



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (4)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** Committee held on **Tuesday 12th January, 2016**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

Members Present: Councillors Jean Paul Floru (Chairman), Heather Acton and Aziz Toki

Also Present: Councillors

Apologies for Absence:

1 MEMBERSHIP

There were no changes to the membership.

2 DECLARATIONS OF INTEREST

Councillors Floru, Acton and Toki declared that they had previously considered an application for Bar Termini at the Licensing Sub-Committee hearing on 15 May 2014. This was not a personal or prejudicial interest and did not in any way affect their ability to consider the current application impartially.

Councillor Heather Acton declared that she had previously dined at Shiori. This was not a personal or prejudicial interest and did not influence her decision making in any way.

3 THE PHOENIX, 51 MOSCOW ROAD, W2

LICENSING SUB-COMMITTEE No. 4

Thursday 12th January 2016

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Heather Acton and Councillor Aziz Toki

Legal Adviser: Horatio Church

Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon

**The Phoenix, 51 Moscow Road, W2
15/09852/LIPV**

Application adjourned prior to the hearing.

4 BURGER STATION, 11 SOUTH MOLTON STREET, W1

LICENSING SUB-COMMITTEE No. 4

Thursday 12th January 2016

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Heather Acton
and Councillor Aziz Toki

Legal Adviser: Horatio Church
Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon

**Burger Station, 11 South Molton Street, W1
15/08088/LIPV**

Application granted under delegated powers as all representations were withdrawn
prior to the hearing.

5 BURGER & LOBSTER, MARANDA HOUSE, 26-28 BINNEY STREET, W1

LICENSING SUB-COMMITTEE No. 4

Thursday 12th January 2016

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Heather Acton
and Councillor Aziz Toki

Legal Adviser: Horatio Chance
Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon

Relevant Representations: Ward Councillor and 2 local residents.

Present: Mr Thomas O'Maoileoin (Solicitor, representing the Applicant).

**Burger & Lobster, Maranda House, 26-28 Binney Street, W1
15/09258/LIPV**

1. Proposed variation to condition on existing premises licence

Condition on existing premises licence

24. The supply of alcohol for consumption on the premises shall only be to a person taking a table meal there and for consumption by such a person as ancillary to their meal.

Proposed amended condition

24. The supply of alcohol for consumption on the premises shall only be to a person taking a table meal there and for consumption by such a person as ancillary to their meal.

Notwithstanding condition 24, alcohol may be supplied and consumed in the bar area hatched black on the plan, by up to a maximum at any one time, of 12 seated persons by waiter service until 9pm.

Amendments to application advised at hearing:

During the hearing, Mr O'Maoileoin amended the proposed latest time that alcohol could be supplied and consumed in the bar area without it being ancillary to a table meal from 9pm (21:00 hours) to 8pm (20:00 hours).

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

This was a variation application to relax a condition on the existing premises licence so as to allow up to 12 people to consume alcohol in the bar area without a table meal until 21:00 hours. Mr O'Maoileoin, representing the Applicant, informed Members that the Police prior to withdrawing their representation had suggested a maximum of 12 customers in this area at any one time rather than the 15 originally put forward by the Applicant because it was 10% of the capacity. He also stated that there are 12 covers in the bar area so this would be relatively easy to enforce.

During the hearing, Mr O'Maoileoin amended the proposed latest time that alcohol could be supplied and consumed in the bar area without it being ancillary to a table meal from 21:00 hours to 20:00 hours. He referred to this being in keeping with the Council's revised Statement of Licensing Policy. Mr O'Maoileoin emphasised that alcohol in the bar area would be served by waiter or waitress at all times and the bar area would revert to restaurant use after 20:00. Alcohol served in the restaurant would continue to be ancillary to a table meal at all times. He also made the point that he did not believe there were any noise complaints or Police concerns relating to the premises.

The Sub-Committee granted the amended application so that alcohol would be permitted to be supplied and consumed in the bar area by up to a maximum at any one time, of 12 seated persons by waiter service until 20:00 hours. Members noted that Burger Lobster is not located in the West End Cumulative Impact Area. However even had the premises been located within the cumulative impact areas, it would have likely been concluded by the Sub-Committee that the application with on-sales not being ancillary to a table meal ceasing at 20:00 hours would not have added to cumulative impact and therefore not been contrary to policy when applying the revised Statement of Licensing Policy. After 20:00 hours the bar area would revert to being a restaurant, in keeping with the rest of the premises.

The Sub-Committee noted that the Council's Environmental Health Department and the Metropolitan Police had not maintained their representations and the conditions on the existing licence which remained on the varied licence had taken into account the requirements to promote the licensing objectives in this residential area. Off-sales would continue to cease at 20:00 hours and be ancillary to a take-away meal. Also at least one permanent member of staff would be required to supervise the outside area at all times when the restaurant is open, including any queuing taking place.

Conditions attached to the Licence

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

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.

Additional Conditions

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

11. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons

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

12. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
13. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
14. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
16. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity. The telephone number will be advertised in letters of not less than two inches high on the façade of the premises.
17. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by staff so as to ensure that there is no public nuisance or obstruction to the public highway. Any queue that may form will be directed towards Oxford Street.
18. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
19. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20:00 hours and 08:00 hours on the following day.
20. No collections of waste or recycling materials (including bottles) from the premises shall take place between 20.00 and 08.00 on the following day.
21. No deliveries to the premises shall take place between 20:00 and 08:00 on the following day.
22. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 120 persons.
23. The supply of alcohol for consumption on the premises shall only be to a person taking a table meal there and for consumption by such a person as ancillary to their meal.
24. Notwithstanding condition 23, alcohol may be supplied and consumed in the bar area hatched black on the plan, by up to a maximum at any one time, of 12

seated persons by waiter service until 21:00.

25. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
26. 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.
27. 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.
28. 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.
29. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.
30. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
31. There will be no 'off' sales of alcohol after 20:00 hours.
32. There will be at least one permanent member of staff to supervise the outside area at all times when the restaurant is open.
33. All customers leaving the restaurant will be asked to move away from the area.
34. If there is outside queuing it will be supervised at all times.
35. No queuing will be permitted after 21:00 hours.
36. No more than 20 people will be allowed to queue at any one time.
37. 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
38. All customers shall leave the premises 30 minutes after the last sale of alcohol.

LICENSING SUB-COMMITTEE No. 4

Thursday 12th January 2016

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Heather Acton and Councillor Aziz Toki

Legal Adviser: Horatio Chance
Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon

Relevant Representations: Environmental Health, Metropolitan Police and the Soho Society.

Present: Mr Julian Skeens (Solicitor, representing the Applicant), Mr Luke Elford (Solicitor, on behalf of the Applicant), Mr Marco Arrigo (Applicant Company), Mr Dave Nevitt (Environmental Health) and PC Reaz Guerra (Metropolitan Police)

Declaration: Councillors Floru, Acton and Toki declared that they had previously considered an application for Bar Termini at the Licensing Sub-Committee hearing on 15 May 2014. This was not a personal or prejudicial interest and did not in any way affect their ability to consider the current application impartially.

Bar Termini, 7 Old Compton Street, W1 15/10386/LIPN	
1.	Late Night Refreshment (indoors)
	Monday to Thursday 23:00 to 23:30 Friday and Saturday: 23:00 to 01:00
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee initially heard from Mr Skeens, representing the Applicant. Mr Skeens stated that Bar Termini was food led with a capacity of 30 people inclusive of staff. His client was seeking a new premises licence for licensable activities. However, there was an existing licence for the premises. There was no change to the proposed hours for late night refreshment (indoors) from the existing licence. There was no change proposed to the hours already permitted for on sales Monday to Thursday (off sales were no longer requested) and on Sunday but an additional hour was sought on Friday and Saturday evenings. In

terms of opening hours, in addition to an extra hour being sought on Friday and Saturday evenings, earlier opening hours were proposed Monday to Sunday. The licensable activities were also requested from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day and an additional hour was sought on Valentine's Day, the Sunday before Bank Holiday Monday, Christmas Eve and Boxing Day.

The Sub-Committee noted that the existing licence for the premises in 2014 whilst not requiring the model restaurant condition MC66, did require alcohol to only be supplied to customers who are also provided with substantial food. The conditions for the current application required substantial food to be available and for alcohol to be served by waiter or waitress but did not specify that alcohol would be ancillary to food. Members wished to know what made the application for a bar in the West End an exception to policy. Mr Skeens emphasised that Bar Termini is a quality specialist café, aperitivo and digestivo bar. There were no issues at the premises, including when Temporary Event Notices had been applied for. The aspects of the application sought in addition to those already permitted on the existing licence were needed to assist the premises in being a viable business financially. The additional hour on Friday and Saturday nights would give customers more time to use the digestivo bar.

PG Guerra representing the Police stated that his representation was being maintained as it was for a new premises licence in the West End Cumulative Impact Area and was contrary to policy. He believed that a significant change was being proposed in terms of how the premises would operate as it was currently food led. He confirmed that Bar Termini was not currently of concern to the Police as there had been no reports of crime or disorder issues taking place when Temporary Event Notices had been applied for and only one or two thefts being reported whilst the premises had operated.

Mr Nevitt addressed the Sub-Committee, representing the Council's Environmental Health Department. He confirmed that Bar Termini is well run and managed and that there had been no issues with public nuisance when Temporary Event Notices had been applied for. He had maintained his representation on policy grounds, in particular that the proposed hours were beyond Core Hours in the West End Cumulative Impact Area. Mr Nevitt stated that in favour of the application was that it is small and well managed and is a specialist café, aperitivo and digestivo bar. He had discussed with the Applicant options for the later hours such as pre-booking. Mr Nevitt observed that the operators wished to encourage customers to eat but alcohol would not be ancillary to food. It was not currently a place where patrons would go to get drunk but it was a matter for consideration whether this would change late at night. The later the hours granted, the greater the risk. Patrons would remain in the Cumulative Impact Area later into the night. A matter for the Applicant was how late arrivals would be managed.

The Sub-Committee asked the Applicant how it would handle a potentially increased risk of rowdiness. Mr Skeens replied that his client employed a 'meeter and greeter'. The premises had a significant ratio of bookings. Mr Arrigo added that bookings were approximately 80% of the business. Mr Skeens offered a condition that there would be no admittance after midnight

	<p>save for pre-bookings.</p> <p>Members of the Sub-Committee, in reaching their decision, considered that Bar Termini is located in the West End Cumulative Impact Area and they were not prepared to permit the premises to operate as a bar. They were however content to grant the requested extension for the sale of alcohol until 01:00 hours on Friday and Saturday on the basis that this was ancillary to food. Members considered that the current style of operation would promote the licensing objectives with the addition of an extra hour on Friday and Saturday. A bar operation is contrary to policy in the Cumulative Impact Area and the Sub-Committee decided to re-instate the aspect of the condition on the existing licence that alcohol shall only be supplied to patrons who are also provided with substantial food.</p> <p>Members of the Sub-Committee had some sympathy for the venture and whilst upholding the Council's policy, were prepared in addition to granting an extra hour on Friday and Saturday, to relax the condition transferred from the existing licence so that from 1800 hours all patrons would be seated save for a maximum of 4 persons waiting to be seated. This had been requested by Mr Skeens.</p> <p>The Sub-Committee granted late night refreshment which was for the same hours as those permitted on the existing licence and also the additional hour requested on Christmas Eve and New Year's Eve. Members did not grant the extra hour for the other Bank Holidays (Valentine's Day, the Sunday before Bank Holiday Monday and Boxing Day) which would potentially impact on local residents into the working week.</p>
2.	Sale by Retail of Alcohol (On)
	<p>Monday to Thursday: 11:00 to 23:30 Friday and Saturday: 11:00 to 01:00 Sunday: 12:00 to 22:30</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the requested extension for the sale of alcohol until 01:00 hours on Friday and Saturday on the basis that this was ancillary to food (see reasons for decision in Section 1).</p>
3.	Opening Hours
	<p>Monday to Thursday: 07:00 to 23:30 Friday and Saturday: 07:00 to 01:00 Sunday: 07:00 to 22:30</p>

	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>
4.	Seasonal Variations
	<p><u>Late Night Refreshment (indoors), Sale by Retail of Alcohol (On) and Opening Hours</u></p> <p>From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>
5.	Non-standard timings
	<p><u>Late Night Refreshment (indoors), Sale by Retail of Alcohol (On) and Opening Hours</u></p> <p>An additional hour on Valentine's Day, the Sunday before Bank Holiday Monday, Christmas Eve and Boxing Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the additional hour requested on Christmas Eve and New Year's Eve. Members did not grant the extra hour for the other Bank Holidays (Valentine's Day, the Sunday before Bank Holiday Monday and Boxing Day) which would potentially impact on local residents into the working week.</p>

Conditions attached to the Licence

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.

Additional Conditions

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
11. The premises shall operate as an aperitivo and digestivo bar where:
 - a. The supply of alcohol for consumption 'on' the premises shall be by waiter or waitress service and to seated persons only, save for the persons set out in b. below.
 - b. from 1800 hours all patrons shall be seated save for a maximum of 4 persons waiting to be seated.
 - c. alcohol shall only be supplied to patrons who are also provided with substantial food. Food will be of the type described as "fatta fuori sede" which means that there is no primary cooking on site.
 - d. There shall be no sales of draft beer.
12. The premises shall be a member of the local pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.
13. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
14. Substantial food and non-intoxicating beverages, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
15. The number of persons accommodated at any one time shall not exceed 30 persons inclusive of staff.
16. A direct telephone number for the manager at the premises shall be publically made available at all times the premises is open. This telephone number is to

be made available to residents and businesses in the vicinity.

17. 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 is open.
18. The entrance door shall be kept closed after 22.00 hours except for the immediate access and egress of patrons or in the event of an emergency.
19. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
20. Loudspeakers shall not be located in the entrance area or outside the premises building.
21. 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.
22. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
23. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 hours and 08.00 hours on the following day.
24. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
25. The licensable activities authorised by this licence can only be carried on at the premises by Bar Termini Ltd.
26. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
27. The licence holder shall ensure that all cashiers and relevant staff are trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example, thumb print or pupil recognition) is introduced. All cashiers will be instructed, through training, that a sale shall not be made unless this evidence is produced.
28. All cashiers and relevant staff will receive refresher training on relevant alcohol

laws and the licence holder's policy on challenging for ID. Such training to take place at least twice a year. Records will be maintained at the premises containing information about the training of any person who may make a sale of alcohol including the date of their training and the nature of the training undertaken. The relevant documentation shall be produced on request to a police officer or a relevant officer of a responsible authority.

- 29. The licence shall not be in effect until premises licence number 14/02200/LIPN is surrendered.
- 30. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.

7 SHIORI, 45 MOSCOW ROAD, W2

LICENSING SUB-COMMITTEE No. 4
Thursday 12th January 2016

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Heather Acton and Councillor Aziz Toki

Legal Adviser: Horatio Chance
 Policy Adviser: Chris Wroe
 Committee Officer: Jonathan Deacon

Relevant Representations: 3 local residents.

Present: Mr Alam (Representing the Applicant), Ms Kayoko Suzui (Director, Applicant Company) and Mr Akio Shindate (Assistant).

Declaration: Councillor Heather Acton declared that she had previously dined at Shiori. This was not a personal or prejudicial interest and did not influence her decision making in any way.

Shiori, 45 Moscow Road, W2 15/09578/LIPV					
1.	Sale by Retail of Alcohol (On and Off)				
	<table border="0"> <tr> <td style="text-align: center;"><u>Current Hours</u></td> <td style="text-align: center;"><u>Proposed Hours</u></td> </tr> <tr> <td>Monday to Saturday: 12:00 to 15:00 hours and 18:00 to 22:30</td> <td>Monday to Saturday: 12:00 to 22:30 Sunday: 12:00 to 22:00</td> </tr> </table>	<u>Current Hours</u>	<u>Proposed Hours</u>	Monday to Saturday: 12:00 to 15:00 hours and 18:00 to 22:30	Monday to Saturday: 12:00 to 22:30 Sunday: 12:00 to 22:00
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Monday to Saturday: 12:00 to 15:00 hours and 18:00 to 22:30	Monday to Saturday: 12:00 to 22:30 Sunday: 12:00 to 22:00				
	Amendments to application advised at hearing:				

	None.				
	<p>Decision (including reasons if different from those set out in report):</p> <p>Mr Alam, representing the Applicant, explained that the premises as a result of the existing licence operated, including for the sale of alcohol, from 12:00 to 15:00 hours and 18:00 to 22:30 hours Monday to Saturday. His client was seeking to sell alcohol from 12:00 to 22:30 hours Monday to Saturday without the break from 15:00 to 18:00 and remain open on these days until 23:00. On Sundays, the Applicant wished to sell alcohol from 12:00 to 22:00 and remain open until 22:30 (the premises had not previously had licensable activities on Sundays). Mr Alam emphasised that Shiori is a specialist Japanese restaurant that focuses on a specific clientele. These include Japanese companies and embassy staff. The average bill is £150-£200 per person and alcohol is £5 to £30 per glass. Mr Alam added that the capacity for Shiori is 20 people including staff and there are 16 seats in the premises.</p> <p>Mr Alam made the points in response to residents' written objections that Shiori currently sells alcohol for consumption on and off the premises until 22:30 Monday to Saturday and he did not believe this caused any issues to residents. The residents' concerns in their representations related to premises in general and there was no direct evidence of issues arising from the restaurant. There were a number of licensed premises within 75 metres of Shiori which operate the same or longer hours.</p> <p>The Sub-Committee, in granting the application, noted that Shiori is run as a restaurant. It is located outside the cumulative impact areas and the Applicant's proposed extension of hours was largely during the daytime. The opening hours sought involved an additional half an hour until 23:00 Monday to Saturday which is within the Council's Core Hours policy. The proposed hours on Sunday are also in keeping with Core Hours. Members noted that there were no representations from the Council's Environmental Health Department or the Police and no evidence to suggest that the restaurant was responsible for any nuisance being caused to local residents.</p>				
2.	Opening Hours				
	<table border="0"> <thead> <tr> <th data-bbox="268 1697 491 1736"><u>Current Hours</u></th> <th data-bbox="842 1697 1098 1736"><u>Proposed Hours</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="268 1771 783 1843">Monday to Saturday: 12:00 to 15:00 hours and 18:00 to 22:30 hours</td> <td data-bbox="842 1771 1358 1843">Monday to Saturday: 12:00 to 23:00 Sunday: 12:00 to 22:30</td> </tr> </tbody> </table>	<u>Current Hours</u>	<u>Proposed Hours</u>	Monday to Saturday: 12:00 to 15:00 hours and 18:00 to 22:30 hours	Monday to Saturday: 12:00 to 23:00 Sunday: 12:00 to 22:30
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Monday to Saturday: 12:00 to 15:00 hours and 18:00 to 22:30 hours	Monday to Saturday: 12:00 to 23:00 Sunday: 12:00 to 22:30				
	Amendments to application advised at hearing:				

	None.
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application, subject to conditions as set out below (see reasons for decision in Section 1).</p>

Conditions attached to the Licence	
<u>Mandatory Conditions</u>	
<ol style="list-style-type: none"> 1. 2. 3. 4. 	<p>No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.</p> <p>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.</p> <p>Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.</p> <p>(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.</p> <p>(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</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;</p> <p>(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</p> <p>(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</p> <p>(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;</p>

- (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.

Additional Conditions

9. The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iii) which do not provide any take away service of food or drink for immediate consumption, and (iv) where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals.
10. The supply of alcohol shall be by waiter or waitress service only.
11. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
12. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
13. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
16. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
17. A challenge 21 scheme, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
18. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times

when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

19. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
20. 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.
21. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 20 persons.
22. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
23. No more than (15%) of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
24. There shall be no self service of spirits on the premises.
25. There shall be no off sales of super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above.
26. No deliveries shall be made to the premises between 20:00 and 08:00 hours Monday to Saturday and Sunday between 1800 to 1000

8 ASCOTT MAYFAIR LONDON, LOWER GROUND FLOOR, 49 HILL STREET, W1

LICENSING SUB-COMMITTEE No. 4

Thursday 12th January 2016

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Heather Acton and Councillor Aziz Toki

Legal Adviser: Horatio Chance

Policy Adviser: Chris Wroe

Committee Officer: Jonathan Deacon

Relevant Representations: Environmental Health.

Present: Mr Nicolas Frison (Director, Applicant Company), Mr Damien Marty (Business Development Director and shareholder of Applicant Company),

Ascott Mayfair London, Lower Ground Floor, 49 Hill Street, W1 15/10074/LIPN	
1.	Late Night Refreshment
	Monday to Sunday: 23:00 to 01:30
	Amendments to application advised at hearing: None.
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee initially heard from Mr Frison and Mr Marty. They informed Members that their catering company was currently delivering food to hotels and serviced apartments until 22:30 from 49 Hill Street without alcohol being sold. A significant part of their business, which did not include takeaways to residents, was in the Knightsbridge and South Kensington area. They wished to sell alcohol and provide late night refreshment until 01:30 every night of the week. Having received orders on the telephone, the food and drink would be delivered via small motorbikes whose riders would double up as the waiters serving hotel residents. Mr Frison added that the waiters had received the necessary training in relation to sales of alcohol.</p> <p>The Sub-Committee put the point to Mr Frison and Mr Marty that whilst the small motorbikes might make less noise than some larger ones, the Applicants were seeking to use them in a residential area in Central Mayfair until 01:30 which had the potential to cause nuisance. Mr Frison and Mr Marty were asked whether they would consider using electric vehicles or bicycles which were not likely to raise the same issues. Mr Frison replied that they had recently purchased the motorbikes but that they would wish to replace them over time. They were conscious of the requirement for ultra-low emissions in London. The Sub-Committee also asked about collections. Mr Frison responded that this took place at the hotels once a week between 09:00 and 15:00 Monday to Friday. This was processed in their kitchen facilities located in Tower Hamlets. Mr Marty confirmed in response to Members' questions that the waiters were able to check the age of those receiving the alcohol in the hotel rooms. The Applicants were content to agree all of Environmental Health's proposed conditions, including the adoption of a Challenge 21 or Challenge 25 proof of age scheme.</p> <p>PC Guerra stated that the Police maintained their representation as the application exceeded the Council's Core Hours policy. The Police's main concern was verifying the age of those receiving the alcohol. The Applicants</p>

had now agreed the proof of age scheme.

The Sub-Committee was next addressed by Mr Nevitt, representing Environmental Health. He referred to his written representation which flagged up his concerns regarding the potential for noise and disturbance caused by the motorbike deliveries. Waverton Street is a quiet, residential area and the premises where the motorbikes would depart from is directly opposite. Mr Nevitt made the point that the situation would be exacerbated by the fact that if the application was granted, activity would take place into the early hours of the morning. He believed that there was the potential for residents to be adversely affected by a number of noise sources including the opening and closing of delivery bay gates, use of vehicle ramps, revving and idling of vehicle engines, radios and delivery staff talking outside the premises.

Mr Nevitt expressed concerns that any motorbike riders would arrive back at the premises after 01:30 and residents were likely to notice this. He recommended that the Sub-Committee consider options such as restricting the hours of operation and requiring the Applicants to produce a noise management plan. Mr Nevitt advised that Core Hours for deliveries were not unusual for deliveries in the borough. There was likely to be a time during the night at which local residents would be disturbed. In response to a question from the Sub-Committee, Mr Nevitt stated that he was of the view that electric vehicles would remove a lot of the concerns. His prime concern was the revving of motorbike engines. He would be happy to discuss with the Applicants how they would deal with the other potential noise sources mentioned. After a certain hour there could potentially be an onus on the Applicants to be required to use electric vehicles.

The Applicants were asked for their view should the application be granted Core Hours. Mr Frison replied that this would not cause significant issues for the Applicant Company as they would be able to operate from the kitchen in Tower Hamlets. He added that he would be content with a requirement that after Core Hours only electric vehicles could be used and to undertake a noise management report. Mr Nevitt clarified that it would be necessary to identify all the potential noise sources, the most affected residents and how the Applicant would deal with the issues raised.

A discussion ensued following PC Guerra's request for clarification on the likely timings of the activities. Mr Wroe stated that the terminal hour for alcohol related to the last sale. There were currently no restrictions on when the deliveries would leave the premises. Mr Nevitt commented that the supply of late night refreshment was at the point of delivery. Mr Frison and Mr Marty confirmed that one motorbike rider would always return to Ascott Mayfair from having made the delivery and carried out the waiter duties. Mr Frison provided an estimate of time taken following receipt of an order over the telephone. This was likely to be approximately 5 minutes to re-heat the food, up to 15 minutes to deliver it, 5 minutes for the waiter to take the food to the hotel room and take payment before returning to the premises.

The Sub-Committee considered that based on the time it would take for the motorbike rider / waiter to undertake his duties and return to the premises after

	<p>the sale of alcohol and supply of late night refreshment would take place, a terminal hour for the licensable activities would be set of half an hour prior to Core Hours (23:00 Monday to Thursday, 23:30 Friday and Saturday and 22:00 Sunday). Members also decided by a majority of two to one* that in the event the Applicants used electric vehicles only and not motor vehicles for the deliveries they would be permitted to sell alcohol and supply late night refreshment until 01:30 Monday to Sunday as originally applied for. This was in order to give the Applicants an incentive to introduce electric vehicles for all deliveries at all times licensable activities are permitted.</p> <p>The Sub-Committee also decided that the Applicant would be required to produce a noise management plan which would need to be agreed with Environmental Health, which the Applicants had already stated was acceptable to them. The Applicant had also agreed the conditions proposed by Environmental Health including the adoption of a Challenge 21 or Challenge 25 proof of age scheme when delivering alcohol, no noise being permitted to be generated on the premises which gives rise to a nuisance and off-sales being ancillary to a take-away meal.</p> <p>* Councillor Acton wished it to be recorded that she did not agree with the decision to extend the hours for licensable activities if electric vehicles only were used. This was due to concerns that there was the potential for other noise issues, as referred to by Mr Nevitt, to adversely affect residents in the vicinity of the premises apart from the sound of the motorbikes if the permitted hours were extended.</p>
2.	Sale by Retail of Alcohol (Off)
	Monday to Sunday: 12:00 to 01:30
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>A terminal hour for licensable activities was granted of half an hour prior to Core Hours (23:00 Monday to Thursday, 23:30 Friday and Saturday and 22:00 Sunday). In the event the Applicants used electric vehicles only and not motor vehicles for the deliveries they would be permitted to sell alcohol and supply late night refreshment until 01:30 Monday to Sunday as originally applied for.</p> <p>See reasons for decisions in Section 1.</p>
3.	Opening Hours
	Monday to Sunday: 12:00 to 01:30

	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>A terminal hour for licensable activities was granted of half an hour prior to Core Hours (23:00 Monday to Thursday, 23:30 Friday and Saturday and 22:00 Sunday). In the event the Applicants used electric vehicles only and not motor vehicles for the deliveries they would be permitted to sell alcohol and supply late night refreshment until 01:30 Monday to Sunday as originally applied for.</p>

Conditions attached to the Licence

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.

Additional Conditions

9. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

10. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

11. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.

12. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.

13. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

14. A record shall be kept detailing all refused sales of alcohol. The record should 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 is open.

15. The licence shall have no effect until a noise management plan has been submitted and agreed with the Environmental Health Consultation Team.

16. Deliveries of alcohol and the provision of late night refreshment shall not be

made from the premises after the following hours:

- Monday to Thursday 23:00
- Friday and Saturday 23:30
- Sunday 22:00.

17. Notwithstanding condition 16, deliveries of alcohol and the provision of late night refreshment shall be permitted to be made from the premises until 01:30 hours Monday to Sunday in the event that electric vehicles or bicycles are used for these deliveries.