence Authority. The numbers currently specified:

- As to the Basement 30 persons.
- As to the Ground Floor 30 persons.
- As to the First Floor 30 persons.

so that it reads:

The number of persons permitted on the premises (excluding staff) shall not exceed:

Basement – 25

Ground Floor – 60

First Floor – 42

5. To propose the following additional conditions:

- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.
- All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
- No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.
- The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
- The variation will have no effect until the Licensing Authority are satisfied that the premises are constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
- Prior to the variation taking effect, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority.

Following consideration of the application and how it may affect the Licensing Objectives meeting the requirements of the Council's Statement of Licensing Policy I wish to make the following representations:

1. To vary the basement plan may have the likely effect of impacting on Public Safety within West End Cumulative Impact area
2. No objection
3. No objection
4. To increase capacity at the premises by 37 persons may have the likely effect of increasing Public Nuisance and impact on Public Safety within the West End Cumulative Impact area
5. No objection

The third floor has been identified as a licenced area yet it has been left out of the capacity breakdown. Additional information is required regarding the proposed use of the third floor.

Between the existing and proposed basement floor layout, the male toilet appears to have lost urinals. In a follow up telephone conversation on the matter, Mrs Sumeet Anand-Patel suggested that might be an error. In the event it is an error, amended plans showing urinals in the male toilet will have to be provided.

The applicant has provided an additional condition in support of the application but these do not address the concerns of Environmental Health and additional conditions may be proposed.

It is my view that the granting of this variation, as presented, would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area.

The applicant is asked to contact Alan Lynagh, Snr Licensing surveyor, to arrange a site visit 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

Should you wish to discuss the matter further please do not hesitate to contact me.

Correspondence between the Applicant and Environmental Health

Hi Maxwell,

Following Alan's visit to the premises yesterday, please see amended plans to show the correct number of urinals in the basement.

To confirm, in total, we have at the premises:

- 4 x urinals
- 3 x male cubicles
- 4 x female cubicles

Following the visit from the District Surveyor and the provision of amended plans, the Environmental Health representation was withdrawn.

2-B Other Persons

In support or opposed: Neutral

Received: 28 March 2018

Comment:7:57 AM on 28 Mar 2018 RE OPENING HOURS>

We have lived next door to these premises for 18 years. NB there is a planning restriction on this property which means that everyone must have left the property by midnight. So hours as listed are not compatible with that. Can you amend?

Also. Sound proofing was fitted in basement as our bedroom is next to the wall. Can you confirm that soundproofing stays?

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	<p>(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.</p> <p>(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.</p>
Policy CIP1 applies	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact 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.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
Policy RNT2 applies	Applications will be granted subject to other policies in this Statement 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 Cumulative Impact Areas.
Policy MD2 applies	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours, under Policy HRS1.

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

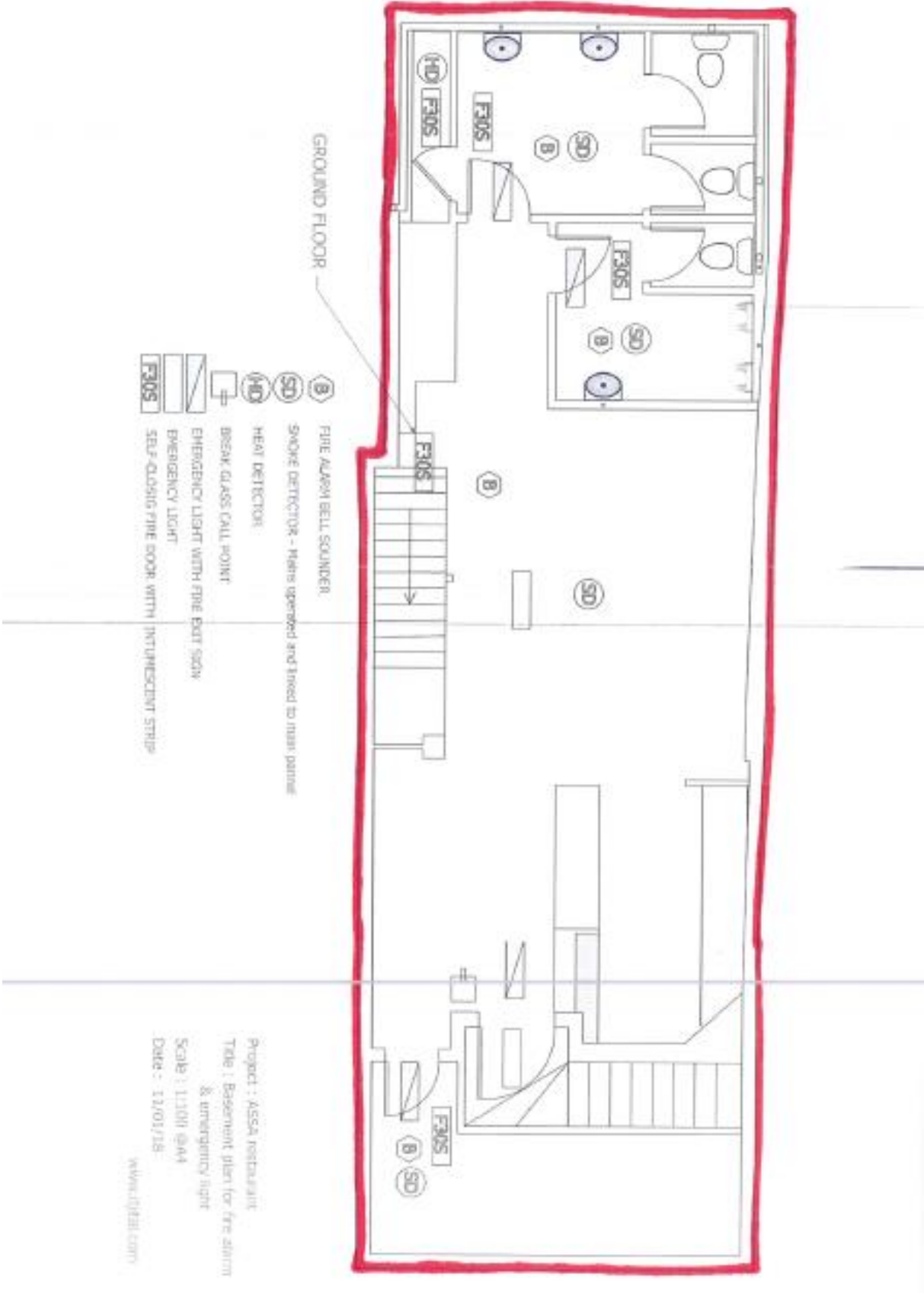
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Mrs Shannon Pring Senior Licensing Officer
Contact:	Telephone: 020 7641 3217 Email: spring3@westminster.gov.uk

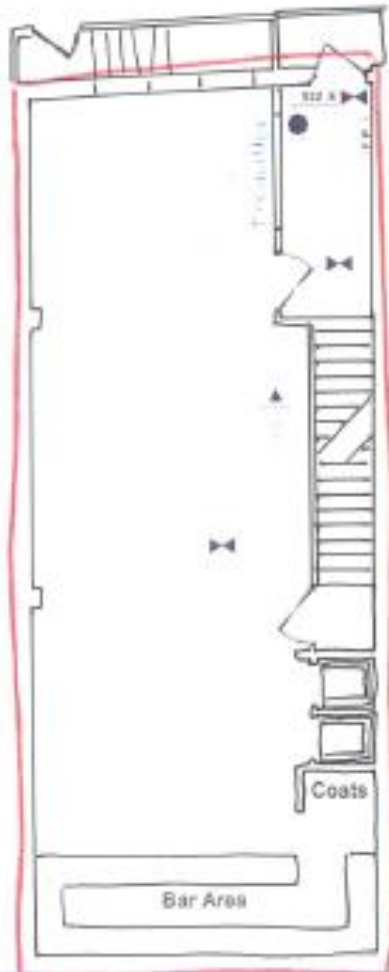
If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

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	April 2018
4	Licensing Authority	10 April 2018
5	Environmental Health Service	10 April 2018
6	Representation	28 March 2018



Ground Floor



	FIRE ALARM CALL POINT WITH PULL ACTION		WATER FIRE EXTINGUISHER		EMERGENCY LIGHT		EMERGENCY LIGHT
	FIRE ALARM BELL		AQUEOUS FILM FORMING EXTINGUISHER		AREA COVERED BY AUTOMATIC HEAT DETECTORS		AREA COVERED BY AUTOMATIC HEAT DETECTORS
			FIRE BLANKET IN CONTAINER		AREA COVERED BY AUTOMATIC SMOKE DETECTORS		AREA COVERED BY AUTOMATIC SMOKE DETECTORS
			GERSON-DODGE FIRE EXTINGUISHER		FIRE ALARM DETECTOR WITH REMOTE INDICATOR		

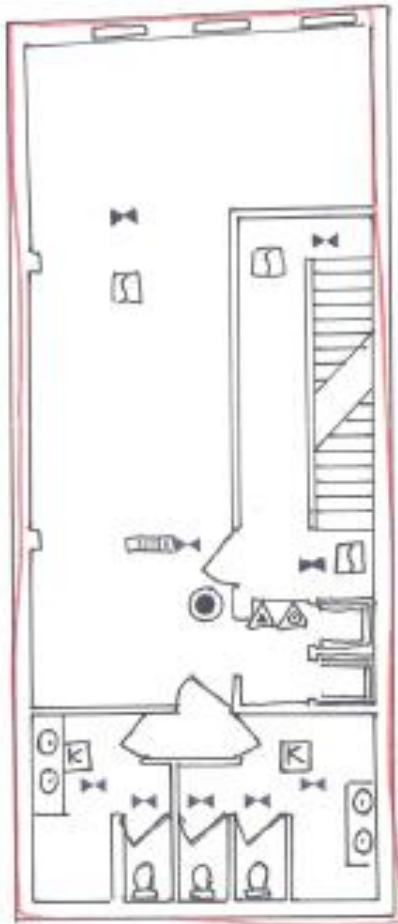
Produced By: www.greatplans.co.uk

25 ROMILLY STREET

Date: 04/03/09
Scale: 1:100

First Floor

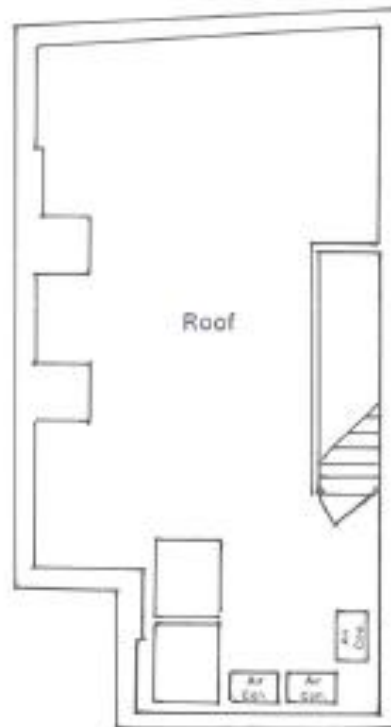
Second Floor



Third Floor



Roof Layout



	FIRE ALARM CALL POINT WITH FIRE ACTION		WATER FIRE EXTINGUISHER		EMERGENCY LIGHT		EMERGENCY LIGHT
	FIRE ALARM BELL		ACCESS PANEL FIRE EXTINGUISHER		AREA COVERED BY AUTOMATIC HEAT DETECTORS		AREA COVERED BY AUTOMATIC HEAT DETECTORS
	FIRE BLANKET IN CONTAINER		CARBON DIOXIDE FIRE EXTINGUISHER		AREA COVERED BY AUTOMATIC SMOKE DETECTORS		AREA COVERED BY AUTOMATIC SMOKE DETECTORS
	FIRE ALARM DETECTOR WITH REMOTE INDICATOR						



Fire Safety Regulation, North East 1 Team
169 Union Street London SE1 0LL
T 020 8555 1200 x89171

Minicom 020 7960 3629
london-fire.gov.uk

Asa
25 Romilly St
London
W1

London Fire and Emergency Planning
Authority runs the London Fire Brigade

Date 9 March 2018
Our Ref FSR/SW/01/014274

FAI: Ms L Tricker

Dear Ms Tricker

REGULATORY REFORM (FIRE SAFETY) ORDER 2005

Premises: Asa 25 Romilly Street

Inspection Date: 9 March 2018

You have requested written confirmation of our findings following our fire safety inspection of the above premises on the above date.

I can confirm that no significant failure to comply with the Regulatory Reform (Fire Safety) Order 2005 was noted in the parts of the premises or relevant documents viewed.

The advice you were given is summarised as follows:

Under the Regulatory Reform (Fire Safety) Order 2005 the maximum capacity that may be accommodated per floor at any one time (exclusive of staff) is as follows:

Basement: 25 persons
Ground Floor: 60 persons
First floor: 42 persons

The existing premises Fire risk Assessment should be reviewed to reflect the above capacities.

The above figures are without prejudice to any requirements of the Local Authority under the Licensing Act 2003 and any conditions relating to capacity on the existing Premises Licence.

Responsibility for compliance with the Regulatory Reform (Fire Safety) Order 2005 rests with the persons responsible for the premises being used. Your fire risk assessment, general fire precautions and arrangements for managing fire safety must be kept under review. Should any incident or significant change suggest your fire risk assessment is no longer valid it must be reviewed and the findings implemented.

Any queries regarding this letter should be addressed to the person named below. If you are dissatisfied in any way with the response given, please ask to speak to the Team Leader quoting our reference.

Yours faithfully,
David Doyle

for Assistant Commissioner (Fire Safety)
Directorate of Operations
FSR-AdminSupport@london-fire.gov.uk

Reply to David Doyle
Direct T 0700000000

Appendix D

Clean copy of proposed Operating Schedule

Annex 1

Mandatory conditions plus

Conditions reproducing the effect of conditions subject to which the relevant existing licences have effect Conditions for Sale of Alcohol

10. On any evening where the premises or part of the premises are open for the purpose of music and dancing, intoxicating liquor shall not be sold or supplied after 23:00 to persons entering the premises or that part of the premises except to:
 - (a) persons who have paid or have paid on their behalf a minimum admission fee of £3 Monday to Thursday and £5 on Friday and Saturday, which may be credited against a substantial table meal but not intoxicating liquor; or
 - (b) artistes or persons employed at the premises;
 - (c) persons attending a private function at the premises of which 24 hours notice has been given to the police and a list of guests shall be kept for inspection by appropriate authorities;
 - (d) guests of the proprietor, a list of whom shall be kept for inspection by the appropriate authorities.
11. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactment Basement, Ground, First and Third Floors:

12. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Day through to commencement time for those activities on New Year's Day.

Annex 2 – Conditions consistent with the operating Schedule

13. There shall be no cinema style showing of films permitted in the premises

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

14. A proof of age scheme, such as Challenge 21, 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.
 15. 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.
 16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, 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) seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
17. The gate at the top of the escape staircase leading to the street shall be locked in the open position whilst the basement of the premises is in use to members of the public.
18. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
19. A noise limiter located in a separate and remote lockable cabinet from the volume control must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Community Protection Department so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured to the satisfaction of officers from the Environmental Health Services. The keys to the noise limiter cabinet shall be held by the applicant only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
20. 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.
21. 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 shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
22. 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.
23. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

24. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.
25. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
26. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.
27. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
28. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
29. The variation will have no effect until the Licensing Authority are satisfied that the premises are constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
30. Prior to the variation taking effect, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority.
31. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
32. The number of persons permitted on the premises (excluding staff) shall not exceed:
 - Basement – 25
 - Ground Floor – 60
 - First Floor - 42
33. The premises shall only operate as a restaurant in the basement:
 - (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 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. 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.

Assa, 23 Romilly Street, London- Application for Variation- 14/6/18

Assa opened its doors many ago, serving authentic, home cooked Korean cuisine to people from all walks of life. Frequented by locals as a favourite in Soho, the restaurant also attracts customers from all over the world.

The premises trades in the basement, ground and first floors which are all open to the public and the premises operates as a Korean restaurant. Prior to this variation application the premises consisted of karaoke rooms in the basement.

This variation seeks to deal with principally 2 matters:

- a) Basement- the removal of the karaoke rooms and a change of layout in the basement only, altering the operation of the basement premises to restaurant. The karaoke rooms are being removed and a service bar and tables will replace them. The bar is for staff/service only for preparing drinks and it will not be used as a holding bar. The toilets are also being relocated.

As a result of this change in layout the application also seeks to remove live music (which only related to the karaoke rooms and is therefore not needed anymore) and remove the conditions dealing with karaoke (conditions 18 and 23)

- b) Update/replace condition 14 on the existing licence which reads:

The maximum numbers of persons, including staff, to be present in the licensed premises shall not exceed the numbers specified from time to time by the proper officer of the London Fire and Civil Defence Authority. The numbers currently specified: - As to the Basement 30 persons. - As to the Ground Floor 30 persons. - As to the First Floor 30 persons.

So that it reads:

The number of persons permitted on the premises (excluding staff) shall not exceed:

- *Basement – 25*
- *Ground Floor – 60*
- *First Floor – 42*

No other changes are proposed to the licensable activities or opening hours.

A number of older conditions have also been updated to reflect the Council's model conditions, which I understand there is no issue taken with.

The application for variation has received two representations; a local resident and the Licensing Authority. No representations have been raised by EH or the Police.

A) Alterations

We understand the local resident's representation relates to this aspect of the variation and further understand the Licensing Authority have no objection to this aspect of the variation.

We responded to the local resident's concerns (via the Licensing Service) and confirmed that no changes had been made to the sound proofing during the refurbishment of the basement and further confirmed that as we were removing the element of live music from the licence, any nuisance from any music would now be eliminated and in turn benefitting the local resident (we are unaware of any complaints in any event whilst the premises traded as karaoke)

There are no changes to the layout plans for the other floors- the alterations relate to the basement only.

As the basement operation has changed away from karaoke, and to avoid the basement from changing into a bar as such we have proposed and amended our client's operating schedule to include MC66 (full restaurant condition) This will also confirm to, and, reassure the Members that we are converting the karaoke room space into a full restaurant.

It is our view the representation from the resident is not a valid licensing representation and we had requested that the Licensing team not put give any weight to the residents' concerns regarding the opening hours as we are not seeking to vary the opening hours of the premises as part of this variation application. The resident also referred to planning which is dealt with separately from the licensing regime. The Licensing Team however advised that they were minded to retain the representation as they had received no response to our email to/from the resident and because there was an outstanding representation from the Licensing Authority; so the application was going to proceed to a Committee in any event. Please refer to Appendix A for further details on our discussions with the Licensing Team and resident.

B) Capacity

The current condition was historically determined by the London Fire Authority under previous legislation and has been unenforceable since the implementation of the Licensing Act 2003. The wording of the existing capacity condition allowed for changes in capacity without a variation which is what has been updated over the years.

After consultation with the Fire Authority, they have confirmed the current capacity levels within the premises, which are being traded to at this time.

To ensure the capacity condition is enforceable we have applied to add a capacity condition and set the capacity at the current agreed and safe level. We refer you to the letter from the Fire Authority which was submitted with the application and attached at Appendix B for your consideration.

The Licensing Authority have made a representation against this aspect of the application and after our discussions with them and agreement to model condition 66 (in relation to the basement only), the Authority has one remaining concern in relation to the capacity. Please refer to Appendix C for further details on our discussions and Appendix D for a clean copy of our proposed operating schedule, should the Committee be minded to grant the application.

In reference to the capacity, we would like to stress that the capacity proposed has been done so after consultation with both the London Fire Brigade and Westminster District Surveyor who confirmed that the current capacity (as set out in the LFEPA letter) is indeed safe and in fact the

premises could accommodate larger numbers if they wished to do so based on fire and British Standard regulations. The applicant has chosen to set the capacity as per the proposed condition as they feel the capacity as confirmed by the LFEPA is sufficient for their trading needs.

It should be noted that an application for variation of a licence does not trigger a general review of the licence. Rather, the licensing authority considers the effect of the variation on the promotion of the licensing objectives. This is clear from the terms of section 35 of the Licensing Act 2003 and was in any case spelled out by Mr. Justice Hickinbottom in Taylor v Manchester City Council [2012] EWHC 3467 (Admin) at paragraphs [75] – [79]. The question, therefore, is not whether the licence as varied would now be granted afresh. It is whether the proposed variation is harmful to the licensing objectives. Where, as here, there is no greater capacity than the premises is currently trading lawfully, no greater hours, no more ability to sell alcohol and equivalent or stricter conditions are proposed, it is respectfully submitted that there is no proper basis for refusal.

The absence of representations from the Environmental Health and Metropolitan Police Authorities goes some way in demonstrating that this application will not be adding to cumulative impact and will continue to promote the licensing objectives.

In summary, the move from karaoke rooms to a restaurant in the basement and the proposal of an enforceable capacity condition, we would argue is a great improvement to the licence; restricting the operation of the premises and in turn promoting the licensing objectives. In turn, we would urge the Committee to grant this application.

From: Lawrance, Heidi: WCC [<mailto:hlawrance@westminster.gov.uk>]
Sent: 08 May 2018 14:48
To: Sumeet Anand-Patel
Subject: RE: 18/03063/LIPV Assa 23 Romilly Street

Good afternoon Sumeet

Thank you for your email below.

I will go back to the resident and notify them as per your email below. However, having considered the representation and the application I am minded to keep this included within the documents. The application is likely to go to Committee in any event as the Licensing Authority have made a representation.

Kind Regards
Heidi

Miss Heidi Lawrance
Senior Licensing Officer

Public Protection & Licensing
Westminster City Council
Portland House
22nd Floor
Bressenden Place
Victoria
London
SW1E 5RS

Tel: 020 7641 2751

E-mail: hlawrance@westminster.gov.uk
Team E-mail: licensing@westminster.gov.uk
Web: www.westminster.gov.uk

From: Sumeet Anand-Patel <sumeet@lflaw.co.uk>
Sent: 08 May 2018 14:30
To: Lawrance, Heidi: WCC <hlawrance@westminster.gov.uk>
Subject: FW: 18/03063/LIPV Assa 23 Romilly Street

Hi Heidi,

Following on from our conversation earlier, I can confirm that the sound proofing (as mentioned in the residents representation) has not been removed or altered during the basement refurbishment.

Further, as the resident's remaining concerns are in relation to a planning matter (and in fact the opening hours are not being varied under this application) may I request that the this submission not be treated as a representation.

I hope you will agree with me on this matter but I shall wait to hear from you on this matter.

.

Kind Regards,

Sumeet

LT Law
18 Soho Square
London
W1D 3QL
Mobile: 07525810586
Email: sumeet@ltlaw.co.uk

From: Gadd, Daisy: WCC [<mailto:dgadd@westminster.gov.uk>]
Sent: 31 May 2018 15:50
To: Sumeet Anand-Patel
Cc: Murray, Simone: WCC; Lana Tricker
Subject: RE: Assa, 23 Romilly Street - 18/03063/LIPV

Hi Sumeet

Thank you for your email and for accepting the Licensing Authority's proposed model condition 66 to relate to the basement floor.

The Licensing Authority will maintain their representation as it is believed that the capacity condition proposed may effect cumulative impact in the cumulative impact area, given its difference to that of the current condition on the licence. As such the application will be determined by Members at the Licensing Sub-Committee hearing.

I look forward to seeing you soon.

Thanks

Daisy Gadd
Senior Licensing Officer

Licensing Team
Public Protection & Licensing Department
Westminster City Council
Portland House
Bressenden Place
London
SW1E 5RS

Email: dgadd@westminster.gov.uk
Web: www.westminster.gov.uk

From: Sumeet Anand-Patel <sumeet@lflaw.co.uk>
Sent: 24 May 2018 15:06
To: Gadd, Daisy: WCC <dgadd@westminster.gov.uk>
Cc: Murray, Simone: WCC <smurray@westminster.gov.uk>; Lana Tricker <lana@lflaw.co.uk>
Subject: RE: Assa, 23 Romilly Street - 18/03063/LIPV

Dear Daisy,

Thank you for your email below.

I can confirm that we are happy to amend our operating schedule to include the following condition in relation to the basement level:

The premises shall only operate as a restaurant in the basement:

- (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 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. 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.

In relation to the capacity we would stress that the current condition on the licence is historical and not enforceable as it is no longer relevant under the Licensing Act. We have therefore proposed an enforceable capacity condition within the application after consultation with the Fire Authority and District Surveyor.

The number of persons permitted on the premises (excluding staff) shall not exceed:

- *Basement – 25*
- *Ground Floor – 60*
- *First Floor – 42*

I trust the above addresses your concerns and after you have considered the above, please confirm if you are satisfied with this application or if you still wish for this application to proceed to Committee.

Kind Regards,

Sumeet

LT Law
18 Soho Square
London
W1D 3QL
Mobile: 07525810586
Email: sumeet@lrlaw.co.uk

From: Gadd, Daisy: WCC [<mailto:dgadd@westminster.gov.uk>]
Sent: 18 May 2018 09:12
To: Sumeet Anand-Patel
Cc: Murray, Simone: WCC
Subject: RE: Assa, 23 Romilly Street - 18/03063/LIPV

Hi Sumeet

Thanks for your email. I am feeling a whole lot better!

With regards to this application, the Licensing Authority would like to encourage the applicant to consider model condition 66 for the basement floor as opposed to the condition currently offered whereby the supply of alcohol in the basement at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

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 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. 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.

As you have said, this variation is to seek to change the operation of the basement level from a karaoke operation to a restaurant, and therefore adding the above condition to the licence, with specific regard to the basement floor, will support the Council's policy relating to the sale of alcohol for consumption on the premises.

With regards to the capacity of the premises, the Licensing Authority are still concerned that there is to be additional persons within the cumulative impact area as a result of this variation application. It is for this reason that the Licensing Authority will maintain their representation. It will be for Members to determine this application.

I look forward to hearing from you regarding the Licensing Authority's proposed condition.

Kind regards,

Daisy Gadd
Senior Licensing Officer

Licensing Team
Public Protection & Licensing Department
Westminster City Council
Portland House
Bressenden Place
London
SW1E 5RS

Email: dgadd@westminster.gov.uk
Web: www.westminster.gov.uk

From: Sumeet Anand-Patel <sumeet@ltlaw.co.uk>
Sent: 17 May 2018 15:24
To: Gadd, Daisy: WCC <dgadd@westminster.gov.uk>
Cc: Murray, Simone: WCC <smurray@westminster.gov.uk>
Subject: RE: Assa, 23 Romilly Street - 18/03063/LIPV

Hi Daisy,

I hope you are feeling better and rested up.

Just wondering if you had a chance to look at my email below and if you had any further questions of us?

Kind Regards,

Sumeet

LT Law
18 Soho Square
London
W1D 3QL
Mobile: 07525810586
Email: sumeet@ltlaw.co.uk

From: Sumeet Anand-Patel
Sent: 18 April 2018 16:57
To: Gadd, Daisy: WCC
Cc: Wade, Yolanda: WCC
Subject: FW: Assa, 23 Romilly Street - 18/03063/LIPV

Dear Daisy,

Thank you for your email below.

Assa has previously traded as a restaurant on the ground and first floors (without a specific restaurant condition on the licence) with ancillary karaoke rooms in the basement. We are not seeking any change to the ground and upper floors as part of the variation. The application for variation is therefore essentially, to vary the layout plans in the basement and to remove the karaoke permission in the basement and change that operation, from karaoke, to restaurant. As part of this variation we are updating some model conditions and offering a capacity condition so it reflects the fire risk assessment, both beneficial.

As per above, the applicant is now seeking to remove the karaoke element of its offering and operate as a restaurant in the basement. As a result of this, we have spoken further to our client and we are instructed to amend our application to:

- a. remove the provision of live music from the face of the licence- the live music is only permitted in the basement for karaoke in any event by way of condition and

so this is not required anymore as we have sought to remove the karaoke element as part of the variation

- b. add a new condition to read "The supply of alcohol in the basement at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal." This new condition will ensure that the operation in the basement, the area of the premises to which the variation application relates, is controlled and within policy- and cannot trade as a bar etc

We will write to the licensing team and advise them of the above formally shortly.

On the capacity point, the current capacity condition on the licence is one proposed by the LFEPA and is not enforceable under the Licensing Act 2003. The premises have been trading to the numbers proposed under this variation application, as per their fire risk assessment. Further, following a visit to the premises yesterday, the District Surveyor (Alan Lynagh) has confirmed that the premises could in fact accommodate 60 persons on each of the floors, however we have proposed much fewer numbers than that within our application. Taking all that into consideration, we don't believe this is an increase in capacity. We are seeking to place an enforceable condition on the licence and are proposing a capacity which is very much within the LFEPA and DS recommendations. Therefore we believe we will not be attracting extra persons to our premises and therefore not adding to cumulative impact.

Kind Regards,

Sumeet

LT Law
18 Soho Square
London
W1D 3QL
Mobile: 07525810586
Email: sumeet@lrlaw.co.uk

From: Gadd, Daisy: WCC <dgadd@westminster.gov.uk>
Sent: Tuesday, April 10, 2018 12:47 PM
To: Lana Tricker <lana@lrlaw.co.uk>
Cc: Wade, Yolanda: WCC <ywade@westminster.gov.uk>
Subject: Assa, 23 Romilly Street - 18/03063/LIPV

Dear Lana

I write in relation to the application to vary the premises licence for Assa, situated at 23 Romilly Street.

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 variation application being considered seeks the following:

- To vary the basement plans to remove the karaoke rooms

- To delete conditions 18, 23, 15 and 16
- To amend condition 14 which relates to the capacity of the premises
- To add and update existing conditions on the premises licence

The premises is located within a Cumulative Impact Area and as such a number of policy points must be considered, namely CIP1, HRS1, MD2 and PB2.

Condition 14 currently reads as the following:

The maximum number of persons, including staff, to be present in the licensed premises shall not exceed the numbers specified from time to time by the proper officer of the London Fire and Civil Defence Authority. The numbers currently specified:

- *As to the Basement 30 persons*
- *As to the Ground Floor 30 persons*
- *As to the First Floor 30 persons*

The applicant is seeking to amend condition 14 to the following:

The number of persons permitted on the premises (excluding staff) shall not exceed:

- *Basement – 25*
- *Ground Floor – 60*
- *First Floor – 42*

The Licensing Authority are concerned about the proposed increase of capacity of the premises from 90 persons to 127 persons, which would mean an increase of 37 persons within the Cumulative Impact Area. The Licensing Authority encourages the applicant to provide further submissions relating to the management and control of these extra persons.

Furthermore, policy MD2, as outlined in the Council's Statement of Licensing Policy 2016, states that our "policy is to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours, under Policy HRS1". Paragraph 2.5.48 of the policy also states that "On the basis the Licensing Authority considers that the grant of variations or new licences for premises offering facilities for music and dancing in the Cumulative Impact Areas should be limited to exceptional circumstances". The applicant is yet to demonstrate that this application is an exception to policy.

It would be useful for the applicant to provide the Licensing Authority with further information regarding the proposed use and operation of the premises, especially the basement floor, given the removal of the karaoke element.

Further discussions will be held with the applicants prior to the hearing and any further submissions will be forwarded on for Members information. However, please accept this as a formal representation.

Please contact me upon receipt of this email where we can then schedule in a convenient time and date to meet and discuss this application.

I look forward to hearing from you.

Kind regards,

Daisy Gadd
Senior Licensing Officer

Licensing Team
Public Protection & Licensing Department
Westminster City Council
Portland House
Bressenden Place
London
SW1E 5RS

Email: dgadd@westminster.gov.uk
Web: www.westminster.gov.uk

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/08565/LIPC	Conversion application	14/09/2005	Granted under delegated authority
07/00791/LIPT	Application to transfer the premises licence	01/05/2007	Granted under delegated authority
07/00798/LIPDPS	Application to vary the designated premises supervisor	07/02/2007	Granted under delegated authority
07/00805/LIPV	Application to vary the premises licence	31/05/2007	Granted by Licensing Sub-Committee
07/07962/LIPT	Application to transfer the premises licence	22/08/2007	Granted under delegated authority
07/07963/LIPDPS	Application to vary the Designated Premises Supervisor	22/08/2007	Granted under delegated authority
06/06653/WCCMAP	Master Licence	22/08/2007	Granted under delegated authority
08/09343/LIPT	Application to transfer the premises licence	27/10/2008	Granted under delegated authority
09/02665/LIPT	Application to transfer the premises licence	20/04/2009	Granted under delegated authority
09/02675/LIPDPS	Application to vary the Designated Premises Supervisor	20/04/2009	Granted under delegated authority
09/04127/LIPRW	Application to remove a works condition from the Premises Licence	04/06/2009	Granted under delegated authority
09/09817/LIPT	Application to transfer the premises licence	15/02/2010	Granted under delegated authority

09/09819/LIPDPS	Application to vary the Designated Premises Supervisor	15/02/2010	Granted under delegated authority
10/01252/LIPV	Application to vary the premises licence	22/04/2010	Granted under delegated authority
10/04289/LIPVM	Application for a minor variation	30/06/2010	Granted under delegated authority
10/06283/LIPRW	Application to remove a works condition from the Premises Licence	20/08/2010	Granted under delegated authority
12/00868/LIPVM	Application for a minor variation	27/02/2012	Granted under delegated authority
17/08172/LIPT	Application to transfer the premises licence	14/09/2017	Granted under delegated authority
18/03063/LIPV	Current application		

There is no appeal history

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 -

Mandatory:

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.
9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

Conditions reproducing the effect of conditions subject to which the relevant existing licences have effect

Conditions for Sale of Alcohol

10. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.

Proposed amendment - Remove condition 10 and replace with:

10. ***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.***
11. On any evening where the premises or part of the premises are open for the purpose of music and dancing, intoxicating liquor shall not be sold or supplied after 23:00 to persons entering the premises or that part of the premises except to:
- (a) persons who have paid or have paid on their behalf a minimum admission fee of £3 Monday to Thursday and £5 on Friday and Saturday, which may be credited against a substantial table meal but not intoxicating liquor; or
 - (b) artistes or persons employed at the premises;
 - (c) persons attending a private function at the premises of which 24 hours notice has been given to the police and a list of guests shall be kept for inspection by appropriate authorities;
 - (d) guests of the proprietor, a list of whom shall be kept for inspection by the appropriate authorities.
12. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.
13. No striptease, no nudity and all persons on the premises to be decently attired.

Proposed amendment - Remove condition 13 and replace with:

- 13. *There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.***
14. The maximum numbers of persons, including staff, to be present in the licensed premises shall not exceed the numbers specified from time to time by the proper officer of the London Fire and Civil Defence Authority. The numbers currently specified:
- As to the Basement 30 persons.
 - As to the Ground Floor 30 persons.
 - As to the First Floor 30 persons.

Proposed amendment - Remove condition 14 and replace with:

- 14. The number of persons permitted on the premises (excluding staff) shall not exceed:**
- **Basement – 25**
 - **Ground Floor – 60**
 - **First Floor - 42**

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactment

Basement, Ground, First and Third Floors:

15. (i) Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00;
- (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30;
- (c) On Good Friday, 12:00 to 22:30;
- (d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30;
- (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00;
- (f) On New Year's Eve on a Sunday, 12:00 to 22:30;
- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Basement and First Floor only:

- (ii) Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve), and on Christmas Day, between 15:00 and 19:00, to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other

purposes or in other parts of the premises the hours set out above shall continue to apply.

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes (thirty minutes on the Basement and First Floors) after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes (thirty minutes on the Basement and First Floors) after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

Proposed amendment - Remove condition 15

16 No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (a) He is the child of the holder of the premises licence.

- (b) He resides in the premises, but is not employed there.
- (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

Proposed amendment - Remove condition 16

- 17. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Proposed amendment - Remove condition 17 and replace with:

- 17. ***The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for these activities on New Year's Eve through to the commencement time for those activities on New Year's Day.***

Annex 2 – Conditions consistent with the operating Schedule

18. The showing of films in the basement is ancillary to/for the purpose of karaoke.

Proposed amendment - Remove Condition 18

19. There shall be no cinema style showing of films permitted in the premises.

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

20. A proof of age scheme, such as Challenge 21, 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.

21. 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.

22. 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) seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

23. Notwithstanding Conditions 9 and 14 of the premises licence, when karaoke is taking place in the basement of the premises:

- (a) The provision of live music to the public shall be restricted to karaoke in the basement
- (b) The retail sale of alcohol shall take place by waitress services only into the karaoke rooms to the permitted terminal hour
- (c) There shall be CCTV in each of the karaoke rooms
- (d) The maximum number of patrons in each of karaoke rooms 2 and 3 (as shown on the plans) is 8 and in Karaoke 1 (as shown on plans) is 14.

Proposed amendment - Remove Condition 23

24. The gate at the top of the escape staircase leading to the street shall be locked in the open position whilst the basement of the premises is in use to members of the public.

25. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
26. A noise limiter located in a separate and remote lockable cabinet from the volume control must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Community Protection Department so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured to the satisfaction of officers from the Environmental Health Services. The keys to the noise limiter cabinet shall be held by the applicant only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
27. 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.
28. 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 shall be able to show Police recent data or footage with the absolute minimum of delay when requested.

Conditions proposed by the Applicant to form part of the Operating Schedule

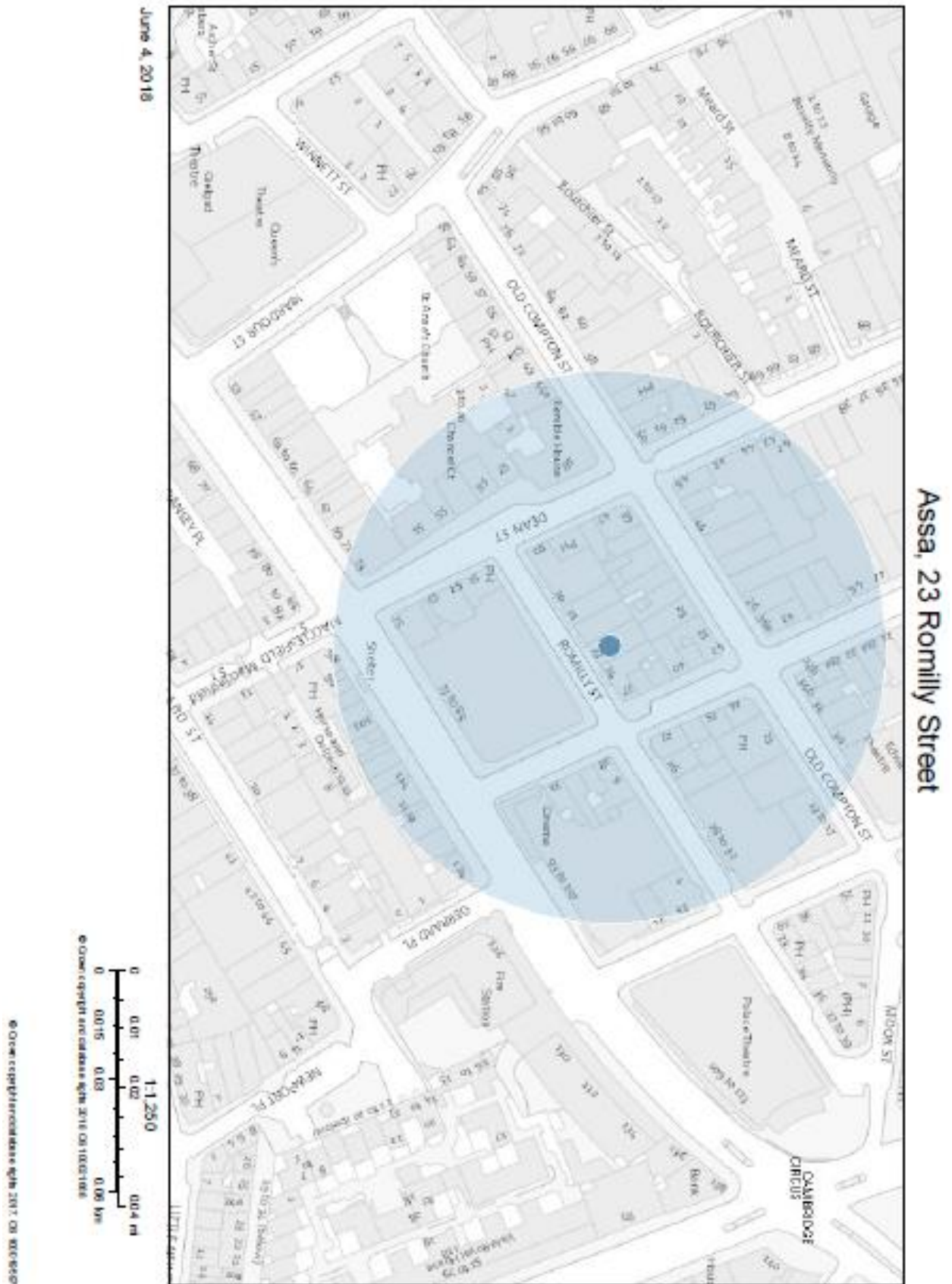
29. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
30. No deliveries yto the premises shall take place between (23:00) and (08:00) on the following day.
31. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
32. No waste or recycled materials, including bottles, shall be moved, removed from or placed in outside areas between (23:00 and (08:00) hours on the following day.
33. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

This is a duplicate of proposed condition 31 above.

34. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
35. The variation will have no effect until the Licensing Authority are satisfied that the premises are constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
36. Prior to the variation taking effect, the plans as deposited, will be checked by the Environmental Health Consultation Team to ensure they are accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority.

Condition proposed by the Licensing Authority relating to the Basement floor only

37. 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 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.



Resident count: 146

Licence Number	Trading Name	Address	Premises Type	Time Period
17/08172/LIPT	Assa	23 Romilly Street London W1D 5AQ	Club or institution	Monday to Saturday; 10:00 - 00:30 Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00 Sunday; 12:00 - 00:00
13/07472/LIPDPS	BA Shan Restaurant	24 Romilly Street London W1D 5AH	Restaurant	Monday to Saturday; 12:00 - 00:00 Sunday; 12:00 - 23:30
12/02725/LIPDPS	Gauthier At Lindsay House	21 Romilly Street London W1D 5AF	Restaurant	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 10:00 - 22:30
17/14358/LIPDPS	Not Recorded	39 Frith Street London W1D 5LL	Cafe	Monday to Sunday; 06:00 - 03:00
13/04050/LIPDPS	Dozo	Basement And Ground Floor 40 Frith Street London W1D 5LN	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00

16/11693/LIPDPS	Belgo	29-31 Old Compton Street London W1D 5JR	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
13/04926/LIPDPS	Herman Ze German	Basement And Ground Floor 33 Old Compton Street London W1D 5JU	Restaurant	Monday to Thursday; 11:00 - 23:30 Friday to Saturday; 11:00 - 00:00 Sunday; 11:00 - 22:30
16/09678/LIPV	Pepe Italian Street Food	Basement And Ground Floor 27 Old Compton Street London W1D 5JP	Restaurant	Monday to Wednesday; 08:00 - 00:30 Thursday to Saturday; 08:00 - 03:00 Sunday; 10:00 - 00:00
17/04816/LIPDPS	Le Relais De Venise L'Entrecote	50 Dean Street London W1D 5BQ	Restaurant	Monday to Saturday; 09:00 - 03:30 Sunday; 12:00 - 00:00
18/02577/LIPDPS	Hotel Chocolat	25 Old Compton Street London W1D 5JN	Shop	Monday to Thursday; 10:00 - 23:00 Friday to Saturday; 10:00 - 00:00 Sunday; 10:00 - 22:30

09/06680/LIPVM	French House Public House	49 Dean Street London W1D 5BG	Public house or pub restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
17/10081/LIPDPS	Rosas	Ground Floor And Basement 48 Dean Street London W1D 5BF	Shop	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
14/00825/LIPDPS	Pulcinella Restaurant	Basement To First Floor 37 Old Compton Street London W1D 5JY	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
15/02220/LIPV	Bistro 1	27 Frith Street London W1D 5LE	Restaurant	Monday to Saturday; 08:00 - 01:00 Sunday; 08:00 - 00:00
15/06965/LIPN	Blade Soho	26 Frith Street London W1D 5LD	Hairdresser or beauty salon	Monday to Saturday; 10:00 - 22:00 Sunday; 12:00 - 20:00

16/06874/LIPDPS	Bar Shu	28 Frith Street London W1D 5LF	Restaurant	Monday to Saturday; 11:00 - 00:30 Sunday; 11:00 - 00:00
17/14888/LIPDPS	Kyoto	26 Romilly Street London W1D 5AJ	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
16/03879/LIPDPS	Ku Bar	Basement To First Floor 25 Frith Street London W1D 5LB	Night clubs and discos	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 10:00 - 22:30 Sundays before Bank Holidays; 10:00 - 00:00
16/07026/LIPCH	Golden Lion Public House	51 Dean Street London W1D 5BH	Public house or pub restaurant	Monday to Thursday; 07:00 - 23:30 Monday to Saturday; 07:00 - 00:30 Friday to Saturday; 07:00 - 00:00 Sunday; 07:00 - 00:00 Sunday; 07:00 - 23:00
06/05092/WCCMAP	Dodo Supermarket	Basement And Ground Floor 24 Frith Street London W1D 5LA	Shop	Monday to Thursday; 08:00 - 01:00 Friday to Saturday; 08:00 - 03:00 Sunday; 10:00 - 22:30

17/11940/LIPT	Cho Won Korean Restaurant	27 Romilly Street London W1D 5AL	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
08/11517/LIPD	Gerry's Club	Basement 52- 53 Dean Street London W1D 5BJ	Club or institution	Monday to Saturday; 10:00 - 03:30 Sunday; 12:00 - 23:00
08/09144/LIPD	The Vintage House	Basement And Ground Floor 42 Old Compton Street London W1D 4TX	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
12/06841/LIPV	Soho Whisky Club	First Floor 42 Old Compton Street London W1D 4TX	Wine bar	Monday to Thursday; 10:00 - 23:00 Friday to Saturday; 10:00 - 00:00 Sunday; 10:00 - 22:00
16/00095/LIPDPS	Compton News	48 Old Compton Street London W1D 4UA	Shop	Monday to Saturday; 07:00 - 01:00 Sunday; 08:00 - 22:00

16/05700/LIPDPS	Patisserie Valerie	44 Old Compton Street London W1D 4TY	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
17/12041/LIPDPS	Muriel's Kitchen	36 Old Compton Street London W1D 4TT	Restaurant	Monday to Sunday; 07:00 - 01:30
16/00056/LIPCH	&Pasta	60 Dean Street London W1D 6AW	Cafe	Monday to Thursday; 07:00 - 00:00 Friday to Saturday; 07:00 - 00:30 Sunday; 07:00 - 23:00
17/10030/LIPDPS	Smack Soho	Kemble House 58 Dean Street London W1D 6AL	Cafe	Monday to Saturday; 12:00 - 22:00
17/14216/LIPDPS	Maitre Choux	60 Dean Street London W1D 6AW	Cafe	Monday to Saturday; 10:00 - 23:00 Sunday; 12:00 - 22:30

17/01437/LIPVM	Caffe Nero	Ground Floor 43 Frith Street London W1D 4SA	Cafe	Thursday to Saturday; 23:00 - 04:00 Sunday to Wednesday; 23:00 - 02:00
16/09417/LIPVM	Bar Soho	23 Old Compton Street London W1D 5JL	Night clubs and discos	Monday to Thursday; 09:00 - 01:30 Friday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 01:00
17/09956/LIPN	Kettners Townhouse	29 Romilly Street London W1D 5HP	Not Recorded	Monday to Sunday; 00:00 - 00:00
06/12560/WCCMAP	The Delhi Brasserie	44 Frith Street London W1D 4SB	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
16/09219/LIPDPS	Balans Cafe	34 Old Compton Street London W1D 4TP	Restaurant	Monday to Saturday; 10:00 - 05:00 Sunday; 12:00 - 05:00

13/06021/LIPDPS	Genting Casino London China Town	First Floor Wingate House 93 - 107 Shaftesbury Avenue London W1D 5DY	Casino or gambling club	Monday to Sunday; 00:00 - 23:59
17/10500/LIPVM	Curzon Soho Cinema	93-107 Shaftesbury Avenue London W1D 5DY	Cinema	Monday to Saturday; 09:00 - 02:30 Sunday; 09:00 - 00:00
17/00253/LIPVM	The Groucho Club	44-45 Dean Street London W1D 4QB	Club or institution	Monday to Saturday; 09:00 - 02:30 Sunday; 12:00 - 00:00
17/09943/LIPN	Soho Kitchen And Bar	19-21 Old Compton Street London W1D 5JJ	Not Recorded	Monday to Saturday; 08:00 - 03:30 Sunday; 08:00 - 00:00 New Year's Eve; 00:00 - 00:00
15/04634/LIPDPS	Soho Kitchen And Bar	19-21 Old Compton Street London W1D 5JJ	Restaurant	Monday to Sunday; 00:00 - 00:00

18/00862/LIPVM	Muse Soho	Basement 23 Frith Street London W1D 4RR	Restaurant	Monday to Saturday; 09:00 - 04:00 Sunday; 09:00 - 01:00
16/09064/LIPVM	Wok On Fire	43 Old Compton Street London W1D 6HG	Restaurant	Monday to Thursday; 11:00 - 01:00 Friday to Saturday; 11:00 - 02:00 Sunday; 11:00 - 00:00
09/06572/LIPN	Amorino	41 Old Compton Street London W1D 6HF	Restaurant	Monday to Saturday; 12:00 - 01:00 Sunday; 12:00 - 23:00
18/02601/LIPVM	ZIMA Russian Street Food And Bar	45 Frith Street London W1D 4SD	Restaurant	Monday; 10:00 - 01:00 Tuesday; 10:00 - 01:00 Wednesday; 10:00 - 01:00 Thursday; 10:00 - 01:00 Friday; 10:00 - 01:00 Sunday; 12:00 - 00:00
13/04738/LIPVM	Dozo	Basement To First Floor 32 Old Compton Street London W1D 4TP	Restaurant	Monday to Saturday; 10:00 - 01:30 Sunday; 12:00 - 00:00

17/03246/LIPCH	Bar Italia	Basement And Ground Floor Front 22 Frith Street London W1D 4RP	Cafe	Monday to Saturday; 10:00 - 05:00 Sunday; 12:00 - 05:00
17/06945/LIPDPS	Admiral Duncan Public House	54 Old Compton Street London W1D 4UD	Public house or pub restaurant	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30
11/10321/LIPDPS	Preto	71-73 Shaftesbury Avenue London W1D 6LN	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
11/01841/LIPDPS	Ronnie Scott's Jazz Club	Basement And Ground Floor And Part First Floor 47 Frith Street London W1D 4HT	Night clubs and discos	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 00:30
16/00203/LIPCH	Shibuya Soho	110 Shaftesbury Avenue London W1D 5EJ	Restaurant	Monday to Sunday; 10:00 - 23:00

17/14701/LIPCH	Cay Tre (Soho)	42-43 Dean Street London W1D 4QA	Restaurant	Monday to Sunday; 09:30 - 01:30
06/06018/WCCMAP	Y Ming	35-36 Greek Street London W1D 5DN	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
17/14772/LIPN	The Shan State	100 - 102 Shaftesbury Avenue London W1D 5EE	Restaurant	Monday to Sunday; 12:00 - 23:30
18/00055/LIPDPS	Cafe Boheme	Basement And Ground Floor 13 - 17 Old Compton Street London W1D 5JH	Restaurant	Monday to Saturday; 09:00 - 05:00 Sunday; 12:00 - 00:00
17/03238/LIPCH	Little Italy	21A Frith Street London W1D 4RW	Restaurant	Monday to Sunday; 09:00 - 05:30

06/06245/WCCMAP	Little Italy Two	Ground Floor 21A Frith Street London W1D 4RF	Restaurant	Monday to Saturday; 10:00 - 05:00 Sunday; 12:00 - 05:00
12/03653/LIPDPS	Tonkotsu	Basement To First Floor 63 Dean Street London W1D 4QG	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
18/00065/LIPDPS	Soho House	40 Greek Street London W1D 5JJ	Club or institution	Monday to Friday; 08:00 - 03:30 Saturday; 10:00 - 03:30 Sunday; 10:00 - 23:00