

LICENSING SUB-COMMITTEE No. 2

Thursday 9 June 2011

Membership: Councillor Bradley (Chairman), Councillor Marshall and Councillor Abdel-Hamid

Legal Adviser: Harjinder Bhela

Policy Adviser: Chris Wroe

Committee Officer: Jonathan Deacon

Relevant Representations: Environmental Health Service, 27 local residents and Abbey Court Residents Association.

Present: Mr Dave Nevitt (Environmental Health).

Vineria Restaurant, 1 Blenheim Terrace, NW8 11/00347/LIPN	
1.	Late Night Refreshment:
	Monday to Saturday 23:00 to 00:30 Sunday 23:00 – 00:00.
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted core hours (Monday to Thursday 23:00 hours to 23:30 hours and Friday and Saturday 23:00 hours to midnight), subject to conditions as set out below. In reaching this decision, Members took into account that the conditions attached to the licence ensured that the premises would be required to operate as a restaurant. Alcohol would be ancillary to a table meal and served by waiter or waitress only. There would also be no takeaway after 23:00 hours. No noise would be permitted to emanate from the restaurant nor vibration be transmitted through the structure of the premises which would give rise to a nuisance. The Applicant company had amended the application so that it was no longer applying for recorded music. The Sub-Committee had been informed prior to the hearing that Environmental Health did not need to visit the premises before the application was determined. The premises were currently closed. Mr Nevitt stated at the hearing that the application was uncontroversial from Environmental Health's point of view. He

stated that capacity figures would need to be finalised. The Sub-Committee noted that Mr Nevitt's point that the works conditions requiring the premises to be assessed as satisfactory and the plans to be an accurate reflection of the premises constructed would need to be signed off by Environmental Health before the Applicant was able to operate the restaurant.

In reaching their decision to grant core hours, Members took into account the comments of local residents. Since the written submissions had been received however, the Applicant had amended the application, requesting a later start time for the sale of alcohol at 11:00 hours and no longer applying for recorded music. The Licensing Service had written to residents to inform them of the amendments and enquire whether they were satisfied with these amendments. There were few responses to the letters and no residents were present at the hearing.

The decision to consider the application was taken in the absence of Mr Zorzi from the Applicant company. The application had been adjourned at the Licensing Sub-Committee hearing on 12 May 2011 as the Licensing Authority had been unable to contact Mr Zorzi in the weeks prior to the hearing. He had apparently been out of the country for some time. Members had recommended at the 12 May hearing that a decision was taken when the application was next considered by the Sub-Committee. The fact that a decision on the application was likely to be taken by the Sub-Committee on 9 June had been stated in writing by the Licensing Service to Mr Zorzi. Since the 12 May hearing, Mr Zorzi had made contact with the Licensing Service and had informed them the day before the matter was due to be considered on 9 June that he intended to attend this meeting. He had requested an adjournment of the application. On the morning of 9 June, he had e-mailed the Licensing Service to inform them that he was too ill to attend.

2. Sale of Alcohol (On and Off the Premises)

Monday to Saturday 11:00 to 00:00
 Sunday 12:00 to 23:30.

Amendments to application advised at hearing:

None.

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

The Sub-Committee granted core hours (Monday to Thursday 11:00 hours to 23:30 hours, Friday and Saturday 23:00 hours to midnight and Sundays 12:00 hours to 22:30 hours), subject to conditions as set out below (see reasons for decision in Section 1).

3. Seasonal Variations / Non Standard Timings

	<p>To allow the hours for Sale of Alcohol from the end of permitted hours on New Year's Eve to 04:30.</p> <p>To allow Late Night Refreshment on New Year's Eve to start at 23:00 and cease at 05:00 New Year's Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted core hours, subject to conditions as set out below (see reasons for decision in Section 1).</p>
4.	<i>Opening Hours:</i>
	<p>Monday to Saturday 11:00 to 00:30 Sunday 12:00 to 00:00 New Year's Eve 11:00 to 05:00 on New Year's Day (unless New Year's Eve is a Sunday in which case, 12:00 to 05:00).</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted core hours for the above licensable activities, subject to conditions as set out below (see reasons for decision in Section 1).</p>

Conditions attached to the Licence	
<u>Mandatory Conditions</u>	
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 hold a personal licence.

4. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

8. The responsible person shall ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

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

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

Additional Conditions

9. Children under 16 will be accompanied by an adult.
10. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
11. The supply of alcohol shall be by waiter or waitress only.
12. Substantial food and suitable beverages other than intoxicating liquor shall be available during the whole of the permitted hours in all parts of the premises where alcohol is sold or supplied.
13. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
14. The number of persons accommodated at any one time (excluding staff) shall

not exceed the following:

- Basement – TBC after inspection
 - Ground Floor – TBC after inspection
 - Outside area – TBC after inspection
15. There shall be no sales of hot food or hot drink for consumption off the premises after 23:00 hours.
 16. All external tables and chairs shall be rendered unusable by 23:00 hours Monday to Saturday and 22:30 hours on Sunday.
 17. Alcohol consumed in the external area shall only be consumed by patrons seated at tables.
 18. After 23:00 hours all external doors and windows to be kept closed except for immediate access and egress of persons.
 19. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
 20. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
 21. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
 22. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
 23. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
 24. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
 25. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction a variation application may be required.