



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (1)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (1)** held on **Thursday 9th January, 2020**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Heather Acton (Chairman), Jim Glen and Aicha Less

#### 1 8 BAKER STREET LONDON W1U 3AA

#### LICENSING SUB-COMMITTEE No. 1

*Thursday 9th January 2020*

Membership: Councillor Heather Acton (Chairman), Councillor Jim Glen and Councillor Aicha Less

Legal Adviser: Horatio Chance  
Committee Officer: Sarah Craddock  
Policy Officer: Aaron Hardy  
Presenting Officer: Michelle Steward

Relevant Representations: Environmental Health and Local Resident

Present: Jack Spiegler (Solicitor representing the Applicant) and Ian Watson (Environmental Health).

**8 Baker Street, London, W1U 3AA**  
**("The Premises")**  
**19/14847/LIPN**

**1. Sale by Retail of Alcohol – On and Off Sales**

Monday to Thursday: 10:00 to 23:30  
Friday to Saturday: 10:00 to 00:00  
Sunday: 12:00 to 22:30

**Seasonal Variations / Non-Standard Timings:**

On Sundays immediately prior to bank holidays 12:00 to 00:00

	<p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</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 10 Portman Square Trustees No.1 and No.2 Limited ("The Applicant") for a new premises licence in respect of 8 Baker Street, London W1U 3AA.</p> <p>The Presenting Officer introduced the application. She advised that the Police had withdrawn their representation as conditions had been agreed with the Applicant. She further advised that Environmental Health had maintained their representation on policy grounds and that a local resident had requested that the loading bay at the rear of the Premises was not used outside the hours stipulated in the planning consent – 19.00 and 07:30. The Sub-Committee noted that the Premises are located in the West End Ward but not in a Cumulative Impact Area.</p> <p>Mr Jack Spiegler, Solicitor, representing the Applicant, advised that this was an application for a new premises licence. The Sub-Committee heard that the Applicant was seeking to permit late night refreshment indoors between the hours of 23:00 to 23:30 Monday to Thursday and 23:00 to 00:00 on Friday and Saturday. It was also proposed for the sale of alcohol (on and off the premises) to be permitted between 10:00 to 23:30 Monday to Thursday, 10:00 to 00:00 Friday and Saturday and 12:00 to 22:30 Sundays.</p> <p>Mr Spiegler advised that the application was effectively to reinstate a lapsed premises licence on the same terms as previously permitted and that the only outstanding dispute was that the Applicant had requested that the condition "<i>No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours</i>" remained on the licence and was not changed to the hours – 19:00 and 07:30 that had been stipulated in the planning consent. Mr Spiegler stated that the Applicant was not able to attend the hearing and that no further information had been received from the Applicant regarding their business model for the Premises. Mr Spiegler confirmed that the condition regarding the 'supply of alcohol at the premises was ancillary to a table meal' remained on the licence.</p> <p>Mr Ian Watson, representing the Environmental Health Service, advised that Environmental Health and one local resident had maintained their representation on policy grounds. Mr Watson advised that there were residents living very close to the loading bay and that when lorries reversed down the road into the loading bay they continuously 'beeped' causing noise nuisance in the area. It was stated that this noise nuisance had been taken into consideration when granting planning consent for the Premises.</p> <p>Mr Watson confirmed that Environmental Health supported the local resident's representation regarding the use of the loading bay. The Sub-Committee noted</p>

	<p>that the local resident had requested that the loading bay at the rear of the Premises was not used outside the hours stipulated in the planning consent – 19.00 and 07:30 and that servicing conditions covering the deliveries and movement/collections of rubbish reflect these timings. The Sub-Committee further noted that the Police had withdrawn their representation as the Applicant had agreed that ‘there shall be no sales of alcohol for consumption off the Premises after 23:00 hours.</p> <p>The Sub-Committee after carefully taking into consideration all the evidence before it considered that the Applicant had not provided any evidence as to why the hours stipulated in the planning consent should be changed. The Sub-Committee was therefore of the opinion that the loading bay at the rear of the Premises should not be used outside of the hours stipulated in the planning consent and agreed that the timings on the removal of rubbish condition be changed to read ‘<i>No rubbish, including bottles, shall be moved, removed or placed in outside areas between 19:00 hours and 07:30 hours</i>’. The Sub-Committee also added an additional condition regarding deliveries to the licence and this appears below as condition 34. The Sub-Committee considers that the conditions it has imposed on the Premises Licence are appropriate and proportionate and would help ensure the promotion of the licensing objectives. The Sub-Committee therefore granted the application accordingly.</p>
<p><b>2.</b></p>	<p><b>Late Night Refreshment – Indoors</b></p> <p>Monday to Thursday: 23:00 to 23:30 Friday to Saturday: 23:00 to 00:00</p> <p><b>Seasonal Variations / Non-Standard Timings:</b></p> <p>On Sundays immediately prior to bank holidays 23:00 to 00:00</p> <p>From the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application (see reasons for decision in Section 1).</p>
<p><b>3.</b></p>	<p><b>Hours Premises are Open to the Public</b></p> <p>Monday to Thursday: 06:30 to 23:30 Friday to Saturday 06.30 to 00:00 Sunday: 06.30 – 22:30</p> <p><b>Seasonal Variations / Non-Standard Timings:</b></p>

	<p>On Sundays immediately prior to bank holidays 06:30 to 00:00</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application (see reasons for decision in Section 1).</p>

<b>Conditions attached to the Licence</b>	
<b>Mandatory Conditions</b>	
1.	No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2.	No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3.	Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.	<p>(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.</p> <p>(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;</p> <p style="padding-left: 40px;">(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or</p>

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

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

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

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

7. The responsible person must ensure that—

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

measures—

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

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

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

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

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

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

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

Where -

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

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

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

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

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

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

**Conditions imposed by the Licensing Authority after a hearing:-**

9. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
10. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
11. No more than (15)% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
12. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
13. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
14. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors or removed from the sales area so as to prevent access to the alcohol by both customers and staff.
15. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers

and ciders supplied in glass bottles.

16. 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.
17. The supply of alcohol for consumption on the premises shall be by waiter or waitress service only.
18. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as delicatessen/café
19. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
20. The number of persons permitted in the premises at any one time (excluding staff and retail shoppers) shall not exceed (X) persons.(final figure to be determined on removal of works condition but shall not be more than 60 if there is no increase in the current sanitary accommodation).
21. 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 on request. If there are minor layout changes during course of construction new plans shall deposited with the licensing authority when requesting removal of this condition.
22. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
23. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
24. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
25. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
26. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 19:00 hours and 07:30 hours.
27. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection time.



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. 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.
31. There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
32. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
33. There shall be no sales of alcohol for consumption off the premises after (23.00).
34. No deliveries to the premises shall take place between 23:00 and 07:00 on the following date save that this restriction does not apply to fish, meat, vegetables or dairy or bakery products. No deliveries, whatsoever shall take place via the loading bay at the rear of the premises in Bakers Mews between 19:00 and 07:30 each day.

**2 49-51 CARNABY STREET LONDON W1F 9PY**

**LICENSING SUB-COMMITTEE No. 1**

*Thursday 9 January 2020*

Membership: Councillor Heather Acton (Chairman), Councillor Jim Glen and Councillor Aicha Less

Legal Adviser: Horatio Chance  
Committee Officer: Sarah Craddock  
Policy Officer: Aaron Hardy  
Presenting Officer: Michelle Steward

Relevant Representations: Environmental Health, Metropolitan Police Licensing Authority and the Soho Society

Present: Alun Thomas (Solicitor, representing the Applicant), Andrew Fishwick and Handley Amos (on behalf of the Applicant Company), Shelley Webb and Lydia Clarkson (on behalf of the Landlord), PC Bryan Lewis, (Metropolitan Police), Anil Drayon (Environmental Health) and Karyn Abbott (Licensing Authority).

<b>49-51 Carnaby Street, London, W1F 9PY</b> <b>("The Premises")</b> <b>19/13884/LIPN</b>	
<b>1.</b>	<b>Sale by Retail of Alcohol – On and Off Sales</b>  Monday to Wednesday: 10:00 to 02:00 Thursday to Saturday: 10:00 to 03:00 Sunday: 12:00 to 00:00  <b>Seasonal Variations / Non-Standard Timings:</b>  From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.  An additional hour on the morning that British Summer Time commences.
	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 Fifty Carnaby Limited ("The Applicant") for a new Premises licence in respect of Basement Unit G.15, 49-51 Carnaby Street, London W1F 9PY.

The Presenting officer introduced the application. She advised that Environmental Health, the Police and the Licensing Authority had maintained their representation on policy grounds. She further advised that the Soho Society had also made a representation on the grounds of prevention of crime and disorder, prevention of public nuisance and cumulative impact in the West End Cumulative Impact Area. The Premises are located in the West End Ward and the West End Cumulative Impact Area.

Mr Thomas, (Solicitor, representing the Applicant), advised that the Sub-Committee had before it an application for a new Premises licence with planning permission granted to operate the Premises as a live music venue. He advised that the Applicant had applied for Live Music and was seeking to permit late night refreshments indoors between the hours of 23:00 to 02:00 Monday to Wednesday, 23:00 to 03:00 Thursday to Saturday and 23:00 to 00:00 on Sunday. He further advised that the Applicant was proposing that the sale of alcohol (on the premises) be permitted between 10:00 to 02:00 Monday to Wednesday, 10:00 to 03:00 Thursday and Saturday and 12:00 to 00:00 on Sundays.

Mr Thomas gave a detailed presentation about the history of the Premises, its location and the surrounding neighbourhood. He confirmed that the Premises was situated in Kingly Court, albeit the postal address was Carnaby Street. He advised that the Freeholder was Shaftesbury who were a major stakeholder in Soho, had a unique and bespoke policy of fostering and maintaining local culture and economy and who were known to be a responsible landlord. The Sub-Committee heard that both Shaftesbury and the Applicant wished to turn the Premises into a live music venue with a capacity of 120 persons to add to the diversification of uses within Kingly Court and expand the cultural offer in Soho. The Sub-Committee noted after much discussion that alcohol would be ancillary to the live music and that people would be expected to pay an entrance fee to the Premises.

Mr Thomas advised that following pre-application advice the Applicant had agreed to some amendments to the application which included: the withdrawal of 'Off Sales', the minimum of two SIA licensed door supervisors on Thursday, Friday and Saturday and that the seating area around the stage was fixed at all times. The Sub-Committee heard from both Andrew Fishwick and Handley Amos (on behalf of the Applicant Company) who gave details of their career history and their vision for this small, intimate live music venue. The Sub-Committee then heard from Shelley Webb (on behalf of the Landlord) who advised how Shaftesbury actively looked after the area using CCTV as well as employing full time security guards who patrolled Kingly Court.

Mr Thomas advised that there were no residents living in Kingly Court, the area was by no means as busy as other Soho Streets and Kingly Street itself featured a considerable number of licensed Premises. He further advised that this part of Soho was heavily food focused, with some drink-led venues but that there was virtually zero cultural and entertainment offer. He explained that the area around Carnaby and Kingly was low in recorded crime and disorder incidents relative to the rest of the West End Stress Area and that the area was

not currently subject to cumulative impact, despite being captured within the West End Stress Area. He referred to the Premises food menu which indicated that the Premises would be selling tapas type dishes at a reasonable price.

Mr Thomas referred to the City Council's Statement of Licensing Policy and stated that the Applicant's application comes under PVC2 which states 'Applications will be granted subject to other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas'. He added that the Policy "test" therefore was not to require an exception but only to establish that the use did not add to cumulative impact'. He explained that the City Council welcomed the vital contribution that theatres, cinemas and concert halls made in providing the diverse cultural and entertainment that attracts people to Westminster and the Council also wished to see a less alcohol led and a more diverse range and variety of entertainment available in Soho later at night.

Mr Thomas referred to the CIP Policy (if an exception was needed to be established) and advised that the live music performance venue did not align with those Premises which were only drink-led. He emphasised that this Premises was not going to be a night-club. He then referred to the Table on page 21 of the additional Agenda Pack which contained the characteristic of cumulative impact. He also strongly advised that this Premises would not be operated like the Admiral Duncan House.

Mr Thomas referred to pages 119 to 123 of the additional Agenda Pack which contained Mr Brown's representation on behalf of the Soho Society. He emphasised that the application was an exception to policy and did not add to cumulative impact in the area. In response to questions from the Sub-Committee, Mr Thomas confirmed that there would be minimum unloading/loading at the Premise, there was no smoking in Kingly Court and the Applicant would encourage people to pre-book before coming to the Premises.

The Sub-Committee heard from the Responsible Authorities who had maintained their representations on the grounds that the application would undermine the Licensing Objectives. Environmental Health referred to their proposed conditions and advised that conditions stating that the primary use of the Premises should be a live music/performance venue and that the sale of alcohol should cease 30 minutes before closing time should be attached to the licence by way of condition. Environmental Health then went through their proposed conditions with the Sub-Committee making slight amendments with the agreement of the Applicant.

The Sub-Committee noted, however, that Environmental Health and the Police considered that if there was to be a live music venue in Soho these Premises would be the ideal place as the Premises was located in the basement of Kingly Court and that the clientele were unlikely to cause public nuisance in the Soho area. The Police advised that their preference was for the Premise licence to be attached to this operator only.

The Sub-Committee heard from the Licensing Authority who had maintained their representation on policy grounds in accordance with the City Council's

	<p>MD2 and PB2 Policies. In essence Policy PB2 states, amongst other things that “the grant of new licences for pubs and bars in the Cumulative Impact Areas should be limited to exceptional circumstances”.</p> <p>The Sub-Committee further noted that the Soho Society had objected to the application on the grounds of crime and disorder, prevention of public nuisance and cumulative impact in the West End Cumulative Impact Area.</p> <p>In response to the Responsible Authorities representations and proposed conditions, Mr Thomas advised that Carnaby Street was not crowded like some other parts of Soho and alcohol would always be ancillary to live music performance at the Premises. He further advised that the Applicant preferred not to have the condition stating that the licensable activities could only be provided if they held the Premises Licence and that last entrance be after 02:00 hours to allow musicians to attend the club after they had finished working. He added that if the Sub-Committee wished to include a drinking up condition that it be for 20 minutes before closing time.</p> <p>After carefully taking into consideration all the evidence before it and the various undertakings given by the applicant, and views of the relevant authorities and the Soho Society, the Sub-Committee, on balance, was of the opinion that this application should be granted with amendments to the proposed conditions and additional conditions being added to the licence. The additional conditions included: alcohol would be ancillary to the live music and alcohol would cease being served 20 minutes before closing time. The Sub-Committee further considered that the entrance to the venue was by payment only and this would be added as an informative to the decision notice. The Sub-Committee noted all the undertakings taken by the Applicant and Shaftesbury and considered that these would mitigate the negative effects of cumulative impact and the concerns expressed by local residents. The Sub-Committee therefore granted the application accordingly with the agreed conditions. The Sub-Committee considered that the conditions it had imposed on the Premises Licence are appropriate and proportionate and would have the overall effect of promoting the licensing objectives.</p>
<p><b>2.</b></p>	<p><b>Late Night Refreshment – Indoors</b></p> <p>Monday to Wednesday: 23:00 to 02:00  Thursday to Saturday: 23:00 to 03:00  Sunday: 23:00 to 00:00</p> <p><b>Seasonal Variations / Non-Standard Timings:</b></p> <p>From the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day.</p> <p>An additional hour on the morning that British Summer Time commences.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>

	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application (see reasons for decision in Section 1).</p>
	<p><b>Live Music, Recorded Music, Performance of Dance and anything of a similar description: (Indoors only)</b></p> <p>Monday to Wednesday: 09:00 to 02:00  Thursday to Saturday: 09:00 to 03:00  Sunday: 09:00 to 00:00</p> <p><b>Seasonal Variations / Non-Standard Timings:</b></p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>An additional hour on the morning that British Summer Time commences.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application (see reasons for decision in Section 1).</p>
<b>4.</b>	<p><b>Hours Premises are Open to the Public</b></p> <p>Monday to Wednesday: 08:00 to 02:00  Thursday to Saturday 08:00 to 03:00  Sunday: 08:00 – 00:00</p> <p><b>Seasonal Variations / Non-Standard Timings:</b></p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>An additional hour on the morning that British Summer Time commences.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application (see reasons for decision in Section 1).</p>

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### Conditions attached to the Licence

#### Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour

or to refer to the effects of drunkenness in any favourable manner;

- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

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

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

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

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

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

7. The responsible person must ensure that—

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

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

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

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

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if



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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

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

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

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

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given

by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

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

**Conditions attached by the Licensing Authority after a hearing:-**

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. 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:
  - i. all crimes reported to the venue
  - ii. all ejections of patrons
  - iii. any complaints received concerning crime and disorder
  - iv. any incidents of disorder
  - v. all seizures of drugs or offensive weapons
  - vi. any faults in the CCTV system,
  - vii. any refusal of the sale of alcohol
  - viii. any visit by a relevant authority or emergency service.
12. 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.
13. All doors and windows shall be closed after 23:00 except to access and egress.
14. 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.
15. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.

16. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day unless collections are arranged during the times for the Council's own commercial waste collection service for the street.
17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
18. At least 1 SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business.
19. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
21. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
22. Save for the bar area, as indicated on the plans, the supply of alcohol shall be by waiter or waitress service only.
23. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
24. 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.
25. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 120 persons.
26. 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. If there are minor changes during the course of construction new plans shall be submitted with the application to remove this condition.
27. For private or pre-booked events a suitable and sufficient Event Management Plan shall be drawn up by a competent person 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) Ticketing arrangements
- iii) Maximum capacity
- iv) Stewarding
- v) Noise Management Plan including arrival and dispersal arrangements

28. There shall be no admittance or re-admittance to the premises after 02:00 hours except for:
- i) patrons permitted to temporarily leave the premises after 02:00 hours except for:
    - ii) upto 10 bona fide guests of the proprietor, a list of whom shall be kept at reception for inspection by the statutory authorities for up to 28 days.
    - iii) artistes or persons employed at the premises
29. Except for private or pre-booked events the seating area around the stage shall always be set out with at least 70 seats.
30. A minimum of 2 SIA licensed door supervisors shall be on duty at the premises Thursday, Friday and Saturday whilst the premises is open for business after Midnight. Whilst on duty these personnel shall wear their licence badge and such that it is on clear display.
31. 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.
32. Any special effects or mechanical installations shall be arranged, operated and stored so as to minimise any risk to the safety of those using premises. The following special effects will only be used on 10 days prior notice being given to the licensing authority 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
33. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
34. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
35. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
36. Curtains and hangings shall be arranged so as not to obstruct emergency

safety signs or emergency equipment.

37. 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, entertainment areas or function rooms. Shall be non-combustible.
38. 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 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.
39. As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local Pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.
40. The primary use of the premises will operate at all times as a live music and performance venue for the sale of alcohol ancillary thereto.
41. The sale of alcohol will cease 20 minutes before the close of the premises.

**3 44 OLD COMPTON STREET LONDON W1D 4TY**

**LICENSING SUB-COMMITTEE No. 1**

*Thursday 9th January 2020*

Membership: Councillor Heather Acton (Chairman), Councillor Jen Glen and Councillor Aicha Less

Legal Adviser: Horatio Chance  
Committee Officer: Sarah Craddock  
Policy Officer: Aaron Hardy  
Presenting Officer: Michelle Steward

Relevant Representations: Environmental Health, Licensing Authority and Soho Society

Present: Martin Young (solicitor representing the Applicant), Amedeo Aterrano (representing Six Italian T/a L'antica Pizzeria Da Michele Ltd), Maxwell Koduah (Environmental Health) and Karyn Abbott (Licensing Authority).

<b>44 Old Compton Street, London, W1D 4TY</b> <b>("The Premises")</b> <b>19/13568/LIPN</b>	
<b>1.</b>	<b>Sale by Retail of Alcohol – On Sales Only</b>  Monday to Saturday: 10:00 to 00:00 Sunday: 12:00 to 23:30  <b>Seasonal Variations / Non-Standard Timings:</b>  None
	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 Six Italian Food T/a L'antica Pizzeria Da Michele Ltd ("The Applicant") for a new premises licence in respect of 44 Old Compton Street, London W1D 4TY.  The Presenting officer introduced the application. She advised that the Police had withdrawn their representation as conditions had been agreed with the Applicant. She further advised that Environmental Health, the Licensing Authority and the Soho Society had maintained their representation on policy grounds. The Sub-Committee noted that the Premises is located in the West End Ward and in the West End Cumulative Impact Area.

Mr Young, representing the Applicant, advised that this was an application for a new premises licence to operate as a restaurant and Pizzeria serving a variety of food and beverages (the premises was previously licensed as Patisserie Valerie until it went into administration in 2018). Mr Young stated that the Applicant was seeking to permit late night refreshment indoors between the hours of 23:00 to 00:30 Monday to Sunday and the sale of alcohol (on the premises) between 10:00 to 00:00 Monday to Saturday and 12:00 to 22:30 Sundays. The Sub-Committee noted that during consultation the Applicant agreed with the Licensing Authority to remove Live Music and Recorded Music from their operating schedule.

Mr Young introduced Mr Amedeo Aterrano (the Applicant) who currently managed a restaurant and Pizzeria located in Baker Street. Mr Young advised that Mr Aterrano now wished to expand into Soho and had secured the lease for 44 Compton Street as it had been his understanding that the transfer of the licence from Patisserie Valerie would be relevantly easy. However, during the closure of Patisserie Valerie no-one had taken into consideration the transfer of the licence of the premise which had resulted in Mr Aterrano needing to apply for a new premises licence on the same terms as the one still held by Patisserie Valerie. Mr Young emphasised that the Premises had received no adverse complaints regarding the operation of the licence and that no individual residents living either side of the Premises had made a representation against the application. He further confirmed that the restaurant model condition would continue to be attached to the licence and as a restaurant the premises would not contribute to crime and disorder in the West End Cumulative Impact Area.

Mr Aterrano (representing Six Italian T/a L'antica Pizzeria Da Michele Ltd), advised that he wished to place considerable investment into the Premises to open a new Pizzeria in Soho. He advised that the food would be cooked in the basement of the Premises but there would also be a chef making pasta situated at the front of the shop to create an Italian atmosphere. He emphasised that the sale of alcohol would be secondary to the food offer and their customers would be mainly people going to or coming from the theatre.

Mr Aterrano confirmed that he understood that the Premises needed to promote the four Licensing Objectives and that he would be the Designated Premises Supervisor at the Premises. He further confirmed that he had agreed with all the proposed conditions from Environmental Health except for the capacity condition on the first floor which Environmental Health had requested a capacity of 70 persons and he wished to have a capacity of 75 persons.

Mr Young referred to the Soho Society's representation against the application as it was outside the core hours. He emphasised that the Police had withdrawn their representation, there had been no representations from local residents living close to the Premises and the Premises was going to operate as a restaurant.

Environmental Health advised that they had maintained their representation on policy grounds but had no concerns regarding the application as the restaurant model condition was attached to the licence as well as all the appropriate conditions preventing noise nuisance emanating from the building. Mr Aterrano

	<p>advised that a typical sitting for a pizza meal was around one hour and therefore it was anticipated that there would be no-one standing smoking outside of the Premises.</p> <p>The Licensing Authority had maintained their representation on policy grounds as the application was outside of Westminster's Core Hours Policy and the Applicant needed to demonstrate that the hours after Core Hours would not add to cumulative impact in the area.</p> <p>After carefully taking into consideration all the evidence before it and the various undertakings given by the Applicant during the course of the hearing, the Sub-Committee was of the opinion that the conditions it had imposed on the Premises Licence were appropriate and proportionate and would help ensure the promotion of the licensing objectives. The Sub-Committee noted the concerns of the Soho Society but considered that having the appropriate noise nuisance conditions as well as the restaurant model condition attached to the licence would mitigate their concerns regarding the operation of the Premises. The Sub-Committee also welcomed the approach by the Applicant and were content that the application met the promotion of the licensing objectives. The Sub-Committee therefore granted the application accordingly.</p>
2.	<p><b>Late Night Refreshment – Indoors</b></p> <p>Monday to Saturday: 23:00 to 00:30  Sunday: 23:00 to 00:00</p> <p><b>Seasonal Variations / Non-Standard Timings:</b></p> <p>None</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application (see reasons for decision in Section 1).</p>
3.	<p><b>Hours Premises are Open to the Public</b></p> <p>Monday to Saturday: 10:00 to 00:30  Sunday: 12:00 – 00:00</p> <p><b>Seasonal Variations / Non-Standard Timings:</b></p> <p>None</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>



	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application (see reasons for decision in Section 1).</p>
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<b>Conditions attached to the Licence</b>	
<b>Mandatory Conditions</b>	
1.	No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2.	No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3.	Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.	<p>(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.</p> <p>(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;</p> <p style="padding-left: 40px;">(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or</p> <p style="padding-left: 40px;">(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</p> <p>(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;</p> <p>(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of</p>

undermining a licensing objective;

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

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

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

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

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

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

7. The responsible person must ensure that—

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

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

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

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

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

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

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

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

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

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

Where -

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

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

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

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

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

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

**Conditions attached by the Licensing Authority after a hearing:-**

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. All windows and external doors shall be kept closed after **23:00** hours, except for the immediate access and egress of persons
11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
12. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
13. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed
- a. Ground floor 30 persons
  - b. First floor 75 persons
14. 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
15. 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.
16. 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
17. 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

18. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means
19. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device
20. 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
21. 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.
22. 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.
23. 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.
24. 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.
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) 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.

26. The premises shall only operate as a restaurant
- (i) in which customers are shown to their table,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - (iv) which do not provide any take away service of food or drink for immediate consumption,
  - (v) which do not provide any take away service of food or drink after 23.00, and
  - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.