



City of Westminster

Committee Agenda

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

Meeting Date: **Thursday 23rd November, 2017**

Time: **10.00 am**

Venue: **Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR**

Members: **Councillors:**

Jean Paul Floru (Chairman)
Julia Alexander
Jan Prendergast

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

Admission to the public gallery is via a visitor's pass which is available from the main ground floor reception at 5 Strand from 9.30am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



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

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

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTEREST

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

Licensing Applications for Determination

1. FIORUCCI, 39-43 BREWER STREET, W1

(Pages 1 - 20)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	West End Ward / West End Cumulative Impact Area	Fiorucci, 39-43 Brewer Street, W1	New Premises Licence	17/09357/LIPN

Charlie Parker
Chief Executive
16 November 2017

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

POLICY CONSIDERATIONS

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

GUIDANCE CONSIDERATIONS

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

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

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

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

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

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

Monday to Saturday: 08:00 to 23:00

Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight

Sundays immediately prior to Bank Holidays: 09.00 to midnight

Other Sundays: 09.00 to 22.30

Monday to Thursday: 09.00 to 23.30.

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Item No:	
Date:	23 November 2017
Licensing Ref No:	17/09357/LIPN - New Premises Licence
Title of Report:	Fiorucci 39-43 Brewer Street London W1F 9UD
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 Daisy Gadd Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email: dgadd@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	22 August 2017		
Applicant:	Fiorucci Holdings Limited		
Premises:	Fiorucci		
Premises address:	39-43 Brewer Street London W1F 9UD	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	The premises intends to operate as a retail shop, with an area for customer refreshments on the first floor.		
Premises licence history:	This is a new premises licence and therefore no history exists.		
Applicant submissions:	None		
Plans:	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	20:00	20:00	20:00	20:00	20:00	20:00	20:00
Seasonal variations/ Non-standard timings:		None					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	20:00	20:00	20:00	20:00	20:00	20:00	20:00
Seasonal variations/ Non-standard timings:		None					
Adult Entertainment:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Licensing Authority
Representative:	Mr David Sycamore
Received:	19 September 2017

I write in relation to the application submitted for a new Premises Licence,

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

The premises is located within the West End Cumulative Impact and as such a number of policy points must be considered.

The plan shows that the first floor of the premises is where the proposed licenced area will be. We accept that the policy at 2.4.21 is clear that premises are unlikely to add to cumulative impact if they do not sell alcohol after 20:00hrs, appropriately conditioned and alcohol is not the main offering of the premises. However, at 2.4.22, the policy demonstrates appropriate conditions and we feel this application needs to clarify several points before we can consider withdrawing our objection.

If the first floor is to operate primarily as a drinking area then we would be concerned that this is will add to cumulative impact. Please could I ask for a brief outline as to how the licensed part of the premises will operate in relation to the premises as whole.

Please accept this as a formal objection, however, I hope to be able to withdraw my objection once the above is clarified.

2-B Other Persons

Received: 18 September 2017

I am a local resident and my daughter attends the school opposite this newly refurbished shop. When the builders left on Sunday I was surprised to see a bar area in the corner of this clothes shop.

Today there was a 'bouncer' on the door leading to the basement, making it look like the entrance to a club. I have walked past this building site everyday for the last two months and have not seen any sign giving notice of an application for a premises licence.

So, I went home and checked online and see that there's a licence application open for consultation - but my neighbours and I only have until tomorrow! As the licence will apply to the basement, ground and first floors of this shop and covers on and off-site sales I would like to put in a representation.

A second representation has been received from this resident on 19th September 2017

OBJECTION to this application (Specific Comments):

- 1) Over the last month we have not seen any application notices displayed on or near the shop as the applicant is required to do, therefore we were not aware of the new premises licence application until the hoardings were removed and a bar/seating area seen on the ground floor raising questions.
- 2) The online documents do not give clear details where the bar area is going to be. There is a large basement area, as well as a ground and first floor, are customers going to be drinking in all areas? More clarity on this would be appreciated.
- 3) This premises holds an A1 licence. It is a retail clothes shop. However, the sale of alcohol should come under A3 (restaurant/café) or A4 (drinking establishment) licence. Why has the applicant not applied for a change of use from A1 to A4? Westminster Council has previously stated that it is against the loss of A1 premises. However, in Soho, this is not in evidence. In the 24 years that I have lived in Soho, hundreds of shops (A1) have become restaurants and bars, turning a mixed retail landscape into a homogenous series of places to buy alcohol / coffee / food / entertainment. Soho does not NEED another premises selling alcohol. There are hundreds and hundreds of licenced A3/A4 premises in this square mile – therefore no clear need or reason for Westminster Council to permit a clothes shop to sell alcohol.
- 4) If this proposal is a hybrid mix of A1/A4 – i.e. clothes AND alcohol, please note that it cannot really be considered “**sui generis**”. According to the Government Planning Portal: “**Certain uses do not fall within any use class and are considered 'sui generis'. Such uses include: betting offices/shops, pay day loan shops, theatres, larger houses in multiple occupation, hostels providing no significant element of care, scrap yards. Petrol filling stations and shops selling and/or displaying motor vehicles. Retail warehouse clubs, nightclubs, laundrettes, taxi businesses, amusement centres and casinos**”. This clothes shop is clearly a clothes shop and therefore A1 and should not be selling alcohol.
- 5) Granting this licence will potentially open the floodgates to any other clothes

shop/flower shop/hairdressers/dry cleaners in the West End wanting to sell booze to its customers.

- 6) On and Off premises sales. Why would a clothes shop need/want to sell alcohol for people to consume elsewhere? This is not an off-licence; it's a clothes shop.
- 7) "Ancillary" – The sale of alcohol is apparently going to be a side operation with the primary operation being clothes sales. In Brewer Street in the last few years Westminster Council has permitted two other shops to sell alcohol as an 'ancillary' & 'sui generis' – however, over time, these have actually amounted to a change of use to A3/A4 in everything but name. The bicycle shop Rapha started off with a few seats and then over the years made several applications to increase the capacity of the drinking area, including for 'vertical drinking'. The other is Lights of Soho which started out as a shop selling neon lights with a small 'ancillary' bar and ended up being a members drinking club with a basement capacity of 100 selling cocktails at £16 with a closing time of midnight 6 nights a week. I have been there on several occasions and had a great time but that business overwhelmingly made more money out of selling booze than it has out of selling neon lights! Isn't it possible that the same transition happens with Fiorucci? If the basement has a separate entrance onto Great Windmill Street, it could quite easily, over time, transform into the sort of downstairs members drinking bar that Lights of Soho has become.

OBJECTION to this application (Representations under the four licensing objectives):

a) The prevention of crime and disorder:

Alcohol is usually a factor in much of the disorder and crime in central London. To prevent crime and disorder, it makes sense to reduce the concentration and number of premises selling alcohol in one area (e.g. in Soho). Soho is a 'stress' area. Shouldn't WCC be decreasing the number of places selling alcohol, not increasing them?

b) Public safety:

Where alcohol is sold, there are more likely going to be groups of people congregating in doorways and on the narrow pavements (smoking), forcing pedestrians and parents pushing buggies, holding children's hands to go into the road and into the path of oncoming traffic. This happens all over Soho.

c) The prevention of public nuisance:

Noise and rubbish are always increased when premises have an alcohol licence. Even when bars have signs saying 'Be respectful of the neighbours and leave the premises quietly', these are never adhered to. When you have had a few drinks you are always more animated and talk more loudly with your friends! With rubbish, particularly the collection of beer and wine bottles, Soho is incredibly noisy. The licensed premises might put its rubbish out before 11pm, but the companies collecting the rubbish don't appear till 3 or 4 am and then we are woken with the sound of glass hitting the insides of these trucks. Or businesses often flout their rubbish disposal hours, e.g. Bills, on the corner opposite Fiorucci often puts their rubbish out at 2-3am and this wakes our children and us up. We complain to the manager/council. It improves for a week or two and then they are back to 3am rubbish dumping!

d) The protection of children from harm:

There are two entrances to these premises, the main one on the corner of Great Windmill Street and another one further down Great Windmill Street. This is directly opposite the main entrance to Soho Parish Primary School where my child attends. Over the last year there has been a police presence at drop off and pick up times to shield children from the increase of drug users in and around Great Windmill and Archer Street. Simply put, this school is already in a stress area (it's a Victorian school so it predates the bars and clubs that surround it!). The kids just don't need more premises selling alcohol next to their school.

Received: 19 September 2017

This representation follows on from the representation made by resident 1 on 18th September 2017:

Like my neighbour, I was unaware of this application. We live very close to the building, in Soho Housing Association premises which owns 36-40 Great Pulteney Street, and John Broadwood House in Beak Street. I would also like to make representation but I have commitments all day tomorrow, which I understand is the last day for responses. This is a very worrying new development and support Isabel Anderton's request for an extension to the deadline.

Received: 19 September 2017

This representation follows on from the representations made by resident 1 on 18th September, and resident 2 on 19th September 2017:

Also happy to support although seems like a 'fait accompli'.

Received: 19 September 2017

I/we as residents of nearby Great Pulteney St (36B) object to the application below on the following grounds:

Prevention of public nuisance – overcrowding of pavements/narrow pavements/dangerous corner etc.

I have already been knocked over by a pedestrian on this narrow dangerous corner and required hospitalization.

Prevention of crime and disorder - the consumption of alcohol increases the level of crime. Potential increase in drug taking and anti-social behavior, already a major problem in this area, already recognized as a stress area

Effect on children – there is legitimate concern by we residents that this is so close to a primary school.

The Council has a Duty of Care to its residents as well as satisfying commercial requests.

I/We therefore ask the Licensing Sub-Committee to reject this application.

Received: 19 September 2017

Prevention of public nuisance - overcrowding of pavements/narrow pavements/dangerous corner
Prevention of crime and disorder - the consumption of alcohol increases the level of crime.

Potential increase in drug taking and anti-social behavior, already a major problem in this area, already recognized as a stress area.

Effect on children - concern that this is so close to a primary school.

I therefore ask the Licensing Sub-Committee to reject this application.

Received: 19 September 2017

My husband and I live very close to the Fiorrucci building, in Soho Housing Association premises at the Brewer Street end of Great Pulteney Street. We would like to object to this application on the following grounds:

Prevention of public nuisance - causing potentially dangerous overcrowding of the narrow pavements on what is already a dangerous corner (with Great Windmill Street)

Prevention of crime and disorder - the consumption of alcohol increases the level of crime. Potential increase in drug taking and anti-social behavior, already a major problem in this area, already recognized as a stress area.

Effect on children - we are concerned that this is so close to a primary school.

We therefore ask the Licensing Sub-Committee to reject this application.

Received: 19 September 2017

I object to the granting of another premises licence in the local area. This is a clothes shop. It does not need to sell alcohol. It should be selling clothes. I am a resident of soho for 52 years. We have too many places selling alcohol. There is over-saturation of alcohol sales in our small neighbourhood. People are congregating on all the local pavements smoking and talking loudly. This public nuisance and anti-social behaviour is increased when alcohol is for sale. Also the rubbish and urinating increases in our streets when alcohol is for sale. We do not need it.

Received: 19 September 2017

Prevention of public nuisance - overcrowding of pavements/narrow pavements/dangerous corner.

Prevention of crime and disorder - the consumption of alcohol increases the level of crime. Potential increase in drug taking and anti-social behavior, already a major problem in this area, already recognized as a stress area.

Effect on children - concern that this is so close to a primary school.

I therefore ask the Licensing Sub-Committee to reject this application.

Received: 19 September 2017

Some parents of children at our school have expressed concerns that this venue will be able to sell alcohol as a private members club. They believe this will lead to the whole

venue being used as an event space and lead to rowdy social occasions during the school day. I would appreciate reassurance that this venue is a retail venue only and will not be selling alcohol during the school day.

Received: 19 September 2017

I live on the 37 A Great Pulteney Str and I strongly oppose the licence of Alcohol in a cloth shop and I'd like to make an official opposition for the alcohol license for the Fiorrucci retail shop.

Received: 17 October 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 as follows:

Fiorucci is an Italian fashion label, opening its London flagship store on Brewer Street. The

store will contain a small area for customer refreshment on the first floor. The application is for the ancillary use of part of the store in accordance that retail use and paragraph 2.4 of the Statement of Licensing Policy (sic)

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). This application seeks to allow alcohol consumption in a previously unlicensed premises for seven days per week between the hours of 10.00-20.00 Mon-Sat and 12.00-20.00 on Sundays. The immediate area surrounding Fiorucci is packed with licensed premises (four public houses merely yards away, plus cafes and restaurants) where alcohol can easily be obtained so it is hard to understand why this

premises wishes to add to the already saturated environment by opening yet another bar.

We believe that the application, if granted in its present form, would merely add to cumulative impact in the West End Cumulative Impact Area, as well as set an unwelcome precedent for shops wishing to sell alcohol to customers. I respectfully urge the Licensing Sub-Committee to reject this application.

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

4. Appendices

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

Report author:	Miss Daisy Gadd Senior Licensing Officer
Contact:	Telephone: 020 7641 2737 Email: dgadd@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2017
4	Representation Licensing Authority	19 September 2017
5	Representation resident	18 and 19 September 2017
6	Representation resident	19 September 2017
7	Representation resident	19 September 2017
8	Representation resident	19 September 2017
9	Representation resident	19 September 2017
10	Representation resident	19 September 2017
11	Representation resident	19 September 2017
12	Representation resident	19 September 2017
13	Representation resident	19 September 2017
14	Representation resident	19 September 2017
15	Representation The Soho Society	17 October 2017

None

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.

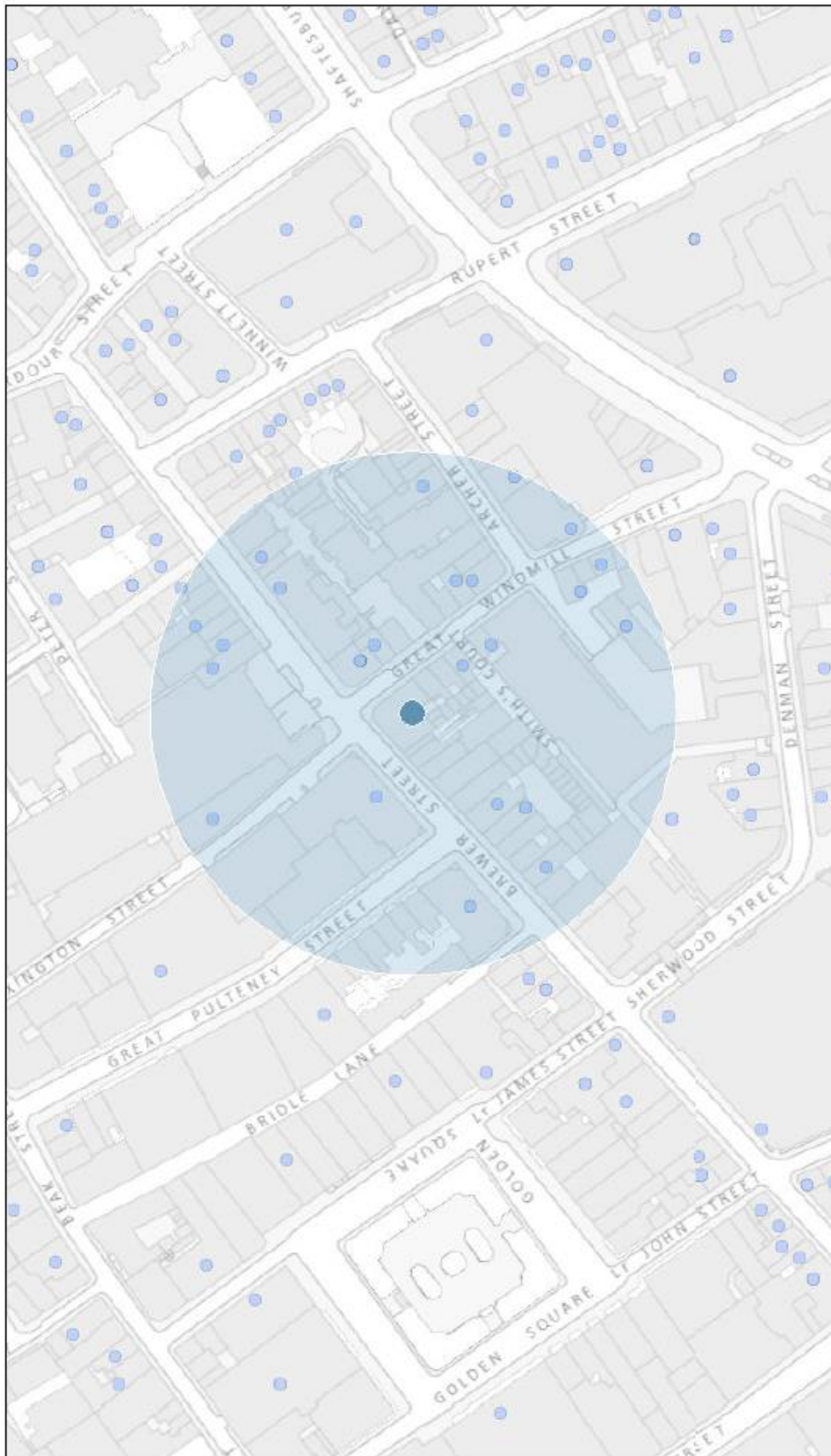
Conditions consistent with the operating schedule

9. No 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.
10. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
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. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises 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.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
15. The number of persons permitted within the licensed areas at any one time (excluding staff) shall be agreed with the Environmental Health Consultation Team.

16. The sale of alcohol on the premises shall at all times be ancillary to the main use of the premises as the Fiorucci Holdings Limited retail shop.
17. The supply of alcohol on the premises shall be by waiter or waitress service only to persons seated at tables or seated at the servery.
18. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold for consumption on the premises.
19. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
20. 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.
21. 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.
22. No deliveries to the premises relating to the licensed activities shall take place between 23.00 and 07.00 on the following day.
23. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
24. There shall be no draught beer available on the premises.
25. 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.
26. There will be no sale of alcohol until the works have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
27. The licensed area shall at all times remain under the management of Fiorucci Holdings Limited and the licence is limited to their personal use only.
28. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

29. There shall be no advertising of bar facilities at or in the vicinity of the premises.

Fiorucci



Resident count = 190

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