



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (3)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (3)** held on **Thursday 7th July, 2022**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Aicha Less, Iman Less and Caroline Sargent

1. MEMBERSHIP

- 1.1 It was noted that Councillor Aicha Less was substituting for Councillor Robert Eagleton on the Licensing Committee.
- 1.2 Nominations for the post of Chair were invited. One nomination was received and seconded for Councillor Aicha Less. There were no further nominations.
- 1.3 **RESOLVED:** That Councillor Aicha Less be appointed Chair of the Licensing Sub Committee (3) for this meeting.

2. DECLARATIONS OF INTEREST

- 2.1 There were no declarations of interest.

1. 123 BAKER STREET, LONDON, W1U 6RZ

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 3

7 July 2022 – ITEM 1

Membership: Councillor Aicha Less (Chair) Councillor Iman Less and Councillor Caroline Sargent

Officer Support Legal Adviser: Vivienne Walker
 Policy Officer: Kerry Simpkin
 Committee Officer: Jack Robinson-Young
 Presenting Officer: Roxsana Haq

Present: Mushtaq Ali (Applicant), Anil Drayan (Environmental Health Service), PC Dave Morgan (Metropolitan Police Service),

Asitha Ranatunga (Cornerstone Barristers), Tony Gaskill (Local resident).

Application for a New Premises Licence in respect of Shawarma N More 123 Baker Street London W1U 6RZ 22/01952/LIPN

Full Decision

Premises

123 Baker Street
London W1U 6RZ

Applicant

Shawarma N More Limited

Cumulative Impact Area

None

Ward

Marylebone

Special Consideration Zone

None

Summary of Application

The Sub-Committee has determined an application for a new Premises Licence under the Licensing Act 2003 ("The Act"). The Premises intend to operate as a takeaway shop. The Premises have had the benefit of the use of Temporary Event Notices. The Premises are located within the Marylebone Ward but not within the West End Cumulative Zone nor Special Consideration Zone.

There is a resident count of 292.

Representations received

- Metropolitan Police Service (MPS) (PC Dave Morgan)
- Environmental Health Service (EHS) (Anil Drayan)
- 67 Local residents

Summary of issues raised by objectors

- MPS stated there was insufficient detail within the operating schedule to promote the licensing objectives. If the application was granted it would undermine the licensing objective, the prevention of crime and disorder and the hours sought are beyond Westminster Council's Core Hours Policy.

- EHS stated the proposals are likely to increase the risk of public nuisance and may impact upon public safety.
- Local Residents expressed concerns about noise disturbance and the delivery drivers using the premises and adjoining restaurants to congregate at the end of the street, riding their bikes on the pavement and driving the wrong way down Bickenhall Street.

Policy Position

HRS1

- Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies and with particular regard to the following:

The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance, and the protection of children from harm.

FFP1

- Applications outside the West End Cumulative Zones will generally be granted subject to: 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the Council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or late-night refreshment meeting the Council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.

SUBMISSIONS AND REASONS

Ms Roxsana Haq, Senior Licensing Officer summarised the application the application as set out in the report before the Sub-Committee.

Mr Mushtaq Ali on behalf of the Applicant company addressed. He explained that the premises are small premises serving students in the area, late night workers and those working in the emergency services coming off their shifts. There are also a number of shops around the premises that close at 00:00, these additional hours requested would allow them to serve those workers as well. The premises currently trade as a takeaway specialising in shawarma with some inside seating.

In response to questions from the Sub-Committee Mr Ali advised that the premises had been using TENS to benefit from the extra hours as these are busy periods.

Mr Ali explained that the takeaway service is run directly by the Applicant and not by a third party. They use their own drivers to fulfil orders, food can be cooked within 4

minutes as their grill is always on. For those ordering takeaways in person, this short cooking time helps to reduce queues and people congregating.

In response to questions from the Sub-Committee, Mr Ali advised that they do not often exceed their capacity and again that the quick cooking time helps to reduce any build-up of people waiting on orders. He explained that no more than 100 people would come in over a three-hour period, which may rise to 120 on a weekend. He stated that after 23:00 hours customers are not allowed to stay on the premises.

PC Dave Morgan for the Metropolitan Police Service (MPS) explained that the MPS had maintained their representation as this application exceeded core hours which caused them concern for the increase of crime and disorder in the area. PC Morgan stated that takeaway premises that are opened late attract people that have been drinking which leads to a risk of violence and assaults. The hours beyond core hours are particularly busy period for the force and to alleviate this, they requested an SIA on a Thursday, Friday and a Saturday as a condition on the License should the Sub-Committee be minded to grant the Licence. In response to questions from the Sub-Committee PC Morgan advised that there had been no reports of crime within the current hours or within the extended hours under the previous TENs applications. He explained that there were lots of thefts in the area, but nothing directly attributed to this premises.

Mr Anil Drayan on behalf of Environmental Health Service advised that he was originally concerned about the application for a 5 am licence as this would make the premises a destination with people in the West End to congregating. The Applicant has now reduced this to 2 am on a Thursday, Friday and Saturday and 1 am every other day which will help reduce the attraction of the premises. He stated that the Applicant had accepted all other conditions proposed by Environmental Health Service including the SIA as requested by the Metropolitan Police Service. Mr Drayan informed the Sub-Committee that the premises are located close to the Marylebone Road and already have high levels of noise. He said it was welcomed that the Applicant had their own drivers and would not be relying on third parties. Using their own vehicles will help to control how they are operated.

In response to questions from Sub-Committee Mr Ali advised that drivers are also part of the staff of the premises so they may be helping to cook and prepare the meals themselves and then delivering them with only 2 or 3 deliveries per night.

Dr Tony Gaskill, local resident addressed the Sub-Committee and expressed his concerns about the extension of the hours. He explained that Bickenhall Street is a small residential street and within that there are already almost a dozen outlets for food and coffee, of which some already stay open late. He stated that there are also several delivery drivers that use the street as a thoroughfare in both directions, despite it being only one way. There is a large amount of litter on the street which affects the residents on the lower and ground floors. He stated that if the longer licensable hours were to be granted, these issues would add to the nuisance.

Mr Asitha Ranatunga of Cornerstone Barristers on behalf of local residents, explained that he did not have confidence in the conditions imposed to reduce the impact on residents and the Applicant would not adhere to the conditions. He stated

that the hours have been reduced but it was still late. He referred the Sub-Committee to the Additional Pack presented and to the Google search screenshot which detailed the opening hours to be as late as 2 am, whereas the current licence only runs until 11 pm. It was noted that there were also photographs within which showed that customers at the premises did not dress in emergency worker uniform or the dress of a retail worker, speaking against what the applicant had said the later hours were to accustom.

Mr Mike Roberts, Building Manager of one of the surrounding buildings, advised that he was there to reiterate the concerns of residents and to add the cooking smells from the ventilation drafting up towards Bickenhall Mansions which in his view would only get worse should the licensable hours be extended.

In response to the above, Mr Ali replied stating that the photographs showed students who had been studying late and wanted some food. Regarding the ventilation, he stated that the premises do not emit smoke as there is no oil used, just a grill.

Conclusion

The Sub-Committee has a duty to consider the application on its individual merits and considered all the committee papers, the Revised Guidance made under section 182 of the Licensing Act 2003, the Council's Licensing Policy, submissions made by the Applicant and all other parties, and the oral evidence given by those parties in attendance during the hearing in its determination of the matter.

The Sub-Committee noted that representations were received from Environmental Health Service and the Metropolitan Police Service. These representations were concerned with the hours sought.

The Sub-Committee decided to grant the licence with core hours as they were concerned that any later hours would detrimentally impact the licensing objectives, namely, public nuisance and crime and disorder.

The Sub-Committee further noted that the proposed conditions had been agreed with the Responsible Authorities and concluded that these conditions attached to the licence would alleviate residents' concerns and were appropriate and would promote the licensing objectives.

Having carefully considered the committee papers and the submissions made by all parties, both orally and in writing, **the Committee had decided**, after taking into account all the individual circumstances of this case and the promotion of the four licensing objectives:

1. To grant permission for **Late Night Refreshment (Outdoors)** Monday to Thursday 23:00 to 23:30 hours Friday to Saturday 23:00 to 00:00 hours Sunday 12:00 to 22:30 hours.
2. To grant permission for the **Opening Hours for the Public** Monday to Thursday 10:00 to 23:30 hours Friday to Saturday 10:00 to 00:00 hours Sunday 12:00 to 22:30 hours.

3. That the Licence is subject to any relevant mandatory conditions.
4. That the Licence is subject to the following conditions and informatives imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed by the Committee after a hearing with agreement of the Applicant

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 are open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. 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 are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. 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.
4. Takeaways of food and drink by use of a courier service shall only be with a courier service who have agreed that their delivery drivers have been given clear, written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the licenced premises; not to leave engines running when the vehicles are parked; not to obstruct the highway.
5. All outside tables and chairs shall be removed or rendered unusable by 23.00 each day.

6. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
7. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
8. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
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. 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.
11. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
12. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 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.
13. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
14. No deliveries to the premises shall take place between 23:00 and 00:70 hours on the following day.

INFORMATIVES:

15. The Premises Licence Holder will ensure that the courier service will positively encourage delivery drivers to use quieter vehicles that are less likely to cause a nuisance such as bicycles or electric vehicles.
16. The Premises Licence Holder will ensure that all advertisement of the opening hours of the premises reflect the hours granted under the Licence.

This is the Full Decision reached by the Licensing Sub-Committee which takes effect forthwith.

**The Licensing Sub-Committee
7 July 2022**

2. UNITS 1 AND 2, 50 EASTBOURNE TERRACE, LONDON, W2 6LG

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 3

7 JULY 2022 – ITEM 2

Membership: Councillor Aicha Less (Chair) Councillor Iman Less and
Councillor Caroline Sargent

Officer Support Legal Adviser: Vivienne Walker
Policy Officer: Kerry Simpkin
Committee Officer: Jack Robinson-Young
Presenting Officer: Roxsana Haq

Present: Niall McCann (Joelson JD LLP), Craig Goslin (Director of Vapiano
UK), Anil Drayan (Environmental Health Service),
John Zamit and Richard Brown (SEBRA)
Amy Rodgers (Local resident).

**Application for a New Premises Licence in respect of Vapiano Units 1 and 2 50
Eastbourne Terrace London W2 6LG 22/03010/LIPN**

Full Decision

Premises

Units 1 and 2
50 Eastbourne Terrace
London W2 6LG

Applicant

UK Vap Paddington Limited

Cumulative Impact Area

None

Ward

Lancaster Gate

Special Consideration Zone

None

Summary of Application

The Sub-Committee has determined an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The Premises intend to trade as an Italian casual dining restaurant specialising in pasta and pizza dishes.

The Premises are located within the Lancaster Gate Ward but not within the West End Cumulative Zone nor Special Consideration Zone.

Licensable Activities and Hours applied for

Late Night Refreshment (Indoors and Outdoors)

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

Seasonal Variations: Sundays immediately before a bank holiday 23:00 to 00:00 hours.

Sale by Retail of Alcohol (On and Off Sales)

Monday to Thursday 09:00 to 23:00 hours Friday to Saturday 09:00 to 23:30 hours
Sunday 09:00 to 22:00 hours

Seasonal Variations: Sundays immediately before a bank holiday 09:00 to 23:30 hours

Hours Premises are open to the Public

Monday to Thursday 09:00 to 23:30 hours Friday to Saturday 09:00 to 00:00 hours
Sunday 09:00 to 22:30 hours.

Seasonal Variations: Sundays immediately before a bank holiday 09:00 to 00:00 hours.

Representations received

- Metropolitan Police Service (PC Dave Morgan) (Withdrawn 11/04/222)
- Environmental Health Service (Anil Drayan)
- South East Bayswater Residents Association (SEBRA)
- 2 Local residents

Summary of issues raised by objectors

- Environmental Health Service objected on the basis that the proposals are likely to increase the risk Public Nuisance and may impact Public Safety.
- Local residents were concerned that motor bikes and cycles will on the pavement and wanted more clarity on exactly where and how deliveries would operate from the premises.

- The SEBRA objected on the grounds of potential nuisance to nearby residents, in terms of noise, litter, antisocial behaviour and the potential for crime and disorder in the area.

Policy Position

HRS1

- Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies and with particular regard to the following:

The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance, and the protection of children from harm.

RNT1(A)

- Applications outside the West End Cumulative Impact Zone will generally be granted subject to 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the Council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or late-night refreshment meeting the Council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.

SUBMISSIONS AND REASONS

Ms Roxsana Haq, Senior Licensing Officer summarised the application set out in the report before the Sub-Committee.

Mr Niall McCann, solicitor for the Applicant, addressed the Sub-Committee explaining that this was a new premises licence for a relatively conventional Italian serving pizza and pasta with almost 200 premises around the world and several in Westminster. In delivery plan included, they explain about how their vehicles will stop on Spring Street and on Craven Road for deliveries. The proposed area for alcohol without food is near the green hatched area shown on the revised plan provided. This amount to roughly 10% of sales which will be served purely by waiter/waitress service only. The Applicant has met with Environmental Health Service and with the South-East Bayswater Residents Association (SEBRA) representative John Zamit. One of the issues raised by Mr Zamit was that the application should first been before the Planning Committee, but the scheduling of this application meant they are now before the Licensing Sub-Committee.

In relation to the Conditions, it was suggested the "non-motorized vehicles" to be placed on the licence. The Applicant asked that this is not be placed on the Licence because an electric scooter has a motor. It was noted that after discussions with Mr Zamit the Applicant agreed to all the proposed conditions.

Mr Craig Goslin, the company director for the Applicant's UK operation, addressed the Sub-Committee and explained their delivery model. He informed the Sub-Committee that a person sitting at home would order through Deliveroo.

He outlined that parking for drivers including a separate area in the premises for their entry for collection, so they do not congregate outside.

In response to the the Sub-Committee Mr Goslin confirmed that alcohol would be part of the delivery service but only with substantial take away meals and this had been conditioned.

Mr Anil Drayan, on behalf of Environmental Health Service informed the Sub-Committee that he was there to assist the Committee. He stated that he had visited the premises to ascertain where the delivery drivers will be located, and he was satisfied with the application. He stated that the bicycle racks could be used.

The Sub-Committee invited Ms Amy Rodgers, a local resident, to make her representations, she expressed her concern about a new premises with a takeaway operation. She explained that Craven Road has only one entry point and double yellow lines across all units, so there can be no drop offs or collections. Due to this, she felt it was completely unrealistic to think that drivers would go to Spring Street and then walk back for collection. She said the pavement is wide but is a main route for Paddington Station and is extremely busy and because of these reasons, the unit is not designed for takeaways.

Mr Richard Brown on behalf of SEBRA explained that their main concerns were about the Applicant using third-party drivers and the wider implications of operating takeaway food from this unit. He stated that they would like to see a dedicated employee to manage the takeaway side of the business to help this operation run smoothly. He suggested that the Applicant should use electric vehicles. He stated that there were also concerns raised about vehicles that may be left while the drivers collected the food as this may cause theft and crime in the area. Mr Brown proposed a condition for no vehicles in Chilworth Mews or in the entrance to the Mews. This was accepted by the Applicant.

In response to Members' question in relation to where deliveries could take place, Mr Zamit also on behalf of SEBRA stated that it was a valid point raised by Ms Rodgers regarding double yellow lines, however, the Applicant has identified an area where they can stop, this must be obeyed and is for the operator to ensure.

Conclusion

The Sub-Committee has a duty to consider the application on its individual merits and took into account all of the committee papers, submissions made by the Applicant and all other parties and the evidence given by those parties in attendance during the hearing in its determination of the matter.

The Sub-Committee noted that the Applicant had engaged with the Officer On behalf of Environmental Health Service who visited the premises and agreed ways of operation of the premises.

The Sub-Committee noted that the proposed conditions had been agreed with

the Metropolitan Police Service and interested parties and concluded that these conditions attached to the licence would alleviate residents' concerns and were appropriate to promote the licensing objectives.

The Sub-Committee decided that the Applicant had provided valid reasons as to why the granting of the application would promote the licensing objectives.

Having carefully considered the committee papers and the submissions made by all parties, both orally and in writing, **the Committee had decided**, after taking into account all the individual circumstances of this case and the promotion of the four licensing objectives:

1. To grant permission for **Late Night Refreshment (Indoors and Outdoors)** Monday to Thursday 23:00 to 23:30 hours Friday to Saturday 23:00 to 00:00 hours.

Seasonal Variations: Sundays immediately before a bank holiday 23:00 to 00:00 hours.

2. To grant permission for **Sale by Retail of Alcohol (On and Off Sales)** Monday to Thursday 09:00 to 23:00 hours Friday to Saturday 09:00 to 23:30 hours Sunday 09:00 to 22:00 hours.

Seasonal Variations: Sundays immediately before a bank holiday 09:00 to 23:30 hours.

3. To grant permission for the **Opening Hours for the Premises Monday** to Thursday 09:00 to 23:30 hours Friday to Saturday 09:00 to 00:00 hours Sunday 09:00 to 22:30 hours.

Seasonal Variations: Sundays immediately before a bank holiday 09:00 to 00:00 hours.

4. That the Licence is subject to any relevant mandatory conditions.
5. That the Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed by the Committee after a hearing with the agreement of the Applicant

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 are open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. 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 the 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 are open. This staff member must be able to provide the Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
13. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
14. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
15. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
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. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day.
18. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
19. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

20. Save for in the areas hatched green on the approved plan, the premises shall only operate as a restaurant
- (i) in which customers are shown to their table or the customer will select a table themselves
 - (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
 - (iv) which do not provide any takeaway service of food or drink for immediate consumption off the premises
 - (v) Save for when taken off the premises in sealed containers, 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.

For the purpose of this condition 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

21. In the areas hatched green on the approved plan the supply of alcohol is by waiter or waitress service only to persons who are seated.
22. There shall be no sales of alcohol for consumption off the premises after 23.00 hours and on Sunday after 22:30 hours.
23. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours and on Sunday after 22:30 hours.
24. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to food that is available to take-away.
25. 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.
26. Patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke or make a phone call, shall not be permitted to take drinks or glass containers with them.
27. 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.

28. 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.
29. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
30. 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.
31. No licensable activities shall take place at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the Licensing Authority has replaced this condition on the licence with a condition detailing the capacity so determined.
32. No collections of waste or recycling materials including bottles from the premises shall take place between 23:00 and 08:00 hours on the following day.
33. All deliveries of food and/or alcohol shall be made on foot, by bicycle or by electrically powered vehicle.
34. No off sales of beers, lagers or ciders of 5.0% ABV (alcohol by volume) or above shall be permitted.
35. 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.
36. The Premises Licence Holder shall ensure that any takeaway delivery service do not use Chilworth Mews or its entrance at any time.
37. All staff at the premises shall receive Welfare and Vulnerability Engagement (WAVE) training by a qualified trainer, and once every 12 months thereafter. The date the training was provided and signed confirmation from the member of staff shall be recorded, available for inspection by the Responsible Authorities upon request.
38. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area defined as Eastbourne Terrace.
39. The area hatched green on the plan shall be limited to 24 persons at any one time.

This is the Full Decision reached by the Licensing Sub-Committee which takes effect forthwith.

The Licensing Sub-Committee

7 July 2022

The Meeting ended at 2.25 pm