



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (5)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (5)** Committee held on **Thursday 8th December, 2016**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

Members Present: Councillors Angela Harvey (Chairman), Susie Burbridge and Rita Begum

1 MEMBERSHIP

There were no changes to the membership.

2 DECLARATIONS OF INTEREST

Councillor Rita Begum declared that she knew the premises concerned and lived nearby, though not within the area shown on the map at page 45 of the report. She did not regard this as a disclosable pecuniary interest in relation to this item on the agenda.

3 MIMI'S, 56-57 FRITH STREET, W1

LICENSING SUB-COMMITTEE No. 5

Thursday 8th December 2016

Membership: Councillor Angela Harvey (Chairman), Councillor Susie Burbridge and Councillor Rita Begum

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Nick Nelson

Relevant Representations: Environmental Health, the Metropolitan Police and one local resident.

Present: Mr Alun Thomas (Solicitor, Representing the Applicant), Mr Conrad Patterson and Mr Lutz Strangemann (for the applicant company), Mr Anil Drayan (Environmental Health) and PC Toby Janes (Metropolitan Police).

Mimi's, 56-57 Frith Street, London, W1D 3JG
16/11132/LIPN

1. On Sales by Retail of Alcohol

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

Seasonal Variations/Non-Standard Timings:

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Residents and their bona fide guests 00:00 – 24:00.

On Sunday prior to Bank Holiday Monday 12:00 – 23:00.

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 Soho Bau Limited for a new premises licence in respect of 56-57 Frith Street, London, W1D 3JG.

The Licensing Officer provided an outline of the application to the Sub-Committee and advised that the premises was a bar situated on the ground floor of the Frith Street Hotel. The premises currently had a licence which was granted by the Licensing Sub-Committee on 29 September 2016.

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.

Mr Thomas, representing the applicant, advised the members that when an application for the premises had previously been granted by the Sub-Committee various concerns had been raised. The first concern centred on the proposed external branding of the premises and the impression that the bar was separate from the hotel. This proposal had now been reconsidered and the bar would be named Mimi's, the same as the hotel, to avoid any confusion. Secondly, there were lengthy discussions concerning when a premises licence had been surrendered prior to the current licence being granted. Mr Thomas confirmed that this area would not form part of the discussions regarding this application. Thirdly, the Sub-Committee had expressed concerns over the entrance to the bar from Frith Street. To help address these concerns Mr Strangemann, on behalf of the applicant, was introduced to the Sub-Committee. It was noted that Mr Strangemann was a hotelier of international repute who owned twelve hotels of which Mimi's would be his first in London. The hotel consisted of fifty-seven rooms and only one floor would be licenced to sell alcohol as there were no bar facilities in the bedrooms.

In response to a question regarding where Mr Okubo lived, a local resident who had objected to the application, Mr Thomas confirmed that it was not above the premises and was possibly located to the side of the hotel. In response to the concerns raised by the resident Mr Thomas explained that patrons would not be allowed to congregate in front of the premises. Also, as no regulated entertainment had been applied for assurances could be provided that no loud music would be played at the premises. The applicant was also content to adopt a model condition if necessary requiring the phone number of the premises manager to be circulated.

Mr Thomas provided background to the application and informed members that planning permission for the hotel was granted two years ago and the ground floor had been granted café/bar use to core hours. There were a total of forty covers, all were seated and all were waiter/waitress service only. The Sub-Committee was shown a plan of the premises and Mr Thomas detailed how the vast majority of customers entered the bar from the hotel reception. It was confirmed that there was no vertical drinking allowed on the premises.

Mr Thomas recognised that the representations received previously had raised concerns over whether the application represented a hotel bar or a public bar. Subsequent discussions had taken place with Environmental Health and a new application had been submitted with the attached conditions to address these concerns. The proposal was that the Frith Street entrance would have a barrier preventing access from the street after 17:00. Initially it would be a temporary measure and this would be replaced with a more permanent structure once planning permission had been received.

Mr Drayan, representing Environmental Health, expressed concern that the application did not comply with the Council's Hotel Policy as direct access from Frith Street to the bar was proposed. The applicant had proposed to control this entrance through the use of a waiter station but the idea that a staff member could differentiate between hotel residents, their bona fide guests and members of the public was unworkable. Environmental Health's original proposal suggested that in the Frith Street external area a barrier be erected only allowing access in an emergency and providing a signpost to the entrance to Mimi's in Bateman Street. It was felt this would make the application compliant with the Hotel Policy. Following further discussions with the applicant it was then agreed that hotel residents, their bona fide guests and members of the public could access the bar from Frith Street but a barrier would then be erected to restrict access for everyone after 17:00. Mr Thomas suggested that a permanent barrier could be erected within twelve months.

PC Janes of the Metropolitan Police maintained the representation submitted. PC Janes was of the opinion that the conditions suggested by Environmental Health were acceptable. However the application could undermine the licensing objectives in relation to the prevention of crime and disorder.

The Council's Licensing Policy Adviser advised that the Hotel Policy presumption was against a new bar accessible to the public in a cumulative impact area. When the Sub-Committee had previously heard the application a

view had been formed that the private use of the bar by hotel residents only was an exemption to policy. Further clarification was required regarding why allowing the public to use the bar would make it an exception to policy?

Mr Thomas explained that the use of the bar by hotel residents and their bona fide guests was policy compliant. It was suggested that this application could be considered an exception to policy as the hours requested were within the core hour's policy, there would be waiter/waitress service only for customers and the capacity was very modest. Concern had been raised over direct access to the bar from Frith Street but the applicant agreed with Environmental Health's approach that a barrier could be erected from 17:00 to prevent direct access from Frith Street.

Mr Stangemann, on behalf of the applicant, addressed the Sub-Committee and provided details on how the building was predominantly a hotel and the bar would form just a small aspect of the operation. There was no intention to attract noisy crowds to the premises and he accepted the proposed condition to restrict access from Frith Street after 17:00.

The Council's Legal Adviser, Barry Panto, expanded on the policy issues which had been raised during the discussion. The Hotel Policy had been primarily addressed with regards to direct access to the bar but another factor was the Public House and Bar Policy. This policy was important in terms of the use of the ground floor of the premises as it would be a drink led premises. No restaurant conditions were attached to the licence. This meant there was still the capacity for forty-five members of the public to consume alcohol on the premises. Therefore the Sub-Committee had to decide if there was still an issue over whether there was a policy presumption against a new application for a drink led premises and whether it would add to the cumulative impact in the area.

In response Mr Thomas stated that if every hotel bar was considered under the Public House and Bar Policy, rather than the Hotel Policy, no applications would be granted. Therefore the application should be considered an exception under the Hotel Policy as generally the Council would grant such an application subject to certain criteria. The Sub-Committee was informed that the sale of alcohol was not the primary use of the premises and a substantial food element would also be available.

Mr Wroe, the Councils Licensing Policy Adviser, provided clarification on the Hotel Policy. The policy stated that applications would generally be granted in three specific circumstances: i) for those people staying in hotel rooms, ii) to members of the public attending a pre-booked event, and iii) for the exhibition of films. There was therefore no general provision to grant a bar in a hotel. Section 2.5.57 of the Hotel Policy stated that "The extent and location of provision of bar facilities will be taken into account. Hotel bars that are directly or easily reached from the street will be likely to raise similar concerns to pubs and bars." This highlighted that there was not a general grant for such applications and there was also no general presumption against. The Sub-Committee would have to take into account the positioning and context of the bar particularly if there was direct access from the street. The premises was located in a cumulative impact area, it was a new bar and therefore there was a general presumption against

the granting of an application. Exceptions to the policy could be found if the Sub-Committee felt that it would not add to the cumulative impact in the area. The Sub-Committee noted that the Hotel Policy placed specific emphasis on the location and access provision to the bar.

Mr Thomas explained that section 2.5.57 of the Hotel Policy should be a consideration for the Sub-Committee. The Sub-Committee was also asked to consider though the modest hours requested, the small capacity of the premises, the conditions offered and the substantial food offering. Hotel residents and guests would form a large percentage of the bars capacity and as such would not add to the cumulative impact in the area.

After careful consideration the Sub-Committee decided to grant the application. It was felt that the applicant had taken significant steps to address concerns raised at a previous Sub-Committee meeting particularly ensuring there was a change in the hotel bar's external branding. An agreement with Environmental Health to add a condition to the licence to restrict direct access to the bar from Frith Street after 17:00 was also noted. As part of this condition an informative would be added to the licence requesting that a permanent form of barrier restricting access from Frith Street be installed within twelve months of the granting of the licence.

The Sub-Committee was of the view that the application could be granted in accordance with the hotel policy now that access to the bar was restricted from Frith Street after 17.00. It was considered that the new proposals for the premises and its style of operation were such that the premises would not attract members of the public whose main purpose was to consume alcohol. They would be far more likely to visit a traditional pub or bar of which there were many in the area. In view of the fact that the sale of alcohol would be restricted to core hours, the Sub-Committee decided that the application could be granted as an exception to policy PB2. However, to future proof the licence it was also decided to attach a condition to the effect that licensable activities can only take place at the premises when they are part of the operation of the hotel at 56-57 Frith Street.

The Sub-Committee agreed to amend, add or delete the following conditions on the licence in order to update the licence:

- Removal of Condition 10 from the premises licence;
- Removal of Condition 12 from the premises licence;
- Condition 13 be amended to read "After 17:00 any members of the public wishing to use the hotel bar must enter via Bateman Street."
- Condition 30 be amended to read "After 17:00 the external private forecourt on frith Street shall be boarded by a barrier of a type which:
 - i) Prevents direct access to the premises from Frith Street.
 - ii) Has signage on the outside indicating that the access to the premises is via Bateman Street only.
 - iii) Permits access and egress in an emergency.
- An additional condition be added to the licence to read "Licensable activities may only take place at the premises when the premises is part

	of the operation of the hotel at 56-57 Frith Street.”
2.	<p>Hours Premises are Open to the Public</p> <p>Monday to Saturday: 07:00 – 23:30 Sunday: 07:00 – 23:00</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>From the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day.</p> <p>Residents and their bona fide guests 00:00 – 24:00.</p> <p>On Sunday prior to Bank Holiday Monday 07:00 – 23:30.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application, see reasons for decision in Section 1.</p>

Conditions attached to the Licence
<p><u>Mandatory Conditions</u></p> <ol style="list-style-type: none"> 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 nay 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 Consistent with the Operating Schedule

9. The consumption of alcohol may only be to persons who are seated and who are:

- a) Hotel residents and their bona fide guests with a maximum of 4 guests per adult resident at any time;
- b) Members of the public who shall vacate the premises by 23:30 hours (23:00 hours Sunday).

10. There shall be no external advertising of the ground floor bar that is visible from the street and the hours of use for the public shall be clearly displayed within the bar.

11. After 17:00 any members of the public wishing to use the hotel bar must enter via Bateman Street.

12. The external seating area may only be used by residents and their guests and shall be restricted to no more than 8 persons (excluding staff) at any time.

13. All external signage shall refer to "Mimi's Hotel".

14. After 23:00 hours all windows and doors along Frith Street shall remain closed except for immediate access and egress in an emergency.

15. Tables and chairs in the external area shall be rendered unusable after 23:00 hours.

16. 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.
17. 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.
18. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
19. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 on the following day.
20. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day
21. The number of persons permitted in the ground floor hotel bar at any one time (excluding staff) shall not exceed 45 persons (including the external seating area).
22. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and use the area quietly.
23. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
24. 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.
25. 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.
26. 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;
- (d) any incidents of disorder;
- (e) any faults in the CCTV system or searching equipment or scanning equipment;
- (f) any refusal of the sale of alcohol; and
- (g) any visit by a relevant authority or emergency service.

27. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

28. After 17:00 the external private forecourt on Frith Street shall be boarded by a barrier of a type which:

- i) Prevents direct access to the premises from Frith Street;
- ii) Has signage on the outside indicating that the access to the premises is via Bateman Street only; and
- iii) Permits access and egress in an emergency.

29. Licensable activities may only take place at the premises when the premises are part of the operation of the hotel at 56-57 Frith Street.

4 KILBURN FOOD CENTRE, 332 KILBURN LANE, W9

LICENSING SUB-COMMITTEE No. 5

Thursday 8th December 2016

Membership: Councillor Angela Harvey (Chairman), Councillor Susie Burbridge and Councillor Rita Begum

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Nick Nelson

Relevant Representations: Environmental Health, the Metropolitan Police and one local resident.

Present: Mr Mahir Kilic (Licensing Consultant, Representing the Applicant), Mr Dave Nevitt (Environmental Health) and PC Reaz Guerra (Metropolitan Police).

Councillor Rita Begum declared that she knew the premises concerned and lived nearby, though not within the area shown on the map at page 45 of the report. She did not regard this as a disclosable pecuniary interest in relation to this item on the agenda.

**Kilburn Food Centre, 332 Kilburn Lane, London, W9 3EF
16/10101/LIPN**

1. Off Sales by Retail of Alcohol

Monday to Sunday: 08:00 – 03:00

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 Kishore Natwarlal Vadera for a new premises licence in respect of 332 Kilburn Lane, London, W9 3EF.

The Licensing Officer provided an outline of the application to the Sub-Committee and advised that a previous premises licence had been subject to a Licensing Review in February 2016 following which the premises licence had been revoked.

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 sought clarification on whether there was any relationship between the applicant and the previous licence holder. In response Mr Kilic, representing the applicant, confirmed that the applicant was not related in any manner to the previous premises owner and management.

Mr Kilic explained that the application was to allow the off sales of alcohol between 08:00 to 03:00 Monday to Sunday. To address concerns raised numerous conditions had been agreed with Environmental Health to ensure there was a high level of control in place at the premises. The small nature of the operation was detailed and allowing the extended hours would help with the gradual dispersal of customers in the local area. The application would have a positive effect on the night time economy as the applicant felt that the hours requested would provide an opportunity to offer a service to residents using the 24 hour tube and late shift workers. For these reasons the application should be granted as it would provide a service to the local community and the conditions in place overcame any problems of operating beyond core hours.

Mr Dave Nevitt of Environmental Health addressed the Sub-Committee and explained that following helpful discussions with the applicant the addition of certain conditions to the licence had been agreed. The main area of concern was the hours requested as Kilburn Lane was a predominantly residential area. Granting the proposed hours could potentially give rise to an increase in nuisance and disturbance to local residents. The premises could become a destination venue for purchasing alcohol as other premises in the vicinity were not permitted to operate until 03:00 hours. Allowing people to drink in the street until 03:00 was of concern as there had been street drinking issues in the area

which this would exacerbate. Also the late hours could put staff at risk as they would be working alone at the premises in the early hours of the morning and potentially serving intoxicated customers. It was also considered that there was sufficient distance between the applicant and the previous licence holder. In conclusion Mr Nevitt was of the opinion the granting the proposed hours had the potential to generate disturbance and was contrary to the Council's core hour's policy.

PC Guerra, representing the Metropolitan Police, explained that the premises was located on the extremities of Westminster and this created issues with regards to inspecting the premises. The Police endorsed the conditions agreed between the applicant and Environmental Health. The hours requested for the sale of alcohol was a cause for concern though as the premises could become a destination for people seeking alcohol. This had the potential to increase street drinking and subsequently increased levels of crime and disorder.

Mr Kilic explained that the extended hours were viewed as a business opportunity by the applicant. It was suggested that a premises situated nearby, but located within the London Borough of Brent, was licenced to sell alcohol 24 hours a day. In response to a question Mr Kilic stated that his applicant did not have any previous experience of operating a premises of a similar nature.

After careful consideration the Sub-Committee granted the application but would only permit the sale of alcohol during core hours. Members noted that there was no apparent link between the applicant and the previous licence holders and that the premises was not located within a cumulative impact area. There was concern however the premises was located in a predominantly residential area and granting the sale of alcohol to 03:00 would potentially increase disturbance for local residents. There was also the potential that it could generate increased levels of street drinking and therefore impact on the crime and disorder objective. The Sub-Committee therefore granted the application but limited the supply of alcohol for consumption off the premises to core hours, namely 08.00 to 23.00 on Monday to Saturday and 10.00 to 22.30 on Sunday.

The Sub-Committee decided to amend or remove the following conditions on the licence in order to update the licence:

- Removal of Condition 7 from the premises licence;
- Removal of Condition 8 from the premises licence;
- Removal of Condition 12 from the premises licence;
- Removal of Condition 14 from the premises licence;
- Removal of Condition 17 from the premises licence;
- Removal of Condition 19 from the premises licence;
- Removal of Condition 20 from the premises licence;
- Removal of Condition 21 from the premises licence;
- Condition 22 be amended to Model Condition 27; and
- Condition 34 be amended to read "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."

2.	Hours Premises are Open to the Public Monday to Sunday: 08:00 – 03:00
	Amendments to application advised at hearing: None
	Decision (including reasons if different from those set out in report): The Sub-Committee granted the application to the hours sought. See reasons for decision in Section 1.

Conditions attached to the Licence
<p><u>Mandatory Conditions</u></p> <ol style="list-style-type: none"> 1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence. 2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended. 3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence. 4. (1) The premises licence holder or club premises certificate holder 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 – <ol style="list-style-type: none"> (a) a holographic mark, or (b) an ultraviolet feature. 5. (i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. (ii) For the purposes of the condition set out in paragraph 5(i) above –

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

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

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

Where –

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

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

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

(iii). Where the permitted price given by Paragraph 5(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(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

6. The DPS, a personal licence holder or trained member of staff nominated in writing by the DPS shall be on duty at all times the premises are open to the public.

7. All staff who work at the till will be trained for their role on induction and be given refresher training every six months. Written training records will be kept for each staff member and be produced to Police and authorised Council Officers on request. Training will include identifying persons under 25, making a challenge, acceptable proof of age & checking it, making & recording a refusal avoiding conflict and responsible retailing.
8. An incident book shall be kept at the premises and made available to the police or authorised council officers officer's which will record the following:
 - a. All crimes reported
 - b. Lost property
 - c. All ejections of customers
 - d. Any complaints received
 - e. Any incidents of disorder
 - f. Any seizure of drugs or offensives weapons
 - g. Any faults in the CCTV
 - h. Any refusals in the sale of alcohol
 - i. Any visit by a relevant authority or emergency service
9. Notices will be prominently displayed by the entry/exit door and point of sale (as appropriate) advising customers:
 - a. That CCTV & challenge 25 are in operation
 - b. Advising customers of the provisions of the Licence Act regarding underage and proxy sales.
 - c. Of the permitted hours for licensable activities and the opening times of the premises
 - d. Not to drink in the street.
10. The front of the premises shall be kept tidy at all times and be swept at close.
11. No deliveries will be received or rubbish moved from the premises between 21:00hrs and 07:00 hours.
12. Any music played will only be played at background level.
13. A phone number for the premises shall be made available if required upon the request to the police or any other responsible authority or any local resident to express any concerns caused by the operation of the premises, any complaints and the outcome will be recorded in the incident book.
14. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
15. 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.

16. 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.
17. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
18. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
19. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
20. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
21. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
22. No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises.
23. No more than (15)% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
24. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
25. 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.
26. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

27. 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.

28. 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 12.30 pm

CHAIRMAN: _____

DATE _____