



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (1)**

Meeting Date: **Thursday 14th May, 2015**

Time: **10.00 am**

Venue: **Rooms 5, 6 & 7 - 17th Floor, City Hall**

Members: **Councillors:**

Tim Mitchell (Chairman)
Louise Hyams
Jan Prendergast

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 9.00am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Jonathan Deacon.

**Email: jdeacon@westminster.gov.uk Tel: 020 7641 2783
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Legal & Democratic Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

The Head of Legal and Democratic Services to report any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of any personal or prejudicial interests in matters on this agenda.

Licensing Applications for Determination

1. DAR MARRAKESH, 422 EDGWARE ROAD, W2

(Pages 1 - 96)

App No	Ward/ Stress Area	Site Name and Address	Application	Licensing Reference Number
1.	Church Street / not in stress area	Dar Marrakesh, 422 Edgware Road, W2	Variation	15/00928/LIPV

2. TOP DOG EATS, 48 FRITH STREET, W1

(Pages 97 - 144)

App No	Ward/ Stress Area	Site Name and Address	Application	Licensing Reference Number
2.	West End / West End	Top Dog Eats, 48 Frith Street, W1	Variation	15/01790/LIPV

3. NORRIS NEWS, 115 LUPUS STREET, SW1

**(Pages 145 -
210)**

App No	Ward/ Stress Area	Site Name and Address	Application	Licensing Reference Number
3.	Churchill / not in stress area	Norris News, 115 Lupus Street, SW1	Review	15/01135/LIRE VP

**Peter Large
Head of Legal & Democratic Services
8 May 2015**

In considering applications for premises licences under the Licensing Act 2003, the sub-committee is advised of the following:

POLICY CONSIDERATIONS

The City of Westminster statement of licensing policy applies to all applications where relevant representations have been made. The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy and the guidance issued by the Secretary of state under Section 182 of the Licensing Act 2003.

GUIDANCE CONSIDERATIONS

The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

PERMITTED TEMPORARY ACTIVITIES

The licensee of any premises is entitled under the Licensing Act 2003 to apply for permission to hold temporary events, authorising licensable activities instead of or in addition to any activities that may be authorised by a premises licence, subject to the following restrictions:

- 1) No more than 12 events over a total of 21 days may be held at any one premises in any year
- 2) Each event must last for no more than 168 hours
- 3) There must be 24 hours between each event
- 4) The number of people at each event must be less than 500.

A Temporary Event Notice for each event (a TEN) is required to be given to the licensing authority, the police and environmental health service no later than 10 working days before the event for a 'standard' TEN or 5 to 9 working days before the event is due to begin for a 'late' TEN. The licensing authority is required to send an acknowledgement by the next working day.

Once a Temporary Event Notice is given the police and environmental health service have a right to object to the event if they are satisfied that the event will undermine any of the licensing objectives of preventing crime and disorder, prevention of public nuisance, protection of children from harm and promotion of public safety. They must serve an objection notice stating their reasons as to why the objectives would be undermined to the licensing authority and the premises user within 3 working days of receiving a copy of the TEN. The licensing authority is required to hold a hearing and may issue a counter notice which will prevent the event taking place.

LIVE MUSIC ACT 2012

The Live Music Act amends the Licensing Act 2003 by:

- removing the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on premises authorised by a premises licence or club premises certificate to supply alcohol for consumption on the premises (at a time when those premises are open for the purposes of being used for the supply of alcohol for consumption on the premises), subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate
- removing the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
- removing the licensing requirement for unamplified live music taking place between 8am and 11pm in any place, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises
- removing the licensing requirement for the provision of entertainment facilities
- widens the licensing exemption for live music that is integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applies to both live or recorded music instead of just unamplified live music in that instance.

CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES

(As set out in the Council's Statement of Licensing Policy 2011)

- For premises for the supply of alcohol for consumption on the premises:

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

Monday to Thursday: 10:00 to 23:30.

- For premises for the supply of alcohol for consumption off the premises:

Monday to Saturday: 08:00 to 23:00

Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight

Sundays immediately prior to Bank Holidays: 09.00 to midnight

Other Sundays: 09.00 to 22.30

Monday to Thursday: 09.00 to 23.30.



City of Westminster

Licensing Sub-Committee Report

Item No:	
Licensing Ref No:	15/00928/LIPV
Date:	14 May 2015
Classification:	For General Release
Title of Report:	Dar Marrakesh 422 Edgware Road London W2 1EG
Report of:	Director of Public Protection and Licensing
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Susan Patterson Senior Licensing Officer
Contact Details:	Telephone: 020 7641 2207 E-mail: spatterson@westminster.gov.uk

APPLICATION DETAILS

Application Type:	Variation of a premises licence application under the Licensing Act 2003.		
Applicant:	Mr Zakariah Derissy	Date Application Received:	5 February 2015
Premises Name and Address:	Dar Marrakesh 422 Edgware Road London W2 1EG		
Ward Name:	Church Street	Stress Area:	No
Description of Premises:	A bar and restaurant with a shisha terrace in a premises previously The Portman Arms. The sale and consumption of Alcohol does not have to be ancillary to a table meal.		
Variation Description:	<p>Increase hours for Late Night Refreshment</p> <ul style="list-style-type: none"> To extend the terminal hour to midnight for Late Night Refreshment in the garden only on Monday to Thursday evenings and to 02.00 on Friday and Saturday evenings. To apply for Late Night Refreshment on Sundays until 23.30 inside the premises and till midnight in the garden. <p>Increase opening Hours</p> <ul style="list-style-type: none"> To extend the terminal hour for opening of the premises till midnight from Sunday to Thursday and 0200 on Friday and Saturday evenings. <p>Removal of Two Licence conditions</p> <ul style="list-style-type: none"> To remove condition 26 - "the beer garden is to be cleared of patrons after 23.00". To remove the condition on the licence which states: "Toughened drinking glasses shall be used in the premises". This condition should be attached to the existing licence 14/08715/LIPVM but has been omitted, in error since 10/09914/LIPT 		

Proposed Licensable Activities and Proposed Hours:

<u>Licensable activities permitted under the existing Premises Licence 14/08715/LIPVM</u>	<u>Variation to Licensable Activities</u> <i>Changes are in italics, bold and underlined</i>
Regulated Entertainment: Live Music Anything of a similar description to Live music, recorded music or performance of	Regulated Entertainment: No change

<p>dance Monday to Thursday: 09:00 to 23:30 Friday to Saturday:09:00 to 00:00 Sunday 09:00 to 22:30</p> <p>Playing of Recorded Music Private Entertainment Unrestricted</p>	
<p>Sale of Alcohol: On and Off the premises</p> <p>Monday to Thursday: 10:00 to 23:30 Friday to Saturday:10:00 to 00:00 Sunday 12:00 to 22:30</p>	<p>Sale of Alcohol: On and Off the premises</p> <p>No change</p>
<p>Late Night Refreshment</p> <p>Monday to Thursday: 23:00 to 23:30 Friday to Saturday:23:00 to 00:00</p>	<p>Late Night Refreshment</p> <p>Internal area Monday to Thursday: 23:00 to 23:30 Friday to Saturday:23:00 to 00:00 <u>Sunday 23:00 – 23:30</u></p> <p>External Garden Area <u>Monday to Thursday: 23:00 to 00:00</u> <u>Friday to Saturday:23:00 to 02:00 (the following day)</u> <u>Sunday 23:00 – 00:00</u></p>
<p>Non Standard Timings</p> <p>The terminal hour for late night refreshment and sale of alcohol is extended to the start of licensable hours on New Year's Day</p>	<p>Non Standard Timings</p> <p>No Change</p>
<p>Capacity</p> <p>Not specified</p>	<p>Capacity</p> <p>No Change</p>
<p>Opening Hours</p> <p>Monday to Thursday: 09:00 to 23:30 Friday to Saturday:09:00 to 00:00 Sunday 09:00 to 23:00</p>	<p>Opening Hours</p> <p>Monday to Thursday: 09:00 to <u>00:00</u> Friday to Saturday:09:00 to <u>02:00</u> Sunday 09:00 to <u>00:00</u></p>

1. Relevant representations

- 1.1 The Environmental Health Service has made an adverse representation against this application as the additional hours requested for the Late Night refreshment in the Garden and on Sundays in the main premises may have the likely effect of increasing public nuisance in the area. They may suggest additional conditions they think appropriate but are waiting to

assess the noise report that the applicant has commissioned and was received on 5.5. They refer to the removal of the toughened glasses drinking condition, which is omitted, in error from the current issued licence but should figure and is included in Appendix B. They also refer to complaints involving nuisance and other matters that the licensing inspectors have investigated.

- 1.2 The Metropolitan Police Service have made a representation against this application. Further elaborative information has been sought.
- 1.3 Twelve local residents have made adverse representations against the application on the grounds of protecting children from harm, protection of Public Safety, Prevention of Crime and Disorder and Prevention of Public Nuisance. They include concerns that the users of the premises are already creating public nuisance of late night noise, when they leave and that any additional hours granted would worsen this. They say that noise from cars and their owners already affect residents sleep and that it is a highly residential area.
- 1.4 There are comments that the additional hours will create more public nuisance with shouting and fighting resulting in late night noise already. Users of the premises often have loud music on in their cars and it is said that the management cannot control this. But that extending the hours would make the noise extend well into the night.

2. Policies Applicable

- 2.1 The following policies within the City Of Westminster Statement of Licensing Policy apply:
Policy HRS1 :

(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.

(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.

Policy MD1:

Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

Policy PB1:

Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

3. Summary

- 3.1 The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:
 - prevention of public nuisance,
 - prevention of crime & disorder,
 - public safety and
 - protection of children from harm.
- 3.2 Where the committee is minded to grant the licence it will be granted subject to the mandatory conditions and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives detailed in Appendix D to this report.

4. Current Licensing Position

These premises currently hold a Premises Licence 14/08715/LIPVM. Full licence history can be found in **Appendix A**.

5. Residential Density

178 units within a 75m radius of the premises are residential or proposed residential or under construction, refer to **Appendix C**.

6. List of Appendices

- A – Premises Licence History
- B - Conditions
- C – Residential Map and list of premises in the vicinity

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

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7th January 2011)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (Mar 2015)
- Application form
- Applicants submissions inc Acoustic report, consultant report, management plan, letters from the applicant and letters of support from local residents.
- Existing Premise Licence
- Representations received
- Photos

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
Conversion Application 05/10547/LIPC	Application to convert the Justices on Licence	21.11.2005	Granted Under Delegated Authority
Variation application 05/13406/LIPV		21.11.2005	Granted Under Delegated Authority
Transfer Application 10/05793/LIPT		15.06.2011	Invalid application
Transfer Application 10/09114/LIPT		6.1.2011	Granted Under Delegated Authority
Variation application 11/03272/LIPV		11.08.2011	Invalid application
Minor variation 14/08715/LIPVM		29.10.2014	Granted Under Delegated Authority
Temporary Event Notices	Sale of Alcohol to 02:00 On 26 and 27.12.14 to main bar and beer garden		Refused
Temporary Event Notices	Sale of Alcohol to 02:00 On 31.12.14 to main bar and beer garden		Acknowledged
Temporary Event Notices	Sale of Alcohol to 02:00 On 30.1.15 to main bar and beer garden		Acknowledged
Temporary Event Notices	Sale of Alcohol to 02:00 On 31.1.15 to main bar and beer garden		Acknowledged
Temporary Event Notices	Sale of Alcohol to 02:00 On 6.3.15 to main bar and beer garden		Acknowledged
Variation application 15/00928/LIPV		Before LSC 14.05.2015	Pending

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

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

Annex 2 – Conditions consistent with the operating Schedule

- 10. There shall be no entry to the premises one hour before the end of all licensable activities.
- 11. No adult entertainment paid for by the company of a nude physical nature shall be permitted on the premises.
- 12. There shall be no promotions that encourage illegal, irresponsible or immoderate consumption of alcohol.
- 13. Free drinking water shall be available to all customers.

14. Notices shall be displayed around the premises asking patrons to leave quietly.
15. Deliveries shall be conducted during daytime to control noise nuisance.

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

16. Alcohol may be sold or supplied:
 - (a) On Monday to Thursday, 10:00 to 23:30
 - (b) On Friday and Saturday, 10:00 to 00:00
 - (c) On Sundays, 12:00 to 22:30
 - (d) 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).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes 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.

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.

17. All persons under 18 years of age to be off the premises by 21:00 hours unless accompanied by an adult and partaking in a table meal.
18. The premises will maintain a comprehensive CCTV system that ensures all areas of the licensed premises are monitored including all entry and exit points, the street environment and which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping.
 - (i) Tape recordings shall be made available to an authorised officer or a police officer together with facilities for viewing.
 - (ii) The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice (subject to the Data Protection Act 1998).
19. Noise and vibration will not be allowed to emanate from the premises so as to cause a nuisance to nearby property.
20. The external doors and windows shall be kept closed after 23:00 except for immediate access and egress of persons.

21. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
22. No rubbish including bottles will be moved, removed or placed outside between 23:00 hours and 07:00 hours.
23. A sound limiting device shall be located in a separate and remote lockable cabin from the volume control and must be fitted to the musical amplification system to be set at a level determined by and to the satisfaction of an authorised officer of the environmental health services community protection department to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of an officer from the environmental health service. The keys securing 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.
24. No alteration or any modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the environmental health services.
25. There are to be no more than two live musicians at any one time.
26. The beer garden is to be cleared of patrons by 23:00.
27. The inner door and all windows at the premises are to be kept closed at all times when licensable activities are taking place.
28. When a customer chooses to pay by credit/debit card, he/she shall be presented with an itemised bill upon final payment showing details of all drinks and food purchased.

Condition 29, missing from Licence since 2011

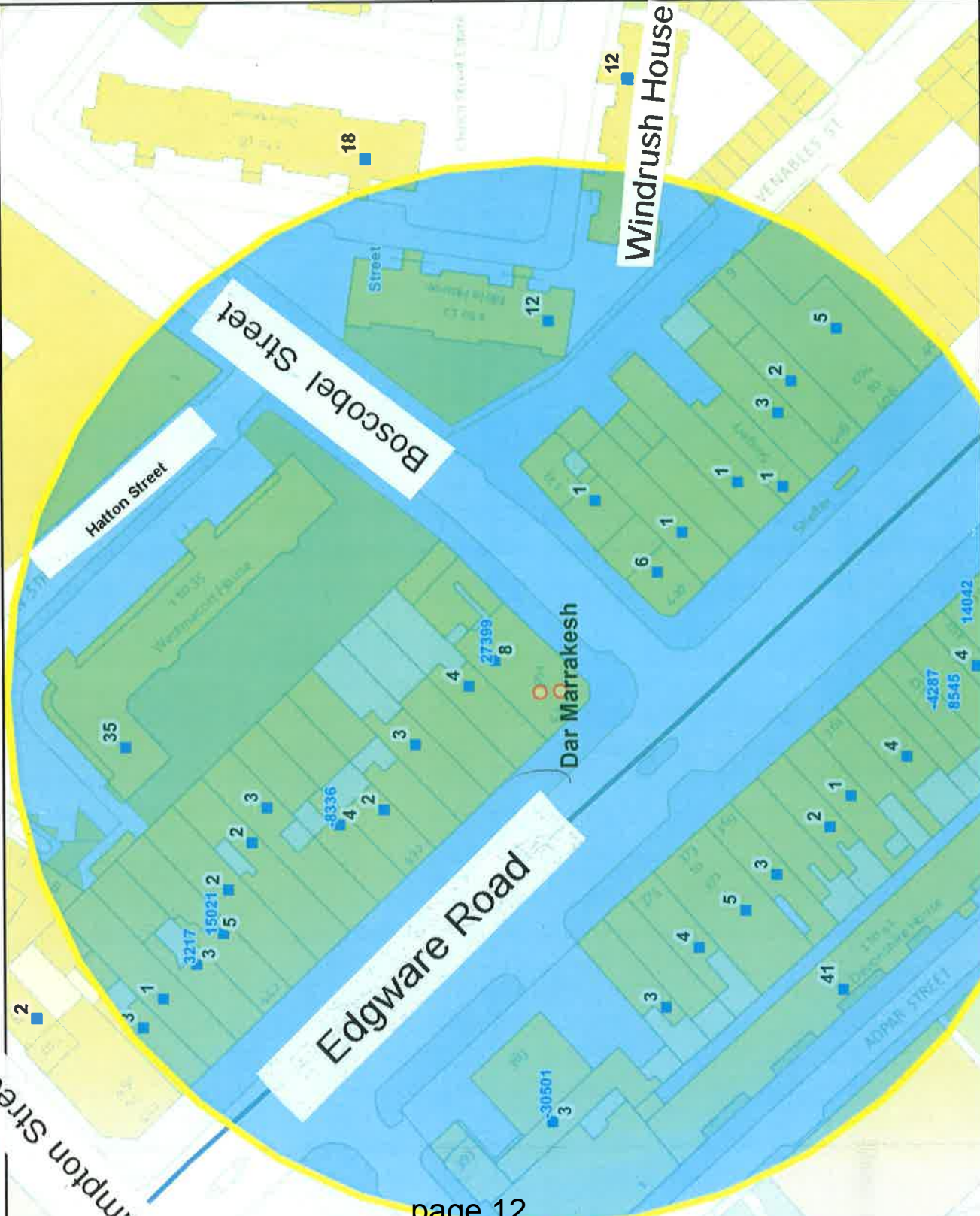
Conditions consistent with the operating schedule

29. Toughened drinking glasses shall be used in the premises.
30. SIA registered door staff will be employed at the premises.
31. Noise will not be allowed to emanate from the garden so as to cause noise to any neighbouring residential premises.
32. After 23:00 hours all patrons to enter via the main Edgware Road save in the case of emergency
33. No use of the interior of the premises by patrons after 23:30 Sunday – Thursday and 00:00 hours on Friday and Saturdays, save for access and egress of the premises and to use the toilets.
34. No persons under the age of 18 years to be allowed into the garden after 21:00.

Dar Marrakesh, 422 Edgware Road, London, W2 1EG



City of Westminster



APPENDIX C

Residential / Proposed Residential	178
Under Construction	0
Other Uses	n/a
Proportion Residential of all Uses	n/a

Data Source: Uniform Database

Date: 01/05/2015

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Premises within 75 metres of: Dar Marrakesh, 422 Edgware Road

p / n	Name of Premises	Premises Address	Opening Hours
15021	Minqala Azmir	Ground Floor 442 Edgware Road London W2 1EG	Monday to Sunday 12:00 - 01:00
14042	Alpha Pizza	351A Edgware Road London W2 1BS	Monday to Thursday 10:00 - 02:00 Friday to Saturday 10:00 - 04:00 Sunday 12:00 - 02:00
27399	Dar Marrakesh	422 Edgware Road London W2 1EG	Friday to Saturday 09:00 - 00:00 Sunday 09:00 - 23:00 Monday to Thursday 09:00 - 23:30
-30501	MRH The Vale	383 Edgware Road London W2 1BT	Monday to Sunday 00:00 - 00:00
-8336	Asal Supermarket	Basement And Ground Floor 434 Edgware Road London W2 1EG	Monday to Sunday 00:00 - 00:00
-4287	Southern Fried Chicken	Basement And Ground Floor 357 Edgware Road London W2 1BS	Friday to Saturday 23:00 - 02:00 Sunday 23:00 - 02:00
3217	Mandalay Burmese Restaurant	444 Edgware Road London W2 1EG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
8545	Al-Kanater Restaurant	355 Edgware Road London W2 1BS	Monday to Sunday 10:00 - 01:00

Background Documents

* required information

Section 1 of 17

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

HT/DER001

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Zakariah

* Family name

Derissy

* E-mail

howardtimms@wainwrighttimms.com

Main telephone number

+4420 35894099

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

* Is your business registered in the UK with Companies House? Yes No

* Registration number

* Business name

* VAT number

* Legal status

* Your position in the business

Home country

If your business is registered, use its registered name.
Put "none" if you are not registered for VAT.

The country where the headquarters of your business is located.

Continued from previous page...

Agent Registered Address

Address registered with Companies House.

* Building number or name	196 Temple Chambers
* Street	3-7 Temple Avenue
District	
* City or town	London
County or administrative area	
* Postcode	EC4Y 0HP
* Country	United Kingdom

Section 2 of 17

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name	Dar Marrakesh
Street	422 Edgware Road
District	
City or town	London
County or administrative area	
Postcode	W2 1EG
Country	United Kingdom

Premises Contact Details

Telephone number	
Non-domestic rateable value of premises (£)	31,250

Section 3 of 17

VARIATION

Continued from previous page...

Do you want the proposed variation to have effect as soon as possible?

Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

To extend the terminal hour to midnight for Late Night Refreshment in the garden only on Monday to Thursday evenings and to 02.00 on Friday and Saturday evenings. To apply for Late Night Refreshment on Sundays until 23.30 inside the premises and till midnight in the garden. To extend the terminal hour for opening of the premises till midnight from Sunday to Thursday and 0200 on Friday and Saturday evenings. To remove condition 26 - "the beer garden is to be cleared of patrons after 23.00". To remove the condition on the licence which states: "Toughened drinking glasses shall be used in the premises". Please note there is no application to extend the terminal hour for alcohol sales or music of any kind.

Section 4 of 17

PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

Section 5 of 17

PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

Section 6 of 17

PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Continued from previous page... Yes No

Section 7 of 17

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?
 Yes No

Section 8 of 17

PROVISION OF LIVE MUSIC

Will the schedule to provide live music be subject to change if this application to vary is successful?
 Yes No

Section 9 of 17

PROVISION OF RECORDED MUSIC

Will the schedule to provide recorded music be subject to change if this application to vary is successful?
 Yes No

Section 10 of 17

PROVISION OF PERFORMANCES OF DANCE

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?
 Yes No

Section 11 of 17

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?
 Yes No

Section 12 of 17

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?
 Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start End
Start End

WEDNESDAY

Start End
Start End

THURSDAY

Start End
Start End

FRIDAY

Start End
Start End

SATURDAY

Start End
Start End

SUNDAY

Start End
Start End

Will the provision of late night refreshment take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Sale and supply of hot and cold food and soft drinks. Please note late night refreshment will terminate inside the premises at 23.30 Sunday to Thursday and at 00.00 on Fridays and Saturdays.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 13 of 17

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes No

Section 14 of 17

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

n/a

Section 15 of 17

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

The beer garden to be cleared of patrons by 23.00.
Toughened drinking glasses shall be used in the premises.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Continued from previous page...

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

See existing licence.

late night refreshment will terminate inside the premises at 23.30 Sunday to Thursday and at 00.00 on Fridays and Saturdays

b) The prevention of crime and disorder

See existing licence. The premises will be operated in accordance with a "management plan" with a view to minimising any risk of crime and disorder.

c) Public safety

SIA registered doorstaff will be employed at the premises.

d) The prevention of public nuisance

The premises will be operated in accordance with a "management plan" with a view to minimising any risk of public nuisance.

Noise will not be allowed to emanate from the garden so as to cause a nuisance in any neighbouring residential premises.

After 23.00 hours all patrons to enter and exit via the main Edgware Road door save in case of emergency.

No use of interior of premises by patrons after 23.30 hours Sunday to Thursday and 00.00 hours on Fridays and Saturdays, save for access and egress of the premises and to use the toilets.

e) The protection of children from harm

No person under the age of 18 years to be allowed into the garden after 21.00 hours.

Section 17 of 17

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Continued from previous page...

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

190.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

Date (dd/mm/yyyy)

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/westminster/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

Continued from previous page...

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Patterson, Susan

From: Howard Timms <howardtimmers@wainwrighttimms.com>
Sent: 05 May 2015 18:21
To: Drayan, Anil
Cc: Patterson, Susan
Subject: FW: Dar Marrakesh / Acoustic Report
Attachments: VC-101877-AA-RP-0001-01.pdf

Importance: High

Dear Anil

Thank you for your time at Dar Marrakesh last Friday; I believe it was a constructive meeting.

I now attach Van Guardia's acoustic report which you may find interesting reading. It concludes that:

"Vanguardia have predicted the internal night-time noise level change due to the new noise, and have determined that impact based on relative change in noise level in terms of L_{Aeq} will be negligible, and in terms of L_{Amax} will be none."

In these circumstances, I wonder whether you might be prepared to re-consider your representation?

Further and with regard to the application to remove the condition which requires toughened glasses to be used, you may be interested to know that the police have agreed to withdraw their objection on the basis that 2 SIA staff will be employed at the premises after 20.00 hours on Fridays and Saturdays.

As an additional precaution, my client have offered to employ one SIA doorman on the other nights of the week - i.e. after 20.00 hours on Sundays to Thursdays.

Further no recorded music will be played at the premises after 23.30 hours on any evening of the week.

I would be happy to discuss all of this with you - please call if you wish to.

Kind regards

Yours sincerely

Howard Timms, Partner
Wainwright Timms LLP Solicitors
Tallis House
2 Tallis Street
London EC4Y 0AB
Tel: 02035894099
Email: howardtimmers@wainwrighttimms.com
Website: www.wainwrighttimms.com

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any party other than the addressee.

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Dar Marrakesh – Proposed Premises Licence Variation

Acoustic Assessment

VC-101877-EN-RP-0001

Rev 01
May 2015

Contents

1	Introduction.....	3
2	Noise Criteria.....	4
3	Noise Assessment	5
4	Noise Assessment	9
5	Conclusion.....	11
	APPENDIX A / Summary Noise Survey Data (full details available upon request).....	12
	APPENDIX B / Glossary of Terms	14

Vanguardia Consulting Document Control				
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Project Number:		101877		Status: Issued as Draft
Document Reference:		VC-101877-EN-RP-0001		Issued To:
Revision:	Prepared By:	Checked:	Passed:	Issue Notes:
00	DS	DB	DB	Issued as Draft
01	DS	DB	DB	Issued to Client

1 Introduction

- 1.1 Vanguardia have been commissioned by Dar Marrakesh to carry out an acoustic assessment relating to its proposed premises licence variation at 422 Edgware Road, London W2 1EG. The premises licence variation relates to extended hours of operation of the rear garden area.
- 1.2 The rear garden area comprises seating space for approximately 60 customers on tables of two and four persons, which is enclosed on all sides by a brick wall and partial canopy overhead. There is a gap around the perimeter of the canopy to allow for natural ventilation of the outdoor smoking area.
- 1.3 The purpose of this report is to assess the impact of noise generated in the garden area on nearby noise-sensitive receptors.
- 1.4 A glossary of acoustic terms is shown in Appendix A

Consultants' Experience

- 1.5 Vanguardia Consulting is an independent acoustic consultancy specialising in the field of sound, noise and acoustics related to entertainment venues. The team of consultants have many years of experience dealing with some of the largest and most innovative sound and acoustic projects in the UK, including Wembley Stadium, the Millennium Dome, The Millennium Stadium, Wembley Arena and Earls Court.
- 1.6 The consultants have successfully provided sound management advice, including noise control, at over 1000 concerts during the past 30 years. These concerts have ranged from relatively small scale events at green field sites to major events staged at national stadia providing entertainment for tens of thousands of people.
- 1.7 The company director of Vanguardia also sat on the UK Noise Council Working Party which prepared the Code of Practice on Environmental Noise Control at Concerts (1995). They have also managed Government research projects related to sound and noise aspects of the entertainment business.
- 1.8 As well as the provision of sound and acoustic design/management for entertainment venues, the company deals with the whole range of acoustic, noise and vibration issues and our staff have presented expert testimony at planning and licensing hearings, magistrates and high courts, Judicial Reviews and House of Commons and House of Lords Select Committees.

Proposed License Variation

- 1.9 The rear garden area is currently licensed to operate until 23:00 hours seven days per week.
- 1.10 It is proposed that the hours of operation of the rear garden are extended as follows:
- Sunday to Thursday until midnight
 - Friday and Saturday until 02:00 AM
- 1.11 The capacity of the rear garden area is sixty persons.

2 Noise Criteria

- 2.1 Vanguardia have liaised with Mr Anil Drayan at Westminster City Council (WCC), regarding the noise criteria that are to be applied to this application.
- 2.2 During a telephone conversation on 22nd April 2015 Mr Drayan advised that it would be necessary to demonstrate that the noise from use of the rear garden would not disturb nearby residents who may be asleep with open windows during warm weather.
- 2.3 This requirement broadly relates to the stated licensing objective of prevention of public nuisance.
- 2.4 Mr Drayan advised that an objective acoustic criterion such as that, “the A weighted sound pressure level shall not exceed a value of 10 dB below the minimum external background level expressed as $L_{A90, 15 \text{ mins}}$ ” would be applied only to steady state noise such as plant and machinery, and that no such objective condition would be applied to noise generated by human voices within the rear garden area.
- 2.5 Further details on the rationale supporting this criterion are shown in condition C47AB as specified in the WCC Standard Paragraph References available here:
http://transact.westminster.gov.uk/docstores/publications_store/Planning/StandardConditions.pdf
- 2.6 Mr Drayan further advised that the onus would be with the applicant to demonstrate that the proposed variation would not cause disturbance to nearby noise sensitive receptors, and that no objective noise criteria are proposed by WCC.
- 2.7 Vanguardia have selected relevant noise criteria relating to night-time noise within dwellings from current standards in order to demonstrate the impact of the proposed variation, which are shown below.

Standard	Acoustic criteria
Guidelines for Community Noise, World Health Organisation 1999	Indoor guideline value for bedrooms is 30 dB L_{Aeq} for continuous noise, assuming noise reduction from outside to inside with window open is 15 dB
Guidelines for Community Noise, World Health Organisation 1999	Indoor guideline value for bedrooms is 45 dB L_{Amax} for single sound events, assuming noise reduction from outside to inside with window open is 15 dB
British Standard 8233:2014, Guidelines on sound insulation and noise reduction for buildings	Indoor ambient noise level in bedroom of 30 dB $L_{Aeq, 8 \text{ hour}}$ 23:00 to 07:00

Table 1: Relevant acoustic criteria for night time noise within dwellings

- 2.8 In the absence of objective criteria being specified by WCC this report will consider the impact of new noise, over and above the existing local ambient noise levels, generated by the proposed premises licence variation.
- 2.9 Prevention of public nuisance after 23:00 hrs will relate to prevention of sleep disturbance inside dwellings, rather than protection of outdoor spaces such as balconies, terraces and outdoor living areas. For this reason only criteria relating to bedrooms indoors will be considered.

3 Noise Assessment

Existing Ambient Noise Levels – unattended survey

- 3.1 In order to determine the effect of the proposed variation, two noise surveys were carried out at the premises.
- 3.2 An unattended ambient noise survey was carried out from 26th March to 30th March 2015. The purpose of this survey was to establish baseline noise levels, in accordance with good practice.
- 3.3 The microphone was located at approximately 4m height above the side boundary wall of Dar Marrakesh on Boscobel Street, London W2. This is representative of noise levels at the nearest noise sensitive receptor, which is understood to be on the opposite side of Boscobel Street from Dar Marrakesh at the junction with Venables Street.
- 3.4 The mode (statistically most common) value for $L_{Aeq, 15 \text{ min}}$ during the hours of the proposed premises licence variation was 61dB. This is indicative of the ambient noise level.
- 3.5 The lowest measured value of $L_{AF90, 15 \text{ min}}$ during the hours of the proposed variation was 53dB. This is indicative of the underlying background noise level.
- 3.6 Survey equipment: MP1 Larson Davis LxT serial number 3812. Larson Davis CAL200 calibrator serial number 4622. Calibration certificates available on request.



Figure 2: Plan showing measurement location plan for unattended survey

Existing Ambient Noise Level – attended survey

- 3.7 A further attended noise survey was subsequently carried out on Friday 17th April 2015. The purpose of this survey was two-fold; to establish the sound attenuation characteristics of the rear garden walls and partial canopy, along with typical source noise levels in the rear garden area whilst in use by customers. Also to verify the ambient noise levels measured during the unattended survey.
- 3.8 Three measurement points were utilised in the survey, which are described below and shown in figure 1.
- 3.9 MP1: The Sound Level inside the outdoor seating area was located discreetly in one corner of the garden, with the microphone elevated approximately 1.5m above ground level but within 0.5m of a reflective surface (the perimeter wall) the internal speakers were well screened within the roofing structure, and were not audible above the level of speech at the microphone location. The garden area was busy with people throughout the measurement until approximately 22:40 when people started to leave the venue.
- 3.10 MP2: The sound level meter was located on the corner of Venables Street, at the junction of Boscombe Street. The dominant noise source was the sound of an extractor fan under the control of the Pizza Shop, which was turned off at 23:00 hours. There were also high levels of traffic noise throughout from vehicle movement on Edgware Road, as well as local vehicle movement on Boscobel Street. Frequent pedestrian movement was also present throughout the measurement period. Some customer noise was audible though not dominant throughout the measurement period.
- 3.11 MP3: The sound level meter was located in line with the façade of the flats to the rear of Dar Marrakesh. Traffic noise from Edgware Road was present throughout the measurement period, varying levels of local traffic were also present on Boscobel Street with frequent pedestrian movement along the street. Noise was present though not dominant from Dar Marrakesh throughout the measurement period.

3.12 Survey equipment: MP1 Larson Davis LxT serial number 3815, MP2 & MP3 Larson Davis LXT serial number 3812. Larson Davis CAL200 calibrator serial number 4622. Calibration certificates available on request

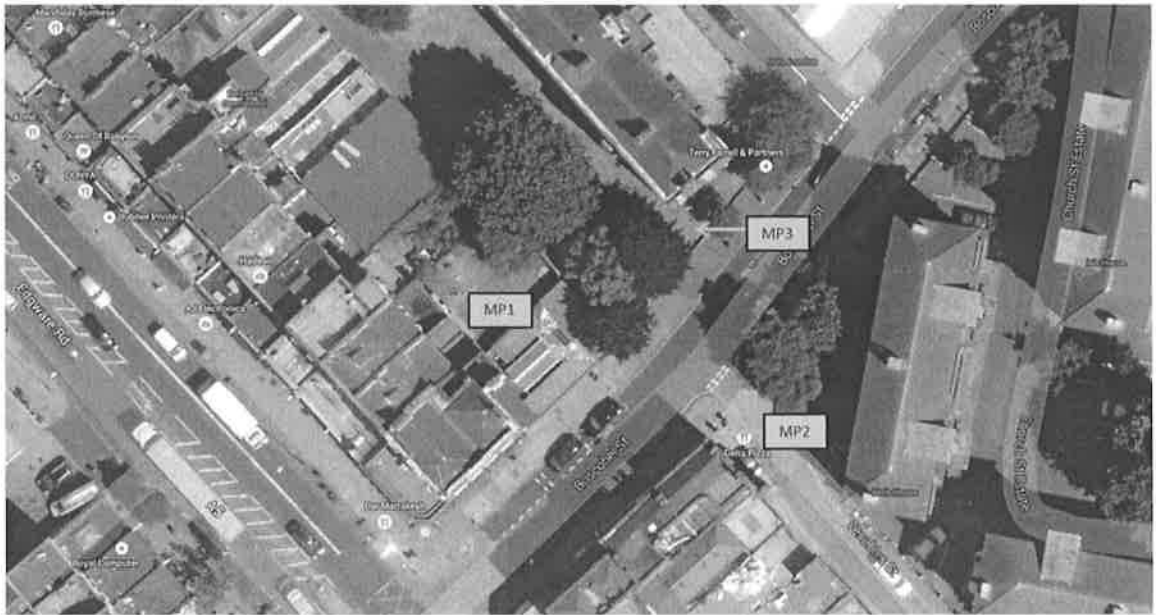


Figure 1: Locations of attended monitoring positions

Noise Predictions

- 3.13 Calculations were then undertaken to predict the noise levels in terms of L_{Aeq} and L_{Amax} (as recommended in Guidelines for Community Noise (WHO 1999) at the nearest noise sensitive receptor.
- 3.14 The logarithmic average measured level in terms of L_{Aeq} within the rear garden area, when operating at full capacity of approximately 60 people was 81 dB. This equates to a vocal effort of 66 dB per person, assuming that one in every two patrons is speaking simultaneously.
- 3.15 The 95th percentile (calculated to eliminate outlying values) of L_{Amax} levels measured within the rear garden area was 94dB, when operating at full capacity of approximately 60 persons.
- 3.16 The measured screening attenuation of the partial canopy structure was 10 dB, at first floor window level of approximately 4m height. This was calculated by carrying out time-synchronous measurements above and below the canopy.
- 3.17 Accounting for a distance of 15.5m from the nearest perimeter wall of the Dar Marrakesh, the attenuation due to distance is 23.8 dB. This represents a worst-case scenario, as many of the customers will be several meters further away from the perimeter wall.
- 3.18 Applying corrections for attenuation and distance, the resultant level at nearest noise sensitive receptor is as shown in the table below. This follows a basic prediction considering the nature and noise level of the sources, the propagation along the paths between sources and receptors and the location of the receptors.

3.19 The simplest procedure for rating indoor noise levels is to measure them in terms of integrated A-weighted sound pressure levels, as measured by LAeq, and this is a valid descriptor for more-or-less continuous noises or those of individual events with randomly varying sound pressure levels.

3.20 Because the noise from the proposed licence variation is likely to include discrete noise events, the additional use of L_{max} has been implemented in the assessment.

Item	Noise level, L _{Aeq}	Noise level, L _{max}
Source noise level within Dar Marrakesh rear garden area	81 dB	92 dB
Correction for distance attenuation along a pathway of length 15.5m	-24 dB	-24 dB
Screening attenuation at first floor level, from partial canopy	-10 dB	-10 dB
Resultant noise level outside noise sensitive receiver	47 dB	58 dB
Correction for partially open window	-15 dB	-15 dB
Resultant night time noise level within dwelling	32 dB	43 dB

Table 2: Source / pathway / receptor calculation for new noise at Dar Marrakesh

4 Noise Assessment

Assessment Methodology

- 4.1 Existing ambient noise levels in the locality are already high and in excess of the World Health Organisation Guidelines for Community Noise (please refer to 2.3 above). For this reason the report will examine whether there is likely to be any significant relative change in noise levels, caused by new noise relating to the proposed premises licence variation.
- 4.2 Guidelines exist for environmental noise impact assessment published by IEMA in 2014, ranking the sensitivity of the receptor to noise level exposure. Relative changes to noise levels are rated as follows:

Impact	Large	Medium	Small	Negligible
Relative change	Greater than 10 dB(A) change in sound level	5 to 9.9 dB(A) change in sound level	3 to 4.9 dB(A) change in sound level	2.9 dB(A) or less change in sound level

Table 3: Significance of relative change as per IEMA guidelines 2014

- 4.3 The likely changes in indicators resultant from the proposal have been assessed by addition of the calculated new noise levels to existing ambient noise levels, and the resultant changes in noise levels are shown in the table below.

Case	L_{Aeq} internal level (partially open window)	L_{max} internal level (partially open window)	L_{AF90} internal level (partially open window)
Before (Existing ambient only)	46 dB	76 dB	38 dB
After (Existing ambient plus new noise)	46 dB + 32 dB = 46.2 dB	76 dB + 43 dB = 76 dB	38 dB + 32 dB = 38.6 dB
Change	0.2 dB	0	0.6 dB
Relative change	Negligible impact	No impact	Negligible impact

Table 4: Analysis of change due to new noise at Dar Marrakesh

- 4.4 The noise levels in the table above correlate well with the subjective observations of the acoustic consultant carrying out the attended noise survey on Friday 17th April 2015. These observations are that, when observed outside the nearest noise sensitive receptors, conversation from the rear garden area of Dar Marrakesh was audible but not dominant in the lulls between traffic and pedestrian movements, but masked when local noise sources were high.

4.5 Comparing the likely new noise levels with the standards in table 1 above, it can be seen that impact is likely to be negligible:

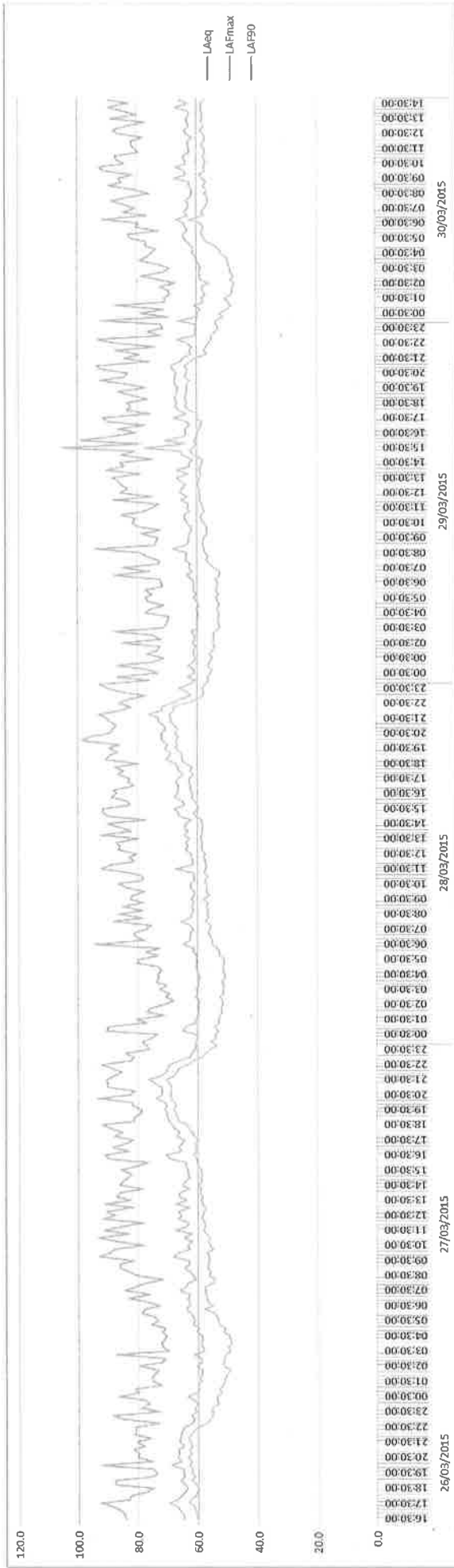
Standard	Acoustic criteria, Indoor night-time guideline value for bedroom	Before (Existing ambient Noise)	After (Existing ambient plus new noise)	Impact
Guidelines for Community Noise, World Health Organisation 1999	30 dB LAeq	46 dB	46 dB + 32 dB = 46.2 dB	Negligible change, not perceptible, no worsening
Guidelines for Community Noise, World Health Organisation 1999	45 dB LAmax	76 dB	76 dB + 43 dB = 76 dB	No impact
British Standard 8233:2014, Guidelines on sound insulation and noise reduction for buildings	30 dB LAeq	46 dB	46 dB + 32 dB = 46.2 dB	Negligible change, not perceptible, no worsening

Table 4: Analysis of change due to new noise at Dar Marrakesh

5 Conclusion

- 5.1 Vanguardia have assessed the existing ambient noise levels and the likely impact of the new noise generated at the nearest noise sensitive receptor as a result of the proposed premises licence variation, which seeks to extend the hours of operation of the rear garden area.
- 5.2 No objective noise criteria were specified by Westminster City Council relating to the application, and so Vanguardia have selected appropriate criteria from current standards as stated at table 1. Impacts for both noise metrics L_{Aeq} (relating to steady-state noise) and L_{Amax} (referring to short-term discrete events) have been assessed.
- 5.3 Vanguardia have predicted the internal night-time noise level change due to the new noise, and have determined that impact based on relative change in noise level in terms of L_{Aeq} will be negligible, and in terms of L_{Amax} will be none.

APPENDIX A / Summary of Noise Survey Data (full details available upon request)

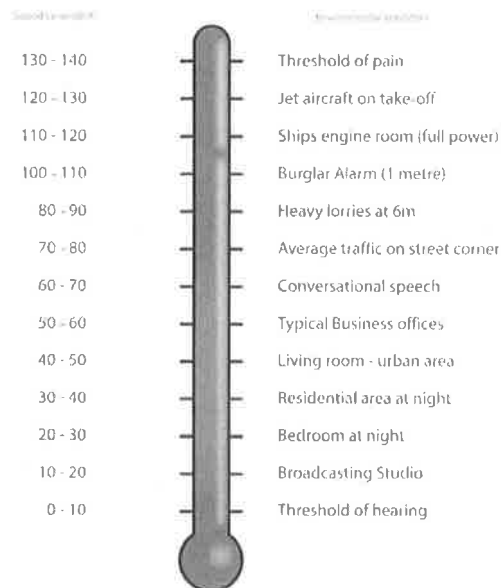




APPENDIX B / Glossary of Terms

- A.1 Noise is defined as unwanted sound. The range of audible sound is from 0dB to 140dB, which is taken to be the threshold of pain. The sound pressure detected by the human ear covers an extremely wide range. The decibel (dB) is used to condense this range into a manageable scale by taking the logarithm of the ratio of the sound pressure and a reference sound pressure.
- A.2 The frequency response of the ear is usually taken to be about 18Hz (number of oscillations per second) to 18,000Hz. The ear does not respond equally to different frequencies at the same level. It is more sensitive in the mid-frequency range than at the lower and higher frequencies, and because of this, the low and high frequency component of a sound are reduced in importance by applying a weighting (filtering) circuit to the noise measuring instrument. The weighting which is most used and which correlates best with the subjective response to noise is the dB(A) weighting. This is an internationally accepted standard for noise measurements.
- A.3 The ear can just distinguish a difference in loudness between two noise sources when there is a 3dB(A) difference between them. Also when two sound sources of the same noise level are combined the resultant level is 3dB(A) higher than the single source. When two sounds differ by 10dB(A) one is said to be twice as loud as the other.

- A.4 The subjective response to a noise is dependent not only upon the sound pressure level and its frequency, but also its intermittency. Various indices have been developed to try and correlate annoyances with the noise level and its fluctuations. The parameter used for this measure is Equivalent Continuous Sound Pressure Level (L_{Aeq}). The A-weighted sound pressure level of a steady sound that has, over a given period, the same energy as the fluctuating sound under investigation. It is in effect the energy average level over the specified measurement period (T) and is the most widely used indicator for environmental noise. A few examples of noise of various levels are given right:



Patterson, Susan

From: Howard Timms <howardtimmers@wainwrighttimms.com>
Sent: 05 May 2015 23:35
To: Patterson, Susan
Cc: Sarah Le Fevre
Subject: FW: Re: Dar Marrakesh Documents
Attachments: DaiDaviesFinalReport.docx; DAR MARRAKESH LICENSING MANAGEMENT PLAN.docx; Moulay Derissy Statement.docx; Zak Derissy Statement.docx

Dear Sue

I attach the following documents for inclusion in the report.

1. Dai Davies Final Report.
2. Management Plan (inc. Dispersal Policy).
3. Draft Statement for Moulay Derissy.
4. Draft Statement for Zak Derissy.

I will / have also send you the following further documents to go in the report:

1. Letters of Support.
2. Van Guardia Accoustic Report (sent).
3. Menus.
4. Email correspondence with 22 April 2015 timed at 18.35 from Nisar Khan (sent to you)

I assume you will include a street map in the bundle. I think if at all possible, it would be helpful to the committee if this was a large scale map which displayed nearby blocks of flats.

Kind regards

Howard Timms, Partner
Wainwright Timms LLP Solicitors
Tallis House
2 Tallis Street
London EC4Y 0AB
Tel: 02035894099
Email: howardtimmers@wainwrighttimms.com
Website: www.wainwrighttimms.com

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DAR MARRAKESH RESTAURANT AND BAR

422 EDGWARE RD LONDON W2.

Licensing Application to Increase Hours For Late Night Refreshment in Rear Garden and Remove Requirement to Use Toughened Glasses

INTRODUCTION

I David Seaborn Davies (DSD) was asked by Mr Zak Derissy the owner of the above premises to attend the premises and carry out an independent review of all matters pertaining to his application. In essence to demonstrate independently that the premises was well run and the management had the necessary skills to run such a venue with the extension. To evidence that his application was reasonable and compatible with the area the Dar Marrakesh is situated. In addition that the extension was in line and in accordance with the Licensing Objectives as contained in the Licensing Act 2003.

I agreed to attend the premises on two separate dates both Friday evenings namely the 13th of March 2015 and the 10th of April 2015. The times of my observation both of the premises and surrounding area were between the hours of 6pm and midnight.

Mr Derissy has applied to extend his hours of opening to midnight on Monday to Thursday and 2am on Friday and Saturday for Late Night Refreshment and back to midnight on a Sunday. He further wishes to remove the condition that the Garden Area be cleared by 11pm. Lastly he wishes to have removed the condition that toughened Glasses be used.

The Civil Procedures Rules Para 35 governs the appointment of "Expert Witnesses" and "Professional Assessors."

The principle duty of such witnesses is to provide accurate and truthful information to the hearing or Court proceedings. I am fully aware of this fact and made that clear to Mr Derissy before agreeing to undertake a review.

QUALIFICATIONS

My professional background is evidenced in Exhibit **DSD1**.

In summary I have 47 years policing and Security experience, I am the former Operational Head of Scotland Yard's Royalty Protection Command. Prior to that appointment I was Head of Operations for West London and also Commanded West London's Territorial Support Group. In my Police career I had extensive knowledge of Licensing and tackling violence and disorder in many different areas of London and the United Kingdom.

Since retirement I have had wide international experience in a range of policing, security and related matters. Licensing has continued to be an area where my advice and knowledge has been sought.

I am a Visiting Lecturer at Cardiff University and have been invited to apply for elevation to Professor, lecturing in Ethical Leadership and Motivation.

I am a regular contributor in the media speaking on Television, Radio and writing articles in National Newspapers. My subject areas include The British Royal Family, Policing, and Child Protection. I have recently retired as the Ambassador for the National Children's Charity Kidscape.

METHODOLOGY

On Friday the 13th of March 2015 at 6pm I attended the Dar Marrakesh in Edgware Rd W2 to meet Mr Zak Derissy, his staff and to assess the premises, location facilities and his customers. In addition during the course of the evening I visited surrounding streets and the other local licensed premises in an attempt to gain the wider picture.

The premises are situated on the busy Edgware Road and a narrow side road Boscobel Street runs along the side of the pub. This is an incredibly busy arterial two

way road into the area and provides access to literally hundreds of flats and other accommodation and facilities that are based in the neighbourhood. This road is the first right hand turn off the Edgware Road after the flyover and is very busy / in constant use throughout the day and night.

The purpose of this visit was to examine as thoroughly as possible whether the premises was complying with the Licensing Act 2003 and whether the application for extended hours was reasonable and proportionate to the management and the activity that the premises facilitated.

I examined the criteria as it would affect the four key elements central to any licensed premises. Namely:

- The Prevention of Crime and Disorder.
- Prevention of Public Nuisance.
- Public Safety.
- Protection of Children from Harm.

I thoroughly examined all areas of the public house and the “garden area” where the vast majority of the customers were, mainly smoking from Shisha pipes. I would estimate that at 6.30pm there were approximately 60 people in the garden area and about 10 people in the Pub section. There was a convivial attitude and without exception everyone was well behaved. The majority were not drinking alcohol but non alcoholic drinks. It was noticeable that over half of the customers were women.

I understand that a minor variation of the licence has recently been granted so as to permit the new canopy in the garden to remain in situ so I am satisfied that this canopy meets the requirements of the smoke free regulations. I gather that the style and size of canopy was agreed with Francis Keegan, Westminster Licensing Inspector before it was put up.

The level of noise and music inside the premises was reasonable and I went outside at least ten times during the course of the evening and night; the noise could hardly be heard even on the pavement right outside. Standing some 20 yards from the garden, I could not hear any voices from the garden, though this was possibly due to the constant traffic.

What was apparent was the noise of traffic, buses and the frequent sirens from emergency services. Boscobel Street is very busy (as is the Edgware Road) and the volume of traffic coming to and stopping outside a Pizza Takeaway and a very Popular Turkish Restaurant is considerable. The noise and traffic remained throughout the time that I was there – it was the same at midnight as it was at 6 p.m - I observed the premises from inside and outside for over 6 hours.

The customers without exception were well behaved. I saw some customers leaving by taxi and minicab, others must have been using the tube or buses. The end of the evening was well supervised and there was nothing to give rise to complaint. On both nights, the garden area was clear by 10,45pm. the pub area by 11.15pm. During the course of the evening I examined the local area by physically walking and entering various Licensed Premises. This included two public houses and several restaurants. All were serving alcohol in either pint glasses or with other glass receptacles. It was noticeable how many groups of young men were congregating near take away premises. Some were noisy and intimidating in both presence and attitude but I did not see anybody leave Dar Marrakesh and go to these places, nor did I see any of these people enter Dar Marrakesh.

PREMISES INSPECTION

In order to establish effective” Premises Supervision” I carried out an inspection in the presence of the DPS Mr Moulay Derissy of the following areas of importance to satisfy myself of the level of management and supervision needed if the various variations were to be granted.

I also reviewed the current premises licence to satisfy myself that all the conditions on the licence were being adhered to.

Key Areas

1. Location and Supervision of Entrance and Exits, fire escapes, security of doors. Security of Premises.
2. Camera Location and quality of images. The number of trained staff. Duration of recordkeeping.

3. Staff Numbers, supervision of Bar and Garden area.
4. Door supervision. Numbers and search procedure.
5. Dress Code ,Age Policy.
6. Drug Awareness , Drug Policy. Drug posters. Toilet checks.
7. Customer Profile ,
8. Knowledge of Licensing Act.,
9. Entry and Dispersal policy. Age Policy Over 21.
10. Notices re Customers respecting Neighbours.
11. Number of Incidents and Crimes reported.
12. Liaison Policy with Neighbours.
13. Police Liaison number of visits
14. Staff Training and record keeping. Occurrence register.
15. Complaints Register / Customer neighbourhood complaints policy.
16. Sound Proofing of Garden Area.
17. Fire and Hazard Training and Check
18. Glass and bottle collection
19. Bar Supervision. Management Structure.
20. Check of Premises licence conditions.
21. Smoke free area compliant with smoke free regs.

On this the first visit I carried out a thorough examination of all aspects pertaining to this application by spending six hours both inside and outside the premises. I paid particular attention to the alleged noise and the degree of supervision and capability of the staff and family who run the establishment.

The main area of business is without doubt carried out in the area described as the "Garden" where fairly affluent people smoke and drink non alcoholic drinks. The premises also sells food and appears to do a good trade in this area. The bar area is only a fraction of the business and a ratio of 15% in the Bar compared to 85% in the Garden on the night I was there.

In view of the pending application, I made several recommendations during my visit, as follows:

- Door supervisors should wear florescent yellow jackets and patrol outside when customers are leaving and during extended hours if granted, Customers leaving should only leave by the Edgware Rd entrance. Right hand side.
- Large Notice boards at exit points reminding customers to respect neighbours and keep quiet when leaving.
- That music is turned off every night at 23.30 hours.
- Enhanced training to all staff in the key areas of the Licensing Act. Training to be recorded. Training Manual to be established.
- A full 'Occurrence Book' is taken into use with all relevant factors recorded and signed off daily.
- Greater use of posters in toilets re potential drug misuse. Drugs are not perceived to be problem but preventative tactics are always wise in all licensed premises, even well run ones.
- Dispersal policy to be drawn up and adhered to as part of a Management Plan.
- No children to be allowed in the garden after 18.00 hours.

This visit terminated just after midnight I remained in the area overnight on the Edgware Road. This arterial Road seems to remain busy pretty much all of the time. I visited several local premises and a number of food outlets. One premises the Lord High Admiral had a number of drunken customers inside and outside. The level of reported crime at Dar Marrakesh is by any standards extremely low which is in my view testimony and evidence of the management style and close supervision.

DAR MARRAKESH SECOND VISIT

On Friday the 10th of April I returned to the premises arriving at 6.30pm, the visit was unannounced as far as the staff were concerned. I stayed in the vicinity until midnight again repeating my recognisance of the premises and the local environment.

Both the Bar area and the garden area were full. It was an extraordinarily warm evening for the time of year and the area was full inside. Also the garden has the benefit of patio heaters. The Edgware Road and Boscobel Street was also busy with pedestrian and vehicle traffic. The noise from the garden was listened to on at least six different occasions during the night. It was not in any way excessive or likely to cause a nuisance to anyone.

On this visit I again interviewed the DPS Mr Derissy (a former Special constable in the Metropolitan Police) this time to carry out a structured thematic check. I used a document entitled Licensed Premises "Good Practice Guidelines" this document provides a RISK and Good Measures guide in respect of the Four Licensing Objectives.

From the answers given, and my observation I am again satisfied the Management of these premises are in good hands and that Mr Derissy and his team are now fully conversant with the Licensing Objectives, the Law and the application of common sense and responsibility necessary to ensure good order.

The Dar Marrakesh customers were well behaved with large numbers of women arriving and departing. All left quietly without any disturbance. I observed two customers getting into a car parked outside, the rest left on foot or got into taxis in the Edgware Road.

This premises is more akin to a restaurant with a bar area, the main emphasis of customers is on food and smoking not drinking which eases the problems possibly anticipated as customers can be advised quietly but firmly of the need to leave quietly.

The issue of parking is not a big issue for the Dar Marrakesh as most customers did not arrive by car. However there are numerous other food outlets and restaurants where customers do leave cars in surrounding streets and may cause problems. However Hatton Street during my visit was full of residential parking, There is a restriction of parking until 10pm for non residents.

Boscobel Street does have some restricted parking, it is narrow and remains extremely noisy throughout the evening, Many, many vehicles come and try and park

near the Diarbakirlal Turkish Restaurant and this does cause problems as does the Pizza Take Away which allegedly had been operating until 4am until recent Westminster Council Action.

CONCLUSION

On the evidence I have seen and with the actions I have advised, I am confident that the extension of hours can be allowed providing the assurances that I have received can be delivered and maintained. I am also confident that allowing non-toughened glasses to be used will not be a problem. I now understand that the police have withdrawn their objection to this part of the application on the basis that two SIA doorstaff are employed on Fridays and Saturdays after 20.00 hours, which is sensible. In addition the premises will have one SIA doorstaff present from 20.00 hours on Sunday to Thursday inclusive. There is no application to extend the hours for alcohol and the current condition re: toughened glasses as drafted is almost certainly unenforceable in any event.

Some of the allegations made by residents do lack credibility particularly the allegation of crime being enhanced i.e. the danger to employees leaving late. The presence of SIA doorstaff should make the area safer for employees and residents alike.

I am particularly impressed with the condition offered by the applicants as follows:
"No use of interior of premises by patrons after 23.30 hours Sunday to Thursday and 00.00 hours on Fridays and Saturdays, save for access and egress of the premises and to use the toilets."

This condition in conjunction with the condition requiring patrons to use the door leading on to Edgware Road means that all patrons departing after 23.30 hours have to go through the inside of the pub where no licensable activities are taking place before they leave the premises. This means that staff can speak to departing customers before they leave the premises in order to remind them of the need to be quiet outside. It also provides a quiet area where people can wait for taxis. The fact

that the exit door is on the corner of Edgware Road and Boscobel Street means that one of the SIA staff can be placed in a position outside where he or she can see down both roads to check that customers are leaving quietly, though from what I could see almost all customers will leave via Edgware Road.

If the Management continue to maintain their current high standards, then I am confident that with appropriate conditions and continued support they can be trusted to keep good order and provide a facility people enjoy without affecting the peace and tranquillity of others.

David Seaborn Davies

DAR MARRAKESH LICENSING MANAGEMENT PLAN / DISPERSAL POLICY

Premises Licence:

This document is to be read in conjunction with the current premises licence. All staff should familiarise themselves with the licence and all of the conditions on it.

Other Policies:

Staff should also familiarise themselves with regard to our health and safety policies, fire safety risk assessments, first aid policy, pre-opening check-list, "Good Practice Guidelines", drug policies, CCTV usage, e.t.c.

OTHER KEY POINTS:

Admission:

All customers to be smartly dressed, no entry to under 18's after 18.00 hours.

Security:

After 20.00 hours, one SIA doorstaff to be engaged Sunday to Thursday and two SIA doorstaff to be engaged after that time on Fridays and Saturdays.

Drugs:

We operate a zero tolerance policy with regard to all forms of illegal drugs.

Challenge 25:

We operate Challenge 25 which means that anyone who looks as if they could be under 25 years old must provide suitable ID if they want to buy alcohol.

Occurrence Book:

This is to be filled in daily whether or not anything of note needs to be recorded.

Noise Nuisance:

Our licence is our business. Any risk of noise nuisance of any kind but particularly from patrons must be avoided at all costs.

All staff to be vigilant at all times regarding customer noise in the garden. Anybody making too much noise to be asked to leave immediately.

Notices to be placed in the garden asking patrons to be quiet.

No alcohol to be served in the garden (or elsewhere) after 23.30 Monday to Thursday, 22.30 on Sundays or midnight on Fridays or Saturdays.

Recorded music to be turned off at 23.30 on all evenings at the latest.

To ensure that customers leave in an orderly and quiet fashion the following policy will be adhered to:

Dispersal Policy:

1. At least one SIA door supervisor will be located at the Edgware Road entrance in order to ensure customers departing via either Edgware Road or Boscobel Street are supervised at all times after 8 p.m.
2. Customers will be encouraged to leave via taxi or mini-cab which will be pre-booked inside the premises. Once the taxi arrives, the customers will be escorted from the premises to the taxis. Taxis and minicabs to collect from Edgware Road not Boscobel Street and not to use horn on arrival - liaison with local firms. If black cabs are used, staff to hail them.
3. Door supervisors to wear yellow florescent jackets to identify themselves as Dar Marrakesh security.
4. Large notices to be placed near the exit reminding customers of the need to leave quietly.
5. Customers waiting for taxis who have finished their refreshment in the garden to wait inside the premises.
6. Staff to be aware of nightbus times, stops and routes - the N16 departs every 20 minutes. Wherever possible, staff will use the London Transport text service to advise customers when buses are coming so that they are waiting at the stop for the minimum amount of time.
7. Staff to be aware of latest Edgware Road trains -
Circle Line 00.00 West 00.23 East
H & C 00.43 West 00.42 East
District 00.20 West (East last stop).
8. Music turned off at 23.30 hours every night.

9. Records to be kept of all staff trained in this dispersal policy.
10. Restriction on entry one hour before closing.
11. Patrons to depart in small groups.
12. The inside of the premises not to be used for licensable activities after 23.20 hours Sunday to Thursday or midnight on Fridays and Saturdays so as to create a quiet zone for patrons departing the garden to pass through before exiting the premises.
13. Resident's hotline telephone number to be manned throughout the evening hours of operation.
14. Access and egress by patrons to be only through the Edgware Road doorway save in the case of emergency.

STATEMENT OF ZAKARIAH DERISSY:

I am the owner of the business known as "Dar Marrakesh" and the Premises Licence Holder.

I am 58 years old and originally from Morocco. I have had a varied business career and took over the pub known as the Portman Arms on the Edgware Road a few years ago. At that time, it was an Irish pub but unfortunately its trade was falling away and there had been problems at the premises to the extent that the police saw fit to ask for a condition requiring toughened glasses to be used at the premises.

I realised that the venue was never going to be a successful business as a normal pub and set about making it into an upmarket Moroccan bar / restaurant with shisha smoking in the garden. This was clearly the right move as it has become a popular venue with regular repeat customers - we know most of our customers, many of whom come from the locality. Some are Moroccan but many are local English people who enjoy our different cuisine and like to try smoking shisha.

I brought my two sons (one of who was a Special Constable) into the business and Moulay obtained a personal licence and became the DPS.

Generally, we did not attract complaints or problems with the licensing authorities.

Some time last year, a new licensing inspector, Francis Keegan took over. He pointed out his opinion that we needed a new smoking canopy in order to make it compliant with the smoke free regulations. The previous inspector had never mentioned this before but I realised that the only way forward was to work with Mr.Keegan rather than against him and therefore I arranged for a new canopy to be put up in accordance with the plan he had drawn out.

Some of our customers complained at having to drink from toughened glasses - we like to serve good wine and it does not taste the same from toughened glasses as from normal glasses; the same applies to hot drinks such as mint tea. We simply do not have problems with violence at the premises and in any event we employ doorstaff who would take care of any problems in the highly unlikely event of any problems. Therefore we have applied to be able to use non-toughened glasses and I am pleased to see that the police have agreed to this.

Our customers also asked to be able to stay in the garden a little later, especially on Friday and Saturday evenings. This would help our business very considerably. I realised that this would take careful management but given the fact that we are in a very noisy area due to the traffic, did not see that this would be a problem. I recognised the need to engage the services of acoustic consultants and a top security / licensing professional as I was anxious to ensure that we did everything absolutely correctly.

I notice that nobody living in the large block of flats behind the garden or to the side of us on Edgware Road has objected to the application.

We have asked nearby neighbours for letters of support for our application and I am very pleased to say that they have provided them.

I would be happy to show the committee my food and shisha menus.

DAR MARRAKESH LICENSING MANAGEMENT PLAN / DISPERSAL POLICY

Premises Licence:

This document is to be read in conjunction with the current premises licence. All staff should familiarise themselves with the licence and all of the conditions on it.

Other Policies:

Staff should also familiarise themselves with regard to our health and safety policies, fire safety risk assessments, first aid policy, pre-opening check-list, "Good Practice Guidelines", drug policies, CCTV usage, e.t.c.

OTHER KEY POINTS:

Admission:

All customers to be smartly dressed, no entry to under 18's after 18.00 hours.

Security:

After 20.00 hours, one SIA doorstaff to be engaged Sunday to Thursday and two SIA doorstaff to be engaged after that time on Fridays and Saturdays.

Drugs:

We operate a zero tolerance policy with regard to all forms of illegal drugs.

Challenge 25:

We operate Challenge 25 which means that anyone who looks as if they could be under 25 years old must provide suitable ID if they want to buy alcohol.

Occurrence Book:

This is to be filled in daily whether or not anything of note needs to be recorded.

Noise Nuisance:

Our licence is our business. Any risk of noise nuisance of any kind but particularly from patrons must be avoided at all costs.

All staff to be vigilant at all times regarding customer noise in the garden. Anybody making too much noise to be asked to leave immediately.

Notices to be placed in the garden asking patrons to be quiet.

No alcohol to be served in the garden (or elsewhere) after 23.30 Monday to Thursday, 22.30 on Sundays or midnight on Fridays or Saturdays.

Recorded music to be turned off at 23.30 on all evenings at the latest.

To ensure that customers leave in an orderly and quiet fashion the following policy will be adhered to:

Dispersal Policy:

1. At least one SIA door supervisor will be located at the Edgware Road entrance in order to ensure customers departing via either Edgware Road or Boscobel Street are supervised at all times after 8 p.m.
2. Customers will be encouraged to leave via taxi or mini-cab which will be pre-booked inside the premises. Once the taxi arrives, the customers will be escorted from the premises to the taxis. Taxis and minicabs to collect from Edgware Road not Boscobel Street and not to use horn on arrival - liaison with local firms. If black cabs are used, staff to hail them.
3. Door supervisors to wear yellow florescent jackets to identify themselves as Dar Marrakesh security.
4. Large notices to be placed near the exit reminding customers of the need to leave quietly.
5. Customers waiting for taxis who have finished their refreshment in the garden to wait inside the premises.
6. Staff to be aware of nightbus times, stops and routes - the N16 departs every 20 minutes. Wherever possible, staff will use the London Transport text service to advise customers when buses are coming so that they are waiting at the stop for the minimum amount of time.
7. Staff to be aware of latest Edgware Road trains -
Circle Line 00.00 West 00.23 East
H & C 00.43 West 00.42 East
District 00.20 West (East last stop).
8. Music turned off at 23.30 hours every night.

9. Records to be kept of all staff trained in this dispersal policy.
10. Restriction on entry one hour before closing.
11. Patrons to depart in small groups.
12. The inside of the premises not to be used for licensable activities after 23.20 hours Sunday to Thursday or midnight on Fridays and Saturdays so as to create a quiet zone for patrons departing the garden to pass through before exiting the premises.
13. Resident's hotline telephone number to be manned throughout the evening hours of operation.
14. Access and egress by patrons to be only through the Edgware Road doorway save in the case of emergency.

STATEMENT OF MOULAY DERISSY:

I am the son of the owner of the business known as "Dar Marrakesh" and the DPS. My brother also works in this family business.

I repeat and endorse everything which my father, Zakariah, says in his statement.

I have been a Special Constable and therefore believe that I am well placed to understand the concerns of the police and licensing authority.

With regard to the "toughened glasses" condition, in fact the last time our licence was printed, this condition was somehow missed off and we have been advised that it would be difficult to enforce against us as it is badly drafted but we still recognise the need to do things properly and therefore have applied to have it removed. I am pleased that the police have endorsed that application. They have asked us to have two SIA staff on duty from 8 p.m. on Fridays and Saturdays and we are happy to comply with that request. We also have an SIA staff member on duty from 8 p.m. on other nights of the week.

Since we took over the premises (which used to be known as the Portman Arms) a few years ago, we have turned it into an upmarket Moroccan bar restaurant with shisha smoking. Shisha smoking is the one thing which makes our business unique and in fact makes it viable; we spend a small fortune on gas for patio heaters every year but it is worth it as that is what our customers want. However trade is not very easy and there is a real demand for customers to be able to stay in the garden a little later into the evening.

We do believe that we have turned a rough pub into a desirable venue in the locality and this is borne out by the low number of residential objections we have had to the application and the support we have received for it.

Together with Dai Davies, I have been involved in developing our management and dispersal policy. I recognise that if this application is to succeed, it is paramount that there are no noise nuisance problems from the garden or from departing patrons.

Fortunately we do attract a great deal of regular customers. They are generally relatively affluent and well behaved people who do not want to cause trouble. Many are local. We are already vigilant about the risk of noise nuisance and if we are able to operate outside to a later hour, no doubt it will be doubly important to ensure that neighbours are not disturbed by people in our garden. Although we are in a noisy area, we will continue to operate regular checks outside the garden wall and upstairs throughout the evening to ensure that noise in the garden is not a nuisance to others.

As it happens, shisha smoking is a relatively quiet affair in any event. Our prices are high and people like to savour their smoking, whilst enjoying soft drinks and food. The absence of alcohol during the later hours is important as people who are not drinking alcohol are so much less likely to cause disturbance, not that our clientele are the sort of people who would anyway.

Since lodging the licence variation application, I have decided to offer some further conditions:

1. Two SIA staff to be engaged at the premises after 8 p.m. on Fridays and Saturdays and one SIA staff to be engaged at the premises after 8 p.m. Sunday to Thursday inclusive.

2. Recorded music to be turned off at 23.30 hours.
3. To operate a dispersal policy as part of the management plan.
4. No children in the garden after 18.00 hours.

I may wish to expand on this statement at the hearing.

I very much hope that the committee will see fit to grant our application.

MOULAY DERISSY

Patterson, Susan

From: Howard Timms <howardtimmers@wainwrighttimms.com>
Sent: 05 May 2015 23:36
To: Patterson, Susan
Cc: Sarah Le Fevre
Subject: Dar Marrakesh - Letters of Support
Attachments: CCF05052015.pdf; CCF05052015_2.pdf; CCF05052015_3.pdf; CCF05052015_4.pdf; CCF05052015_5.pdf; CCF05052015_6.pdf; CCF05052015_7.pdf

Dear Sue

Further to my previous email, please enclose the attached letters of support in the report.

I look forward to receiving the report.

Regards

Howard Timms, Partner
Wainwright Timms LLP Solicitors
Tallis House
2 Tallis Street
London EC4Y 0AB
Tel: 02035894099
Email: howardtimmers@wainwrighttimms.com
Website: www.wainwrighttimms.com

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Any advice contained herein must be considered in the context of the instructions given and no liability or responsibility can be accepted by us for any loss arising or resulting from the reliance upon the contents hereof by any party other than the addressee.

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My name is Syed Aziz, I have been living at my address for 3 years now. I am in support for Dar Marrakesh extending there hours as I have been living upstairs for a long time and have never had an issue with the bar or garden area. The place is very nice and the family who own it are very kind and considerate.

Sincerely Syed Aziz

422 Edgware Road, W2 1EG

Syed.A

I Don't mind if Dar Marrakesh opens to Zam on Friday and Saturday and 12 at night Sunday to Thursday. I have been at the address for a year now and even though I sleep early because I work early mornings I have never lost a wink of sleep. The customers who come there are mature and look well to do which is nice. I wish them all the best, Mr Zak and his wife and all his family.

Many thanks,

Mohammed Chihab

422 Edgware Road, W2 1EG

M.C

To whom this may concern,

I am a resident of 422 Edgware Road W2 1EG and have been living above dar marrakesh for more then 2 years. I also previously worked there as a bartender. I am very happy for Mr zakaria and his family to be awarded an extension of there hours in the garden to midnight on weekdays and 2am on weekends because they manage the place very well and have never been bothered by there noise levels even when they have been open really late during temporary event notices over the years. Also because the place feels more like a restaurant then a pub you don't get any anti social behaviour or drunkenness as you would expect in a traditional pub.

Kind regards,

Radu Ciobanu

422 Edgware Road, W2 1EG

A handwritten signature in cursive script, appearing to read 'R. Ciobanu', is written in dark ink on the page.

To whom this may concern,

I am writing in regards to Dar Marrakesh
422 Edgware Road W2 1EG. Since its opening
it has had nothing but a positive effect to
our community. As the old pub there was lots of
trouble and noise coming from the pub. It is now a
relaxed and safe environment for even me to visit. They
have security everyday who make sure it is a safe place
I'm happy to support Dar Marrakesh in what ever
way I can.

Kind regards,

Asma Saad

17 MORDEEN House
NW1 6NR

07810470720

To whom this may concern

I am writing in regards to Dar Marrakesh
422 edgware road W2 1EG. upon opening this establishment
has been a pillar of the local area. It is a
very welcoming place for all types of people & is
one of the most multi-cultural places I've been to.
The staff are extremely friendly & the environment
feels very safe, with security always visible & friendly.
I am more than happy to support Dar marrakesh
in whatever capacity I can.

Regards

Aminah AZIM

30 Stottingham Hoe-SE

NW1 5NY

To whom this may concern

I'm writing in regards to Dar Manakesh.
I was not a very socialable person, when entering Dar
Manakesh the friendly & polite environment made
me feel right at home. I have made many
acquaintances whom I consider friends now,
from many different backgrounds. Everyone from security,
waiters, Bar tender & manager make me feel welcome
& I'm sure I can speak for everyone else who
comes here as customers. That this place is very
respectful & welcoming, not to mention safe. I
have never encountered any trouble.
This is confirmation of my support for Dar manakesh.

Regards.

Acuti ~~ASAA~~

FUT 52 BREW with 101'ru
London W 2 1LR

07728447601

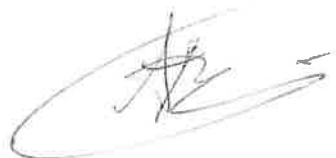
To whom this may concern

I am writing in regards to supporting Dar manakesh
422 edgware road W2 1EA. Since opening I have
been a customer that's been very satisfied with
with how its transformed the local area.
People who once intimidated me are now people
I socialise with at Dar manakesh. The friendly
environment & welcoming staff make this place
a brilliant establishment where people of all
backgrounds can interact & get along. The visible
~~the~~ security always makes this place safe ^{when} coming
& leaving the premises.

Regards.

Helen Wintana

Flat 4
Weyhouse
London NW8 5PY



Patterson, Susan

From: Lewis, Bryan
Sent: 06 May 2015 09:56
To: Stephen Thomas
Cc: Patterson, Susan; Premises Licensing
Subject: RE: Application 15/01360/LIPN - Piccadily Hotel, Shaftesbury Ave, Conditions.docx

OK thanks, Police objection withdrawn

Bryan

-----Original Message-----

From: Stephen Thomas [mailto:st@stephenthomaslaw.co.uk]
Sent: 05 May 2015 17:16
To: Lewis, Bryan
Cc: Drayan, Anil; Premises Licensing; Patterson, Susan
Subject: RE: Application 15/01360/LIPN - Piccadily Hotel, Shaftesbury Ave, Conditions.docx
Importance: High

Dear Bryan,

Thank you for the application. In these circumstances I am instructed to agree the conditions in their entirety. I have copied in licensing. Can you confirm that the police objection is now withdrawn,

Kind Regards,
Stephen

Stephen Thomas LAW
T. 01732 321114 M. 07774 612651 F. 01732 321078 e-mail st@stephenthomaslaw.co.uk
website: stephenthomaslaw.co.uk
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-----Original Message-----

From: Lewis, Bryan [mailto:blewis1@westminster.gov.uk]
Sent: 05 May 2015 11:39
To: Stephen Thomas
Cc: Drayan, Anil; Premises Licensing; Patterson, Susan
Subject: RE: Application 15/01360/LIPN - Piccadily Hotel, Shaftesbury Ave, Conditions.docx

Stephen

This premises in heart of the stress area. The concierge would be expected to act as security in the event of an intoxicated person attempting to gain entry, if an ejection has to be undertaken or to prevent access to possible theft suspects. It is therefore essential that the concierge is licensed SIA. Most prominent hotels in Westminster already deploy licensed security, either in-house or contracted-in. I am not asking for anything unusual or disproportionate. Two months is not acceptable, the training course is usually no longer than a week. As a matter of interest current training also covers dealing with vulnerable persons, child exploitation, restraint training etc. In short I not able to compromise on this matter, as I have on other conditions proposed.

regards

Bryan Lewis PC4161CW
Westminster Police Licensing Team
Westminster City Hall
4th Floor, 64 Victoria Street
London SW1E 6QP
0207 641 3347

-----Original Message-----

From: Stephen Thomas [mailto:st@stephentomaslaw.co.uk]
Sent: 05 May 2015 09:09
To: Lewis, Bryan; Drayan, Anil
Cc: Watson, Ian; Patterson, Susan
Subject: Application 15/01360/LIPN - Piccadily Hotel, Shaftesbury Ave, Conditions.docx
Importance: High

Dear Bryan,

I have now heard from my client who has been on leave. The conditions proposed are accepted subject to one practical rider. John advises we have no SIA security staff.

It will take a little time to book staff into a course bearing in mind that we have to arrange sufficient courses for staff to provide full cover.

Bryan would you be prepared to agree a period of grace for SIA accreditation - not sure what period should be but would 2 months from grant of licence be acceptable?

Alternatively, given that this is a hotel where we have a concierge on duty 24 hours is there a proportionate need for the staff to be SIA registered?

I look forward to hearing from you.

Kind Regards,
Stephen

Stephen Thomas LAW
T. 01732 321114 M. 07774 612651 F. 01732 321078 e-mail st@stephentomaslaw.co.uk
website: stephentomaslaw.co.uk
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City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

14/08715/LIPVM

Original Reference:

05/10547/LIPC

Part 1 – Premises details

Postal address of premises:

Dar Marrakesh
422 Edgware Road
London
W2 1EG

Telephone Number: Not supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Performance of Live Music

Monday to Thursday: 09:00 to 23:30
Friday to Saturday: 09:00 to 00:00
Sunday: 09:00 to 22:30

Playing of Recorded Music

Unrestricted

Anything of a similar description to Live Music, Recorded Music or Performance of Dance

Monday to Thursday: 09:00 to 23:30
Friday to Saturday: 09:00 to 00:00
Sunday: 09:00 to 22:30

Late Night Refreshment

Monday to Thursday: 23:00 to 23:30
Friday to Saturday: 23:00 to 00:00

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted

Sale by Retail of Alcohol

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30

For times authorised for New Year see conditions at Annex 1 & 3

The opening hours of the premises:

Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 00:00
Sunday:	09:00 to 23:00

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

Alcohol is supplied for consumption both on and off the Premises.

Part 2

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

Mr Zakariah Derissy
422 Edgware Road
London
W2 1EG

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

Not applicable

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

Name: Moulay Mahdi Abdellah Derissy

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

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

Licence Number: 614842
Licensing Authority: London Borough Of Brent

Date: 29 October 2014

This licence has been authorised by Ryan Peermamode on behalf of the Operational Director - Premises Management.

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

- 8. (i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (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.
- (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.
- (iv) (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

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

Annex 2 – Conditions consistent with the operating Schedule

10. There shall be no entry to the premises one hour before the end of all licensable activities.
11. No adult entertainment paid for by the company of a nude physical nature shall be permitted on the premises.
12. There shall be no promotions that encourage illegal, irresponsible or immoderate consumption of alcohol.
13. Free drinking water shall be available to all customers.
14. Notices shall be displayed around the premises asking patrons to leave quietly.
15. Deliveries shall be conducted during daytime to control noise nuisance.

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

16. Alcohol may be sold or supplied:
- (a) On Monday to Thursday, 10:00 to 23:30
 - (b) On Friday and Saturday, 10:00 to 00:00
 - (c) On Sundays, 12:00 to 22:30
 - (d) 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).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes 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.

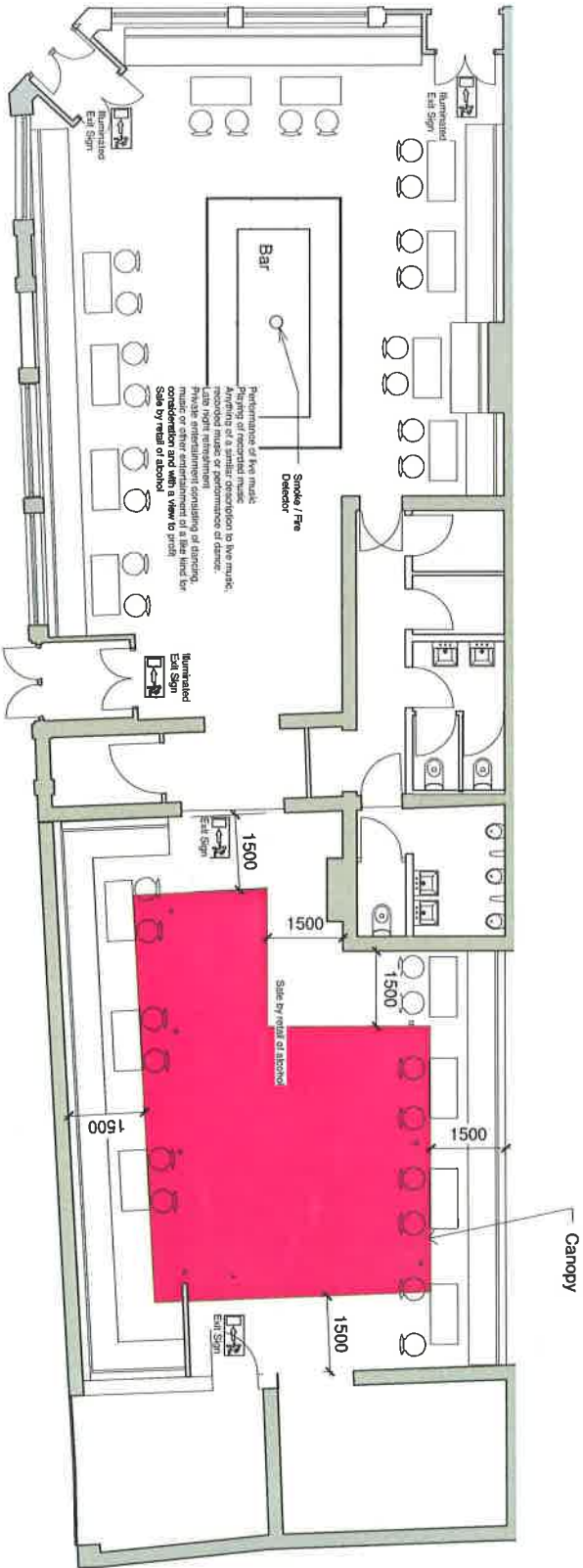
In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

17. All persons under 18 years of age to be off the premises by 21:00 hours unless accompanied by an adult and partaking in a table meal.
18. The premises will maintain a comprehensive CCTV system that ensures all areas of the licensed premises are monitored including all entry and exit points, the street environment and which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping.
- (i) Tape recordings shall be made available to an authorised officer or a police officer together with facilities for viewing.
 - (ii) The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice (subject to the Data Protection Act 1998).
19. Noise and vibration will not be allowed to emanate from the premises so as to cause a nuisance to nearby property.
20. The external doors and windows shall be kept closed after 23:00 except for immediate access and egress of persons.
21. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

22. No rubbish including bottles will be moved, removed or placed outside between 23:00 hours and 07:00 hours.
23. A sound limiting device shall be located in a separate and remote lockable cabin form the volume control and must be fitted to the musical amplification system to be set at a level determined by and to the satisfaction of an authorised officer of the environmental health services community protection department to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of an officer from the environmental health service. The keys securing 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.
24. No alteration or any modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the environmental health services.
25. There are to be no more than two live musicians at any one time.
26. The beer garden is to be cleared of patrons by 23:00.
27. The inner door and all windows at the premises are to be kept closed at all times when licensable activities are taking place.
28. When a customer chooses to pay by credit/debit card, he/she shall be presented with an itemised bill upon final payment showing details of all drinks and food purchased.

Annex 4 – Plans

Attached



Rev	Date	Comments	By	Chk
			0	5
				10 m

Arta Architectural

A Chartered Architectural Practice
 Portland House
 51 Colney Hatch Lane
 Muswell Hill
 London
 N10 1LJ

e: info@arta-architectural.com
 w: www.arta-architectural.com
 t: 0845 299 3402
 f: 020 8 883 9904

Licensing Plan

Scale As indicated
 Issued May 2014



Client **Mr Z Derissey**
 Project **Bar Marrakesh**
 422 Edgware Road
 W2 1EG
 Drawing No. **BAR Ca 01 B**

TO Miss Susan Patterson
REFERENCE 15/00928/LIPV

FROM EH Consultation Team, 4th Floor, City Hall
REFERENCE 15/004698/EHCT
BEING DEALT WITH BY Anil Drayan
TELEPHONE EXT. 1774
DATE 26 February 2015

DAR MARRAKESH, 422 EDGWARE ROAD, LONDON, W2 1EG

I refer to the application for a variation of the Premises Licence for the above premises.

The applicant is seeking the following variation to licensing activities:

1. To extend the terminal hour to midnight for Late Night Refreshment in the garden only on Monday to Thursday evenings and to 02.00 on Friday and Saturday evenings and thereby remove condition 26 - "the beer garden is to be cleared of patrons after 23.00".
2. To apply for Late Night Refreshment on Sundays until 23.30 inside the premises and till midnight in the garden.
3. To remove the condition on the licence which states: "Toughened drinking glasses shall be used in the premises".

I wish to raise following representations:

1. The proposed extension of the terminal hour for Late Night Refreshment in the garden may have the likely effect of causing an increase in Public Nuisance in the area.
2. The proposed request for Late Night Refreshment on Sunday may have the likely effect of causing an increase in Public Nuisance in the area and may adversely impact on Public Safety.
3. The proposed request for the removal of condition relating to 'Toughened drinking glasses' may adversely impact on Public Safety

The premises have been the subject of visits by licensing inspectors for nuisance and other complaints and further details on these shall be provided in due course..

Additional conditions and undertakings have been offered in the operating schedule in mitigation of the proposed variation but these are considered to be insufficient to allay Environmental Health concerns.

The applicant is therefore requested to contact the undersigned to arrange a site visit and to discuss these issues.

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

Anil Drayan
Environmental Health Officer
Environmental Health Consultation Team

Patterson, Susan

From: Janes, Toby
Sent: 25 February 2015 09:39
To: howardtimms@wainwrighttimms.com
Cc: idoxlicensing; Patterson, Susan
Subject: Application 15/00928/LIPV - Dar Marrakesh, 422 Edgware Road, W2

Dear Sir,

Application 15/00928/LIPV – Dar Marrakesh, 422 Edgware Road, W2

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application as it is our belief that if granted the application would undermine the Licensing Objectives.

I will be in contact with you shortly to discuss the application. However it is for the applicant to prove that this application will not add to the cumulative impact problems already experienced in this area.

Should you wish to discuss the matter further please contact me on **0207 641 3179** or via email, tjanes@westminster.gov.uk

Yours sincerely,

Toby Janes

PC Toby JANES 1275CW
Westminster Police Licensing Team
4th Floor, 64 Victoria Street,
LONDON, SW1E 6QP
Tel: 0207 641 3179

Details of public representations relating to 15/00928/LIPV

Comments received electronically via PublicAccess:

- **Stephen Fletcher - 9 The Old Aeroworks, 17 Hatton Street, LONDON**
Received: 22 Feb 2015
OBJECTION

I reside in (and am the owner of) a third floor flat at The Old Aeroworks, 17 Hatton Street, which overlooks the rear of the Dar Marrakech bar.

We already suffer from late-night noise (banging of car doors/raised voices etc) shortly after closing-time, particularly at weekends. Extending the opening hours is only likely to interrupt residents' sleep even more. I therefore strongly object to this application.

- **N Schoerner - 19 Hatton Street, London , NW8 8PI**
Received: 6 Mar 2015
OBJECTION

I am a neighbour of the above mentioned premises.

In my opinion, if the extension to their licensing hours goes ahead it will be an increased disturbance and hence problematic for residents.

I don't think the issue is necessarily noise coming from their garden etc. - but it will arise from customers parking nearby, playing car stereos and "hanging out" when they leave at night, once the place is closed (which is already an issue with current hours). I don't think that the owners are able to police that sort of behaviour.

- **James Ankerson - The Old Aeroworks, 17 Hatton Street,**
Received: 2 Mar 2015
OBJECTION

I have been informed that Dar Marrakech on the Edgware Road has applied for a later opening times and later closing of the garden

Dar Marrakesh 422 Edgware Road London W2 1EG 05/02/2015 Variation Premises Licence 15/00928/LIPV To extend the terminal hour to midnight for Late Night Refreshment in the garden only on Monday to Thursday evenings and to 02.00 on Friday and Saturday evenings. To apply for Late Night Refreshment on Sundays until 23.30 inside the premises and till midnight in the garden. To extend the terminal hour for opening of the premises till midnight from Sunday to Thursday and 0200 on Friday and Saturday evenings. To remove condition 26 - "the beer garden is to be cleared of patrons after 23.00". To remove the condition on the licence which states: "Toughened drinking glasses shall be used in the premises". Please note there is no application to extend the terminal hour for alcohol sales or music of any kind. 08/03/2015

I am a resident of The Old Aeroworks, 17 Hatton Street, directly behind Dar Marrakech. I would like to object to this application. The streets are already clogged around Hatton Street making it near impossible to park and this will increase this issue. Also it is a residential area, the bar backs directly onto housing and later night opening will present a noise issue.

- **Mr Nigel Smith - Upper Flat, 125 Boscobel Street, NW8 8PS**

Received:

Until very recently, the pub normally took an hour or more after official closing time to empty and even those customers who left relatively quietly were causing sufficient disturbance until after 12.00, 1.00 or 2.00 am to wake people up. Even after the doors were shut, gangs of noisy, sometimes rowdy people would arrive, particularly on Friday and Saturday nights, knocking on the doors to try and get access, sometimes with success. My lodger, Ms Piancek complained to both the Police and the Noise Team on different issues several times but as most of these individual nuisances are over within twenty minutes, this is to little effect. Finally, the Dar Marrakesh staff have habitually taken the empties out at these times, against a condition of their licence and this is also noisy.

Though I accept the application does not include an extension of alcohol availability and there has been a greater observance of the existing licence since this application has been made, I contend that the Dar Marrakesh practice of consideration for residents has not been impressive generally and that in any case, even moderate behaviour from its customers would still cause a nuisance at these later times. Apart from my immediate neighbours, the pub and street is overlooked by Mole and Westmacott houses, both five-storey blocks occupied mostly by families, many with young children who will be similarly disturbed. Therefore I request that the Dar Marrakesh should recognise that this is a residential, not a trading street and that the present opening hours are the maximum that are conducive to our reasonable comfort and peace and quiet.

*Yours faithfully,
Nigel Smith*

PS I would like an email confirmation that this has been received please.

- **Glenys Arthur - 131 Morris House, Salisbury St , NW8 8QD**

Received: 6 Mar 2015

OBJECTION

The Church Street Ward Planning & Licensing Group wishes to object strongly to the proposed extension of trading hours. This establishment is in a crowded residential area and, despite the claims that there are no requests for extended use of music or alcohol sales, the inevitable disturbance from entry or departure of customers either on foot or in cars at these proposed late hours will seriously interfere with the peace and quiet of the many families in the surrounding flats. You will no doubt know that individual local residents have already voiced their concern. We would ask that serious consideration be given to the above objection as the wellbeing of families in this crowded area of the ward should not be sacrificed for projected commercial gain.

*Glenys Arthur
Chair: Church Street Ward Planning & Licensing Group*

131 Morris House, Salisbury St NW8 8QD

- **Mohammed Belayet Hussain - 9 Mole House, London , NW88HG**

Received: 6 Mar 2015

OBJECTION

Sub: Complain about extending opening hour of Dar Marakash, 422 Edgware Road London W2 1EG for late night refreshment

I Mohammed Belayet Hussain of 9 Mole House and my family are against the extending hour of above Premises, because it is very close of us and all night people are shout and fight in the street. When they see police car coming towards them then they change their attitude as a result I think police do not take action against them. If the above premises extend their opening time then people will gather and fight and they might carry alcohol with them and drink in the street , because now a days I saw after closing time of above premises people drink in street that drink they carry themselves.

As a result we are against extending hour for late refreshment of the above premises, we have children to go to school early morning and they have to sleep. Also some elderly people live in this building they have to sleep as-well.

There for I hope that you will not allow them extending hour of business of Dar Marakash and thus oblige

- **Mr Mike Stowell - Farrells, 7 Hatton Street , London**
Received: 23 Feb 2015
OBJECTION

I am the Managing Partner at Farrells - an international architect-planners practice. Our offices are located at 7 Hatton Street, London NW8 8PL. I am particularly concerned about our staff, many of whom work late and may experience a rise in noise levels with late night customers visiting the bar, which will be a nuisance whilst they are trying to work. I also have concerns for the safety of our female employees leaving late in the evening.

Comments received via other means:

- **Mr Nasir Khan - 6 Windrush House, London, NW8 8HE**
Received: 13 Feb 2015 by Interested Party
OBJECTION
- **Toby Woffenden - Flat 3, 95 Frampton Street, London, NW8 8NA**
Received: 3 Mar 2015 by Interested Party
OBJECTION
- **Miles Barbar - The Old Aeroworks Management Ltd, 15 The Old Aeroworks , 17 Hatton Street**
Received: 19 Feb 2015 by Interested Party
OBJECTION
- **Terry Farrell - Sir Terry Farrell CBE, Principal, Farrells**
Received: 20 Feb 2015 by Interested Party
OBJECTION

- **Nia Morris - Flat 3 The Old Aeroworks, 17 Hatton Street,**
Received: 20 Feb 2015 by Interested Party
OBJECTION

Patterson, Susan

From: Nisar Khan <rosemnk@googlemail.com>
Sent: 13 February 2015 14:39
To: Premises Licensing
Subject: complaint against the dar marakash 422 edgware road london w2 1eg

this is to inform you that dar marakash already making disturbances in the area in afternoon and evenings. druken peoples roming around shouting, swearing, singing till 0300 hours. the whole flates in surrounding areas can,t sleep at all. framton st and bascobell st full with cars. traffic james always. if you extend their licence further there will be more problums in the area. therefore requested not to accept their lincence. thanks
best regards.

sinslerly yours
nisar khan
6 windrush house
nw8 8he

Patterson, Susan

From: toby woffenden <tobywoffenden@hotmail.com>
Sent: 03 March 2015 07:35
To: Premises Licensing
Subject: 15/00928/LIPV - Dar Marrakesh, 422 Edgware Rd. W2 1EG

Follow Up Flag: Follow up
Flag Status: Completed

15/00928/LIPV - Dar Marrakesh, 422 Edgware Rd. W2 1EG

Dear Sir / Madam.

I am writing with regard to the above late licencing application. I am a local resident, of flat 3, 95 Frampton Street. NW8 8NA.

I oppose the increase in hours on the grounds of the public nuisance caused by customers' cars leaving late at night. The majority of Dar Marrakesh's late customers appear to use the premises to smoke in the garden and are then able to drive home. The youngsters involved seem to enjoy loud music in these cars and even louder cars. Much of the parking is on the back streets around Hatton Row and this disturbance would be highly unwelcome to us at after midnight through the week and then after 2am on weekends.

Yours Faithfully,

Toby Woffenden.

Patterson, Susan

From: Patterson, Susan
Sent: 23 March 2015 13:40
To: Patterson, Susan
Subject: FW: Dar Marrakesh 422 Edgware Road London W2 1EG

From: Miles Barber [<mailto:miles@miljam.co.uk>]
Sent: 19 February 2015 15:52
To: Keegan, Francis
Cc: 'MonikaPalwowska'; 'GLENYS ARTHUR'; 'FlossSwales'; 'SaraGibson'; 'JohnKirkwood'; Grahame, Barbara (Cllr); TimForrest
Subject: Dar Marrakech

Dear Francis

I went into Dar Marrakech yesterday and note that the "garden space" is not tented but has a permanent structure over it in which customers are smoking. The space is definitely not outside but fully protected from the weather.

I wonder if proper permission has been applied for to extend this large structure into the "garden" and with this application below would like to strongly object about extension to the hours of opening. If the extension to their hours goes ahead it will be detrimental to all the residents in this area as there is considerable noise, especially in the summer, when the place closes anyway and disruption from cars etc on the street.

I wonder if you could look into to it for us.
Thanks

Kind regards
Miles Barber

The Old Aeroworks Management Ltd
15 The Old Aeroworks 17 Hatton Street London NW8 8PL
Telephone: +44 (0)20 7723 5858

Dar Marrakesh 422 Edgware Road London W2 1EG	05/02/2015 Variation Premises Licence 15/00928/LIPV	To extend the terminal hour to midnight for Late Night Refreshment in the garden only on Monday to Thursday evenings and to 02.00 on Friday and Saturday evenings. To apply for Late Night Refreshment on Sundays until 23.30 inside the premises and till midnight in the garden. To extend the terminal hour for opening of the premises till midnight from Sunday to Thursday and 0200 on Friday and Saturday evenings. To remove condition 26 - "the beer garden is to be cleared of patrons after 23.00". To remove the condition on the licence which states: "Toughened drinking glasses shall be used in the premises". Please note there is no application to extend the terminal hour for alcohol sales or music of any kind.
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Patterson, Susan

From: Sir Terry Farrell's Office <tfoffice@terryfarrell.co.uk>
Sent: 20 February 2015 11:55
To: Premises Licensing
Subject: From Sir Terry Farrell RE: Dar Marrakech, 422 Edgware Road, London W2 1EG

Follow Up Flag: Follow up
Flag Status: Completed

Dear Francis,

I am writing to lodge a strong objection to the proposed application to extend the opening hours at Dar Marrakech, 422 Edgware Road, London W2 1EG.

I live in Hatton Street and believe that this would be bad news for myself and my neighbours. It will mean more noise late at night with customers leaving the bar, and as most park their cars close to Hatton Street, I envisage further problems for local residents particularly in the summer months.

Yours,

Terry Farrell.

Sir Terry Farrell CBE

Principal

Farrells | 7 Hatton Street | London NW8 8PL | tfoffice@terryfarrell.co.uk

T: 020 7258 3433 | DD: 020 7878 6008 | www.terryfarrell.co.uk

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Patterson, Susan

From: NIA MORRIS <niamorris@me.com>
Sent: 20 February 2015 12:21
To: Premises Licensing
Subject: Dar Marrakesh

Follow Up Flag: Follow up
Flag Status: Completed

I refer to the application below:

Dar Marrakesh 422 Edgware Road London W2 1EG	05/02/2015 Variation Premises Licence 15/00928/LIPV	To extend the terminal hour to midnight for Late Night Refreshment in the garden only on Monday to Thursday evenings and to 02.00 on Friday and Saturday evenings. To apply for Late Night Refreshment on Sundays until 23.30 inside the premises and till midnight in the garden. To extend the terminal hour for opening of the premises till midnight from Sunday to Thursday and 0200 on Friday and Saturday evenings. To remove condition 26 - "the beer garden is to be cleared of patrons after 23.00". To remove the condition on the licence which states: "Toughened drinking glasses shall be used in the premises". Please note there is no application to extend the terminal hour for alcohol sales or music of any kind.	08/03/2015

I am resident at Flat 3, The Old Aeroworks, 17 Hatton Street which is just round the corner from Dar Marrakesh (near enough to hear the noise from departing customers). I strongly object to the application to extend the terminal hour particularly in the garden. My principal concern relates to late night noise in a residential area (either from the garden or due to people leaving the pub after closing). 0200 hours is not an acceptable time to be woken by this sort of noise. The roads immediately adjacent to the pub (other than Edgware Road itself) are almost exclusively residential.

Nia Morris
07966635743
0207 2580834





City of Westminster

Licensing Sub-Committee Report

Item No:	
Licensing Ref No:	15/01790/LIPV
Date:	14 May 2015
Classification:	For General Release
Title of Report:	Top Dog Eats 48 Frith Street London
Report of:	Director of Public Protection and Licensing
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mrs Sumeet Anand-Patel Senior Licensing Officer
Contact Details:	Telephone: 020 7641 2737 E-mail: sanandpatel@westminster.gov.uk

APPLICATION DETAILS

Application Type:	Variation of a premises licence application under the Licensing Act 2003.		
Applicant:	Top Dog Eats Ltd	Date Application Received:	10 March 2015
Premises Name and Address:	Top Dog Eats 48 Frith Street London W1D 4SF		
Ward Name:	West End	Stress Area:	West End
Description of Premises:	<p>The premises shall operate as a restaurant on basement and ground floor levels.</p> <p>The premises is licensed for the provision of regulated entertainment, late night refreshment and sale of alcohol as per the City Council's Core Hours.</p>		
Variation Description:	<p>To vary the existing premises licence so as to amend condition 10 (iii) which reads:</p> <p>10 (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,</p> <p>To read:</p> <p>10 (iii) which provide food in the form of substantial table meals that are prepared on the premises and consumed at the table using non disposable crockery,</p> <p>The applicant has stated that this amendment is sought to allow customers to purchase food over the counter. The premises will continue to operate as a restaurant with alcohol served by waiter or waitress as conditioned.</p>		

Proposed Condition Amendment:

To vary the existing premises licence so as to amend condition 10 (iii) which reads:

10 (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.

To read:

10 (iii) which provide food in the form of substantial table meals that are prepared on the premises and consumed at the table using non disposable crockery.

1. Relevant representations

- 1.1 The Environmental Health Service made an adverse representation against this application however following discussions with the applicant, Environmental Health have withdrawn their representation.
- 1.2 The Metropolitan Police service has made an adverse representation against this application as it is their belief that this amendment would undermine the licensing objectives.

2. Policies Applicable

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

Policy HRS1 applies:

- (i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.
- (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.

Policy RNT2 applies:

Applications will be granted subject to other policies and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Stress Areas.

Policy FFP2 applies:

It is the Licensing Authority's policy to refuse applications in the Stress Areas, other than applications to vary hours within the Core Hours under Policy HRS1.

Policy STR1 applies:

- (i) It is the Licensing Authority's policy to refuse applications in the Stress Areas for: pubs and bars; fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.
- (ii) Applications for other licensable activities in the Stress Areas will be subject to other policies and must demonstrate that they will not add to cumulative impact in the Stress Areas.

3. Summary

3.1 The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:

- prevention of public nuisance,
- prevention of crime & disorder,
- public safety and
- protection of children from harm.

3.2 Where the committee is minded to grant the licence it will be granted subject to the mandatory conditions and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives detailed in Appendix D to this report.

4. Current Licensing Position

These premises currently hold a Premises Licence 15/01288/LIPV. Full licence history can be found in **Appendix A**.

5. Residential Density

110 units within a 75m radius of the premises are residential or proposed residential or under construction, refer to **Appendix C**.

6. List of Appendices

- A – Premises Licence History
- B - Conditions
- C – Residential Map and list of premises in the vicinity

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

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7th January 2011)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (March 2015)
- Application form
- Existing Premise Licence
- Representations received
- Photos

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
New Application 14/03927/LIPN	Application to permit recorded music, late night refreshment and sale of alcohol	10.07.2014	Granted Under Delegated Authority
Transfer Application 15/01149/LIPT	Application to transfer the licence	29.04.2015	Granted Under Delegated Authority
Variation Application 15/01288/LIPV	Application to vary the layout	29.04.2015	Granted Under Delegated Authority
Variation Application 15/01790/LIPV	Current Application	Pending	

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 -

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

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

Notwithstanding this condition (10) customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal and (b) alcohol may be supplied to and/or consumed prior to their meal by customers in the basement up to a maximum, at any one time, of 16 persons dining at the premises

The applicant is seeking to amend part (iii) to read:

10 (iii) which provide food in the form of substantial table meals that are prepared on the premises and consumed at the table using non disposable crockery.

11. The maximum number of persons accommodated at any one time (excluding staff) shall not exceed
- Basement 18 persons
 - Ground Floor 42 persons
 - First Floor 30 persons
12. After 22:00 hours the entrance door shall be kept closed except for immediate access and egress of persons or at anytime that regulated entertainment is provided.
13. A challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
14. 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.
15. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.

16. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23.00 and 08.00 hours.
17. No deliveries to the premises shall take place between 23.00 and 08.00 hours.
18. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
19. 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.
20. 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.
21. A record shall be kept detailing all refused sales of alcohol. The record shall include the date and time of the refused sale and the name of the member of staff who refused the sale. The record 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. Children under the age of 14 will not be permitted to remain in the premises after 21:00 hours
23. No noise shall emanate from the Premises nor vibration be transmitted through the structure of the Premises which gives rise to a public nuisance:
24. Loudspeakers shall not be located in the entrance lobby or outside the building of which the Premises form part.
25. Hours for licensable activities and opening may be extended from the end of trade on New Year's Eve to the beginning of trade on New Year's Day.
26. The variation of the Premises Licence 14/03927/LIPN to include the following works:
 - ground floor: minor changes to back -of-house areas
 - installation of counter/till area

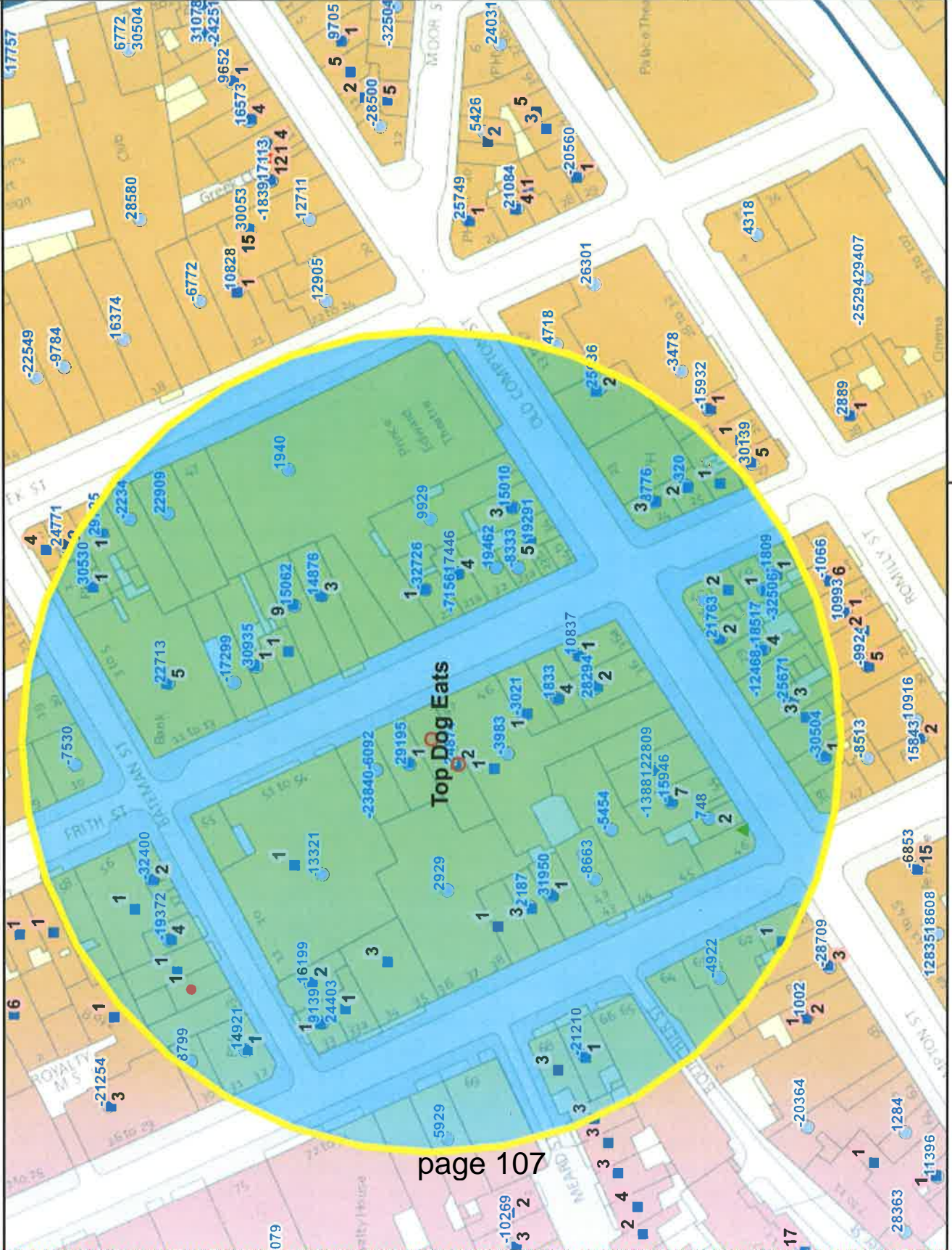
will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

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

None

APPENDIX C

Top Dog Eats, 48 Frith Street, London W1D 4SF



Residential / Proposed Residential	110
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

Premises within 75 metres of: Top Dog Eats, 48 Frith Street, London W1D

p / n	Name of Premises	Premises Address	Opening Hours
748	Compton News	48 Old Compton Street London W1D 4UA	Monday to Saturday 07:00 - 01:00 Sunday 08:00 - 22:00
9929	G-A-Y Bar	Basement To First Floor 30 Old Compton Street London W1D 4TP	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 01:30
14876	Karaoke Box	Ground Floor 18 Frith Street London W1D 4RQ	Monday to Wednesday 09:00 - 02:00 Thursday to Saturday 09:00 - 05:00 Sunday 09:00 - 23:00
16199	Gopal's Of Soho	Basement And Ground Floor 12 Bateman Street London W1D 4AH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
19291	Balan's Cafe	34 Old Compton Street London W1D 4TP	Monday to Saturday 10:00 - 05:00 Sunday 12:00 - 05:00
19462	Bar Italia	Basement And Ground Floor Front 22 Frith Street London W1D 4RP	Monday to Saturday 10:00 - 05:00 Sunday 12:00 - 05:00
22713	Chotto-Matte	11-13 Frith Street London W1D 4RB	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:30
22809	The Vintage House	Basement And Ground Floor 42 Old Compton Street London W1D 4TX	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
22909	L'Escargot	48 Greek Street London W1D 4EF	Monday to Sunday 10:00 - 01:00
24874	Siam Thai Restaurant	Basement And Ground Floor 48 Frith Street London W1D 4SF	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
28294	Muriel's Kitchen	36 Old Compton Street London W1D 4TT	Monday to Sunday 07:00 - 01:30
30530	Carlisle Arms Public House	2 Bateman Street London W1D 4AE	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
-15946	Patisserie Valerie	44 Old Compton Street London W1D 4TY	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-12468	Amalfi Restaurant	29-31 Old Compton Street London W1D 5JR	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-7530	Nando's	Ground Floor 10 Frith Street London W1D 3JF	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-5454	The Groucho Club	44-45 Dean Street London W1D 4QB	Monday to Saturday 09:00 - 02:30 Sunday 12:00 - 00:00
-3983	Ronnie Scott's Jazz Club	Basement And Ground Floor And Part First Floor 47 Frith Street London W1D 4SE	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 03:30
-3517	Hotel Chocolat	25 Old Compton Street London W1D 5JN	Friday to Saturday 08:00 - 00:00 Monday to Thursday 08:00 - 23:00 Sundays before Bank Holidays 10:00 - 00:00 Sunday 10:00 - 22:30
1833	The Delhi Brasserie	44 Frith Street London W1D 4SB	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
2187	40 Dean Street	40 Dean Street London W1D 4PX	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
5929	Dean Street Town House	69 - 71 Dean Street London W1D 3SE	Monday to Sunday 00:00 - 00:00
14921	The Crown & Two Chairmen	31-32 Dean Street London W1D 3SB	Friday to Saturday 07:00 - 00:00 Sundays before Bank Holidays 07:00 - 00:00 Sunday 07:00 - 22:50 Monday to Thursday 07:00 - 23:30
15062	Ceviche	Basement And Ground Floor 17 Frith Street London W1D 4RG	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00
21763	Opuz Kitchen	Basement And Ground Floor 27 Old Compton Street London W1D 5JP	Monday to Wednesday 08:00 - 00:30 Thursday to Saturday 08:00 - 01:00 Sunday 10:00 - 00:00
24403	Cookhouse Joe	33 Dean Street London W1D 4PW	Friday to Saturday 09:00 - 00:00 Monday to Thursday 09:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30

25636	Soho Kitchen And Bar	19-21 Old Compton Street London W1D 5JJ	Monday to Sunday 00:00 - 00:00
29195	Koya	49 Frith Street London W1D 4SG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:30
29725	Union Club	50 Greek Street London W1D 4EQ	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00
30935	Gourmet Burger Kitchen	15 Frith Street London W1D 4RE	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
31950	Duck Soup	Basement And Ground Floor 41 Dean Street London W1D 4PY	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-32726	Little Italy	21 Frith Street London W1D 4RN	Monday to Sunday 09:00 - 05:00
-32506	Dozo	Basement And Ground Floor 40 Frith Street London W1D 5LN	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-32400	Dog & Duck Public House	18 Bateman Street London W1D 3AJ	Friday to Saturday 07:00 - 00:00 Sunday 07:00 - 00:00 Sundays before Bank Holidays 07:00 - 00:00 Monday to Saturday 07:00 - 00:30 Sunday 07:00 - 22:30 Monday to Thursday 07:00 - 23:30
-30504	Pulcinella Restaurant	Basement To First Floor 37 Old Compton Street London W1D 5JY	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-25671	Herman Ze German	Basement And Ground Floor 33 Old Compton Street London W1D 5JU	Friday to Saturday 11:00 - 00:00 Sunday 11:00 - 22:30 Monday to Thursday 11:00 - 23:30
-23840	The Arts Theatre Club	Ground Floor West 50 Frith Street London W1D 4SQ	Monday to Saturday 09:00 - 03:30 Sunday 09:00 - 23:00
-21210	Black's	Basement To First Floor 67 Dean Street London W1D 4QH	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00
-19372	Pix	Ground Floor 16 Bateman Street London W1D 3AH	Friday to Saturday 11:00 - 00:00 Monday to Thursday 11:00 - 23:30 Sunday 12:00 - 22:30 New Year's Eve XXXX - XXXX
-18517	Amalfi Restaurant	29-31 Old Compton Street London W1D 5JR	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-17299	Garlic & Shots	Basement And Ground Floor 14 Frith Street London W1D 4RD	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 23:30
-13881	Soho Whisky Club	First Floor 42 Old Compton Street London W1D 4TX	Friday to Saturday 10:00 - 00:00 Sunday 10:00 - 22:00 Monday to Thursday 10:00 - 23:00
-8663	Cay Tre (Soho)	42-43 Dean Street London W1D 4QA	Monday to Sunday 09:30 - 01:30
-8333	Labels	Basement 23 Frith Street London W1D 4RR	Sunday 09:00 - 01:00 Monday to Saturday 09:00 - 04:00
-7156	Little Italy	21A Frith Street London W1D 4RW	Monday to Sunday 09:00 - 05:30
-6092	Koya Bar	Ground Floor 50 Frith Street London W1D 4SQ	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
-4922	Tonkotsu	Basement To First Floor 63 Dean Street London W1D 4QG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-3021	Buffo	45 Frith Street London W1D 4SD	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 00:00
-2234	Club 49	Basement And Ground Floor 49 Greek Street London W1D 4EG	Monday to Saturday 10:00 - 03:30 Sunday 12:00 - 23:00
-1809	Buen Gusto Cafe	39 Frith Street London W1D 5LL	Monday to Sunday 08:00 - 03:00
-320	Ku Bar	Basement To First Floor 25 Frith Street London W1D 5LB	Friday to Saturday 10:00 - 00:00 Sundays before Bank Holidays 10:00 - 00:00 Sunday 10:00 - 22:30 Monday to Thursday 10:00 - 23:30
1940	Prince Edward Theatre	Prince Edward Theatre 28 Old Compton Street London W1D 4HS	Monday to Sunday 09:00 - 01:00
2929	Burger Lobster	36 - 38 Dean Street London W1D 3TE	Monday to Thursday 10:00 - 00:30 Friday to Saturday 10:00 - 01:00 Sundays before Bank Holidays 12:00 - 00:30 Sunday 12:00 - 23:00

8776	Dodo Supermarket	Basement And Ground Floor 24 Frith Street London W1D 5LA	Monday to Thursday 08:00 - 01:00 Friday to Saturday 08:00 - 03:00 Sunday 10:00 - 22:30
8799	Sunset Strip	Basement To First Floor 30 Dean Street London W1D 3SA	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 01:30
9139	Cookhouse Joe	33 Dean Street London W1D 4PW	Friday to Saturday 09:00 - 00:00 Monday to Thursday 09:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
10837	Caffe Nero	Ground Floor 43 Frith Street London W1D 4SA	Sunday to Wednesday 23:00 - 02:00 Thursday to Saturday 23:00 - 04:00
13321	Barrafina	54 Frith Street London W1D 4SL	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00
15010	Dozo	Basement To First Floor 32 Old Compton Street London W1D 4TP	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
17446	Little Italy Two	Ground Floor 21A Frith Street London W1D 4RF	Monday to Saturday 10:00 - 05:00 Sunday 12:00 - 05:00

BACKGROUND PAPERS

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Top Dog Eats Ltd

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 14/03927/LIPN

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Top Dog Eats 48 Frith Street			
Post town	London	Postcode	W1D 4SF

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£52,000

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY					
?	?	?	?	?	?	?	?

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?
(Please see Guidance Note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

To vary the existing premises licence so as to amend condition 10 (iii), as follows:-

Existing;

10 (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,

Proposed amendment;

10 (iii). which provide food in the form of substantial table meals that are prepared on the premises and consumed at the table using non disposable crockery,

This amendment is sought to allow customers to purchase food over the counter. The premises will continue to operate as a restaurant with alcohol served by waiter or waitress, as conditioned.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed					
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur					
			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6),
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Tue					
			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Wed					
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)</u>	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here (please read guidance note 4)</u>					
Mon								
Tue								
Wed						<u>State any seasonal variations for the performance of live music (please read guidance note 5)</u>		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)</u>		
Sat								
Sun								

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Tue					
			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Wed					
Thur					
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>	
					Outdoors	<input type="checkbox"/>	
Day	Start	Finish	Both				<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)				
Tue			State any seasonal variations for the performance of dance (please read guidance note 5)				
Wed			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)				
Thur							
Fri							
Sat							
Sun							

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 4)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)</p>		
Sun					

1

Late night refreshment Standard days and timings (please read guidance note 7)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 6)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)
Sat			
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.
Licence with the council following submission of transfer and variation applications.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

The existing conditions address the licensing objectives and are to remain unchanged.

b) The prevention of crime and disorder

see a) above

c) Public safety

see a) above

d) The prevention of public nuisance

see a) above

e) The protection of children from harm

see a) above

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 11)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	<i>Thomas & Thomas</i>
Date	10/03/2015
Capacity	Thomas & Thomas Partners LLP, Solicitors on behalf fo the applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)

TOM/TB/IGN.1.23
Thomas & Thomas Partners LLP
38a Monmouth Street

Post town	London	Post code	WC2H 9EP
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Telephone number (if any)	020 7042 0415
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If you would prefer us to correspond with you by e-mail, your e-mail address (optional)	tburton@tandtp.com
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Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.
2. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
14. This is the address which we shall use to correspond with you about this application.



City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

15/01288/LIPV

Original Reference:

14/03927/LIPN

Part 1 – Premises details

Postal address of premises:

Top Dog Eats
48 Frith Street
London
W1D 4SF

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Late Night Refreshment
Sale by Retail of Alcohol

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

Playing of Recorded Music

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

Late Night Refreshment

Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00
Sundays before Bank Holidays:	23:00 to 00:00

Sale by Retail of Alcohol

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

The opening hours of the premises:

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

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

Alcohol is supplied for consumption on the Premises.

Part 2

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

Top Dog Eats Ltd
15A Ives Street
London
SW3 2ND

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

08559444

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

Name: Thanatip Ketchart

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

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

Licence Number: 02892
Licensing Authority: London Borough of Lambeth

Date: 29th April 2015

This licence has been authorised by Mrs Sumeet Anand-Patel on behalf of the Director - Public Protection and Licensing.

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,

- (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

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

Notwithstanding this condition (10) customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal and (b) alcohol may be supplied to and/or consumed prior to their meal by customers in the basement up to a maximum, at any one time, of 16 persons dining at the premises

11. The maximum number of persons accommodated at any one time (excluding staff) shall not exceed
- | | |
|----------------|------------|
| o Basement | 18 persons |
| o Ground Floor | 42 persons |
| o First Floor | 30 persons |
12. After 22:00 hours the entrance door shall be kept closed except for immediate access and egress of persons or at anytime that regulated entertainment is provided.
13. A challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
14. 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.
15. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.
16. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23.00 and 08.00 hours.
17. No deliveries to the premises shall take place between 23.00 and 08.00 hours.
18. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
19. 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.
20. 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.
21. A record shall be kept detailing all refused sales of alcohol. The record shall include the date and time of the refused sale and the name of the member of staff who refused the sale. The record 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. Children under the age of 14 will not be permitted to remain in the premises after 21:00 hours
23. No noise shall emanate from the Premises nor vibration be transmitted through the structure of the Premises which gives rise to a public nuisance:
24. Loudspeakers shall not be located in the entrance lobby or outside the building of which the Premises form part.
25. Hours for licensable activities and opening may be extended from the end of trade on New Year's Eve to the beginning of trade on New Year's Day.
26. The variation of the Premises Licence 14/03927/LIPN to include the following works:
 - ground floor: minor changes to back -of-house areas
 - installation of counter/till area

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.

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

None

Annex 4 – Plans

Attached

TO Mrs Sumeet Anand-Patel

REFERENCE 15/01790/LIPV

FROM EH Consultation Team
BEING DEALT WITH BY Cliona Coleman (ccoleman@westminster.gov.uk)
TELEPHONE 020 7641 6830
DATE 23rd March 2014

The Licensing Act 2003

Top Dog Eats, Basement And Ground Floor, 48 Frith Street, London W1D 4SF

I refer to the application for variation of the premises licence

The premises are located within the West End Stress Area as stated in the City of Westminster's Statement of Licensing Policy.

The applicant is seeking the following:

1.Variation of condition 10 of the current licence 14/03927/LIPN as set out in the operating schedule below.

Existing;

10 (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.

Proposed amendment;

10 (iii) which provide food in the form of substantial table meals that are prepared on the premises and consumed at the table using non disposable crockery.

I wish to make the following representation:

1.Representation is made to variation of condition 10 as it will have the likely effect of causing an increase in Public Nuisance in the West End Stress Area.

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

Cliona Coleman
Environmental Health Consultation Team

29/04/2015 11:25:08

From: "Coleman, Cliona" </O=CITYOFWESTMINSTER/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CCOLEMAN>
Sent: 14/04/2015 13:17:59
To: "Anand-Patel, Sumeet" </O=CITYOFWESTMINSTER/OU=CORPORATE/CN=RECIPIENTS/CN=SANAND>
Cc: Anand-Patel, Sumeet
Subject: 15/01790/LIPV- Top Dog Eats

Hi Thomas,

Environmental Health are satisfied with the proposed varied licence condition MC66 to allow customers to purchase food over the counter and consume on the premises there I wish to withdraw my objection.

"10 (iii). which provide food in the form of substantial table meals that are prepared on the premises and consumed at the table using non disposable crockery, "

If you have any questions please do not hesitate to contact me.

Cliona Coleman

Environmental Health Officer
EH Consultation Team

Premises Management

Westminster City Council
4th Floor West
City Hall
64 Victoria Street
London SW1E 6QP

T: 020 7641 6830

E: ccoleman@westminster.gov.uk <mailto:dhine@westminster.gov.uk>

cid:image003.jpg@01CD3505.A8C05CE0
<<http://www.westminster.gov.uk/services/environment/environmentalhealth/environmental-health-training/>>

<http://westminstercitycouncil.newswave.com/1gvm89my1a11s8n2z6jwk?email=true&p=505211t=127635>

You can now apply online for the majority of licensing regimes that the authority is responsible for. Please visit www.westminster.gov.uk/licensing <<http://www.westminster.gov.uk/licensing>> and following the relevant links to apply.

Please consider your environmental responsibilities before printing this email!

29/04/2015 11:24:38

From: "Marriott, Chris" </O=CITYOFWESTMINSTER/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CMARRIOTT2>
Sent: 08/04/2015 09:52:07
To: "Anand-Patel, Sumeet" </O=CITYOFWESTMINSTER/OU=CORPORATE/CN=RECIPIENTS/CN=SANAND>
Subject: 15/01790/LIPV - TOP DOG EATS - 48 Frith Street W1

Hi Sumeet,

FYI

Kind regards

Chris

From: Marriott, Chris
Sent: 02 April 2015 12:37
To: 'Tilly Burton'
Cc: idoxlicensing
Subject: FW: 15/01288/LIPV - TOP DOG EATS - 48 Frith Street W1

15/01790/LIPV - TOP DOG EATS - 48 Frith Street W1

Dear Sir/Madam,

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority have representations to this application. It is our belief that if granted the application would undermine the Licensing Objectives.

The venue is situated within the West End stress area where this is traditionally high crime and disorder. There are concerns that this application will cause further policing problems in an already demanding area and add to the cumulative impact.

Kind regards

PC Chris Marriott 3540CW

Westminster Police Licensing Team

4th floor, 64 Victoria Street,

London, SW1 EQP

Anand-Patel, Sumeet

Subject: FW: 15/01790/LIPV- Top Dog Eats

From: Marriott, Chris
Sent: 16 April 2015 13:16
To: Thomas O'Maoileoin
Cc: Anand-Patel, Sumeet; Sollars, Jim
Subject: RE: 15/01790/LIPV- Top Dog Eats

15/01790/LIPV- Top Dog Eats

Good afternoon Thomas,

Sorry this is a model condition. The venue is inside the West End Stress area, Should you wish to show you are an exception to the current policy, then you will need to attend a licensing subcommittee.

Kind regards

Chris

From: Thomas O'Maoileoin [<mailto:TOMaoileoin@tandtp.com>]
Sent: 14 April 2015 14:20
To: Marriott, Chris
Subject: FW: 15/01790/LIPV- Top Dog Eats

Hi Chris

Can this not be agreed? Best wishes – see EHO comments below

Thomas

NOTE: THE EHO COMMENTS CAN BE FOUND WITH THE EH REPRESENTATION AND WITHDRAWAL





City of Westminster

Licensing Sub-Committee Report

Item No:

Licensing Ref No:

15/01135/LIREVP

Date:

14 May 2015

Classification:

For General Release

Title of Report:

**Norris News
115 Lupus Street
London
SW1V 3EN**

Report of:

Director of Public Protection and Licensing

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

**Mr Nick Nelson
Senior Licensing Officer**

Contact Details:

**Telephone: 020 7641 3431
E-mail: nnelson@westminster.gov.uk**

APPLICATION DETAILS

Application Type:	An application to review of the premises licence under the Licensing Act 2003.		
Applicant:	Licensing Inspectorate	Date Application Received:	17 February 2015
Premises Name and Address:	Norris News 115 Lupus Street London SW1V 3EN		
Ward Name:	Churchill	Stress Area:	No
Description of Premises:	The premises operates predominantly as an off licence and comprises of a ground floor unit only.		

1. SUMMARY OF APPLICATION

- 1.1 An application submitted by the Licensing Inspectorate for a review of the premises licence for Norris News, 115 Lupus Street, London, SW1V 3EN, was received on 17 February 2015 on the grounds of the prevention of crime and disorder and the protection of children from harm (see **Annex A1**).
- 1.2 Guidance issued under section 182 of the Licensing Act 2003 (para 11.2) states that at any stage following the grant of a premises licence, a responsible authority, such as the Police or the Environmental Health Service, or any other person who can seek a review, may ask the Licensing Authority to review the premises licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 1.3 As such, in accordance with section 52(2) of the above-mentioned Act, the Licensing Authority must hold a hearing to consider the application and any relevant representations.
- 1.4 The premises currently benefits from a premises licence (13/05276/LIPVM, attached at **Annex A2**) that permits:
- Sale by retail of alcohol (off sales)**
Monday to Saturday: 08:00 to 23:00
Sunday: 10:00 to 22:30
- 1.5 These review proceedings are brought under the licensing objectives on the grounds of the prevention of crime and disorder and the protection of children from harm. A history of visits, observations and complaints has been provided by the applicant (see **Appendix 4 to Annex A1**).
- 1.6 On 13 November 2014, Customs and Excise seized 886.56 litres of beer and 36 litres of wine from the premises on the basis that no excise duty had been paid on the goods. This is an offence under s170 Customs and Excise Management Act 1979 and s144 Licensing Act 2003. This incident, in conjunction with other recent historical breaches, leads the applicant to believe that the premises are unable to promote the licensing objectives (see **Annex A1**).
- 1.7 The named owner of the business at the time of the visit by Customs and Excise on 13 November 2014 was Mr Shusilkumar Bhavsar (see **Annex A1**). However, the holder of the Premises Licence and Designated Premises Supervisor is Mr Prashant Patel (see **Annex A2**).

1.8 On 8 December 2014, a letter from Mr Gareth Cleary of the Licensing Inspectorate was sent to Mr Shusilkumar Bhavsar regarding the Customs and Excise visit and inviting Mr Bhavsar to an interview under caution or to submit a response in writing. On 20 January 2015, similar letters were sent to Mr Prashant Patel. In subsequent emails dated 2 January 2015 and 5 February 2015, Mr Bhavsar accepts liability for the incident (see **Appendix 2** to **Annex A1**). No response has been provided to the letters of Mr Cleary from Mr Patel.

2. REPRESENTATIONS:

2.1 The Environmental Health Service, as a responsible authority, supports the review application on the grounds of the prevention of crime and disorder and the protection of children from harm (see **Annex B**).

3. OPTIONS:

3.1 The Authority must, having regard to the application and the representations, take such steps (if any), as it considers appropriate for the promotion of the licensing objectives. The steps are:

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition added.

3.2 In accordance with section 52(6) of the 2003 Act, if the authority takes measures to modify conditions or exclude licensable activities from the licence, it may stipulate that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

3.3 The licensing authority's determination of this application does not have effect until the 21 day appeal period has expired or if the decision is appealed the date the appeal is determined and / or disposed of.

4. LICENSING ACT 2003 APPLICATIONS AND APPEAL HISTORY

4.1 Any applications under the Licensing Act 2003 are set out in Appendix C.

4.2 The chronology relating to appeals and applications is set out in Appendix C.

List of Appendices:	Annex A1 – Application for Review Annex A2 – Current Premises Licence (13/05276/LIPVM) Annex B – Environmental Health Service representation in support of review Annex C – Licence and Appeal History Annex D – Conditions on the current licence Annex E – Residential Map and list of premises in the vicinity Annex F – Photograph of premises
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Background Documents – Local Government (Access to Information) Act 1972

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7th January 2011)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (Oct 2014)

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I Andrew Ralph

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, Ordnance Survey map reference or description Norris News 115 Lupus Street	
Post town London	Post code (if known) SW1V 3EN
Name of premises licence holder or club holding club premises certificate (if known) Mr Prashant Patel	
Number of premises licence or club premises certificate (if known) 11/10856/LIPN	

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates

(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Licensing Inspectorate Westminster City Council City Hall, 4 TH Floor North 64 Victoria Street London SW1E 6QP
Telephone number (if any) 0207 641 3385
E-mail address (optional) aralph@westminster.gov.uk

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2)

On the 13th November 2014, during an operation involving Customs and Excise, substantial quantities of alcohol were seized from the premises when it became apparent that no 'Excise duty' had been paid on the goods. These are offences under S.170 Customs and Excise Management Act 1979 and S. 144 Licensing Act 2003. The named owner of the business at the time of visit by Customs and Excise was given as a Mr Shusilkumar Bhavsar.

The incident taken together with recent historical breaches indicate that the premises are unable to promote the Licensing Objective of:-

- 1/ Crime and Disorder
- 2/ The protection of children from harm

Please provide as much information as possible to support the application (please read guidance note 3)

The premise operates predominantly as an off licence and is currently licensed for Sale by retail of alcohol (Monday to Saturday 0800-2300hrs and Sunday 1000-2230hrs). Mr Prashant Patel is both the Designated Premises Supervisor and the holder of the premises licence and has held these positions since 30th January 2012.

(See Appendix 1 for a copy of the current Premises Licence and photographs of the premises)

On 13th November 2014, a visit was carried out by Officers of HMRC to the premise under the authority of section 112 of the Customs & Excise Management Act. The owner of the shop, Mr Shusilkumar Bhavsar, who was present throughout the visit was asked to provide purchase records in respect of the canned beers and wine in the shop to demonstrate that the UK duty had been paid. Mr Bhavsar admitted that some of the wine and most of the canned beers on the premises had been purchased without an invoice. This admission led Customs & Excise Officers to believe, on the balance of probabilities that UK duty had not been paid on the alcohol in question. As a result of this admission the decision was taken to seize the alcohol detailed below, pursuant to section 139 of the Customs & Excise Management Act 1979 as it was liable to forfeiture on the basis that, on the balance of probabilities, the UK excise duty had not been paid. In total the following quantities were seized;

886.56 litres of beer

36 litres of wine

The duty figures of the seized stock amounted to £1224.55, including VAT.

Mr Bhavsar was issued with a seizure information notice, a warning letter and a booklet explaining his right to appeal the seizure. To date, Customs & Excise are not aware of any appeal against the seizure. The relevant overarching criminal offence is one of being knowingly concerned in the fraudulent evasion of excise duty contrary to section 170 of the Customs & Excise Management Act. In addition it is also an offence contrary to S. 144 of the Licensing Act 2003 for the Designated Premises Supervisor and/or holder of a Premises Licence to 'knowingly keep on licensed premises any goods without payment of duty'.

To date, there is no evidence that a transfer of the Designated Premises Supervisor or the holder of the premises licence has been applied for or been submitted to Westminster City Council therefore legal letters were sent both to Mr Shusilkumar Bhavsar who stated that he was the owner at the time of offence and also Mr Prashant Patel who is the current holder and Designated Premises Supervisor of the premises licence.

Legal letters have been sent to both Mr Bhavsar and Mr Patel with regards to the seizure of alcohol by Customs & Excise. To date, only Mr Bhavsar has replied by email and phone however Mr Patel has failed to respond to the letter.

(See Appendix 2 for legal letters to Mr Bhavsar and Mr Patel and subsequent email response from Mr Bhavsar)

(See Appendix 3 for statements completed by Customs & Excise)

(See Appendix 4 for 'History of visits, Observations and Complaints' and Appendix 5 for supporting 'historical' correspondence)

In the statutory "Guidance issued under section 182 of the Licensing Act 2003" (under the heading of "Reviews arising in connection with crime") it states:

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- For the sale of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police and other enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Since the premises licence was issued to the business back in February 2012, there have been a history of breaches relating to Licensing Act 2003 and non-compliance of premises licence conditions and specifically the sale of alcohol to two under 18 year olds (contrary to S146 of the Licensing Act 2003).

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
┆	┆	┆
┆	┆	┆
┆	┆	┆

If you have made representations before relating to the premises please state what they were and when you made them

None

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature

Date

17th Feb 2015

Capacity **Service Manager**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Appendix 1 – Copy of Licence and Photos



Schedule 12
Part A

WARD: Churchill
UPRN: 100023342304

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

Premises licence

Regulation 33, 34

Premises licence number:

11/10856/LIPN

Original Reference:

11/10856/LIPN

Part 1 – Premises details

Postal address of premises:

Norris News
115 Lupus Street
London
SW1V 3EN

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

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

Sale by Retail of Alcohol

Monday to Saturday:

08:00 to 23:00

Sunday:

10:00 to 22:30

The opening hours of the premises:

Monday to Saturday:

06:00 to 23:00

Sunday:

06:00 to 22:30

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

Alcohol is supplied for consumption off the Premises.

Part 2

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

Prashant Patel

Please Note: The address of the licence holder has not been displayed, please ask the Licensing Authority if required.

Mobile Phone Number : 07707 365904

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

N/A

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

Name: Prashant Patel

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

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

Licence Number: LBH-PER-T-0151
Licensing Authority: London Borough Of Haringey

Date: 30 January 2012

This licence has been authorised by Mr Ola Owojori on behalf of the Operational Director - Premises Management.

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The 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.

Annex 2 – Conditions consistent with the operating Schedule

None

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

5. The premises shall install and maintain a CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises are 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 with the absolute minimum of delay upon the request of Police or authorised officer throughout the preceding 31 day period. ✓
6. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested ✓
7. Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grills, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff ✓
8. No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises ✓

9. No more than 15% of the sales area to be used at any one time for the sale, exposure for sale, or display of alcohol ✓
10. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale ✓
11. 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, passport and PASS accredited Proof of Age cards ✓
12. 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 ✓
13. Staff training will be given to ensure that in the case of any doubt whether a purchaser is over the age of 18 to refuse the sale of alcohol unless valid ID is produced ✓
14. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises. ✓
15. There shall be no self service of spirits on the premises except for spirit mixers below 5.5% Alcohol by Volume. ✓
16. A notice shall be prominently displayed at the exit requesting patrons to respect the needs of local residents and leave the area quietly. ✓
17. 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. ✓

rec'd ✓

Annex 4 – Plans

Attached



Schedule 12
Part B

WARD: Churchill
UPRN: 100023342304

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence
summary

Regulation 33, 34

Premises licence number:

11/10856/LIPN

Part 1 – Premises details

Postal address of premises:

Norris News
115 Lupus Street
London
SW1V 3EN

~~Telephone Number: Not Supplied~~

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

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

Sale by Retail of Alcohol

Monday to Saturday:

08:00 to 23:00

Sunday:

10:00 to 22:30

The opening hours of the premises:

Monday to Saturday:

06:00 to 23:00

Sunday:

06:00 to 22:30

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

Alcohol is supplied for consumption off the Premises.

Name and (registered) address of holder of premises licence:
Prashant Patel
Please Note: The address of the licence holder has not been displayed, please ask the Licensing Authority if required

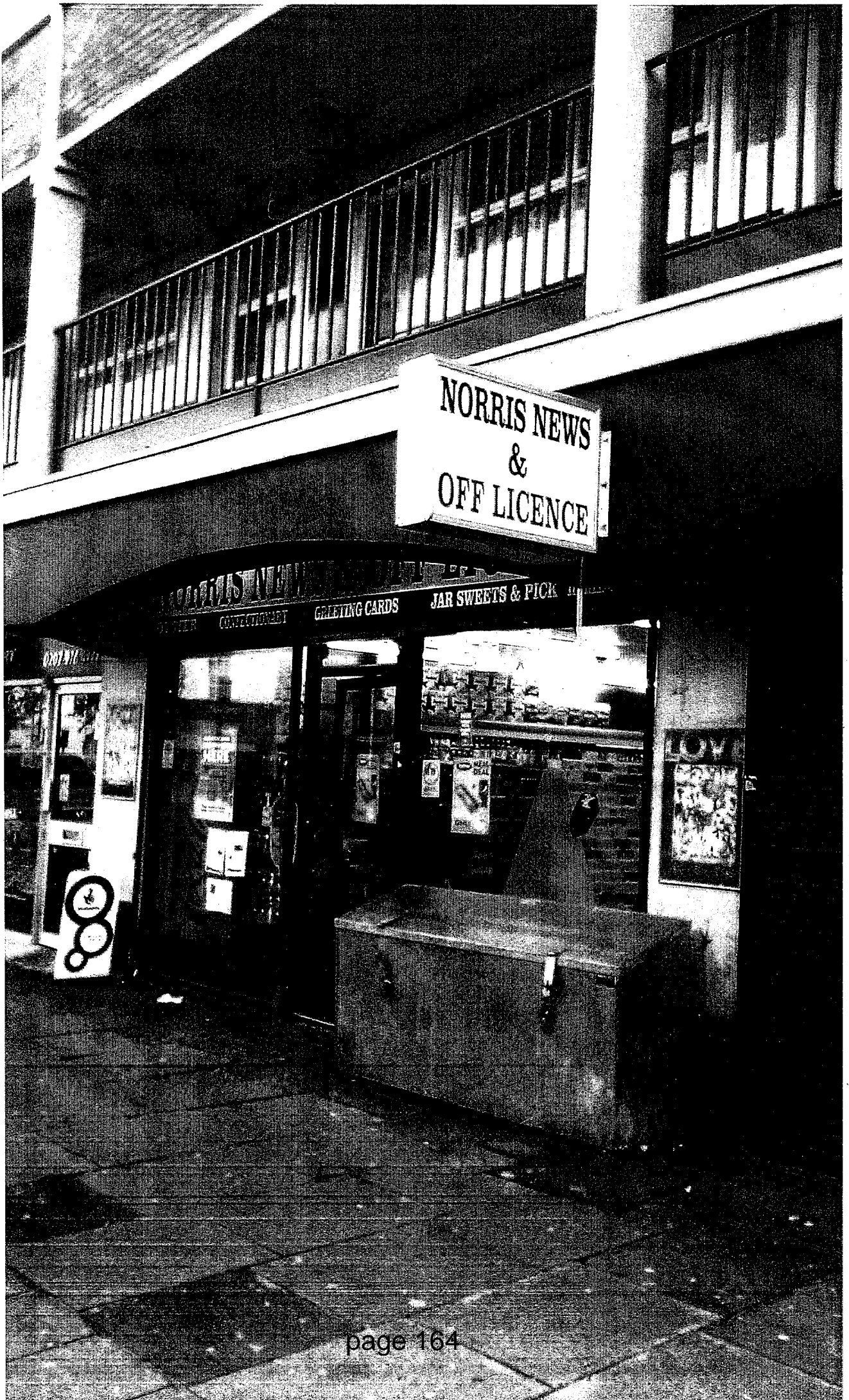
Registered number of holder, for example company number, charity number (where applicable)
N/A

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

State whether access to the premises by children is restricted or prohibited:
Not applicable

Date: 30 January 2012

This licence has been authorised by Mr Ola Owojori on behalf of the Operational Director - Premises Management.









Appendix 2 – Copies of legal letters



City of Westminster

Mr Gareth Cleary
Licensing Inspector
Tel: 0207 641 7076
Fax: 020 7 641 3436
gcleary@westminster.gov.uk
Your Ref:-.....
My Ref: - 14/41646/ELSELF

8th December 2014

Mr. Shusilkumar Bhavsar
C/O Norris News,
115 Lupus Street,
London,
SW1V 3EN

Dear Mr Bhavsar,

Re: Premises Licence – Norris News, 115 Lupus Street, SW1V 3EN

I write with reference to a visit by Customs and Excise to your premise on 13th November 2014.

As you are aware during the visit a substantial amount of alcohol stored in your premise was identified as having no UK excise duty paid. As a result 886.56 litres of beer and 36 litres of wine were seized by Customs and Excise. The outstanding duty owed on the stock was estimated by them as amounting to £1224.55. As the person being present at the time, and your position as the owner of the business, you were subsequently issued with a warning letter and a booklet explaining your right to appeal against this seizure.

I am writing to inform you that it is an offence contrary to S.144 Licensing Act 2004 for any person to knowingly keep on licensed premises any goods without payment of duty or which have otherwise been unlawfully imported. For your reference the following is an extract from the Licensing Act 2003

Section 144

(1)A person to whom subsection (2) applies commits an offence if he knowingly keeps or allows to be kept, on any relevant premises, any goods which have been imported without payment of duty or which have otherwise been unlawfully imported.

(2)This subsection applies—



(a) to any person who works at the premises in a capacity, whether paid or unpaid, which gives him authority to prevent the keeping of the goods on the premises,

(b) in the case of licensed premises, to—

(i) the holder of a premises licence in respect of the premises, and

(ii) the designated premises supervisor (if any) under such a licence,

(c) in the case of premises in respect of which a club premises certificate has effect, to any member or officer of the club which holds the certificate who is present on the premises at any time when the goods are kept on the premises in a capacity which enables him to prevent them being so kept, and

(d) in the case of premises which may be used for a permitted temporary activity by virtue of Part 5, to the premises user in relation to the temporary event notice in question.

(3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) The court by which a person is convicted of an offence under this section may order the goods in question, and any container for them, to be forfeited and either destroyed or dealt with in such other manner as the court may order.

This is a serious matter for which you may be prosecuted. However, before the matter is submitted to the City Council's Director of Legal Services for consideration as to whether prosecution action should be considered, I would like you to have an opportunity to provide a response at an interview under caution.

If you are willing to attend an interview, I would ask that you telephone me on the number at the top of this page, within 14 days of the date of this letter, so that a mutually convenient appointment can be arranged. I would remind you that you are entitled to seek legal advice before the interview takes place and/or to have legal representation during the course of the interview.

As an alternative, you may prefer to let me have your response to these issues in writing. This is acceptable, so long as you understand that **you do not have to say anything in response to the allegation. But it may harm your defence if you do not mention now, in response to the allegation, something which you later rely on in court. Anything you do say may be given in evidence.**



City of Westminster

Your written response must be signed and dated by you and forwarded to the address recorded at the foot of this letter, within 14 days of the above date, marked for my attention. Following receipt of your response, careful consideration will be given to all of the facts before a decision is made as to the most appropriate course of action for the City Council to take.

Lastly the Licensing Act 2003 requires licensing authorities to carry out all their functions with a view to promoting the licensing objectives, which are:

- (a) **The prevention of crime and disorder;**
- (b) Public Safety;
- (c) The prevention of public nuisance; and
- (d) The protection of children from harm.

Where one or more of the above licensing objectives are not being promoted the Licensing Authority may call for a 'Review' of your premises licence. In light of this crime related incident Reviews proceeding are now being considered.

Yours sincerely

Mr. Gareth Cleary
Licensing Inspector



City of Westminster

Mr Gareth Cleary
Licensing Inspector
Tel: 0207 641 7076
Fax: 020 7 641 3436
gcleary@westminster.gov.uk
Your Ref:-.....
My Ref: - 14/41646/ELSELF(2)

20th January 2015

Mr. Prashant Patel
C/O Norris News,
115 Lupus Street,
London,
SW1V 3EN

Dear Mr. Patel,

Re: Premises Licence – Norris News, 115 Lupus Street, SW1V 3EN

I write with reference to a visit by Customs and Excise to your premise on 13th November 2014, in a follow up letter to my original letter to Mr. Shusilkumar Bhavsar dated 8th December 2014.

I have noted from the internal record systems database at Westminster City Council that a transfer of either the premises licence holder or the Designated Premises Supervisor has not been applied for. Therefore you are currently the person responsible at the business for both the premises licence and specifically the sale and supply of alcohol.

As you may be aware during the visit a substantial amount of alcohol stored in your premise was identified as having no UK excise duty paid. As a result 886.56 litres of beer and 36 litres of wine were seized by Customs and Excise. The outstanding duty owed on the stock was estimated by them as amounting to £1224.55. As Mr. Bhavsar was present at the time, and stating that he is the owner of the business, he was subsequently issued with a warning letter and a booklet explaining his right to appeal against this seizure.

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(b) in the case of licensed premises, to—

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City of Westminster

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Yours sincerely

Mr. Gareth Cleary
Licensing Inspector



City of Westminster

Mr Gareth Cleary
Licensing Inspector
Tel: 0207 641 7076
Fax: 020 7 641 3436
gcleary@westminster.gov.uk
Your Ref: -.....
My Ref: - 14/41646/ELSELF(3)

20th January 2015

Mr. Prashant Patel
C/O Norris News,
264 Stanford Hill
London
N16 6TU

Dear Mr. Patel,

Re: Premises Licence – Norris News, 115 Lupus Street, SW1V 3EN

I write with reference to a visit by Customs and Excise to your premise on 13th November 2014, in a follow up letter to my original letter to Mr. Shusilkumar Bhavsar dated 8th December 2014.

I have noted from the internal record systems database at Westminster City Council that a transfer of either the premises licence holder or the Designated Premises Supervisor has not been applied for. Therefore you are currently the person responsible at the business for both the premises licence and specifically the sale and supply of alcohol.

As you may be aware during the visit a substantial amount of alcohol stored in your premise was identified as having no UK excise duty paid. As a result 886.56 litres of beer and 36 litres of wine were seized by Customs and Excise. The outstanding duty owed on the stock was estimated by them as amounting to £1224.55. As Mr. Bhavsar was present at the time, and stating that he is the owner of the business, he was subsequently issued with a warning letter and a booklet explaining his right to appeal against this seizure.

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(ii) the designated premises supervisor (if any) under such a licence,

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City of Westminster

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- (d) The protection of children from harm.

Where one or more of the above licensing objectives are not being promoted the Licensing Authority may call for a 'Review' of your premises licence. In light of this crime related incident Reviews proceeding are now being considered.

Yours sincerely

Mr. Gareth Cleary
Licensing Inspector

Cleary, Gareth

From: Cleary, Gareth
Sent: 05 February 2015 13:26
To: 'Shusil bhavsar'
Subject: RE: 14/41646/ELSELF

Dear Mr Bhavsar,

Thank you for your reply to my previous letter regarding the alcohol seized by Customs and Excise at your premise namely Norris News, 115 Lupus Street, London SW1V 3EN. If you are content to submit this as your written response as an alternative to attending an interview, I am in turn content to accept this as your written response and I will submit your written response as part of the review papers for the premise in question.

As the current Designated Premises Supervisor and Licence Holder, Mr Prashant Patel, has failed to respond formally in writing to my letter regarding the seizure of the alcohol, I will be submitting the Review papers as of tomorrow with the view of reviewing and potentially revoking the premises licence in light of the findings by Customs and Excise.

Once again, thank you for your assistance in this matter,

Yours sincerely

Mr Gareth Cleary
0207 641 7076

From: Shusil bhavsar [<mailto:norrisnewsuk@outlook.com>]
Sent: 05 February 2015 12:07
To: Cleary, Gareth
Subject: Ref: 14/41646/ELSELF

Dear Mr Cleary

With regards to the letter we received from Westminster Council I would like to inform you sir, that it is very difficult for me to come in person to present myself due to the fact of the opening hours of the business so if its possible I can send something in writing rather than come in person to present my version of the clarification.

I am new to this business and this is first of its kind of experience I have faced and I am still in learning process and we try and do our best to comply any regulation so given a benefit of doubt for this first incident please I would request you and the panel to consider as giving me this first and final warning and in return from me I would assure you that we will follow the rules and comply the regulation set up by the council in future.

I am in process of applying the personal licence for myself and I would like you to consider on the above ground and in return I will agree all the rules and regulation in future.

I know the mistake has been made but this is happen while the business was in process of transferring on my name.

I would request you and the panel of councilor before considering the decision kindly please consider this is first and final mistake from our end and this would not happen in future.

Looking forward to your favourable reply

Yours Sincerely

Shusil Bhavsar
NORRIS NEWS AGENT

This message (including any attachments) is confidential and may be privileged. If you have received it by mistake please notify the sender by return e-mail and delete this message from your system. Any unauthorised use or dissemination of this message in whole or in part is strictly prohibited. Please note that e-mails are susceptible to change. **Norris News** shall not be liable for the improper or incomplete transmission of the information contained in this communication nor for any delay in its receipt or damage to your system. **Norris News** does not guarantee that the integrity of this communication has been maintained nor that this communication is free of viruses, interceptions or interference.

From: norrisnewsuk@outlook.com
Subject: Fwd: Ref: 14/41646/ELSELF
Date: Wed, 7 Jan 2015 21:52:25 +0000
To: gcleary@westminster.gov.uk

Dear Mr Cleary

I have been trying contacting you regarding the meeting and left few messages on your answer phone, kindly please advice me for the below.

Many thanks

Shusil Bhavsar
Sent from my iPhone

Begin forwarded message:

From: Shusil bhavsar <norrisnewsuk@outlook.com>
Date: 2 January 2015 16:14:55 GMT
To: "gcleary@westminster.gov.uk" <gcleary@westminster.gov.uk>
Subject: Ref: 14/41646/ELSELF

Dear Mr Cleary

I am accepting the liability with reference to the above and I would like to come in for the interview in regards to off licence.

Kindly please let me know the interview date as I am represnting only myself.

Kind Regards

Shusilkumar Bhavsar

Norris News
115 Lupus Street
London
SW1V 3EN
Phone: 0207 834 5120

Mobile: 07900 693905

This message (including any attachments) is confidential and may be privileged. If you have received it by mistake please notify the sender by return e-mail and delete this message from your system. Any unauthorised use or dissemination of this message in whole or in part is strictly prohibited. Please note that e-mails are susceptible to change. **Norris News** shall not be liable for the improper or incomplete transmission of the information contained in this communication nor for any delay in its receipt or damage to your system. **Norris News** does not guarantee that the integrity of this communication has been maintained nor that this communication is free of viruses, interceptions or interference.

Appendix 3 – Statements

WITNESS STATEMENT OF NICHOLAS PARKER

Visit to Norris Newsagent, 115 Lupus Street, 13th November 2014.

I, Nicholas Parker, Officer of Her Majesty's Revenue & Customs, (HMRC) based at Custom House, 20 Lower Thames Street, London EC3R 6EE WILL SAY as follows:

1. On 13th November 2014, accompanied by Officer Stapleton of HMRC, I attended Norris Newsagent at 115 Lupus Street, London SW1V 3EN under the authority of section 112 of the Customs & Excise Management Act. I entered the premises at 16:10 hours.
2. The owner of a shop, Mr Shusilkumar Bhavsar, who was present throughout the visit was asked to provide purchase records in respect of the canned beers and wine in the shop to demonstrate that the UK duty had been paid. Mr Bhavsar admitted that some of the wine and most of the canned beers on the premises had been purchased without an invoice. This admission led me to believe, on the balance of probabilities that UK duty had not been paid on the alcohol in question.
3. As a result of this admission I made the decision to seize the alcohol detailed below, pursuant to section 139 of the Customs & Excise Management Act 1979 as it was liable to forfeiture on the basis that, on the balance of probabilities, the UK excise duty had not been paid.
4. In total the following quantities were seized:

866.56 litres of beer
36 litres of wine
5. The duty figures of the seized stock amounted to £1224.55, including VAT.

6. Mr Bhavsar was issued with a seizure information notice, a warning letter and a booklet explaining his right to appeal the seizure at 16:55 hours. To date, I am not aware of any appeal against the seizure.

Statement of Truth

I believe that the facts contained in this witness statement are true.

Signed:



NICHOLAS PARKER

Dated 16th February 2015

Appendix 4 – History of visits, observations and complaints

<u>Date</u>	<u>Details</u>	<u>Outcome</u>
11.10.12	Visit by Licensing Inspector (Ref: 12/39900/ELREAC)	Meeting held between Licensing Inspectors and Mrs Patel (elderly mother of owner) Concerns raised with regards to CCTV, Blinds, Licence part B not displayed, Alcohol kept in shop over 5.5% namely Desperados 5.9% Zywiec 5.6%.
03.11.12	Test Purchase by Trading Standards (Ref: 12/39900/ELREAC)	Underage alcohol sales to Police cadet test purchases on 3 rd November 2012. Trading Standards Department subsequently raise concerns re underage cigarette signage/sales. Previous non-compliance noted with licence conditions, CCTV etc. Meeting held with owner, Mr Patel, to discuss the results of the test purchases and overall concerns about staff awareness and training on age restricted products.
07.12.12	Warning Letter sent to Licence Holders (Ref: 12/39900/ELREAC)	Warning letter sent to Mr Patel
13.11.14	Visit made by Customs & Excise (14/41646/ELSELF)	See Review Report
08.12.14	Letters sent to Mr Bhavsar (14/41646/ELSELF)	See Review Report
20.01.15	Letters sent to Licence Holder and Designated Premises Supervisor (14/41646/ELSELF)	See Review Report

Appendix 5 – Historical letters



City of Westminster

Mrs Sandra Robbie
Senior Licensing Inspector
Tel direct: 0207 641 1847
Tel general: 0207 641 3385
srobbie@westminster.gov.uk

Your Ref:-.....
My Ref: - 11/10856/LIPN

Mr P. Patel
264 Stanford Hill
London
N16 6TU

16th November 2012

Dear Mr Patel,

Norris's News, 115 Lupus Street, London, SW1V 3EN

We are writing to you as the Premises Licence holder and Designated Premises Supervisor.

Following the recent breaches in regards to underage alcohol sales, previous concerns about underage cigarette signage and non compliance with your premises licence conditions in your shop at 115 Lupus Street, we would request that you contact us to make an appointment to come in for a meeting regarding all of the above no later than 30 November 2012.

Yours sincerely

Mrs Sandra Robbie
Senior Licensing Inspector
Premises Management

c.c. Mr P. Patel, Norris's News, 115 Lupus St, SW1
B. Eaton, Westminster Warden, Lupus St.
F. King, Westminster Trading Standards



City of Westminster

Mrs Sandra Robbie
Senior Licensing Inspector
Tel direct: 0207 641 1847
Tel general: 0207 641 3385
srobbie@westminster.gov.uk

Your Ref:-.....
My Ref: - 11/10856/LIPN

Mr P. Patel
264 Stanford Hill
London
N16 6TU

7th December 2012

Dear Mr Patel,

Norris's News, 115 Lupus Street, London, SW1V 3EN

We are writing to you as the Premises Licence holder and Designated Premises Supervisor.

Thank you for attending the meeting here at City Hall today with Sandra Robbie and Brian Eaton.

The reason for this meeting is as followings;

Sales of alcohol to two fifteen year old Police Cadets on Saturday 3rd November 2012 at 14.40 hours.

Concerns about staff awareness and training on age restricted products.

Non compliance with your premises licence conditions i.e. CCTV.

Please note following this meeting if any of the above are brought to the attention of Westminster Council or the Police we will take enforcement action.

Yours sincerely

Mrs Sandra Robbie
Senior Licensing Inspector
Premises Management

c.c. Mr P. Patel, Norris's News, 115 Lupus St, SW1
B. Eaton, Westminster Warden, Lupus St.
F. King, Westminster Trading Standards

**METROPOLITAN POLICE SERVICE
PENALTY NOTICE
PENALTY AMOUNT £80**

PART 4 CTO COPY PN No. 01/ A74820079

TITLE MRS SURNAME PATEL

FORENAMES KALPNA

DATE OF BIRTH (ddmmYYYY) 14011957 ADDRESS 264 STAMF

ORD HILL

POST CODE N16 6TU

OFFENCE TIME 1430 HRS. OFFENCE DATE 03112012

AT (LOCATION) NORRIS NEWSAGENTS
LUPUS STREET SW1

OFFENCE CODE RA16

YOU (offence particulars) SOLD ALCOHOL TO
UNDER 18 YEAR OLD

CONTRARY TO (Act containing offence) SLES LICENSING ACT 2003

PLACE OF ISSUE: Street Custody

I acknowledge receipt of this Penalty Notice
Signature [Signature]

ISSUED BY: Surname CHAMBERLAIN Signature CHAMBERLAIN

Warrant/Pay No. 225246 Division CW

Rank PC DATE OF ISSUE 03112012

**MUST BE COMPLETED
ADDITIONAL DETAILS OF RECIPIENT**

Gender: M F IC Code 4 SD Code 04

Occupation MANAGER

CRIS No.

Local Authority Code

A/S No.

Custody (Pic) No.



**METROPOLITAN POLICE SERVICE
PENALTY NOTICE
PENALTY AMOUNT £80**

PART 6B Continued PN No. 01/ A74820079

STATEMENT OF WITNESS

(C.J. Act 1967, S. 9; M.C. Act 1980, ss.5A(3)(a) & 5B; M.C. Rules 1981, r. 70)

NOTES CONTINUED

At 1430 hours on Saturday 3rd November 2012 I was on duty in full uniform with PC BARDOCK and PC UZUN. I was in company with two female police cadets both aged 15 years. At this time we were engaged on Operation Autumn night. We visited a number of off licenced premises as part of a test purchase exercise. At this time we entered ~~REDACTED~~ NORRIS NEWSAGENTS' LUPUS STREET, SW1. Once there I saw a female I know as KALPNA PATEL, 14.01.1957 of 264 STAMFORD HILL, N16 6TU. She was the manager when 2x alcohol had been sold to two female cadets. This was witnessed by PC UZUN. I cautioned her to which she made no reply. I then issued an PPN which she signed. The alcohol was booted into the property store at Charing Cross Police station. I then resumed my duties. [Signature] PC 40022

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of Ceyhun Uzun URN:

--	--	--	--

Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: POLICE OFFICER

This statement (consisting of: 3..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date:03/11/2012.....

Tick if witness evidence is visually recorded (supply witness details on rear)

On SATURDAY 3RD OCTOBER 2012 I was on duty engaged on a test purchase operation targeting off licences on Westminster Borough for under age sales of alcohol. I was in plain clothes with SPECIAL PC Michael Kokonis. I was working with PS Peter Chamberlain and PC Neil Baldock who were both in full uniforms. At 11:00 hrs we were briefed by PS Chamberlain also present two Female volunteer police cadets who were both under age of 18 years known as Cadets 4 and 5 respectively regarding their deployment and the method to be adopted. They were in casual plain clothes. Following this briefing digital photographs of each of the cadets and a photocopy of their birth certificates were taken. These are produced as exhibits in a separate statement. At about 14:30 hrs we drove to LUPUS STREET SW1 in a marked police vehicle. We parked at the next junction intending to conduct a test purchase at NORRIS convenience store LUPUS STREET SW1. Cadet 4 and 5 were verbally briefed and handed a £10 note each. I then walked a short distance and entered NORRIS convenience store at LUPUS STREET SW1. I went to the front of the shop. Approximately 1 minute later I saw Cadet 4 & 5 enter store. I was looking at Birthday cards on display. I had cadet 4 & 5 in full view at all times. I saw them select two bottles of WKD VODKA alcohol drinks in purple bottle 275ml from a chiller cabinet. After a short time they then went to the counter to pay. I stood to the side of birthday card display watching cadets. There were few other customers in the store at that time. At no time did I speak with the Cadets or give the impression I was with them. The Cadets placed the two bottles of WKD VODKA drink on the counter. They were then served by an Asian male aged about 20 years wearing a grey hooded top and blue denim trousers, who I now know to be Mr Ankit PATEL. Mr PATEL looked at the Cadets and had not said anything. He rang the item into the cash till and placed the bottles of WKD drinks into a black carrier bag and handed it to Cadet 5 "How much is that?" Cadet 5 said "£2.58 Two pounds Fifty Eight pence". Cadet 5 handed over the £10 note. PATEL gave her change. At no point whilst the Cadets were in the shop or during the transaction did PATEL ask them their age or ask for ID. Cadet 5 took the bottle and left the shop with Cadet 4. I did not purchase anything from the shop after them. I followed both back to the Van with Special PC Kokonis and informed Sergeant Chamberlain and we discussed

Signature: page 100 Signed/verified by:

Continuation of Statement of

what had taken place. Cadet 5 handed me two bottle of WKD - I then placed this into Evidence bag and sealed it referencē D43474115 as Exhibit CU/1. Myself PS Chamberlain and Pc Baldock then returned to the shop. On entering I saw PATEL stood behind the counter with a lady shop owner who I now know to be Mrs Kalpna PATEL. I identified myself by showing my warrant card and introduced myself. I then said "A few minutes ago a young girls came in and bought two bottles of WKD alcohol. These girls are police cadets and work for me their photographs shown by PS Chamberlain, You served them and I was stood behind witnessing whilst you did this. They are both under age of eighteen. At no point did you ask them their age or ask for ID. It is an offence to sell alcohol to anyone under the age of 18". PATEL appeared very nervous and said "I thought they were older". I reiterated what I had witnessed. We then made enquiries as to his position in the store. He had stated that he was family member helping out Mrs KALPNA PATEL the owner. Sergeant Chamberlain verified KALPNA Patel's details who took full responsibility of the transaction and had apologised for this matter explaining it would not happen again and issued her with a PND fixed penalty notice for the offence of supplying alcohol to persons under 18. The PND was fully explained. I informed PATEL that the Licensing Officer and Trading Standards would be informed of the incident.

Myself PC Baldock and PS Chamberlain left the store.

Signature:

Signature witnessed by:

RESTRICTED – FOR POLICE AND PROSECUTION ONLY
(when completed)

Home address:

Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / Female (delete as applicable) Date and place of birth:

Former name: Height: Ethnicity Code:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on MG6. What can be done to ensure attendance?
- b) Does the witness require 'special measures' as a vulnerable or intimidated witness? Yes / No. If 'Yes' submit MG2 with file.
- c) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- c) I consent to police having access to my medical records in relation to this matter: Yes No N/A
- d) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- e) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings (if applicable) Yes No N/A
- f) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness:

Statement taken by (print name):

Station:

Time and place statement taken:

Signature of witness:



Schedule 12
Part A

WARD: Churchill
UPRN: 100023342304

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

13/05276/LIPVM

Original Reference:

11/10856/LIPN

Part 1 – Premises details

Postal address of premises:

Norris News
115 Lupus Street
London
SW1V 3EN

Telephone Number: 0207 834 5120

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

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

Sale by Retail of Alcohol

Monday to Saturday: 08:00 to 23:00

Sunday: 10:00 to 22:30

The opening hours of the premises:

Monday to Saturday: 06:00 to 23:00

Sunday: 06:00 to 22:30

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

Alcohol is supplied for consumption off the Premises.

Part 2

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

Prashant Patel

The address of the licence holder has not been displayed, please ask the Licensing Authority if required.

Mobile Phone Number : 07707 365904

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

N/A

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

Name: Prashant Patel

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

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

Licence Number: LBH-PER-T-0151

Licensing Authority: London Borough Of Haringey

Date: 30 July 2013

This licence has been authorised by Mr Ola Owojori on behalf of the Operational Director - Premises Management.

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The 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.

Annex 2 – Conditions consistent with the operating Schedule

5. The spirits which are displayed in the cigarette gantry will be removed from display outside of the hours for the sale of alcohol and will be securely stored on the premises.
6. A Personal Licence holder will be at the premises at all times when it is open for business.
7. Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grills, locked screens or locked cabinet doors so as to prevent access to the alcohol by both staff and customers. It will be the responsibility of the Designated Premises Supervisor or a Personal Licence holder employed by the site to ensure that the grills, locked screens or locked cabinet doors are secured outside of the sale of alcohol hours.

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

8. The premises shall install and maintain a CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises are 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 with the absolute minimum of delay upon the request of Police or authorised officer throughout the preceding 31 day period.
9. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested
10. No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises
11. No more than 15% of the sales area to be used at any one time for the sale, exposure for sale, or display of alcohol
12. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale
13. 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, passport and PASS accredited Proof of Age cards
14. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises are open
15. Staff training will be given to ensure that in the case of any doubt whether a purchaser is over the age of 18 to refuse the sale of alcohol unless valid ID is produced
16. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
17. There shall be no self service of spirits on the premises except for spirit mixers below 5.5% Alcohol by Volume.
18. A notice shall be prominently displayed at the exit requesting patrons to respect the needs of local residents and leave the area quietly.

CITY OF WESTMINSTER

MEMORANDUM

TO
REFERENCE

Taruna Adnath
15/01135/LIREVP

FROM
EH Reference
BEING DEALT WITH BY
TELEPHONE
DATE

EH Consultation Team
14/030518/EHCT
Rebecca St. Rose
020 7641 2291
10th March 2015

The Licensing Act 2003

Norris News, 115 Lupus Street, London, SW1V 3EN

I refer to the application for review of the Premises Licence.

Environmental Health, as a responsible authority, **supports** this review under Crime and disorder and the protection of children from harm, Licensing Objectives.

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

Rebecca St. rose
Environmental Health Officer
Environmental Health Consultation Team

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
New Premises Licence 11/10856/LIPN	Application for a New Premises Licence to permit the Sale of Alcohol off the premises	17.01.2012	Granted by Licensing Sub-Committee
Minor Variation Application 13/05276/LIPVM	<p>Application to add conditions to the licence:</p> <ol style="list-style-type: none"> 5. The spirits which are displayed in the cigarette gantry will be removed from display outside of the hours for the sale of alcohol and will be securely stored on the premises. 6. A Personal Licence holder will be at the premises at all times when it is open for business. 7. Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grills, locked screens or locked cabinet doors so as to prevent access to the alcohol by both staff and customers. It will be the responsibility of the Designated Premises Supervisor or a Personal Licence holder employed by the site to ensure that the grills, locked screens or locked cabinet doors are secured outside of the sale of alcohol hours. 	30.07.2013	Granted under delegated authority

There is no appeal history for this premises.

There have been no TENs at this premises.

Current conditions on the existing licence: 13/05276/LIPVM

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
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3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (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.

Annex 2 – Conditions consistent with the operating Schedule

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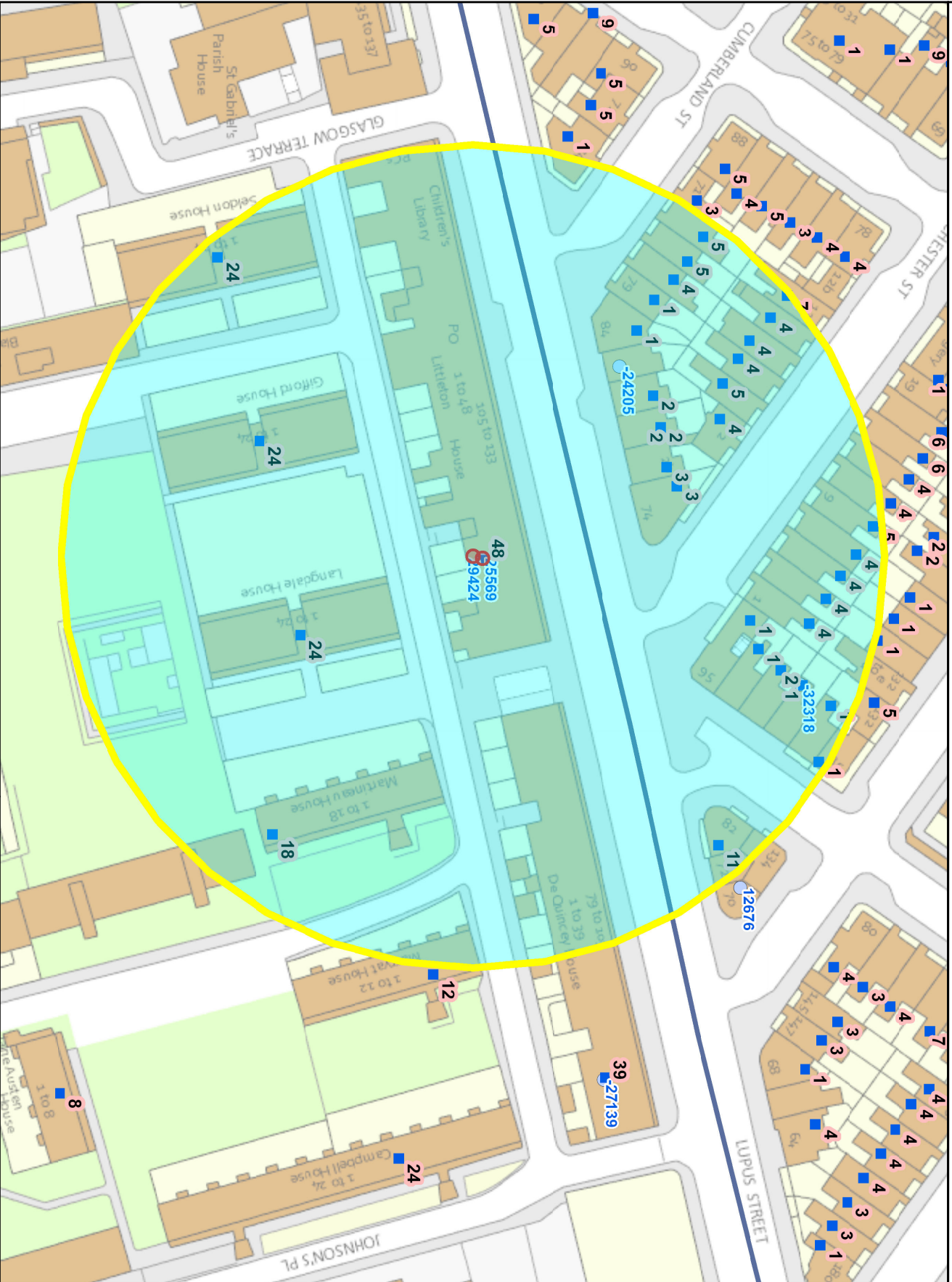
Annex 3 – Conditions attached after a hearing by the licensing authority

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Norris News, 115 Lupus Street



10 Meters

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Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known
Data Source: Uniform Database	
Date: 28/04/2015	



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UNDER 25?
Please be prepared to show proof of age when buying alcohol.



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£27.99
£33.99
£35.99
£36.99

Price tags on the second shelf:
£35.99
£35.99
£29.99
£29.99



Price tags on the third shelf:
£9.99
£12.99
£10.49
£7.99
£9.49
£7.99
£7.99



Price tags on the fourth shelf:
£7.99
£6.99
£7.99
£7.99
£7.99
£7.99



Price tags on the fifth shelf:
£7.99
£7.99
£7.99
£7.99

Large red text on a grey background: **COLBULL**

