



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (2)** Committee held on **Thursday 29th June, 2017**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Tim Mitchell (Chairman), Louise Hyams and Aziz Toki

1 MEMBERSHIP

There were no changes to the Membership.

2 DECLARATIONS OF INTEREST

Councillors Tim Mitchell and Louise Hyams declared in respect of 57 Broadwick Street, W1 that they know Shaftesbury representatives, including directors in their capacity as councillors for St James's Ward. They had not discussed the application with any staff of Shaftesbury.

1 CAFE DYLAN DOG, 7 CRAVEN ROAD, W2

LICENSING SUB-COMMITTEE No. 2

Thursday 29th June 2017

Membership: Councillor Tim Mitchell (Chairman), Councillor Louise Hyams and Councillor Aziz Toki

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Jonathan Deacon

Presenting Officer: Heidi Lawrance

**Cafe Dylan Dog, 7 Craven Road, W2
17/03551/LIPN**

The application was adjourned to a later hearing at the request of the Applicant.

2 PADDINGTON BARGES OPPOSITE HAMMERSMITH AND CITY LINE ENTRANCE TO PADDINGTON STATION, ADJACENT TO BISHOP'S BRIDGE ROAD, PADDINGTON CENTRAL

LICENSING SUB-COMMITTEE No. 2

Thursday 29th June 2017

Membership: Councillor Tim Mitchell (Chairman), Councillor Louise Hyams and Councillor Aziz Toki

Legal Adviser: Barry Panto
 Policy Adviser: Chris Wroe
 Committee Officer: Jonathan Deacon
 Presenting Officer: Heidi Lawrance

Relevant Representations: Environmental Health, Licensing Authority and 2 Amenity Societies

Present: Mr Alun Thomas (Solicitor, Representing the Applicant), Ms Prue Freeman (Owner, Applicant Company), Mr Dave Nevitt (Environmental Health), Mr Steve Rowe (Licensing Authority) and Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing South East Bayswater Residents' Association ('SEBRA') and Paddington Waterways and Maida Vale Society ('PWMVS')).

Paddington Barges Opposite Hammersmith And City Line Entrance to Paddington Station, Adjacent to Bishop's Bridge Road, Paddington Central, W2 17/04082/LIPN	
1.	Late Night Refreshment (Indoors)
	Monday to Saturday: 23:00 to 23:30
	Amendments to application advised at hearing: Mr Thomas informed the Sub-Committee that late night refreshment had been withdrawn following discussions with the objectors to the application.
	Decision (including reasons if different from those set out in report): Licensable activities were sought on two barges which would be permanently moored next to each other on the Grand Union Canal. The Sub-Committee was informed prior to hearing the case that there had been significant discussions between Mr Thomas, the Applicant's Representative, Mr Brown, representing SEBRA and PWMVS, Mr Zamit of SEBRA and Ms Virgo of the PWMVS. A number of proposed conditions had been agreed.

Mr Thomas advised that Ms Freeman owns three other premises in London with two being in the borough. Ms Freeman stated that her Daisy Green concept was an Australian one involving healthy lifestyle including coffee, brunch and healthy lunches. Her premises in the Nova development in Victoria also involved early evening, dinner and associated drinks options. The Paddington Barges application included a restaurant boat and a café boat. The café boat with bar would have a business centre with exhibition tables and interactive devices such as ipads.

Mr Thomas said that the concerns of the objectors were whether the premises were a restaurant, a bar or something in between. He wished to clarify in response to Mr Zamit's concerns that his client did not want the barges to become a vertical drinking establishment. He also made the point that the premises were not located in one of the Council's designated cumulative impact areas.

Ms Freeman provided the information that there would be a staircase fixed between the café boat and the restaurant boat and if one reached the top deck it was possible to cross the gangplank between the two boats. The top decks of the barges, which were open to the elements, would only be used in the summer months.

Mr Thomas stated that the Applicant had agreed with the objectors that the terminal hour for on and off sales of alcohol had been reduced to 23:00 Monday to Saturday and 22:30 on Sunday. Mr Thomas informed the Sub-Committee that late night refreshment had been withdrawn following discussions with the objectors to the application. He was seeking that the hours the premises are open to the public took into account an additional 30 minutes' drinking up time after the sale of alcohol ceased. The proposed closing times were therefore 23:30 Monday to Saturday and 23:00 on Sundays.

Mr Thomas referred to the updated proposed conditions agreed with the objectors. These included that the licensable activities would be ancillary to the main function of the premises as a Daisy Green café. The aim was to prevent it being taken over by a drink led franchise. A revised version of the Council's Model Condition 38 had been proposed with alcohol on the lower deck of the restaurant boat only being supplied to a seated customer having a table meal. The total capacity for the two barges would be 60 excluding staff. It was clarified to the Sub-Committee that the tables and chairs which would be removed or rendered unusable by 21:00 hours Sunday to Wednesday and 22:30 hours Thursday to Saturday were on the top deck of the barges.

The Sub-Committee was addressed by Mr Brown. Mr Brown explained that the Amenity Societies' representations had originally been submitted because it was felt there had been insufficient detail in the application. Mr Brown commented that it was the understanding of the objectors following discussions with Mr Thomas prior to the hearing that the closing time would be the same as the terminal hours for on and off sales of alcohol and there would be no drinking up time. Mr Zamit had been very firm on this point and it was the view of the objectors that the Applicant had agreed this. Ms Virgo had left the meeting as her concerns had been addressed including in relation to the closing times.

Mr Brown welcomed the maximum capacity of 60 excluding staff. He was however on behalf of Mr Zamit requesting a capacity for the top deck tables and chairs. He appreciated that this was dependent on circumstances but asked that there was a roughly even split across the two barges (this would not need to take the form of a condition). Mr Brown also sought an indication from the Applicant that the café boat would be a food led premises. He accepted that the Daisy Green model elsewhere is food led. Mr Brown requested that deliveries took place from 08:00 to 20:00. He added that rubbish collections until 23:00 were acceptable to the Amenity Societies as they understood the Applicant's concerns that rats could be attracted if the rubbish was not collected at a later hour.

The Sub-Committee heard from Mr Nevitt on behalf of Environmental Health. He confirmed that the application was largely within Core Hours and had a capacity of 60 excluding staff, food was ancillary to alcohol in the restaurant boat and elsewhere there was a bar type element. There would also be a seasonal opportunity for the Applicant to use the top deck. He was now reasonably content with the application. The works conditions would enable Environmental Health to carry out inspections, particularly in terms of ensuring public safety, when the boats were fully fitted out. Mr Nevitt, in response to a question from the Sub-Committee, advised that the capacity was in keeping with the three toilets provided across the two boats and also what was appropriate in terms of the escape routes. It was the preference of Mr Nevitt that there was a similar number across the two boats.

Mr Rowe stated that the Licensing Authority had originally made a representation because of lack of detail in the application. There had now been helpful discussions between the parties. It was for the Sub-Committee to decide the permitted hours.

Mr Thomas was given the opportunity to respond to the comments of the other parties. He referred to the plans showing approximately 15 to 18 covers on the top deck and stated that this would be indicative of the numbers that would be located there. He confirmed that it was the intention that the site would be food led. In terms of deliveries, the Applicant did wish to have a later terminal hour than 20:00. It was believed that no condition had been sought regarding deliveries in earlier discussions. Mr Thomas added that he did not wish to be perceived as disingenuous in relation to the closing hours when an additional 30 minutes drinking up time was sought.

Mr Thomas was keen to emphasise that there would not be 60 people in the café area and on the top deck all consuming alcohol. The intention was to balance out the numbers of people on the two barges. It was his preference to avoid there being a condition that there was an even number of people on the two boats given the practicalities, including enforcement trying to count them. Mr Brown commented that there were limits to enforcement but he was keen on their being indicative numbers for the upper and lower decks on the boats. The Sub-Committee noted that customers would have to be seated when the upper deck was used and were not able to use the tables and chairs after 21:00 Sunday to Wednesday and 22:30 Thursday to Saturday. Mr Nevitt advised that

the top deck could be used for smokers, which was preferable to the towpath being used. It was for the Applicant to manage that customers did not take alcohol up to the top deck after the tables and chairs had been removed or rendered unusable.

It was agreed that the Applicant would submit an amended set of plans to the Licensing Service which would include locations on what was set out on page 26 of the report and identify the top and lower deck and boats 1 (restaurant boat) and 2 (café boat) on what was set out on page 27 of the report. It was noted from the plans at page 27 that the restaurant boat was shown on the right-hand side of the page and the café/exhibition boat was shown on the left-hand side of the page.

The Sub-Committee granted the application, considering that the application was likely to promote the licensing objectives including the measures agreed between the Applicant and the Responsible Authorities and Amenity Societies. There were two additional amendments to conditions that the Sub-Committee took the view were important in order to promote the licensing objectives. One was an addition to a condition so that not only would licensable activities be ancillary to the main function of the premises as a Daisy Green café but that they would be food led. This was agreed by Mr Thomas. The Sub-Committee did not deem it necessary to take a more strict approach requiring the Applicant to ensure alcohol was ancillary to a substantial table meal throughout (and not just on the lower deck of the Restaurant Boat) with the premises being located outside of the cumulative impact areas. A second amendment was that no consumption of alcohol would be allowed on the upper decks after the tables and chairs were removed or rendered unusable by 21:00 Sunday to Wednesday and 22:30 Thursday to Saturday.

The Sub-Committee noted that there had appeared to be a discussion between Mr Thomas and the objectors about the closing time in addition to the amended terminal hour for on and off sales and the Amenity Societies had been of the view that Mr Thomas had agreed their proposed closing time. The Sub-Committee had read the concerns of Mr Zamit about the lateness of the hour and decided that the same terminal hour for on and off sales and the closing time was appropriate.

The Sub-Committee attached conditions that deliveries would be between 08:00 and 20:00 and refuse collections between 08:00 and 23:00.

2. Sale by retail of alcohol (On and Off)

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

Amendments to application advised at hearing:

Mr Thomas stated during the hearing that the Applicant had agreed with the objectors that the terminal hour for on and off sales of alcohol had been reduced

	to 23:00 Monday to Saturday. The terminal hour for Sunday would remain as 22:30.
	Decision (including reasons if different from those set out in report): Granted, subject to conditions as set out below (see reasons for decision in Section 1).
3.	Hours premises are open to the public
	Monday to Thursday: 08:00 to 23:30 Friday to Saturday: 08:00 to 00:00 Sunday: 08:00 to 22:30
	Amendments to application advised at hearing: Mr Thomas stated that the Applicant was seeking that the hours the premises are open to the public took into account an additional 30 minutes' drinking up time after the sale of alcohol ceased. The proposed closing times were therefore 23:30 Monday to Saturday and 23:00 on Sundays.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted 08:00 to 23:00 Monday to Saturday and 08:00 to 22:30 on Sundays (see reasons for decision in Section 1).
4.	Seasonal variations / non-standard timings
	<u>Late Night Refreshment (Indoors)</u> On Sundays prior to Bank Holidays 23:00 to 23:30 <u>Sale by retail of alcohol (On and Off)</u> On Sundays prior to Bank Holidays 12:00 to 00:00 <u>Hours premises are open to the public</u> On Sundays prior to Bank Holidays 08:00 to 00:00
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report):

Granted, subject to conditions as set out below.

Conditions attached to the Licence

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

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

6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

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

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the

premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Additional Conditions

9. 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.
10. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a Daisy Green café, and be food led.
11. There shall be no self-service of alcohol on the premises.
12. All sales of alcohol for consumption off the premises shall be in sealed containers only.
13. The supply of alcohol at the external seating area on the upper deck of the premises shall be by waiter or waitress service to a person seated.
14. 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.
15. 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.
16. All tables and chairs on the upper decks shall be removed or rendered unusable by 21.00 hours Sunday to Wednesday and 22:30 hours Thursday to Saturday and no consumption of alcohol shall be permitted on the upper deck after these hours.
17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

18. The number of persons permitted in the premises at any one time (including staff) shall not exceed 60 persons.
19. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
21. 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.
22. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 on the following day.
23. 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.
24. 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.
25. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
26. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. 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.
27. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises are constructed or altered in

accordance with the appropriate provisions of the District Surveyor's Association- Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority.

28. On the lower deck of the restaurant boat marked 'boat 1' on the plan, the supply of alcohol shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
29. Licensable activities shall only take place on the premises whilst the barges are permanently moored at the location indicated on the licensed plans.
30. No deliveries to the premises shall take place between 20.00 and 08.00 on the following day.

3 SIMPLE HEALTH KITCHEN, 48 BAKER STREET, W1

LICENSING SUB-COMMITTEE No. 2

Thursday 29th June 2017

Membership: Councillor Tim Mitchell (Chairman), Councillor Louise Hyams and Councillor Aziz Toki

Legal Adviser: Barry Panto
Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon
Presenting Officer: Heidi Lawrance

**Simple Health Kitchen, 48 Baker Street, W1
17/05008/LIPN**

The application was granted under delegated powers as all representations objecting to the application had been withdrawn.

4 57 BROADWICK STREET, W1

LICENSING SUB-COMMITTEE No. 2

Thursday 29th June 2017

Membership: Councillor Tim Mitchell (Chairman), Councillor Louise Hyams and Councillor Aziz Toki

Legal Adviser: Barry Panto
Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon
Presenting Officer: Heidi Lawrance

Relevant Representations: Licensing Authority and 1 local resident

Present: Mr Alun Thomas (Solicitor, Representing the Applicant), Mr Rob Kirk (Portfolio Executive) and Mr Steve Rowe (Licensing Authority).

Declaration: Councillors Tim Mitchell and Louise Hyams declared that they know Shaftesbury representatives, including directors in their capacity as councillors for St James's Ward. They had not discussed the application with any staff of Shaftesbury.

57 Broadwick Street, W1 17/05023/LIPN	
1.	Late Night Refreshment (Indoors)
	Monday to Saturday: 23:00 to 00:30 Sunday: 23:00 to 00:00
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee heard from Mr Thomas, representing the Applicant. He confirmed that Shaftesbury was applying as the landlord (it owned 300 restaurants) prior to announcing the tenant who would be operating the premises. The tenant was likely to be known in the next two months. Mr Thomas advised that Shaftesbury had strict lease terms and took a hard line on operators who breached them. Mr Kirk provided the additional information that the premises had previously been Jaeger House. It was now being redeveloped as retail, offices, flats and the ground floor restaurant which was now being applied for. The commercial element of the redevelopment, the retail and restaurant, was due to be completed in the next couple of months. Shaftesbury saw this location as a great link between Carnaby and Soho. There would be 24/7 security based in Kingly Court. There were 50 CCTV cameras which would cover Carnaby and extend to this location as part of the redevelopment. He added that Shaftesbury took a healthy interest in how all of its premises were being operated. The tenants needed to work in harmony with any residents and office occupiers in and around the premises. Mr Thomas expressed the view that the application set the tone for the tenant. Whilst the future tenant operator would be able to apply for a change of layout, they would not be able to make significant changes to the conditions on the licence. He informed the Sub-Committee that he had met with Mrs Liz

Callingham who spoke on behalf of local residents, her concerns had been addressed and she had not made a representation. Mr Kirk commented that he had met Dr Gill who is a committee member for the residents association at Stirling Court and he was maintaining his representation.

Mr Thomas referred to the fact that the proposed conditions included that the maximum capacity at the premises would be 150 excluding staff (there was no outside seating). Whilst he recognised that the proposed hours went beyond the Council's Core Hours policy in the West End Cumulative Impact Area, he made the point that there was a lower risk of crime in relation to restaurants. The Applicant had agreed the Council's full restaurant condition, MC66. He made the case that Shaftesbury's operation, including safety arrangements, meant that the application did not add to cumulative impact. He also drew Members' attention to the fact that Environmental Health and the Police had withdrawn their representations.

The Sub-Committee heard from Mr Rowe on behalf of the Licensing Authority. He maintained his representation due to up to 150 people dispersing into the West End Cumulative Impact Area beyond Core Hours. Mr Thomas wished to emphasise that the application was not contrary to policy and that the Applicant was not required to provide exceptional circumstances as to why the application should be granted. The Applicant was required to demonstrate why the application for a restaurant would not add to cumulative impact. In response to a question from the Sub-Committee, Mr Rowe confirmed that he would have withdrawn his representation had the application been in keeping with the Council's Core Hours policy.

Mr Kirk advised that there would be no deliveries of food or drink from the premises by external delivery companies. Mr Thomas brought to Members' attention that the actual address of the premises is 55 and 57 Broadwick Street.

The Sub-Committee, in reaching a decision, noted that the Council's policy is that applications for restaurants in the West End Cumulative Impact Area are to be considered on their merits. Applications for restaurants beyond the Council's Core Hours policy are not contrary to policy. However, there was a stricter approach in the Council's policy to restaurants in the cumulative impact areas, including it being for the Sub-Committee to determine whether the applications added to cumulative impact. The Sub-Committee noted that in respect of the 57 Broadwick Street application, no operator had as yet been identified for the premises. It was not possible currently to assess the exact nature of the operation and the Sub-Committee was therefore not able to be satisfied that the application would not add to cumulative impact, especially for hours beyond the core hours. The Sub-Committee granted Core Hours for licensable activities (the commencement hours were the same as applied for in respect of late night refreshment and on sales and the terminal hour for Core Hours is 23:30 Monday to Thursday, midnight Friday and Saturday and 22:30 on Sunday). The times granted in terms of the commencement hours the premises were open to the public were 08:00 Monday to Saturday and 10:00 on Sunday. The Sub-Committee considered that there was the option for the Applicant to again seek the hours applied for when an operator was identified.

2.	Sale by retail of alcohol (On)
	Monday to Saturday: 10:00 to 00:00 Sunday: 12:00 to 23:30
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted Core Hours (Monday to Thursday 10:00 to 23:30, Friday and Saturday 10:00 to midnight and Sunday 12:00 to 22:30), subject to conditions as set out below (see reasons for decision in Section 1).
3.	Hours premises are open to the public
	Monday to Saturday: 07:30 to 00:30 Sunday: 07:00 to 00:00
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted Monday to Thursday 08:00 to 23:30, Friday and Saturday 08:00 to midnight and Sunday 10:00 to 23:30, subject to conditions as set out below.
4.	Seasonal variations / non-standard timings
	<p><u>Late Night Refreshment (Indoors)</u></p> <p>These hours to be extended until 00:30 on Sundays preceding Bank Holiday Mondays.</p> <p><u>Sale by retail of alcohol (On)</u></p> <p>These hours to be extended until 00:00 on Sundays preceding Bank Holiday Mondays.</p> <p><u>Hours premises are open to the public</u></p> <p>These hours to be extended until 00:30 on Sundays preceding Bank Holiday Mondays.</p>

	<p><u>Late Night Refreshment (Indoors), Sale by retail of alcohol (On) & Hours premises are open to the public</u></p> <p>The hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below.</p>

Conditions attached to the Licence	
<u>Mandatory Conditions</u>	
<ol style="list-style-type: none"> 1. 2. 3. 4. 	<p>No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.</p> <p>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.</p> <p>Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.</p> <p>(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.</p> <p>(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;</p> <p>(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</p>

- (ii) supply alcohol), or
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.

Additional Conditions

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry 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.
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. 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.
12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
13. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

14. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (07.00) hours on the following day.
15. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (07.00) on the following day.
16. 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.
17. 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.
18. 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.
19. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
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.
21. No licensable activities shall take place at the premises until the works have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

22. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
23. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 150 persons.

5 LONDON PRIDE 2017, RIPPON NEWS, 88 DEAN STREET, W1

LICENSING SUB-COMMITTEE No. 2

Thursday 29th June 2017

Membership: Councillor Tim Mitchell (Chairman), Councillor Louise Hyams and Councillor Aziz Toki

Legal Adviser: Barry Panto
Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon
Presenting Officer: Heidi Lawrance

**London Pride 2017, Rippon News, 88 Dean Street, W1
17/05008/LIPN**

The Temporary Event Notice was withdrawn by the Premises User.