



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (2)** held on **Thursday 30th August, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Tim Mitchell (Chairman), Jim Glen and Jacqui Wilkinson.

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

1 KIRAZU, 3 WINNETT STREET, LONDON, W1D 6JY

LICENSING SUB-COMMITTEE No. 2

Thursday 30th August 2018

Membership: Councillor Tim Mitchell (Chairman), Councillor Jim Glen and Councillor Jacqui Wilkinson.

Legal Adviser: Barry Panto
Policy Officer: Kerry Simpkin
Committee Officer: Toby Howes
Presenting Officer: Shannon Pring

Relevant Representations: Licensing Authority and 1 local resident.

Present: Daniel Mansell (Barrister, representing the Applicant Company), Yuya Kikuchi (Director of Applicant Company), Gavin Venamore (Agent for the Applicant Company) and Roxsana Haq (Licensing Authority).

**Kirazu, 3 Winnett Street, London, W1D 6JY ("The Premises")
18/06896/LIPN**

1.	Sale by retail of alcohol: On sales
	<p>Monday to Saturday: 17:00 to 23:00 Sunday: 17:00 to 22:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Shannon Pring (Presenting Officer) confirmed that Environmental Health and the Police had withdrawn their representations following agreement of conditions with the Applicant Company.</p> <p>Daniel Mansell (Barrister, representing the Applicant Company) began by stating that the premises had operated over the last 2 years predominantly as a takeaway with a small number of seats available for sit down meals. The Applicant Company now intended to operate the premises as a small restaurant with 17 covers. It was proposed to offer alcohol which would be served by waiter/waitress service only to customers and would be ancillary to food and no consumption of alcohol would be permitted outside. Mr Mansell stated that Yuya Kikuchi, the Director of the Applicant Company, would be present on the premises at all times it was open and was the chef. Mr Kikuchi was respected in the food industry and had received a 4 star rating in a Time Out magazine review.</p> <p>Mr Mansell stated that the premises was a quiet venue and the application was well within core hours. No children would be permitted on the premises and a Challenge 25 policy would be adhered to. No taxis would be permitted to wait for customers outside and signage would be displayed reminding customers to be quiet when they left the premises. Mr Mansell advised that the premises had also operated under a number of temporary event notices (TENs) without any concerns being raised by Environmental Health and the Police. Although the premises was in a cumulative impact area, he did not think it would add to cumulative impact due to the nature of the premises as a small restaurant operating within core hours. There were also stringent conditions proposed to assist the Applicant Company in upholding the licensing objectives.</p> <p>Mr Mansell then referred to the matters raised in the local resident's written representation and refuted the claims that had been made. In respect of a premises previously operated by the Applicant Company, 47 Rupert Street, no issues had arisen and the premises had not operated contrary to any planning regulations. The current premises had not operated late as a bar and Mr Mansell suggested that the local resident may have confused this with when the premises was operating under TENs. Mrs Kikuchi, the designated premises supervisor, would be on the premises regularly and Mr Kikuchi was due to apply for a personal licence, whilst staff would also receive the appropriate training. Mr</p>

	<p>Mansell asserted that the premises was not for Japanese customers only and was not a cash only venue. He concluded his initial submission by stating that the application would not undermine the licensing objectives, nor add to cumulative impact.</p> <p>Roxsana Haq (Licensing Authority) then addressed the Sub-Committee and stated that Members should be mindful of the policies in the City Council's Licensing Statement of Policy with regard to premises in cumulative impact areas. She confirmed that there was no case history of any complaints or concerns linked to the premises.</p> <p>The Sub-Committee then sought further information on how the premises would operate. Clarification was sought as to how the premises would implement its no children policy and stop customers and taxis from congregating and waiting outside the premises. Members asked if there were arrangements in place for customers to smoke and sought assurances that the premises would operate as a restaurant and not a bar. In reference to the amended floor plan that had been circulated, Members sought confirmation that the toilet would change from staff to customer use.</p> <p>In reply to the issues raised by the Sub-Committee, Mr Mansell confirmed that there would be signage on the premises stating that children were not permitted and he added that the nature of the premises was not conducive for children to be accommodated. Staff would monitor the outside of the premises to prevent customers and taxis from congregating and waiting there and there would also be signage stating that this was not permitted. Mr Mansell advised that there was no designated smoking area and as customers would be discouraged from hanging outside the premises, he felt that this would not be an issue. He confirmed that the premises would operate as a restaurant and not a bar and that customers would use what was previously the staff toilet.</p> <p>The Sub-Committee granted the application, subject to the deletion of condition 18 in the report in respect of notices asking patrons to leave the area quietly as this was a repetition of condition 14. In determining the application, the Sub-Committee noted that Environmental Health and the Police had withdrawn their representations after agreeing conditions with the Applicant Company. Although the premises was located in a cumulative impact area, the Sub-Committee considered that as the application was within core hours and would operate as a small restaurant with the full model restaurant condition on its licence, that it would be unlikely to add to cumulative impact. In addition, the Sub-Committee also considered that the conditions to be added to the premises licence would assist the Applicant Company in upholding the promotion of the licensing objectives (prevention of crime and disorder, prevention of public nuisance, public safety, and protection of children from harm) and accordingly the application was granted.</p>
2.	Hours premises are open to the public

	Monday to Saturday: 17:00 to 23:30 Sunday: 17:00 to 22:30
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): Granted, subject to conditions as set out below (see reasons for decision in Section 1).

Conditions attached to the Licence

Mandatory Conditions

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

characteristic in a manner which carries a significant risk of undermining a licensing objective;

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

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

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

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

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

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

7. The responsible person must ensure that—

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

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

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

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

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

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

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

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Additional Conditions

9. The number of seated persons inside the premises (excluding staff) shall not exceed 20 persons.

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

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

12. 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.

13. 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.

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

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. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a

minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

17. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
18. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
19. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
20. There shall be no self-service of alcohol.
21. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
22. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
23. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
24. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
25. The premises shall only operate as a restaurant
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are

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

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

2 URBAN BARISTAS, GROUND FLOOR, 11 QUEENSWAY, LONDON, W2 4QJ

LICENSING SUB-COMMITTEE No. 2

Thursday 30th August 2018

Membership: Councillor Tim Mitchell (Chairman), Councillor Jim Glen and Councillor Jacqui Wilkinson.

Legal Adviser: Barry Panto
 Policy Officer: Kerry Simpkin
 Committee Officer: Toby Howes
 Presenting Officer: Shannon Pring

Relevant Representations: Licensing Authority and 2 residents' associations.

Present: Peter Mayhew (Agent, representing the Applicant Company), Huw Wardrope (Co-Founder, Applicant Company), Daisy Gadd (Licensing Authority) and John Zamit (Representing Bayswater Residents' Association and South East Bayswater Residents' Association).

Urban Baristas, Ground Floor, 11 Queensway, London, W2 4QJ ("The Premises") 18/07658/LIPN	
1.	Sale by retail of alcohol: On sales
	Monday to Friday: 11:30 to 23:00 Saturday: 10:00 to 23:00 Sunday: 12:00 to 22:30

	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Shannon Pring (Presenting Officer) confirmed that in addition to the Police's earlier withdrawal, Environmental Health had also subsequently withdrawn their representation after both responsible authorities concerned had agreed conditions with the Applicant.</p> <p>Peter Mayhew (Agent, representing the Applicant Company) began by stating that the premises currently operated as coffee bar/restaurant offering speciality, high end coffees and a small food menu. The Applicant Company's intention was to extend the food offer and include sale of alcohol, whilst also extending the hours of operation. Mr Mayhew stated that there were no proposals for late night refreshment or regulated entertainment. The application had initially sought an earlier commencement hour for the sale of alcohol at weekends, however this had now been amended so that all hours applied for were within core hours. Mr Mayhew advised that the hours for the sale of alcohol had been revised following discussions with the Police and John Zamit who was representing Bayswater Residents' Association (BRA) and South East Bayswater Residents' Association (SEBRA). The Applicant had also agreed 7 conditions with the Police. Mr Mayhew informed Members that Dave Nevitt from Environmental Health had initially raised a few concerns when visiting the premises, however he was now satisfied with the proposals. Positive discussions with Mr Zamit had also taken place and 2 conditions relating to deliveries and collection of waste and recycling had been proposed following these.</p> <p>Mr Mayhew stated that correspondence with Daisy Gadd (Licensing Authority) had taken place and the Applicant Company had addressed her concerns about the application not being within core hours by amending it accordingly. There had also been discussions with the Licensing Authority concerning their request to include the model restaurant condition 66 on the premises licence. Mr Mayhew stated that the model restaurant condition was not desired by the Applicant Company as it would not allow them to operate the premises' principal activity as a coffee bar during the daytime. He suggested that proposed model conditions 38 and 39 restricting the consumption of alcohol to be ancillary to a meal and to be supplied by waiter or waitress service only would be sufficient and ensure the premises would not be drinks led and satisfy the City Council's restaurant policy in its Statement of Licensing Policy.</p> <p>The Chairman sought clarification in respect of the existence of a red line outside the premises on the plan. In reply, Mr Mayhew confirmed that the application was for on sales of alcohol only. In respect of the outside area, he acknowledged that consumption of alcohol could be achieved through applying for off sales, or to apply for outside area to be licensed as proposed in this application. Mr Mayhew acknowledged that a tables and chairs licence would also be required to permit this, and the application for this was being re-submitted following its earlier withdrawal due to changes required. He added</p>

that the outside area was small. Further to a query from the Chairman, Mr Mayhew stated that he did not feel this matter was an issue and policy allowed for such an application.

Ms Gadd then addressed the Sub-Committee and stated that correspondence between the Applicant Company and the Licensing Authority had only commenced last week and more details of the application were now known. Ms Gadd acknowledged that the application was now within core hours. In respect of the Applicant Company's proposal to include model conditions 38 and 39 rather than the restaurant model condition 66, she advised that the restaurant policy required the applicant to demonstrate that they would not add to cumulative impact in a cumulative impact area (CIA), which this premises was located within.

Mr Zamit, representing BRA and SEBRA, then addressed the Sub-Committee and advised that he was familiar with the premises as he had managed the whole building it was located within some time back. He explained that he had met the Applicant Company and they were a welcome addition to the area. He was satisfied with their application for the sale of alcohol being amended so that it was now within core hours and he was pleased that off sales of alcohol was not proposed. Mr Zamit commented that there was a trend for more coffee shops and restaurants in the area, but he accepted that this application was not proposing a drinks-led establishment. In respect of the red line concerning the outside area, he stated that this needed to be considered in the context of the premises being located within a CIA. Mr Zamit stated that the plans showed that the proposed outside licensed area was part of a public highway and there was not much space to accommodate the 8 stools and 2 tables proposed, although he understood why the Applicant Company would want to have this and customers would also want to be able to smoke outside. Mr Zamit added that he did not intend to oppose the tables and chairs application. However, he emphasised the importance of clearly demarcating the outside licensed area as hatched in the plans and that this area be kept clean and tidy. Mr Zamit welcomed the 2 conditions proposed by the Applicant Company in relation to deliveries and waste and recycling collections.

The Sub-Committee then made some observations and sought further clarification and information on some issues. Members referred to a proposed condition requiring that the outside tables and chairs be rendered unusable after 22:00 and asked how the Applicant Company would comply with this. The Chairman stated that an application for a licence in respect of a small external area of the highway was sometimes granted if grounds for an exception could be met and he reiterated that a tables and chairs licence would also be required. He suggested that marking the outside licensed area as hatched on the plans would be useful and also allow for proper monitoring and enforcement to take place.

Barry Panto (Legal Adviser) commented that policy does not dictate a particular method of application to allow for alcohol consumption in an outside area, however he added that the preference was not to grant a licence which included an area of the highway itself as that might appear to suggest approval by the Highway Authority and it was possible that the Highways Authority might refuse such permission. That is why a tables and chairs licence would still be required

in respect of the external area that was situated on the highway. Mr Panto further commented that the proposed model conditions 38 and 39 were designed to ensure that the food offering was prominent and he sought the Applicant Company's views about amending proposed condition 18 in the report by inserting the word 'substantial' before 'table meal'.

In reply to questions from Members and officers, Mr Mayhew confirmed that the outside tables and chairs would be brought inside after 22:00, unless the premises was particularly busy, in which case they would be secured accordingly. On behalf of the Applicant Company, Mr Mayhew accepted that the outside licensed area be marked hatched on the plans. He stated that consideration had been given to CIA policy during the application and this is why no off sales of alcohol had been proposed, whilst the outside area concerned was very small. On behalf of the Applicant Company, he also agreed to Mr Panto's suggestion to insert the word 'substantial' before 'table meal' in proposed condition 18 of the report.

The Sub-Committee granted the application, subject to amendments to some conditions. This included amending proposed condition 18 (model condition 38) in the report to read "The supply of alcohol at the premises (including the external seating area shown as hatched in the attached plans) shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal." This condition was duly amended following Mr Mayhew's agreement on behalf of the Applicant Company during the course of the hearing and the Sub-Committee considered that this would be sufficient to ensure that the consumption of alcohol was ancillary to food. The Sub-Committee acknowledged that the model restaurant condition 66 would impede the premises' ability to operate as principally a coffee shop during the daytime and therefore did not add the condition to the licence. The Sub-Committee agreed to the 2 additional conditions proposed by the Applicant Company after publication of the report relating to deliveries and collection of waste and recycling after Mr Zamit had indicated his approval of these. Proposed condition 15 in the report was replaced by model condition 57 and a few other conditions were deleted where they were repeated or considered unnecessary or no longer applicable and the remaining conditions re-numbered accordingly.

In determining the application, the Sub-Committee noted that the hours proposed for the sale of alcohol were within core hours and as the consumption of alcohol was ancillary to food, it considered that the premises was unlikely to add to cumulative impact in the CIA. The Sub-Committee noted that the Police and Environmental Health had withdrawn their representations after agreeing conditions with the Applicant Company and the Licensing Authority and Mr Zamit had indicated their approval of the amendment for the hours of the sale of alcohol to all be within core hours. The Sub-Committee also considered that the conditions to be included on the premises licence would assist the Applicant Company in upholding the promotion of the licensing objectives (prevention of crime and disorder, prevention of public nuisance, public safety, and protection of children from harm) and accordingly the application was granted.

It was decided that the application would be granted so as to include the external highway area as sales could not otherwise be permitted to that area in

	<p>the absence of an application for off-sales. However, this should not be taken as an indication that such use was approved by the Highway Authority itself and was without prejudice to any requirement to obtain either planning permission for that area and/or a street trading licence.</p> <p>The Sub-Committee also informed the Applicant Company that it expected the outside licensed area to be kept clean and tidy.</p>
2.	Hours premises are open to the public
	<p>Monday to Saturday: 07:00 to 23:30 Sunday: 07:00 to 23:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>

Conditions attached to the Licence	
<u>Mandatory Conditions</u>	
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.	<p>(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.</p> <p>(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—</p> <p>(a) games or other activities which require or encourage, or are designed to</p>

require or encourage, individuals to;

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

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

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

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

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

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

7. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

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

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which

there is in force a premises licence -

- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

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

Additional Conditions

9. Appropriate induction training will be undertaken with all relevant staff to cover appropriate subjects for their role including:
- a. The responsible sale of alcohol.
 - b. The prevention of under-age sales of alcohol, the Challenge 25 policy and in checking & authenticating accepted forms of identification.
 - c. The responsibility to refuse the sale of alcohol to any person who is drunk.
10. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
- a. all crimes reported to the venue
 - b. all ejections of patrons
 - c. any complaints received concerning crime and disorder
 - d. any incidents of disorder
 - e. all seizures of drugs or offensive weapons
 - f. any faults in the CCTV system or searching equipment or scanning equipment

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

11. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
12. 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.
13. A Zero Tolerance Policy towards the use, possession and supply of illegal drugs will be adopted and enforced.
14. 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.
15. No self-service of alcohol will be permitted at the premises.
16. No externally promoted events will be permitted at the premises; 'externally promoted events' are those which are promoted, managed and delivered by external promoters not affiliated to the Premises Licence holder.
17. The supply of alcohol at the premises (including the external seating area shown as hatched on the attached plans) shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.
18. The supply of alcohol shall be by waiter or waitress service only.
19. Outer front doors will be kept closed (except for egress and exit) after 22.00 to prevent noise escaping from the premises.
20. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
21. All tables and chairs located in the external areas of the premises will be rendered unusable after 22.00 on each day.
22. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

23. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
24. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
25. No deliveries to the premises shall take place between 20:00 and 07:00 on the following day, save for the deliveries of bread, pastries and milk.
26. No collections of waste or recycling material (including bottles) from the premises shall take place between 23:00 and 08:00 on the following day.

3 GROUND AND FIRST FLOORS, 1 HEDDON STREET, LONDON, W1B 4BD

LICENSING SUB-COMMITTEE No. 2

Thursday 30th August 2018

Membership: Councillor Tim Mitchell (Chairman), Councillor Jim Glen and Councillor Jacqui Wilkinson.

Legal Adviser: Barry Panto
 Policy Officer: Kerry Simpkin
 Committee Officer: Toby Howes
 Presenting Officer: Michelle Steward

Relevant Representation: Licensing Authority.

Present: Craig Baylis (Solicitor, representing the Applicant Company), Tom Ridge (Applicant Company) and Roxsana Haq (Licensing Authority).

Ground and First Floors, 1 Heddon Street, London, W1B 4BD ("The Premises") 18/07624/LIPN	
1.	Late night refreshment: Indoors
	Monday to Thursday: 23:00 to 23:30 Friday and Saturday: 23:00 to 00:00
	Amendments to application advised at hearing: None.

Decision (including reasons if different from those set out in report):

Prior to proceedings commencing, Craig Baylis (Solicitor, representing the Applicant Company) agreed on behalf of the Applicant Company to the Chairman's suggestion that the applications for the Ground and First Floors, 1 Heddon Street, London, W1B 4BD and Second Floor, 1 Heddon Street, London, W1B 4BD be considered together as it involved the same Applicant Company on the same site.

Michelle Steward (Presenting Officer) confirmed that Environmental Health had withdrawn their representations for both of the above applications after agreeing conditions with the Applicant Company.

Mr Baylis began by informing the Sub-Committee that The Crown Estate owned all the properties in Heddon Street and its intention was to redevelop the area to be more upmarket and there would be a focus on restaurants as opposed to bars. He advised that 1 Heddon Street was to become a serviced office desk space for 365 office workers and would operate in a similar way to the 'We Work' model.

Turning to the first application, Ground and First Floors, 1 Heddon Street, he advised that it was to operate as a café principally for the office workers in 1 Heddon Street, although it would also be accessible to the public. The Applicant Company had held useful discussions with Environmental Health who had withdrawn their representations after agreement had been reached on conditions. Mr Baylis stated that the alcohol offer was limited and ancillary to food. In respect of the Licensing Authority's request that proposed condition 25 in the report stating that the supply of alcohol shall be by waiter or waitress service only, Mr Baylis contended that this was unnecessary as all alcohol would be served by staff to customers and staff would monitor the premises whilst customers consumed what they had purchased.

Mr Baylis then presented the second application, Second Floor, 1 Heddon Street and stated that the intention was for this to operate as a separate function space that could only be accessed by the office workers of 1 Heddon Street and their bona fide guests and not for public access. He indicated on behalf of the Applicant Company that he would be happy for an appropriately worded condition to be added to restrict this use thus. The booking of the function space would be undertaken via an app that was only accessible to the office workers of 1 Heddon Street. Mr Baylis stated that the function space had a capacity of 60 persons and the application was within core hours.

The Chairman sought clarification as to who would operate the café in the first application. In reply, Mr Baylis confirmed that the café would be run by a third operator who was yet to be confirmed.

Roxsana Haq (Licensing Authority) then addressed the Sub-Committee and in respect of the first application, she commented that following a site visit, she

appreciated the reasons why the Applicant Company did not wish proposed condition 25 in the report stating that the supply of alcohol shall be by waiter or waitress service only to be included on the licence. However, she added that consideration needed to be given as to whether the application, which was located in a cumulative impact area (CIA) would add to cumulative impact.

Ms Haq then commented that in respect of the second application, consideration needed to be given as to whether exceptional circumstances had been demonstrated in respect of policy PB2 of the City Council's Statement of Licensing Policy.

During consideration by the Sub-Committee, Members sought further details in respect of access and egress for the café in the first application and an explanation as to why it would not add to cumulative impact in view of the fact that it was in a CIA and accessible to the public. The Chairman sought assurances that the café would mainly be used by office workers of 1 Heddon Street.

In respect of the second application, Members sought further details on what would constitute 'substantial food' in relation to proposed condition 10 in the report stating that substantial food would be available at all times when alcohol was supplied at the premises. The Sub-Committee also sought confirmation that the Applicant Company would be satisfied to have a condition included in the licence that the premises was not be to used by the public.

In reply to questions from Members, Mr Baylis advised that in respect of the first application, proposed condition 15 limited the café's licensable activities to being ancillary at all times to the premises being managed by The Crown Estate, whilst there was also unlikely to be much public use of the café which would be mainly used by the office workers of 1 Heddon Street and so he felt this would not add to cumulative impact. Mr Baylis referred to the plans for the café and explained that access and egress for the public would be through the same door. Tom Ridge (Applicant Company) added that office workers would access the café in the same way when it was open to the public. Office workers also had 24 hour access through an internal access point to 1 Heddon Street that only they had access to.

With regard to the second application, Mr Baylis acknowledged the difficulty in defining what constituted substantial food, however anyone hiring the function space where alcohol would be available would be advised to provide substantial food. He indicated on behalf of the Applicant Company that they would agree to a condition stating that the function space could only be used by office workers of 1 Heddon Street and their bona fide guests.

The Sub-Committee granted the application for the Ground and First Floors, 1 Heddon Street, subject to amendments to some conditions. This included an amendment to proposed condition 9 in the report by inserting the word "substantial" before "table meal" and an amendment to proposed condition 15 in the report to be amended to read "The provision of licensable activities shall at all times be ancillary to the principal of use of the premises as office space managed by The Crown Estate." Proposed condition 16 in the report was

	<p>amended to read “The number of persons permitted in the premises at any time (excluding catering and bar staff) shall not exceed 60 persons”. The Sub-Committee considered that catering and bar staff needed to be specified as the café would also be used by office staff from 1 Heddon Street. The Sub-Committee agreed that a condition stating that the supply of alcohol by waiter/waitress service only was not necessary and would not be included in the licence as alcohol would be served by staff and the premises operated principally as a café. Some other conditions were deleted due to repetition or because they were not applicable and the remaining conditions were re-numbered accordingly.</p> <p>In determining the application, the Sub-Committee noted that the hours proposed for all licensable activities were within core hours. Although the premises was located within a CIA, it considered that the application was unlikely to add to cumulative impact because of main use of the premises as a café and that it was not drinks-led. The Sub-Committee noted that Environmental Health had withdrawn their representations after agreeing conditions with the Applicant Company, whilst the Police had not made a representation. The Sub-Committee also considered that the conditions to be added to the licence would assist the Applicant Company in upholding the promotion of the licensing objectives (prevention of crime and disorder, prevention of public nuisance, public safety, and protection of children from harm) and accordingly the application was granted.</p> <p>The decision for the Second Floor, 1 Heddon Street, is included in the decision sheet for that application.</p>
2.	Sale by retail of alcohol: On sales
	<p>Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to 00:00 Sunday: 12:00 to 22:30</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>
3.	Hours premises are open to the public
	<p>Monday to Thursday: 07:00 to 23:30 Friday and Saturday: 07:00 to 00:00 Sunday: 11:00 to 22:30</p>

	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>

Conditions attached to the Licence

Mandatory Conditions

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

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

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

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

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

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

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

7. The responsible person must ensure that—

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

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

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

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

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

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

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

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

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

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

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Additional Conditions

9. The supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.
10. 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.
11. 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.
12. Signs will be located at the exits to the building to remind occupants that they should ensure that local residents are not disturbed by any licensable activity at the premises.
13. Signs will be provided reminding occupants that alcohol should only be supplied to persons over the age of 18.
14. The provision of licensable activities shall at all times be ancillary to the principal use of the premises as office space managed by The Crown Estate.
15. The number of persons permitted in the licensed areas on the ground and first floor of the premises at any one time (excluding catering and bar staff) shall not exceed 60 persons.

16. 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.
17. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
18. There shall be no sales of hot food or hot drink off the premises after 23.00 hours.
19. 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.
20. 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.
21. 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.
22. 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.

4 SECOND FLOOR, 1 HEDDON STREET, LONDON, W1B 4BD

LICENSING SUB-COMMITTEE No. 2

Thursday 30th August 2018

Membership: Councillor Tim Mitchell (Chairman), Councillor Jim Glen and Councillor Jacqui Wilkinson.

Legal Adviser: Barry Panto
Policy Officer: Kerry Simpkin
Committee Officer: Toby Howes
Presenting Officer: Michelle Steward

Relevant Representation: Licensing Authority.

Present: Craig Baylis (Solicitor, representing the Applicant Company), Tom Ridge (Applicant Company) and Roxsana Haq (Licensing Authority).

**Second Floor, 1 Heddon Street, London, W1B 4BD (“The Premises”)
18/07618/LIPN**

1. Late night refreshment: Indoors

Monday to Thursday: 23:00 to 23:30
Friday and Saturday: 23:00 to 00:00

Amendments to application advised at hearing:

None.

Decision (including reasons if different from those set out in report):

Prior to proceedings commencing, Craig Baylis (Solicitor, representing the Applicant Company) agreed on behalf of the Applicant Company to the Chairman’s suggestion that the applications for the Ground and First Floors, 1 Heddon Street, London, W1B 4BD and Second Floor, 1 Heddon Street, London, W1B 4BD be considered together as it involved the same Applicant Company on the same site.

Michelle Steward (Presenting Officer) confirmed that Environmental Health had withdrawn their representations for both of the above applications after agreeing conditions with the Applicant Company.

Mr Baylis began by informing the Sub-Committee that The Crown Estate owned all the properties in Heddon Street and its intention was to redevelop the area to be more upmarket and there would be a focus on restaurants as opposed to bars. He advised that 1 Heddon Street was to become a serviced office desk space for 365 office workers and would operate in a similar way to the ‘We Work’ model.

Turning to the first application, Ground and First Floors, 1 Heddon Street, he advised that it was to operate as a café principally for the office workers in 1 Heddon Street, although it would also be accessible to the public. The Applicant Company had held useful discussions with Environmental Health who had withdrawn their representations after agreement had been reached on conditions. Mr Baylis stated that the alcohol offer was limited and ancillary to food. In respect of the Licensing Authority’s request that proposed condition 25 in the report stating that the supply of alcohol shall be by waiter or waitress service only, Mr Baylis contended that this was unnecessary as all alcohol would be served by staff to customers and staff would monitor the premises whilst customers consumed what they had purchased.

Mr Baylis then presented the second application, Second Floor, 1 Heddon Street and stated that the intention was for this to operate as a separate function space that could only be accessed by the office workers of 1 Heddon Street and their bona fide guests and not for public access. He indicated on behalf of the

Applicant Company that he would be happy for an appropriately worded condition to be added to restrict this use thus. The booking of the function space would be undertaken via an app that was only accessible to the office workers of 1 Heddon Street. Mr Baylis stated that the function space had a capacity of 60 persons and the application was within core hours.

The Chairman sought clarification as to who would operate the café in the first application. In reply, Mr Baylis confirmed that the café would be run by a third operator who was yet to be confirmed.

Roxsana Haq (Licensing Authority) then addressed the Sub-Committee and in respect of the first application, she commented that following a site visit, she appreciated the reasons why the Applicant Company did not wish proposed condition 25 in the report stating that the supply of alcohol shall be by waiter or waitress service only to be included on the licence. However, she added that consideration needed to be given as to whether the application, which was located in a cumulative impact area (CIA) would add to cumulative impact.

Ms Haq then commented that in respect of the second application, consideration needed to be given as to whether exceptional circumstances had been demonstrated in respect of policy PB2 of the City Council's Statement of Licensing Policy.

During consideration by the Sub-Committee, Members sought further details in respect of access and egress for the café in the first application and an explanation as to why it would not add to cumulative impact in view of the fact that it was in a CIA and accessible to the public. The Chairman sought assurances that the café would mainly be used by office workers of 1 Heddon Street.

In respect of the second application, Members sought further details on what would constitute 'substantial food' in relation to proposed condition 10 in the report stating that substantial food would be available at all times when alcohol was supplied at the premises. The Sub-Committee also sought confirmation that the Applicant Company would be satisfied to have a condition included in the licence that the premises was not to be used by the public.

In reply to questions from Members, Mr Baylis advised that in respect of the first application, proposed condition 15 limited the café's licensable activities to being ancillary at all times to the premises being managed by The Crown Estate, whilst there was also unlikely to be much public use of the café which would be mainly used by the office workers of 1 Heddon Street and so he felt this would not add to cumulative impact. Mr Baylis referred to the plans for the café and explained that access and egress for the public would be through the same door. Tom Ridge (Applicant Company) added that office workers would access the café in the same way when it was open to the public. Office workers also had 24 hour access through an internal access point to 1 Heddon Street that only they had access to.

With regard to the second application, Mr Baylis acknowledged the difficulty in defining what constituted substantial food, however anyone hiring the function

space where alcohol would be available would be advised to provide substantial food. He indicated on behalf of the Applicant Company that they would agree to a condition stating that the function space could only be used by office workers of 1 Heddon Street and their bona fide guests.

The Sub-Committee granted the application for the Second Floor, 1 Heddon Street, subject to amendments to some conditions. This included an amendment to proposed condition 9 in the report to read “The supply of alcohol at the premises shall only be to persons who are working within 1 Heddon Street and their bona-fide guests.” The Sub-Committee amended this condition following Mr Baylis’s acceptance of such as amendment on behalf of the Applicant Company during the course of the hearing. The draft proposal to allow the sale of alcohol to persons attending a pre-booked function would allow the second floor to be drink-led contrary to policy. Amending the condition as proposed would ensure that the application complied with paragraph 2.5.23 of Policy PB2 which acknowledged that the provision of a bar within a workplace solely for the use of those working there, and their invited guests, would generally be regarded as an exception to the policy not to grant new bars in cumulative impact areas.

The Sub-Committee also made an amendment to proposed condition 16 in the report to be amended to read “The provision of licensable activities shall at all times be ancillary to the principal of use of the premises as office space managed by The Crown Estate.” Proposed condition 17 in the report was amended to read “The number of persons permitted in the premises at any time (excluding catering and bar staff) shall not exceed 60 persons”. The Sub-Committee considered that catering and bar staff needed to be specified as the function space would primarily be used by office staff from 1 Heddon Street. Proposed condition 13 in the report was deleted as it simply restated existing legal obligations and the remaining conditions were re-numbered accordingly.

In determining the application, the Sub-Committee noted that the hours proposed for all licensable activities were within core hours. Although the premises was located within a CIA, it considered that the application was unlikely to add to cumulative impact because of the premises use as a function space for office workers at 1 Heddon Street only and only these workers and their bona-fide guests were permitted to be supplied with alcohol on the premises. The Sub-Committee noted that Environmental Health had withdrawn their representations after agreeing conditions with the Applicant Company, whilst the Police had not made a representation. The Sub-Committee also considered that the conditions to be added to the licence would assist the Applicant Company in upholding the promotion of the licensing objectives (prevention of crime and disorder, prevention of public nuisance, public safety, and protection of children from harm) and accordingly the application was granted.

The decision for the Ground and First Floors, 1 Heddon Street, is included in the decision sheet for that application.

2. Sale by retail of alcohol: On sales

	Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to 00:00 Sunday: 12:00 to 22:30
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): Granted, subject to conditions as set out below (see reasons for decision in Section 1).
3.	Hours premises are open to the public
	Monday to Thursday: 07:00 to 23:30 Friday and Saturday: 07:00 to 00:00 Sunday: 11:00 to 22:30
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): Granted, subject to conditions as set out below (see reasons for decision in Section 1).

Conditions attached to the Licence	
<u>Mandatory Conditions</u>	
1.	No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2.	No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3.	Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.	(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

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

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

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

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served

alcohol, identification bearing their photograph, date of birth and either—

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

7. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

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

Where -

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

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

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

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

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

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

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

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Additional Conditions

9. The supply of alcohol at the premises shall only be to persons who are working within 1 Heddon Street and their bona-fide guests.

10. Substantial food shall be available at all times that alcohol is supplied at the premises.

11. 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.

12. 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.
13. Signs will be located at the exits to the building to remind occupants that they should ensure that local residents are not disturbed by any licensable activity at the premises.
14. Signs will be provided reminding occupants that alcohol should only be supplied to persons over the age of 18.
15. The provision of licensable activities shall at all times be ancillary to the principal use of the premises as office space managed by The Crown Estate.
16. The number of persons permitted in the second floor function space at any one time (excluding catering and bar staff) shall not exceed 60 persons.
- 17.
17. There shall be no sales of hot food or hot drink off the premises after 23.00 hours.
18. 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.
19. 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.

The Meeting ended at 12.25 pm

CHAIRMAN: _____

DATE _____