



City of Westminster

# Committee Agenda

Title: **Licensing Sub-Committee (4)**

Meeting Date: **Thursday 25 May 2017**

Time: **10.00 am**

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

Members: **Councillors:**

Jean Paul Floru (Chairman)  
Jan Prendergast  
Aziz Toki

If you require further information, please contact the Committee Officer, Jonathan Deacon.

**Email:** [jdeacon@westminster.gov.uk](mailto:jdeacon@westminster.gov.uk) **Tel:** 020 7641 2783  
**Corporate Website:** [www.westminster.gov.uk](http://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. Regarding Item 2, guidance on Declarations of Interests is included in the Code of Governance. If Members and Officers have any questions, they should contact the Director of Law before 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. DUCK & RICE, 90-91 BERWICK STREET, W1

(Pages 1 - 52)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	West End Ward / West End Cumulative Impact Area	Duck & Rice, 90-91 Berwick Street, W1	Variation of a premises licence	17/03126/LIPV

#### 2. 39 CRAVEN ROAD, W2

(Pages 53 - 72)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	Lancaster Gate Ward / not in cumulative impact area	39 Craven Road, W2	New premises licence	17/02016/LIPN

**3. 21 CHARING CROSS ROAD, WC2**

**(Pages 73 - 106)**

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	St James's Ward / West End Cumulative Impact Area	21 Charing Cross Road, WC2	New premises licence	17/03024/LIPN

**4. 29 SHEPHERD MARKET, W1**

**(Pages 107 - 124)**

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
4.	West End Ward / not in cumulative impact area	29 Shepherd Market, W1	New premises licence	17/02442/LIPN

**Stuart Love  
Chief Executive  
19 May 2017**

In considering applications for Premises Licences under the Licensing Act 2003, the Sub Committee is advised of the following:

### **Policy Considerations**

The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy, effective from January 2021.

### **Guidance Considerations**

The Licensing Sub-Committee is required to have regard to any guidance issued by the Secretary of State under Section 182 the Licensing Act 2003. The most recent version was published in April 2018.

### **Core hours When Customers Are Permitted to Be on The Premises**

Core hours, as set out in the Council's Statement of Licensing Policy 2021, are when customers are permitted to be on the Premises. The maximum opening hours permitted will not exceed the start time and terminal hour for each of the days where licensable activity is permitted.

**Note:** The core hours are for all licensable activities but if an application includes Late Night Refreshment, then the starting time for that licensable activity will be 11.00 pm.

#### **1. Casinos**

Up to 24 hours a day whilst Casino Gaming is permitted by a Premises Licence under the Gambling Act 2005.

#### **2. Cinemas, Cultural Venues and Live Sporting Premises**

Monday to Sunday: 09:00 hours to 24:00 hours

#### **3. Hotels**

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

Sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours

#### **4. Off licences**

Monday to Saturday: 08:00 hours to 23:00 hours

Sunday: 09:00 hours to 22:30 hours

#### **5. Outdoor Spaces**

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

#### **6. Pubs and bars, Fast Food and Music and Dance venues**

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

Friday and Saturday: 10:00 hours to 24:00 hours

Sunday: 12:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 12:00 hours to 24:00 hours

## **7. Qualifying Clubs**

Monday to Thursday: 09:00 hours to 24:00 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

## **8. Restaurants**

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

## **9. Sexual Entertainment Venues and Sex Cinemas**

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

This page is intentionally left blank



City of Westminster

# Licensing Sub-Committee Report

Agenda Item 1

Item No:	
Date:	25 May 2017
Licensing Ref No:	17/03126/LIPV - Premises Licence Variation
Title of Report:	Duck & Rice 90-91 Berwick Street London W1F 0QB
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 Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: <a href="mailto:ywade@westminster.gov.uk">ywade@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	23 March 2017		
<b>Applicant:</b>	Duck & Rice Limited		
<b>Premises:</b>	Duck & Rice		
<b>Premises address:</b>	90-91 Berwick Street London W1F 0QB	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	Yes
<b>Premises description:</b>	The premises are currently operated as a restaurant on the first floor and a bar on the ground floor with an outside area for tables and chairs.		
<b>Variation description:</b>	<p>According to the application the applicant is seeking to vary conditions on premises licence <b>(15/05416/LIPDPS)</b></p> <ul style="list-style-type: none"> <li>To amend Conditions 23, 24, 27 and 28 as follows:-</li> </ul> <p><b>Amend Condition 23 to read:</b> There shall be no sales of alcohol for consumption off the premises after 22:00 hours.</p> <p><b>Amend Condition 24 to read:</b> After 22:00 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.</p> <p><b>Amend Condition 27 to read:</b> All outside tables and chairs shall be gradually rendered unusable by 22:00 each day.</p> <p><b>Amend Condition 28 to read:</b> All outside areas shall cease to be used after 22:00 hours except by patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke.</p> <ul style="list-style-type: none"> <li>To remove conditions 25 and 26 of the licence.</li> <li>To add the following additional conditions on the licence: <ul style="list-style-type: none"> <li>1) The premises shall operate in accordance with an Outside Area Management Plan. The Outside Area Management Plan shall be reviewed regularly and at least once every quarter and a copy shall be made available for inspection by any responsible authority within a reasonable time of request.</li> <li>2) The variation of this premises licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team (following request from the Premises Licence holder) at which time this condition</li> </ul> </li> </ul>		



	shall be removed from this licence by the licensing authority.
<b>Premises licence history:</b>	The premises are currently licensed and the licence history can be found at <b>Appendix 3</b>
<b>Applicant submissions:</b>	Proposed conditions

1-B Current and proposed licensable activities, areas and hours (15/05416/LIPDPS)							
Late night refreshment							
Indoors, outdoors or both		Current :				Proposed:	
		On and Off				On and Off	
	Current Hours		Proposed Hours		Licensable Area		
	Start:	End:	Start:	End:	Current:	Proposed:	
<b>Monday</b>	23:00	23:30	No change	No change	Basement, Ground and First Floors	No change	
<b>Tuesday</b>	23:00	23:30	No change	No change	Basement, Ground and First Floors	No change	
<b>Wednesday</b>	23:00	23:30	No change	No change	Basement, Ground and First Floors	No change	
<b>Thursday</b>	23:00	23:30	No change	No change	Basement, Ground and First Floors	No change	
<b>Friday</b>	23:00	00:00	No change	No change	Basement, Ground and First Floors	No change	
<b>Saturday</b>	23:00	00:00	No change	No change	Basement, Ground and First Floors	No change	
<b>Sundays</b>	23:00	00:00	No change	No change	Basement, Ground and First Floors	No change	

Seasonal variations/ Non-standard timings:	Current:		Proposed:	
	Sunday before Bank Holiday 23:00 to 00:00		No Change	

Sale by Retail of Alcohol							
On or off sales		Current :				Proposed:	
		On and off				On and off	
	Current Hours		Proposed Hours		Licensable Area		
	Start:	End:	Start:	End:	Current:	Proposed:	

<b>Monday</b>	10:00	23:30	No change	No change	Basement, Ground and First Floors	No change
<b>Tuesday</b>	10:00	23:30	No change	No change	Basement, Ground and First Floors	No change
<b>Wednesday</b>	10:00	23:30	No change	No change	Basement, Ground and First Floors	No change
<b>Thursday</b>	10:00	23:30	No change	No change	Basement, Ground and First Floors	No change
<b>Friday</b>	10:00	00:00	No change	No change	Basement, Ground and First Floors	No change
<b>Saturday</b>	10:00	00:00	No change	No change	Basement, Ground and First Floors	No change
<b>Sunday</b>	12:00	22:30	No change	No change	Basement, Ground and First Floors	No change
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	Sundays before Bank Holidays: 12:00 to 00:00				No Change	

<b>Hours premises are open to the public</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Premises Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	10:00	23:30	No change	No change	Basement, Ground and First Floors	No Change
<b>Tuesday</b>	10:00	23:30	No change	No change	Basement, Ground and First Floors	No Change
<b>Wednesday</b>	10:00	23:30	No change	No change	Basement, Ground and First Floors	No Change
<b>Thursday</b>	10:00	23:30	No change	No change	Basement, Ground and First Floors	No Change
<b>Friday</b>	10:00	00:00	No change	No change	Basement, Ground and	No Change

					First Floors	
<b>Saturday</b>	10:00	00:00	No change	No change	Basement, Ground and First Floors	No Change
<b>Sunday</b>	12:00	22:30	No change	No change	Basement, Ground and First Floors	No Change
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	Sundays before Bank Holidays: 12:00 to 00:00				No Change	

<b>1-C Conditions being varied, added or removed</b>	
<b>Condition</b>	<b>Proposed variation</b>
<p><b>Condition 23:</b></p> <p>There shall be no sales of alcohol for consumption off the premises after 21:00 hours.</p> <p><b>Condition 24:</b></p> <p>After 18:00 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them (except to persons dining outside).</p> <p><b>Condition 27:</b></p> <p>All outside tables and chairs shall be rendered unusable by 21.00 each day</p> <p><b>Condition 28:</b></p> <p>All outside areas shall cease to be used after 21:00 hours except by patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke.</p>	<p><b>Amend Condition 23 to read:</b></p> <p>There shall be no sales of alcohol for consumption off the premises after 22:00 hours.</p> <p><b>Amend Condition 24 to read:</b></p> <p>After 22:00 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.</p> <p><b>Amend Condition 27 to read:</b></p> <p>All outside tables and chairs shall be gradually rendered unusable by 22:00 each day.</p> <p><b>Amend Condition 28 to read:</b></p> <p>All outside areas shall cease to be used after 22:00 hours except by patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke.</p>
<p><b>Condition 25</b></p> <p>After 18:00 hours, the supply of alcohol at any outside seating area shall only be to patrons seated at tables and shall cease to be used after 21:00 hours except by patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke.</p> <p><b>Condition 26</b></p> <p>After 18:00 hours, the sale and supply of</p>	<p><b>Proposed to be removed</b></p> <p><b>Proposed to be removed</b></p>

<p>alcohol at any outside seating area shall be served by waiter or waitress service only to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.</p>	
	<ul style="list-style-type: none"> <li>• To add the following additional conditions on the licence: <ul style="list-style-type: none"> <li>1) The premises shall operate in accordance with an Outside Area Management Plan. The Outside Area Management Plan shall be reviewed regularly and at least once every quarter and a copy shall be made available for inspection by any responsible authority within a reasonable time of request.</li> <li>2) The variation of this premises licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team (following request from the Premises Licence holder) at which time this condition shall be removed from this licence by the licensing authority.</li> </ul> </li> </ul>

## 2. Representations

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	The Metropolitan Police Service
<b>Representative:</b>	PC Sandy Russell
<b>Received:</b>	5 <sup>th</sup> April 2017
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be objecting to this application. It is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>We are not in a position to support this application due to a high volume of crime and disorder issues currently being experienced in and around the Berwick Street area. We feel strongly that the outcome of this application would be better left to the decision of a Licensing Sub-committee.</p>	
<b>Responsible Authority:</b>	The Licensing Authority
<b>Representative:</b>	Mr Steve Rowe
<b>Received:</b>	20 <sup>th</sup> April 2017
<p>I write in relation to the application submitted for a variation of the Premises Licence for the</p>	

above premises.

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of Children from Harm

As it stands the application does contravene Westminster's Statement of Licensing Policies CIP1, HRS1, RNT2 and PB2.

The application seeks to:

- To amend conditions 23, 24, 27 and 28 and replace with:

23. *There shall be no sales of alcohol for consumption off the premises after 22:00 hours.*

24. *After 22:00 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them (except to persons dining outside).*

27. *All outside tables and chairs shall be rendered unusable by 22.00 each day.*

28. *All outside areas shall cease to be used after 22:00 hours except by patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke.*

- To remove conditions 25 and 26:

25. *After 18:00 hours, the supply of alcohol at any outside seating area shall only be to patrons seated at tables and shall cease to be used after 21:00 hours except by patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke.*

26. *After 18:00 hours, the sale and supply of alcohol at any outside seating area shall be by waiter or waitress service only to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.*

- To add the following two conditions:

1. The premises shall operate in accordance with an Outside Area Management Plan. The Outside Area Management Plan shall be reviewed regularly and at least once every quarter and a copy shall be made available for inspection by any responsible authority within a reasonable time of request.
2. The variation of this premises licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team (following request from the Premises Licence holder) at which time this condition shall be removed from this licence by the licensing authority.

The premises do not intend to vary any of the licensable activities or hours at the premises.

The premises is located inside the Cumulative Impact Area.

Policy CIP1 states (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. However part (ii) states: 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.

Policy HRS1 states at paragraph 2.3.2: "It is the intention to generally grant licences... where the hours when customers are permitted to be on the premises are within the 'core hours' as set out in Policy HRS1. This is not a policy to refuse applications for longer hours than the core hours and consideration will in all cases be given to the individual merits of an application. Where a proposal is made to operate outside these core hours each application will be considered on its merits against the criteria as set out in paragraph (ii) (of Policy HRS1)".

Policy RNT2 which relates to restaurants within the CIA states 'Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

Paragraph 2.5.3 of the Council's Policy relating to restaurants states in part that '.....The Council is particularly concerned that restaurant premises in the cumulative impact areas do not, even in part, come to operate as bars and particularly not as "vertical drinking" premises where customers consume alcohol standing throughout the evening.'

Policy PB2 which relates to pubs and bars states 'It is the Licensing Authority's policy to refuse applications in the CIA other than applications to vary the hours within the core hours under policy HRS1'.

In addition to my representation I provide comments submitted by the Licensing Inspectorate which I would like to be included as part of my submissions and may call Mr Hayes witness if needed at a LSC hearing.

Please therefore accept this as a formal representation, further details will be provided in due course including a discussion relating to conditions. In the meantime, please provide a suitable date to arrange a site visit.

The City Inspectors have provided a supporting statement to support the representation made by the Licensing Authority (**Appendix 6**)

<b>Responsible Authority:</b>	The Environmental Health Service
<b>Representative:</b>	Ian Watson
<b>Received:</b>	19 <sup>th</sup> April 2017

I refer to the application for variation of the Premises Licence.

**The premises are located within the West End Cumulative Impact Area as stated in the City of Westminster's Statement of Licensing Policy.**

This representation is based on the plans and operating schedule submitted.

The applicant is seeking the following

1. To amend conditions 23, 24, 27 and 28 with a terminal hour of 22.00 hours.
2. To remove conditions 25 and 26.
3. To add two conditions in relation to a management plan and works condition.

I wish to make the following representation

1. No objection.
2. Representation is made as the removal of these conditions will have the likely effect of causing an increase in Public Nuisance within the West End Cumulative Impact Area.
3. Representation is made as the management plan does not have sufficient detail to minimise Public Nuisance within the West End Cumulative Impact Area.

The applicant has provided conditions in support of the application but these do not fully address the concerns of Environmental Health and additional conditions may be proposed.

2-B Other Persons	
<b>Name:</b>	Mr John McGrath
<b>Address and/or Residents Association:</b>	9 Raydon St, London, N195BU
<b>Received:</b>	7 <sup>th</sup> April 2017
<b>Received: 7 Apr 2017</b>	
<b>SUPPORT</b>	
<i>4:14 PM on 07 Apr 2017 I've worked on the fruit and veg stall outside the duck and rice for 15 years. This is a real community pub and in the 2 years they have been open I have seen no trouble at all. The place is really well run and I fully support their application</i>	
<b>Name:</b>	Mr Fernando Barretto
<b>Address and/or Residents Association:</b>	Thunderhead, 5th Floor Ingeni Building 17 Broadwick Street London
<b>Received:</b>	7 <sup>th</sup> April 2017
<b>Received: 7 April 2017</b>	
<b>SUPPORT</b>	
<i>1:08 PM on 07 Apr 2017 As a local business, we are regular visitors to the Duck and Rice and feel they encourage a great community pub spirit. There is never trouble at this well-run establishment and we support them in their quest to extend outdoor drinking times to help create the vibe which Soho needs to hold onto.</i>	

<b>Name:</b>	Mrs Violet Trayte
<b>Address and/or Residents Association</b>	Flat 5 Ingestre Court, Ingestre Place, London
<b>Received:</b>	7 <sup>th</sup> April 2017
<p><b>Received: 7 Apr 2017</b>  <b>SUPPORT</b>  3:42 PM on 07 Apr 2017 I am writing this letter to say that I fully support their application for the restrictions on their outside drinking to be lifted. I am 90 years old and have lived in Soho for 90 years. I know and have experienced how well the management team at the Duck and Rice run the pub and they are always so helpful to me and other members of the community. I am really happy that they really are and want to be a pub for the local community</p>	
<b>Name:</b>	Mr Patrick Perry
<b>Address and/or Residents Association</b>	19, 1-6 Dufours Place, Soho London
<b>Received:</b>	7 <sup>th</sup> April 2017
<p><b>Received: 7 Apr 2017</b>  <b>SUPPORT</b>  5:02 PM on 07 Apr 2017 Completely in favour of Duck and Rice having an outside license</p>	
<b>Name:</b>	Mr Jim Margerham
<b>Address and/or Residents Association</b>	19 Parkwood, Beckenham Junction, Kent
<b>Received:</b>	7 <sup>th</sup> April 2017
<p><b>Received: 7 Apr 2017</b>  <b>SUPPORT</b>  4:22 PM on 07 Apr 2017 I've worked on the fruit and Veg stall outside for 22 years and the thought of being able to have a pint outside at 6 when I finish work is great.</p>	
<b>Name:</b>	Mr Alex Brew
<b>Address and/or Residents Association</b>	Thunderhead, Ingeni Building 17 Broadwick Street London
<b>Received:</b>	7 <sup>th</sup> April 2017



**Received: 7 Apr 2017**

**SUPPORT**

1:37 PM on 07 Apr 2017 The Duck and Rice are a key member of the Berwick Street community and allowing visitors to spend more time outside in the coming summer months makes a lot of sense. Berwick Street Market is incredibly popular and keeping more people around in the evening can only boost commerce and the community.

On a personal note, as someone who works locally, I cannot often get to the Duck and Rice before 6pm but would certainly love to enjoy the warmer weather whilst there.

**Name:**

Mrs Shirley Sprosta

**Address and/or Residents Association**

Flat 18  
2 Hopkins Street  
London

**Received:**

31<sup>st</sup> March 2017

**Received: 31 Mar 2017**

**SUPPORT**

6:40 PM on 31 Mar 2017 The Duck & Rice have the full support of the local community and should be allowed like all other bars & restaurants in Berwick St to allow its customers the choice of sitting/standing outside to enjoy a drink and watch the world go by. it has been fully supportive and involved in all of community activities in a fully responsible way, I for one am looking forward to enjoying a lovely beer in the sun outside my favourite restaurant.

**Name:**

Mr Sean Davison

**Address and/or Residents Association**

17 Broadwick  
London  
W1F 0DJ

**Received:**

31<sup>st</sup> March 2017

**Received: 31 Mar 2017**

**SUPPORT**

6:40 PM on 31 Mar 2017 The Duck & Rice have the full support of the local community and should be allowed like all other bars & restaurants in Berwick St to allow its customers the choice of sitting/standing outside to enjoy a drink and watch the world go by. it has been fully supportive and involved in all of community activities in a fully responsible way, I for one am looking forward to enjoying a lovely beer in the sun outside my favourite restaurant.

**Name:**

The Soho Society

**Address and/or Residents Association**

St Anne's Tower  
55 Dean Street  
London  
W1D 6AF

**Received:**

18<sup>th</sup> April 2017

I write to make a relevant representation to the above application on behalf of The Soho Society.

The Soho Society objects to this application as it is currently presented, on the grounds of prevention of public nuisance, prevention of crime and disorder and cumulative impact in the

West End Cumulative Impact Area.

### ***About The Soho Society***

The Soho Society is a charitable company limited by guarantee established in 1972. The society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment. In particular, the society supports the Westminster City Council's policies, including the cumulative impact policy, as set out in the Statement of Licensing Policy 2016.

### ***Application summary***

The application is described in Westminster Licensing News (09 April 2017) as follows:

**To amend Conditions 23, 24, 27 and 28 as follows:- 23. There shall be no sales of alcohol for consumption off the premises after 22:00 hours. 24. After 22:00 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them. 27. All outside tables and chairs shall be gradually rendered unusable by 22:00 each day. 28. All outside areas shall cease to be used after 22:00 hours except by patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke. To remove conditions 25 and 26.**

### ***Hours of operation***

With reference to the current premises license, the application therefore seeks to increase the terminal hour for off-sales from 21.00 to 22.00 hours; the terminal hour for consumption of drinks outside by e.g. smokers from 18.00 to 22.00 hours; and the terminal hour for use of tables and chairs outside the premises from 21.00 to 22.00 hours. The application further seeks the removal of conditions 25 and 26 which require the consumption of alcohol on tables and chairs outside the premises after 18.00 and before 21.00 hours to be by waiter/waitress service and ancillary to a substantial table meal. There are private homes in nearby buildings, and residents in the surrounding area are subject to noise and general nuisance every night of the week. Given the history of the premises and well-known previous difficulties with residents in the immediate West End Cumulative Impact Area, we therefore feel it is necessary to keep all outside consumption to the currently licensed operating hours and conditions.

### ***Licensing policy***

This area has been identified by the Westminster City Council (2.4.1 of the Statement of Licensing Policy, as amended) as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (2.4.5 of the policy). The policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (2.4.2 of the policy). The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of historic areas.

For the reasons I have set out, we believe that the application, if granted in its present form, would fail to promote the licensing objectives of prevention of public nuisance, particularly in light of the historic background that has led to the carefully constructed licensing regime for

these particular premises. I respectfully urge the Licensing Sub-Committee to reject this application.

Please let me know if any proposals are made to amend the application; particularly in respect of the hours sought or any further conditions proposed.

### 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 RNT2 applies:	<p>Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.</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>
Policy PB2 applies:	<p>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</p>

### 4. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents

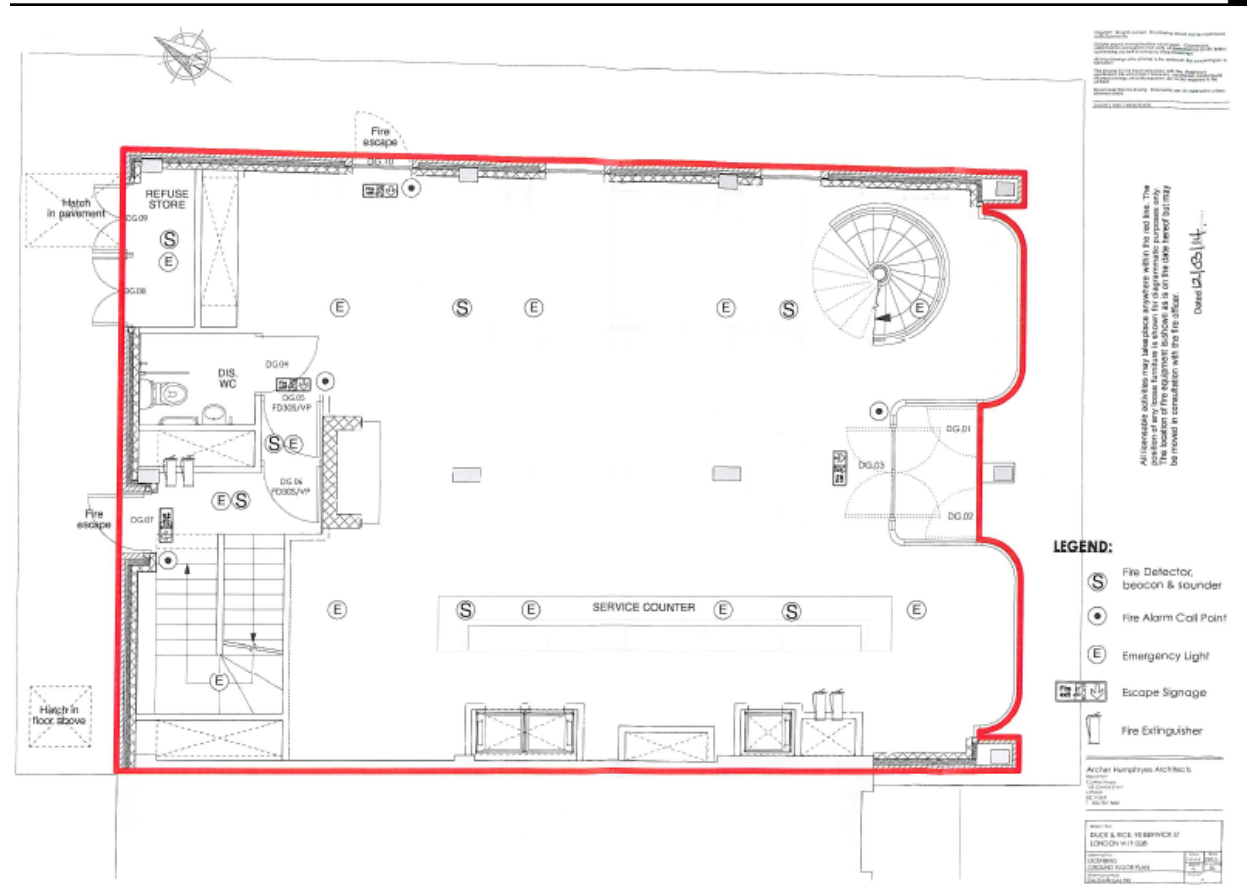
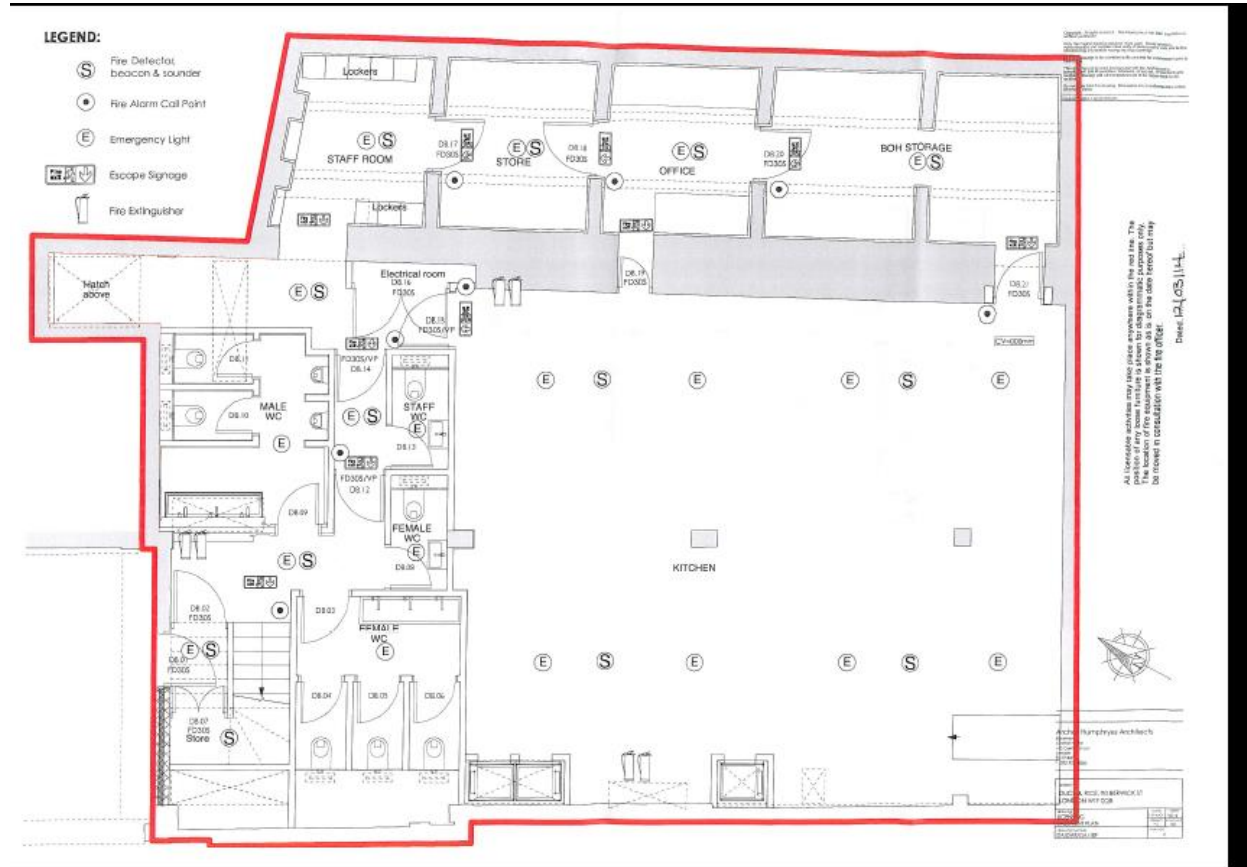
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Existing Licence <b>(15/05416/LIPDPS- Ground Floor and First Floor)</b>
<b>Appendix 6</b>	Copy of Memo from City Inspector
<b>Appendix 7</b>	Residential map and list of premises in the vicinity

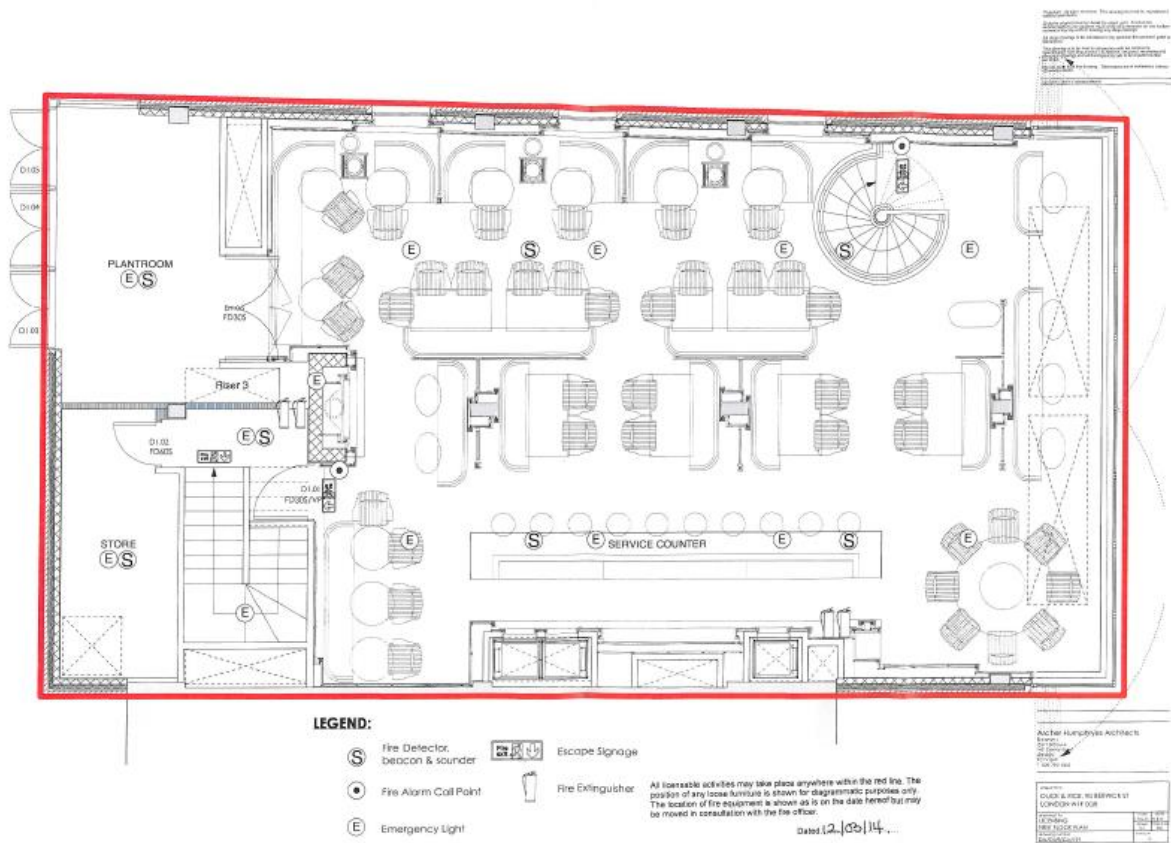
<b>Report author:</b>	Miss Yolanda Wade Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

**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**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application Form	23 <sup>rd</sup> March 2017
<b>5</b>	The Licensing Authority Representation	20 <sup>th</sup> April 2017
<b>6</b>	The Environmental Health Service Representation	19 <sup>th</sup> April 2017
<b>7</b>	The Metropolitan Police Representation	5 <sup>th</sup> April 2017
<b>8</b>	Mr John McGrath Support Letter	7 <sup>th</sup> April 2017
<b>9</b>	Mr Fernando Barretto Support Letter	7 <sup>th</sup> April 2017
<b>10</b>	Mrs Violet Trayte Support Letter	7 <sup>th</sup> April 2017
<b>11</b>	Mr Patrick Perry Support Letter	7 <sup>th</sup> April 2017
<b>12</b>	Mr Jim Margerham Support Letter	7 <sup>th</sup> April 2017
<b>13</b>	Mr Alex Brew	7 <sup>th</sup> April 2017
<b>14</b>	Mrs Shirley Sprosta	31 <sup>st</sup> March 2017
<b>15</b>	Mr Sean Davison	31 <sup>st</sup> March 2017
<b>16</b>	The Soho Society	18 <sup>th</sup> April 2017





# DUCK AND RICE

APPLICATION FOR VARIATION OF THE  
PREMISES LICENCE



PRESENTATION TO  
WESTMINSTER CITY COUNCIL

## **DUCK AND RICE**

Duck and Rice is a concept by Alan Yau which is a “Chinese gastropub”. His company, Duck & Rice, carried out a complete refurbishment of the now-closed pub, The Endurance, formerly called The King of Corsica which also had problems in the past.

Duck and Rice is a unique project in the heart of Soho, home to Berwick Street Market. Berwick Street market, is due to undergo a series of major improvement works as part of a multimillion-pound regeneration scheme. Duck and Rice, since inception has been a key contributor to the local community and economy and some of its community objectives include:-

- bringing the local community together by being a social place for residents, local market stall holders and nearby businesses to enjoy.
- to involve the community in the Duck and Rice as much as possible from staff recruitment to giving back to the local community.
- to promote the Duck and Rice as a place for locals, offering the venue for community meetings, and fun events such as quizzes, bingo and other suitable events.
- run regular stakeholder meetings to establish success or otherwise of what Duck and Rice are doing,
- respond to stakeholder feedback and tell stakeholders what we have done in response to their feedback.
- continue to promote community events via the Duck and Rice communication channels (Print, Website, Twitter etc)
- sponsor local events.

Currently the way the outside area is being utilised is at odds with this philosophy as the conditions were effectively inherited from an old licence and operator that struggled with managing the outside area. Duck and Rice have carefully analysed the use of the outside area and the street and are therefore making this variation that will put in place better more robust conditions, a definitive plan for the outside area and strike a balance of using the outside area in a better way but at the same time continuing to promote the four licensing objectives.

Controls will be agreed with officers and where possible with local residents to ensure that the premises can continue in partnership.

Set out on the next few pages are the achievements of the operator and a small snapshot of the quality and the Outside Management Plan.



# ALAN YAU

## ALAN YAU OBE



Alan Yau OBE, the globally known and respected restaurateur,  
is the creative force behind the culinary, design and musical vision of Park Chinois.

1992	1999	2001	2003	2004	2005	2006	2008	2010	2011	2012	2014
Launch of Wagamama, Japanese noodle bar, Bloomsbury, London	Launch of Busaba Eathai, casual dining Thai restaurant, Soho, London	Launch of Hakkasan, Fine-dining contemporary Chinese restaurant, London	Hakkasan awarded one Michelin star	Launch of Yauatcha, Chinese teahouse & Patisserie, Soho, London	Yauatcha Awarded one Michelin star	Alan Yau awarded an OBE for contribution to the British restaurant industry	Launch of Princi, Italian bakery, Soho, London	Alan Yau ordained as a Buddhist Monk at Wat Dhammakaya, Thailand	Launch of ST BETTY, All-day brasserie, IFC Central, Hong Kong	Launch of Naamyaa, Bangkok Cafe, Islington, London. Launch of Jing Yaa Tang, Peking Duck speciality Restaurant, Opposite House Hotel, Beijing	Launch of Song Qi, Fine dining Chinese Restaurant, Monaco



- 1992 Launch of Wagamama, Japanese noodle bar, Bloomsbury, London
- 1999 Launch of Busaba Eathai, casual dining Thai restaurant, Soho, London
- 2001 Launch of Hakkasan, fine-dining contemporary Chinese restaurant, London
- 2003 Hakkasan awarded one Michelin star
- 2004 Launch of Yauatcha, Chinese teahouse & Patisserie, Soho, London
- 2005 Yauatcha Awarded one Michelin star
- 2006 Alan Yau awarded an OBE for contribution to the British restaurant industry
- 2008 Launch of Princi, Italian bakery, Soho, London
- 2010 Alan Yau ordained as a Buddhist Monk at Wat Dhammakaya, Thailand
- 2011 Launch of ST BETTY, All-day brasserie, IFC Central, Hong Kong
- 2012 Launch of Naamyaa, Bangkok Cafe, Islington, London.  
Launch of Jing Yaa Tang, Peking Duck speciality Restaurant, Opposite House Hotel, Beijing
- 2014 Launch of Song Qi, Fine dining Chinese Restaurant, Monaco
- 2015 Launch of Duck and Rice

**THE PREMISES**





# SAMPLE MENU

SUMMER 2015

# duck & rice

QINGHU RICE WINE ♦ 10 year old 500ml £45

TANK OLD FASHIONED ♦ £8.00

PILSNER URQUELL TANK BEER ♦ Pint £5.30

## BEER SNACKS

Prawn cracker  
£2.00

Grilled Ibérico Jamón,  
Sierra Di Jabugo £12.50 (70g)

Gingko nut &  
Himalayan salt £5.20

Edamame  
£3.50

Chilli & shallot cashew nut  
£4.50

### SOUP

Crabmeat & sweetcorn ..... £9.00  
Hot & sour ..... £8.00  
Spicy kimchi & tofu v ..... £7.50

### SALAD

Crispy duck salad ..... £14.50  
Chicken fun pei ..... £7.50  
Tofu & tomato salad v ..... £7.50

### SMALL CHOW

Steamed Diver Scallop £9.00 (each)  
Ginger & spring onion or Black bean

Sesame prawn toast ..... £6.50  
Salt & pepper broad bean v ..... £4.50  
Salt & pepper squid ..... £10.50  
Chilli Sichuan chicken ..... £16.50  
Parr-fried pork & Chinese leaves gyoza ..... £5.50  
Sichuan vegetable dumpling v ..... £4.00  
Jellyfish & Chinese celery ..... £6.50  
Hong Kong Garden spring roll ..... £5.20  
Char sui pork, prawn & bean sprout

**CRISPY DUCK**  
Crispy Aromatic Duck  
Pancake, spring onion, cucumber & duck sauce  
Half £22.00

### THE TEN HEAVENLY KINGS OF DIM SUM

Canton Yumcha Classics

Har Gau £6.00	Shu Mai Pork & prawn or Scallop £6.00 / £8.20
Char Siu Bun £4.50	Taro Croquette £4.20
Venison Puff £4.80	Mooli Puff £3.80
Yuba Roll £4.50	Lotus Leaf wrapped Rice £5.20
Spring Roll Crispy duck or Veg £7.60 / £3.90	Chung Fun Prawn or Char sui £6.50

### HOUSE DUCK

Cantonese Roast Duck

Hand reared on a natural diet at family owned  
Silver Hill Farm (Ireland) to produce  
succulent, tender duck full of flavour

Whole £38.00 / Half £24.00

### HEROES

The Duck & Rice House Special

Lobster Cantonese ..... £48.00  
Whole native lobster ginger & spring onion with noodle

### CANTON ROAST

Jasmine smoked pork rib ..... £14.00  
Barbecue beef short rib ..... £28.00  
Honey roasted char sui ..... £16.50

### CHINA GRILL

Grade 5 Japanese Beef (200g)  
£48.00

### HOME COMFORT

Kung Po chicken ..... £12.00  
Bavette steak with ginger & spring onion ..... £16.00  
Crispy shredded beef ..... £9.00  
Black pepper beef ..... £16.00  
Sweet & sour pork ..... £9.00  
Wasabi prawn ..... £10.50  
Chicken & black bean sauce ..... £9.50  
XO Prawn & roasted pineapple ..... £15.50  
Organic salmon & black bean ..... £22.00  
Salt baked chicken with ginger sauce ..... £19.50  
Roast duck stir-fry ..... £16.50  
With tofu, mustard green & black bean

### CHOW MEIN

Fried Noodle

Singapore fried noodle ..... £12.00  
Beef ho fun ..... £10.50  
N° 23 ..... £9.50  
Shredded pork crispy noodle ..... £10.50  
Malaysian Char Kwetio ..... £12.50  
Braised beef udon ..... £13.50  
Black pepper glass noodle v ..... £8.00

### CHOP SUEY

Chicken chop suey ..... £12.50

### FOO YOUNG

Chinese Scrambled Egg

Crabmeat Foo Young ..... £14.50

### CURRY

Malaysian Chicken Curry/Vegetable Curry v  
Japanese rice or Brown rice  
£14.50/13.50

### BUDDHA'S DELIGHT

Black pepper mock chicken v ..... £12.50  
Taro, lotus root, yam bean & chilli v ..... £10.50  
Braised yuba & silken tofu v ..... £9.50

### RICE

Fried rice Fukienish ..... £12.50  
Ginger cod with egg sauce & fried rice ..... £11.50  
Egg fried rice ..... £5.50

### VEGETABLE

Steamed aubergine with mui choi v ..... £8.90  
Gai lan & salted fish ..... £12.80  
Chinese lettuce & black bean mackerel ..... £9.90  
Chinese seasonal organic vegetable ..... £9.90  
Any style

(v) = Suitable for vegetarians ♦ Prices include 20% VAT  
Discretionary service charge of 12.5% will be added to your bill  
www.theduckandrice.com

#IMBIBEWITHE

Please ask a member of our team before ordering if you have any food allergies or intolerances. Nuts and flour is used in our kitchen, and despite efforts to prevent cross-contamination any of our dishes may contain traces of nuts and gluten

SUMMER 2015

# duck + rice

VALRHONA HOT CHOCOLATE + with cream £4.50

OVALTINE + with marshmallow £3.50

## DESSERTS

Black sesame dumpling.....	£5.00
Egg tart.....	£4.00
Chocolate pudding with lemon crème anglaise.....	£5.50
Pickled cucumber, ginger & sichuan pepper soup with ginger ice cream.....	£5.00
Mango, lime soup & mint ice cream.....	£6.50
Caramelised peanut with peanut butter ice cream.....	£4.50

## TEA

<b>Jasmine green tea</b> Fujian, China.....	£3.50
<b>Dragon well green tea</b> Longjing Zhejiang, China.....	£2.50
<b>Sencha</b> Kagoshima, Japan.....	£7.50
<b>Imperial Pu Er</b> Yunnan, China.....	£3.50
<b>Tie Guan Yin Roasted</b> Fujian, China.....	£2.50
<b>Oolong Wuyi Da Hong Pao</b> Fujian, China.....	£3.50
<b>Shou-Mei</b> Fujian, China.....	£2.50
<b>Earl Grey.....</b>	£3.50
<b>English breakfast.....</b>	£2.50

## COFFEE

*Coffee beans by Dark Woods Coffee*

Ristretto, espresso, macchiato.....	£2.00
Latte macchiato, cappuccino, flat white.....	£2.50
Caffe freddo con panna.....	£3.00
Cold brewed coffee (200ml).....	£3.00

### IRISH COFFEE

Jameson Irish whisky  
£6.00

Imperial Pu Er  
& White chrysanthemum flower £4.00

## HERBAL TEA

Rooibos organic.....	£3.00
Honey bush.....	£3.00
French rose bud.....	£3.00
Camomile.....	£3.00
Peppermint.....	£4.50

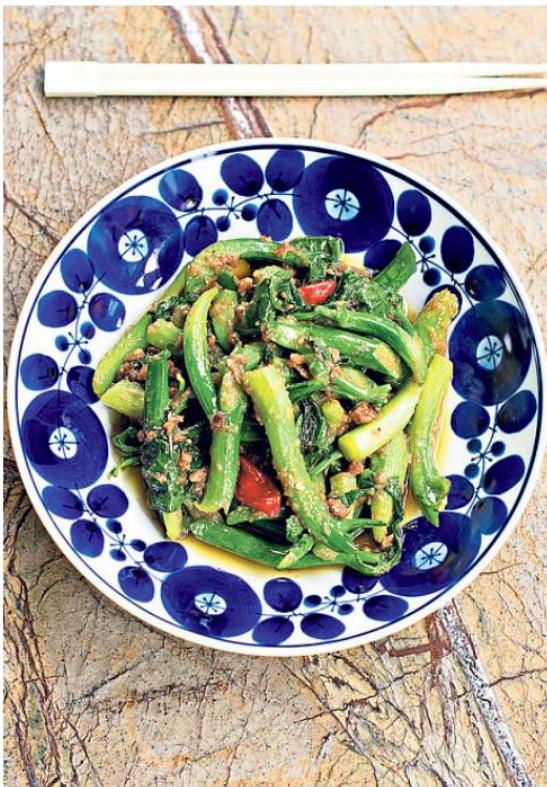
(v) = Suitable for vegetarians + Prices includes 20% VAT  
Discretionary service charge of 12.5% will be added to your bill  
www.theduckandrice.com

**#IMBIBEWITHME**

Please ask a member of our team before ordering if you have any food allergies or intolerances. Nuts and flour is used in our kitchen, and despite efforts to prevent cross-contamination any of our dishes may contain traces of nuts and gluten

The Food







## DUCK AND RICE OUTSIDE MANAGEMENT PLAN

This Outside Management Plans has been prepared to set out the strategy and approach to the operation of the outside area of Duck and Rice .

Its purpose is to give a clear overview of the proposed operation and the ethos and management strategy underpinning the use of the outside area. Duck and Rice is a local community public house with an exquisite dining room on the first floor.

This Outside Management Plan has been prepared by Duck and Rice Limited with input from the wider local community.

In preparing the Outside Management Plan, due regard has been given to best practices built over the years of operation at Berwick Street.

Duck and Rice Limited have carefully considered site-specific issues raised by local consultees and stakeholders and built into this Outside Management Plan measures to address their concerns. This Outside Management Plan is a document that will be improved from time to time as it is a working best practices document that may change through discussions with interested parties and more specifically with our neighbours to ensure their concerns are addressed.

### **Staffing of Outside Areas**

1. staffing levels shall be assessed and Duck and Rice will ensure that the terraces particularly at busy periods will be adequate to ensure the outside areas are supervised;
2. each member of Outside Area management team will have received adequate training on this Management plan and this will be properly documented and records kept. The associated training record will be kept in the Register (see below) on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police;
3. the management team will ensure that all cups, glasses and plates etc are picked up from the terraces on a regular basis, including throughout the operation
4. There will be designated cleaners and collectors during the busy periods to ensure that the outside areas remain clean and tidy throughout the operation.



## **Management of the Outside Area**

5. Duck and Rice will ensure that there is effective management of customer behaviour whilst using the outside areas.
6. There will always be a duty manager on duty on the ground floor.
7. There shall be at least one SIA trained Door Security Staff shall be on duty from 18:00 to 22:30 whilst the outside areas are being used.
8. Responsible use of the outside areas shall be promoted to customers
9. Appropriate signage shall be in place on the outside to remind customers to respect our neighbours and to use the area quietly.
10. A 30 - 60 minute winding down time is incorporated so that dispersing customers outside the premises is more gradual.
11. From 20:00 hours customers will be gradually encouraged to move from Kemp Court to Berwick street after the market closes.
12. Duck and Rice will not tolerate any person congregating outside of the premises after the agreed terminal hour and they will be asked to move inside or moved on quickly and quietly.
13. Duck and Rice will be at all times be aware of activity outside of the premises and endeavour by their presence to minimise bad behaviour regardless of whether they are visitors to Duck and Rice or not.
14. Noise levels will be monitored by Outside area management staff and customers who are noisy will be politely asked to keep the noise down. Should a customer decline they will be asked to leave the premises and will be banned from the premises.
15. Duck and Rice will maintain an outside management register. This will include:
  - a. contact details of staff that have been trained and that they understand the need to control the outside area
  - b. all persons who may make a complaint by the use of the outside area will have their complaint logged with a record of the date and time and a description of the activities occurring which gave rise to the complaint
  - c. details of any action taken as a result of the complaint.

## Licence &amp; Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
Conversion and variation	To convert the existing licences and vary the licence	09.09.2005	Conversion granted under delegated authority  Variation refused
Appeal	Appeal against the conversion and variation application	13.12.2006	Determined by Magistrates Court
Review	Review of the Premises Licence	26.06.2008	Determined by Licensing Sub Committee
Appeal	Appeal against Review application	30.06.2009	Appeal refused by Magistrates Court
Appeal	Appeal against decision of Magistrates Court decision	21.07.2009	Appeal dismissed
Court of Appeal	Application to the Supreme Court seeking permission to appeal.	26.01.2011	Appeal refused
Minor	Application for a minor variation	19.09.2011	Granted under delegated authority
Transfer	Transfer the premises licence	11.04.2012	Granted under delegated authority
Variation	Application to vary the premises licence	17.07.2012	Application withdrawn by applicants
Transfer	Application to transfer the premises licence from Shaftesbury Soho Limited to Duck & Rice Limited	15.06.2013	Granted under delegated authority  Licence suspended 11.11.13 for outstanding annual fee.
New	Application for a new premises licence for the ground and first floor	10.10.2013	Granted by Licensing Sub-Committee

Minor Variation	Application to change the layout of the premises and to vary capacity so as to reduce by 20 on the ground floor and increase by 20 on the first floor	31.3.2014	Granted under delegated authority
TEN	Temporary Event Notices for extension of hours on New Year's Eve until 03:00	24.11.2014	Notice acknowledged
Variation of the Designated Premises Supervisor	Application to Vary the Designated Premises Supervisor	20.07.2015	Granted Under Delegated Authority
TEN	Temporary Event Notices for extension of hours on 25.7.15 until 02:00	10.7.2015	Notice acknowledged
TEN	Temporary Event Notices for extension of hours on 1.8.15 until 02:00	17.7.2015	Notice acknowledged
TEN	Temporary Event Notices for extension of hours on 12.9.15 until 02:00	3.8.2015	Notice acknowledged
TEN	Temporary Event Notices for extension of hours on 19.9.15 until 02:00	3.8.2015	Notice acknowledged
TEN	Temporary Event Notices for extension of hours on 26.9.15 until 02:00	3.8.2015	Notice acknowledged
TEN	Temporary Event Notice	18.08.2015	Notice acknowledged
TEN	Temporary Event Notice	18.12.2015	Notice acknowledged
TEN	Temporary Event Notice	14.08.2015	Notice acknowledged
TEN	Temporary Event Notice	14.08.2015	Notice acknowledged
TEN	Temporary Event Notice	14.08.2015	Notice acknowledged
NEW	Application for a new premises licence for the first floor	22.10.2015	Granted by Licensing Sub-Committee

TEN	Temporary Event Notice	17.12.2015	Notice acknowledged
-----	------------------------	------------	---------------------

### **Appeal History re: ENDURANCE, 90-91 BERWICK STREET W1**

On 26 and 27 July 2008 the Licensing Sub-Committee considered an application made by the Environmental Health Service for a Review of a premises licence in respect of the Endurance Public House, 90-91 Berwick Street W1 on the grounds of public nuisance. Representations in support of the application for Review were also received from the Police and from local residents. In addition, representations against the Review were received from the licensee, from the Westminster Licensees Association, and from a number of local residents in Berwick Street and Hanson Street. In addition representations in support of the licensee, and against the Review, were received from 36 local businesses, and 10 traders from Berwick Street Market.

The decision of the Sub-Committee was to add a number of additional conditions to the premises licence including that "no customer shall be permitted to take drinks from the premises in an open container after 18.00".

Notice of appeal was received from Hope and Glory Public Houses Ltd against the decision of the Licensing Sub-Committee.

Judgment was handed down on 30 June 2009 dismissing the appeal, and awarding costs to the City Council.

On 13 July 2009, the City Council was served with the Notice of Hearing in the High Court for an Application to Stay the decision of the Magistrates' Court. The City Council, as Interested Party in the proceedings, served additional written evidence in advance of the hearing.

On 15 July 2009, Burton J in the High Court considered the Claimants application and the written evidence submitted on behalf of the Claimant and the Interested Party. At that hearing the Claimants, undertook to withdraw their request for District Judge Snow to state a case and instead requested leave to proceed by way of an amended application for Judicial Review of the District Judge's decision. Burton J ordered that there be leave for the Claimant's to amend their application for Judicial Review and adjourned proceedings to continue on 21 July 2009.

On 21 July 2009, the hearing of the above matter continued before Burton J in the High Court. Burton J refused permission for Judicial Review and refused to grant a stay. He awarded costs to the City Council.

A renewed application to the Court of Appeal for permission to Judicially Review District Judge Snow's decision was refused by the Court of Appeal on the papers. A renewed application for an oral hearing was then made by the Claimants.

On 19 May 2010 Application for permission to appeal was granted in the Court of Appeal but limited to only one ground whether "The court erred in directing that it would only reverse the decision of the Licensing Sub-Committee if it was satisfied that the decision was wrong". The appeal was heard on 9 November 2010 before Wall LJ, Laws LJ and Toulson LJ. Judgment was received dismissing the appeal. Costs were awarded to the City Council.

The Claimant then submitted an application to the Supreme Court seeking permission to appeal. The City Council lodged a notice of objection to the notice of appeal with the Supreme Court. The Supreme Court refused the Claimant's permission to Appeal.

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

When determining an application for variation of the 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 appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate 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

**Conditions: On Current Licence -**

**Mandatory:**

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.

**Annex 2 – Conditions consistent with the operating Schedule**

9. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed:

- Ground Floor 120 persons (to include any unlicensed outside areas)
- First Floor 100



### **Annex 3 – Conditions attached after a hearing by the licensing authority**

10. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
11. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
12. There shall be no payment made by or on behalf of the licensee to any person for bringing customers to the premises directly off the street.
13. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the venue is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
14. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
15. All waste should be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times save for the waste kept in sealed receptacles off the high way and no glass bottles at all should be placed outside the premises between 22:00 and 08:00
16. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, is swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
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. As soon as possible and in any event within 1 month from the grant of this licence, the premises shall join the local pubwatch or local crime reduction scheme approved by the police and local radio scheme, if available.
20. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
21. Signs to remind their customers to exit the premises very quietly and respect the residential neighbourhood when leaving the premises shall be put up very visibly inside the premises.

22. The first floor of the premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) where the supply of alcohol is by waiter or waitress service only, (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

23. There shall be no sales of alcohol for consumption off the premises after 21:00 hours.

**Propose to amend Condition 23 to read:** There shall be no sales of alcohol for consumption off the premises after 22:00 hours.

24. After 18:00 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them (except to persons dining outside).

**Propose to amend Condition 24 to read:** After 22:00 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

25. After 18:00 hours, the supply of alcohol at any outside seating area shall only be to patrons seated at tables and shall cease to be used after 21:00 hours except by patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke. **(Proposed to be removed)**

26. After 18:00 hours, the sale and supply of alcohol at any outside seating area shall by waiter or waitress service only to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal. **(Proposed to be removed)**

27. All outside tables and chairs shall be rendered unusable by 21.00 each day.

**Propose to amend Condition 27 to read:** All outside tables and chairs shall be gradually rendered unusable by 22:00 each day

28. All outside areas shall cease to be used after 21:00 hours except by patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke.

**Propose to amend Condition 28 to read:** All outside areas shall cease to be used after 22:00 hours except by patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke.

29. 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.

30. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.

31. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
32. All external doors shall be kept closed after 21.00 hours except for the immediate access and egress of persons.
33. The ground floor concertina door to the rear of the premises shall be kept closed after 21.00 hours.
34. 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.
35. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
36. 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.
37. On each Wednesday, Thursday, and Friday a SIA registered door supervisor shall be on duty on the ground floor entrance in use at the premises after 18.00 hours whilst the premises are open to the public.

**CITY OF WESTMINSTER**

**City Inspectors**

**MEMORANDUM**

**REFERENCE**                      **17/03126/LIPV**

**FROM**                              **City Inspectors, 23<sup>rd</sup> Floor Portland House, x 3385**

**REFERENCE**                      **17/014105/LIINSP**

**BEING DEALT WITH BY**      **James Hayes**

**DATE**                                **18 April 2017**

---

**DUCK & RICE, 90-91 BERWICK STREET, LONDON, W1F 0QB**

I write regarding the above variation application. The application seeks to amend, remove, and add a number of conditions. These conditions relate to the use of the outside of the premises.

The current operator, Duck and Rice, operates as a pub / restaurant.

The operator previously trading from the address traded as The Endurance, and operated as a pub (vertical drinking establishment).

On 15 April 2008 Licensing Inspectors (within the Environmental Health Team) applied for a review of the premises licence for The Endurance. The application was made on the grounds of public nuisance, as the premises had been subject to a significant number of complaints. The review was heard in front of the Licensing Sub Committee on 26-27 June 2008. The Licensing Sub Committee's decision modified the premises licence by adding a number of conditions, many specifically related to the use of the outside of the premises. The decision of the Licensing Sub Committee was appealed, but the appeal was dismissed on 7 May 2009 at the City of Westminster Magistrates Court. The conditions added by the Licensing Sub Committee came into effect from that date.

In the 2 years prior to 7 May 2009, our records indicate 59 complaints were received in relation to the premises. These related to noise from customers outside the premises and / or music noise from the premises.

From 7 May 2009 to present, our records indicate 2 complaints have been received that relate to noise from customers outside the premises and / or music noise from the premises (there were a number of noise complaints received in relation to building noise or staff, but I have excluded these).

The application for a new premises licence for Duck and Rice (13/06310/LIPN) resulted in some of the conditions imposed following the earlier review being amended. This did not result in an increase in the number of complaints being recorded.

Based on the above, granting this variation application could impact on the licensing objective of prevention of public nuisance.

I note the applicant has proposed an Outside Area Management Plan, which would form a part of the premises licence. It is my view that determining whether this Outside Area Management Plan is sufficient to ensure there will be no likely impact on the licensing objective of prevention of public nuisance should rest with the Licensing Sub Committee.

Please let me know if you require any further details.

James Hayes  
Team Manager – City Operations

**Current Existing Licence 15/05416/LIPDPS to be Varied (Ground Floor and Basement)**



**City of Westminster**  
64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part A

WARD: West End  
UPRN: 010033530452

Premises licence

Regulation 33, 34

Premises licence number:

15/05416/LIPDPS

Original Reference:

13/06310/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

Duck & Rice  
90-91 Berwick Street  
London  
W1F 0QB

**Telephone Number:** Not Supplied

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Late Night Refreshment  
Sale by Retail of Alcohol

**The times the licence authorises the carrying out of licensable activities:**

**Late Night Refreshment**

Monday to Thursday: 23:00 to 23:30  
Friday to Saturday: 23:00 to 00:00  
Sundays before Bank Holidays: 23:00 to 00:00

**Sale by Retail of Alcohol**

Monday to Thursday: 10:00 to 23:30  
Friday to Saturday: 10:00 to 00:00  
Sunday: 12:00 to 22:30  
Sundays before Bank Holidays: 12:00 to 00:00

**The opening hours of the premises:**

Monday to Thursday: 10:00 to 23:30  
Friday to Saturday: 10:00 to 00:00  
Sunday: 12:00 to 22:30  
Sundays before Bank Holidays: 12:00 to 00:00

**Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:**

Alcohol is supplied for consumption both on and off the premises.

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Duck & Rice Limited  
5th Floor  
85-86 Newman Street  
London  
W1T 3EX

**Registered number of holder, for example company number, charity number (where applicable)**

07882794

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:**

**Name:** Kevin McAnulty

*Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.*

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:**

**Licence Number:** P01603  
**Licensing Authority:** London Borough of Redbridge

**Date:** 15 August 2015

**Signed:** pp  
Director - Public Protection and Licensing

## Annex 1 – 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.

**Annex 2 – Conditions consistent with the operating Schedule**

9. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed:

Ground Floor	120 persons (to include any unlicensed outside areas)
First Floor	100

### **Annex 3 – Conditions attached after a hearing by the licensing authority**

10. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
11. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
12. There shall be no payment made by or on behalf of the licensee to any person for bringing customers to the premises directly off the street.
13. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the venue is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
14. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
15. All waste should be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times save for the waste kept in sealed receptacles off the high way and no glass bottles at all should be placed outside the premises between 22:00 and 08:00
16. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, is swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
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. As soon as possible and in any event within 1 month from the grant of this licence, the premises shall join the local pubwatch or local crime reduction scheme approved by the police and local radio scheme, if available.
20. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
21. Signs to remind their customers to exit the premises very quietly and respect the residential neighbourhood when leaving the premises shall be put up very visibly inside the premises.
22. The first floor of the premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) where the supply of alcohol is by waiter or waitress service only, (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using

non disposable crockery, (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

23. There shall be no sales of alcohol for consumption off the premises after 21:00 hours.
24. After 18:00 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them (except to persons dining outside).
25. After 18:00 hours, the supply of alcohol at any outside seating area shall only be to patrons seated at tables and shall cease to be used after 21:00 hours except by patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke.
26. After 18:00 hours, the sale and supply of alcohol at any outside seating area shall be by waiter or waitress service only to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.
27. All outside tables and chairs shall be rendered unusable by 21.00 each day.
28. All outside areas shall cease to be used after 21:00 hours except by patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke.
29. 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.
30. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
31. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
32. All external doors shall be kept closed after 21.00 hours except for the immediate access and egress of persons.
33. The ground floor concertina door to the rear of the premises shall be kept closed after 21.00 hours.
34. 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.
35. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
36. 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.

37. On each Wednesday, Thursday, and Friday a SIA registered door supervisor shall be on duty on the ground floor entrance in use at the premises after 18.00 hours whilst the premises are open to the public.

#### **Annex 4 – Plans**

Attached



**City of Westminster**  
64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part B

WARD: West End  
UPRN: 010033530452

Premises licence  
summary

Regulation 33, 34

Premises licence number:

15/05416/LIPDPS

**Part 1 – Premises details**

**Postal address of premises:**

Duck & Rice  
90-91 Berwick Street  
London  
W1F 0QB

**Telephone Number:** Not Supplied

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Late Night Refreshment  
Sale by Retail of Alcohol

**The times the licence authorises the carrying out of licensable activities:**

**Late Night Refreshment**

Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00
Sundays before Bank Holidays:	23:00 to 00:00

**Sale by Retail of Alcohol**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

**The opening hours of the premises:**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

**Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:**

Alcohol is supplied for consumption both on and off the premises.

**Name and (registered) address of holder of premises licence:**

Duck & Rice Limited  
5th Floor  
85-86 Newman Street  
London  
W1T 3EX

**Registered number of holder, for example company number, charity number (where applicable)**

07882794

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:**

Name: Kevin McAnulty

**State whether access to the premises by children is restricted or prohibited:**

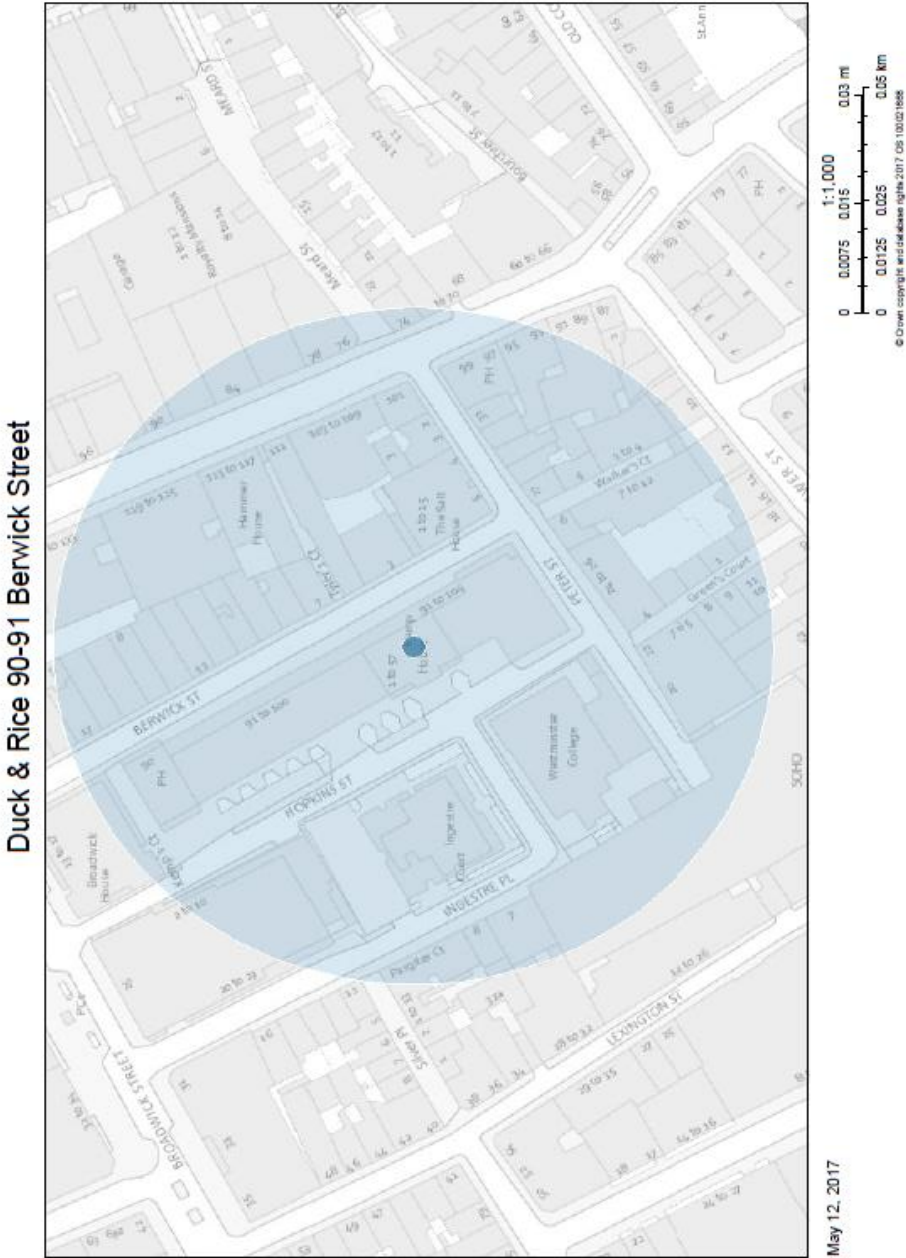
Restricted

**Date:** 15 August 2015

**Signed:** pp  
Director - Public Protection and Licensing



Residential Map and List of Premises in the Vicinity



Resident Count: 498

This page is intentionally left blank

Item No:	
Date:	25 May 2017
Licensing Ref No:	17/02016/LIPN - New Premises Licence
Title of Report:	39 Craven Road London W2 3BX
Report of:	Director of Public Protection and Licensing
Wards involved:	Lancaster Gate
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	23 February 2017		
<b>Applicant:</b>	EuropafoodXB Ltd		
<b>Premises:</b>			
<b>Premises address:</b>	39 Craven Road London W2 3BX	<b>Ward:</b>	Lancaster Gate.
		<b>Cumulative Impact Area:</b>	None.
<b>Premises description:</b>	The premises currently operate as a deli/café.		
<b>Premises licence history:</b>	This is an application for a new premises licence and therefore no history exists.		
<b>Applicant submissions:</b>	This is at the moment a deli, the applicant states that they intend to have people consuming alcohol on the back room (sitting room on plan) of the premise with a meal and as well on the terrace. No alcohol to be sold off the premises, no liquor to be sold on or off the premises. Only wine served by the glass and/or bottle, bottled beer.		

1-B Proposed licensable activities and hours							
<b>Sale by retail of alcohol – Inside the premises</b>				<b>On or off sales or both:</b>			On Sales
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	10:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>		None applied for.					

<b>Sale by retail of alcohol – on the terrace</b>				<b>On or off sales or both:</b>			On Sales
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	10:00
<b>End:</b>	20:00	20:00	20:00	20:00	21:00	21:00	20:00
<b>Seasonal variations/ Non-standard timings:</b>		None applied for.					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	06:00	06:00	06:00	06:00	06:00	06:00	06:00
<b>End:</b>	23:30	23:30	23:30	23:30	23:30	23:30	23:00
<b>Seasonal variations/ Non-standard timings:</b>	None applied for.						
<b>Adult Entertainment:</b>							

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Toby Janes
<b>Received:</b>	23 <sup>rd</sup> March 2017
<p>I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application.</p> <p>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.</p> <p>We have concerns that this application will cause further policing problems in an already demanding area.</p> <p>I understand that you have agreed a number of conditions with Dave Nevitt from the Environmental Health and I have looked through these and am in agreement.</p> <p>Police propose that one further condition is added to your operating schedule and this relates to CCTV, please see the condition below:</p> <p>1. 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>	

<b>Responsible Authority:</b>	Environmental Health Consultation Team
<b>Representative:</b>	Mr David Nevitt
<b>Received:</b>	24 <sup>th</sup> March 2017

I wish to make Representations on the following grounds:

Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.

**Additional comments from Environmental Health:**

The hours sought for the Sale/Supply of Alcohol are slightly in excess of the City Council's 'Core Hours' as defined in the Licensing Policy in respect of the start time for Sundays. The application should be amended so that the commencement time on a Sunday is 1200hrs.

My understanding is that the terminal hour for the sale of alcohol in the external seating area at the front (a frontage of the premises, not the pavement) of the premises will be 2000hrs.

Further to my conversations with the applicant I propose the following Conditions:

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.

MC13 Loudspeakers shall not be located in the entrance lobby or outside the premises building.

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.

MC34 All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

MC35 No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.

MC37 The number of patrons seated at the premises (including the external seats) at any one time (including staff) shall not exceed 20 persons.

MC38 The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

MC39 The supply of alcohol shall be by waiter or waitress service only.

MC42 During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

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.

MC49 An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.

MC65 No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.

MC71 The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

The consumption of alcohol in the outside area at the front of the premises shall cease at 2000hrs.

***These conditions have been agreed by the applicant.***

2-B Other Persons	
<b>Name:</b>	Mr John Zamit - SEBRA
<b>Address and/or Residents Association:</b>	2, Claremont Court Queensway LONDON W2 5HX
<b>Received:</b>	24 <sup>th</sup> March 2017
We object to this application but trust agreement can be reached with applicant on conditions to address our concerns.	
We were not clear as to reference to 'terrace' but now understand that this is area in front of premises with 4 tables & 8 chairs.	

On hours we would want Sunday alcohol hours not to commence till mid-day in accordance with WCC 'Core Hours' policy.

In respect of that are we would not want alcohol served / consumed after 20.00 at latest to protect local amenity, noise etc in area as many residential units nearby. We would also want alcohol only to be served when ancillary to substantial food being taken seated at tables and served by staff on premises.

We assume will be CCTV in operation with usual conditions to satisfy police and WCC Environmental Health Standard 'model' conditions should be attached to licence re: Notices to leave quietly displayed as you leave premises.

All windows to be kept closed - believe maybe window at rear onto courtyard. Alcohol only to be served in 'back sitting room' and tables & chairs on front forecourt. Lots of young 'tourists' visit area so trust will be Challenge 25 in operation. Trust no 'alcohol unconsumed' can be taken off the premises.

No deliveries between say 20.00 & 08.00.

We trust agreement can be reached on above suggested conditions , if not we can attend Licensing Hearing if necessary.

<b>Name:</b>	Mr Massimo Ghislandi
<b>Address and/or Residents Association:</b>	37 Craven Road London W2 3BX
<b>Received:</b>	7 <sup>th</sup> March 2017

I am concerned about the noise caused by a license to sell alcohol on the premise. This would create additional noise in what is a road with many residential dwellings.

I am in particular concerned with the license request to serve alcohol outside the premises on the forecourt. This would lead to people drinking outside (even if served in conjunction with food) up to 23.00 every night which would most likely cause a noise nuisance.

It would lead to a deterioration of the quality of life on the street.

<b>Name:</b>	Miss Kiran Bhinder
<b>Address and/or Residents Association:</b>	43 Craven Road London W2 3BX
<b>Received:</b>	23 <sup>rd</sup> March 2017

I am writing this to oppose the application for a premises licence. I am concerned about the noise and the late hours they are open already. We already have noise from shouting/screaming and fighting. Some of the stores on this road are open till 2am having deliveries. They don't have the correct facilities to offer alcohol consumption on the property, They don't have the correct licence to offer hot cooked food. They are doing so anyway. Will they even abide by the rule to not have alcohol on the forecourt after the times they have specified in the application. As I understand it you need a



second fire exit on the same level as the store. Where is this? My biggest concern is the close proximity to the school in Craven Terrace. The children often use this road to access the church and the other classrooms. It is not acceptable to consume alcohol so close to the school. Safety of the children is important. Have the parents been informed? With any public house we get broken glass and the smell of beer and spirits. I walk my dogs around the area everyday and have to often avoid certain streets and sections. My dogs have been injured because of poor clean up. Broken glass and food is being thrown everywhere. Public safety and child safety is important. This will bring noise and nuisance and when any shop has issues with a customer it can lead to violence. Having alcohol being served to people is just adding to the issues that are already present.

I have lived on the street for 25+ years. This is a peaceful street and we do not need any establishment serving alcohol. This will create a lot of unwanted noise and disruption, which is already an issue at times when drunk people are walking back to their hotels or homes. Also some of the stores on this street are still open until 3am in the morning, having deliveries in the middle of the night. This is not ok.

My bedroom is front facing so I hear everything. All the shouting, screaming and there has been incidents that I have had to call the police because someone who is intoxicated is having an issue with a taxi driver or physically harming another individual.

None of the other cafes or restaurants in this section of the street serve alcohol. All of the stores have off-licences. How can you tell customers that they can only buy an alcoholic beverage if they are buying food? There are pubs on every other road leading all the way up to Edgware Road.

Safety of my family are paramount, and I therefore object to the application for a licence to be granted to this cafe? Does this cafe have a licence to serve hot food?

<b>Name:</b>	Miss Nadi Ben
<b>Address and/or Residents Association:</b>	39 Craven Road London W2 3XB
<b>Received:</b>	4 <sup>th</sup> March 2017

We are the Renata of 39 Craven Road and it's can be making too much problems when the shop it's can be busy with drink we can really sleep we are in and we need quite.

<b>Name:</b>	Ms Annika Nordblom
<b>Address and/or Residents Association:</b>	38 Craven Road London W2 3QA
<b>Received:</b>	7 <sup>th</sup> March 2017

Allowing serving alcohol in the outdoor space would cause noise and nuisance.

There are many residential dwellings on the street and licensing this shop and allowing serving of alcohol would certainly increase noise levels with people drinking outdoor.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies</b>	<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

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

<b>Report author:</b>	Miss Heidi Lawrance Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 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**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application Form	23 <sup>rd</sup> February 2017
<b>5</b>	Representation – Environmental Health	24 <sup>th</sup> March 2017
<b>6</b>	Representation – Metropolitan Police Service	23 <sup>rd</sup> March 2017
<b>7</b>	Representation – SEBRA	24 <sup>th</sup> March 2017
<b>8</b>	Representation – Mr M Ghislandi	7 <sup>th</sup> March 2017
<b>9</b>	Representation – Miss K Bhinder	23 <sup>rd</sup> March 2017

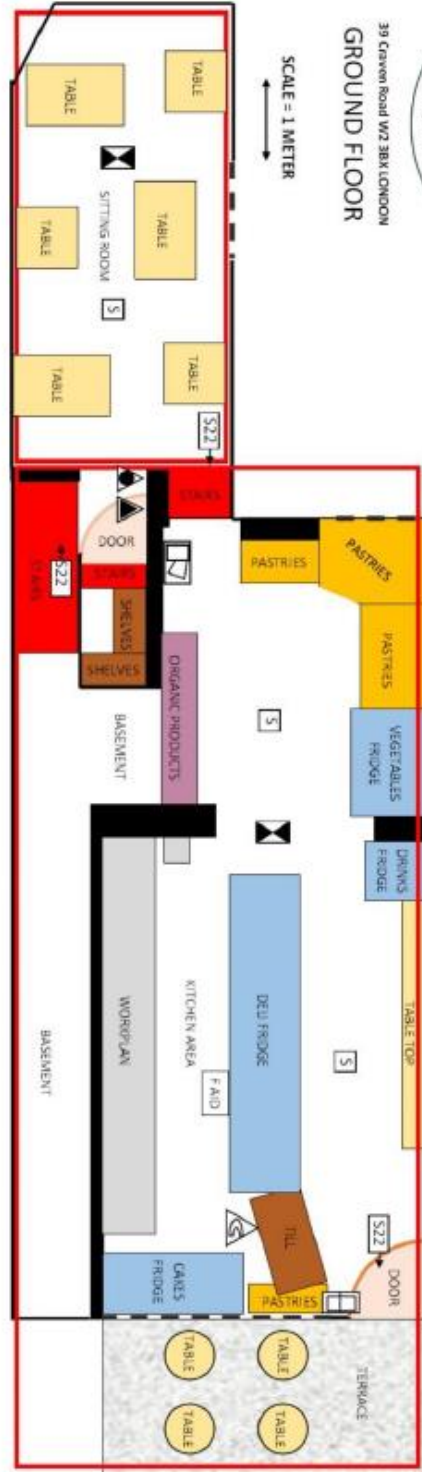
<b>10</b>	Representation – Miss N Ben	4 <sup>th</sup> March 2017
<b>11</b>	Representation – Ms A Nordblom	7 <sup>th</sup> March 2017

**Premises Plans**



39 Craven Road W2 3BA LONDON  
**GROUND FLOOR**

SCALE = 1 METER



**PLAN LEGEND**

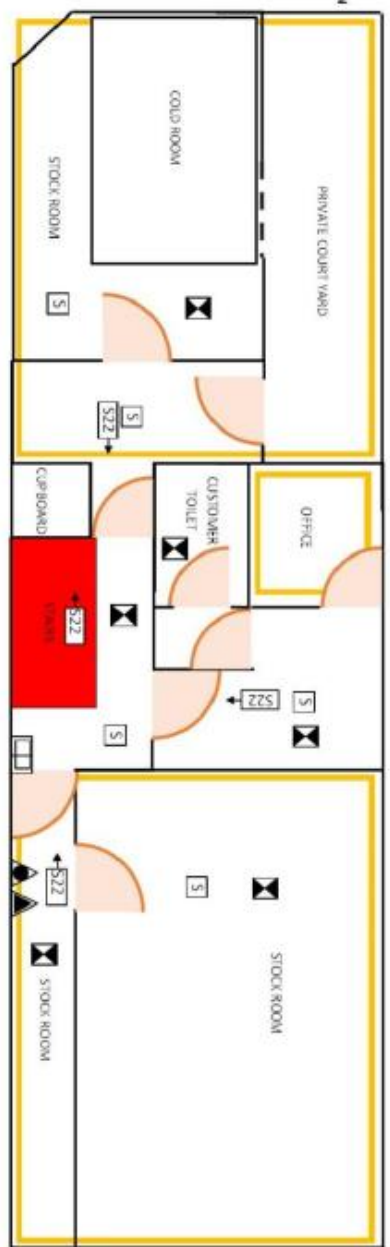
- Directional arrows
- Areas covered by automatics smoke detectors
- Area covered with a system of escape lighting
- Fire blanket in container
- Control panel sounders
- First aid box
- Carbon dioxide fire extinguisher
- Foam fire extinguisher
- Fire alarm call point

ALCOHOL SERVING AREA



39 Craven Road W2 3BA LONDON  
**BASEMENT**

SCALE = 1 METER



**PLAN LEGEND**

- Directional arrows
- Areas covered by automatics smoke detectors
- Area covered with a system of escape lighting
- Fire blanket in container
- Control panel sounders
- First aid box
- Carbon dioxide fire extinguisher
- Foam fire extinguisher
- Fire alarm call point

STAFF ZONE

**Applicant Supporting Documents**

None submitted

**Premises History**

There is no licence or appeal history for the premises.

**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. No selling of alcohol to underage people.
10. No drunk and disorderly behaviour on the premises area.

11. Preventing the use and sale of illegal drugs at the retail area.
12. No violent and anti-social behaviour tolerated by any one.
13. CCTV System installed to monitor entrances, exits, and other parts of the premises.  
**Replaced by condition 32**
14. A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.
15. Not selling of alcohol to drunk or intoxicated customers.
16. Prevention and vigilance in illegal drug use at the retail unit area.
17. Staff will be well trained in asking customers to use premises in an orderly and respectful manner and prevent drinking alcohol at the retail unit.
18. Training and implementation of underage ID checks.
19. A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation. **Replaced by condition 42**
20. The retail area and storage area will be kept up to date and maintained at all times in good order and in a safe condition.
21. Noise reduction measures to address the public nuisance objective.
22. A notice on the door asking customers to leave the premises quietly in order to respect the neighbours. **Replaced by condition 34**
23. Deliveries of goods will be made during appropriate times between 8am and mid-day.  
**Replaced by condition 43**
24. We will ensure that staff who arrive early morning or depart late at night will conduct themselves in such a manner to avoid causing disturbance to nearby residents.
25. Customers will be asked not to stand around loudly talking in the street outside the premises.
26. Customers will not be admitted to premises above opening hours.
27. The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises.  
**Replaced by condition 36**
28. All lightings have been positioned in such a way to not cause a disturbance to nearby residents.
29. Adequate waste receptacles for use by customers will be provided in the local vicinity.  
**Replaced by condition 41**

30. "Challenge 25" sign on the door that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol during their meal.
31. Staff training about requirement for persons' identification, age establishment and so on.

**Conditions proposed by Environmental Health and agreed by the applicant so as to be incorporated with the operating schedule.**

32. 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.
33. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
34. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
35. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
36. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.
37. The number of patrons seated at the premises (including the external seats) at any one time (including staff) shall not exceed 20 persons.
38. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
39. The supply of alcohol shall be by waiter or waitress service only.
40. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
41. 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.
42. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder

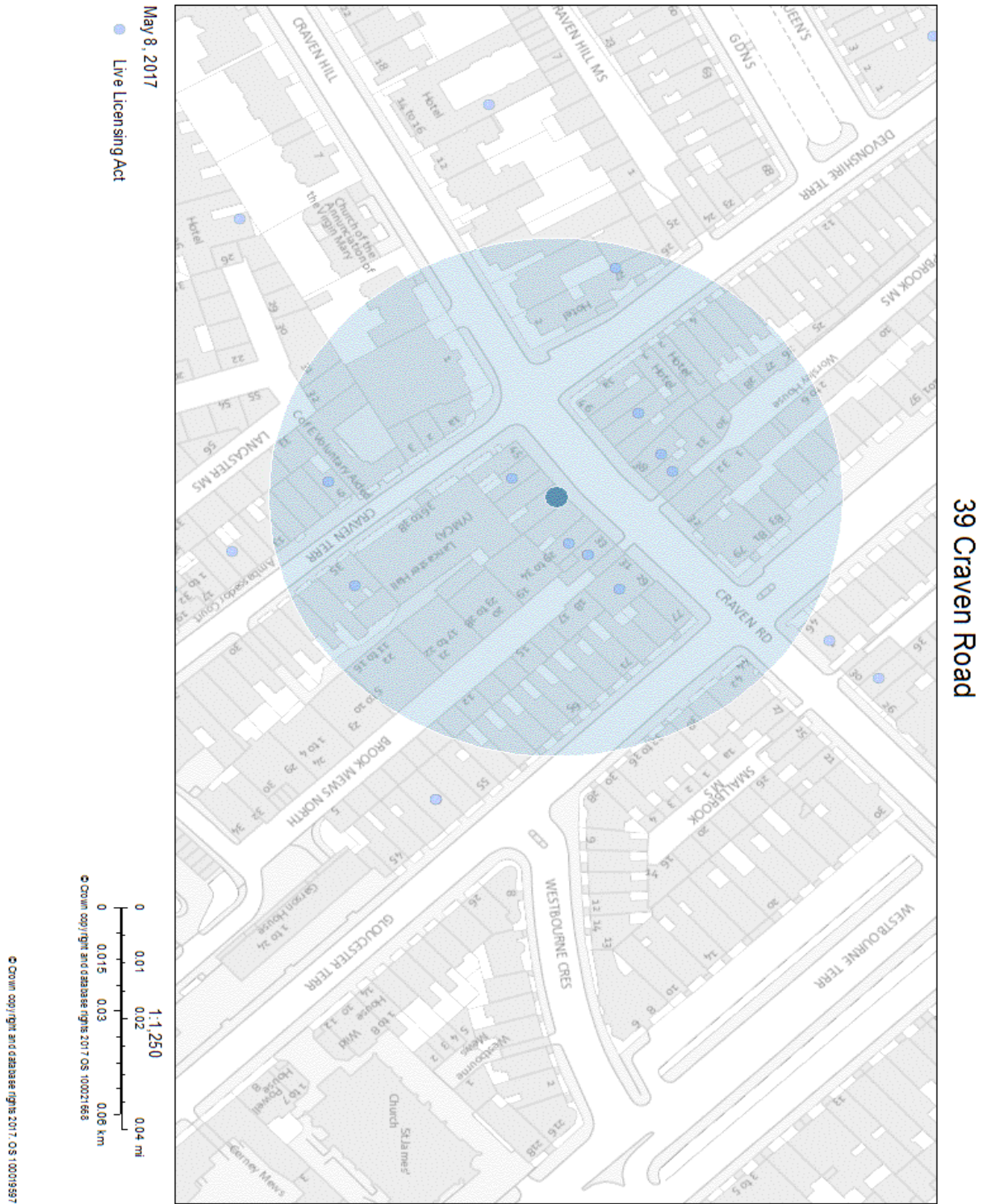
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system, searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

- 43. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.
- 44. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
- 45. The consumption of alcohol in the outside area at the front of the premises shall cease at 2000hrs.

### **Conditions proposed by the Police**

- 46. 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.

**Residential Map and List of Premises in the Vicinity**



Resident count: 321

This page is intentionally left blank

Item No:	
Date:	25 May 2017
Licensing Ref No:	17/03024/LIPN - New Premises Licence
Title of Report:	21 Charing Cross Road London WC2H 0ES
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	21 March 2017		
<b>Applicant:</b>	Youcef Khaloufi		
<b>Premises:</b>			
<b>Premises address:</b>	21 Charing Cross Road London WC2H 0ES	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	The premises is intending to operate as a kebab and grill food outlet.		
<b>Premises licence history:</b>	<p>The premises has previously been licensed reference: 16/11303/LIDPSR.</p> <p>The Premises Licence was granted in July 2006. The Licence lapsed due to the Licence Holder Company going insolvent 27<sup>th</sup> September 2016.</p> <p>A history of this Premises Licence can be found at Appendix 3.</p>		
<b>Applicant submissions:</b>	Food shop located in the City of London between the National Portrait Gallery and Leicester Square Garden. Serving traditional Kebab and Grills with a sitting area at ground floor and take away service. Storage room, staff toilet and kitchen located in the basement of the premises. Opening hours everyday of the week from 11:00hs - 23:00hs with late night refreshment on weekends (23:00-4:00hs).		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>					23:00	23:00	23:00
<b>End:</b>					04:00	04:00	04:00
<b>Seasonal variations/ Non-standard timings:</b>				Christmas Eve and New Year's Eve: 23:00 hours until 04:00 hours			



Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	11:00	11:00	11:00	11:00	11:00	11:00	11:00
<b>End:</b>	23:00	23:00	23:00	23:00	04:00	04:00	04:00
<b>Seasonal variations/ Non-standard timings:</b>		Christmas Eve and New Year's Eve: 23:00 hours until 04:00 hours					
<b>Adult Entertainment:</b>		Not applicable.					

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	11 <sup>th</sup> April 2017
<b>Received:</b>	PC Bryan Lewis
<p>I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>The venue is situated in the West End Cumulative Impact Area, a locality where there is traditionally high levels of crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.</p> <p><b>Further discussions with applicant and proposed conditions:</b></p> <ol style="list-style-type: none"> <li>1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.</li> <li>2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested</li> <li>3. 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</li> </ol>	

following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) any faults in the CCTV system
- (f) any visit by a relevant authority or emergency service

- 4. After 11pm all drinks shall be served in paper or plastic containers only.
- 5. There shall be a minimum of one SIA door supervisor employed from 23:00 hours until the premises closes on Friday, Saturday and Sunday trading nights. They shall wear a high visibility yellow jacket or tabard and display their SIA licences at all times.
- 6. There shall be a take away service only after midnight Friday Saturday and Sunday trading nights.

<b>Responsible Authority:</b>	Environmental Health Consultation Team
<b>Representative:</b>	Ms Ayesha Bolton
<b>Received:</b>	13 <sup>th</sup> April 2017

**The premises are located within the West End Cumulative Impact Area as stated in the City of Westminster's Statement of Licensing Policy.**

This representation is based on the plans and operating schedule submitted.

The applicant is seeking the following:

- 1. To provide Late Night Refreshment both Indoors and Outdoors on Friday to Sunday from 23.00 to 04.00 hours, on Christmas Eve and New Year's Eve from 23.00 to 04.00 hours.

I wish to make the following representation.

- 1. The provision and hours requested for Late Night Refreshment will have the likely effect of causing an increase in Public Nuisance within the area and may impact on Public Safety.

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.

Should you wish to discuss the matter further please do not hesitate to contact me.

<b>Responsible Authority:</b>	Licensing Authority
-------------------------------	---------------------

<b>Representative:</b>	Mr David Sycamore
------------------------	-------------------

<b>Received:</b>	18 <sup>th</sup> April 2017
------------------	-----------------------------

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of Children from Harm

As it stands the application contravenes Westminster's Statement of Licensing Policies CIP1, and HRS1.

The application seeks to permit the following:

To provide late night refreshment from 11:00 hrs until 04:00 hrs Friday, Saturday and Sunday nights indoors and our doors.

Policy HRS1 states at paragraph 2.3.2: "It is the intention to generally grant licences... where the hours when customers are permitted to be on the premises are within the 'core hours' as set out in Policy HRS1. Further, Policy RNT2 which relates to restaurants within the CIA states 'Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

Currently the hours are outside of the core hours policy on Friday, Saturday and Sunday night, the premises is located inside the Cumulative Impact Area.

Policy CIP1 states (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. However part (ii) states: 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.

We are generally concerned that this application does not address the likely increase in cumulative impact in an already busy area.

Please could you provide further submissions that demonstrate the premises will not add to cumulative impact in the Cumulative Impact Area if the application were to be granted.

**Response from applicant:**

In relation to the application submitted for Kebabge & Grill located in 21 Charing Cross Road, we would like to appease your concerns about this application having a cumulative impact its busy area.

In addition to the information already submitted we would like to add some others conditions which would help maintain the public safety.

1. After 23:00hs would only be take away service from window shop, to encourage the flow of people instead of the accumulation in a close space which is more likely to cause public nuisance and disorder.
2. Staff will remind clients to keep the order while waiting if its needed (provide training) in addition of specific signs advise patrons and staff to be quiet when leaving premises. Ban people from the premises who do not cooperate
- 3.SIA supervisor door with a high visibility yellow jacket or vest during the late night service.
4. CCTV cameras shall be install.
5. No drinks shall be served in glass containers at any time.
6. Sufficient measures will be in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
7. Encourage customers to dispose of litter responsibly using posters inside premises and on bins. Discourage customers from leaving premises drinking from open cans and bottles.
- 8.Deliveries to be made at reasonable times.

If you consider we'll need to have more conditions set in order for the application to be granted please let us know. We are open to suggestions.

**Further comments from Licensing Authority**

Thank you for your conditions, however they do not address the facts that there will be an increase of people in the area using your new premises if it were to be granted. This case will have to be determined by a licensing sub-committee if you wish to stay with your current hours as requested. People who have been drinking in the cumulative impact area then make their ways to late night venues that serve hot food and drinks

which often adds to public nuisance as stated in our policy (2.5.2)

As 2.5.17 of our policy states, it is the Council's current stance to refuse premises supplying fast food inside the cumulative impact area and as such our representation shall be maintained. What will assist the members in making any decision is the detail you can go into as to how you will disperse your customers once they have been served.

2-B Other Persons	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	17 <sup>th</sup> April 2017
<p>I write to object to the above-numbered Application on the grounds of public nuisance, and more specifically those of (actual) noise, and potential anti-social behaviour. [REDACTED]</p> <p>[REDACTED] - and those of twice that number in the immediately adjacent wing of Faraday House. If I have understood the terms of the Application aright, the Applicant is seeking to extend the hours of his commerce in order to serve food, not only within his own premises, but out into the street, until the excessively late hour of 4 a.m.. It is, at the present time of year (mid-April) still relatively cool at nights; as the nights get warmer, the anti-social behaviour this is liable to generate will become significantly greater. This is no theoretical objection. There was previously, on these very premises a similar enterprise, by the name of 'All-American Fried Chicken', which was eventually shut down because of the regular disturbance created by its late-night patrons, many of whom had clearly taken on board more alcohol than they could carry. The immediate neighbourhood is, indeed, well - too well - supplied with late-night drinking places, and these 'revellers' tend to congregate at the local - late-LATE-night - take-away joints before eventually heading home.</p> <p>It so happens that at this moment the bus stops serving the night buses travelling in both directions along the Charing Cross Road have been moved away from their usual position on account of the building works in progress at the neighbouring Alhambra House. But as soon as these works are completed, the stops will be relocated to their original positions. And these positions, and most particularly that for south-faring passengers, are situated hard by the premises here in question: and opposite the dwellings at Garrick Mansions and Faraday House. When this was previously the case - as it will quite certainly be again - the boisterous, and frequently well-oiled, customers of these premises would take their food and their shouting to the bus stops to await the arrival of their night buses - an arrival even more ardently wished for by the neighbouring residents than by the intending passengers!</p> <p>In sum, the proposed extension of operating hours to 4 in the morning seems quite excessive and liable to further degrade the already compromised amenity of this</p>	

neighbourhood. I would further observe that it would seem both reasonable and desirable that, after 11 p.m., the serving and consumption of food should be restricted to that within the interior of these premises.

The above, then, are the grounds of my objection.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	25 <sup>th</sup> March 2017

The application in effect proposes an hour extension to current permissions from 3am to 4am.

The premises currently has a hatch window designed to serve food to customers on the pavement but it is not clear if the licensee holds permissions to carry out this activity. I would object to it being permitted after 11pm.

The premises currently places a table and chair directly on the pavement outside but it is not clear if the current premises licence which permits an external area to be used, has appropriate authority attached (tables and chairs licence) to place furniture onto the street. I would object to this being permitted after 11pm.

The planned TENS test which ran from 7th-14th April does not reflect increases in street activity which occur during warmer seasons. Also that the close-by northbound night-bus stop is currently subject to temporary closures due to major building works. Therefore these TENS results are both unreliable and unrepresentative of normal and variant conditions.

The premises is opposite family apartments (Peabody's south wing of Faraday House - entrance at 18 Charing Cross Rd - flats 11-22) located on the 6 floors above the Garrick Arms which directly face the licensee from the east side of Charing Cross Rd. Adjacent to the Garrick Arms is Garrick Mansions, also a residential apartment containing 6 homes. In both apartment buildings bedrooms are street facing. The Peabody property consists of 2 bedroom flats where both bedrooms face the street, including the one designated for children.

This licensee is close to two major designated West End night-bus stops located a few meters away to the north on the west side and opposite on the east. It is probable that groups and individuals, very likely under the influence of alcohol, would take to congregating for night buses outside this premises to consume food they have bought there through-out the night, particularly in warmer months.

The application is contrary to the City Council's Statement of Licensing Policy 2016.

The premises is situated within the West End 'cumulative impact area' for the purposes of the Policy. It is in close proximity to late night, drink-led premises. It is also adjacent to 2 'night bus' stops. The terminal hour sought is very late. These three factors, and the nature of the offer, make it very likely that the premises will attract people who have

been drinking for long periods and are looking for fast food. Not only does this raise the prospect of noise and anti-social behaviour, but also litter and waste.

This is particularly the case because it seems from the application (and indeed from the physical layout of the premises - see attached photo) that customers will be able to purchase late night refreshment from a hatch or window. The customer would therefore never have to actually enter the premises. This increases the prospect of the sort of 'honeypot' issues which the Policy envisages.

The relevant sections of the Policy are as follows:

2.4.1 - 'These areas have been identified as Cumulative Impact Areas because the cumulative effect of the concentration of late night and drink led premises and/or night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses...The retention of people late at night contributes to the cumulative impact. This arises both from the lack of late night transport and the existence of facilities such as fast food outlets that encourage people to stay on after other licensed premises have closed.'

Also:

CIP1(i) - 'It is the Licensing Authority's policy to refuse applications [in this area] for: pubs and bars, fast food premises...other than applications to vary hours within the Core Hours under Policy HRS1.'

FFP2 - 'It is the Licensing Authority's policy to refuse applications [in this area], other than applications to vary hours within the Core Hours under Policy HRS1.'

This is a new application, not a variation. In any event, the hours sought are well outside the 'core hours'.

2.5.18 'Fast food premises which are open after 23.00 can attract large groups of customers, many of whom have been consuming alcohol in pubs, bars, or night clubs sometimes some distance away. The congregation of people around these premises leads to additional noise and disturbance and further congestion in the area....The council considers that the addition of hot fast food and hot drink adds to the attractiveness of premises to people who have been drinking and who are more likely to be involved in anti-social behaviour.'

2.5.19 'The Metropolitan Police have raised concerns about the levels of crime and disorder that happen outside fast food premises late at night due to alcohol, fuelled behaviour.'

2.5.20 '...there are high concentrations of fast food premises in addition to other licensed premises. On this basis and because the attraction and retention of people by the premises mitigates against their rapid dispersal from the cumulative impact areas, the

Licensing Authority considers that the grant of variations or new licences should be limited to exceptional circumstances.'

This raises issues which are set out at para 2.4.1 of the Policy. My understanding is that one of the fundamental aims of the Policy is to facilitate rapid dispersal from the

cumulative impact areas. This application has the exact opposite effect.

This is precisely what I anticipate, and is residents' experience from previous late night usage of the premises when it was called 'All American Fried Chicken', a style of operation which was also attractive to late night drinkers.

In my view, in order to obtain a grant of this licence to the terminal hour proposed, the applicant needs to demonstrate that there are 'genuinely exceptional circumstances' to justify a departure from Policy (see para 2.4.2). The threat of disturbance to residents is therefore so great that I object to the hours proposed in the license application and request permissions to maintain sale and consumption of food WITHIN the premises only during late and beyond core hours. I would ask that the Licensing Authority refuse this application in as much as it relates to:

1. Extending hours
2. To the serving of late night refreshment through a hatch without customers actually entering the premises.
3. I would also ask the Council to determine the current state of permissions for placing of chair and table onto the street and to disallow this after 11pm.

I attach a photo of the current hatch and external table and chair for assessment.





<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED]
<b>Received:</b>	27 <sup>th</sup> March 2017
<p>This Representation is being made on behalf of the CGCA. These premises are on the West side of Charing Cross Road and so opposite a residential building (Faraday House).</p> <p>The detailed Application is not available for some technical reason and so we are making our Representation without sight of this. Once it is available we may amend the condition.</p> <p>From the plans and details the premises are a small cafe style operation which proposed to offer LNR until 04:00 Friday to Sunday. Whether is is Friday to Sunday night or Thursday to Saturday night is unclear. Whether the LNR is offered for takeaway is also unclear, although given the small size of the premises we assume that this will be the case.</p> <p>In any event we believe that having a small LNR venue, even without alcohol available, will increase the level of Public Nuisance in the vicinity of the premises and within the CIA as a whole. We believe that it should be refused under Policy FFP2 for the reasons given in the policy in that it will attract people from other late night venues and encourage them to remain in the area. This will be the case whether or not they offer LNR for takeaway.</p>	

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy FFP2 applies:</b>	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.
<b>Policy HRS1 applies:</b>	<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>
<b>Policy CIA1 applies:</b>	(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

	<p>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>
--	--

#### 4. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity
<b>Appendix 6</b>	Premises Licence - 16/11303/LIDPSR

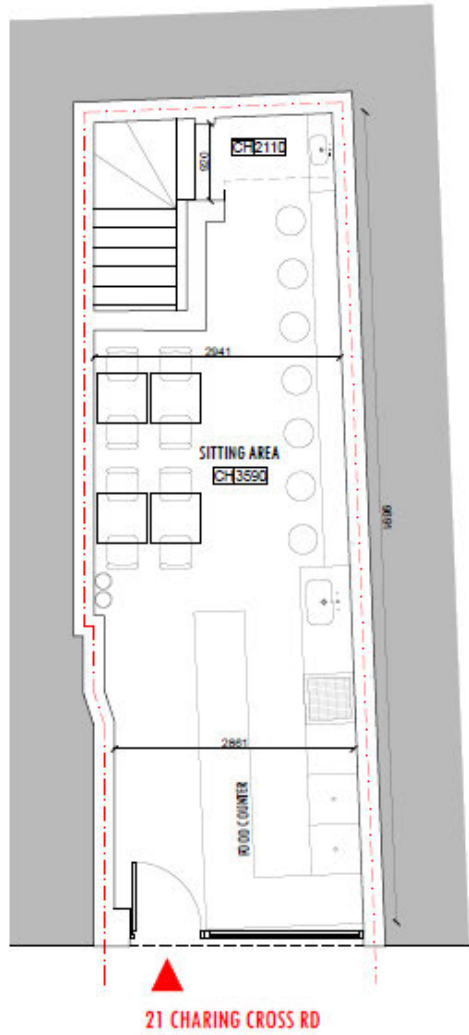
<b>Report author:</b>	Miss Heidi Lawrance Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

**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**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application Form	21 <sup>st</sup> March 2017
<b>5</b>	Representation – Metropolitan Police Service	11 <sup>th</sup> April 2017
<b>6</b>	Representation – Environmental Health Service	13 <sup>th</sup> April 2017
<b>7</b>	Representation – Licensing Authority	18 <sup>th</sup> April 2017
<b>8</b>	Representation – ██████████	25 <sup>th</sup> March 2017
<b>9</b>	Representation – ██████	27 <sup>th</sup> March 2017
<b>10</b>	Representation – ████████████████████	17 <sup>th</sup> April 2017

**Premises Plans**



**EXISTING GROUND FLOOR PLAN**

**CANDiDe-Design**  
 0650  
 Unit 2nd  
 100/101  
 E. 104th St. 200/1000  
 www.candidedesign.com

**DISCLAIMER**  
 All content  
 is provided as a guide only. It is not intended to be used as a substitute for professional advice. The user assumes all liability for any use of the content. The content is provided "as is" without any warranty, express or implied. The user agrees to hold the author harmless for any and all consequences arising from the use of the content.

**PROJECT INFORMATION**  
 PROJECT NO. 21  
 PROJECT NAME 21 CHARING CROSS RD

**SHEET PLAN**

**NOTES**  
 Issued to client FEB/2017

**CANDiDe-Design**  
 PROJECT 21 CHARING CROSS RD  
 DRAWING TITLE EXISTING GROUND FLOOR  
 SCALE 1:50 PROJECT NO. DRAWING  
 NUMBER 02-03 W-21CHARING17 001  
 DATE FEB/2017  
**DETAIL DESIGN**

**Applicant Supporting Documents**

None provided.

**Premises History - 16/11303/LIDPSR**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
06/04825/LIPN	New Premises Application	27.07.2006	Granted by Licensing Sub-Committee
06/07600/WCCMAP	New Premises Application	27.07.2006	Granted by Licensing Sub-Committee
06/10308/LIPV	Variation Application	15.02.2007	Refused by Licensing Sub-Committee
08/07395/LIPV	Variation Application	22.09.2008	Granted Under Delegated Authority
10/04893/LIPRW	Removal of a works condition	06.07.2010	Granted Under Delegated Authority
13/08043/LIPT	Transfer Application	26.11.2013	Granted Under Delegated Authority
14/00894/LIPVM	Minor Variation Application	13.02.2014	Granted Under Delegated Authority
15/08598/LIPT	Transfer Application	19.10.2015	Granted Under Delegated Authority
15/08997/LIPV	Variation Application	10.12.2015	Granted by Licensing Sub-Committee
15/10295/LIPVM	Minor Variation Application	01.12.2015	Granted Under Delegated Authority
15/11658/LIPDPS	Application to Vary the Designated Premises Supervisor	28.12.2015	Granted Under Delegated Authority
16/11303/LIDPSR	Removal of a Designated Premises Supervisor	19.10.2016	Granted Under Delegated Authority
17/01744/LITENN	Temporary Event Notice	02.03.2017	Refused Licence

17/02265/LITENN	Temporary Event Notice	08.03.2017	Invalid Application
17/02491/LITENN	Temporary Event Notice	17.03.2017	Notice granted
17/02926/LITENN	Temporary Event Notice	24.03.2017	Refused Licence
17/03313/LITENN	Temporary Event Notice	05.04.2017	Notice Granted
17/03615/LITENN	Temporary Event Notice	11.04.2017	Refused Licence
17/03616/LITENN	Temporary Event Notice	10.04.2017	Invalid Application
17/03621/LITENN	Temporary Event Notice	10.04.2017	Invalid Application

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**

1. All emergency and precaution signs will be display for all attendants as regulation demands.
2. Staff will be aware of taking all precautions needed to prevent public nuisance and disorder.
3. No children would be allow after 21:00hs unless accompanied by an adult.
4. CCTV cameras 24hs for further safety support.
5. All necessary smoking signs will be up, fire exit visible and the lock shall be unlock and kept free will the public is in the premises.
6. All deliveries shall take place during the normal working day.
7. After 23:00hs all costumers will be told to leave quietly.
8. Notices asking customers to leave quietly shall be conspicuously displayed at all exits.
9. After 23:00hs would only be take away service from window shop, to encourage the flow of people instead of the accumulation in a close space which is more likely to cause public nuisance and disorder.
10. Staff will remind clients to keep the order while waiting if its needed (provide training) in addition of specific signs advise patrons and staff to be quiet when leaving premises. Ban people from the premises who do not cooperate
11. SIA supervisor door with a high visibility yellow jacket or vest during the late night service.
12. CCTV cameras shall be install.
13. No drinks shall be served in glass containers at any time.
14. Sufficient measures will be in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
15. Encourage customers to dispose of litter responsibly using posters inside premises and on bins. Discourage customers from leaving premises drinking from open cans and bottles.
16. Deliveries to be made at reasonable times.

### **Conditions proposed by the Police**

17. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
18. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested
19. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) any faults in the CCTV system
  - (f) any visit by a relevant authority or emergency service
20. After 11pm all drinks shall be served in paper or plastic containers only.
21. There shall be a minimum of one SIA door supervisor employed from 23:00 hours until the premises closes on Friday, Saturday and Sunday trading nights. They shall wear a high visibility yellow jacket or tabard and display their SIA licences at all times.
22. There shall be a take away service only after midnight Friday Saturday and Sunday trading nights.

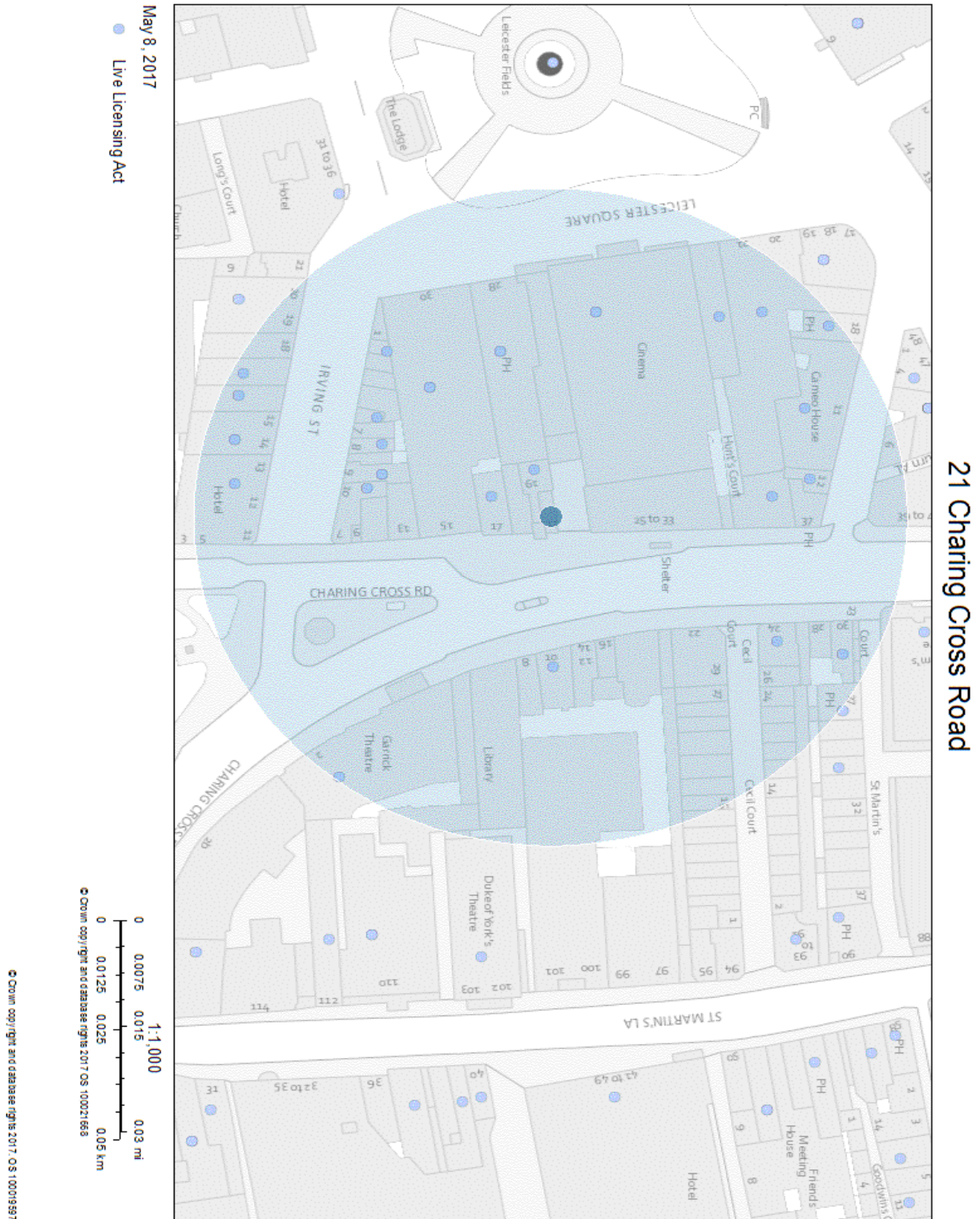
### **Conditions proposed by Environmental Health**

23. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 70 persons.
24. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
25. The supply of alcohol on the premises shall be by waiter or waitress service only.

26. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
27. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them, except by patrons seated at external tables and chairs.
28. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises except by patrons seated at external tables and chairs.
29. No Self Service of alcohol to be sold for consumption off the Premises.
30. 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.
31. No Off Sales of super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.
32. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
33. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
34. 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.
35. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
36. 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.
37. All windows and external doors shall be kept closed after 21:00 hours except for the immediate access and egress of persons.
38. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
39. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
40. No deliveries shall be made to the premises between 23:00 and 08:00 hours.


41. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

**Residential Map and List of Premises in the Vicinity**



Resident Count: 192

**Premises Licence - 16/11303/LIDPSR**

	Schedule 12 Part A	WARD: St James's UPRN: 100023431474
<b>City of Westminster</b> 64 Victoria Street, London, SW1E 6QP	Premises licence	Regulation 33, 34
Premises licence number:	15/11658/LIPOPS	
Original Reference:	06/04825/LIPN	
<b>Part 1 – Premises details</b>		
<b>Postal address of premises:</b>		
Fometto 21 Charing Cross Road London WC2H 0ES		
<b>Telephone Number:</b> Not Supplied		
<b>Where the licence is time limited, the dates:</b>		
Not applicable		
<b>Licensable activities authorised by the licence:</b>		
Late Night Refreshment Sale by Retail of Alcohol		
<b>The times the licence authorises the carrying out of licensable activities:</b>		
<b>Late Night Refreshment</b>		
Monday to Sunday: 23:00 to 03:00		
Non-standard Timings: From the terminal hour on New Year's Eve until the commencement hour on New Year's Day.		
<b>Sale by Retail of Alcohol</b>		
Monday to Thursday: 10:00 to 23:30		
Friday to Saturday: 10:00 to 00:00		
Sunday: 12:00 to 22:30		
Sundays before Bank Holidays: 10:00 to 00:00		
Non-standard Timings: From the terminal hour on New Year's Eve until the commencement hour on New Year's Day.		
<b>The opening hours of the premises:</b>		
Monday to Sunday: 11:00 to 03:00		

Where the licence authorises supplies of alcohol, whether these are on and/or off premises:

Alcohol is supplied for consumption both on and off the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Fometto Limited  
1 Old Court Mews  
311 Chase Road  
London  
N14 6JS

Registered number of holder, for example company number, charity number (where applicable)

09177014

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: Mr Stefano Potorti

*Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.*

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: 08/07493/LIPERS  
Licensing Authority: City Of Westminster Council

Date: 01 February 2016

This licence has been authorised by Mr Yiannis Chrysanthou on behalf of the Director - Public Protection and Licensing.



#### Annex 1 – 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 premises 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(II). Where the permitted price given by Paragraph 8(I)(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(I)(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.

Annex 2 – Conditions consistent with the operating Schedule  
None

### Annex 3 – Conditions attached after a hearing by the licensing authority

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. 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.
12. The number of persons permitted on the premises at any one time (including staff) shall not exceed:
  - Ground Floor 24 persons.
13. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
14. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
16. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
17. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
18. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00.
19. No deliveries to the premises shall take place between 23:00 and 08:00.
20. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue;
  - (b) all ejections of patrons;
  - (c) any complaints received concerning crime and disorder;
  - (d) any incidents of disorder;
  - (e) all seizures of drugs or offensive weapons;
  - (f) any faults in the CCTV system, searching equipment or scanning equipment;

(g) any refusal of the sale of alcohol;  
(h) any visit by a relevant authority or emergency service.

21. Waiter or waitress service shall be available for the sale or supply of alcohol for consumption on the premises.
22. Alcohol shall not be sold for consumption on the premises otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
23. Alcohol shall not be sold for consumption off the premises apart from:
  - a. Alcohol in a sealed container that has been supplied with and ancillary to a take-away meal for delivery to other premises; or
  - b. Alcohol in a sealed container that has been supplied with and ancillary to a take-away meal (other than for delivery to other premises) but only until 20.00 on every day of the week, including week-ends; or
  - c. Alcohol that is served by a waiter or waitress to persons who are seated in an external area appropriately authorised for the use of tables and chairs on the highway and bona fide taking substantial meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
24. There shall be no self-service of alcohol.

Annex 4 – Plans  
Attached

This page is intentionally left blank





City of Westminster

# Licensing Sub-Committee Report

## Agenda Item 4

Item No:	
Date:	25 May 2017
Licensing Ref No:	17/02442/LIPN- Premises Licence Variation
Title of Report:	29 Shepherd Market London W1J 7PS
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 Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: <a href="mailto:ywade@westminster.gov.uk">ywade@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	7 March 2017		
<b>Applicant:</b>	Kitchen Centre Ltd		
<b>Premises:</b>	29 Shepherd Market		
<b>Premises address:</b>	29 Shepherd Market London W1J 7PS	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	No
<b>Premises description:</b>	The premises intends to operate as a restaurant on the ground floor.		
<b>Variation description:</b>	<p>According to the application, the applicant is seeking the hours for Licensable Activities:</p> <ul style="list-style-type: none"> <li>Sale of Alcohol - Monday to Saturday 10:00 until 00:00 Sunday 10:00 to 22:30</li> <li>Late Night Refreshment – Monday to Saturday 23:00 until 00:00 Sunday 08:00 until 22:30</li> </ul> <p>Opening Hours</p> <p>Monday to Saturday 07:00 until 00:00 Sunday 08:00 until 23:00</p>		
<b>Premises licence history:</b>	This is an application for a new premises licence and therefore no premises licence history exist		
<b>Applicant submissions:</b>	None		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	08:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:00	00:00	22:30

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	10:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:00	00:00	22:30

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	08:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	23:00

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	The Metropolitan Police (withdrawn)
<b>Representative:</b>	Mr Adam Deweltz
<b>Received:</b>	9 <sup>th</sup> March 2017
<p>With reference to the above, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be making a representation against this application.</p> <p>It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.</p> <p>There is insufficient detail contained within the operating schedule</p> <p><b>Following on from visiting the premises and agreement of proposed conditions between the applicant and the Police, the Police have withdrawn their representation.</b></p>	
<b>Responsible Authority:</b>	The Environmental Health Service
<b>Representative:</b>	Mr Dave Nevitt
<b>Received:</b>	10 <sup>th</sup> March 2017
<p>I wish to make Representations on the following grounds:</p> <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>The Environmental Health Service have proposed conditions that have not been agreed by the Applicant</p>	

2-B Other Persons	
<b>Name:</b>	Orbiton Estates representing residents at Carrington House
<b>Address and/or Residents Association:</b>	The Estate Office Carrington House 6 Hertford Street London W1J 7RE
<b>Status:</b>	Resident Association
<b>In support or opposed:</b>	Opposed

**Received:**

3<sup>rd</sup> April 2017

**Applications for new and variation of Premises Licences**

**Representation against the grant of both applications.**

**27 and 29 Shepherd Market, W1**

**Ref 17/02456 and 17/02442**

Orbiton Estates make a representation in connection with the above applications.

Orbiton represents the interests of the residents at Carrington House, which is located directly immediately to the east side of the applicant premises. Orbiton makes representations on the basis of crime and disorder, public nuisance and public safety policies CD1, PN1, RNT1 and HRS1.

**29 Shepherd Market**

Planning permission for this use was refused last year due to lack of extract and intensification of A3 uses.

This is a new premises licence until the hours of midnight, with the premises not having been previously licensed. This is of course beyond the council's core hours on Monday to Thursday.

Confusingly and perhaps invalidating the advertisement of the application, the operating schedule refers to the Council's core hours but the sale of alcohol is proposed at Midnight. Those reading the application may have therefore been led to believe the application is for Core Hours, but they are actually applying for midnight.

The conditions are proposed to be in line with conditions for 27 Shepherd Market, so it is assumed that it will be as a restaurant. In any event, we object to the use of the premises for this or any other use that may require a licence.

## 27 Shepherd Market

Although there are no details yet on the City Council's website, it would appear that there is an application to vary the existing licence so the sale of alcohol and late night refreshment (presumably including take-away) can take place until 3.00 am every day of the week.

The existing licence (the only copy on-line being 12/00770) allows the sale of alcohol until 11pm (10.30pm Sundays). However, the public notice seeks to extend the hours from midnight to 3am. Again, anyone reading the notice would have been mis-led in this important respect.

Any permission beyond the existing licence of 11pm will cause nuisance. Opening until 3am with these applicants and this use is beyond contemplation and reality.

### Both applications

It is not clear whether there is any proposal to use or extend external seating, or have shisha-type smoking, which together with the sale of alcohol or provision of late-night refreshment will cause additional public nuisance in a residential area.

We note there are enforcement cases open for both blocking the pavement and opening beyond the current permitted hours (planning ref 25/62594).

### Conclusion

There has been a woeful disregard for local residents, the City Council's statement of licensing policy and indeed the licensing objectives with no conditions which effectively promote both either the objects of the policy or those objectives.

<b>Name:</b>	Mr Paul Deavin		
<b>Address and/or Residents Association</b>	29a Shepherd Market London W1J 7PS		
<b>Status:</b>	Resident	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	9 <sup>th</sup> April 2017		

Comment: 9:42 PM on 09 Apr 2017 The area around the public highway is already very noisy. There are already many licensed premises selling alcohol. A late selling license to midnight presents more transition of the area to late night alcohol activity.

## Policy & Guidance

### 3.

The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy HRS1 applies:	(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.  (ii) Applications for hours outside the core hours set out below in this
----------------------	--

Policy RNT1 applies:	<p>policy will be considered on their merits, subject to other relevant policies.</p> <p>Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.</p>
----------------------	---

#### 4. Appendices

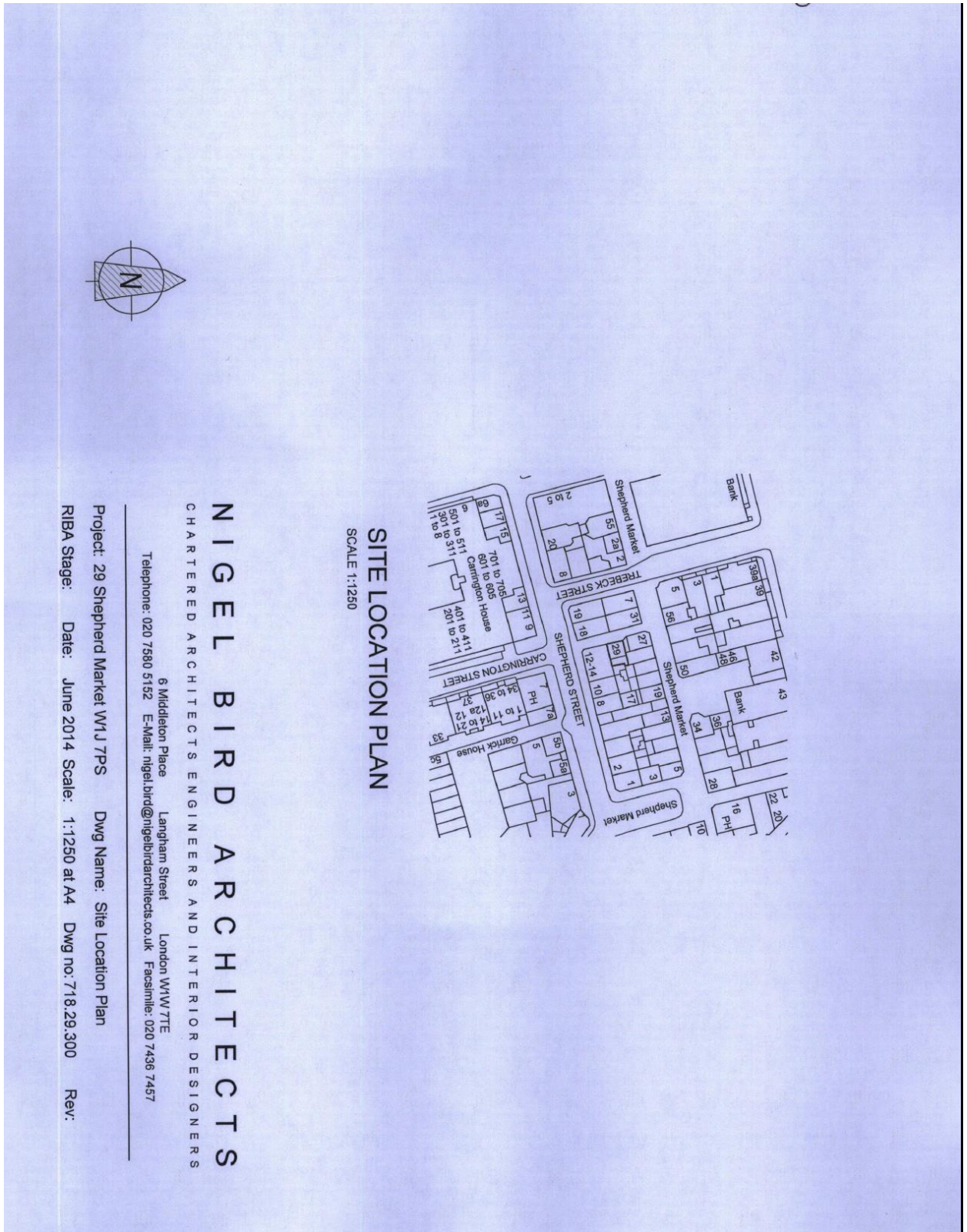
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions

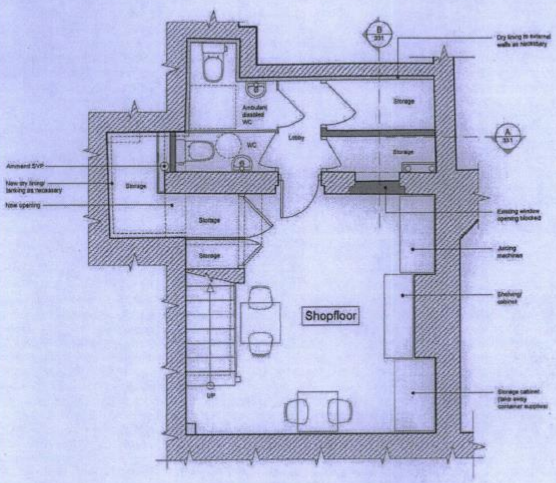
<b>Report author:</b>	Miss Yolanda Wade Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

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

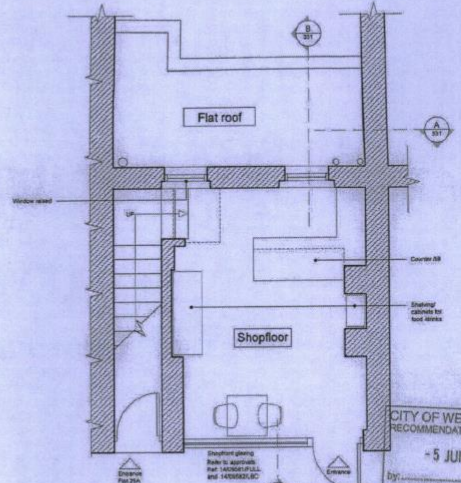
#### **Background Documents – Local Government (Access to Information) Act 1972**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application Form	7 <sup>th</sup> March 2017
<b>5</b>	The Metropolitan Police Representation (withdrawn)	9 <sup>th</sup> March 2017
<b>6</b>	The Environmental Health Service	10 <sup>th</sup> March 2017
<b>7</b>	Orbiton Estates representing residents at Carrington House Representation	3 <sup>rd</sup> April 2017
<b>9</b>	Mr Paul Deavin Representation	9 <sup>th</sup> April 2017





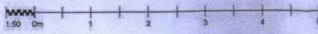
PROPOSED LOWER GROUND FLOOR PLAN  
SCALE 1:50



PROPOSED GROUND FLOOR PLAN  
SCALE 1:50

1. Do not scale from the drawings
2. Dimensions in metric (mm) unless otherwise stated
3. All work to be carried out in accordance with the current building regulations and British standards
4. All levels to be checked on site prior to commencement of works
5. Any work carried out that is not in accordance with the contract drawings shall be the responsibility of the persons carrying out the work
6. It should be noted that this is a planning drawing only and is therefore limited in its capacity to convey the total information, details & specifications necessary to complete the works
7. PDF format drawings should be printed off on Adobe Reader with the 'scale page' option set to 'None' to allow a 100% scale print

W	1500/15	WIP	Internal layout amended
G	1500/19	WIP	External layout added
F	1500/19	WIP	Tanks and drains added on roof terrace
E	1500/19	WIP	Substructure amended
D	22/12/14	WIP	LGF layout, GF roof terrace with access door and primary screen added
C	1500/14	WIP	Minor amendments
B	20/05/14	WIP	Minor amendments
A	14/07/14	WIP	Alley width indicated
app	04/14	BY	DISCUSSION



CITY OF WESTMINSTER  
RECOMMENDATION APPROVED  
5 JUN 2015  
By: [Signature]

CASE COPY  
TP:  
RN:  
ADDRESS:

**NIGEL BIRD ARCHITECTS**  
CHARTERED ARCHITECTS ENGINEERS AND INTERIOR DESIGNERS  
6 Middleton Place Langham Street London W1W 7TE  
Telephone: 020 7580 5152 E-Mail: nigel.bird@nigelbirdarchitects.co.uk Facsimile: 020 7438 7487

Project: 29 Shepherd Market, W1J 7PS Dwg Name: Proposed Floor Plans  
RIBA Stage: Date: May 2014 Scale: 1:50 at A3 Dwg no: 716.29.310 Rev: H



None submitted

There is no licence or appeal history for the premises.

**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 proposed by Applicant

9. All standard conditions will be applied to the business to mirror those conditions granted to 27 Shepherd Market

### Conditions for 27 Shepherd Market that is proposed to be mirrored

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 or passport.

The maximum number of persons accommodated at the premises any one time shall not exceed (excluding staff) 30 persons.

The supply of alcohol on the premises shall only be by waiter or waitress service.

Substantial food and non-intoxicating beverages shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

No striptease, no nudity and all persons to be decently attired at all times.

No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

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.

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

No rubbish including bottles will be moved, removed or placed in outside areas between 2300 hours and 0800 hours.

No deliveries shall be made to the premises between the hours 2000 hours and 0800 hours.

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

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

The premises shall only operate as a restaurant:

- (i) in which customers are shown to their table,
- (ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
- (iii) which do not provide any take away service of food or drink for immediate consumption, and
- (iv) where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals.

There shall be no sales of alcohol for consumption off the premises, save for any area immediately outside the premises licensed by the Council for tables and chairs.

There shall be no sales of alcohol for consumption off the premises after 23:00 hours.

There shall be no sales of hot food or hot drink for consumption off the premises after 23.30 hours.

### **Conditions proposed by Environmental Health**

10. MC19: All outside tables and chairs shall be rendered unusable by (23.00) each day.
11. MC20: All tables and chairs shall be removed from the outside area by (23.00) each day.
12. MC23: 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.
13. MC37: The number of persons permitted in the premises at any one time (including staff) shall not exceed (X) persons. (TO BE SPECIFIED ON COMPLETION OF WORKS)
14. MC70A: The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway and bona fide taking a substantial table meal there, and where the consumption of alcohol by such persons is ancillary to taking such a meal, and where the supply of alcohol is by waiter or waitress service only.
15. 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.

### **Conditions proposed by the Police and agreed by Applicant so as to form part of the Operating Schedule**

16. 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.
17. 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.
18. 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.
19. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons



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

20 The premises shall only operate as a restaurant

- (i) in which customers are shown to their table,
- (ii) where the supply of alcohol is by waiter or waitress service only,
- (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
- (iv) which do not provide any take away service of food or drink for immediate consumption,
- (v) which do not provide any take away service of food or drink after 23.00, and
- (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

This page is intentionally left blank