



**CITY OF WESTMINSTER**

# MINUTES

## **Licensing Sub-Committee (3)**

### **MINUTES OF PROCEEDINGS**

Minutes of a meeting of the **Licensing Sub-Committee (3)** held on **Thursday 17th January, 2019**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

**Members Present:** Councillors Melvyn Caplan (Chairman), Councillor Jacqui ilkinson and Councillor Shamim Talukder.

#### **1 MEMBERSHIP**

1.1 There were no changes to Membership.

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

2.1 No declarations were made.

#### **1 GROUND AND FIRST FLOOR, 51 STRUTTON GROUND, LONDON, SW1P 2HY**

### **LICENSING SUB-COMMITTEE No. 3**

Thursday 17 January 2019

Membership: Councillor Melvyn Caplan (Chairman), Councillor Jacqui Wilkinson and Councillor Shamim Talukder

Legal Adviser: Barry Panto  
Committee Officer: Andrew Palmer  
Presenting Officer: Michelle Steward

Relevant Representations: Environmental Health, 2 local residents.

Present: Mr Yilmaz Akcadag (Applicant), Mr Maxwell Owusu Koduah (Environmental Health), Richard Brown (Citizens Advice Bureau) representing Dr Vladimir Dokchister and Arabella Atlee, Arabella Atlee (Resident).

**Ground and First Floor, 51 Strutton Ground, London SW1P 2HY (“The Premises”)  
18/12577/LIPN**

**1. Sale of Alcohol (both on and off sale): On**

Monday to Sunday: 11:00 to 22:30

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 Yilmaz Akcadag for a new premises licence in respect of Ground and First Floor, 51 Strutton Ground, London SW1P 2HY. The Premises were not situated in the Cumulative Impact Area.

The Licensing Officer introduced the application to the Sub-Committee. The Premises currently operated as a restaurant and take away, and the Applicant was applying for a premises licence to enable them to sell alcohol for consumption both on and off the premises in addition to their food offering. The proposal was for on-sales of alcohol to be ancillary to a table meal and off-sales to be ancillary to a take away meal. The Licensing Officer reported that the Metropolitan Police Service had withdrawn their representations, following the Applicant’s agreement to the Police’s proposed conditions being added to the operating schedule of the premises licence. Representations had also been made by the Environmental Health Service.

The Sub-Committee noted that ESI Licensing & Legal Consultancy Limited (who acted on behalf of the Applicant) had written on 12 December 2018 to the two local residents who had made representations, confirming that the conditions proposed by the Police and Environmental Health Service had been agreed. The Sub-Committee was also advised that a late submission had been received from Arabella Atlee on 15 January 2019.

The Sub-Committee noted that although the Applicant’s representative was unable to attend, Mr Akcadag agreed that the hearing should proceed, and confirmed that he would seek clarification if any aspects were unclear.

Mr Akcadag gave a brief description of the Application, which sought a licence to provide on and off sales of alcohol at 51 Strutton Ground. The premises had been renovated, and now operated as a Turkish restaurant with a maximum of 22 seats. The building comprised of three floors, with the restaurant operating on the ground floor and storage being provided on the first floor. The third floor was used for accommodation. The Sub-Committee noted that Strutton Ground was a busy street with a market, and that most customers attended the restaurant at lunchtime. Food could be ordered until 21:30, prior to the restaurant closing at 22:00.

The Sub-Committee sought clarification of the reason the application for off-sales was being made, and Mr Akcadag confirmed that it was being made at the request of customers, who wanted Turkish beer to take away with their meal.

Clarification was also sought of the reason the hours for sales being sought were longer than the current operating hours. Mr Akcadag informed the Sub-Committee that this had been done upon the advice of his planning consultant, to provide for the possibility of extending the opening hours at a later date.

Mr Maxwell Koduah addressed the Sub-Committee on behalf of the Environmental Health Service. Mr Koduah highlighted local residents' concerns that alcohol was being sold until late by four other outlets within 500 yards of the Premises. The residents had also reported regular instances of public disorder, fouling and littering in Strutton Ground, and had expressed concern over anti-social behaviour and the noise caused by deliveries that could be associated with off-sales.

Mr Koduah informed the Sub-Committee that he had discussed the application on site with Mr Akcadag, and that a number of operating conditions had been agreed. These had included the sale of alcohol ceasing 30 minutes before closure; no noise being generated at the premises or transmitted through the walls; and restrictions on the times for deliveries.

Mr Richard Brown (Citizens Advice, Westminster) addressed the Sub-Committee on behalf of Dr Vladimir Dokchister and Arabella Atlee, who were local residents that lived next door to the premises.

Mr Brown commented on the existing problems caused by other nearby premises, which local residents felt could be aggravated if the Application was to be granted. Mr Brown also summarised the residents' concerns, which included noise transference from the storage area on the first floor and from the stairs; the extended dwell time and noise of customers who bought alcohol with their food; and the risk of off-sales increasing nuisance in the street.

Mr Brown suggested that the proposed conditions should be amended so that deliveries to the Premises would not take place after 21.00 hours; and that only 3 customers would be allowed to leave the premises to smoke. He also suggested that the movement of waste inside the premises be kept to a minimum; and that the licence holder be responsible for customers not smoking in or near the recessed porch of the adjoining property. Mr Brown emphasised that the local residents did not seek to damage the business, but were concerned over the impact the proposal might have.

The Sub-Committee heard from Arabella Atlee, who lived in the property adjoining the Premises. Ms Atlee commented that disturbance had been caused during the renovation of the restaurant and subsequent maintenance; and that members of had repeatedly stood in the porch of her property to smoke, despite having been asked to move. Ms Atlee also highlighted disturbance that had occurred late at night on New Year's Eve, and Mr Akcadag informed the Sub-Committee that his family had stayed for a private party after the restaurant had stopped serving food at 22:00.

The Sub-Committee discussed the application for off-sales, which Mr Akcadag explained had been requested by his customers. He intended to advertise the availability of off-sales which could be collected with a meal and delivered to the customer's house by Uber Eats. Mr Akcadag confirmed that he would not be willing to accept a condition that would limit off-sales to UberEats, as he believed that the availability of off-sales would add to the business. The Sub-Committee noted that the number of collections by Uber Eats drivers averaged between 1 and 5 a day.

In response to suggestions from the Sub-Committee, Mr Akcadag confirmed that he would be willing to reduce the permitted time for deliveries to the premises from 23:00 to 21:00; and to limit the number of smokers outside to 3, being 10% of capacity. Although Mr Akcadag was similarly willing to stop customers from using the recessed residential porch for smoking, he did not wish to reduce the terminal hour to 21:30, in line with the current hours of operation.

The Sub-Committee sought clarification on the storage of alcohol, and noted that boxes of beer would be stored on the first floor, with individual bottles being kept in refrigerators on the ground floor restaurant area. Mr Akcadag confirmed that the restaurant currently had between 50 to 100 covers per day.

The Sub-Committee also sought clarification of the number of daily deliveries to the premises. Mr Akcadag confirmed that packaging and wrapping paper were delivered to the property during the day, and that he made approximately two deliveries a week of food and soft drink, before 20:00. In response, Arabella Atlee commented that deliveries had taken place at 23:00, and suggested that there was a discrepancy between what was said and what was occurring.

The Sub-Committee informed the parties attending the hearing that it had to consider whether granting the licence would add to existing problems. Although Mr Akcadag confirmed that the first floor had not been included for licensable activities, the Sub-Committee explained that noise arising from the movement of alcohol could be in breach of conditions. The Sub-Committee asked Ms Atlee whether noise disturbance had been an ongoing issue, and she confirmed that noise had been a problem since she had moved into her flat 5 years ago. She also acknowledged that there was very poor insulation between the two properties.

Having carefully considered the application and representations, the Sub-Committee agreed to grant the application for on and off sales of alcohol. The Sub-Committee acknowledged that there had been issues in the area in the past, so to minimise any potential disturbance to residents, it was decided to exercise caution and reduce the terminal hour for the sale of alcohol to 21:30, with closure at 22:00. To allow the licence to fulfil the City Council's licensing objectives and operate without impacting too much on the neighbourhood, the application was granted subject to appropriate conditions which would control smokers and off-sales to ensure that people were not allowed to drink with their takeaways outside of the premises.

### 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.

(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.

(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 alcohol shall be sold if the CCTV equipment is inoperative for any reason.
10. Staff will be trained to be alert at all times to any potential danger to customers and react accordingly. If they are unable to diffuse the situation quickly, without the risk to staff or customers, they are instructed to call the Police.
11. All relevant Fire Procedures are in place for a premises of this size.
12. Alcohol sales will cease 30 minutes before closure, to allow drink-up time.
13. 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
14. The supply of alcohol shall be by waiter or waitress service only
15. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal
16. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises
17. 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
18. The external door shall be kept closed after 21:00 hours except for the immediate access and egress of persons
19. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly
20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
21. The number of seated persons permitted in the premises at any one time (excluding staff) shall not exceed 30 persons
22. 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
23. No deliveries to the premises shall take place between 21.00 hours and 08.00 hours on the following day



24. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them
25. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 3 persons at any one time.
26. Staff and patrons permitted to temporarily leave the premises e.g. to smoke shall not smoke within the private forecourt or entrances of any residences or commercial buildings.
27. 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
28. 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.
29. 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.
30. All sales of alcohol for consumption off the premises shall be in sealed containers, and shall not be consumed on the premises.
31. There shall be no off sales of alcohol for immediate consumption either outside the premises or within the vicinity of the premises.
32. 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.
33. There shall be no self-service of alcohol.
34. An incident log shall be kept at the premises, and made available upon 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

35. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 21.00 hours and 08.00 hours on the following day.
36. 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 or the entrances to residential premises.
37. The sale and consumption of alcohol on the premises shall be restricted to the ground floor of the premises.

**2 SOOR, 361 HARROW ROAD, LONDON, W9 3NA**

**LICENSING SUB-COMMITTEE No. 3**

*Thursday 17<sup>th</sup> January 2019*

Membership: Councillor Melvyn Caplan (Chairman), Councillor Jacqui Wilkinson and Councillor Shamim Talukder

Legal Adviser: Barry Panto  
 Committee Officer: Andrew Palmer  
 Presenting Officer: Michelle Steward

**Soor, 361 Harrow Road, London, W9 3NA (“The Premises”)  
 18/12660/LIPN**

The Application was withdrawn prior to the hearing.

**3 13 POLLEN STREET, LONDON, W1S 1NH**

**LICENSING SUB-COMMITTEE No. 3**

*Thursday 17<sup>th</sup> January 2019*

Membership: Councillor Melvyn Caplan (Chairman), Councillor Jacqui Wilkinson and Councillor Shamim Talukder.

Legal Adviser: Barry Panto  
Committee Officer: Andrew Palmer  
Presenting Officer: Michelle Steward

<b>13 Pollen Street, London W1S 1NH ("The Premises") 18/14086/LIPN</b>
--

The application was granted under delegated powers prior to the hearing.
--

The Meeting ended at 11.58 am.