



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (5)**

Meeting Date: **Thursday 8th December, 2016**

Time: **10.00 am**

Venue: **Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP**

Members: **Councillors:**

Angela Harvey (Chairman)
Susie Burbridge
Rita Begum

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

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



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

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

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTEREST

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

Licensing Applications for Determination

1. MIMI'S, 56-57 FRITH STREET, W1

(Pages 1 - 30)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	West End Ward / West End Cumulative Impact Area	Mimi's, 56-57 Frith Street, W1	New	16/11132/LIPN

2. KILBURN FOOD CENTRE, 332 KILBURN LANE, W9

(Pages 31 - 46)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	Queen's Park Ward / not in cumulative impact area	Kilburn Food Centre, 332 Kilburn Lane, W9	New	16/10101/LIPN

**Charlie Parker
Chief Executive
2 December 2016**

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

POLICY CONSIDERATIONS

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

GUIDANCE CONSIDERATIONS

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

CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES (As set out in the Council's Statement of Licensing Policy 2011)

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

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

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

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

Monday to Saturday: 08:00 to 23:00

Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight

Sundays immediately prior to Bank Holidays: 09.00 to midnight

Other Sundays: 09.00 to 22.30

Monday to Thursday: 09.00 to 23.30.

Agenda Item 1 Licensing Sub-Committee Report

Item No:	
Date:	8 December 2016
Licensing Ref No:	16/11132/LIPN - New Premises Licence
Title of Report:	Mimi's 56-57 Frith Street London W1D 3JG
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 0207 641 2571 Email: hlawrance@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	13 October 2016		
Applicant:	Soho Bau Ltd		
Premises:	Mimi's		
Premises address:	56-57 Frith Street London W1D 3JG	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	Premises is a bar situated in the ground floor of the Frith Street Hotel.		
Premises licence history:	<p>The premises does currently have a licence which was granted by Licensing Sub-Committee on 29th September 2016.</p> <p>Prior to the premises licence being granted, the premises was known as Pendulum and was licence from September 2009 until 29th November 2011 when the licence was surrendered.</p>		
Applicant submissions:	Please see Appendix 2		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			On Sales
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:30
Seasonal variations/ Non-standard timings:	<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 12:00 – 23:00</p>						

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	23:30	23:30	23:30	23:30	23:30	23:30	23:00
Seasonal variations/ Non-standard timings:		<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>On Sundays prior to bank holidays 07:00 - 23:30.</p> <p>Residents and their bona fide guests 00:00 - 24:00</p>					
Adult Entertainment:		Not applicable.					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Anil Drayan
Received:	4 th November 2016
<p>I refer to the application for a new premises licence for the above premises which is located in the West End Cumulative Impact Area. Please note the applicant was recently granted a new licence, 16/07867/LIPN, for the premises.</p> <p>The applicant has submitted a plan of the premises (dated October 2016) showing the proposed licensable area on the ground floor.</p> <p>The following licensable activities are being sought:</p> <ol style="list-style-type: none"> To provide for the Supply of Alcohol 'On' the premises between 10:00 and 23:00 hours Monday to Saturday, 12:00 to 22:30 hours Sunday, on Sundays prior to bank holidays 12:00 to 23:00 hours and from end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day. For residents and their bona fide guests the hours are for 00:00 to 24:00 Monday to Sunday. <p>I wish to make the following representations based on the plans submitted and the supporting operating schedule:</p> <ol style="list-style-type: none"> The hours requested for and the Supply of Alcohol 'On' the premises may lead to an increase in Public Nuisance in the West End Cumulative Impact Area <p>An extensive list of conditions has been offered in the operating schedule. However Environmental Health considers that the terms for the provision of alcohol may not be adequate to be consistent with Westminster's Statement of Licensing Policy in the West End Cumulative Impact Area.</p>	

Further correspondence with the applicant and EH:

I think the idea of someone having to decide who are hotel residents (and their guests) and who are the general public whom then get directed to Bateman Street is not easily workable. Also the direct access of the external area from Frith Street poses a problem unless it is behind a barrier.

I therefore think that the Frith Street entrance should only be used in an emergency and suggest the following additional condition:

1. The tables and chairs in the external area shall be behind a temporary (or permanent) 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.

If the premise operates with this condition then your conditions 2 and 4 are probably not necessary.

Responsible Authority:	Metropolitan Police Service
Representative:	Mr Toby Janes
Received:	3 rd November 2016

I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application.

It is our belief that if granted the application would undermine the licensing objectives in relation to the prevention of crime and disorder as there are insufficient conditions within the operating schedule.

The venue is situated in the West End cumulative impact area, a locality where there is traditionally high crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

2-B Other Persons	
Name:	Mr Yoshi Okubo
Address and/or Residents Association:	55 Frith Street Flat 1 London W1D 4SJ
Received:	27 th October 2016
<p>I live just upstairs of the venue. I would not appreciate the ground floor of this residential building becoming a loud place with drunk people.</p> <p>Unless they can sign a paper saying:</p> <ol style="list-style-type: none"> 1. Their patrons will never hang out in front of /around the building 2. No loud music whatsoever as it encourages drinking / obscene behaviours I can't support the licensing of this brainless. <p>I would also like to request manager's phone number so that we can call when a problem happens.</p>	

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIA1 applies	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
Policy PB2 applies:	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.
Policy HOT1 applies:	<p>Subject to the effect on the promotion of the licensing objectives and other relevant policies in this Statement, premises licences for hotels will generally be granted so that:</p> <p>(a) Alcohol is permitted to be sold at any time to people staying</p>

	<p>in hotel rooms for consumption on the premises.</p> <p>(b) The hours of serving of alcohol to the general public will be subject to conditions limiting the sale of alcohol after a specified time to those attending pre-booked events held at the hotel,</p> <p>(c) The exhibition of film, in the form of recordings or non-broadcast television programmes to be viewed in hotel bedrooms, will generally be permitted.</p>
Policy HRS1 applies:	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Miss Heidi Lawrance Senior Licensing Officer
Contact:	Telephone: 0207 641 2571 Email: hlawrance@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	13 th October 2016
5	Representation – Environmental Health	4 th November 2016
6	Representation – Metropolitan Police Service	3 rd November 2016
7	Representation - Mr Yoshi Okubo	27 th October 2016

Applicant Supporting Documents

Thomas & Thomas
Partners LLP

Your ref:
Our ref: AT

38a Monmouth Street
London WC2H 9EP
tel: 020 7042 0410
fax: 020 7379 6618

Licensing Service
City of Westminster
64 Victoria Street
London
SW1E 6QP

23 November 2016

Dear Sirs

**Mimi's, 56-57 Frith Street, W1
16/11132/LIPN**

We act for the premises licence holder. In anticipation of the hearing on 8 December, we attach a condition which has been agreed with the environmental health consultation team.

We also enclose minutes of the decision of the last hearing. As members will see, the application was restricted at the hearing to residents and their guests as there was a concern about external advertising and also that there was direct entry from the street.

These issues have now been addressed in the revised application, which has gone through full and further public consultation.

Firstly, only the name of the hotel is visible and branded externally. Secondly, access via the Frith Street entrance is only permissible after 5.00 pm and then only via a barrier.

The application is within the council's core hours and no regulated entertainment or late-night refreshment is requested.

Yours faithfully

Thomas & Thomas Partners LLP
tel: 020 7042 0412
email: athomas@tandtp.com

Lawrance, Heidi: WCC

From: Alun Thomas <AThomas@tandtp.com>
Sent: 22 November 2016 17:57
To: Drayan, Anil: WCC
Cc: Nelson, Nicholas: WCC; Conrad Patterson; strangemann@landunion.com
Subject: Re: Mimi's

Anil

Thank you for your time earlier.

As agreed, please further amend your proposed condition to read as follows:

4. After 5pm, **the tables and chairs in the external area shall be behind a temporary (or permanent) 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.**

Condition 2 to be deleted

Thanks

Alun

From: Drayan, Anil: WCC <adrayan@westminster.gov.uk>
Sent: Wednesday, October 12, 2016 6:16:45 PM
To: Alun Thomas
Cc: Tilly Burton
Subject: RE: Mimi's

Hi Alun

I think the idea of someone having to decide who are hotel residents (and their guests) and who are the general public whom then get directed to Bateman Street is not easily workable. Also the direct access of the external area from Frith Street poses a problem unless it is behind a barrier.

I therefore think that the Frith Street entrance should only be used in an emergency and suggest the following additional condition:

- **The tables and chairs in the external area shall be behind a temporary (or permanent) 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.**

If the premises operates with this condition then your conditions 2 and 4 are probably not necessary.

Regards

Anil

From: Alun Thomas [<mailto:Athomas@tandtp.com>]
Sent: 11 October 2016 15:30
To: Drayan, Anil: WCC
Cc: Tilly Burton
Subject: Mimi's

Hi Anil

Any suggestions before we submit?

Did you know, your two-year-old could qualify for up to 15 hours of free childcare a week? Apply now at www.westminster.gov.uk/information-childcare

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LICENSING SUB-COMMITTEE No. 2

Thursday 29th September 2016

Membership: Councillor Nickie Aiken (Chairman), Councillor Jan Prendergast and Councillor Aziz Toki

Legal Adviser: Horatio Chance
Policy Adviser: Chris Wroe
Committee Officer: Tristan Fieldsend
Presenting Officer: Heidi Lawrence

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

Present: Mr Alun Thomas (Solicitor, Representing the Applicant), Mr Conrad Patterson (Applicant), Mr Anil Drayan (Environmental Health) and PC Reaz Guerra (Metropolitan Police).

**Frith Street Hotel, 56-57 Frith Street, W1D 3JG
16/07867/LIPN**

1. On and Off 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.

On Sundays prior to bank holiday 12:00 – 23:00

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

2. Hours Premises are Open to the Public

Monday to Saturday: 07:00 – 23:30
Sunday: 08:00 – 00:00

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.

On Sundays prior to bank holiday 12:00 – 23:30

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

	<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 Soho Bau Ltd for a new premises licence in respect of Frith Street Hotel, 56-57 Frith Street, W1D 3JG.</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 Thomas, representing the applicant, provided the Sub-Committee with an explanation as to why this application should be considered an exception to the Cumulative Impact Policy under the City Council's Statement of Licensing Policy ("SLP"). It was firstly explained that the sale of alcohol would be permitted only until 23:00 with members of the public being required to leave the premises by 23:30. This would be in line with the planning permission already granted for the premises. Sales of alcohol would also only take place to patrons seated and whilst it was recognised that this was not an exception itself it was consistent with exceptions to the policy. Secondly, the Hotels Policy – HOT1 under the SLP, suggested that even in a Cumulative Impact Area hotel bars would be granted unless late hours had been requested which was not the case in this application. Subsection (b) of the Policy states that "The hours of serving alcohol to the general public will be subject to conditions limiting the sale of alcohol after a specified time to those attending pre-booked events held at the hotel." This inferred that if conditions were in place to stop the consumption of alcohol after 23:00 hotel bars were acceptable even in a Cumulative Impact Area. Another reason why this application was considered an exception to policy was that a previous licence had been in operation on the same site. The applicant was not applying for a standalone bar but a hotel bar where the use would be ancillary to other activities. As the licence for the previous premises had been surrendered, due to the company becoming insolvent, the new licence would only be a substitution of use therefore not increasing the cumulative impact in the area. These circumstances, it was suggested, also gave weight to the application being an exception to policy.</p> <p>In response to a question it was confirmed that the licence had been surrendered on 29 November 2011. The Sub-Committee expressed concern that this was a significant time period for a substitution. Mr Thomas explained that 2.4.8 of the SLP stated that, "Applications for new licences to replace licences which have lapsed because of the failure to submit an interim authority notice in due time in the event of death or insolvency of a licence holder will be considered by the licensing authority as possible exceptions". The Policy Adviser provided some background to the administration of the company who previously held the licence. The Policy Adviser suggested the Sub-Committee take into</p>

account the time between the surrender of the licence, or the company entering administration, and the application for a new licence. The Sub-Committee then had to decide on that basis what weight it gave the substitution.

The applicant explained that he had been in the licence trade for ten years. A very light food menu was on offer to patrons as there were no kitchen facilities on the premises and alcohol would only be provided to customers seated.

Mr Thomas referred to the representation received from a local resident objecting to the noise emanating from building works taking place. No complaints had been received from any other residents or the Council. The building work had been undertaken during approved allocated hours and whilst it was recognised that there had been noise during the redevelopment of the hotel this wasn't a relevant consideration for this case. It was also confirmed that there would be no function room and no extension to the hours as mentioned in the representation. The applicant confirmed that he would communicate with the resident shortly.

Mr Thomas requested some amendments to the conditions proposed by Environmental Health.

It was proposed to change condition 24 so that members of the public would have to vacate the premises by 23:30 hours. It was also suggested that condition 32 be altered so the number of persons permitted in the ground floor hotel bar at any one time, excluding staff, should not exceed 45.

Mr Drayan of Environmental Health confirmed that the bar was called Henson's and the hotel was called Mimi's, both of which had different entrances. Paragraph 2.5.57 of the Hotel Policy states 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." It was this concern that the bar would be distinct from the hotel that formed the basis of the representation from Environmental Health. Mr Drayan provided some history to the site and explained that when the previous licence for the site had been surrendered the premises had been occupied by squatters resulting in several issues. It was pleasing that the premises was now being utilised again but it was important any application complied with the Licensing Policy and this application did not.

PC Guerra stated that the Metropolitan Police's representation was based on the same grounds as Environmental Health. The main concern centred on whether the bar formed part of the hotel, how accessible it was to the public and what times it would open to members of the public?

The Sub-Committee questioned why the two plans submitted for the premises were different? Mr Thomas explained that it was just to show how the premises would look and that it could be amended to show where a waiter station would be located. It was confirmed there would be two entrances, both manned by staff, one was the hotel reception and the other would be the waiter station. The application was seeking modest hours, a modest capacity, all customers would

be seated, there was a light food offer and security would be provided at both entrances. This would all ensure that the premises would be unlikely to raise similar concerns to pubs and bars.

The Sub-Committee raised the question why the bar would have a different name to the hotel? It was explained that this was purely a marketing exercise and it would be obvious that the premises was a hotel bar. Mr Patterson clarified that the bar would have two doors as the hotel had a beautiful façade whilst internally a cosy atmosphere would be generated inside the bar area. Only providing one door would break the mood created and it was felt the two doors would generate a better customer journey.

Concern was still expressed by members regarding whether the application would solely be a hotel bar. The previous licence had been surrendered but this was now approximately five years ago. A question was also raised about the outside area shown in the plans.

Mr Thomas confirmed there was a small outside area where tables and chairs could be located. A condition could be attached to the licence requiring all outside furniture to be rendered unusable by 23:00. The number of persons permitted in this area would not exceed nine and these would be included within the requested maximum capacity of forty-five.

In response to the concern over a second door to the premises on Frith Street the Sub-Committee was informed that this would be dealt with through the use of a waiter station and, if required, by locking this door from 23:00. It was stated that other hotel bars in the area didn't have these safeguards in place. Also, because it was a hotel bar with seated service only customers would have a different mind-set compared to normal bars and this was relevant to the application.

The Council's Legal Adviser drew the Sub-Committee's attention to a point of law in relation to the lapsed licence and referred members to Section 28 (3) of the Licensing Act 2003. This states that "*Where a notice of surrender is given in accordance with this section, the premises licence lapses on receipt of the notice by the authority.*" Mr Thomas was clear on this aspect and stated that the lapsed licence provided some weight and assistance and some relevance to whether the exception had been made with regards to the Hotel Policy.

The Sub-Committee considered the application and was of the opinion that it was not an exception to the Cumulative Impact Area Policy. The separate branding of the bar from the hotel and the two entrances, including one direct from the street, gave the impression they were different entities and hence the operation of a bar would add to the cumulative impact in the area. It was also felt that as the previous licence had lapsed over five years ago, which was considered a significant period of time, suggesting the granting of a new licence would not add to the cumulative impact any further was incorrect. The Sub-Committee was pleased to note however that the premises was now in use again and as such agreed to grant the application subject to the amended conditions as proposed by Environmental Health plus an additional condition

proposed by the Sub-Committee that hotel residents only would be allowed to use the bar. It was felt the addition of these conditions would ensure that the premises would not add to the cumulative impact in the area. The Sub-Committee also requested an updated plan to show the location of the waiter station. The Sub-Committee considered that granting the application with the conditions added would help the Applicant uphold the promotion of the licensing objectives and ensure it did not add to the cumulative impact in the area.

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 Consistent with the Operating Schedule

9. With the exception of any external areas marked on the plan, all sales of alcohol for consumption off the premises shall be in sealed containers only.
10. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
11. 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.
12. 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.
13. 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.
14. 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
 - (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.
15. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
16. 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.

Conditions Attached After a Hearing by the Licensing Authority

17. Alcohol for consumption on the premises may only be to persons who are seated and who are residents of the hotel at 56-57 Frith Street and their bona fide guests with a maximum of 4 guests per adult resident at any time;
18. Off sales of alcohol are restricted to hotel residents and their bona fide guests.
19. Between noon and 23:00 a staffed waiter station shall be provided adjacent to the Frith Street entrance to prevent access by members of the general public whilst the bar is open to the general public.
20. There shall be no external advertising of the ground floor bar that is visible from the street.
21. After 23:00 hours all windows and doors along Frith Street shall remain closed except for immediate access and egress in an emergency.
22. Tables and chairs in the external area shall be rendered unusable after 23:00 hours.
23. A Challenge 21 scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, passport or proof of age card with the PASS Hologram.
24. 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 give rise to a nuisance.
25. 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.
26. No collection of waste or recycling materials (including bottles) from the premises shall take place between 23:00 and 08:00 on the following day.
27. No deliveries to the premises shall take place between 23:00 and 08:00 on the following day.
28. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 45 to include 9 in the external area.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
16/07867/LIPN	Application for a New Premises Licence	29.09.2016	Granted by Licensing Sub-Committee

There is no appeal history

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

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 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. A waiter station shall be provided and staffed adjacent to the Frith Street entrance to prevent any public admission from Frith Street.
11. 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.
12. The Frith Street entrance may only be used for exit save for residents and their guests.
13. Any members of the public wishing to use the hotel bar must enter via Bateman Street.
14. 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;
15. All external signage shall refer to "Mimi's Hotel".
16. After 23:00 hours all windows and doors along Frith Street shall remain closed except for immediate access and egress in an emergency.
17. Tables and chairs in the external area shall be rendered unusable after 23:00 hours.
18. A Challenge 21 scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, passport or proof of age card with the PASS Hologram.
19. 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.
20. 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.
21. No collection of waste or recycling materials (including bottles) from the premises shall take place between 23:00 and 07:00 on the following day.
22. No deliveries to the premises shall take place between 23:00 and 07:00 on the following day.
23. The number of persons permitted in the ground floor hotel bar at any one time (excluding staff) shall not exceed 45 (including the external seating area.)
24. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly
25. The 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.

26. 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.
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. 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
 - (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.
29. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.




Conditions proposed by the Environmental Health

30. The tables and chairs in the external area shall be behind a temporary (or permanent) barrier of a type which;
 - iv) prevents direct access to the premises from Frith Street
 - v) has signage on the outside indicating that the access to the premises is via Bateman Street only.
 - vi) permits access and egress in an emergency.

Applicant proposes amendment of condition 30 to read, agreed by Environmental Health:

30. After 17:00, the tables and chairs in the external area shall be behind a temporary (or permanent) 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.

Residential Map and List of Premises in the Vicinity

 <p>City of Westminster</p> <p>Mimi's 56-57 Frith Street</p>		<p>21</p> <p>Residential / Proposed Residential</p>	<p>None</p> <p>Under Construction</p>	<p>None</p> <p>Other Uses</p>	<p>None</p> <p>Proportion Residential of all Uses</p>	<p>Data Source: Uniform Database</p> <p>Date: 23/11/2016</p>
<p>10  Meters</p>	<p>This product includes mapping data licensed from Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office. © Crown copyright and/or database right 2013. All rights reserved. Licence number: LA 1000182697</p>					

Premises within 75 Metres of: Mimi's, 56-57 Firth Street

p / n	Name of Premises	Premises Address	Licensed Hours
11231	Pix	16 Bateman Street London W1D 3AH	Friday to Saturday 11:00 - 00:00 Monday to Thursday 11:00 - 23:30 New Year's Eve 12:00 - 00:00 Sunday 12:00 - 22:30
-16185	Dog & Duck Public House	18 Bateman Street London W1D 3AJ	Friday to Saturday 07:00 - 00:00 Sunday 07:00 - 00:00 Sundays before Bank Holidays 07:00 - 00:00 Monday to Saturday 07:00 - 00:30 Sunday 07:00 - 22:30 Monday to Thursday 07:00 - 23:30
12667	Balls & Company	Basement And Ground Floor 58 Greek Street London W1D 3DY	Friday to Saturday 12:00 - 00:00 Sunday 12:00 - 22:30 Monday to Thursday 12:00 - 23:30
649	L'Escargot	48 Greek Street London W1D 4EF	Monday to Sunday 10:00 - 01:00
159	La Capannina Club	Basement 21 Bateman Street London W1D 3AL	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 03:30
659	Ceviche	Basement And Ground Floor 17 Frith Street London W1D 4RG	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00
9417	Soho Theatre Company	First Floor To Second Floor 21 Dean Street London W1D 3NE	Monday to Saturday 09:00 - 00:00 Sunday 12:00 - 23:30 Bank Holiday 14:00 - 23:30
24241	The Arts Theatre Club	Ground Floor West 50 Frith Street London W1D 4SQ	Monday to Saturday 09:00 - 03:30 Sunday 09:00 - 23:00
-3491	Soho Dean Street	76 Dean Street London W1D 3SQ	
11325	The Golden Oven	Ground Floor 22 Bateman Street London W1D 3AN	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
27538	Karaoke Box	Ground Floor 18 Frith Street London W1D 4RQ	Monday to Wednesday 09:00 - 02:00 Thursday to Saturday 09:00 - 05:00 Sunday 09:00 - 23:00
-15043	Trattoria Da Aldo	Basement And Ground Floor 51 Greek Street London W1D 4EH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-22002	Simmons	2 Bateman Street London W1D 4AE	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30

-12482	Nando's	Ground Floor 10 Frith Street London W1D 3JF	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
10433	Hoppers	49 Frith Street London W1D 4SG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:30
-29737	New Evaristo Club	Ground Floor 57 Greek Street London W1D 3DX	Monday to Saturday 11:00 - 01:30 Sunday 12:00 - 01:30
-23394	Dean Street Town House	69 - 71 Dean Street London W1D 3SE	Monday to Sunday 00:00 - 00:00
2699	Arbutus Restaurant	63 - 64 Frith Street London W1D 4RF	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
15883	Circa	Ground Floor 62 Frith Street London W1D 3JN	Monday to Sunday 11:00 - 01:00
-26068	Hazlitts Hotel	6 Frith Street London W1D 3JA	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
9072	Gourmet Burger Kitchen	15 Frith Street London W1D 4RE	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
15097	Club 49	Basement And Ground Floor 49 Greek Street London W1D 4EG	Monday to Saturday 10:00 - 03:30 Sunday 12:00 - 23:00
26740	Top Dog Eats	Basement And Ground Floor 48 Frith Street London W1D 4SF	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
373	Burger & Lobster	36 - 38 Dean Street London W1D 3TE	Monday to Thursday 10:00 - 00:30 Friday to Saturday 10:00 - 01:00 Sundays before Bank Holidays 12:00 - 00:30 Sunday 12:00 - 23:00
11535	Oliver Maki 9	33 Dean Street London W1D 4PW	Friday to Saturday 09:00 - 00:00 Monday to Thursday 09:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
26191	De Lane Lea Sports & Social Club	Ground Floor 75 Dean Street London W1D 3SQ	Monday to Saturday 11:00 - 23:00
26402	Soho Theatre	Basement And Ground Floor 21 Dean Street London W1D 3NE	Monday to Saturday 10:00 - 02:30 Sunday 12:00 - 01:00
-2967	Soho Joe	Ground Floor Townsend House 22 - 25 Dean Street London W1D 3RY	Monday to Saturday 07:00 - 01:00 Sunday 09:00 - 00:00
17867	The Crown & Two Chairmen	31-32 Dean Street London W1D 3SB	Friday to Saturday 07:00 - 00:00 Sundays before Bank Holidays 07:00 - 00:00 Sunday 07:00 - 22:50 Monday to Thursday 07:00 - 23:30
13972	Koya Bar	Ground Floor 50 Frith Street London W1D	Friday to Saturday 10:00 - 00:00 Monday to

		4SQ	Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
21140	Sunset Strip	Basement To First Floor 30 Dean Street London W1D 3SA	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 01:30
-13433	Ronnie Scott's Jazz Club	Basement And Ground Floor And Part First Floor 47 Frith Street London W1D 4SE	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 03:30
-11189	40 Dean Street	40 Dean Street London W1D 4PX	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-5744	21 Bateman Street	Ground Floor 21 Bateman Street London W1D 3AL	Sunday to Thursday 12:00 - 00:00 Friday to Saturday 12:00 - 03:00
-4033	Leonis Quo Vadis	26 Dean Street London W1D 3LL	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 02:30
20190	Kaslik	Basement And Ground Floor 58 Greek Street London W1D 3DY	Friday to Saturday 12:00 - 00:00 Sunday 12:00 - 22:30 Monday to Thursday 12:00 - 23:30
9415	The Red Fort	Basement And Ground Floor 77 Dean Street London W1D 3SH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-11654	Gopal's Of Soho	Basement And Ground Floor 12 Bateman Street London W1D 4AH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
24673	Cookhouse Joe	33 Dean Street London W1D 4PW	Friday to Saturday 09:00 - 00:00 Monday to Thursday 09:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
29342	Thirst	23 - 24 Bateman Street London W1D 3AH	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 23:00
30315	Leonis Quo Vadis	26 Dean Street London W1D 3LL	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 02:30
-4568	Union Club	50 Greek Street London W1D 4EQ	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00
27681	Barrafina	54 Frith Street London W1D 4SL	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00
8337	Garlic & Shots	Basement And Ground Floor 14 Frith Street London W1D 4RD	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 23:30
27258	Chotto-Matte	11-13 Frith Street London W1D 4RB	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:30

Item No:	
Date:	8 December 2016
Licensing Ref No:	16/10101/LIPN - New Premises Licence
Title of Report:	Kilburn Food Centre 332 Kilburn Lane London W9 3EF
Report of:	Director of Public Protection and Licensing
Wards involved:	Queen's Park
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 0207 641 2751 Email: hlawrance@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	19 September 2016		
Applicant:	Kishore Natwarlal Vadera		
Premises:	Kilburn Food Centre		
Premises address:	332 Kilburn Lane London W9 3EF	Ward:	Queen's Park
		Cumulative Impact Area:	Not applicable
Premises description:	The premises currently operating as a supermarket.		
Premises licence history:	<p>The premise was granted a licence in May 2006.</p> <p>The premises licence was subject to a Licensing Review in July 2007 and conditions were added to the Licence.</p> <p>The premises licence was subject to a second Licensing Review In February 2016 and the premises licence was revoked.</p> <p>Full details can be found in Annex 3.</p>		
Applicant submissions:	None submitted.		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			Off Sales
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	03:00	03:00	03:00	03:00	03:00	03:00	03:00
Seasonal variations/ Non-standard timings:							

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	03:00	03:00	03:00	03:00	03:00	03:00	03:00
Seasonal variations/ Non-standard timings:							
Adult Entertainment:		Not applicable.					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Mr David Nevitt
Received:	22 nd September 2016
<p>Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.</p> <p>Environmental Health has raised a Representation in respect of this application because the hours sought are beyond the 'Core Hours' as defined in the City Council's Licensing Policy. <u>I recommend that the application is amended so as to fit the Core Hours.</u></p> <p><u>In addition, I propose the following Conditions to be attached to the Licence:</u></p> <p>MC01 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.</p> <p>MC02 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.</p> <p>MC13 Loudspeakers shall not be located in the entrance lobby or outside the premises building.</p>	

MC17 All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

MC21 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

MC28 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.

MC29 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.

MC30 No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises.

MC31 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.

MC32 There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.

MC33 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.

MC47 A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

MC48 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.

MC81 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.

I may also propose further Conditions following a site inspection.

NB: THE POLICE MAY ALSO SEEK CONDITIONS RELATING TO THE SALE OF ALCOHOL DURING THE WEEKEND OF THE NOTTING HILL CARNIVAL.

Responsible Authority:	Metropolitan Police Service
Representative:	Mr Reaz Guerra
Received:	23 rd September 2016

I am writing to inform you that the Police, as a Responsible Authority, object to your application for a New Premises Licence as it is our belief that if granted the application would undermine the Crime Prevention Objective.

There is insufficient detail in the operating schedule to address the Crime Prevention Objective and the hours sought exceed Westminster's Core Hours Policy.

It is for this reason that we are objecting to the application

2-B Other Persons	
Name:	Mr Jonathan Benacci
Address and/or Residents Association:	324 Kilburn Lane London London W9 3EF
Received:	16 th October 2016

I have witnessed that the number of disorderly people gathering around the shop late at night since the previous licence was revoked has reduced and has therefore made the area feel safer.

The shop has only just had its licence revoked and has a history of offenses including selling alcohol to minors, I therefore feel that there is no benefit to the area or community in granting a new licence, especially one which proposes selling alcohol seven days a week from eight am to three am the next morning.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>

Policy OS1 applies:	Applications will generally be granted and reviews determined subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement.
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4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Miss Heidi Lawrance Senior Licensing Officer
Contact:	Telephone: 0207 641 2751 Email: hlawrance@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	19 th September 2016
5	Representation – Environmental Health	22 nd September 2016
6	Representation – Metropolitan Police	23 rd September 2016
7	Representation – Mr Jonathan Benacci	16 th October 2016

Premises Plans

Revision	Revision notes	Date	Item	Quantity	Title/Name, designation, material, dimension etc	Reference
01	Site Survey	07/09/2016	Designed by	Checked by	Approved by - date	Reference
			ABC	MHR	12/09/2016	SS20K-1
			332 Kilburn Lane, London W9 3EF			Date
			PLAN DRAWING			12/09/2016
			Total Area	Sheet	Scale	1:100 @ A3
						1/1

Ground Floor Plan
Kilburn Food Centre - 332 Kilburn Lane, W9 3EF

LEGEND

- WC AREA
- FRIDGES
- AREA OF LICENSED PREMISES
- SAFETY LIGHTS
- SMOKE DETECTOR
- CCTV
- FIRE ESCAPE KEEP CLEAR
- INTERNALLY ILLUMINATED FIRE ESCAPE SIGN (BS 5288)
- CARBON DIOXIDE FIRE EXTINGUISHER
- 9 L.T. WATER FIRE EXTINGUISHER
- FAN

Complete these documents in the context of individual fire safety building regulations and design that will not be reproduced, reproduced or related to other parts of the plan. The plan is for reference only. Any documents in it are subject to third party rights to which we are not liable.

NARTS
Voice of Turkish & Kurdish Food Industry in Britain
65 Stone Mountain High Street, London W1S 8EL.
Tel: 020 7241 2029 | Mob: 07942 414 890 | www.narts.org.uk | info@narts.org.uk

Applicant Supporting Documents

None submitted.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/09842/LIPN	New premises Licence application		Application Withdrawn
06/02691/LIPN	New Premises Licence application	29/05/2006	Granted under Delegated Authority
06/04707/WCCMAP	Master Licence	05/07/2007	Granted under Delegated Authority
07/05789/LIPDPS	Vary the Designated Premises Supervisor	10/07/2007	Granted under Delegated Authority
07/08009/LIREVP	Premises Licence Review. Application made by MET Police following 3 underage sales on: 02.12.06 15.05.07 04.06.07	18/10/2007	Conditions added by Licensing Sub-Committee
16/02038/LIREVP	Premises Licence Review. Application made by the Licensing Authority following persistent breach of the premises licence conditions.	28.04.20116	Licence revoked by Licensing Sub Committee.

There is no appeal history

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The premises licence holder or club premises certificate holder 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.
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. a) A CCTV system covering the interior and exterior of the premises will be installed to current Metropolitan Police / Home Office standards and shall be kept operational at all times the premises are open to the public.
- b) It shall be capable of taking a head and shoulders shot of persons entering the premises, of recording images to an evidential standard in any light and be capable of storing images for a minimum of 31 days.

- c) All staff who may work front of house shall be trained to operate the CCTV system and download images.
 - d) At least one member of staff trained to operate the CCTV system and download images shall be on duty at all times the premises are open to the public. Footage shall be shown to the police and screenshots provided to them on request, copies of downloaded images shall be provided to the police on a USB stick, CD or other acceptable means as soon as possible and in any case within 24 hours of the request.
8. Challenge 25 shall be operated as the proof of age policy.
 9. 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.
 10. 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
 11. 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.
 12. A fire risk assessment and emergency plan will be prepared and regularly reviewed. All staff will receive appropriate fire safety training and refresher training.
 13. The front of the premises shall be kept tidy at all times and be swept at close
 14. Relevant notices will be prominently displayed by the entry / exit door and point of sales (as appropriate).
 15. No deliveries will be received or rubbish moved from the premises between 21:00hrs and 07:00 hours.
 16. Any music played will only be played at background level.
 17. An incident book shall be kept at the premises and made available to the police or authorised council officers.

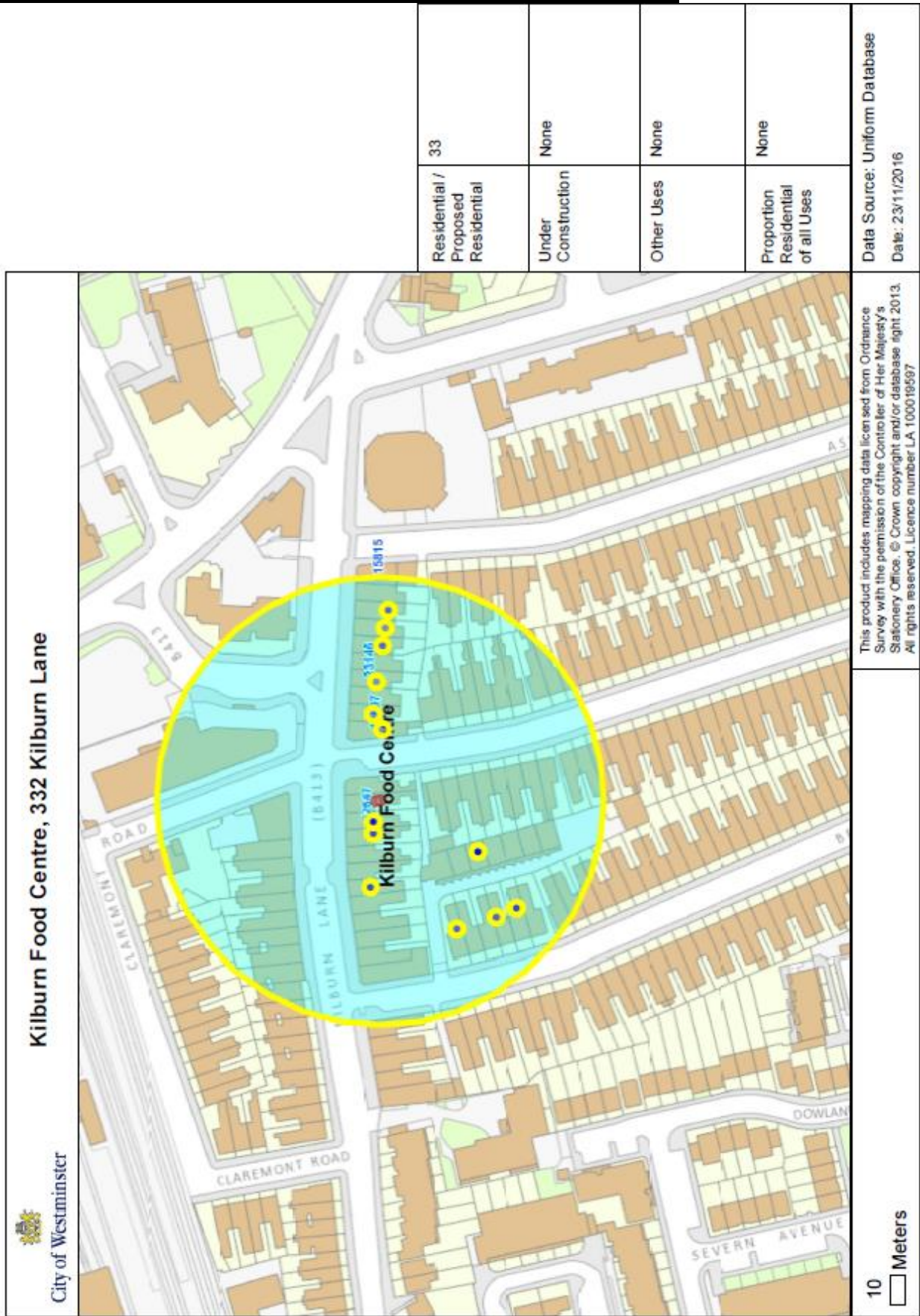
18. A phone number for the premises shall be made available if required upon the request to the police or any other responsible authority or any local resident to express any concerns caused by the operation of the premises, any complaints and the outcome will be recorded in the incident book.
19. Challenge 25 shall be operated as the proof of age policy and only a valid passport, photo driving licence, HM forces photographic ID card or proof of age card with the pass logo or hologram in it may be accepted as proof of age.
20. All refusals of the sale of alcohol shall be recorded in the refusals section of the incident book. The incident book shall be kept and produced to police & authorised council officers in request.
21. Relevant notices will be prominently displayed by the entry / exit door and point of sales as appropriate.
22. Unless an Epos system with an automatic proof of age check reminder incorporated in it is in use a manual prompt will be displayed by the till(s) to remind staff to check proof of age where appropriate.

Conditions proposed by the Environmental Health (*applicant has confirmed they agree to all of the below proposed conditions*)

23. 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.
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. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
26. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
27. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
28. 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.
29. 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.
30. No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises.

31. 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.
32. There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
33. 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.
34. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
35. 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.
36. 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.

Residential Map and List of Premises in the Vicinity



Premises within 75 metres of : Kilburn Food Centre, 332 Kilburn Lane

p / n	Name of Premises	Premises Address	Licensed Hours
22647	Ali Baba Kebab	330 Kilburn Lane London W9 3EF	Monday to Saturday 12:00 - 00:30 Sunday 15:00 - 00:30
-16373	Chicken Cottage	Ground Floor 338 Kilburn Lane London W9 3EF	Friday to Saturday 09:00 - 00:00 Sunday 09:00 - 22:30 Monday to Thursday 09:00 - 23:30
13697	Hilton Food And Wine	Ground Floor 336 Kilburn Lane London W9 3EF	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
-23146	Alimentari	Ground Floor 342 Kilburn Lane London W9 3EF	Monday to Sunday 09:00 - 21:00