



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (3)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (3)** Committee held on **Thursday 14th July, 2016**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

Members Present: Councillors Melvyn Caplan (Chairman), Louise Hyams and Aziz Toki

1 MEMBERSHIP

There were no changes to the membership.

2 DECLARATIONS OF INTEREST

There were no declarations of interest from any of the members present.

3 BERKELEY SQUARE GARDENS (NORTH), OPEN SPACE, BERKELEY SQUARE, W1

The item was withdrawn.

4 VINOTECA, 53-55 BEAK STREET, W1

LICENSING SUB-COMMITTEE No. 3

Thursday 14th July 2016

Membership: Councillor Melvyn Caplan (Chairman), Councillor Louise Hyams and Councillor Aziz Toki

Legal Adviser: Horatio Chance

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Darren O'Leary

Relevant Representations: Environmental Health, Councillor Glenys Roberts, The Soho Society and 8 persons objecting to the application.

Present: Mr Craig Baylis (Solicitor, Representing the Applicant), Mr Brett Woonton (Applicant), Councillor Glenys Roberts (representing Mr and Mrs Callingham), Mr Anil Drayan (Environmental Health), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project) and Mr Bijan Seghatchian (local resident).

Vinoteca, 53-55 Beak Street, London 16/01814/LIPV	
1.	Conditions Being Varied, Added or Removed
	<p>Proposed Condition</p> <p>Notwithstanding Condition 27, alcohol may be supplied to customers without food provided that:</p> <ul style="list-style-type: none"> (a) Such supply shall only be to persons seated and served by waiter/waitress; (b) Such supply shall cease at 20:00; and (c) Such supply shall be limited to 10 customers on the ground floor and 10 on the first floor to be seated on the area hatched black and shown on plan number. <p>The availability of alcohol without food shall not be promoted or advertised otherwise than on menus and price lists within the premises.</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 considered an application by Vinoteca Limited for a variation of a premises licence in respect of Vinoteca, 53-55 Beak Street, London, W1F 9SH.</p> <p>The Licensing Officer provided an outline of the application to the Sub-Committee.</p> <p>All parties were invited to make representations to the Sub-Committee in relation to the application. The parties responded to members' questions and were given an opportunity to ask questions of each other.</p> <p>Mr Baylis, representing the applicant informed the Sub-Committee that the premises was strictly operated as a restaurant. It was recognised and accepted by the Applicant that there had been breaches of existing conditions over twelve months ago however these issues had since been resolved.</p> <p>As a preliminary issue it was explained that the City Council had updated its Statement of Licensing Policy ("SLP) in January 2016 and that paragraph 2.4.21</p>

of the SLP would now allow applications to sell alcohol for consumption on the premises if it was appropriately conditioned, would not lead to heavy drinking and when sales of alcohol were not permitted beyond 20:00 hours. As this application sought to allow the sale of alcohol on the premises to customers not purchasing food until 20:00 hours it would now meet this requirement.

It was stated that Vinoteca was a very successful operation which sourced specialist wines from around the world and customers would visit the premises especially to sample these wines. Currently wine could only be sold to customers purchasing a significant table meal as per Condition 27 on the premises licence. The Sub-Committee was advised by the Applicant that due to the specific wording of the Condition this had resulted in customers being turned away when they only wanted to sample some of the wine on offer. In managing the situation, the application proposed to provide areas where ten people on each floor would be allowed to drink alcohol only. Two managers would be supervising both areas at all times, one to manage customers entering the premises and another on the floor above ensuring all the proposed conditions were met. At 19:45 hours customers would be informed that they were only permitted to drink alcohol up to 20:00 hours and after this time food would have to be purchase. Communication between the staff and the customers would be very important to ensure everyone understood the requirements. It was also highlighted that the Council's cumulative impact area was intended to stop late night drinking and this application would not add to this as customers would have to stop drinking alcohol only by 20:00 hours.

The Council's Licensing Policy Officer provided the Sub-Committee with an explanation of the policy reasons together with the rationale for having imposed this type of restriction in the first place. It was noted that paragraphs 2.4.17 to 2.4.21 of the SLP were intended for applications that were not pubs and bars, were intended to promote the licensing objectives and ensure applicants could demonstrate that they would not add to the cumulative impact in the area. The policy did set out the circumstances where the Council would consider alcohol did not add to cumulative impact, or compromise the policy, and this related to premises including hairdressers, retail shops and cafes. Paragraph 2.4.22 of the SLP highlighted certain conditions which demonstrated what was required to comply with the policy. The Sub-Committee noted that this didn't remove the policy regarding bars and restaurants, specified in paragraph 2.5.3, which detailed that standalone bars were not permitted in restaurants and the provision of alcohol should be ancillary to such an activity.

Following the explanation of the policy, Mr Baylis was of the opinion that a cake or book shop would therefore be able to sell alcohol to twenty people but a restaurant would not. It was stated that the operators of Vinoteca were very experienced in running restaurants and this allied with a 20:00 hours limit for selling alcohol only would ensure all the issues related to cumulative impact would be solved.

Environmental Health explained that their representation was maintained as to permit the variation to the licence would alter the character of the premises and what was proposed was counter to the Council's policy.

The Licensing Policy Adviser advised that the application must demonstrate that it would not add to the cumulative impact and paragraph 2.4.17 of the policy was clear that in such areas alcohol must not be a significant part of the premises.

Mr Brown of the Citizens Advice Bureau brought the Sub-Committee's attention to paragraph 2.5.3 of the policy which was explicit in ensuring restaurants were not turned into bars. It was stated that a very similar application by Vinoteca had been submitted in April 2015 and this had been refused on the grounds that it failed to meet the policy test. In essence, the 2015 application requested designated areas allowing upto 15 people to drink alcohol however the new application before the Sub-Committee was requesting upto 20 people which would have an even greater impact as it represented 20% of the premises total capacity.

In response to the earlier observation that cake or book shops would be permitted to sell alcohol, Mr Brown stressed that at such premises the sale of alcohol would be ancillary to another activity. This would not be the case at Vinoteca where the proposed variation's intent was to attract people to the premises solely to drink alcohol at a specialist wine venue so the argument advanced by Mr Baylis, had nevertheless to be considered in this vein, by the Sub-Committee, even though the terminal hour for supplying and consuming alcohol without food on the premises was 20:00 hours this would contribute to an incremental rise in people drinking in a cumulative impact area.

A local resident, Mr Seghatchian, addressed the Sub-Committee to express his disappointment that another application for this premises had been submitted again. The application did not embrace the residents' concerns about the impact it would have on the local area and was not considerate to their needs. Mr Seghatchian explained that in the past month he had called the operators over twenty times to complain about the noise emanating from smokers outside the premises and noise generated from the air-conditioning ducts. As the premises was situated in a cumulative impact area it was important to distinguish between a bar and a restaurant.

Councillor Roberts representing local residents Mr and Mrs Callingham, addressed the Sub-Committee and explained their objection to the application. The premises was located in a cumulative impact area and allowing the application would set a precedent allowing other restaurants to offer alcohol to customers without food. After 20:00 hours customers would be more likely to stay in the area and continue drinking and doubt was cast on how the 20:00 hours terminal hour would be enforced. It was suggested that the application be refused as it would add to the cumulative impact in the area.

Mr Baylis informed the Sub-Committee that any concerns stated about the air-conditioning was inappropriate as there were different channels to address any breaches of existing conditions. Attention was brought to paragraphs 2.4.17 to 2.4.21 of the SLP when it was explained to the Sub-Committee, the circumstances upon which it would make it feasible to grant the licence to allow customers to drink alcohol without food until 20:00 on the premises as it would not add to the problems in a cumulative impact area. To address concerns about preventing customers from drinking alcohol in the designated areas after 20:00

hours it was suggested that the applicant would be willing to only allow sales of glasses of wines and not bottles. By granting the application it would allow customers to enjoy unique, expensive wines from around the world. Also, concerns over setting a precedent in the area were irrelevant as this application had to be judged on its own merits. Granting the variation would limit the extent to sell alcohol, to limited people over a limited period of time which meant it would not add to the cumulative impact.

The Sub-Committee carefully considered the application and felt that allowing it would create a destination bar where the drinking of wine would be the main draw for customers. The intention of the SLP adjustments was to ensure the supply of alcohol in a cumulative impact area was ancillary to another activity. This application however would permit a standalone bar to operate in the restaurant which was clearly not the intention of the policy. It was clear from the evidence that the numerous wines on sale would be an attraction to customers and that non-dining customers would not derive solely from passing trade adding to the cumulative impact. In determining the matter, the Sub-Committee carefully considered the conditions proposed by the applicant before and during the hearing but were satisfied that these would not address the main concern that it would add to the cumulative impact in the area, would fail to promote the licensing objectives, and as such refused the application on that basis.

5 UNIT 31/33, 3 MERCHANT SQUARE, W2

LICENSING SUB-COMMITTEE No. 3

Thursday 14th July 2016

Membership: Councillor Melvyn Caplan (Chairman), Councillor Louise Hyams and Councillor Aziz Toki

Legal Adviser: Horatio Chance

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Yolanda Wade

Relevant Representations: Environmental Health, Metropolitan Police, Paddington Waterways and Maida Vale Society, South East Bayswater Residents Association and four local residents.

Present: Ms Suzanne Davies (Representing the Applicant), Mr Dan Shotton (Applicant), Ms Sally Thomas (Environmental Health), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing Elizabeth Virgo), Mr John Zamit (Representing the South East Bayswater Residents Association) and Dr Michael Clarke and Ms Elizabeth Virgo (Local residents).

**Lockhouse, Unit 31/33, 3 Merchant Square, City of Westminster, W2
16/05415/LIPN**

1. Late Night Refreshment

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

Seasonal variations/Non-standard timings: When hours for the sale of alcohol are extended hereunder (see Section J), these hours shall also be extended until (a) the terminal hour for the sale of alcohol in the case of Sundays before Bank Holidays or (b) from 23:00 on New Year's Eve until 05:00 in the morning on New Year's Day.

2. Films - Indoor

Monday to Saturday: 10:00 – 23:30
Sunday: 12:00 – 22:00

Seasonal variations/Non-standard timings: (a) in accordance with Westminster City Council's core hour's policy. Between 12:00 midday and 00:00 midnight on Sundays immediately prior to Bank Holidays and (b) From the end of permitted hours on new Year's Eve to the start of permitted hours on New Years Day.

3. On and Off Sales by retail of Alcohol

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

Seasonal variations/Non-standard timings: (a) in accordance with Westminster City Council's core hour's policy. Between 12:00 midday and 00:00 midnight on Sundays immediately prior to Bank Holidays and (b) From the end of permitted hours on new Year's Eve to the start of permitted hours on New Year's Day.

4. Hours Premises are Open to the Public

Monday to Thursday: 07:00 – 23:30
Friday to Saturday: 07:00 – 00:00
Sunday: 07:00 – 22:30

Seasonal variations/Non-standard timings: When hours for the sale of alcohol are extended these hours shall also be extended to a later terminal hour.

Adult Entertainment: When hours for the sale of alcohol are extended these hours shall also be extended to a later terminal hour.

	<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 considered an application by BFI Limited for a new premises licence in respect of Unit 31/33, 3 Merchant Square.</p> <p>The Licensing Officer provided an outline of the application and informed the Sub-Committee that following discussions with the applicant the Police had now withdrawn their representation.</p> <p>All parties were invited to make representations to the Sub-Committee in relation to the application. The parties responded to members' questions and were given an opportunity to ask questions of each other.</p> <p>Ms Davies, representing the applicant, advised the Sub-Committee that Mr Shotton, the applicant, had been involved in the licensing trade for some twenty-five years. He was very experienced in operating premises in central London, for example Soho, and was aware of the Council's policy requirements. It was recognised that taking into account the needs of local residents was very important and the applicant took pride in being a good neighbour.</p> <p>It was proposed to offer a casual dining experience for customers and as such there would be no table clothes or crockery on the tables. Food was the principle offer for customers with a substantial menu available providing food from 08:00 hours until the terminal hour. Eight chefs would work at the premises and this showed the level of importance the food offer was to the application. When customers entered the premises they would be shown to a table by staff and no vertical drinking would be permitted. It was recognised that alcohol was a key feature of the premises with a focus on craft and artisan beers. Staff would be trained in providing tasting notes and advice to customers and this differentiated it from a traditional pub or restaurant. The outside area, which was the residents' main area of concern, would be limited to twelve tables with two chairs each. It was agreed that alcohol would be ancillary to food in this area with customers required to be seated. Smoking would be allowed in the outside seated area with another, currently not finalised, designated external smoking area available to customers located inside the premises. There would also be a significant level of signage displayed in the external areas reminding customers to not cause any disruption to local residents'. The capacity of the venue was 200 people.</p> <p>After agreeing conditions with the Police it was noted that their representation had been withdrawn. Liaison with local residents had taken place and subsequently no live music would be played at the premises, there would also be no off sales of alcohol and no regulated entertainment would take place outside. It was stated that music would only be played inside the premises and this would be background music. After careful consideration of the residents living above the premises the applicant had only applied for core hours and it was felt this struck the right balance between the residents and the business when considering the promotion of the licensing objectives.</p>

The outside seated area would not be used after 22:00 hours with all furniture rendered unusable. The furniture was of a light aluminium style which made it easy to move quickly and efficiently and staff would be trained to do this in order to minimise any noise disruption to residents. The furniture would then be stored inside the premises overnight.

In response to a question Ms Davies provided details on the location of the site and anticipated that dispersal of customers would not be an issue due to the hours applied for and the close proximity of public transport.

Mr Brown of the Citizens Advice Bureau advised that the primary areas of concern for residents were the fact that the premises was located below a residential area and the use of the outside area. The nearby buildings were all glass fronted and with an area of water located in the middle of the development noise echoed in the vicinity which made it a very sensitive location. Concern was expressed that there were no proposed conditions relating to food being served with alcohol inside the premises for which reassurances were sought. Surprise was also expressed regarding the large proposed capacity of 200 people. The Sub-Committee's attention was also drawn to the narrow frontage of the building and how customers utilising the external areas had the potential to cause a noise nuisance. As such it was hoped if the application was granted additional conditions could be added requiring all customers to be seated in the external areas with alcohol ancillary to food.

Ms Davies remarked that it was hoped that customers using the external areas, especially the smoking area, would be able to take their drinks with them as the hours requested for the external areas were considered reasonable.

Mr Brown requested that model conditions 67 and 71 be applied so as to restrict smokers to a designated smoker's area and to ensure the management of the outside areas was carried out effectively in order to reduce the risk of public nuisance or obstruction. The Sub-Committee was informed that a nearby premise did not allow any outside smoking and it was requested that the outside areas be rendered unusable after 21:30 hours which was considered a more appropriate time for the location.

Dr Clarke, a local resident, addressed the Sub-Committee and explained that his primary concerns related to smoking and alcohol. The design of the location meant any outside noise generated was amplified and allowing customers to congregate outside would in his opinion exacerbate this issue. Allowing smoking in the seated outside area affected the residents above and it was requested that this be prohibited at the tabled area along with a restriction on shisha pipes. It was also explained that drinks should not be permitted to be brought into the external designated smoking area by customers as this would result in vertical drinking. As alcohol was a significant feature of the application it was felt that the premises would be more drink led so clarification was requested from the Applicant on whether this would actually be operated as a bar or a restaurant.

Mr Zamit representing the South East Bayswater Residents Association explained that he knew the area well. Concerns were raised regarding a lack of

conditions requiring alcohol to be ancillary to food inside the premises, the large capacity and customers being able to drink in the designated smoking area.

Ms Davies advised that the applicant was content for an additional condition to be added to the licence preventing the use of shisha pipes. It was also explained that the premises was not a pub in the traditional sense and would be food led. Regarding the designated smoking area it was felt allowing this to be used until 22:00 hours was a reasonable hour and this would be limited to a maximum of eleven people. The area would be separate from the outside seating area and staff would ensure that customers kept any noise down to a minimum to prevent any disturbance or nuisance.

In response to questions raised relating to noise the applicant confirmed that the hours for when deliveries could occur had been agreed with residents and these would take place through the basement area to avoid noise disruption in the local area. The Sub-Committee was also informed that staff would assist with the dispersal of customers and there would be signage at all entrance and exit points to the premises reminding patrons to keep noise levels down.

The Sub-Committee carefully considered all the comments received on the application and was of the opinion that it should be granted with extra conditions attached to protect local residents. The Sub-Committee was however, firmly of the opinion that the outdoor smoking area should be used for smoking only and drinks would not be permitted in this area by customers, to avoid it from becoming an outdoor drinking area with the potential of creating nuisance. In relation to the outside eating area the Sub-Committee felt that the extra conditions attached would help manage it in an effective and efficient way by the use of waiter/waitress service, which would control and manage the patrons utilising the area. Smoking would also be permitted in the outside dining area as it was felt the conditions attached to the licence would be sufficient to ensure it operated in accordance with the licensing objectives, particularly the public nuisance objective. The issues surrounding the removal of outside furniture had been deliberated carefully by the Sub-Committee and it was considered that requiring their removal by 22:00 hours struck the right balance in the local area. It was confirmed that a condition would also be included to prevent the use of shisha pipes on the premises.

The following conditions were amended, removed or added to the licence to ensure the responsible management of the premises and the promotion of the licensing objectives:

- Variation to Condition 1;
- Removal of Condition 8 from the premises licence;
- Removal of Condition 9 from the premises licence to be replaced with Model Condition 19;
- Variation to Condition 11;
- Removal of Condition 12 from the premises licence to be replaced with Model Condition 67;
- Removal of Condition 18 from the premises licence;
- Variation to Condition 20;

- Removal of Condition 25 from the premises licence;
- Removal of Condition 39 from the premises licence to be replaced with Model Condition 90;
- Removal of Condition 40 from the premises licence to be replaced with Model Condition 70;
- The addition of Model Condition 71
- The addition of a condition relating to the prohibition of shisha pipes.

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.

Conditions Attached After a Hearing by the Licensing Authority

1. Alcoholic drinks may not be removed from the premises building save for consumption by those seated in the external demised areas provided for that purpose.
2. Children under the age of 16 shall not be permitted to enter or remain at the premises after 22:00 unless they are dining with an adult or attending a pre booked function.
3. 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.
4. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. 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.
5. 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) any faults in the CCTV system
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service
6. 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
7. Door supervisors will be employed by the Premises Licence Holder on a risk assessed basis. A suitable risk assessment will be undertaken and

documented on a daily basis by the DPS, in relation to whether or not door supervisors are to be employed on specific occasions. On occasions when door supervisors are employed they shall display their SIA Licence at all times, worn with a high visibility arm band.

8. All outside tables and chairs shall be rendered unusable by 22:00 each day
9. Substantial food and suitable beverages other than intoxicating liquor shall be available during the whole of permitted hours in all parts of the premises where intoxicating liquor is sold and supplied.
10. Patrons permitted to temporarily leave and then re-enter the premises shall not be permitted to take drinks or glass containers with them.
11. Patrons permitted to temporarily leave and then re-enter the premises shall be limited to 10 persons and those wishing to smoke shall be directed to the designated smoking area defined on the licence plan.
12. There shall be no take away of hot food or hot drink after 23.00 hours.
13. 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.
14. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
15. 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.
16. During the Notting Hill Carnival, the following conditions will apply on Sunday and Monday of that weekend:
 - Drinks shall only be served in polycarbonate glasses
 - There shall be no entry or re-entry to the premises after 20.30hrs
17. The layout of the licensed area both internally and externally as shown on the approved plan at the ground floor layout shall be substantially laid out for tables and chairs as indicated on the approved licensing drawing.
20. There shall be no sales of alcohol for consumption off the premises.
21. All external doors and windows shall be kept closed whilst regulated entertainment is taking place and in any case after 22:00 hours except for immediate access and egress of persons.
22. No noise shall emanate from the premises nor vibration be transmitted

through the structure of the premises which gives rise to a nuisance.

23. There shall be no regulated entertainment in the outside area.
24. Loudspeakers shall not be located in the entrance or exits areas or outside the premises building.
26. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
27. During the hours of operation, sufficient measures must be in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and the 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.
28. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
29. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
30. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
31. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
32. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame- retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
33. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
34. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
35. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
 - dry ice and cryogenic fog

- smoke machines and fog generators
- pyrotechnics including fireworks
- firearms
- lasers
- explosives and highly flammable substances - real flame
- strobe lighting

36. The certificates listed below shall be submitted to the Licensing Authority upon written request.

- (a) Any permanent or temporary emergency lighting battery or system
- (b) Any permanent or temporary electrical installation
- (c) Any permanent or temporary emergency warning system

37. There shall be no cinema style seating at the premises.

38. Deliveries to the premises shall only take place in the designated area within the basement loading area.

39. No licensable activities shall take place at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

40. The sale and supply of alcohol outside the premises building shall be restricted to alcohol consumed at the outside tables and chairs shown on the licence plan, shall be by waiter or waitress service, served only to a person seated taking a substantial meal there and for consumption by such a person ancillary to their meal.

41. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

42. The use of Shisha or Hookah (or similar) smoking apparatus is not permitted anywhere on the premises.

6 UNIT 3 AND 4, BISHOP'S QUARTERS, BISHOP'S BRIDGE ROAD, W2

LICENSING SUB-COMMITTEE No. 3

Thursday 14th July 2016

Membership: Councillor Melvyn Caplan (Chairman), Councillor Louise Hyams and Councillor Aziz Toki

Legal Adviser: Horatio Chance

Policy Adviser: Chris Wroe
 Committee Officer: Tristan Fieldsend
 Presenting Officer: Yiannis Chrysanthou

Relevant Representations: Environmental Health, Metropolitan Police , South East Bayswater Residents Association and two local residents.

Present: Mr Gary Grant (Solicitor, Representing the Applicant), Mr Andrew Wong (Agent, Representing the Applicant), Ms Linda Yau (Premises General Manager), Ms Sally Thomas (Environmental Health), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project), PC Reaz Guerra (Metropolitan Police) (“The Police”) and Mr John Zamit (South East Bayswater Residents Association)

Unit 3 and 4, Bishop’s Quarters, Bishop’s Bridge Road, W2 16/04691/LIPN	
1.	<p>Recorded Music</p> <p>Monday to Saturday: 10:00 – 00:00 Sunday: 10:00 – 23:30</p> <p>Seasonal variations/Non-standard timings: From the end of hours on New Year’s Eve to the start of hours on New Year’s Day.</p>
2.	<p>Late Night Refreshment</p> <p>Monday to Saturday: 23:00 – 00:00 Sunday: 23:00 – 23:30</p> <p>Seasonal variations/Non-standard timings: From the end of hours on New Year’s Eve to the start of hours on New Year’s Day.</p>
3.	<p>On and Off Sales by retail of Alcohol</p> <p>Monday to Saturday: 10:00 – 00:00 Sunday: 10:00 – 23:30</p> <p>Seasonal variations/Non-standard timings: From the end of hours on New Year’s Eve to the start of hours on New Year’s Day.</p>
4.	<p>Hours Premises are Open to the Public</p> <p>Monday to Saturday: 08:00 – 00:30 Sunday: 08:00 – 00:00</p> <p>Seasonal variations/Non-standard timings: From the end of hours on New Year’s Eve to the start of hours on New Year’s Day.</p>

Amendments to application advised at hearing:

Revisions to application to address concerns

Reduction in core terminal hours for both closing time and licensable activities to core hours, except Sunday with an opening time of 08:00 hours.

All outside tables and chairs shall be rendered unusable by 22:00 hours each day.

The use of Shisha or Hookah (or similar) smoking apparatus is not permitted either inside or outside the premises.

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.

Police proposals agreed by applicant

(Replaces Proposed condition 2): 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.

(Additional condition): 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

(Additional condition): All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

(Replaces Proposed condition 6): 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
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service

(Additional condition): There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating

	under the authority of a Sexual Entertainment Venue licence
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by Babaji Pide Limited for a new premises licence in respect of Unit 3 and 4, Bishop's Quarters, Bishop's Bridge Road, W2.</p> <p>The Licensing Officer provided an outline of the application to the Sub-Committee.</p> <p>All parties were invited to make representations to the Sub-Committee in relation to the application. The parties responded to members' questions and were given an opportunity to ask questions of each other. The Sub-Committee was informed the representation submitted by the Police had been withdrawn following the addition and revision of the proposed conditions.</p> <p>Mr Grant, representing the applicant, recognised that objections had been received regarding the outside space and the use of shisha pipes. The applicant had attempted to address these issues by altering the proposed conditions which included only operating core hours for the sale of alcohol. The premises would have no separate bar area and would operate exclusively as a restaurant. All outside furniture would be rendered unusable by 22:00 hours, the use of shisha pipes would be prohibited and model condition 35 which restricted the removal of waste or recyclable materials would be adopted. Several other model conditions were also accepted to ease concerns raised by the South East Bayswater Residents Association. Conditions had also been agreed with the Police, who had now withdrawn their representation, and it was felt this would address the concerns of local residents. It was stated that the needs of the residents were very important and it was hoped the restaurant would become an asset to the local community.</p> <p>In response to questions Mr Grant confirmed that the outside area catered for a maximum of 32 people. Removing the outside furniture by 22:00 hours and storing it inside the premises would not cause any problems operationally and the last seating of patrons outside would occur by 21:00 hours.</p> <p>Mr Brown of the Citizens Advice Bureau noted the hours requested on Sundays were slightly earlier than core hours and requested confirmation that alcohol would not be available from 08:00 hours on Sundays and the premises would not be permitted to play loud music.</p> <p>Mr Grant advised that no loud music would be permitted and any played would only serve as background music. The applicant realised the hours requested on Sundays was longer than core hours as they wanted to offer breakfast from 08:00 hours. To address these concerns however it was confirmed that sales of alcohol would only be permitted from 12:00 hours on Sundays.</p> <p>Following discussions the Sub-Committee was interested in how a takeaway service would operate from the premises. The applicant explained that it would</p>

involve third party food delivery companies picking up food from the premises and taking it to customers' houses. A patisserie would also operate out of the premises and allow customers to take food away from the restaurant. Mr Zamit expressed concern that allowing takeaways after 23:00 hours would provide a disturbance especially if off sales of alcohol were also permitted. The applicant confirmed that takeaways would only be allowed until 23:00 hours and any alcohol sold would have to be ancillary to food. The third party delivery companies were all professional operators and would require proof of ID before alcohol was handed over.

The Council's Policy Adviser requested clarification on where the retail unit was in relation to the premises. Clarification was required as restaurant conditions had been applied for, which would not permit takeaway or retail sales from the premises, however the applicant also wanted to provide a takeaway service. Mr Grant advised that off sales of alcohol would be withdrawn from the licence to address the concerns raised. The Sub-Committee still requested clarification on whether the applicant wanted to operate the premises as a restaurant only and therefore agreed to adjourn the meeting shortly to allow the applicant time to clarify their position and seek the necessary advice from their legal representative.

Following the resumption of the Sub-Committee the applicant advised that an additional condition would be added to the licence requiring any off sales of alcohol to be ancillary to a takeaway food order with a minimum food spend of £15. Any delivery food company must also operate an age verification policy. The Sub-Committee's attention was also drawn to Model Condition 66 and how this should allow the premises to operate a takeaway service. The Sub-Committee noted the additional condition but still expressed concern a restaurant condition would require the whole premises to operate as a restaurant, however an area only providing takeaway food was still being proposed.

The Council's Policy Adviser explained that Model Condition 66 described certain types of premises which were considered would uphold the licensing objectives, such as a restaurant. The issue with this application was that the application had applied to operate as a restaurant but the Sub-Committee was faced with the difficulty that it now wanted to operate as something different. Issues surrounding how deliveries would occur, where delivery vehicles would be located, access to the building etc. had not been expected as it was believed the premises was to operate as a restaurant only. The Sub-Committee noted these concerns and was also of the opinion that there was an assumption by all parties that it was planned for the premises to operate as a restaurant. The role of the Sub-Committee was to consider the application it had before it. It was therefore not within the gift of the applicant to seek to change the nature of his application at the last minute, notwithstanding the procedural requirements of the 2003 Act and the likely prejudice this would cause to other parties objecting, bearing in mind those that had raised objections would not have been given the opportunity to consider any new proposals. This was communicated to the Applicant by the Sub-Committee and accepted by their legal representative.

Following a discussion with the applicant Mr Grant informed the Sub-Committee

that all off sales of alcohol would be withdrawn. Takeaway sales from the patisserie and through third party delivery companies were still requested and assurances were provided this would cause no nuisance to local residents.

The Sub-Committee carefully considered the application and were of the opinion that it was essential for all parties involved in the application to be treated fairly and equally. As such the Sub-Committee was minded to grant the application that was originally proposed which was for it to operate as a restaurant. Additional conditions agreed upon would be imposed along with the condition proposed that there be no off sales of alcohol. The applicant was advised that if it wanted to provide a takeaway service it could apply for a variation to its premises licence at a later date. Currently though the only fair and equitable way forward for all parties was to grant the application based on what had been originally requested as mentioned above.

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-
 - (f) Games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (iv) 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
 - (v) Drink as much alcohol as possible (whether within a time limit or otherwise);
 - (g) 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;

- (h) 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;
- (i) 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;
- (j) 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—

(d) 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
- (vi) still wine in a glass: 125 ml;

(e) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(f) 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 –

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

(g) "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;

(h) "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;

(i) "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

(j) "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.

Conditions Consistent with the Operating Schedule

9. Non-intoxicating beverages, including drinking water, shall be available to patrons throughout the permitted hours for the sale or supply of alcohol.
10. The licence holder shall maintain a CCTV system that ensures the entry point is covered to enable frontal identification of every person entering. All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept available for a minimum of 31 days with time and date stamping. Recordings shall be made available to a duly authorised Council officer or a police officer together with facilities for viewing. The recordings for the preceding 31 days shall be made available immediately on request. The CCTV system shall be operated in accordance with the Data Protection Act 1998.
11. The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) where the supply of alcohol is by waiter or waitress service only, (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
12. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
13. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, is swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
14. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the

police or an authorised officer of the City Council at all times whilst the premise is open.

15. Substantial food shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
16. The maximum number of persons accommodated at any one time (excluding staff) shall not exceed XXX persons number to be determined upon completion of works by the District Surveyor).
17. 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.
18. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
19. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
20. 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.
21. 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.
22. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

Conditions Attached After a Hearing by the Licensing Authority

23. All outside tables and chairs shall be rendered unusable by 22:00 hours each day.
24. The use of Shisha or Hookah (or similar) smoking apparatus is not permitted either inside or outside the premises.
25. 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.
26. 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.

27. 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
28. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
29. 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
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service
30. 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

7 THE LONDON SHOP, 10 QUEENSWAY, W2

LICENSING SUB-COMMITTEE No. 3

Thursday 14th July 2016

Membership: Councillor Melvyn Caplan (Chairman), Councillor Louise Hyams and Councillor Aziz Toki

Legal Adviser: Horatio Chance
Policy Adviser: Chris Wroe
Committee Officer: Tristan Fieldsend
Presenting Officer: David Sycamore

Relevant Representations: South East Bayswater Residents Association and one local resident.

Present: Mr Subramaniam Kamalanathan (Applicant) and Mr John Zamit (South East Bayswater Residents Association)

The London Shop, 10 Queensway, W2 15/11442/LIPN	
1.	Off Sales by Retail of Alcohol Monday to Saturday: 08:00 – 23:00 Sunday: 10:00 – 22:00
2.	Hours Premises are Open to the Public Monday to Saturday: 08:00 – 23:00 Sunday: 10:00 – 22:00
	Amendments to application advised at hearing: None
	Decision (including reasons if different from those set out in report): The Sub-Committee considered an application by Mr Subramaniam Kamalanathan for a new premises licence in respect of The London Shop located at 10 Queensway, W2. The Licensing Officer provided an outline of the application to the Sub-Committee. All parties were invited to make representations to the Sub-Committee in relation to the application. The parties responded to members' questions and were given an opportunity to ask questions of each other. It was confirmed that conditions had been agreed between the applicant, Environmental Health, the Police and South East Bayswater Residents Association and subsequently Environmental Health and the Police had withdrawn their representations. Mr Kamalanathan advised the Sub-Committee that the premises was a gift shop and it was proposed to provide an offer of alcoholic gifts to overseas customers. All staff would be fully trained accordingly and the applicant confirmed he would comply with all the conditions requested. Mr Zamit explained that Queensway did have a street drinking problem which had caused initial concerns regarding the application but there was no specific evidence linking those particular problems to this Premises. Following agreement of the proposed conditions by the Applicant these immediate concerns had now been addressed. The Sub-Committee considered that as the applicant had agreed to all the conditions proposed by Environmental Health, the Police and South East Bayswater Residents Association it was appropriate and proportionate to grant the application for the promotion of the licensing objectives.

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Conditions attached to the Licence

Mandatory Conditions

8. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
9. 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.
10. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
11. (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-
 - (k) Games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (vii) 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
 - (viii) Drink as much alcohol as possible (whether within a time limit or otherwise);
 - (l) 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;

- (m) 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;
- (n) 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;
- (o) 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).

12. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

13. (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.

14. The responsible person must ensure that—

(g) 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
- (ix) still wine in a glass: 125 ml;

(h) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(i) 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 –

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

(l) "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;

(m) "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;

(n) "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

(o) "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.

Conditions Attached After a Hearing by the Licensing Authority

9. A personal licence holder shall be on the premises during the hours permitted to supply alcohol.
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. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
12. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
13. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
14. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
15. 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.
16. No rubbish, including bottles, shall be removed or placed in outside areas between 2300 hours and 0800 hours.
17. 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, passport or proof of age card with the PASS Hologram.
18. A diary log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises are open.
19. 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.

20. The premises shall install and maintain a CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
21. A staff member from the premises who in conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police or authorised officer of the Licensing Authority recent data or footage with the absolute minimum of delay.
22. Outside of the hours authorised for the sale of alcohol within the trading area is to be secured behind locked grills/screens or secured behind locked cabinet doors.
23. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
24. No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises save for premium beer or ciders in glass bottles.
25. No more than 15% of the sales area to be used at any one time for the sale, exposure for sale or display of alcohol.
26. No self-service of spirits except for spirit mixers not above 5.5% ABV.
27. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
28. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be 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) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification bearing the customer's photograph, date of birth and the proof of age standards scheme (or similarly accredited scheme) hologram.
29. An incident log will be kept at the premises and made available on request to an authorised officer of the licensing authority or the Police, which will record the following:

- All crimes reported to the venue;
- Any complaints received regarding crime and disorder;
- Any incidents of disorder;
- Any faults in the CCTV system;
- Any refusal of the sale of alcohol;
- Any visit by a relevant authority or emergency service.

30. On the Sunday and Monday of the Notting Hill Carnival:

- There shall be no sale of alcohol in glass vessels from the premises;
- There will be no external advertisement of alcohol promotions at the premises; and
- There shall be no sale of alcohol from the premises after 2000 hours.

31. No miniature bottles of spirits of 20cl or below shall be sold at the premises.

8 BUBBLEOLOGY, 49 RUPERT STREET, W1

LICENSING SUB-COMMITTEE No. 3

Thursday 14th July 2016

Membership: Councillor Melvyn Caplan (Chairman), Councillor Louise Hyams and Councillor Aziz Toki

Legal Adviser: Horatio Chance

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Yolanda Wade

Relevant Representations: Environmental Health, Metropolitan Police ("The Police") and The Soho Society.

Present: Ms Carly Wilkes (Applicant), Ms Sally Thomas (Environmental Health) and PC Reaz Guerra (Metropolitan Police)

Bubbleology, 49 Rupert Street, W1 16/04210/LIPN

1. On Sales by Retail of Alcohol

Monday to Thursday: 11:00 – 23:30

Friday to Saturday: 11:00 – 00:00

Sunday: 12:00 – 22:30

Seasonal variations/Non-standard timings: From the end of permitted hours on New Years' Eve until the start of permitted hours on New Years' Day.

	On Sundays preceding bank Holidays 12:00-00:00hrs.
2.	<p>Hours Premises are Open to the Public</p> <p>Monday to Thursday: 11:00 – 23:30 Friday to Saturday: 11:00 – 00:00 Sunday: 12:00 – 22:30</p> <p>Seasonal variations/Non-standard timings: From the end of permitted hours on New Years' Eve until the start of permitted hours on New Years' Day.</p> <p>On Sundays preceding bank Holidays 12:00-00:00hrs.</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 considered an application by Bubbleology Limited for a new premises licence in respect of Bubbleology, 49 Rupert Street, London, W1D.</p> <p>The Licensing Officer provided an outline of the application to the Sub-Committee.</p> <p>All parties were invited to make representations to the Sub-Committee in relation to the application. The parties responded to members' questions and were given an opportunity to ask questions of each other.</p> <p>The applicant, Ms Wilkes, advised the Sub-Committee that Bubbleology had been operating for five years and offered a wide range of tea based non-alcoholic drinks. It was now hoped to evolve the brand further by offering bubble coffees and alcoholic bubble teas. It was realised that the premises was located in a cumulative impact area however it was explained the application would not add to the impact due to the following reasons:</p> <ul style="list-style-type: none"> • the drinks on offer were very specific; • vertical drinking was prohibited; • the character of the bar was such that it did not promote the drinking of alcohol and there was no outside seating area to promote this; • the premises had a maximum capacity of 20 people; • the application was to enlarge its current product portfolio only; and • staff would be trained in implementing a Challenge 25 procedure. <p>The applicant confirmed that it had been agreed to include on the licence the additional conditions proposed by Environmental Health and the Police.</p> <p>PC Guerra maintained the Police's representation on the basis that the premises was located within a cumulative impact area. It was recognised that the applicant had agreed the conditions proposed by the Police. The capacity of</p>

the premises was small, the alcohol offering was restricted and the Sub-Committee was advised that they had to decide if this would add to the cumulative impact in the area.

The Sub-Committee questioned whether condition 23, "No drinks shall be served in glass containers at any time" was appropriate. In response PC Guerra stated that this condition could also apply to porcelain and it could therefore be considered too restrictive.

A query was raised by the applicant over condition 9 as it specified that alcohol would be limited to a single spirit measure, however some of the proposed products contained a liqueur. In response the Council's Policy Adviser suggested that the condition could be altered to read "single spirit, spirit mixture or liqueur".

The Sub-Committee considered the application and was satisfied that even though it was located in a cumulative impact area the conditions proposed were restrictive enough to ensure it would not impose any additional cumulative impact. The capacity and, more importantly, the nature of the operation had also been taken into account and therefore overall the Sub-Committee felt it was appropriate and proportionate to grant the application.

With the agreement of all parties the Sub-Committee modified several conditions to ensure they were all relevant to the application and thus promoted the licensing objectives. The following conditions were amended or removed to update the licence:

- Variation to Condition 9;
- Variation to Condition 11;
- Removal of Condition 19 from the premises licence;
- Removal of Condition 23 from the premises licence;
- Removal of Condition 24 from the premises licence;
- Removal of Condition 26 from the premises licence;
- Removal of Condition 27 from the premises licence; and
- Removal of Condition 30 from the premises licence;

Conditions attached to the Licence

Mandatory Conditions

15. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.

16. 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.

17. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.

18.(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-

(p) Games or other activities which require or encourage, or are designed to require or encourage, individuals to;

(x) 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

(xi) Drink as much alcohol as possible (whether within a time limit or otherwise);

(q) 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;

(r) 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;

(s) 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;

(t) 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).

19. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

20.(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.

21. The responsible person must ensure that—

- (j) 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
 - (xii) still wine in a glass: 125 ml;
- (k) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (l) 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 –

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

(q) "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;

(r) "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;

(s) "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

(t) "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.

Conditions Attached After a Hearing by the Licensing Authority

9. The supply of alcohol shall be limited to a single spirit, spirit mixture or liqueur measure of 25ml or less in a 500ml serving of tea.

10. The supply of alcohol on the premises shall only be for consumption by persons who are seated.

11. The supply of alcohol shall be limited to spirits, spirit mixtures or liqueur only.

12. All windows and external doors shall be kept closed after **23:00** hours, except for the immediate access and egress of persons.

13. 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, passport or proof of age card with the PASS Hologram.

14. 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.

15. 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.
16. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
18. The number of persons seated permitted in the premises at any one time (excluding staff) shall not exceed 20.
19. No licensable activities shall take place at the premises until the premises has 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.
20. 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.
21. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. 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.
22. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
23. 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

24. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a Bubble Tea Store and limited to Bubble Tea products.

9 CUTTER AND SQUIDGE, 20 BREWER STREET, W1

LICENSING SUB-COMMITTEE No. 3

Thursday 14th July 2016

Membership: Councillor Melvyn Caplan (Chairman), Councillor Louise Hyams and Councillor Aziz Toki

Legal Adviser: Horatio Chance
 Policy Adviser: Chris Wroe
 Committee Officer: Tristan Fieldsend
 Presenting Officer: Yolanda Wade

Relevant Representations: Environmental Health

Present: Mr Craig Baylis (Solicitor, Representing the Applicant), Emily Lau (Applicant) and Ms Sally Thomas (Environmental Health)

Cutter and Squidge, 20 Brewer Street, W1 16/04210/LIPN	
1.	On Sales by Retail of Alcohol Monday to Wednesday: 10:00 – 20:30 Thursday: 10:00 – 22:00 Friday to Saturday: 10:00 – 22:30 Sunday: 11:00 – 21:00
2.	Hours Premises are Open to the Public Monday to Wednesday: 09:30 – 21:00 Thursday: 09:30 – 22:00 Friday: 09:30 – 23:00 Saturday: 10:00 – 23:00 Sunday: 11:00 – 21:30

	<p>Amendments to application advised at hearing:</p> <p>The applicant advised the Sub-Committee at the meeting of the following proposed amendments to the conditions:</p> <ul style="list-style-type: none"> • Removal of conditions relating to litter and waste arising from the outside area due to no outside area forming part of the premises. • Removal of a condition relating to external tables and chairs as there was no outside area. • Removal of all off sales from the premises licence. • Variation to a condition ensuring no beer, lager, cider or spirits shall be sold on the premises.
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by Cutter and Squidge Limited for a new premises licence in respect of Cutter and Squidge, 49 20 Brewer Street, London, W1F.</p> <p>The Licensing Officer provided an outline of the application to the Sub-Committee.</p> <p>All parties were invited to make representations to the Sub-Committee in relation to the application. The parties responded to members' questions and were given an opportunity to ask questions of each other.</p> <p>Mr Baylis, representing the applicant, explained that the premises was a cake shop and it was hoped to provide an opportunity for customers to purchase a glass of wine with their cake. The Sub-Committee was advised that the applicant wished to delete and amend some of the additional conditions proposed as there was no outside seating area for customers and there would be no off sales of alcohol.</p> <p>Environmental Health maintained their representation as there was a shortage of WC facilities on the premises for the proposed capacity of 60 people. The nature of the premises along with the reasonably short dwell time of customers had been noted though and it was within the Sub-Committee's discretion to decide if this mitigated the lack of WC facilities.</p> <p>In response to a question from the Council's Policy Adviser Mr Baylis explained that despite the application being situated in a cumulative impact area it was hoped to maintain the terminal hours for the sale of alcohol requested. The Sub-Committee was advised that as it was only a cake shop and any alcohol would be ancillary to food.</p> <p>The Sub-Committee recognised that the premises was in a cumulative impact area but was minded to grant the application due to the nature of the operation</p>

and the withdrawal of off sales from the licence. The Council's policies had been taken into account, however it was felt that the premises would uphold the licensing objectives and not add to the cumulative impact in the area as any alcohol sold would be ancillary to cake. Concerns had been raised over the proposed capacity of 60 persons but the Sub-Committee was of the view that restricting the sale of alcohol to 20:00 hours would strike the right balance in the area.

The Sub-Committee modified several conditions as an appropriate and proportionate step to ensure they were all relevant to the application and thus promoted the licensing objectives. The following conditions were amended or removed to update the licence:

- Variation to Condition 9;
- Variation to Condition 10;
- Variation to Condition 15; and
- Variation to Condition 21.

Conditions attached to the Licence

Mandatory Conditions

22. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.

23. 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.

24. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.

25. (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-

- (u) Games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (xiii) 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
 - (xiv) Drink as much alcohol as possible (whether within a time limit or otherwise);

- (v) 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;
- (w) 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;
- (x) 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;
- (y) 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).

26. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

27. (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.

28. The responsible person must ensure that—

(m) 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
- (xv) still wine in a glass: 125 ml;

(n) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

- (o) 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 –

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

- (v) "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;

- (w) "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;

- (x) "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

- (y) "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.

Conditions Attached After a Hearing by the Licensing Authority

9. The premises shall operate as a cake shop and tea rooms:

- (i) in which customers are shown to their table
- (ii) where the supply of alcohol is by waiter or waitress service only
- (iii) where alcohol shall not be sold or supplied for consumption on the premises otherwise than by persons who are seated in the premises and where the consumption of alcohol by such persons is ancillary to food (including cake, desserts and ice cream)

10. No beer, lager, cider or spirits shall be sold from the premises.

11. 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 entire 31 day period.

12. 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.

13. 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. It must be completed within 24 hours of the incident and 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, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.

14. 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.
15. 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.
16. Substantial food and suitable beverages other than intoxicating liquor shall be available during the whole permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
17. 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.
18. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 on the following day.
19. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
21. No licensable activities shall at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
22. 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.
23. No licensable activities shall take place at the premises until the premises has 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.

The Meeting ended at 1.38 pm

CHAIRMAN: _____

DATE _____