



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (4)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** held on **Thursday 6th December, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Karen Scarborough, Susie Burbridge and Shamim Talukder

1 MEMBERSHIP

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

1 A FOOD STORY, GROUND FLOOR, 104 GREAT PORTLAND STREET, LONDON, W1W 6PE

LICENSING SUB-COMMITTEE No.4

Thursday 6 December 2018

Membership: Councillor Karen Scarborough (Chairman), Councillor Susie Burbridge and Councillor Shamim Talukder

Legal Adviser: Barry Panto
Committee Officer: Sarah Craddock
Presenting Officer: Michelle Steward

Relevant Representations: Environmental Health, Fitzrovia Neighbourhood Association and nine local residents

Present: Mr Matteo Pantani (Applicant), Mr Maxwell Koduah (Environmental Health), Sharon Palazzo (local resident representing Portland Apartments Ltd and the Leaseholders at 89 Great Portland Street), Richard Brown (Solicitor representing local residents and Fitzrovia Neighbourhood Association)

A Food Story, Ground Floor, 104 Great Portland Street, W1W 6PE (“The Premises”) 18/08281/LIPV

1.	<p><u>Current</u></p> <p>Sale by Retail of Alcohol (Off-Sales only)</p> <p>Monday to Saturday: 08:00 to 23:00 Sunday 10:00 to 22:30</p>	<p><u>Proposed</u></p> <p>Sale by Retail of Alcohol (On-Sales only)</p> <p>Monday to Saturday: 10:00 to 22:30 Sunday 12:00 to 22:30</p>
<p>Amendments to application advised at hearing:</p> <p>None.</p>		
<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by Pantani Ltd, (“the Applicant”) for a Variation of the licence in respect of premises trading under the name of A Food Story, Ground Floor, 104 Portland Street, W1W 6PE. The current licence had been transferred to the applicant in July 2018.</p> <p>The Presenting Officer provided an outline of the application to the Sub-Committee. She confirmed that the Environmental Health Team had maintained their representation on policy grounds and that there had been residential representations from the Fitzrovia Neighbourhood Association and nine local residents. She further confirmed that the Metropolitan Police Force had withdrawn their representation following the agreement of conditions with the applicant. The Sub-Committee noted that the premises was located in the West End Ward but was not situated in the Cumulative Impact Area.</p> <p>Mr Matteo Pantani (Applicant) advised that the application was for a variation of a premises licence for Sale by Retail of Alcohol for consumption ‘On’ the premises Monday to Saturday from 10:00 to 22:30 and Sunday from 12:00 to 22:30. The Sub-Committee noted that the Premises operated as an Italian all day diner. Mr Pantani advised that the premises opened for breakfast and then operated throughout the day serving lunch and dinner. He would now like to serve alcohol (a bottle or glass of wine) with lunch and dinner in order to enhance the customer’s meal experience at the restaurant. Mr Pantani emphasised that he had no intention to turn the premises into a pub or an event premises and have people drinking and smoking outside of the premises. He further confirmed that the capacity of the premises was for 30 persons.</p> <p>Mr Pantani advised that he had completed the application form for the variation of the premises licence and apologised if he had not made it clear to the local residents and the Responsible Authorities that he only wanted to serve alcohol with a restaurant meal. He confirmed that he had taken their concerns very seriously and was very happy to agree to all the proposed conditions, as he wanted to build a long-term happy relationship with his neighbours. He then gave details of the other premises that he had operated in the hospitality industry.</p>		

In response to questions from the Sub-Committee, Mr Pantani confirmed that he had not known what the Council meant by Recorded Music which was why he had requested it on the application form. He confirmed that Recorded Music could now be removed from the licence. He further confirmed that he did not want off sales of alcohol and that he would like to open from 7.00am until 23:00pm on Monday to Friday. Mr Panto (Legal Advisor to the Sub-Committee) explained to Mr Pantani that he had requested Opening Hours from 8am to 22:30pm on his application form and that meant that the licensing authority could not grant opening hours beyond those hours as potential objectors to the application were entitled to place reliance on the details in the application form.

Mr Maxwell Koduah (Environmental Health) advised that Environmental Health had maintained their representation as they were concerned that the application would cause an increase in public nuisance, however they were now reassured as the premises would be operated as a restaurant and that the conditions agreed with Environment Health and the Police would promote the Licensing objectives. The Sub-Committee noted that after a brief discussion between Environmental Health and Mr Pantani, Mr Pantani had also agreed to remove Private Entertainment from his licence.

Richard Brown (solicitor representing residents at 89 Portland Street) advised that the residents welcomed Mr Pantani wanting to be part of the community and to operate a professional operation in a highly residential area. Mr Brown advised that this had been the fourth application for a premises licence in this area in the past 13 months and residents had put a lot of hard work in during this time to ensure that controls in the way of conditions be placed on all the premises licences in the area. This was because although Great Portland Street was a very busy street it was also a highly residential area. Mr Brown referred to the application form and advised that the application form clearly requested Opening Hours from 8am until 22:30 and the representations were prepared and based on the application form. Mr Brown then referred to the additional comments to the resident's representation which had been circulated and emphasised that the resident's main concerns were: alcohol being ancillary to a table meal at all times, rubbish collection times, food delivery times, noise nuisance and that the number of smokers be limited outside of the premises. Mr Brown advised that he considered that the agreed conditions with the Responsible Authorities would mitigate the resident's concerns and promote the Council's Licensing objectives.

Sharon Palazzo (local resident representing the Leaseholders at 89 Great Portland Street) advised that 89 Great Portland Street was located diagonally opposite the premises. She advised that Great Portland Street was a busy street during the day but during the evenings and weekends it was a very quiet place. The Sub-Committee noted that residents wanted all the premises licences in the area to be consistent with one another so that the street could remain a peaceful residential area.

In response to questions from the Sub-Committee regarding the failed public notice checks issued to the premises, Mr Pantani explained they had been issued because he had misunderstood the Council's instructions and had

	<p>displayed the public notice on white paper using a blue font instead of displaying it on actual blue paper.</p> <p>Mr Panto (Legal Adviser for the Licensing Sub-Committee) discussed the conditions proposed by the local residents with Mr Pantani. Mr Pantani agreed to limit the number of smokers outside of the premises to 4 persons and agreed to conditions 2, 4, 7, 8, 9, 10 and 11 with amendments being attached to the premises licence.</p> <p>The Sub-Committee had regard to the oral and written submissions from the applicant, responsible authorities and local residents (including the representations from those not in attendance at the hearing) and after careful consideration agreed to grant the application with Opening Hours from 08:00 to 22:30 as outlined in the Applicant's application. There was no policy to refuse the application and the hours sought for the sale of alcohol were well within core hours. The Sub-Committee considered the conditions proposed to be placed on the licence (including a requirement for the sale and consumption of alcohol to be ancillary to a table meal) were appropriate and proportionate in the circumstances, would ensure the premises did not impact negatively on the local area and would promote the Licensing objectives.</p>	
2.	<p>Hours Premises are open to the public</p> <p><u>Current:</u></p> <p><u>Monday to Sunday: 00:00 to 00:00</u></p>	<p>Hours Premises are open to the public</p> <p><u>Proposed:</u></p> <p><u>Monday to Sunday: 08:00 to 22:30</u></p>
	<p>Amendments to application advised at hearing:</p> <p>The applicant indicated that he wanted to sell alcohol from 07:00 but it was explained to him that he was restricted to the hours set out in the application form, albeit that those hours had not been set out in the correct box in the application form.</p>	
	<p>Decision (including reasons if different from those set out in report):</p> <p>The application was granted, the reasons for the decision being detailed in section 1 above.</p>	

Conditions attached to the Licence

Mandatory:

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.

3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

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

7. The responsible person must ensure that—

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

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

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

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

Where -

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

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

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

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

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

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

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

9. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, 08:00 to 23:00
- (b) On Sundays, other than Christmas Day, 10:00 to 22:30
- (c) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30

(d) On Good Friday, 08:00 to 22:30

The above restrictions do not prohibit:

- (a) 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;
- (b) ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) 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.

10. Alcohol shall not be sold in an open container or be consumed in the licenced premises.
11. A personal licence holder will be physically present on the premises at all times.
12. Persons operating the tills/points of sales are sent on courses and take and pass their BIINCPLH certificate.
13. Outside of permitted hours for the sale of alcohol all alcohol within the trading area to be covered with shutters and notices be placed on the shutters making clear to customers that the alcohol section is closed.
14. No display of any alcohol will be sited outside the shuttered area.
15. New scanners now recognise the sale of alcohol and instigate a two-tier reminder. There is also a red till prompt staff to check ID.
16. Refusal books now records when a customer has been challenged to produce ID.
17. Regular training sheet require staff to confirm their knowledge and acceptance of the rules.
18. A clear and concise policy on the responsible sale of alcohol is in force.
19. No beer, lager and cider with an ABV over 5.5% to be sold at the venue.
20. No self-service of spirits.
21. All licences are correctly displayed with full copies kept on the premises.
22. Notices are in place asking patrons to leave quietly and respect the neighbours.
23. Posters request ID for alcohol purchases.

24. The premises will install and maintain a comprehensive CCTV system that ensures all areas where alcohol is on public display and the point of sale are continually monitored. All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept available for a minimum of 31 days with time and date stamping. Recordings shall be made available to an authorised officer or a police officer together with facilities for viewing. (Subject to the Data Protection Act 1998).
25. No more than 15% of the sales area to be used at any one time for the sale or exposure for sale or display of alcohol.
26. Signage shall be displayed upon entering the premises, where alcohol is on public display and at the point of sale indicating the permitted hours for the sale of alcohol.
27. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
28. The supply of alcohol shall be by waiter/waitress service.
29. All windows and external doors shall be kept closed after 21:00 except for the immediate access and egress of persons.
30. 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.
31. 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.
32. 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.
33. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
34. No waste or recycling material (including bottles) shall be moved, removed from or placed in outside areas between 20:00 and 08:30 on the following day Monday to Sunday.
35. No collections of waste or recycling materials (including bottles) from the premises shall take place between 20:00 and 09:00 on the following day Monday to Saturday and between 18:00 and 19:00 on the following day on Sundays.
36. No deliveries to the premises shall take place between 20:00 and 08:00 on the following day Monday to Saturday and between 18:00 and 08:00 on the following day on Sundays.

37. 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.
38. 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.
39. 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.
40. The number of seated persons permitted in the premises at any one time (excluding staff) shall not exceed 30 persons.
41. 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.
42. 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.
43. 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
44. 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.
45. 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.
46. There shall be no self-service of alcohol on the premises.

47. 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) any faults in the C
 - (f) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
48. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
49. There shall be no tables and chairs outside the premises at any time.
50. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be limited to a maximum of 4 persons at any one time.
51. Notices shall be prominently displayed in the designated area immediately in front of the premises for smoking or vaping requesting patrons to respect the needs of local residents and use the area quietly.

2 LONDON SCOTTISH HOUSE, 95 HORSEFERRY ROAD, LONDON, SW1P 2DX

LICENSING SUB-COMMITTEE No.4

Thursday 6 December 2018

Membership: Councillor Karen Scarborough (Chairman), Councillor Susie Burbridge and Councillor Shamim Talukder

Legal Adviser: Barry Panto
Committee Officer: Sarah Craddock
Presenting Officer: Michelle Steward

Relevant Representations: Environmental Health and five local residents

Present: Mr Alistair Wood (Chief Executive, Clerk and Applicant), Mr Warren Foot (Trustee) and Mr Anil Drayan (Environmental Health)

London Scottish House, 95 Horseferry Road, SW1P 2DX (“The Premises”) 18/12406/LIPN	
1.	Provision of Plays, exhibition of films, Indoor sporting events, boxing or wrestling entertainments, live music, recorded music and the performance of dance: Monday to Sunday: 08:00 to 23:00
	Amendments to application advised at hearing: During the hearing the applicant changed the hours to: Monday to Saturday: 09:00 to 23:00 Sunday: 09:00 to 22:30
	Decision (including reasons if different from those set out in report): The Sub-Committee considered an application by London Scottish Volunteer Enterprises Limited, (“the Applicant”) for a new licence in respect of London Scottish House, 95 Horseferry Road, SW1P 2DX. The Presenting Officer provided an outline of the application to the Sub-Committee. She confirmed that the Environmental Health Team had maintained their representation on policy grounds and that there had been residential representations from five local residents. She further confirmed that the Metropolitan Police Force had withdrawn their representation following the agreement of conditions with the applicant. It was noted that the premises are not situated in a cumulative impact area.

	<p>Mr Wood (Applicant) advised that the Sub-Committee had before it an application for a new premises licence for a premises situated within a Grade II listed building. This was to be used as an office and event space. The Sub-Committee heard that the building had been previously leased to the Army on a 30 year lease (the Army had been exempt from having a Premises Licence) and now the Army had handed back the licence the charity wished to continue to hold the events that had jointly been organised with the Army in relation to their community responsibilities. Mr Wood confirmed that the charity was also happy to comply with the Council's Core Hours Policy. The Sub-Committee noted that to hold the events the charity needed a premises licence so it could continue to use the building to promote its Scottish cultural and heritage background through regulated access to its historical features for both business and charitable events. Mr Wood confirmed that the charity would continue with similar events but with a slightly higher volume of activity to increase revenue in order to continue to operate the building.</p> <p>Mr Anil Drayan (Environmental Health) advised that Environmental Health and local residents had maintained their representation as the premises was located in a highly residential area but were satisfied that the agreed conditions would promote the licensing objectives. He confirmed that the building was a Grade II listed building, which held cultural and heritage paintings so the rooms in the building would not be used for vertical drinking or drink led events.</p> <p>Mr Wood advised that approximately 365 events would be held in the building but that not all of these events would be licensable events. Mr Wood advised that he would be happy if the Sub-Committee wanted to limit the number of licensed events but emphasised that the charity wished to hold as many events as possible so as to maximize revenue to cover the cost of running the building. Mr Drayan advised that if the Sub-Committee wished to limit the number of licensed events that they do it in the Drill Hall only and that the capacity for each room in the building would not be finalised until the District Surveyor visited the premises.</p> <p>The Sub-Committee had regard to the oral and written submissions from the applicant, the written representations from those who were not in attendance at the hearing and the evidence given by the Environmental Health Team. After careful consideration the Sub-Committee agreed to grant the application but added a condition that 'There shall be no more than 50 licensed events per calendar year when the capacity is over 150 persons (excluding staff)</p> <p>The Sub-Committee noted there had been no history of complaints at the premises and that the Metropolitan Police had withdrawn their representation as they had agreed conditions with the applicant. The Sub-Committee considered the conditions imposed on the Premises Licence to be appropriate and proportionate and was satisfied that they would help promote the licensing objectives.</p>
2.	<p>Sale by Retail of Alcohol (On-Sales)</p> <p>Monday to Sunday: 12:00 to 23:00</p>

	Seasonal variations/Non-standard timings: None applied for
	Amendments During the hearing the Applicant reduced the hours for Sale by Retail of Alcohol on Sundays to:12:00 to 22:30
	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.
3.	Hours premises are open to the public Monday to Sunday: 08:00 to 23:00
	Amendments None.
	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.

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.
1. 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.
 2. 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.
 3. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

4. 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.
5. 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. any faults in the CCTV system, searching equipment or scanning equipment
 - f. any refusal of the sale of alcohol
 - g. any visit by a relevant authority or emergency service.
6. Licensable activities at the premises shall only be provided to:
 - i. Persons attending pre-booked events (by invitation only)
 - ii. Staff of London Scottish Headquarters Trust and their bona fide guests
 - iii. Members of the Armed Forces and their bona fide guests.
7. A suitable and sufficient Event Management Plan shall be drawn up for each event which must be made available on request to the Responsible Authorities. This should be kept for at least one year and must contain information and assessments, as a minimum, on the following aspects where relevant:
 - i. Details of responsible persons including at least one person with management responsibilities of the licence holder
 - ii. Stewarding and Emergency Evacuation Plans
 - iii. Temporary structures (including obtaining any temporary structures licence where necessary)
 - iv. Use of Special Effects
 - v. Noise Management Plan including arrival and dispersal arrangements
 - vi. Provision of sanitary accommodation.
8. All boxing and wrestling events held at the premises shall be sanctioned by the appropriate professional bodies.
9. There shall be no cinema style showing of films
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. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons

authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

12. Regulated entertainment consisting of recorded music and live music shall only be provided in the Drill Hall.
13. 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.
14. Notices will be prominently displayed at exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
15. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
16. 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.
17. 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.
18. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
19. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
20. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
21. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business
22. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 on the following day.
23. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which

produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased. NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

24. Any special effects or mechanical installations shall be arranged, operated and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 working days prior notice being given to the Environmental Health Consultation Team where consent has not previously been given:
 - dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fireworks
 - firearms
 - lasers
 - explosives and highly flammable substances.
 - real flame.
 - strobe lighting.
25. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
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. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
28. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
29. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
30. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
31. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
32. The certificates listed below shall be submitted to the licensing authority upon written request:
 - a. Any permanent or temporary emergency lighting battery or system
 - b. Any permanent or temporary electrical installation

- c. Any permanent or temporary emergency warning system
- d. Any ceiling inspection certificate

33. 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.
34. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority. (Where there are minor changes to the layout during any refurbishment new plans shall be submitted to the Licensing Authority as part of any request to remove this condition).
35. There shall be no more than 50 licensed events per calendar year when the capacity is over 150 persons (excluding staff).
36. No licensable activities shall take place at the premises until the capacity of the premises has been determined by the EH Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity to determined.
37. Capacities will be determined for the Basement, Drill Hall, 1st Floor and 2nd Floor when the works condition above is removed and the overall capacity of the entire building shall not exceed 550 persons (excluding staff).

3 GROUND FLOOR, 65 PRAED STREET, LONDON, W2 1NS

LICENSING SUB-COMMITTEE No.4

Thursday 6 December 2018

Membership: Councillor Karen Scarborough (Chairman), Councillor Susie Burbridge and Councillor Shamim Talukder

Legal Adviser: Barry Panto
Committee Officer: Sarah Craddock
Presenting Officer: Michelle Steward

Relevant Representations: Environmental Health, Metropolitan Police and four local residents

Present: Mr Sayed Elmoniri (Director of the Applicant company), Mr Dave Nevitt (Environmental Health) and PC Adam Deweltz (Metropolitan Police)

Ground Floor, 65 Praed Street, W2 1NS (“The Premises”) 18/10659/LIPN	
1.	Late Night Refreshment (Indoors) Monday to Thursday: 23:00 to 02:00 Friday to Saturday: 23:00 to 03:00
	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 Al Kababgi Limited (“the Applicant”) for a new licence in respect of Ground Floor, 65 Praed Street, W2 1NS. The Presenting Officer provided an outline of the application to the Sub-Committee. She confirmed that the Environmental Health Team and Metropolitan Police had maintained their representation on policy grounds and that there had been residential representations from four local residents. The Sub-Committee noted that the premises was not located in a cumulative impact area. Mr Elmoniri (on behalf of the Applicant company) advised that this was an application for a new premises licence for Late Night Refreshment (on and off) the premises Monday to Thursday: 23:00 to 02:00 and Saturday and Sunday: 23:00 to 03:00. The Sub-Committee heard that the premises intended to operate as a small take-away/restaurant with a capacity of approximately six people and that the majority of his business was to be conducted during the early hours of the morning as this was when customer demand for his food was

at its premium.

Mr Elmoniri advised that since he had been prevented from selling hot food after 11pm he had not been able to make enough money to cover the premises' rent. He could not understand why selling hot food after 11pm was any different from selling cold food. Mr Elmoniri further advised that he was willing to accept any arrangement that would allow him to sell hot food after 11pm, whether it be just on the premises or both on and off the premises. He confirmed that he did not want to sell alcohol and that his customers did not use the table and chairs located outside of the premises. After a brief discussion with the Sub-Committee regarding the use of the table and chairs Mr Elmoniri advised that he would remove the table and chairs with immediate effect.

Mr Dave Nevitt (Environmental Health) advised that Environmental Health had maintained their representation as the proposal was likely to increase the risk of Public Nuisance in the area. He explained that the Council's Licensing Policy differs between selling hot and cold food after 11pm as hot food was very much more attractive to people who had been out drinking during the evening. Mr Nevitt referred to the premises plan and advised that it was only possible for a small number of customers to sit inside the premises so most of the hot food purchased would be for takeaway, which would cause noise nuisance from people and delivery vehicles in the immediate residential area.

PC Adam Deweltz (Metropolitan Police) advised that the Police had maintained their representation as the proposal to open until 2.00am or 3.00am was likely to increase the risk of crime and disorder in the area as the people visiting the premises were likely to be intoxicated with alcohol.

The Sub-Committee advised that they wanted to help small businesses to be prosperous but that the business model should not just rely on selling hot takeaway food in the early hours of the morning to be successful. The Sub-Committee noted that any deliveries made from the premises was achieved using an electric bicycle.

In response to a question from Mr Barry Panto (Legal Adviser to the Licensing Sub-Committee), Mr Nevitt and PC Deweltz confirmed that takeaway delivery to a bona fide address was much more preferable than takeaway for immediate consumption in a residential area as this would prevent noise nuisance and crime and disorder in the immediate residential area.

The Sub-Committee carefully considered all the evidence, including the representations from those persons who had not attended the hearing, and decided to grant Late Night Refreshment (on and off) the premises Monday to Thursday: 23:00 to 00:00 and Saturday and Sunday 23:00 to 01:00 but restricted takeaway food to deliveries by electric bicycle only so there was no takeaway food to be sold in the immediate vicinity. The Sub-Committee considered that this would prevent noise nuisance and crime and disorder in the immediate residential area. This would therefore be a proportionate response that would balance the concerns of the residential population with the desire of the applicant to bring in more revenue for his business.

	The Sub-Committee advised that the following condition would be added to the licence that made it clear that hot food could be sold for consumption on the premises and for deliveries only but not for consumption outside these premises or outside any other premises. The condition read as follows 'There shall be no provision of late night refreshment for immediate consumption off the premises after 23:00 and the provision of late night refreshment for consumption off the premises after 23:00 will be restricted to the delivery of food and/or drink to a customer's bona fide home or business address'.
2.	Hours premises are open to the public Monday to Thursday: 10:00 to 02:00 Friday to Saturday: 10:00 to 03:00 Sunday: 12:00 to 22:00
	Amendments to application advised at hearing: None
	Decision (including reasons if different from those set out in report): The application was granted for the same hours as the hours set out above for the provision of late night refreshment on Monday to Saturday, the reasons for the decision being detailed in section 1 above. The opening hours on a Sunday would be as set out in the application.

Conditions attached to the Licence

Conditions consistent with the operating schedule

1. The licence holder must ensure that all staff are aware of their social and legal obligations, and their responsibilities regarding the sale of alcohol.
2. Training shall be given to all staff to ensure compliance with the four licensing objectives. Training records will be kept on the premises, and the training records will show the date of training. The training record is to be signed by the staff member receiving the training and then countersigned by the Designated Premises Supervisor.
3. The fire safety measure which the premises are providing must be maintained in good working order, and their adequacy will be determined on a regular basis, by the carrying out of a fire risk assessment as required by, and in accordance with the regulatory reform (fire safety) order 2005.
4. An adequate and appropriate supply of first aid equipment and materials must be available.

5. 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.
6. 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.
7. 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) any faults in the CCTV system
 - (f) any visit by a relevant authority or emergency service.
8. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
9. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
10. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses at leave the area quietly.
12. 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.
13. There shall be no provision of late night refreshment for immediate consumption off the premises after 23:00 and the provision of late night refreshment for consumption off the premises after 23:00 will be restricted to the delivery of food and/or drink to a customer's bona fide home or business address.

14. The delivery of hot food and/or drink after 23.00 shall only be made on foot or by pedal or electric bicycles.

4 SLIM CHICKEN, GROUND AND FIRST FLOOR, 12 MOOR STREET, LONDON, W1D 5NG

LICENSING SUB-COMMITTEE No.4

Thursday 6 December 2018

Membership: Councillor Karen Scarborough (Chairman), Councillor Susie Burbridge and Councillor Shamim Talukder

Legal Adviser: Barry Panto
Committee Officer: Sarah Craddock
Presenting Officer: Michelle Steward

Relevant Representations: Environmental Health, Licensing Authority and Soho Society

Present: Mr Richard Pigott (Area Manager on behalf of the Applicant company), Mr Steve Burnett (Agent representing the Applicant), Mr Dave Nevitt (Environmental Health) and Ms Roxanna Haq (Licensing Authority)

Slim Chicken, Ground and First Floor, 12 Moor Street, W1D 5NG ("The Premises") 18/12167/LIPV

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| 1. | <p>This variation application seeks the following:</p> <ol style="list-style-type: none">1. To vary the layout of the premises in accordance with plans supplied by the applicant. Main changes include rebranding as "Slim Chicken" to incorporate a new first floor trading area, to amend the basement by moving toilets to the mezzanine floor and internal changes to the ground floor layout.2. To amend and add conditions as detailed below:

Remove the current conditions 9 and 12 and replace with the following condition:

The supply of alcohol for consumption on the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.3. To add off sales for the supply of alcohol with a condition that "off sales should only be supplied ancillary to a takeaway meal or meal delivery to a bona fide address". <p>Apart from the inclusion of off-sales of alcohol, all licensable activities, permitted hours and opening hours are to remain as existing.</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 considered an application by Giraffe Concepts Limited (“the Applicant”) for a new licence in respect of Ground and First Floor, 12 Moor Street, W1D 5NG.</p> <p>The Presenting Officer provided an outline of the application to the Sub-Committee. She confirmed that the Environmental Health Team and Licensing Authority had maintained their representation on policy grounds and that there had been residential representations from the Soho Society. The Soho Society, however, were now satisfied with the application as conditions had been agreed with the Responsible Authorities. The Sub-Committee noted that the Licensing Authority had removed any reference to PB2 and RNT2 as they were not relevant to the application and style of operation and that the Metropolitan Police Force had withdrawn their representation.</p> <p>Mr Burnett ((Agent representing the Applicant) advised that the application was for a variation of a premises licence to vary the layout of the premises and to amend and add conditions regarding the supply of alcohol that would only be sold with a meal on and off the premises. The Sub-Committee heard that this was an American based diner and that the principal change other than from principally burgers to principally chicken was a new trading area on the first floor. The Sub-Committee further heard that the capacity had increased to 35 persons, but that this alteration would not adversely affect the cumulative impact area. This was because this type of premises did not cause a nuisance and the additional conditions that would be added to the licence would promote the licencing objectives. It was also noticed that there was no capacity at all on the existing premises licence.</p> <p>Mr Dave Nevitt (Environmental Health) advised that Environmental Health had maintained their representations on policy grounds but were now satisfied that the proposed conditions would promote the licensing objectives. The Sub-Committee noted that the hours sought were within the Council’s Core Hours Policy and that the Applicant had sought advice from the Responsible Authorities regarding their application and amended it accordingly.</p> <p>Roxsana Haq (Licensing Authority) confirmed that the Licensing Authority had maintained their representation as this was a variation for a premises licence located in a cumulative impact area and residential representations had been received from the Soho Society. The Sub-Committee noted that the Licensing Authority was now satisfied with the application as the residential concerns had been addressed with the proposed conditions being attached to the licence.</p> <p>The Sub-Committee considered whether they should restrict the licence to the Applicant ‘Giraffe Concepts Limited only, however, Mr Burnett advised that he did not think this was necessary as the premises could only operate as a restaurant under the premise licence.</p>

The Sub-Committee carefully considered all the evidence and decided to grant the application. The Sub-Committee noted that conditions had been agreed with both the Licensing Authority and Environmental Health Service and that the Police had withdrawn their representation. The Sub-Committee further noted there had been no history of complaints at the premises. There were also some significant improvements with the variation application as compared with the existing licence. The additional conditions that had been agreed meant that the sale of alcohol for consumption on the premises could now only be served to seated persons by waiter or waitress service. In addition, the supply of late night refreshment for consumption off the premises had effectively been cut back by one hour every night of the week and there was no provision of any late night refreshment for immediate consumption off the premises.

The Sub-Committee considered the conditions imposed on the premises Licence to be appropriate and proportionate and was satisfied that they would help promote the licensing objectives. It was considered that, overall, the variation application would not add to cumulative impact.

Conditions attached to the Licence

Mandatory:

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

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

Where -

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

- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. Alcohol may be sold or supplied:
- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10:00 to 00:00;
 - (b) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12:00 to 23:30;
 - (c) On Christmas Day: 12:00 to 22:30;
 - (d) On New Year's Eve, except on a Sunday, 10:00 to 23:00;
 - (e) On New Year's Eve on a Sunday, 12:00 to 22:30;
 - (f) 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, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) 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;
- (b) 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;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;

- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) 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;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) 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;
- (i) 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.

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

14. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
16. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
17. Sales of alcohol for consumption off the premises shall be supplied in sealed containers, and ancillary to, a take-away meal or meal delivery to a bona fide address.
18. The number of persons permitted in the First Floor of the premises at any one time (excluding staff) shall not exceed 35 persons.
19. The supply of alcohol shall be by waiter or waitress service only.
20. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
21. 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.
22. 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.
23. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
24. There shall be no sales of alcohol for consumption off the premises after 23:00 hours.
25. 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) any faults in the CCTV system, searching equipment or scanning equipment

(f) any refusal of the sale of alcohol

(g) any visit by a relevant authority or emergency service.

26. The premise shall only operate as a restaurant:

(i) which provides food in the form of substantial table meals which have been prepared on the premises and are served and consumed at the table using recyclable or non-disposable crockery;

(ii) which does not provide any takeaway service of food or drink for immediate consumption; and

(iii) which does not provide any takeaway service of food or drink after 23:30hrs on Monday to Saturday and 23:00hrs on Sundays.

The Meeting ended at 2.38 pm

CHAIRMAN: _____

DATE _____