



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (2)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (2)** held on **Thursday 3rd March, 2016**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Nickie Aiken (Chairman), Susie Burbridge and Shamim Talukder

#### 1 MEMBERSHIP

There were no changes to the Membership.

#### 2 DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 1 RESTAURANT, 1 GROSVENOR GARDENS, SW1

##### LICENSING SUB-COMMITTEE No. 2

*Thursday 3<sup>rd</sup> March 2016*

Membership: Councillor Nickie Aiken (Chairman), Councillor Susie Burbridge and Councillor Shamim Talukder.

Legal Adviser: Horatio Chance

Policy Officer: Chris Wroe

Committee Officer: Toby Howes

Presenting Officer: Ola Owojori

Relevant Representations: Environmental Health, Goring Hotel and five local residents.

Present: Mr Alun Thomas (Solicitor for the Applicant Company), Mr Fiaz Rasool (Applicant Company), Mr Laurence Selman (Applicant Company), Mr Gerry Calebrese (Applicant Company), Mr Ian Watson (Environmental Health Department), Mr Stuart Geddes (Goring Hotel) and Ms Ursula Claxton (Local Resident).

**Restaurant, 1 Grosvenor Gardens, SW1  
15/07477/LIPN**

**1. Late Night Refreshment**

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

From the end of permitted hours on New Year's Eve to 05:00 on New Year's Day.

Sunday before Bank Holiday: 23:00 to 00:00

**Amendments to application advised at hearing:**

None.

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

Mr Thomas, Solicitor representing the Applicant Company, began by stating that the application was for a 'British brassiere' restaurant on a site that had previously been a bank, although the building had not been in use for ten years. Mr Thomas advised that the application had been adjourned at the request of the Applicant Company from a previous hearing in order to address concerns raised in representations in respect of a servicing management plan. He informed the Sub-Committee that a servicing management plan had received planning approval on 10 February and planning permission for a restaurant at the premises had been given in 2014. Mr Thomas referred to the proposed servicing management plan produced by an independent consultant that was included as part of the application. He stated that there would be no more than five deliveries a day and informed Members that the proposed hours for deliveries had been amended from 07:30 to 16:00 in the plan to 08:00 to 16:00 Monday to Friday, and 08:00 to 13:00 on Saturdays, with no deliveries on Sundays and Bank Holidays. In respect of refuse and recycling collection, one collection per day from 07:30 to 16:00 Monday to Friday and from 08:00 to 13:00 on Saturday was proposed, again with no collections on Sundays and Bank Holidays. Mr Thomas explained that any deliveries unloaded from Grosvenor Gardens Mews East (the Mews) would involve Transit sized vans, with deliveries controlled by instruction sheets given to suppliers and overseen by a Banksman to oversee the vans reversing down this road.

Mr Thomas stated that goods and refuse would enter and exit the premises via the fire exit, which was not uncommon and in any case there would only be up to five deliveries a day and one refuse collection a day. In respect of access and egress of staff, Members noted that this would be via Lower Grosvenor Place.

Mr Thomas stated that the Applicant Company had intended to contact local residents in respect of their concerns, however no email addresses were available to undertake this. He acknowledged that staff from the Goring Hotel lived in the Mews and that the hotel also rented out a flat in this road, however he remarked that the hotel's chauffeur used a parking bay in the road and there were also parking spaces for other vehicles that used the road. Mr Thomas concluded his initial submission by advising that staff were not permitted to smoke outside the premises and that the Applicant Company would be willing to have this added as a condition on their premises licence.

Mr Watson from the Council's Environmental Health Department then addressed the Sub-Committee. Mr Watson confirmed that he had visited the site and drew Members' attention to photographs taken during the site visit, including those of the fire exit, the Mews and the entrance to it and the proposed staff entrance. In Mr Watson's opinion, the entrance to the Mews was wide enough for vehicles such as Transit vans to pass through, however larger vehicles would find it problematic. He advised that the premises frontage on Lower Grosvenor Place was on a bus 'red route' and so this would prevent deliveries being possible from that road. For this reason, the premises was totally dependent on deliveries being made via the Mews. With regard to existing waste collection times, Mr Watson advised that these were from 08:00 to 15:00 Monday to Friday for Beeston Place and 09:00 to 11:00 Monday to Thursday for the Mews and he noted that the Applicant Company's management servicing management plan had stated that a private refuse collection company would be appointed.

Mr Watson stated that the use of a 'banksman' was more commonly associated with construction sites. Whilst smaller vehicles would be able to reverse into the Mews, the beeping sound made whilst they were reversing may disturb residents. He also expressed concern that if the Applicant Company used large bins, these would cause some noise if they were moved along the cobbled Mews. Similarly, deliveries of beer kegs and collection of bottles may also cause disturbance. As the premises was a Grade II listed building, there was little potential for internal works to help prevent any noise breakout. Mr Watson confirmed that a capacity limit was subject to finalisation of works and sign off, whilst staff smoking in the Mews would not be desirable because of the public nuisance it would cause. He concluded by stating that proposals would lead to an intensification of the use of the Mews and he felt that the servicing management plan as it stood did not totally address the concerns he had about the application and more information was required from the Applicant Company in respect of this.

Mr Geddes from Goring Hotel, then addressed the Sub-Committee. He began by expressing concern that delivery vehicles reversing in the Mews may disturb staff from the hotel who lived there. Garages in the Mews were also in constant use and the added presence of delivery vehicles would add to activity and therefore disturbance. Members heard that the hotel also had two garages and parking space in the Mews. In respect of commercial refuse collection, Mr Geddes stated that in his experience this would usually take place around 08.00 and would disturb residents and hotel staff who may have just finished a night shift and the noise would be exacerbated by the cobbles along the Mews, giving

rise to public nuisance, particularly where bottles were being collected. Some bins may also be placed near residents' front doors. Mr Geddes asserted that a nearby restaurant was attracting fly-tipping and he feared that this may also occur at the Applicant Company's premises. He also added that the Applicant Company needed to be clear on whether its staff could smoke, and if so specify precisely the area that they could.

Ms Claxton, a local resident, addressed the Sub-Committee. She informed Members that she lived at number seven along the Mews and her flat was directly above the garages and in close proximity to the fire exit. Ms Claxton stated that vehicles passed within a few inches of her front door and cars were frequently parked in the triangular area to the front of the Mews nearest the entrance. She estimated that the entrance was around ten feet wide and it was virtually impossible to pass through it at an angle. As such, she felt that many deliveries would need to be made manually. The cobbled, uneven surface along the Mews would also cause additional noise when deliveries and refuse collections were made. Furthermore, Ms Claxton contended that vehicles for refuse collections would have to stop along Beeston Place or Lower Grosvenor Place as they would be too large to access the Mews, and she added that there was no current refuse collection directly from the Mews. She suggested it was illogical to service a restaurant and bar via such a small street as the Mews. Ms Claxton added that she felt it was inevitable that staff from the premises would store objects near the fire escape.

During Members' discussion, further clarification was sought in respect of waste collection and delivery arrangements, how the entrance to the Mews would be accessed and was there any alternative entrance for deliveries to take place. Members enquired when and what times of the day had the survey for the servicing management plan been undertaken by the Applicant Company's consultants. The Sub-Committee also asked how many staff from the hotel lived in the Mews and would staff on night duties be sleeping during the day in accommodation at the Mews. Further details were requested on what steps would be taken to reduce noise levels that may disturb residents when deliveries and waste collections were taking place, especially removing bottles from the Mews and how would the Applicant Company meet the licensing objectives.

In reply to Members' queries, Mr Thomas advised that waste would be stored in the basement and he confirmed that a private waste collection company would be appointed. He re-stated that delivery and waste arrangements had received planning permission. The consultants undertaking the servicing management plan specialised in such matters and had visited the site to undertake their surveys. Mr Thomas advised that deliveries may also take place via Beeston Place, as stated in the servicing management plan, and he commented that the Applicant Company did not intend to provide draught beer, so deliveries and collections of beer kegs would not be necessary. It was also possible that staff from the premises could carry bottles so as not to cause noise and the Applicant Company had not proposed to use palates. Members noted that Beeston Place was a one-way street. Mr Thomas contended that it could not be argued that the Mews was mainly residential and he suggested that commercial use was around 80% in the street. He reiterated that there would be a maximum

	<p>of five deliveries and one waste collection a day and the waste collection may not even take place directly from the Mews.</p> <p>Mr Rasool, of the Applicant Company, confirmed that waste would be stored on the lower ground floor and would be brought to waste collection vehicles on arrival, and the type of vehicle could be specified. Mr Calebrese, also of the Applicant Company, added that perishable waste would be collected daily and bottles around twice a week.</p> <p>Ms Claxton stated that there was a pay and display parking scheme operating in Beeston Place, including the area opposite the entrance of the Mews. She stated that the garages in the Mews were used extensively and that there were residential flats above them. She contended that the Mews was not 80% commercial use. Mr Geddes advised that around 15 staff from the Goring Hotel lived in the Mews and that some would be on night shifts and so would be sleeping during the daytime. He added that in his experience he had not seen any businesses that manually carried their bottled refuse.</p> <p>Mr Thomas acknowledged that issues relating to access to the Mews needed further attention, including specifically reviewing the feasibility of vehicles accessing it. He therefore suggested Members may find it helpful to adjourn the application whilst this matter received further consideration, and more photographs in respect of the pay and display scheme operating in Beeston Place could also be supplied to the Sub-Committee. Mr Thomas added that the attendance of the report author of the servicing management plan at the subsequent hearing to answer questions may also be helpful to Members, who may also wish to undertake a site visit.</p> <p>The Sub-Committee adjourned the application as it considered that further information was needed in which to be able to make an informed and reasonable decision, having regard to the overriding public interest objective in accordance with Regulation 11 of the Licensing Act 2003 (Hearing) Regulations 2005. The Sub-Committee stated that it required more information from the Applicant Company as to how its management service plan would meet the licensing objectives, in particular in respect of public nuisance as there was presently insufficient evidence in the application to demonstrate how this would be achieved. Members advised the Applicant Company to provide more details of the survey undertaken for the servicing management plan, including photographs and the times during which the survey took place and that the report author of the plan be present at the hearing when this Sub-Committee re-considers the application.</p>
<p><b>2.</b></p>	<p><b>Sale by Retail of Alcohol: On and Off Sales</b></p>
	<p>Monday to Thursday: 10:00 to 23:30  Friday and Saturday: 10:00 to 00:00  Sunday: 12:00 to 22:30</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted</p>

	hours on New Year's Day. Sunday before Bank Holiday: 10:00 to 00:00
	<b>Amendments to application advised at hearing:</b> None.
	Decision (including reasons if different from those set out in report): Adjourned (see reasons for decision in Section 1).
<b>3.</b>	<b>Hours Premises are Open to the Public</b>
	Monday to Thursday: 07:00 to 23:30 Friday and Saturday: 07:00 to 00:00 Sunday: 07:00 to 22:30  From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.  Sunday before Bank Holiday: 07:00 to 00:00
	<b>Amendments to application advised at hearing:</b> None.
	Decision (including reasons if different from those set out in report): Adjourned (see reasons for decision in Section 1).

**2      SHAFTESBURY FOOD AND WINE, AVENUE HOUSE, 25-27  
SHAFTESBURY AVENUE, W1**

**LICENSING SUB-COMMITTEE No. 2**

*Thursday 3<sup>rd</sup> March 2016*

Membership:            Councillor Nickie Aiken (Chairman), Councillor Susie Burbridge  
and Councillor Shamin Talukder

Legal Adviser:        Horatio Chance

Policy Adviser:       Chris Wroe

Committee Officer:   Toby Howes

**Shaftesbury Food and Wine, Avenue House, 25-27 Shaftesbury Avenue, W1  
15/11886/LPIV**

Application adjourned prior to the hearing.

**3 CUMBERLAND FOOD & WINE, 11 GREAT CUMBERLAND PLACE, W1**

**LICENSING SUB-COMMITTEE No. 2**

*Thursday 3<sup>rd</sup> March 2016*

Membership: Councillor Nickie Aiken (Chairman), Councillor Susie Burbridge  
and Councillor Shamim Talukder.

Legal Adviser: Horatio Chance  
Policy Officer: Chris Wroe  
Committee Officer: Toby Howes  
Presenting Officer: Yolanda Wade

Relevant Representations: Environmental Health and the Metropolitan Police  
Service

Present: Ms Sarah Le Fevre (Barrister representing the Applicant Company),  
Thomas O'Maoileoin (Solicitor representing the Applicant Company), Mr  
Rahman (Applicant Company), PC Toby Janes (Metropolitan Police  
Service) and Mr Maxwell Koduah (Environmental Health Department)

**Cumberland Food & Wine, 11 Great Cumberland Place W1  
15/11866/LIPV**

**1. Late Night Refreshment**

Monday to Sunday: 23:00 to 01:00

**Amendments to application advised at hearing:**

None.

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

Miss Le Fevre, Barrister representing the Applicant Company, began by stating that Policy RNT2 did not apply to the application as the premises was not located in a cumulative impact area and so should be disregarded. She

confirmed that the application was for late night refreshments for consumption off site from 23:00 until 01:00 Monday to Sunday only and there were no proposals to extend the hours of sale by retail of alcohol. Miss Le Fevre advised the Sub-Committee that the Applicant Company had agreed to all the conditions requested by the Council's Environmental Health Department. Members heard that the Applicant Company wished to apply for late night refreshment as there was customer demand for hot snacks such as samosas and pasties, as well as tea and coffee, during later hours. The hot snacks were to be heated in a microwave behind the serving counter and no primary cooking would take place on the premises. Miss Le Fevre explained that the clientele during the later hours typically included staff from nearby hotels and London Underground. She informed the Sub-Committee that the Applicant Company had operated under a succession of temporary event notices on the weekends leading up to Christmas to provide late night refreshment and during this time there had been no evidence to suggest that the licensing objectives had been undermined. Furthermore, none of the temporary event notices had received representations when they had been applied for. Miss Le Fevre added that no residents had made representations in respect of this application.

In respect of Policy HRS1, Miss Le Fevre asserted that the two CCTV conditions already on the premises licence helped address this and she stated that the Applicant Company took a proactive role in keeping the immediate area around the premises licence clean. Referring to incidences linked to the premises, Miss Le Fevre advised the Sub-Committee that the reported thefts happened at a cash point and one staff member had been assaulted at 7.50am. There had also been a stabbing in the area and the victim sought refuge at the premises, where upon staff provided first aid, called the Police and provided CCTV as evidence, demonstrating the proactive action taken by staff to uphold the licensing objectives as a responsible licensed premises holder. The Sub-Committee noted that a total of eight members of staff were employed at the premises, with four staff on duty during weekday evenings and five staff at weekends and most held personal licences. Miss Le Fevre concluded her initial submission by stating that there was no evidence to suggest that the application would impact adversely on the licensing objectives and requested that it be granted accordingly.

PC Janes from the Metropolitan Police then addressed the Sub-Committee and advised that he had made his representation because of his concerns that the application would lead to an increase in crime and disorder and anti-social behaviour in the area, particularly as it would attract those who had been consuming alcohol to remain in the area for longer and at later hours. PC Janes acknowledged that the premises had operated with late night refreshments under the temporary event notices without incident, however this was only over a short period of time. He added that the addition of a fast food restaurant in the area had led to an increase in crime and so these premises may have a similar effect.

Mr Koduah from Environmental Health then addressed the Sub-Committee and with the approval of the Chairman and all interested parties, circulated a copy of the current conditions on the premises licence. He then gave examples of where these conditions had been breached, including sale of alcohol to an

underage person in April 2013 and Sale of alcohol above 5.5% ABV in October 2014 and November 2014. In addition, Mr Koduah referred to an occasion in July 2015 when the premises was open and trading at 01:00 when a visit by a City Inspector had led to a test purchase being refused. However, upon the City Inspector requesting CCTV footage, no staff on the premises were able to operate the CCTV. The City Inspector had then made a telephone call to the manager who ended the call during the middle of discussion. Mr Koduah advised that the underage sale of alcohol incident had led to a meeting with the Applicant Company and additional conditions added to the premises licence, whilst staff training had been undertaken at the Council offices in December 2014 following the October 2014 and November 2014 incidents.

Mr Koduah added that as a result of these incidents, he was not convinced that the Applicant Company was capable of adhering to the conditions on the premises licence and so he maintained his representation that the promotion of the licensing objectives would not be upheld. In addition, the late night refreshments would encourage those who had been consuming alcohol to remain in the area and this could potentially undermine the licensing objectives.

Miss Le Fevre, in responding to the issues raised by Environmental Health, advised that the premises licence had been transferred to the Applicant Company on 24 October 2014, after the underage sale of alcohol and the October 2014 incidents had taken place. She stated that the November 2014 incident could be explained by the transfer of goods when the premises licence was transferred. Miss Le Fevre emphasised that the July 2015 incident had resulted in staff refusing the test purchase, whilst the premises had always operated 24 hours a day and as the CCTV conditions only related to licensable activities, there had been no breach of conditions. With regard to Environmental Health stating that the manager had terminated the telephone call made from the City Inspector, Miss Le Fevre stated that this could not be confirmed as the City Inspector in question was not at the hearing. She asserted that the Applicant Company had a good working relationship with the Council and the issues raised by Environmental Health could have been addressed if included in their representation.

Members referred to the November 2014 incident and asked whether the same staff had been retained following the transfer of the premises licence in October 2014.

In reply, Miss Le Fevre stated that to her knowledge, the Applicant Company employed its own staff and other staff had left when the premises licence had been transferred to it. PC Janes commented that according to the premises licence, the designated premises supervisor remained the same and this was acknowledged by Miss Le Fevre. Mr Koduah contended that the City Inspector had reported that alcohol products had been removed during the July 2015 visit, whilst staff failure to operate the CCTV was still a breach of conditions on the premises licence in any event.

At this point, the Sub-Committee asked whether the City Inspector who had visited the premises was able to attend this hearing. Upon Members being advised that this was not possible, the Sub-Committee retired to consider its

	<p>decision.</p> <p>The Sub-Committee adjourned the application in order that the City Inspector who had reported the incident in July 2015 be present at a future hearing to present evidence for the Sub-Committee to duly consider. The Sub-Committee also requested that information be provided on ownership of the business and the staff employed both prior and after the transfer of the premises licence in October 2014. The Sub-Committee felt that on balance and in the absence of such vital information required, it could not reach an informed decision based on the current evidence and so in accordance with Regulation 11 of Licensing Act 2003, Hearing Regulations 2005, it was reasonable, proportionate and necessary to adjourn the proceedings.</p>				
<b>2.</b>	<b>Hours Premises are Open to the Public</b>				
	<table> <tr> <td><u>From:</u></td> <td><u>To:</u></td> </tr> <tr> <td>Monday to Saturday: 08:00 to 23:00 Sunday: 10:00 to 22:30</td> <td>Monday to Saturday: 08:00 to 01:00 Sunday: 10:00 to 01:00</td> </tr> </table>	<u>From:</u>	<u>To:</u>	Monday to Saturday: 08:00 to 23:00 Sunday: 10:00 to 22:30	Monday to Saturday: 08:00 to 01:00 Sunday: 10:00 to 01:00
<u>From:</u>	<u>To:</u>				
Monday to Saturday: 08:00 to 23:00 Sunday: 10:00 to 22:30	Monday to Saturday: 08:00 to 01:00 Sunday: 10:00 to 01:00				
	<p><b>Amendments to application advised at hearing:</b></p> <p>None.</p>				
	<p>Decision (including reasons if different from those set out in report):</p> <p>Adjourned (see reasons for decision in Section 1).</p>				

#### **4 SNOWFLAKE, UNIT 1, MARBLE ARCH HOUSE, 44 EDGWARE ROAD, W2**

##### **LICENSING SUB-COMMITTEE No. 2**

*Thursday 3<sup>rd</sup> March 2016*

Membership: Councillor Nickie Aiken (Chairman), Councillor Susie Burbridge and Councillor Shamim Talukder.

Legal Adviser: Horatio Chance

Policy Officer: Chris Wroe

Committee Officer: Toby Howes

Presenting Officer: Yolanda Wade

Relevant Representations: Environmental Health

Present: Mr Niall McCann (Solicitor representing the Applicant Company), Mr Asad Khan (Founder and Chief Executive Officer for the Applicant Company) and Mr Anil Drayan (Environmental Health Department).

<b>Snowflake, Unit 1, Marble Arch House, 44 Edgware Road W2 16/00299/LIPN</b>	
<b>1.</b>	<b>Late Night Refreshment</b>
	Sunday to Thursday: 23:00 to 00:00 Friday and Saturday: 23:00 to 02:00
	<b>Amendments to application advised at hearing:</b>  None.
	<p>Decision (including reasons if different from those set out in report):</p> <p>Mr McCann, Solicitor representing the Applicant Company, began by stating that the Applicant Company already operated four, high-end, boutique ice-cream establishments, including one located within Selfridges on Oxford Street. Three of these premises did not have a premises licence, whilst the other had a premises licence in order to provide late night refreshments until 01:00 on Fridays and Saturdays. Mr McCann advised that none of the premises sold alcohol and there were no proposals in this application to do so. Mr McCann advised that hours for late night refreshment had been applied for in order that customers could consume hot food and drinks after 23:00 as well as cold food and drinks. This would also prevent potential confusion to customers if they were only able to order cold food and drinks after 23:00. Mr McCann drew Members' attention to the plans as set out in the application and advised that a capacity of 60 people was suggested. The premises would be located in a new building and Mr McCann confirmed that there were no proposals to use an outside area. He added that it was a condition on the premises' lease that outside areas were not to be used by way of strict prohibition. The Police had withdrawn their representation after the Applicant Company had agreed to their request to include two conditions relating to CCTV on the premises licence.</p> <p>Mr McCann stated that the Council's Environmental Health Department had visited the premises on 11 February and requested six additional conditions of which the Applicant Company had agreed to five of them. However, a condition requesting that only 10% of the menu is to consist of hot food and drink had not been agreed as other premises operated by the Applicant Company with late night refreshment operated without problems with a larger percentage of hot food and drink. In addition, a condition was proposed that the premises operate as an ice-cream parlour and so the menu condition was not required. Mr</p>

McCann stated that the application included proposals to not provide hot food and drink for takeaway after 23:00, apart from hot desserts such as waffles and crepes and tea, coffee and hot chocolate. However, he indicated that the Applicant Company may be willing to reduce the hours for the supply of hot food and drink to 00:00 on Friday and Saturday as well as Sunday to Thursday. Mr McCann highlighted the fact that no residents had made representations in respect of the application.

Mr McCann stated that the plan included proposals to include two W/Cs. In his view, British Standards Regulation 6465 did not apply as it was designed with the supply of alcohol in mind, which would not be available at this premise. He did not think the proposed W/C provision presented any public safety issues and any condition requiring a minimum number of W/Cs could be seen as anti-competitive as similar premises in the area were not bound by such a restriction. Mr McCann concluded his initial representation by stating that the application was not proposing any regulated entertainment and it was not to be a public house or bar. He did not consider that the premises was offering fast food and he suggested that the application may actually reduce cumulative impact, particularly as granting it would mean that it would be subject to the conditions and hours as set out on the premises licence.

Mr Drayan, from the Environmental Health Department, advised that he was maintaining the representation on the grounds that the premises was located in a cumulative impact area. He advised that it was inappropriate that the supply of food and drink be regulated by the model restaurant condition and he felt that Policy FFE2 should apply. Mr Drayan referred to a previous application from the Applicant Company for an ice-cream parlour that had been approved, however it had been agreed that there be no hot food or drink for takeaway. Mr Drayan agreed that condition requesting that only 10% of the menu consist of hot food and drink was unnecessary and in any case would be difficult to enforce. He suggested an amendment to the condition relating to patrons temporarily leaving and then re-entering the premises so that end wording of the condition read that they shall not be permitted to take any food or drinks with them. On behalf of the Applicant Company, Mr McCann agreed to the amendment to this condition. Mr Drayan advised that the suggested total capacity was not calculated with the consumption of alcohol in mind.

Members sought further clarification with regard to the lease prohibiting use of any outside areas, including tables and chairs in these areas and when would the proposed capacity limit apply. Members also sought an explanation as to why late night refreshment until 02:00 was sought on Friday and Saturday, particularly as the premises was located in a cumulative impact area. The Sub-Committee also asked what steps would be taken to prevent those loitering on the streets from using the W/C facilities on the premises as this may add to public nuisance and raise public safety issues for customers.

In reply, Mr McCann advised that the tenants' covenant included in the lease specifically stated that no tables and chairs were to be placed outside of the building and that if this was breached, the landlord would take the necessary action to terminate the lease if required. He advised that the capacity of 60 persons was intended to be applied only after 23:00 and excluded staff. Mr

	<p>McCann stated that the Applicant Company had applied for late night refreshment until 02:00 on Friday and Saturday as other premises it operated also had such provision for later hours. Although the premises was located in a cumulative impact area, no fast food such as burgers and chips were proposed and the other premises managed by the Applicant Company operated without problems during later hours so there was no evidence that the application would add to cumulative impact. Mr McCann reiterated that the Applicant Company would accept that there be no takeaway of hot food and drink after 00:00 if Members felt this was necessary.</p> <p>Mr Khan of the Applicant Company advised that there would be a visual barrier concealing the entrance of the W/Cs upon entering the building that would dissuade passers-by from using them. He added that entrance to the W/Cs could be managed through customers obtaining a key from staff in the bar or counter area to prevent loitering in and out of the premises.</p> <p>The Sub-Committee granted the application with conditions, including conditions proposed by Environmental Health, save the condition concerning percentage of hot food and hot drink on the menu as Members agreed with the Applicant Company and the comments from Environmental Health at the hearing that the condition was unnecessary. The Sub-Committee amended the condition in respect of hot food and drink so that no hot food or drink be permitted for takeaway after 00:00, as the Applicant Company had indicated at the hearing that they would accept this amendment. In respect of capacity, the Sub-Committee replaced the proposed condition with model condition 37 limiting capacity to 60 people (excluding staff) at any one time. The condition relating the premises being used as an ice-cream parlour was replaced by model condition 86. The Sub-Committee noted that the mandatory conditions relating to supply of alcohol did not apply as this had not been proposed as a licensable activity in the application and so these were duly removed.</p> <p>In determining the application, the Sub-Committee considered that an exception to granting beyond core hours in a cumulative impact area was reasonable, proportionate and appropriate in all circumstances of the case as alcohol was not to be supplied on the premises and the conditions added would help the Applicant Company prevent adding to cumulative impact and uphold the promotion of the licensing objectives (prevention of crime and disorder, prevention of public nuisance, public safety, protection of children from harm).</p>
<p><b>2.</b></p>	<p><b>Hours Premises are Open to the Public</b></p>
	<p>Sunday to Thursday: 08:00 to 00:00  Friday and Saturday: 08:00 to 02:00</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
	<p><b>Amendments to application advised at hearing:</b></p>

	None.
	<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>

<b>Conditions attached to the Licence</b>	
1.	<p>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.</p>
2.	<p>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 premise 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.</p>
3.	<p>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.</p>
4.	<p>Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.</p>
5.	<p>No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.</p>
6.	<p>No licensable activities shall take place at the premises until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority.</p>
7.	<p>After 23:00 hours all external doors and windows to be kept closed save for immediate access and egress of persons.</p>
8.	<p>No rubbish, including bottles, shall be moved, removed or place in outside areas between 23:00 hours and 08:00 hours.</p>

9. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance
10. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
11. During the hours of operation ensure 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 the aforementioned 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.
12. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 60 persons.
13. There shall be no take away of hot food and hot drink after 00:00.
14. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as an ice-cream parlour.

The Meeting ended at 1.10 pm

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_