



City of Westminster

Committee Agenda

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

Meeting Date: **Monday 9th October, 2017**

Time: **10.00 am**

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

Members: **Councillors:**

Jean Paul Floru (Chairman)
Melvyn Caplan
Karen Scarborough

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. LES DOUCEURS DE LA TENTATION, GROUND FLOOR, 8 FERNHEAD ROAD, W9

(Pages 1 - 18)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	Harrow Road Ward / Not in cumulative impact area	Les Douceurs De La Tentation, Ground Floor, 8 Fernhead Road, W9	New Premises Licence	17/08550/LIPN

2. NAGOMI, 4 BLENHEIM STREET, W1

(Pages 19 - 38)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	West End Ward /	Nagomi, 4 Blenheim	Variation of a Premises	17/08686/LIPV

	Not in cumulative impact area	Street, W1	Licence	
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3. SOPHIE'S STEAKHOUSE, 42-44 GREAT WINDMILL STREET, W1

(Pages 39 - 58)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	West End Ward / West End Cumulative Impact Area	Sophie's Steakhouse, 42-44 Great Windmill Street, W1	Variation of a Premises Licence	17/09500/LIPV

4. LAZEEZ LEBANESE TAPAS, 29 DUKE STREET, W1

(Pages 59 - 74)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
4.	Marylebone High Street Ward / Not in cumulative impact area	Lazeez Lebanese Tapas, 29 Duke Street, W1	Variation of a Premises Licence	17/08985/LIPV

**Charlie Parker
Chief Executive
5 October 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.

Item No:	
Date:	9 October 2017
Licensing Ref No:	17/08550/LIPN - New Premises Licence
Title of Report:	Les Douceurs De La Tentation Ground Floor 8 Fernhead Road London W9 3ET
Report of:	Director of Public Protection and Licensing
Wards involved:	Harrow Road
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:	31 July 2017		
Applicant:	Dimitra Agapidis		
Premises:	Les Douceurs De La Tentation		
Premises address:	Ground Floor 8 Fernhead Road London W9 3ET	Ward:	Harrow Road
		Cumulative Impact Area:	N/A
Premises description:	The premises has traded for 7 years as a Bistro/Restaurant without the benefit of a premises licence.		
Premises licence history:	The premises has used Temporary Event Notices since 2016.		
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							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	
End:	00:00	00:00	00:00	00:00	01:00	01:00	
Seasonal variations/ Non-standard timings:		From end of permitted hours on New Years Eve until start of opening hours on New Years Day					

Sale by retail of alcohol				On or off sales or both:			Both
N.B The applicant has amended the original hours applied for below for the supply of alcohol for consumption on and off the premises to be within the Core Hours Policy							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	11:00
End:	00:00	00:00	00:00	00:00	01:00	01:00	22:30
Seasonal variations/ Non-standard timings:		From end of permitted hours on New Years Eve until start of permitted hours on New Years Day					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	11:00
End:	00:00	00:00	00:00	00:00	01:00	01:00	22:30
Seasonal variations/ Non-standard timings:	From end of permitted hours on New Years Eve until start of permitted hours on New Years Day						
Adult Entertainment:	None						

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service (withdrawn)
Representative:	PC Reaz Guerra
Received:	16 August 2017
<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 hours sought exceed Westminster's Core House Policy and there is insufficient detail contained within the operating schedule to promote the licensing objectives.</p>	
Responsible Authority:	Environmental Health
Representative:	Maxwell Owusu Koduah
Received:	5 September 2017
<p>This representation is based on the operating schedule and an accompanying ground floor plan.</p> <p>The applicant is seeking the following licensable activities:</p> <ol style="list-style-type: none"> 1. Late Night Refreshment "Indoors" & "Outdoors" at the following times <ul style="list-style-type: none"> ▪ Monday to Thursday: 23:00 to 00:00 hours ▪ Friday to Saturday: 23:00 to 01:00 hours ▪ From end of permitted hours on New Year's Eve till start of opening hours on New Year's Day 2. Supply of alcohol for consumption "On" & "Off" the premises at the following times: <ul style="list-style-type: none"> ▪ Monday to Thursday: 11:00 to 00:00 hours ▪ Friday to Saturday: 11:00 to 01:00 hours ▪ Sunday: 11:00 to 22:30 hours ▪ From end of permitted hours on New Year's Eve till start of opening hours on New Year's Day 	

I wish to make the following representation

1. The provision of late night refreshment (LNR) and the hours requested will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area
2. The provision and hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area

The applicant has provided some conditions in support of the application which are being considered but do not fully address the concerns of Environmental Health.

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

The applicant is asked to contact the undersigned to arrange a site visit to assess premises to ensure the premises is satisfactory and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety.

2-B Other Persons

Received:	28 August 2017
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I strongly object due to concerns with:

- Increased noise levels esp at night, and especially with the outdoor seating area.
- The sale of alcohol outside my door will increase levels of antisocial behaviour.
- I am also concerned that alcohol sales in the parade will reverse the considerable efforts in recent year to improve the area. There has historically been a problem with drugs and antisocial behaviour esp late at night so I don't feel the sale of alcohol will be a step in the right direction.

Received:	1 September 2017
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I own as long leaseholder the second floor flat in the building, immediately above the applicant's café. I object on the following grounds:

(1) Potential public disorder, potential crime increase and risk to public safety. The café is situated on a pedestrianised area which is a magnet for public gatherings. The café is very small and it is inevitable customers will drink outside, on the pedestrianised area, especially in the warmer months. My flat is immediately above and the additional noise will be intolerable. Also, there are many people who drink late at night on the pedestrianised area, having purchased alcohol from off licences. Often the police are called to remove them because they are disruptive. The café's application, if permitted, will exacerbate the problem. The applicant is the sole worker at the café and will not be in a position to control drinking or prevent abuse and disorder from excess drinking.

(2) Neighboring premises with alcohol licences close at 11pm and there are plenty of them

already. There is a current concentration of licenced premises in our area that include the Arts

Centre 2 doors away, the Ethiopian Curry House, the Lebanese's restaurant in Harrow Road, The Union and 3 other local public houses: Kendrick's, Angies, the Metropolitan and the Squirrel. When these places close for the night, customers will be drawn to the

café to continue drinking, leading to a disproportionate number of drinkers late at night directly outside my flat which is not sound proof.

Received: 7 September 2017

I strongly object to application as follows with further details in email:

1. Already loud music. Flats not sound proof.
2. Late hours will disturb on regular basis. Affect our work life/sleep
3. Current area already has anti-social behaviour/nuisance/disturbance and will increase/gravitate to our flats
4. Local pubs close at 11pm and 12pm on weekends. Application encourages pub crowds to flats after closing hours. Will cause loitering in front of flats making it unsafe to enter/leave
5. Application breaks clause in leaseholder's leases: Fifth Schedule: Not to do anything in the Property which is not consistent with the use of the Building as a block of high class flats nor to allow anyone else to do so
6. Drinking indoor/outdoor late hours will make it unsafe/uncomfortable to come home.
7. No public toilet in café. Nor one outside at late hours. Will encourage outdoor urination in local area
8. Application for Sale of alcohol/take away food will increase rubbish issue
9. Public disorder/crime increase/ risk to public safety
10. Affects property values and will blight future sales of flats

Received: 31 August 2017

With reference to the above application I would like to make the following representations opposing any change to the current licensing arrangements of 23:00 Monday – Saturday and 22:30 on Sunday which currently apply at the restaurant “Les Douceurs de la Tentation” which trades from the ground floor of 8 Fernhead Road, W9 3ET.

My grounds for opposing this application are as follows:-

- A) There are enough, I would say to many eat in / take out premises operating in this area, most of which do close by midnight. Approving this application will provide a precedent that the other eat in / take out premises in the area are likely to follow, which would not be to the benefit of local residents for all the points I am making in this email.
- B) There is a very high concentration of licensed premises in the area including the Ethiopian and Lebanese's restaurants close by in Harrow Road. There are also 4 public houses, Kendrick's, The Union, The Squirrel and the Metropolitan, some, if not all of which sell food. At the moment none of these has a late (01:00) license to sell alcohol. Approving this application will provide further impetus for all of the public houses to seek an extension of their trading hours.
- C) For a further hour Monday – Thursday and two hours Friday & Saturday, there will be additional noise for all the residents who live close by. It also follows that if people are leaving social establishments later, whether they are restaurants or public houses, the human traffic this generates must not only lead to more noise and possible disturbances but the potential for more discarded food and or containers if they have purchased and are consuming or are carrying any take away food.

D) This restaurant is one of the 4 retail outlets in this small group of shops, 3 of which sell food with two having alcohol licences, the other remaining retail outlet is empty awaiting its sale of being leased. I have attended community meetings in the area where one of the objectives is a culturally diverse local area, which would include alternative types of shops retailing a range of different items for sale. At the moment this would seem to be failing miserably with mainly grocery food outlets. It is true that there is also a fishmonger, a baker, a butcher but unfortunately no candlestick maker? The last and only bank in the area, the Royal Bank of Scotland closed a short time ago. A Costa Coffee house has recently opened in the area however there are rumours that this is going to close due to an inability to rent or sell the flats above the premises, however I accept this may be just hearsay without any basis in fact.

In conclusion, I would like to state that I have eaten more than once in this restaurant and found the food to be very good. However every approval of a late licence reinforces the trend to later operating hours for any licensed premises and reduces the ability of the council refusing future applications for increased trading hours which for all the reasons above would be to the detriment of local residents.

Received:	6 September 2017
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I support the application by Demitra for a licence. She is a respected business owner in this area and runs a lovely eating establishment. A licence would benefit Demitra and offer a much needed restaurant for W9.

Received:	5 September 2017
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"Les douceurs de la tentation" is a cute restaurant serving very good 100% home made food.

The restaurant is there for more than 7 years.

The chef (Dimitra) has often organised some events having never caused any trouble to the neighborhood.

The restaurant totally deserves its license!

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
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Policy RNT1 applies:	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.
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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>
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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	March 2015
4	Representation Metropolitan Police	16 August 2017
5	Representation Environmental Health	5 September 2017
6	Representation resident	28 August 2017
7	Representation resident	31 August 2017
8	Representation resident	1 September 2017
9	Representation resident	5 September 2017
10	Representation resident	6 September 2017
11	Representation resident	7 September 2017

From: [Dimitra](#)
To: [Wade, Yolanda: WCC](#)
Subject: Report to support my application for a premises licence 17/08550/LIPN
Date: 02 October 2017 15:32:55

Please forward this to the LSC.

I trained as a chef in France 27 years ago & have experience in all aspects of food production.

I took a break from cooking about 10 years ago and trained as an SIA door person, working in bars and night clubs.

I was the head door lady at Heaven night club.

I have worked in France, South Africa and United Kingdom.

I have cooked for a range of well known people including Nelson Mandela, the Crown Prince of Denmark and T.V Celebrities.

Most recently I cooked for the French Ambassador to London, along side 46 other Chefs some of whom hold Michelin Stars.

I took the lease of these premises 7 years ago. I inherited a filthy Carribean restaurant which had been closed down by the Police and Health & Safety.

I had to fully refurbish the premises including drain pipes and fit new windows.

When i opened, I was working from 3 or 4am untill midnight because i was producing high quality French bread and patisserie.

As time passed, my customers began to request breakfast, lunch and dinner. As the business evolved, the customers begun to ask for wine or alcohol with their food.

I have used TENS to allow the sale of alcohol and at the same time trained with Westminster City Council to obtain my Personal Licence.

I have been charging people corkage, allowing people to bring their own alcohol to drink with my food.

By applying for a Licence I will have more control over what is being drunk in my premises, even though I have never had a problem.

For the last seven years I have cooked & prepared food in my premices which has a maximum of 14 covers.

I have always tryed to be professional and in 2015 / 2016 I was awarded the Healthier Catering Commitment Award by Westminster City council.

On the 22/03/2012 my premices was inspected by Enviromental and I was awarded five stars by the Food Standards Agencies.

On the 20/02/2015 my premises where reinspected and again I was awarded five stars.

I am a Traditional French Bistrot, Unique to this area of Westminster. I am providing High Quality Healthy food in a discreat setting, serving nomore than Forteen people at a time.

I believe that my restaurant is a positive asset to this part of

Westminster and the alcohol licence would allow me to cater to the needs of the community.

I have received many positive reviews and have a Certificate of Excellence on Trip Advisor.

When i first made the application, people who saw the blue notice wanted to support me. I did not understand that they could make formal representations so i collected signatures in support of my application.

Since I have been open I have received much encouragement by the local councilors and many other people.

I have agreed many conditions with relevant authorities to promote the licencing objectives, this is not a new restaurant mereley a licence to allw me to sale alcohol.

I am confident that I will be able to continue to my high standards.

I have brought with me some photos of the place before i took it and what it looks like now and I am happy to answer any question you might have.

I thank you for your consideration.

Dimitra Agapidis

Application	Details of Application	Date Determined	Decision
16/04663/LITENN	This was an application for a Temporary Event Notice.	18.05.2016	Notice granted
16/05748/LITENN	This was an application for a Temporary Event Notice.	13.06.2016	Notice granted
16/06548/LITENN	This was an application for a Temporary Event Notice.	05.07.2016	Notice granted
16/10804/LITENN	This was an application for a Temporary Event Notice.	31.10.2016	Notice granted
17/07925/LITENP	This was an application for a Temporary Event Notice.	31.07.2017	Notice granted
17/08376/LITENP	This was an application for a Temporary Event Notice.	15.09.2017	Notice granted
17/08510/LITENP	This was an application for a Temporary Event Notice.	30.08.2017	Notice granted

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

None

Proposed Environmental Health conditions in addition to those agreed with the police and that contained within the operating schedule

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

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

11. There shall be no deliveries outside the hours of 23:00 and 08:00 hours save for deliveries of fresh produce limited to bread, vegetables, meat and fish

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

13. 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

14. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 and 08:00 hours on the following day

15. 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

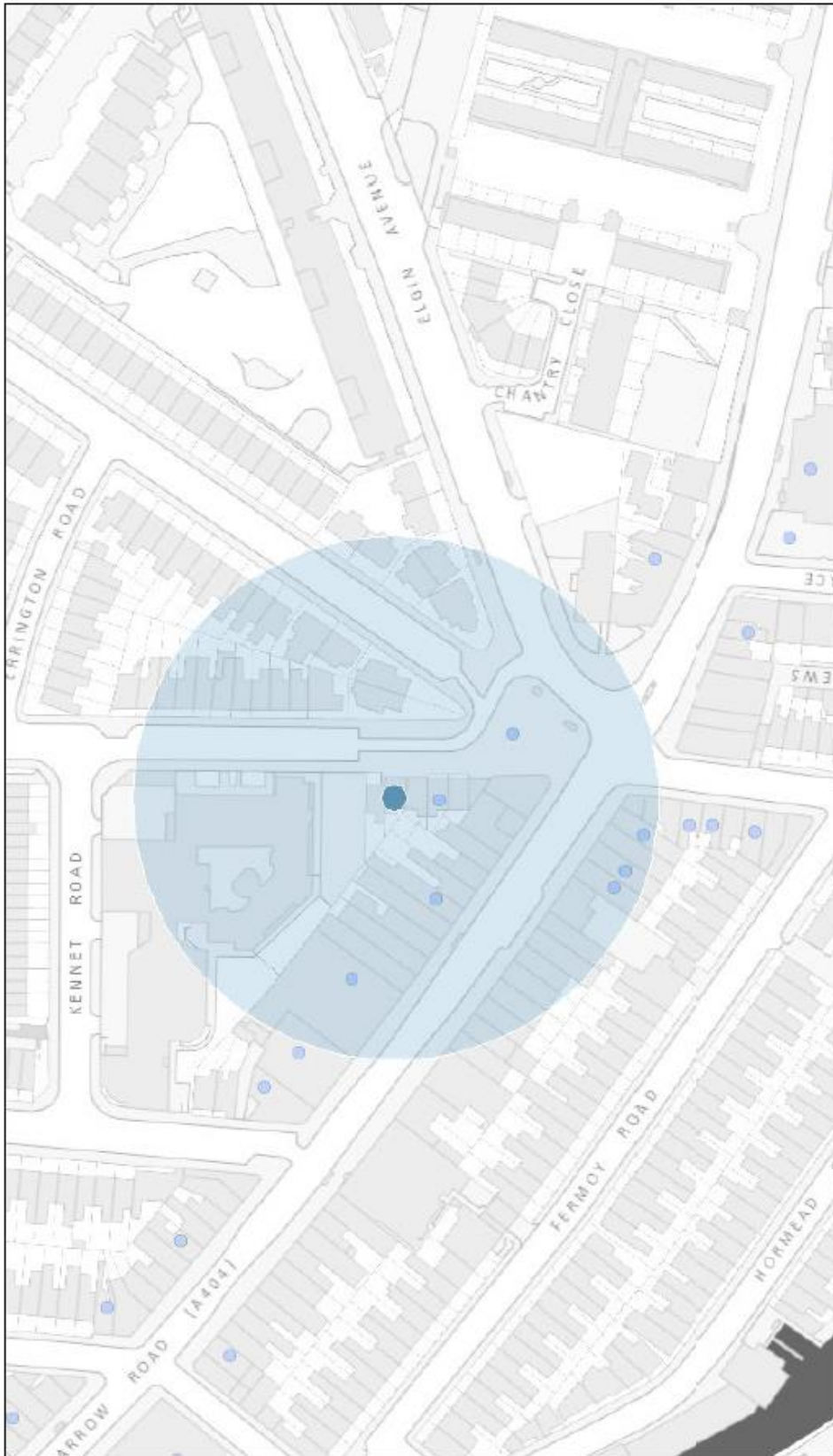
16. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated

Conditions proposed by the Police

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. Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
22. There shall be no self-service of alcohol.
23. 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.
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. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
26. 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.
27. 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.
28. No more than **(15)**% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
 29. 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.
 30. 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.
 31. 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.
 32. 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.
 33. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
 34. All relevant staff will receive refresher training on relevant alcohol laws and the licence holder's policy on challenging for ID. Such training to take place at least twice a year. Records will be maintained at the premises containing information about the training of any person who is authorised to make a sale of alcohol, including the date of their training and the nature of the training undertaken. The relevant documentation shall be produced on reasonable request to a police officer or a relevant officer of a responsible authority.
 35. The maximum number of persons permitted on the premises at any one time (excluding staff) shall not exceed (Number TBC)
 36. On the Sunday and Monday of the Notting Hill Carnival there shall be no sale of alcohol.

Les Douceurs De La Tentation



Resident count = 177

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City of Westminster

Licensing Sub-Committee Report

Agenda Item 2

Item No:	
Date:	9 October 2017
Licensing Ref No:	17/08686/LIPV - Premises Licence Variation
Title of Report:	Nagomi 4 Blenheim Street London W1S 1LD
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 1872 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	2 August 2017		
Applicant:	Rising Sun UK Limited		
Premises:	Nagomi		
Premises address:	4 Blenheim Street London W1S 1LD	Ward:	West End
		Cumulative Impact Area:	No
Premises description:	The premises currently operates as a Japanese restaurant.		
Variation description:	<p>According to the application, the applicant is seeking the following variation:</p> <ul style="list-style-type: none"> • Change of layout of the premises and full refurbishment. • To extend the hours for the sale of retail of alcohol and add off sales • To add Late Night Refreshment. • To extend the opening hours 		
Premises licence history:	The premises benefits from a premises licence found at Appendix of the report		
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							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	
End:	00:30	00:30	00:30	00:30	00:30	00:30	

Sale by Retail of Alcohol			
On or off sales	Current :		Proposed:
	On		Both
	Current	Proposed	Licensable Area

	Hours		Hours		Current:	Proposed:
	Start:	End:	Start:	End:		
Monday	12:00 18:00	15:00 22:45	12:00	00:00	Basement, Ground Floor	No Change
Tuesday	12:00 18:00	15:00 22:45	12:00	00:00	Basement, Ground Floor	
Wednesday	12:00 18:00	15:00 22:45	12:00	00:00	Basement, Ground Floor	
Thursday	12:00 18:00	15:00 22:45	12:00	00:00	Basement, Ground Floor	
Friday	12:00 18:00	15:00 22:45	12:00	00:00	Basement, Ground Floor	
Saturday	12:00 18:00	15:00 22:45	12:00	00:00	Basement, Ground Floor	
Sunday	12:00 18:00	15:00 22:15	12:00	00:00	Basement, Ground Floor	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	12:00 18:00	15:00 22:45	12:00	00:30	Basement, Ground Floor	No Change
Tuesday	12:00 18:00	15:00 22:45	12:00	00:30	Basement, Ground Floor	
Wednesday	12:00 18:00	15:00 22:45	12:00	00:30	Basement, Ground Floor	
Thursday	12:00 18:00	15:00 22:45	12:00	00:30	Basement, Ground Floor	
Friday	12:00 18:00	15:00 22:45	12:00	00:30	Basement, Ground Floor	
Saturday	12:00 18:00	15:00 22:45	12:00	00:30	Basement, Ground Floor	
Sunday	12:00 18:00	15:00 22:15	12:00	23:00	Basement, Ground Floor	

1-C Layout alteration
The applicant is seeking a change of layout and full refurbishment of the premises

2. Representations

2-A Responsible Authorities	
Responsible	The Metropolitan Police Service

Authority:	
Representative:	PC Bryan Lewis
Received:	30 th August 2017
<p>With reference to the above application I am writing to inform you that the Police, as a Responsible Authority, object to your application for a new Premises Licence as it is our belief that if granted the application may undermine the Licensing Objectives contained in the 2003 Licensing Act.</p> <p>Our objections relate to the following:</p> <p>Insufficient licence conditions offered. I would like to propose some licence condition to ensure the Licensing Objectives are adhered to.</p> <p>I will send you the proposed Police conditions at the earliest opportunity</p>	
Responsible Authority:	The Environmental Health Service
Representative:	Dave Nevitt
Received:	1 st September 2017
<p>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.</p>	

2-B Other Persons	
Received:	18 th August 2017

Dear Sirs,

Re: Objection to Application 17/08686/LIPV

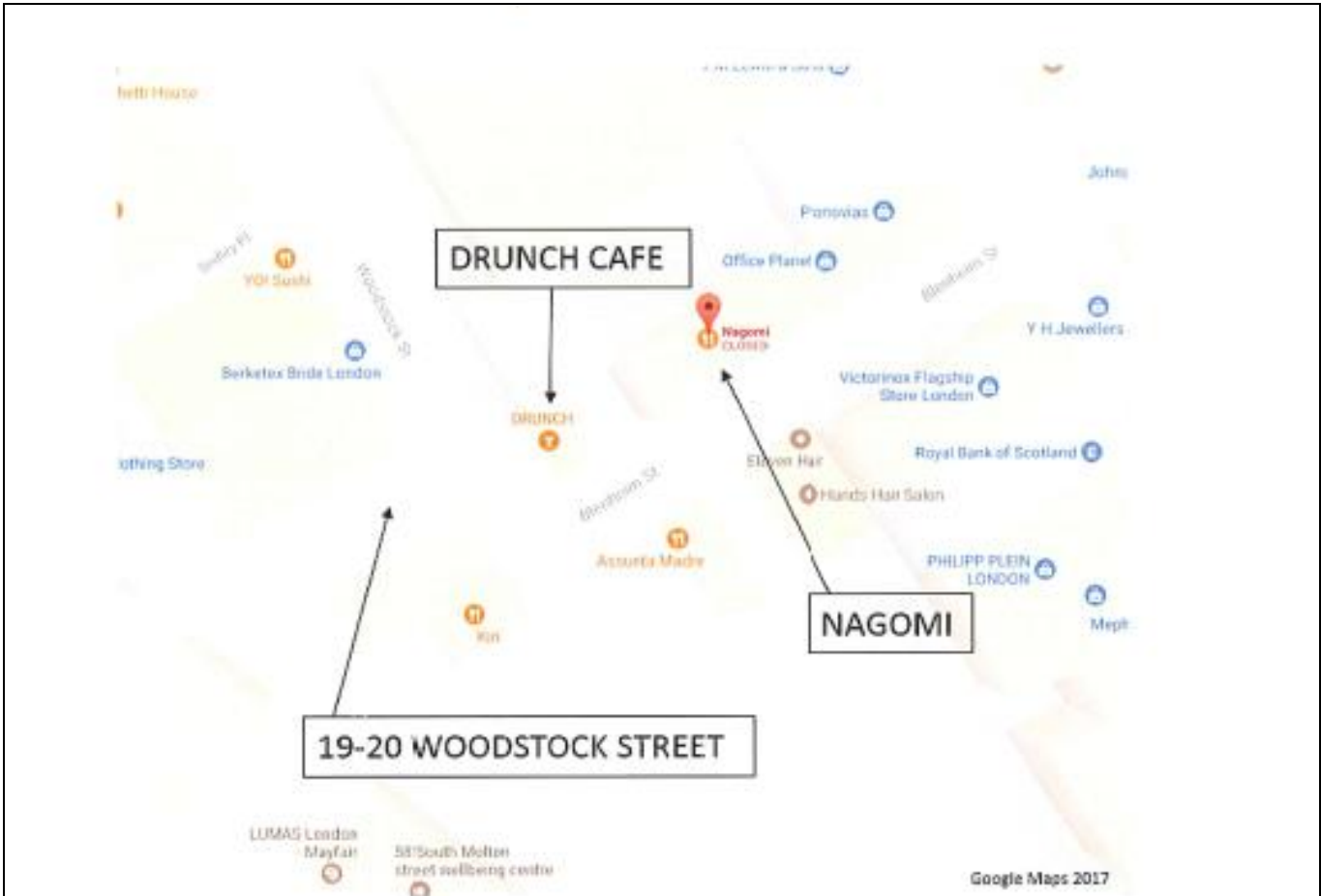
We refer to your letter of the 4th August 2017 notifying us of application 17/08686/LIPV.

We object to the granting of this application.

Westminster Council has recently granted us planning permission for the change of use of 19-20 Woodstock St (the "Building") for residential conversion (15/02707/FULL) which we intend to implement. The Building is a near neighbour to the Nagomi unit and the provision of a late night opening and alcohol licence will cause a nuisance to our future residents and the other residential occupiers of both Blenheim and Woodstock St (which run in together – see map, over).

The street already has enough late night provision with, for example, Drunch Café (opposite the Building and adjacent to Nagomi) open to midnight; the street needs no more. You will no doubt be aware of the Lamborghini driven recklessly and at high speed into our Building by a man connected to Drunch café. Notwithstanding the risk to the public, this caused many thousands of pounds of damage. (Article enclosed).

The granting of a late night licence to the Nagomi unit will simply add to this unacceptable level of night time nuisance for the residents of Blenheim Street and Woodstock Street.



Yours faithfully

Pineridge Investments Ltd

Enc. – Daily Mail article dated 11/04/2017

Restaurant boss and his friend who crashed a £130,000 hired Lamborghini into Mayfair shop then lied about who was driving are jailed for four months

- Talal Alkassab, 39, and Diyaa Lababidi, 33, lied to police to cover their tracks
- Lababidi, who was joined in the car by a waiter, raced up and down Woodstock Street, before smashing into a shop at about 12.15am on July 23, 2015
- Miraculously neither was injured, and they swiftly left scene, abandoning the car
- Alkassab, of Kensington, and Lebanon-born Lababidi, of Paddington, both west London, both admitted conspiracy to pervert the course of justice
- They were both jailed at Southwark Crown Court today for four months

By ANTHONY JOSEPH FOR MAILONLINE

PUBLISHED: 20:17, 11 April 2017 | UPDATED: 20:48, 11 April 2017

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A restaurant boss and his friend, who crashed a hired Lamborghini into a Mayfair shop then lied about who was driving, have been jailed for four months.

Talal Alkassab, 39, and Diyaa Lababidi, 33, lied to police to cover their tracks following the crash in central London.

Syrian migrant Alkassab, the owner and manager of Drunch restaurant, had just hired the luxury sports car.

He let Lababidi, who worked as a club promoter for the restaurant, give it a spin while he cashed up at work - despite the fact he had no UK driving licence.

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No need to be shaken or stirred! Daniel Craig confirms he WILL return as James Bond... after claiming things were 'up in the air'



Talal Alkassab, 39, and Diyaa Lababidi, 33, lied to police to cover their tracks following the crash in central London

Lababidi, who was joined in the car by a waiter, raced up and down Woodstock Street, before smashing into a shop at about 12.15am on July 23, 2015.

Miraculously neither was injured, and they swiftly left the scene, abandoning the car.

The smash was only discovered when cleaning staff arrived at the damaged building the following morning.

Alkassab, whose father is believed to have died from a chemical attack in Syria, initially claimed an unknown customer had driven the supercar.

But after his arrest in November 2015, his phone was seized, and Whatsapp messages revealed the cover-up.

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Alkassab, of Kensington, and Lebanon-born Lababidi, of Paddington, both west London, both admitted conspiracy to pervert the course of justice.

They were both jailed at Southwark Crown Court today for four months.

Richard Job, prosecuting, said: The vehicle was driven at some speed down Woodstock Street, in a southerly direction, when Mr Lababidi lost control of the

Kept fans guessing



Call the glam squad! Kylie Jenner suffers epic spray tan fail with a completely different coloured hand to her face as she goes to dinner with Kendall

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vehicle and it collided with a building across the road from the restaurant.'

Alkassab left the restaurant, and told his friend to leave the scene, the court heard.

A couple of hours later, at about 2.45am, Alkassab called an insurance company and told them he had driven the car and wanted to make a claim. Although details were taken, the claim was not pursued.

Alkassab later went to Holborn Police Station at 11.30am that day, and said a customer at the restaurant had taken the car without his permission.



Lababidi, who was joined in the car by a waiter, raced up and down Woodstock Street, before smashing into a shop at about 12.15am on July 23 2015

Three days later, on July 26, he was served with a notice for intended prosecution, asking him to identify the driver.

But he told them he did not know who it was, and he was eventually arrested in November 2015, and his phone seized.

► 'I had no one to talk to': Halsey reveals she was 'scared and alone' when she suffered miscarriage at 23
Talked about losing a baby

► Keeping on track! Khloe and Kourtney Kardashian rock sexy sportswear as they show up to filming KUWTK
Double trouble

► She's ripped! Kris Jenner wears torn denim as she shows off flawless make-up following filming of KUWTK
Flawless face

► PICTURE EXCLUSIVE: Shirtless Orlando Bloom gets close to a bikini-clad blonde... just ONE DAY after 'kissing and cuddling' ex Katy Perry at a concert

'You're too hard!' John Legend sings unusual lyrics for Carpool Karaoke series... and is joined by Alicia Keys

Mr Job said: 'Police found on the telephone a large number of Whatsapp messages, in which Mr Alkassab and Mr Lababidi and other third parties discussed the collision.

'The messages show an agreement from the start between the two men and other parties to cover up the fact that Mr Lababidi was driving the vehicle at the relevant time.

'They demonstrate that Mr Lababidi is endeavouring to obtain monies to pay for damage caused to the vehicle and the building from various friends of his, to avoid having to go down the route of various insurance companies.

'It is plain that attempts were made to pay off the property owners.'

Lababidi was arrested in December 2015, and admitted he drove the car with his friend's permission.

Jailing the pair, Judge Deborah Taylor said: 'This was a deceit born out of a decision made by you Alkassab to allow Lababidi to drive the car when he was not insured.

'You both immediately decided to tell lies about it, to get yourselves out of a situation which was clearly going to be expensive.

'At that stage it was clear that sooner or later something would happen.'

Addressing Alkassab, she said: 'This arose out of a piece of what was extravagance and bravado on your part, in hiring, and allowing someone else to drive a car on your behalf.

'It was not only misguided loyalty as has been suggested that caused you to carry this out - but I have no doubt also the cost of it.'

In mitigation Imkran Khan, representing Alkassab, said the defendant grew up in Syria, and spent two-and-a-half years in the army, before moving to London in 2000, and travelled back and forth.

Alkassab, who has since resigned from the restaurant, covered up what had happened over fears Lababidi would be sent back to Lebanon, the court was told.

Lababidi, who has a Syrian mother, came to the UK on holiday about ten years ago from Lebanon.

Lababidi, who has a previous conviction for fraud from 2011, last February admitted driving offences following the crash, and was handed an eight-week suspended sentence at the time.



▶ They're both Grammy awards winning artists



▶ Human Ken Doll Rodrigo Alves as he proudly flaunts his '£50K total face revamp' as he enjoys a night out with unlikely friend Marco Pierre White Jr

▶ ANOTHER night on the tiles, Usain? Bolt parties with Love Island Z-listers as he takes his 'retirement party' into a third night
Jamaican sprinter

▶ 'First day back filming': Ariel Winter flashes a hint of underboob in tiny crop top with skinny jeans while on the set of Modern Family
Back at work

▶ 'She's back to her usual size six': Sex Cheryl 'squeezes in grueling post-baby workouts complete swimming, boxing yoga

▶ Tens of thousand Elvis fans join ex-w Priscilla and daughter Lisa Marie for moving candlelit vigil at Graceland on 40th anniversary of his death

Advertisement

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy RNT1 applies:	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.
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 will be considered on their merits, subject to other relevant policies.

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 Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1872 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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	2 nd August 2017
5	The Environmental Health Service Representation	1 st September 2017
6	The Metropolitan Police Representation	30 th August 2017

Applicant Supporting Documents
(None)

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
06/09683/WCCMAP	Application for a new premises licence	19.09.2006	Granted under delegated authority

There is no appeal history

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

When determining an application for a 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.

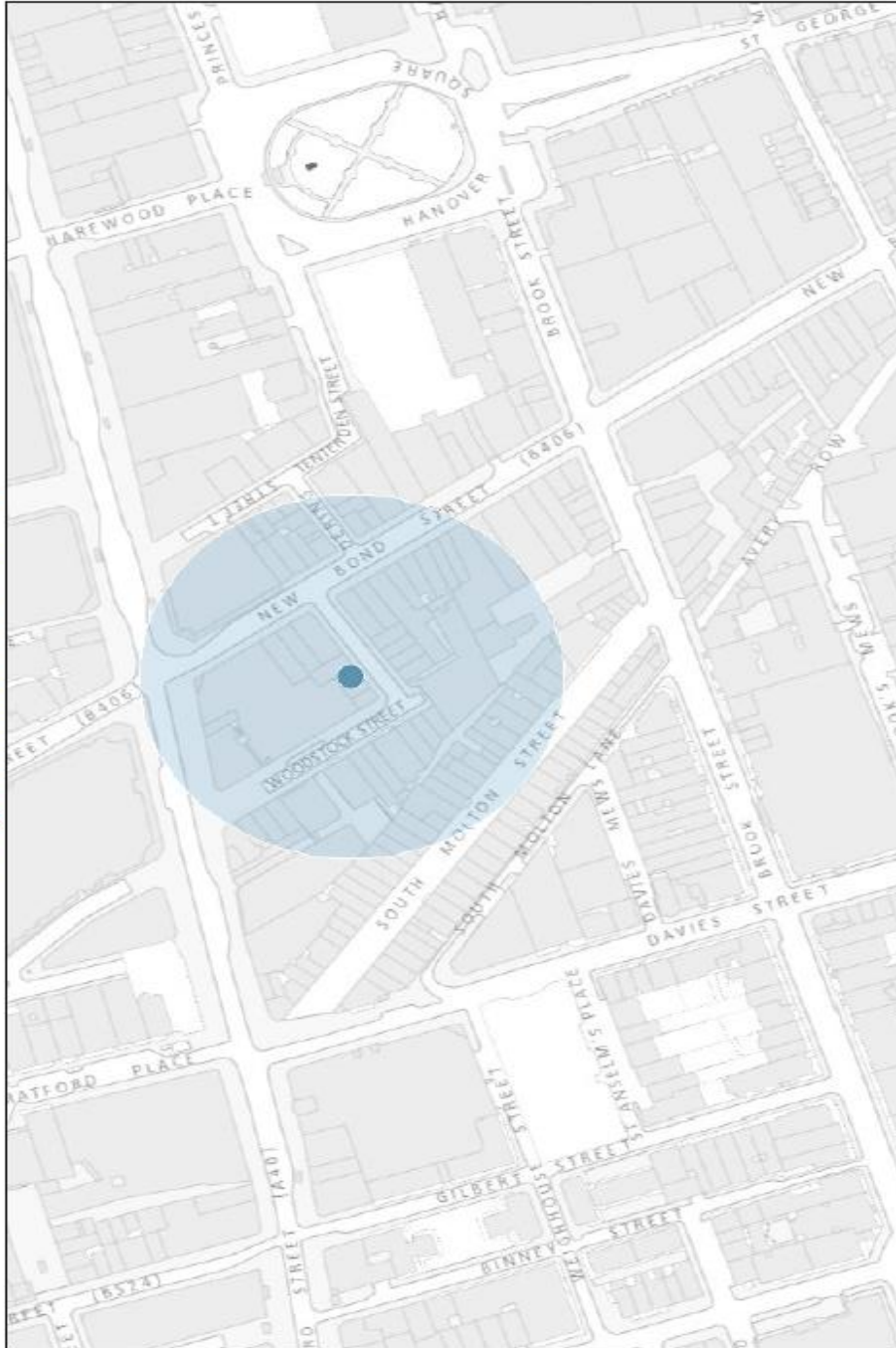
Annex 2 – Conditions consistent with the operating Schedule

9. The sale of alcohol 'On' the premises shall only be to persons taking a table meal there and consumption by such person as ancillary to their meal.
10. The supply of alcohol shall be by waiter/waitress only.
11. Non-intoxicating beverages, including drinking water, shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
12. The premises will maintain a comprehensive CCTV system that ensures all areas of the licensed premises are monitored including all entry points and which enable frontal identification of every person entering in any light condition. all cameras shall continually record whilst the premises are open to the public and the recordings shall be kept available for a minimum of 31 days with time and date stamping. Recordings shall be made available to an authorised officer or a police officer together with facilities for viewing. The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice. (subject to the Data Protection Act 1998).
13. All refuse will be paid, properly presented and placed on the street 30 minutes before any agreed collection time.

Proposed conditions by Police

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 outside table area shall also be covered by external CCTV. 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.
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 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
16. 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.

Nagomi 4 Blenheim Street



September 28, 2017

Residential Count: 28



City of Westminster

Licensing Sub-Committee Report

Agenda Item 3

Item No:	
Date:	9 October 2017
Licensing Ref No:	17/09500/LIPV - Premises Licence Variation
Title of Report:	Sophie's Steakhouse 42-44 Great Windmill Street London W1D 7LU
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	25 August 2017		
Applicant:	Sophie's Soho Ltd		
Premises:	Sophie's Steakhouse		
Premises address:	42-44 Great Windmill Street London W1D 7LU	Ward:	West End
		Cumulative Impact Area:	West End.
Premises description:	According to the application the premises will operate as a restaurant and bar.		
Variation description:	<p>To remove the following condition from the recently granted new premises licence ref:17/06235/LIPN</p> <p>'All bags of persons entering the premises shall be searched by security after 23:00 hours daily'</p> <p>There are no other changes sought.</p>		
Premises licence history:	<p>The premises was granted a new premises licence on 10th August 2017. (17/06235/LIPN).</p> <p>The premises has been licensed since May 2005.</p> <p>A full history can be found at Appendix 2.</p>		
Applicant submissions:	None Submitted.		
Plans	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Current and proposed licensable activities, areas and hours					
Regulated Entertainment					
Performance of Dance / Live Music / Recorded Music / Anything of a Similar Description					
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	10:00	01:00	No change.		Ground Floor and Basement
Tuesday	10:00	01:00			
Wednesday	10:00	01:00			
Thursday	10:00	01:00			
Friday	10:00	01:00			
Saturday	10:00	01:00			
Sunday	12:00	23:00			
Seasonal Variations/ Non-standard timings:	Current:			Proposed:	
	None.			None.	

Late night refreshment					
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	23:00	01:30	No change.		Ground Floor and Basement
Tuesday	23:00	01:30			
Wednesday	23:00	01:30			
Thursday	23:00	01:30			
Friday	23:00	01:30			
Saturday	23:00	01:30			
Sunday					
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	None.			None.	

Sale by Retail of Alcohol					
On or off sales			Current :		Proposed:
			On Sales		On Sales
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	10:00	01:00	No change.		Ground Floor and Basement
Tuesday	10:00	01:00			
Wednesday	10:00	01:00			
Thursday	10:00	01:00			
Friday	10:00	01:00			
Saturday	10:00	01:00			
Sunday	12:00	22:30			
Seasonal variations/ Non-standard timings:		Current:			Proposed:
		None.			None.

Hours premises are open to the public					
	Current Hours		Proposed Hours		Premises Area
	Start:	End:	Start:	End:	
Monday	09:00	01:30	No change.		Ground Floor and Basement
Tuesday	09:00	01:30			
Wednesday	09:00	01:30			
Thursday	09:00	01:30			
Friday	09:00	01:30			
Saturday	09:00	01:30			
Sunday	09:00	23:00			
Seasonal variations/ Non-standard timings:		Current:			Proposed:
		None.			None.

1-C Layout alteration
None applied for.

1-D Conditions being varied, added or removed	
Condition	Proposed variation
<u>Condition 37</u>	To be removed.

All bags of persons entering the premises shall be searched by Security after 23:00 hours daily.		
Adult entertainment:	Current position:	Proposed position:
	None	None

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Licensing Authority
Representative:	Mr David Sycamore
Received:	22 nd September 2017
<p>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:</p> <ul style="list-style-type: none"> • Public Nuisance • Prevention of Crime & Disorder • Public Safety <p>The premises is located within the West End Cumulative Impact and as such a number of policy points must be considered.</p> <p>The licence has recently been granted for this premises where the Westminster Licensing Sub-Committee felt it appropriate to add the condition this application seeks to remove. The licensing authority is concerned that as per our statement of licensing policy CD1 2.2.2, applicants are expected to explain in their operating schedule how the premises will promote the prevention of crime and disorder. No rationale has been given as to why, a premises that has not yet opened, should be permitted to remove a condition only recently applied.</p> <p>There are increased security risks which was highlighted by the committees last chairperson and we support the decision as the situation has not changed.</p>	

Responsible Authority:	Metropolitan Police Service
Representative:	PC Bryan Lewis
Received:	1 st September 2017

I am writing to inform you that the Police, as a Responsible Authority, object to your application for a new Premises Licence as it is our belief that if granted the application may undermine the Licensing Objectives contained in the 2003 Licensing Act.

Our objections relate to the following:

Application seeks to remove a licence condition intended to protect the public against the current terrorism threat.

2-B Other Persons	
Name:	Soho Society
Received:	18 th September 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 and prevention of crime and disorder 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

To remove the following condition from the recently granted new premises licence ref: 17/06235/LIPN:- 'All bags of persons entering the premises shall be searched by security after 23:00 hours daily'

The Soho Society is concerned at the removal of this condition from the recently granted licence. Given that the sizeable premises are located near to Piccadilly Circus, a short way along Great Windmill Street and thus clearly visible from Shaftesbury Avenue, the venue will likely prove quite popular. Given this popular, high-profile location and current fears about potential terrorist attacks, we respectfully ask that the

above condition is kept on the licence.

Please let me know if any proposals are made to amend the application in respect of the conditions appended.

3. Policy & Guidance

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

Policy CIA1 applies	(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. (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.
Policy PB2 applies:	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.

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 Heidi Lawrance Senior Licensing Officer
Contact:	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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application form	25 th August 2017
5	Representation – Licensing Authority	22 nd September 2017
6	Representation – MET Police	1 st September 2017
7	Representation – Soho Society	18 th September 2017

Applicant Supporting Documents
(None)

Appendix 2

Licence & Appeal History - 17/00087/LIPT

Application	Details of Application	Date Determined	Decision
05/06215/LIPCV	Conversion Application.	12.05.2005	Granted by Licensing Sub- Committee
06/06559/WCCMAP	New Premises Application.	08.12.2007	Granted Under Delegated Authority
08/07057/LIPDPS	To Vary Designated Premises Supervisor.	05.08.2008	Granted Under Delegated Authority
09/02957/LIPDPS	To Vary Designated Premises Supervisor	28.04.2009	Granted Under Delegated Authority
09/04907/LIPV	Variation Application	19.08.2009	Granted Under Delegated Authority
09/07074/LIPVM	Minor Variation	08.10.2009	Granted Under Delegated Authority
10/05014/LIPDPS	To Vary Designated Premises Supervisor	21.07.2010	Granted Under Delegated Authority
11/03457/LIPDPS	To Vary Designated Premises Supervisor	27.04.2011	Granted Under Delegated Authority
12/02755/LIPDPS	To Vary Designated Premises Supervisor	18.04.2012	Granted Under Delegated Authority
12/04356/LIPDPS	To Vary Designated Premises Supervisor	06.06.2012	Granted Under Delegated Authority
12/06707/LIPV	Variation Application	05.09.2012	Granted Under Delegated Authority
12/07726/LIPDPS	To Vary Designated Premises Supervisor	24.09.2012	Granted Under Delegated Authority

13/00120/LIPDPS	To Vary Designated Premises Supervisor	24.01.2013	Granted Under Delegated Authority
13/05623/LIPDPS	To Vary Designated Premises Supervisor	12.08.2013	Granted Under Delegated Authority
15/03202/LIPDPS	To Vary Designated Premises Supervisor	26.07.2015	Granted Under Delegated Authority
16/07055/LIPDPS	To Vary Designated Premises Supervisor	26.09.2016	Granted Under Delegated Authority
16/11297/LIPDPS	To Vary Designated Premises Supervisor	12.12.2016	Granted Under Delegated Authority
17/00087/LIPT	Application to transfer premises licence from A3D2 Limited to Sophie's Soho Limited	08.02.2017	Granted Under Delegated Authority

There is no appeal history

Application	Details of Application	Date Determined	Decision
17/06235/LIPN	Application for a new premises licence	10.08.2017	Granted by Licensing Sub-Committee

There is no appeal history

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

When determining an application to vary a 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.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Annex 2 – Conditions consistent with the operating Schedule

None

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

10. 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.
11. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

14. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (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.
15. 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.
16. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
17. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
19. 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.
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 07.00 hours on the following day.
22. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
23. 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.
24. 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.
25. 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.

26. 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. 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.
28. No licensable activities shall take place at the premises until premises licence 17/00087/LIPT (or such other number subsequently issued for the premises) has been surrendered.
29. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined
30. 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.
31. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
32. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
33. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
34. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
35. Flashing or particularly bright lights on or outside the premises will not be permitted to cause a nuisance to nearby properties.
36. All door staff shall display their SIA licenses in yellow high visibility arm bands. All Door Staff engaged in guarding the entrances shall wear yellow high visibility jackets or tabbards after 22:00 hours or during the hours of darkness.

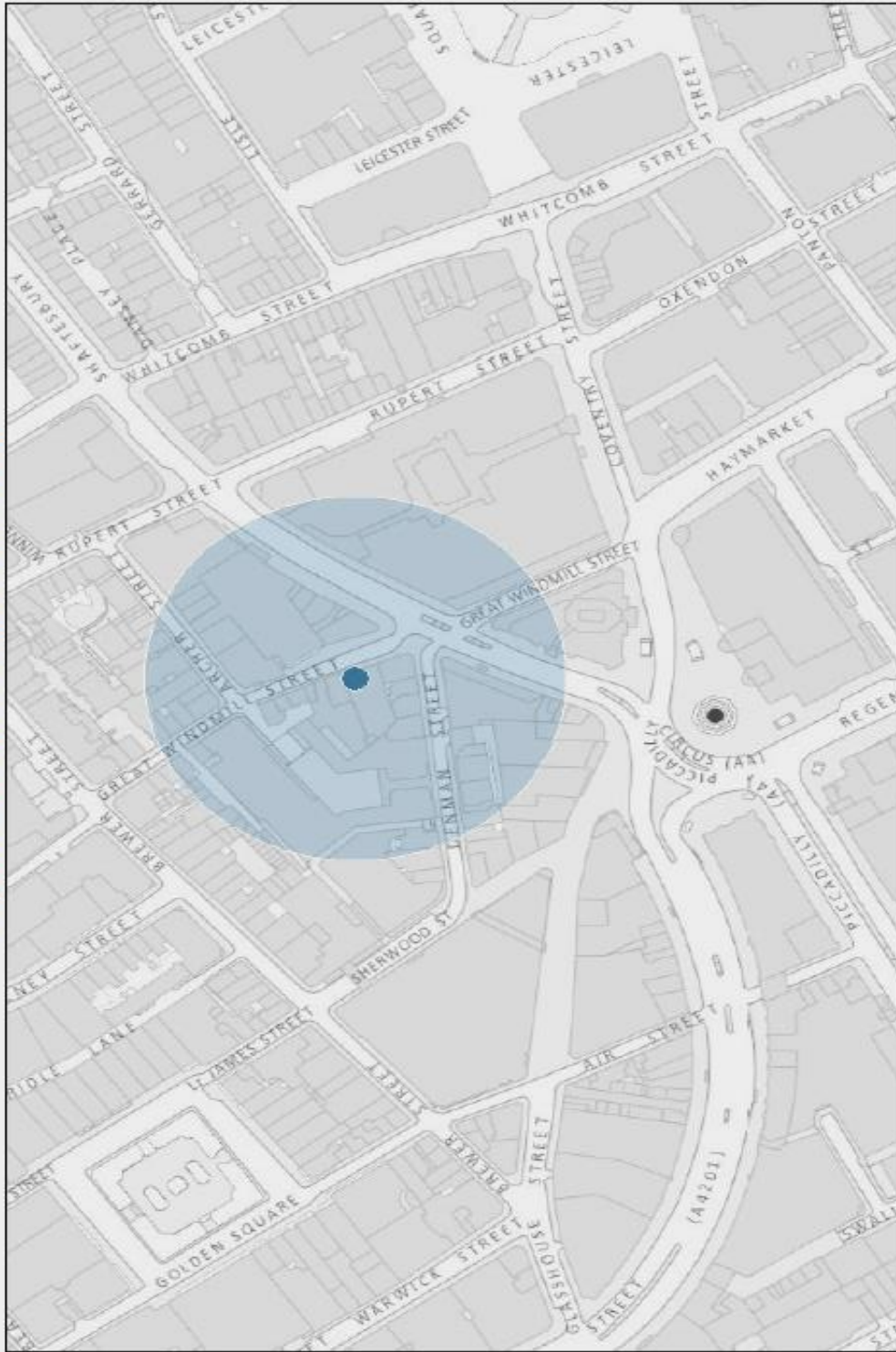
Applicant proposes condition 37 be removed.

37. All bags of persons entering the premises shall be searched by Security after 23:00 hours daily.
38. The premises shall participate in PubWatch or other local crime reduction scheme approved by the Police.

39. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 20 persons.
40. Save for emergencies, there shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
41. After 23.00 hours, a minimum of 2 SIA licensed door supervisors shall be on duty at the premises when the basement is open for business. Any additional security shall be subject to a risk assessment.
42. The sale of alcohol must be ancillary to the use of the premises for music and dancing or substantial refreshment.
43. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
44. The premises licence holder shall ensure that any patrons queuing or smoking outside the premises do so in an orderly manner and are supervised by staff.
45. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
46. 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.
47. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.

Residential Map and List of Premises in the Vicinity

Sophie's 42-44 Great Windmill Street



July 24, 2017

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City of Westminster

Licensing Sub-Committee Report

Agenda Item 4

Item No:	
Date:	9 October 2017
Licensing Ref No:	17/08985/LIPV - Premises Licence Variation
Title of Report:	Lazeez Lebanese Tapas 29 Duke Street London W1U 1LF
Report of:	Director of Public Protection and Licensing
Wards involved:	Marylebone High Street
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Ms Daisy Gadd Senior Licensing Officer
Contact details	Telephone: 0207 641 2737 Email: dgadd@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	7 August 2017		
Applicant:	Caffe V Restaurant Limited		
Premises:	Lazeez Lebanese Tapas		
Premises address:	29 Duke Street London W1U 1LF	Ward:	Marylebone High Street
		Cumulative Impact Area:	N/A
Premises description:	The premises currently operates as a restaurant.		
Variation description:	<p>This application seeks:</p> <ol style="list-style-type: none"> 1) To extend the hours on Fridays and Saturdays for the sale of alcohol until 01:00 and the opening hours until 01:30. 2) To add Late Night Refreshment as a licensable activity on Fridays and Saturdays from 23:00 to 01:00. 3) To change the name of the premises from "Café V" to "Lazeez Lebanese Tapas". 		
Premises licence history:	The premises has been licensed since 2012.		
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 Current and proposed licensable activities, areas and hours					
Late night refreshment					
Indoors, outdoors or both			Current :		Proposed:
					Indoors
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday					Indoors
Tuesday					
Wednesday					
Thursday					
Friday			23:00	01:00	
Saturday			23:00	01:00	
Sunday					
Seasonal Variations/Non-standard timings:			None		

Supply of alcohol					
On or off the premises			Current :		Proposed:
			On		No change
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	10:00	23:00	No change		No change
Tuesday	10:00	23:00			
Wednesday	10:00	23:00			
Thursday	10:00	23:00			
Friday	10:00	23:00			
Saturday	10:00	23:00			
Sunday	12:00	22:30			
Seasonal Variations/Non-standard timings:			None		

Hours premises are open to the public					
	Current Hours		Proposed Hours		Premises Area
	Start:	End:	Start:	End:	
Monday	10:00	23:30	10:00	23:30	No change
Tuesday	10:00	23:30	10:00	23:30	
Wednesday	10:00	23:30	10:00	23:30	
Thursday	10:00	23:30	10:00	23:30	
Friday	10:00	00:00	10:00	01:30	
Saturday	10:00	00:00	10:00	01:30	
Sunday	12:00	23:00	12:00	23:00	
Seasonal Variations/Non-standard timings:			None		

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service (withdrawn)
Representative:	PC Reaz Guerra
Received:	16 August 2017
<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 hours sought exceed Westminster's Core Hour Policy and there is insufficient detail contained within the operating schedule to promote the licensing objectives.</p> <p>It is for these reasons that we are objecting to the application.</p> <p>The Police have withdrawn their representation following the agreement of the proposed Police conditions.</p>	
Responsible Authority:	Environmental Health
Representative:	Mrs Sally Fabbriatore
Received:	31 August 2017
<p>I refer to the application for variation of a Premises Licence (12/00488/LIPN), issued under the Licensing Act 2003.</p> <p>This representation is based on the Operating Schedule and the plan.</p>	

The applicant is seeking the following on the throughout the premises:

1. To increase the terminal hour of the Supply of Alcohol from 23:00 hours to 01:00 hours on Friday and Saturday.
2. To provide Late Night Refreshment from 23:00 -01:00 hours on Friday and Saturday.

I wish to make the following representations in relation to the above application:

1. The increase in hours of the Supply of Alcohol may have the likely effect of causing an increase in Public Nuisance in the area.
2. The provision of Late Night refreshment may have the likely effect of causing an increase in Public Nuisance in the area.

The granting of the variation Premises Licence as presented may have the likely effect of causing an increase in Public Nuisance in the area.

2-B Other Persons

Name:	Mrs Vivienne Loesch
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Received:	15 August 2017
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I strongly object to this application being granted. This is very much a residential area, and there is already enough noise nuisance at night from licensed restaurants and their customers, throughout the area. The current license puts no restrictions on the times at which waste, recycling and other goods can be moved outside the premises (should be restricted to between 8am and 8pm). Deliveries and waste vehicles run throughout the area throughout the night, using routes that cross Oxford Street, waking up residents south and north of Oxford Street. Restaurants customers also move throughout the area at all hours of the night. It only takes a couple of drinks for people to become very noisy. In this very residential area there should be no licenses allowing premises to be open as late as 1am.

3. Policy & Guidance

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

	CH1.
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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:	Ms Daisy Gadd Senior Licensing Officer
Contact:	Telephone: 0207 641 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	March 2015
4	Representation Metropolitan Police	16 August 2017
5	Representation Environmental Health	31 August 2017
6	Representation resident	15 August 2017



14 September 2017

Our Ref: NMM.MJP.L00245-0005

BY EMAIL ONLY

Dear Local Resident

LAZEEZ LEBANESE TAPAS, 29 DUKE STREET, LONDON W1U 1LE

Thank you for your recent representation in respect of the above premises.

By way of background, Lazeez Lebanese Tapas is a family business which has operated at 29 Duke Street for the past 10 years. There is no proposal to change the style of operation in any way and the premises has never received any complaints from local residents.

After discussions with Environmental Health and the Metropolitan Police our client has agreed that, should the application be granted, the following further conditions be placed on the premises licence:

- All windows and external doors shall be kept closed after 23:00 hours, except for the immediate access and egress of persons.
- There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
- No drinks shall be taken outside after 23.00hours.
- No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
- 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.
- 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

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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. (replaces existing condition 9)

- 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. (replaces existing condition 10)
- 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.
- 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:
 - all crimes reported to the venue
 - all ejections of patrons
 - any complaints received concerning crime and disorder
 - any incidents of disorder
 - all seizures of drugs or offensive weapons
 - any faults in the CCTV system
 - any refusal of the sale of alcohol
 - any visit by a relevant authority or emergency service.

Given this, if the variation application is granted, the premises licence will have far more restrictive conditions on it than is currently the case, in particular with respect to deliveries and waste collection. We hope that these additional concerns ease your concerns. If this is the case we should be most grateful if you would formally withdraw your representation so that the time and expense of a licensing sub-committee hearing may be avoided.

Should you have any queries in respect of the above we should be most grateful if you would contact the writer, Niall McCann on niall.m@joelsonlaw.com. Needless to say, our client would be happy to meet if desired.

Yours faithfully,


JOELSON

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
12/00488/LIPN	This was an application for a new premises licence.	15.03.2012	Granted by Licensing Sub Committee

There is no appeal history

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

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

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

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 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.

(replaced by condition 29)

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 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.

(replaced by condition 30)

11. Alcohol to be consumed as ancillary to a table meal.
12. The supply of alcohol shall only be to persons who are seated at tables and served by a waiter or waitress.
13. 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.
14. There shall be no sale of draught beer.

15. The number of persons accommodated at any one time (excluding staff) shall not exceed the limit set out in the current fire risk assessment.
16. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
17. No refuse, including bottles, shall be moved, removed or transferred to or in outside areas between 2300 hours and 0800 hours.
18. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
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. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
21. The maximum number of persons accommodated at any one time, shall not exceed 70 persons including staff, inclusive of a maximum of 40 persons in the basement.
22. 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.
23. All tables and chairs shall be removed from the outside area by 23.00 hours each day.

Conditions proposed by Environmental Health

24. All windows and external doors shall be kept closed after 23:00 hours, except for the immediate access and egress of persons.
25. There shall be no sales of hot food or hot drink for consumption off the premises after 23:00.

26. No drinks shall be taken outside after 23:00 hours.
27. No deliveries to the premises shall take place between 23:00 and 07:00 on the following day.
28. 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.

Conditions proposed by the Police and agreed with the application

29. 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.

(replaces existing condition 9)

30. 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.

(replaces existing condition 10)

31. 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.
32. 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.

Lazeez Lebanese Tapas



Resident count = 86