



**CITY OF WESTMINSTER**

# MINUTES

## Licensing Sub-Committee (2)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (2)** held on **Thursday 18th August, 2022**, This meeting will be an MS Teams virtual meeting..

**Members Present:** Councillors Maggie Carman (Chair), Concia Albert and Caroline Sargent

#### 1. MEMBERSHIP

1.1 There were no changes to the membership.

#### 2. DECLARATIONS OF INTEREST

2.2 There were no declarations of interest.

#### 1. 10:00 AM: LUSIN RESTAURANT, 16-17 HAY HILL, W1J 8NY

### **WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 2** **("The Committee")**

#### **Thursday 18 August 2022 – ITEM 1**

Membership: Councillor Maggie Carman (Chair) Councillor Concia Albert and Councillor Caroline Sargent

Officer Support    Legal Adviser:            Viviene Walker  
                         Policy Officer:            Kerry Simpkin  
                         Committee Officer:        Jack Robinson-Young  
                         Presenting Officer:        Kevin Jackaman

Present:            Dave Nevitt (Environmental Health), Thomas O'Maoileoin (Thomas and Thomas), Richard Brown (representing Local Residents), Mike Dunn (Local Resident)

**Application for a New Premises Licence in respect of Lusin Restaurant 16-17 Hay Hill W1J 8NY 22/06003/LIPN**

**Full Decision**

**Premises**

Lusin Restaurant

**Applicant**

Mira Foods International (UK) Limited

**Cumulative Impact Area**

None

**Ward**

West End

**Special Consideration Zone**

Mayfair

**Summary of Application**

This is an application for a New Premises Licence under the Licensing Act ("The Act"). The Premises propose to operate as a restaurant over the ground and first floors.

There is a resident count of 93.

**Representations received**

- Metropolitan Police Service (PC Andy Elliott) (withdrawn)
- Environmental Health Service (Dave Nevitt)
- 2 Local residents

**Summary of issues raised by objectors**

Environmental Health Service (EHS) stated:

- Representation is made in relation to the application as the proposals are likely to increase the risk of Public Nuisance and may impact upon Public Safety.

Local Resident stated:

- My representation is based on the likely impact of the application on the licensing objective of Prevention of Public Nuisance.
- Whilst the hours are reasonable and I note that the full 'restaurant' condition has been proposed, I feel that the absence of other conditions (which I have successfully asked for on other licence applications in the area) would risk an increase in public nuisance in this already extremely busy area.

Mayfair Residents Group (MRG) stated:

- The MRG wishes to object to the application as presently made but only insofar as conditions are concerned. MRG supports the request made by local residents for additional conditions on the basis of seeking consistency especially in this already heavily licensed area with existing nuisance.

## **Policy Position**

### **SCZ1**

In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should demonstrate that they have taken account of the issues particular to the Zone in question as identified within the 2020 Cumulative Impact Assessment and should set out any proposed mitigation measures in relation to those issues within their operating schedule.

### **HRS1**

Applications within the core hours set out 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.

### **RNT1**

Applications outside the West End Cumulative Impact Zone will generally be granted subject:

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.

## **SUBMISSIONS AND REASONS**

Mr Jackaman, Senior Licensing Officer, outlined the application before the Sub-Committee.

Mr Thomas O'Maoileoin, solicitor for the Applicant explained that the application was for a new premises licence for a restaurant within the Special Consideration Zone (SCZ) of Mayfair. He stated that he had been in correspondence with local residents

and the Responsible Authorities and as a result the Metropolitan Police had withdrawn their objection. He explained that there had been a concern from residents about the ongoing planning application submitted a few weeks ago, and this decision should be forthcoming in October. At the moment, Planning restricts the terminal hour until 23:00 and their request was for this to be extended to 00:00. Mr O'Maoileoin said if this application was granted, there would be an application to vary the said Licence.

In response to questions from the Sub-Committee Mr O'Maoileoin explained that the Applicant wanted terminal hours at 00:00 hours Monday to Sunday and the Applicant would address the issues of crime and disorder by the conditions proposed by the Metropolitan Police Service and Environmental Health Service.

Mr Dave Nevitt for Environmental Health Service advised that he had been in contact with the Applicant and had carried out a site visit. He stated that the hours sought are very close to core hours and that conditions had been offered and accepted, including model Condition 66 defining the operation as a restaurant with alcohol ancillary to a meal. Mr Nevitt stated that the building is solid with good acoustic and should be able to contain any noise.

Mr Richard Brown, solicitor, representing the residents advised that residents have concerns regarding the premises operating hours. He referred to the conditions agreed by the Applicant and reiterated that the current application raised no major concerns, but should the terminal hour move later from 23:00 to 00:00, residents would strongly oppose.

Mr O'Maoileoin asked Mr Amir Alwan for the Applicant company, Mira Foods International to address the Sub-Committee on the operations of the premises. Mr Alwan explained that the premises are a Middle Eastern and Armenian restaurant with table service. He stated he would be happy to come back to this Sub-Committee for the terminal hour of 00:00 as soon as Planning have determined the application.

In response to questions from the Sub-Committee Mr Alwan advised that foods would be on both smaller plates and larger meals, but he could not comment on price at this time. Mr O'Maoileoin stated that they have agreed Model Condition 66 which stipulated "substantial table meal" was needed for the consumption of alcohol, as discussed and agreed with Environmental Health Service.

## **Conclusion**

The Sub-Committee has a duty to consider the application on its individual merits and took into account all the committee papers, 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 had initially been made by the Metropolitan Police Service, however these had withdrawn following discussions with the Applicant.

The Sub-Committee noted the statement made by Environmental Health Service that the acoustic at the premises was such that there would be no noise leakage.

The Sub-Committee further noted 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 the parties, both orally and in writing, **the Committee has 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 the Sale of Alcohol (On Sales)** Monday to Sunday 11:00 to 23:00 hours.
2. **To grant permission for the Opening Hours of the Premises** Monday to Sunday 11:00 to 23 hours.
3. That the Licence is subject to any relevant mandatory conditions.
4. That the Licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

#### **Conditions imposed by the Committee after a hearing**

9. 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) 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.

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.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

10. 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.
11. 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.
12. 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
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
13. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.
16. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day.
17. 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.
18. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the

premises by the Police or an authorised officer of the City Council at all times whilst the premises are open.

19. 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. In any event the capacity shall not exceed 110 persons (excluding staff).
20. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
21. 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.
22. 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.
23. No licensable activities shall take place at the premises until
  - (i) the premises have been assessed as satisfactory by the Environmental Health Consultation Team and
  - (ii) plans have been substituted to include the basement and lower basement non-licensable floors, at which time this condition shall be removed from the Licence by the Licensing Authority.
24. 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.

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

**The Licensing Sub-Committee  
18 August 2022**

**2. 12:00 PM: THE AVERY CLUB, AVERY HOUSE, 1-3 AVERY ROW,  
W1K 4AJ**

2.1 This application was adjourned.

**3. 2:30 PM: ISIBANI, 9 KNIGHTSBRIDGE GREEN, SW1X 7QL**

**WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 2**  
**("The Committee")**

**Thursday 18 August 2022 – ITEM 3**

Membership: Councillor Maggie Carman (Chair) Councillor Concia Albert and Councillor Caroline Sargent

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

Present:                    Maxwell Koduah (Environmental Health Service), Olugbemiga Olusola (Consultant), Jennifer Douglas (Director)

**Application for a New Premises Licence in respect of Isibani 9 Knightsbridge Green SW1X 7QL 22/05629/LIPN**

**Full Decision**

**Premises**

Isibani  
9 Knightsbridge Green  
London SW1X 4AJ

**Applicant**

Isibani UK Limited

**Cumulative Impact Area**

None

**Ward**

Knightsbridge & Belgravia

**Special Consideration Zone**

None

**Summary of Application**

This is an application for a new Premises Licence under the Licensing Act 2003 ("The Act"). The Premises propose to operate as an Afro/European Fusion Restaurant over the basement, ground and first floors. The Applicant had initially applied for recorded music outside the hours. However, following the consultation



period and after discussions with the interested parties, the Applicant withdrew recorded music and reduced the hours in line with core hours.

There is a resident count of 100.

### **Representations received**

- Metropolitan Police Service (PC Dave Morgan) **withdrawn**
- Environmental Health Service (Maxwell Koduah)
- 9 Local residents - **5 withdrawn**

### **Summary of issues raised by objectors**

- The hours requested to play recorded music, to provide late night refreshment and the supply of alcohol may have the likely effect of causing an increase in Public Nuisance and may affect the Public Safety within the area.
- On behalf of the freeholder, we fully object on the basis of Public Nuisance, Crime and Disorder and Public Safety.
- Lancelot Place, Knightsbridge and Raphael Street as well as the Trevor Square conservation area are residential amenities.
- The granting of this Licence would create major disturbances for the many families and individuals who live here.
- This venue would effectively be a bar/night club as the application is for music and the serving of alcohol which is not ancillary to the serving of food.
- This alleyway already has serious anti-social behaviour at night, and this can only intensify the issue we already have at this location.
- The application based on the extended hours will be precedent for other future restaurants.

### **Policy Position**

#### **HRS1**

- Applications within the core hours set out 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.

#### **RNT1**

- Applications outside the West End Cumulative Impact Zone will generally be granted subject:
  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.

## **SUBMISSIONS AND REASONS**

Mr Jackaman, Senior Licensing Officer outlined the application before the Sub-Committee.

Mr Olugbemiga Olusola for the Applicant addressed the Sub-Committee and explained that the application was for a new premises licence. He stated that the Applicant had withdrawn their request for recorded music throughout the venue. Also, after consultation with residents and Responsible Authorities they had amended their hours to core hours in order to promote the licensing objectives. He explained that they Applicant had also agreed to the restaurant conditions requested by the Metropolitan Police Service and Environmental Health Service. The Applicant had a dispersal plan to further show their willingness to work with the community.

In response to questions from the Sub-Committee Mr Olusola advised that only 15 people could occupy the outside area as detailed on the plan and he had agreed with Environmental Health Service that this area would be vacated by 22:00 hours.

Ms Jennifer Douglas, for the Applicant explained that there is a building behind the terrace, which was a hotel, but it has not been used. She further explained that it was the Knightsbridge hotel, and the terrace would be used as a regular part of the restaurant containing a cover for bad weather. The terrace area would be closed before the main indoor areas of the restaurant at 21:30 hours. They will inform patrons that they will be closing at 22:00 hours so that they will have ample time to vacate. Mr Olusola stated that before the Applicant took over the premises it was vacant for two years.

When looking at the premises, the Chair of the Sub-Committee asked what was behind the terrace and Ms Jennifer Douglas explained this was a hotel that was currently not in use. The Sub-Committee asked what the hotel was, and Ms Douglas replied saying it was the Knightsbridge Hotel. Ms Douglas said this area would be used as a regular part of the restaurant containing a cover for bad weather. Mr Olusola explained before the took over the premises it was vacant for two years.

Mr Maxwell Koduah for Environmental Health Service explained that the capacity limits in the Condition 9 applied to the inside regardless of someone from the terrace was to come inside. This would not allow for 15 people on the terrace to enter the main restaurant at 22:00, the total 45 people cannot be exceeded at any one time. He further explained that his representation was made as the Applicant had applied for hours in excess of core hours with has now been reduced.

Mr Olusola reiterated that the Applicant had reached out to residents and Responsible Authorities which had resulted in them accepting the conditions and the objections been withdrawn. He also stated that the Applicant had applied for 4 Temporary Event Notices in order to try out their menus and these had been warmly received.

### **Conclusion**

The Sub-Committee has a duty to consider the application on its individual merits and took into account all the committee papers, submissions made by the Applicant,

all other parties and the oral evidence given by those parties in attendance during the hearing in its determination of the hearing.

The Sub-Committee noted that the Applicant had positively engaged with the Responsible Authorities and residents and that the residents had withdrawn their representations after those discussions with the Applicant.

The Sub-Committee was of the opinion that the nature and operation of the premises operating within core hours was not likely to cause a nuisance in the local area and in addition, the conditions imposed on the Premises Licence were appropriate and will ensure that the four licensing objectives are promoted.

In reaching its decision the Sub-Committee decided that the Applicant had provided valid reasons as to why the granting of the application would not undermine the licensing objectives.

Having carefully considered the committee papers and the submissions made by all the parties, both orally and in writing, **the Committee has 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)** Friday to Saturday 23:00 to 00:00 hours.
2. **To grant permission for the Sale of Alcohol (On Sales)** Monday to Thursday 09:00 to 22:30 hours Friday to Saturday 09:00 to 00:00 hours Sunday 09:00 to 22:30 hours.
3. **To grant permission for the Opening Hours of the Premises** Monday to Thursday 09:00 to 23:00 hours Friday to Saturday 09:00 to 00:30 hours Sunday 09:00 to 23:00 hours.
4. That the Licence is subject to any relevant mandatory conditions.
5. That the Licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

#### **Conditions imposed by the Committee after a hearing**

9. The number of persons permitted in the premises at any one-time (excluding staff) shall be:  
Ground Floor – 25 persons  
First Floor – 25 persons  
with no more than 45 persons at any one time
10. A copy of the premises' dispersal plan shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council.

11. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. All tables and chairs on the 1st floor terrace shall be rendered unusable by 22.00 hours each day.
13. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
14. 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.
15. 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.
16. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
17. 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.
18. 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.
19. No deliveries to the premises shall take place between 23:00 and 08.00 hours on the following day.
20. No deliveries from the premises, either by the licensee or a third party shall take place between 23:00 and 08:00 hours on the following day.
21. The supply of alcohol, including alcohol consumed at the outside tables and chairs shown on the licence plan, shall be by waiter or waitress service only.
22. 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.
23. 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.
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 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.
26. 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.
27. 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.
28. 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.
29. 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) 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.

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.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

30. 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.
31. 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.
32. 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 glass containers with them.
33. At least 1 SIA licensed supervisor shall be on duty at the premises on Fridays and Saturdays. They must correctly display their SIA licence when on duty so as to be visible.

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

**The Licensing Sub-Committee  
18 August 2022**

The Meeting ended at 4.30 pm