



**CITY OF WESTMINSTER**

# MINUTES

## **Licensing Sub-Committee (4)**

### **MINUTES OF PROCEEDINGS**

Minutes of a meeting of the **Licensing Sub-Committee (4)** held on **Thursday 20th September, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

**Members Present:** Councillors Karen Scarborough, Jim Glen and Aziz Toki

#### **1 MEMBERSHIP**

1.1 There were no changes to the membership.

#### **2 DECLARATIONS OF INTEREST**

2.1 There were no declarations of interest.

#### **1 THE FLYING PIE, GROUND FLOOR, 10 NEW ROW, LONDON, WC2N 4LH**

##### **LICENSING SUB-COMMITTEE No. 4**

*Thursday 20<sup>th</sup> September 2018*

Membership: Councillor Karen Scarborough (Chairman), Councillor Jim Glen and Councillor Aziz Toki

Legal Adviser: Wilda Haddad  
Policy Adviser: Kerry Simpkin  
Committee Officer: Tristan Fieldsend  
Presenting Officer: Michelle Steward  
Daisy Gadd

Relevant Representations: The Licensing Authority, Environmental Health, the Covent Garden Community Association and five local residents.

Present: Mr Piers Warne (Solicitor, representing the Applicant), Mr Karim Gorgy (Applicant), Ms Roxanna Haq (Licensing Authority), Mr Anil Drayan (Environmental Health), Mr David Kaner (Covent Garden Community Association) and Ms Tanya Howarth (Local Resident)

<p><b>The Flying Pie, Ground Floor, 10 New Row, London, WC2N 4LH (“The Premises”)</b>  <b>18/08241/LIPN</b></p>	
<p><b>1.</b></p>	<p><b>Late Night Refreshment - Indoors</b></p> <p>Monday to Saturday: 23:00 to 23:30</p> <p><b>Seasonal Variations/Non-Standard Timings:</b></p> <p>From the end of permitted hours on New Year’s Eve until the start of permitted hours on New Year’s Day.</p> <p>Until 23:30 on any Bank Holiday Sunday.</p>
	<p>Amendments to application advised at hearing:</p> <p>The Sub-Committee was advised that the provision of late night refreshment had been withdrawn for the application.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by The Flying Pie Ltd for a new premises licence in respect of The Flying Pie, Ground Floor, 10 New Row, London, WC2N 4LH.</p> <p>The Licensing Officer introduced the application to the Sub-Committee and confirmed that the Police had withdrawn their representation following the agreement of conditions with the applicant.</p> <p>Mr Warne, representing the applicant, advised the Sub-Committee that the provision of off sales had now been withdrawn from the application. Mr Warne explained that the premises operated as a restaurant and had been trading for a short period of time. The applicant had suggested some potential conditions to be added to the licence, including the full restaurant condition, and further conditions which had been agreed with the Police. This included limiting the capacity of the restaurant to thirty persons and imposing further conditions relating to waste and noise to address any public nuisance concerns.</p> <p>Mr Warne informed the Sub-Committee that the premises styled itself as a middle eastern pizzeria serving a traditional style of food. It took approximately 10-12 minutes to prepare and cook the food and could therefore not be considered a fast food restaurant. Its operation was akin to other pizzeria restaurants in providing a casual dining experience. The usual dwell time for customers was around 35-40 minutes meaning very few customers left the premises to smoke outside. The application had been submitted as a growing number of customers were seeking to consume alcohol with their meal and recently potential customers had left the premises, as there was no alcohol provision.</p> <p>Mr Warne addressed several of the concerns raised by local residents. One</p>

regarded queuing, it was recognised that this had occurred on the first day of trading however no queues outside the premises had occurred since. The applicant was willing to accept a condition on the licence however to restrict queuing in order to address this concern. In addition, with regards to potential touting it was acknowledged that free samples of food had been offered outside the premises when it had initially opened but this had now ceased since it had become more established. A further condition restricting this would be added to the licence. In terms of the hours, orders would cease by 22:30 with all customers having to leave by 23:00. A concern had also been expressed over a light at the premises and the nuisance it created, therefore it was proposed to turn off the light from 22:30 on weeknights and 21:30 at weekends. The Sub-Committee was also advised that the alcohol offer would be very limited.

The applicant recognised that the premises was located within a Cumulative Impact Area (CIA). However, the operation would not add to cumulative impact as it was already trading, it was a small restaurant with a very limited capacity and was only seeking to provide on sales of alcohol to customers taking a meal. The proposed conditions were appropriate and proportionate for the style of operation and would ensure that the licensing objectives were promoted.

Mr Drayan, representing Environmental Health (EH), advised that he was satisfied with the application and had only maintained EH's representation in order to answer any questions the Sub-Committee may have had.

Ms Haq, representing the Licensing Authority, confirmed that the applicant had agreed for the full restaurant condition to be added to the licence. The premises was located within a CIA however and the Sub-Committee had to decide if the application would add to cumulative impact in the local area.

Mr Kaner, representing the Covent Garden Community Association (CGCA), addressed the Sub-Committee and confirmed that the applicant had agreed with the conditions proposed by the CGCA with some modifications. Concern still existed however over the type of premises it was, as even though the full restaurant condition would be imposed on the licence it could not be considered a restaurant in the traditional sense. Food could be offered until 23:30 and there was a concern over how this would impact on local residents and the prevention of public nuisance licensing objective. Issues already existed from customers entering and leaving the premises and congregating outside to smoke. The applicant had offered conditions to control any potential public nuisance but this did not alleviate the concerns raised over the operation. It was located in a CIA within close proximity to residential properties and therefore it was suggested the Sub-Committee closely consider the hours for late night refreshment and the hours permitting the sale of alcohol on Sunday's.

Ms Howarth, a local resident who was also representing two other residents, addressed the Sub-Committee. She explained that she had lived at her property for 35 years which was situated opposite the premises. The application was of concern as since the premises had opened the late opening hours had resulted in customers continually entering and exiting late at night creating a disturbance. This was exacerbated by customers often smoking outside, as well as a further nuisance created by one of the lights at the premises disturbing the sleep of a

nearby resident. Overall, concerns existed over the hours requested and the potential for further nuisance caused through permitting the sale of alcohol from the premises, especially on Sundays.

In response, Mr Warne highlighted the small capacity of the premises and the customer turnaround time of approximately 35 to 40 minutes. This meant there was not large groups of people entering and exiting the premises. The Sub-Committee was advised that there were no allegations that any disturbance was created from inside the premises. It was considered that there very few customers smoking outside and to address concerns all parties were reassured that the applicant would take an active role in managing the outside area in line with the proposed conditions. The premises was located within a CIA, however it would not draw crowds into the local area. It was already operating as a casual-dining restaurant and had a similar customer dwell time as other premises located in the CIA. To provide further reassurance to residents however, the applicant advised that the hours requested could be reduced. The provision of late night refreshment could be removed from the licence with the terminal hour for the sale of alcohol restricted to 22:30 with the premises closing at 23:00 Monday to Saturday.

Mr Kaner still expressed concern over the nuisance caused to residents by a light located on the premises. All parties discussed the need to address the concern and work together to deal with the issue. EH considered that model condition 80, which dealt with ensuring no lights from a premises caused a nuisance, could be added to the licence. The applicant advised that they were content for this condition to be place on the licence.

After considering all the evidence, the Sub-Committee agreed to grant the application. It was noted that the premises was located within a CIA, however the proposed conditions, including those agreed with the Police and EH, were restrictive enough to ensure that the licensing objectives would be promoted and the premises would not add to cumulative impact. The sale and consumption of alcohol would be ancillary to the premises operating as a restaurant, which was reinforced by way of condition imposed that prevented any vertical drinking from taking place providing reassurance that the premises would not become a drink-led venue. The applicant had addressed residential concerns concerning queuing, touting, noise and lights through conditions and residents were reminded that if the applicant did not adhere to the conditions they could bring about review proceedings. The Sub-Committee welcomed the withdrawal of late night refreshment and off sales of alcohol from the application. The Sub-Committee was also pleased to note the applicant's offer to reduce the opening hours to 10:00 to 23:00 Monday to Saturday and Bank Holiday Sundays, with hours for the sale of alcohol reduced to between 10:00 to 22:30 Monday to Saturday and Bank Holiday Sundays. Following the concerns raised by the residents, and the fact the premises was in a CIA, the hours now proposed were considered to be appropriate for the local area.

The Sub-Committee considered that the conditions proposed were appropriate and proportionate and would ensure that the licensing objectives were upheld and promoted. Having heard all the evidence (with consideration also being given to the representations received from the local residents), the Sub-

	Committee was satisfied that the application was suitable for the local area, addressed residential concerns and promoted the licensing objectives.
<b>2.</b>	<p><b>Sale by Retail of Alcohol – On and Off Sales</b></p> <p>Monday to Saturday: 10:00 to 23:00  Sunday: 12:00 to 22:30</p> <p><b>Seasonal Variations/Non-Standard Timings:</b></p> <p>From the end of permitted hours on New Year’s Eve until the start of permitted hours on new Year’s Day.</p> <p>Until 23:30 on any Bank Holiday Sunday.</p>
	<p>Amendments to application advised at hearing:</p> <p>The Sub-Committee was advised by the applicant that the provision of off sales had been withdrawn from the application.</p> <p>The hours for the sale of alcohol would also be reduced to 10:00 to 22:30 Monday to Saturday and 12:00 to 22:30 on Sundays. The terminal hour on Bank Holiday Sundays would also be reduced to 22:30.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application (see reasons for decision in Section 1).</p>
<b>3.</b>	<p><b>Hours Premises are Open to the Public</b></p> <p>Monday to Saturday: 10:00 to 23:30  Sunday: 12:00 to 22:30</p> <p><b>Seasonal Variations/Non-Standard Timings:</b></p> <p>From the end of permitted hours on New Year’s Eve until the start of permitted hours on new Year’s Day.</p> <p>Until 23:30 on any Bank Holiday Sunday.</p>
	<p>Amendments to application advised at hearing:</p> <p>The Sub-Committee was advised that the opening hours would be reduced to between 10:00 to 23:00 Monday to Saturday and between 12:00 to 22:30 on Sundays. The terminal hour on Bank Holiday Sundays would also be reduced to 23:00.</p>
	<p>Decision (including reasons if different from those set out in report):</p>

The Sub-Committee granted the application (see reasons for decision in Section 1).
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### **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.

### **Conditions consistent with the operating schedule**

9. 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

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. 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. 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.

14. The Premises Licence Holder shall display crime prevention posters/material aimed at preventing the theft or loss of personal possessions. These posters/materials will be affixed/displayed in prominent positions to be agreed between the Premises Licence Holder and the Westminster Police Licensing Team within the premises.

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. 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.

17. There shall be no admittance or re-admittance to the premises after 22.30 except for patrons permitted to temporarily leave the premises to smoke

18. All windows and external doors shall be kept closed after 20:00 hours except for the immediate access and egress of persons.

19. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

20. 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.

21. No collections of waste or recycling materials (including bottles) from the premises shall take place between 20.00 and 08.00 on the following day.

22. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20.00 hours and 08.00 hours on the following day.

23. No deliveries to the premises shall take place between 20.00 and 08.00 on the following day.

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

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

26. 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

27. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them

28. The premises licence holder shall ensure that any patrons 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.

29. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.

30. The Premises Licence Holder shall not permit a queue to form outside the premises after 20:00 hours daily.

31. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises. The distribution of leaflets or similar promotional material is also prohibited within the specified area.

For the purpose of this section:

'Directly' means:- employ, have control of or instruct. 'Indirectly' means allowing / permitting the service of or through a third party.

'Specified' Area' means the area encompassed within (insert name of boundary roads.)

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

33. The number of seated persons inside the premises (excluding staff) shall not exceed 30 persons.

34. 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.

35. 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.

36. The Premises Licence Holder shall arrange staff training in relation to underage sales and refusal of service. This training shall include how to seek ID in accordance with the Challenge 25 proof of age scheme. All staff training shall be documented and made available to the Responsible Authorities on request.

37. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.

38. There shall be no self service of alcohol.

## 2 OLE & STEEN, CHARING CROSS ROAD, LONDON, WC2H 0NE

### LICENSING SUB-COMMITTEE No. 4

*Thursday 20<sup>th</sup> September 2018*

Membership: Councillor Karen Scarborough (Chairman), Councillor Jim Glen and Councillor Aziz Toki

Legal Adviser: Wilda Haddad  
Policy Adviser: Kerry Simpkin  
Committee Officer: Tristan Fieldsend  
Presenting Officer: Michelle Steward  
Daisy Gadd

Relevant Representations: The Licensing Authority, Environmental Health, the Covent Garden Community Association and one local resident.

Present: Mr James Anderson (Solicitor, representing the Applicant), Mr Alistair Gordon (Representing the Applicant Company), Ms Roxanna Haq (Licensing Authority), Mr Maxwell Koduah (Environmental Health) and Mr David Kaner (Covent Garden Community Association)

#### **Ole & Steen, 51 Charing Cross Road, London, WC2H 0NE (“The Premises”) 18/08730/LIPN**

#### **1. Late Night Refreshment - Indoors**

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

Amendments to application advised at hearing:

None.

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

The Sub-Committee considered an application by Danish Bake UK Ltd for a new premises licence in respect of Ole & Steen, 51 Charing Cross Road, London, WC2H 0NE.

The Licensing Officer introduced the application to the Sub-Committee.

Mr Anderson, representing the applicant, explained that the concept of the premises was to operate as a Scandinavian bakery/café. Nine other premises already operated in the UK, three of which were located in Westminster. The premises operating in St James's, Westminster, had been open for eighteen months and had operated to core hours in a Cumulative Impact Area (CIA) without any issues arising. The St James's premises was considerably larger than the application before the Sub-Committee.

Mr Anderson advised the Sub-Committee that a number of conditions had been agreed with the responsible authorities. Whilst it had not been agreed to include the model restaurant condition on the licence however, it would be conditioned so that any customers consuming alcohol on the premises had to be seated and the sale of alcohol would be ancillary to customers purchasing food. It was proposed not to include the model restaurant condition on the licence as the premises was a more casual dining experience in that customers would be served at a counter and then have an approximate dwell time of 20 to 25 minutes. Alcohol would only form a small part of the operation and the applicant was content that a condition be added to the licence requiring the sale of alcohol to be ancillary to the premises operating as a Scandinavian bakery/café. A limited range of alcohol would be available and at other premises, it only formed 3.6% of overall sales. Mr Anderson also confirmed that no draught beers would be available.

In terms of the Council's Statement of Licensing Policy (SLP) Mr Anderson explained that the hours for the sale of alcohol were within core hours. There was also no outside seating at the premises and any deliveries would take place at the rear of the property. The Sub-Committee was advised that only two issues of contention remained. One centred on the capacity of the premises, the applicant was seeking a capacity of 80 persons; however, Environmental Health (EH) wanted to limit it to 60 due to the number of toilets available. It was felt that due to the short customer dwell time and the fact customers were likely not to be drinking alcohol, extending the capacity to 80 would not be an issue. The second issue related to off sales of alcohol for delivery to customers. The applicant was seeking the option to provide deliveries but agreement could not be reached with the Covent Garden Community Association on the wording of the condition to prevent public nuisance from occurring.

In response to a question from the Sub-Committee Mr Anderson advised that the application would not add to cumulative impact. This was due to the nature of the operation and the fact that the applicant was a proven operator who had demonstrated that they could operate a premises within a CIA without any problems occurring. The supply of alcohol for consumption on the premises would be to those people seated, taking a table meal only and the actual percentage of alcohol sales formed only a very small fraction of the business. The applicant would also be happy for the capacity to be conditioned to a maximum of 80 seated persons. In terms of off sales of alcohol, this had been applied for in order to provide an option for a delivery service to take place. All off sales would be sold in sealed containers and had to be ancillary to customers purchasing a takeaway meal, customers would not be allowed to purchase alcohol only and then consume it on the street.

Mr Koduah, representing Environmental Health, confirmed that he had discussed with the applicant the capacity of the premises. Mr Koduah explained that using the relevant guidance the current proposed toilet provision of one female, one male and one disabled access toilet only permitted a maximum capacity of 60 persons on the premises. For the premises to permit 80 persons, the guidance required there to be two female and one male toilet. In response to a question, Mr Koduah confirmed that if all the toilets were made unisex then this would meet the requirements. Mr Anderson confirmed that the toilets could be designated as unisex. As such, the Sub-Committee noted that the proposed capacity condition would be amended to a maximum of 54 persons on the ground floor and 26 on the first floor if the application was granted.

Ms Haq, representing the Licensing Authority, explained that the applicant had accepted most of the conditions suggested by the responsible authorities, these included making sales of alcohol ancillary to the premises operating as a Scandinavian bakery/café. As such, it was for the Sub-Committee to decide if the application would add to cumulative impact.

Mr Kaner, representing the Covent Garden Community Association, confirmed that nearly all the conditions had been agreed with the applicant. This included ensuring the supply of alcohol was ancillary to the premises operating as a Scandinavian bakery/café. However, the premises was located within a residential area and agreement could not be reached on a condition relating to the operation of delivery services. The condition proposed by the applicant required a delivery procedure to be in place however, there were no safeguards in place if the deliveries did create any nuisance to residents. The CGCA therefore wanted a condition to be added to the licence that was clearly enforceable.

Following a discussion over waste collection from the premises the applicant agreed that a proposed condition be amended so that all waste would be required to be placed out at the rear of the premises for collection.

After careful consideration, the Sub-Committee agreed to grant the application. The Sub-Committee was satisfied that the nature of the operation and the conditions offered by the applicant, and imposed by the Sub-Committee, were restrictive enough to ensure that the premises would not add to cumulative impact in the CIA. In particular, a condition requiring the supply of alcohol to be ancillary to the premises operating as a Scandinavian bakery/café provided assurances that it could not operate as something different to what was granted in the future. In addition, whilst it was recognised that the full model restaurant condition would not be imposed on the licence, conditions of a restaurant nature would be applied. These included ensuring that on sales of alcohol would be only to those customers seated and taking a table meal only. These conditions provided reassurance that the application would not become alcohol-led or permit vertical drinking. In addition, off sales could only be sold in sealed containers to customers having a takeaway meal, thereby preventing customers from purchasing alcohol only and consuming it on the street. To provide further safeguards however and prevent any potential public nuisance the Sub-Committee agreed to restrict the terminal hour for sales of hot food, hot drink or alcohol for consumption off the premises to 23:00. Concerning a condition

	<p>regarding deliveries the Sub-Committee agreed that the proposed CGCA condition be imposed. The impact of food delivery operators on local residents was a cause for concern and therefore imposing an enforceable condition on the licence requiring the applicant to be responsible for ensuring deliveries from the premises did not create a disturbance was considered important. The Sub-Committee also had regard to the experience of the operator along with the fact that they had been operating similar, but larger, premises already within the West End CIA without any reported issues arising.</p> <p>Having heard all the evidence (with consideration being given to the representations received from a local resident), the Sub-Committee was satisfied that the licensing objectives would be upheld and promoted, the application was suitable for the local area and would not add to cumulative impact.</p>
<b>2.</b>	<p><b>Sale by Retail of Alcohol – On and Off Sales</b></p> <p>Monday to Thursday: 10:00 to 23:30  Friday to Saturday: 10:00 to 00:00  Sunday: 12:00 to 22:30</p>
	<p>Amendments to application advised at hearing:</p> <p>The Sub-Committee granted the application but reduced the terminal hour for off sales of alcohol between Monday and Sunday to 23:00 hours.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application (see reasons for decision in Section 1).</p>
<b>3.</b>	<p><b>Hours Premises are Open to the Public</b></p> <p>Monday to Thursday: 06:30 to 23:30  Friday to Saturday: 06:30 to 00:00  Sunday: 06:30 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>The Sub-Committee granted the application (see reasons for decision in Section 1).</p>

<b>Conditions attached to the Licence</b>
<b><u>Mandatory Conditions</u></b>

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.



6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.

7. The responsible person must ensure that—

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

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

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

- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) "permitted price" is the price found by applying the formula -  
$$P = D + (D \times V)$$

Where -

    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

***Conditions consistent with the operating schedule***

9. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
10. There shall be no sales of hot food or hot drink or alcohol for consumption off the premises after 23.00.
11. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
12. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
13. The supply of alcohol at the premises shall only be to a person seated taking a table meal there for consumption by such a person as ancillary to their meal, and shall be by way of waiter/waitress or bar counter staff service.
14. 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.
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, 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. 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.
17. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
18. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

19. 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.
20. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.
21. There shall be no self service of alcohol.
22. 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.
23. Clearly legible notices shall be displayed at the exit requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
24. 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.
25. (a) All waste shall be properly presented and placed out for collection at the rear of the premises no earlier than 30 minutes before the scheduled collection times; and  
  
(b) No waste will be put out on the highway directly in front of the premises.
26. 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.
27. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

28. No licensable activities shall take place at the premises until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority.
29. The number of persons to be seated in the premises at any one time (excluding staff) shall not exceed  
Ground Floor – 54  
First Floor - 26
30. The Sale of alcohol and Late Night refreshment authorised by the this licence will at all times be ancillary to the use of the premises as a Scandinavian style Café Bakery with a majority of its service to seated customers.
31. All windows and external doors shall be kept closed after 22:00 hours except for the immediate access and egress of persons.
32. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20:00 hours and 08:00 hours on the following day.
33. Where the supply of alcohol includes delivery to the customer, the licence holder shall ensure that specific procedures are in place and that the activity does not cause a nuisance at or near to the premises.

**3 AVOBAR, 23 - 24 HENRIETTA STREET, LONDON, WC2E 8ND**

**LICENSING SUB-COMMITTEE No. 4**

*Thursday 20<sup>th</sup> September 2018*

Membership: Councillor Karen Scarborough (Chairman), Councillor Jim Glen and Councillor Aziz Toki

Legal Adviser: Wilda Haddad  
Policy Adviser: Kerry Simpkin  
Committee Officer: Tristan Fieldsend  
Presenting Officer: Michelle Steward  
Daisy Gadd

Relevant Representations: The Licensing Authority, Environmental Health, the Covent Garden Community Association and one local resident.

Present: Mr Robert Botkai (Solicitor, representing the Applicant), Ms Liana Kazaryan (Applicant), Ms Roxanna Haq (Licensing Authority), Mr Anil Drayan (Environmental Health) and Mr David Kaner (Covent Garden Community Association)

<b>Avobar, 23-24 Henrietta Street, London, WC2E 8ND (“The Premises”) 18/08115/LIPN</b>	
<b>1.</b>	<b>Sale by Retail of Alcohol – On Sales</b>  Monday to Saturday: 10:00 to 23:00 Sunday: 12:00 to 22:30
	Amendments to application advised at hearing:  The Sub-Committee was advised that the proposed hours for the sale of alcohol had been amended to between 10:00 and 22:00 Monday to Saturday and 12:00 to 22:00 on Sundays.
	Decision (including reasons if different from those set out in report):  The Sub-Committee considered an application by Avobar Ltd for a new premises licence in respect of Avobar, 23-24 Henrietta Street, London, WC2E 8ND.  The Licensing Officer introduced the application to the Sub-Committee and confirmed that the application had been amended to reduce the terminal hour for the sale of alcohol.  Mr Botkai, representing the applicant, confirmed that the application had been amended to reduce the terminal hour for the sale of alcohol Monday to Sunday to 22:00 with the provision of off sales removed. The opening hours had also been amended so that the premises would close by 22:00 Monday to Sunday. The capacity of the premises had been agreed with Environmental Health (EH) and this would be a maximum of 40 customers in the basement and 90 overall, excluding staff. The Sub-Committee noted that the premises would provide a selection of healthy food and drink options. In terms of the proposed conditions, following discussions with the Covent Garden Community Association the recycling condition would be amended so that no waste or recyclable materials would be removed or placed in outside areas between 22:00 and 08:00 hours. The Sub-Committee also noted that the applicant had not proposed the model restaurant condition; however, a similar condition restricting the sale and supply of alcohol would be imposed. This would restrict alcohol to be consumed at tables, alcohol would be provided by waiter/waitress service only and served to those customers seated taking a substantial table meal. Mr Botkai explained that the full model restaurant condition had not been offered due to the nature of the operation, as customers would place their orders at a counter before being seated. In addition, the takeaway element of the full restaurant condition had been removed, as the provision of takeaway food would be an element to the application.  In response to a question from the Sub-Committee Mr Botkai explained that the premises was a food-led operation, which aimed to provide a limited range of alcohol. It was confirmed that no draught beer would be available. The Sub-Committee noted that the applicant had held constructive discussions with the Police following which the application had been amended to ensure the hours for

	<p>the sale of alcohol were reduced to within core hours. It was recognised that the premises was located within a Cumulative Impact Area (CIA) but alcohol did not constitute a significant part of the operation. Sale of alcohol would cease by 22:00 and this provided reassurance that in future the premises could not operate as a drink-led establishment.</p> <p>Mr Drayan, representing Environmental Health, confirmed that their representation was maintained, as it was not proposed to place the full model restaurant condition on the licence. Therefore, the Sub-Committee had to decide if what the applicant proposed was sufficient to ensure the premises would not add to cumulative impact. Concern was also expressed that customers would be able to purchase food for immediate consumption outside the premises. In response Mr Botkai highlighted that food sold for takeaway would be boxed up and not sold in open containers in order to allow customers to leave the premises and then find a suitable place to consume it.</p> <p>Ms Haq, representing the Licensing Authority, confirmed that their representation was maintained, as the applicant had not offered the full model restaurant condition. It was a new premises licence application in a CIA and the Sub-Committee had to decide if it was likely to add to cumulative impact in the local area.</p> <p>Mr Kaner, representing the Covent Garden Community Association, explained that their representation had been maintained, as they had been unable to view the operating schedule and the proposed conditions that were to be placed on the licence. Having viewed them the CGCA was content that with the amended hours and the proposed conditions the application would not add to cumulative impact.</p> <p>After careful consideration, the Sub-Committee agreed to grant the application. The reduction in both the opening hours and the hours for the sale of alcohol to 22:00 was welcomed. Along with the withdrawal of off sales of alcohol from the licence, the Sub-Committee was of the opinion that these amendments would ensure that the premises would not add to cumulative impact in the local area. Whilst the full model restaurant condition would not be imposed, conditions which would ensure it operated in a manner similar to a restaurant provided reassurance that the premises would not become a drink-led venue permitting vertical drinking. The Sub-Committee was satisfied that the premises was a food-led establishment and the nature of the operation meant that the conditions proposed were appropriate and proportionate in the circumstances. Further conditions agreed restricting the capacity of the premises and detailing when recycling could take place would also help ensure that the licensing objectives were promoted and help protect the amenity of local residents. Having taken into account all the evidence, the Sub-Committee was satisfied that the application was suitable for the local area; had suitably addressed concerns raised and promoted the licensing objectives.</p>
<p><b>2.</b></p>	<p><b>Hours Premises are Open to the Public</b></p> <p>Monday to Saturday: 08:00 to 23:30  Sunday: 08:00 to 23:00</p>

	<p>Amendments to application advised at hearing:</p> <p>The applicant confirmed that the proposed hours the premises was open had been amended so that the terminal hour was now 22:00 Monday to Sunday.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application (see reasons for decision in Section 1).</p>

<b>Conditions attached to the Licence</b>	
<b><u>Mandatory Conditions</u></b>	
<ol style="list-style-type: none"> <li>1.</li> <li>2.</li> <li>3.</li> <li>4.</li> </ol>	<p>No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.</p> <p>No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.</p> <p>Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.</p> <p>(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.</p> <p>(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;</p> <p>(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or</p> <p>(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</p> <p>(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;</p>



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

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

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

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

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

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

7. The responsible person must ensure that—

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

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

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

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

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

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

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

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

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

Where -

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

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

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

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

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

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

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

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

**Conditions consistent with the operating schedule:**

9. 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.

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

11. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

12. All windows and external doors shall be kept closed after 21:00 hours except for the immediate access and egress of persons.

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

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

15. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 22:00 hours and 08:00 hours on the following day.

16. 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.
17. 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 or such other form of identification that complies with any mandatory condition that may apply to this licence.
18. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
19. 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.
20. The sale and supply of alcohol for consumption on the premises shall be restricted to alcohol consumed at tables, shall be by waiter or waitress service, served only to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.
21. The number of persons permitted in the premises at any one time (excluding Staff) shall not exceed: 40 in the basement and 90 overall in the premises.

**4 OYSTERMEN, 31 - 32 HENRIETTA STREET, LONDON, WC2E 8NA**

Granted under delegated authority.

**5 RIMINI COFFEE BAR/ESPRESSO BAR, BASEMENT AND GROUND FLOOR WEST, CRANBOURN STREET, LONDON, WC2H 7AN**

**LICENSING SUB-COMMITTEE No. 4**

*Thursday 20th September 2018*

Membership: Councillor Karen Scarborough (Chairman), Councillor Jim Glen and Councillor Aziz Toki

Legal Adviser: Wilda Haddad  
Policy Adviser: Kerry Simpkin  
Committee Officer: Tristan Fieldsend  
Presenting Officer: Michelle Steward  
Daisy Gadd

Relevant Representations: The Licensing Authority and Environmental Health

Present: Mr Gareth Hughes (Solicitor, representing the Applicant), Mr Nissim Levy (Applicant), Ms Roxanna Haq (Licensing Authority) and Mr Maxwell Koduah (Environmental Health).

**Rimini Coffee Bar/Esspresso Bar, Basement and Ground Floor West, 47 Cranbourn Street, London, WC2H 7AN (“The Premises”)  
18/07635/LIPV**

**1. Playing of Recorded Music**

**Licensable Area**

Current:

Area shaded red on the plans.

Proposed:

Area outlined in red on the plans.

Amendments to application advised at hearing:

None.

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

The Sub-Committee considered an application by Mr Nissim Levy for a variation of a premises licence in respect of Rimini Coffee Bar/Esspresso Bar, Basement and Ground Floor West, 47 Cranbourn Street, London, WC2H 7AN.

The Licensing Officer provided an outline of the application to the Sub-Committee and confirmed that the Metropolitan Police had withdrawn their representation following the agreement of conditions with the Applicant.

Mr Hughes, representing the applicant, confirmed that the application did not involve either the sale or supply of alcohol. The applicant, Mr Levy, was a very experienced operator who had traded in the local area for over 40 years. The application before the Sub-Committee was seeking to regularise the hours of the two premises operated by the applicant, which were situated in close proximity to one another and operated under one premises licence. It was sought to extend the opening hours and the hours for late night refreshment at the Espresso Bar to 04:00, which was in line with what was currently permitted at the Rimini Coffee Bar. There were external tables and chairs located at the premises but these

were removed by 01:00 each day. Mr Hughes provided an overview of the premises plans to the Sub-Committee and highlighted how the premises was very limited in size. The Espresso Coffee Bar only had an internal capacity of 18 customers, 8 seated and 10 standing with customers tending to have a short dwell time. The Sub-Committee noted that the basement area between The Espresso Bar and the Rimini Coffee Bar was co-joined.

Mr Hughes advised that the applicant was content to accept the conditions proposed by Environmental Health (EH). The Police had also visited the premises and had raised no issues over its operation. The conditions proposed by the Police had also been accepted. The premises did not suffer from any issues concerning customers departing and the applicant also advised that litter patrols were operated throughout the evening. No residents or residents' associations had submitted representations regarding the application. The Sub-Committee was advised that the establishment did not create any noise issues, crime or anti-social behaviour. The application had the support of the Heart of London Business Alliance and with the agreement of all parties, a letter was circulated which detailed their support. The premises was also a member of the Best Bar None scheme. Mr Hughes explained that new plans of the premises layout had been submitted to reflect the current layout as the old plans were out of date. Mr Hughes also confirmed that planning permission had been granted to demolish the current premises and erect a new building. This would have A3 restaurant use over two floors, which could operate until 04:00 with a greater capacity than currently available.

In response to a question from the Sub-Committee Mr Hughes explained that the application would not add to cumulative impact in the Cumulative Impact Area (CIA). The Sub-Committee was advised that there was no history of crime and disorder at the premises and the Police had no issue with the application. The premises was very small, everyone would be inside, no residential objections had been made and the applicant was an experienced and proven operator in the local area. Further conditions had also been agreed with EH.

Mr Koduah, representing Environmental Health, confirmed the small nature of the premises. The application was seeking to extend the hours for late night refreshment by one hour but overall EH had no concerns over the application. Their representation had been maintained however as there was a discrepancy on the hours permitting late night refreshment on the current licence.

Ms Haq, representing the Licensing Authority, confirmed their representation was maintained as the application was contrary to the Council's Statement of Licensing Policy and the applicant therefore had to demonstrate that the application could be considered an exception to policy.

Following further questions from the Sub-Committee the applicant explained that there was very few customers on the premises at 03:00. In addition, to provide clarity concerning the premises operation the applicant confirmed that if the application was granted he was content for a condition to be placed on the licence requiring any external tables and chairs to be rendered unusable by 01:00 hours. Due to the small size of the premises, a query was raised over whether internally it could actually hold 18 customers. The Sub-Committee

	<p>acknowledged that this was the capacity stated on the current licence but EH was asked if this had been re-evaluated? Mr Koduah confirmed that EH were seeking to assess the capacity.</p> <p>After careful consideration, the Sub-Committee agreed to grant the application subject to various amendments to the conditions. The Sub-Committee carefully considered the application on its merits and noted that as the premises was located within a CIA the application was contrary to the Council's Statement of Licensing Policy. The Sub-Committee noted however that the applicant was a very experienced operator in the local area and had agreed various conditions with EH and the Police following the submission of the application. These agreed conditions were considered appropriate and proportionate in the circumstances. To provide further reassurance that the licensing objectives would be promoted however, the Sub-Committee imposed further conditions on the licence. The Sub-Committee was concerned about the proposal to extend the hours permitting late night refreshment at the Espresso Bar and as such it was determined that in allowing this application a condition would be imposed that no sales of hot food or drinks would be permitted for consumption off the premises between 03:00 and 04:00. This condition would ensure that in permitting the extra hour, patrons of the premises would not create any disturbance late at night by consuming food or drink outside of the premises and reduce any potential nuisance emanating from the premises. The limited size of the premises was also noted and to provide clarity on its capacity the Committee considered it appropriate to impose a condition that no late night refreshment would be permitted between 03:00 and 04:00 at the Espresso Bar until EH had determined the capacity. With the applicant's agreement, a condition rendering any external tables and chairs unusable by 01:00 hours would also be imposed. The updated plan submitted by the applicant setting out the premises' layout was accepted. The Sub-Committee was of the opinion that whilst permitting the extra hour for late night refreshment was contrary to policy, the aforementioned conditions would ensure that the licensing objectives would be promoted, would create no additional cumulative impact and on this basis the application could be considered an exception to policy.</p> <p>Having considered all the evidence, the Sub-Committee was satisfied that the premises would uphold and promote the licensing objectives and as such agreed to grant the application accordingly subject to imposition and amendments to the conditions.</p>		
<p><b>2.</b></p>	<p><b>Private Entertainment</b></p> <p><b>Licensable Area</b></p> <table border="0" data-bbox="252 1727 1398 1816"> <tr> <td data-bbox="252 1727 794 1816"> <p><u>Current:</u> Area shaded red on the plans.</p> </td> <td data-bbox="794 1727 1398 1816"> <p><u>Proposed:</u> Area outlined in red on the plans.</p> </td> </tr> </table>	<p><u>Current:</u> Area shaded red on the plans.</p>	<p><u>Proposed:</u> Area outlined in red on the plans.</p>
<p><u>Current:</u> Area shaded red on the plans.</p>	<p><u>Proposed:</u> Area outlined in red on the plans.</p>		
	<p>Amendments to application advised at hearing:</p> <p>None.</p>		

	Decision (including reasons if different from those set out in report):  The application was granted, the reason for the decision is detailed in section 1.										
<b>3.</b>	<b>Late Night Refreshment – Espresso Bar - Indoors</b>  <table border="0"> <tr> <td><u>Current:</u></td> <td><u>Proposed:</u></td> </tr> <tr> <td>Monday to Thursday: 23:00 to 02:00</td> <td>Monday to Thursday: 23:00 to 02:00</td> </tr> <tr> <td>Friday to Saturday: 23:00 to 03:00</td> <td>Friday to Saturday: 23:00 to 04:00</td> </tr> <tr> <td>Sunday: 23:00 to 01:30</td> <td>Sunday: 23:00 to 01:30</td> </tr> </table> <b>Licensable Area</b>  <table border="0"> <tr> <td>Area shaded red on the plans.</td> <td>Area outlined in red on the plans.</td> </tr> </table>	<u>Current:</u>	<u>Proposed:</u>	Monday to Thursday: 23:00 to 02:00	Monday to Thursday: 23:00 to 02:00	Friday to Saturday: 23:00 to 03:00	Friday to Saturday: 23:00 to 04:00	Sunday: 23:00 to 01:30	Sunday: 23:00 to 01:30	Area shaded red on the plans.	Area outlined in red on the plans.
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Sunday: 23:00 to 01:30	Sunday: 23:00 to 01:30										
Area shaded red on the plans.	Area outlined in red on the plans.										
	Amendments to application advised at hearing:  None.										
	Decision (including reasons if different from those set out in report):  The Sub-Committee granted the application (see reasons for decision in Section 1).										
<b>4.</b>	<b>Late Night Refreshment – Café Rimini - Indoors</b>  <b>Licensable Area</b>  <table border="0"> <tr> <td><u>Current:</u></td> <td><u>Proposed:</u></td> </tr> <tr> <td>Area shaded red on the plans.</td> <td>Area outlined in red on the plans.</td> </tr> </table>	<u>Current:</u>	<u>Proposed:</u>	Area shaded red on the plans.	Area outlined in red on the plans.						
<u>Current:</u>	<u>Proposed:</u>										
Area shaded red on the plans.	Area outlined in red on the plans.										
	Amendments to application advised at hearing:  None.										
	Decision (including reasons if different from those set out in report):  The Sub-Committee granted the application (see reasons for decision in Section 1).										
<b>5.</b>	<b>Sale by Retail of Alcohol – Espresso Bar – On Sales</b>  <b>Licensable Area</b>  <table border="0"> <tr> <td><u>Current:</u></td> <td><u>Proposed:</u></td> </tr> <tr> <td>Area shaded blue on the plans.</td> <td>Area outlined in red on the plans.</td> </tr> </table>	<u>Current:</u>	<u>Proposed:</u>	Area shaded blue on the plans.	Area outlined in red on the plans.						
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	<p><u>Current:</u></p> <p>Area shaded on the plans.</p>	<p><u>Proposed:</u></p> <p>Area outlined in red on the plans.</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>The Sub-Committee granted the application (see reasons for decision in Section 1).</p>	
<b>9.</b>	<p><b>Layout Alteration</b></p> <p>As per the new plan which can be found in <b>Appendix 1</b> of the report. The existing plans can also be found in this Appendix.</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>The Sub-Committee granted the application (see reasons for decision in Section 1).</p>	

<b>Conditions attached to the Licence</b>
<p><b><u>Mandatory Conditions</u></b></p> <p>1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.</p> <p>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.</p> <p>3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.</p> <p>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.</p> <p>(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—</p> <p>(a) games or other activities which require or encourage, or are designed to require</p>

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 subparagraph 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 reproducing the effect of conditions subject to which the relevant existing licenses have effect.**

**Conditions relating to Late Night Refreshment:**

9. This licence is subject to all the former regulations made by Westminster City Council prescribing standard conditions for annual night café licences, effective from 1 October 2001

**Café Rimini (47 Cranbourn Street)**

10. The total number of persons accommodated at the premises (excluding staff) shall not exceed 30.

**Espresso Bar (48 Cranbourn Street)**

11. The number of persons accommodated at any one time (excluding staff) shall not exceed 18.

**Conditions Related to Sale of Alcohol**

**Café Rimini and Espresso Bar**

12. In the area hatched black on the deposited plan intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.

13. Suitable beverages, other than intoxicating liquor including drinking water, shall be equally available for consumption with or otherwise as an ancillary to food supplied in the premises.

14. Service of intoxicating liquor shall be by Waiter/waitress service only.

**Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments.**

15. (i) Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

(a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10.00 to 23.00.

- (b) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30.
- (c) On Good Friday, 12.00 to 22.30.
- (d) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30.
- (e) On New Year's Eve, except on a Sunday, 10.00 to 23.00.
- (f) On New Year's Eve on a Sunday, 12.00 to 22.30.
- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).

#### Café Rimini

- (ii) Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve), and on Christmas Day, between 15.00 and 19.00, to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes in Café Rimini and twenty minutes in Espresso Bar after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing

there;

- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

16. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (a) He is the child of the holder of the premises licence.
- (b) He resides in the premises, but is not employed there.
- (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

17. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day'

**Conditions attached after a hearing by the licensing authority**

- 18. At all times that any Licensable Activities are taking place, a personal Licence Holder shall be present and on duty in the role of Duty Manager.
- 19. No off sales of alcohol.
- 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. 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.

22. 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.
23. 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.
24. There shall be no sales of hot food or hot drink for consumption off the premises after 03:00 on the day following Friday and Saturday in respect of the Espresso Bar, 48 Cranbourn Street.
25. All outside tables and chairs shall be rendered unusable by 01:00 Monday to Sunday.
26. The extension of hours for late night refreshment between 03:00 and 04:00 on day following Friday and Saturday in respect of the Espresso Bar, 48 Cranbourn Street shall not take effect until the capacity of the premise has been determined by the councils Environmental Health Officer and this condition has been replaced with a condition detailing the capacity so determined.

The Meeting ended at 3.10 pm

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_



