



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (2)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (2)** held on **Wednesday 7th February, 2024**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Maggie Carman (Chair), Judith Southern and Tim Mitchell

#### 1. MEMBERSHIP

1.1 There were no changes to the membership.

#### 2. DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

#### 1. NARON COUNTER, BASEMENT AND GROUND FLOOR, 63 GREAT TITCHFIELD STREET, W1W 7PR

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

Wednesday 07 February 2024

Membership: Councillor Maggie Carmen (Chair)  
Councillor Judith Southern  
Councillor Tim Mitchell

Officer Support: Legal Adviser: Horatio Chance  
Policy Officer: Daisy Gadd  
Committee Officer: Steve Clarke  
Presenting Officer: Karyn Abbott

Other Parties: Reza Malekzadeh (Morjereh 63 Gts Ltd)  
Sally Fabbricatore (Environmental Health Service)  
Richard Brown (Interested Party)

**Application for a New Premises Licence in respect of Naroon Counter,  
Basement and Ground Floor, 63 Great Titchfield Street, London, W1W 7PR  
(23/06403/LIPN)**

**FULL DECISION**

**Summary of Application**

The Sub-Committee has determined an application for a New Premises Licence under the Licensing Act 2003 (“The Act”) in respect of Naroon Counter, Basement and Ground Floor, 63 Great Titchfield Street, London, W1W 7PR (“The Premises”). The Premises intends to operate as a restaurant serving breakfast through lunches and to dinner into late evening on the ground floor only. The basement (unlicensed) consists of kitchen, storage and bathrooms. The Applicant company is Mojereh 63 Gts Limited who also run a number of other venues within the vicinity, these premises will be named Naroon Counter.

The Applicant is a family run business where they also operate Naroon Fitzrovia, the Persian restaurant next door at 65 Great Titchfield Street, The newly transferred Naroon Marylebone at 17 New Cavendish Street, Naroon at 60 Great Titchfield Street and Kin Cafe at 22 Foley Street.

The early hours for licensable activity are to permit the sale of specific alcoholic drinks associated with breakfasts. Normal licensable activity is to take place from 11:00 hours.

The Applicant has provided the following submissions appearing at **Appendix 2** of the agenda report:-

- A mediation letter.
- Letter to the Sub-Committee.
- Menu for the Premises.
- Plan of the extractor.
- Technical plan.
- Planning validation letter.
- Planning portal information.
- Plant Noise assessment.
- Noise report.

In light of resident concerns the Applicant amended the application for the hours sought featured at section 1-B of the report.

The Premises are located within the West End Ward but do not fall within either the West End CIZ or any special consideration zone. There is no policy presumption to refuse applications for a restaurant premises outside of the West End CIZ. The matter was assessed on its individual merits having regard to the evidence before the Licensing Sub-Committee and the promotion of the licensing objectives.

Representations were received from the Environmental Health Service and 14 Interested Parties citing concerns regarding public nuisance and crime and disorder. Subsequently, two of the representations received from residents were withdrawn.

There is a resident count of 267.

**Premises**

Naroon Counter  
Basement and Ground Floor  
63 Great Titchfield Street  
London  
W1W 7PR

**Applicant**

Mojereh 63 Gts Ltd

**Cumulative Impact Area**

None

**Special Consideration Zone**

None

**Ward**

West End

**Activities and Hours Applied For**

**Recorded Music (Indoors)**

Monday to Thursday 23:00 to 23:30  
Friday to Saturday 23:00 to 00:00  
Sunday N/A

**Seasonal variations:** Sundays preceding bank holidays 23:00 to 00:00

**Late Night Refreshment (Indoors and Outdoors)**

Monday to Thursday 23:00 to 23:30  
Friday to Saturday 23:00 to 00:00  
Sunday N/A

**Seasonal variations:** Sundays preceding bank holidays 23:00 to 00:00

**Sale by Retail of Alcohol (On and Off the Premises)**

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

**Seasonal variations:** Sundays preceding bank holidays 23:00 to 00:00

### **Opening Hours of the Premises**

Monday to Thursday: 07:00 to 00:00

Friday to Saturday: 07:00 to 00:30

Sunday 07:00 to 23:00

**Seasonal variations:** Sundays preceding bank holidays 07:00 to 00:30

### **Representations Received**

- Environmental Health Service (EHS) (Sally Fabbricatore).
- Mr Peter Paul 61B Great Titchfield Street London W1W 7PP.
- Mrs Penelope Brudenell-Bruce 29A Riding House Street London W1W 7DX (**Withdrawn 23 November 2023**).
- Frank Thaxton Flat 4 89 Great Portland Street London W1W 7LX.
- Mr James Phillips 8 Middleton Place London W1W 7TF.
- Christopher Shaw 42 Langham Street London W1W 7AT.
- Mrs Fiona Moss 5 Middleton Place London W1W 7TD.
- Y Blumann, Fitzrovia Neighbourhood Association (**withdrawn 25 January 2024**).
- Mr Brandon Elmon 3 Middleton Place London W1W 7TF.
- Mr Clive Brandon Flat 1 7 Middleton Place London W1W 7TF.
- Mrs Bronte Aurell Scandinavian Kitchen Ltd London W1W 7PP.
- Mr Colin Chapman 31 Riding House Street London W1W 7DY.
- Mr Gordon Tees 10 Middleton Place London W1W 7TG.
- Jennifer Kavanagh 44 Langham Street London W1W 7AU.
- Dr John Holton 19 Riding House Street London W1W 7DT.

### **Summary of Representations**

- *The provision of the supply of alcohol and hours requested may cause an increase in Public Nuisance in the area, it may also impact on Public Safety.*
- *The provision of regulated entertainment and the hours requested may cause an increase in Public Nuisance in the area, it may also impact on Public Safety.*
- *The provision of late night refreshment and the hours requested may cause an increase in Public Nuisance in the area, it may also impact on Public Safety.*
- *As next-door neighbours, my wife and I strongly object to the proposal to play recorded music inside and outside the Naroon property ( 63 Gt.Titchfield Street) late at night on any of the times indicated on their application.*
- *The proposed sale of food and alcohol is also worrying since there is no way of knowing the level of noise and disturbance this is likely to create. Existing restaurants nearby all manage to keep their activities well controlled, and we ask that restrictions be incorporated in their licence to ensure that the amount of disturbance to neighbourhood residents be kept to a minimum.*

- *I fear these extended hours would set a dangerous precedent for the neighbourhood. They would also add to other issues occurring already, including but not limited to kitchen staff on breaks (smoking, chatting, telephone calls late at night) and people using Middleton Place as a late night open air toilet. These issues have been increasing in recent months, and extended hours will bring extended and additional issues to our local community.*
- *With reference to the above application for extended licensing hours. We have lived in Middleton place since 2010 and it has been exciting to see the changes that have taken place in this area which are a huge benefit for all of us that live and work in this little pocket of London. As residents we accept that this will bring more people and the hustle and bustle that accompanies them. What we also appreciate is that our commercial neighbours go to great lengths to minimise noise and disturbance after 11 o'clock, not always successfully but they try their best. For example, If we have a disrupted night as a result of customers leaving the local pubs, we know that we could still get to sleep by midnight, not ideal with work the next day but acceptable now and again. Asking for the evening to end at 1am will mean customer's leaving the premises and wandering the surrounding streets for at least another hour, usually in high spirits and noisy. Added to which is the issue that has arisen in the last few years particularly, of people using our street as a public toilet. Our neighbour has a security camera and has had the misfortune to observe people urinating, vomiting and unbelievably defecating in our street, usually outside our house. If people are drinking until 1pm they are uninhibited and really have no thought to the noise or mess they might be creating. This business is a restaurant, why does it need to be open until 1am? We also back onto this business and their extractor fans are not quiet. We therefore strongly object to this application.*
- *My property windows back immediately onto the rear of the restaurant in question and we have already had an issue involving the planners and environment health over an illegal extraction duct they installed and the noise emanating from it. I understand that formal action is being taken against them. Naroon are now using the original old extraction system which currently vibrates from around 11am until closing and creates a perpetual humming sound which resonates across the entire recessed residential void to the rear windows of all the surrounding homes backing onto to the recess. By granting a later licence this untenable sound will be going on a lot later which is unfair to the residents.*
- *Whilst we do not object in principle to the licence, we do feel that it is very late for people to be making noise outside at 01:00 with people living just upstairs. Maybe a normal hour's licence would be more appropriate with customers being inside by 10pm, like most pubs have to do?*
- *I am concerned about the request for licensing until midnight or 1 am on Fridays and Saturdays, for consumption both inside and outside, and sale both on and off the premises. This could cause major disturbance for neighbours, with noise both at the premises and as people come and go. It would also form a precedent in the area, where the normal licensing hours are until 11pm.*
- *I am concerned at yet another licensed premises - we have so many, and all add to the noise of people coming and going. But more importantly, they are*

*asking for the hours to be beyond what is usual in the neighbourhood. Should be restricted to 11pm, both inside and outside.*

- *I strongly object to yet another eatery located in this area. There are too many already, the main concerns are noise, disruption in the late evening, smell, excess foot traffic. I accept this is London, a thriving city but in some areas, there needs to be some consideration of the voting residents rather than wholesale commercialisation.*

## **Policy Considerations**

Policies HRS1 and RNT1 apply under the City Council's Statement of Licensing Policy ("SLP").

### **Policy HRS1**

- A. 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.
- B. 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:
  1. 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.
  2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
  3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
  4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
  5. The proposed hours when any music, including incidental music, will be played.
  6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
  7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
  8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
  9. The capacity of the premises.
  10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
  11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.

12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
  13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
  14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.
- C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:
8. Restaurants - Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to Midnight. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to Midnight.
- D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.
- E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.

Note: The core hours are for all licensable activities but if an application includes late night refreshment, then the starting time for that licensable activity will be 11pm.

### **Policy 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 latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.
  4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.
  5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.
- B. Applications inside 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 are within the council's Core Hours Policy HRS1.
3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.
4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.
5. The application and operation of the venue meeting the definition.

### **Submissions and Reasons**

1. Ms Karyn Abbott the Presenting Officer summarised the Application, highlighting that the Premises did not fall within any Cumulative Impact Area or Special Consideration Zone. A representation had been received from the EHS who were represented at the hearing by Sally Fabbriatore. It was also noted that representations had been received by 14 other Interested Parties; of which, two had been withdrawn. A number of the Interested Parties were being represented at the hearing by Richard Brown from Westminster's Licensing Advisory Service.
2. Mr Reza Malekzadeh appearing on behalf of the Applicant company, Morjereh 63 Gts Ltd addressed the Sub-Committee. He advised that he along with his cousin operated the business. Mr Malekzadeh said that they were an experienced operator with multiple premises within Westminster, including the neighbouring premises at 65 Great Titchfield Street. The business had started with KIN Café, a nearby vegan restaurant before expanding into the Naroon brand which offered traditional Persian cuisine. Mr Malekzadeh stated that the premises subject to the application was an offshoot of the Naroon brand called Counter by Naroon, a slightly more casual offering of Persian cuisine for those during the day, and into the evening the premises would remain a laidback eatery offering snacks and tapas style refreshments. Mr Maleksadeh said that that the rationale for the application was due to customer demand.
3. Mr Maleksadeh highlighted that they were looking to engage with neighbouring residents to ensure that the operation of the Premises did not contribute to any form of public nuisance in the local area. He explained that they had a vested interest in the area operating multiple establishments and understood the importance of facilitating good relationships with neighbouring residents. He reiterated that the Premises was family run with a casual laidback atmosphere and in no way was to be operated in the manner of a nightclub or a bar.
4. Mr Maleksadeh confirmed that the Premises had been operating for the last four months and there had been no reported complaints from the public, they aimed to continue this going forward. Mr Maleksadeh said that whilst they were an experienced restaurant operator, he was relatively inexperienced in a Licensing Sub-Committee forum but said he was happy to answer any questions the Sub-Committee had regarding the operation of the premises.



5. The Sub-Committee queried whether the Applicant could reconcile the closing time of the premises to be in line with Westminster's Core Hours Policy HRS1. In reply to Mr Maleksadeh advised that they regularly intended to close the Premises before the hours applied for, however, the reason that the specific timings were applied for were to cater for any potential private functions or bookings which may require a slightly later closing time. Mr Maleksadeh also confirmed that the start time for being able to sell alcohol would be 09:00, not 07:00 when the Premises could be open to the public.
6. On the subject of the potential restriction of early morning deliveries of licensable goods to the Premises, Mr Maleksadeh stated that they aimed to sell the freshest food possible and highlighted that many of their suppliers provided the Premises with both licensable and non-licensable goods. Mr Maleksadeh said that they wanted to stress the importance of fresh food deliveries early in the morning to allow for adequate food preparation. He advised that many suppliers had delivery 'windows' and if the Premises were restricted to only receiving deliveries after a certain time, they could be pushed into the next delivery window which would result in food not being available for the opening of the Premises.
7. Mr Maleksadeh said that they were happy to have late evening deliveries restricted to 22:00 as they did not generally take deliveries at such times but they would seek to allow deliveries as early as 07:00 as this was deemed necessary for the business.
8. Regarding outdoor seating, Mr Maleksadeh confirmed that there would be capacity for between four and six customers across two tables situated immediately outside the Premises. The Sub-Committee queried whether there would be any objection to rendering the outdoor seating unusable by 22:00, rather than 23:00. Mr Maleksadeh said that he would have to object to this as they would need to bring the tables and chairs through the restaurant, which would still be open, to be stored; additionally, a 22:00 cut off on outdoor seating would mean the latest booking for the outdoor seating would be at 20:00 to allow for a two hour sitting, which would be fairly restrictive to the business model. The Sub-Committee noted that the use of the outdoor seating later into the evening would be seasonal.
9. In answer to questions from the Sub-Committee Mr Maleksadeh confirmed, and agreed, that should the licence be granted, patrons would not be permitted to take drinks or glass containers outside, unless they were already seated at one of the outdoor seats for their meal.
10. Mrs Sally Fabbricatore appearing on behalf of the EHS addressed the Sub-Committee. She advised that the initial representation made by the EHS was submitted due to the later opening hours that were originally proposed, however, the Applicant had since scaled back the opening hours slightly which the EHS were agreeable to.
11. Mrs Fabbricatore stated that the EHS had carried out a site visit to the Premises in October 2023 and they were confident that the Premises was in

use as a restaurant, additionally there were a number of conditions proposed which satisfied the EHS in that respect. Overall, the EHS were satisfied with the application specifically highlighting the agreement that no takeaway deliveries would be made from the Premises after 23:00 which would help with mitigating any public nuisance to nearby residents.

12. Mrs Fabbricatore stated that on the matter of rendering the outdoor seating unusable by 23:00, she did not deem 23:00 to be unreasonable, especially as it was for a small number of covers and that 23:00 was a time that would be considered acceptable should a pavement licence be applied for.
13. Mrs Fabbricatore said regarding goods deliveries made to the Premises, the EHS noted that they did not feel that an 07:00 delivery time was unreasonable given that the delivery was made considerately. It was also noted that waste collection times for Great Titchfield Street started from 07:00 and were generally deemed to create more noise than a goods delivery.
14. The Sub-Committee noted that they would discuss the matter further in private session, however the Applicant's willingness to have deliveries from 07:00 as duly noted.
15. Mr Richard Brown representing addressed the Sub-Committee on behalf of a number of Interested Parties, by summarising Frank Thaxton's response to the letter from the Applicant's Agent at page 18 of the agenda pack. It was also noted that the Fitzrovia Neighbourhood Association had withdrawn their representation, however it was mentioned that this was perhaps done in error upon a misunderstanding of the mediation around opening hours.
16. Mr Brown went on to state that residents were supportive of the business and there were no objections to the Premises receiving a licence; however, the primary concern remained with the premises' licenced opening hours. It was noted that the actual opening hours were currently less than those applied for, however, residents would still like to have seen the licenced hours be brought in line with those of Westminster's Core Hours Policy HRS1. Mr Brown said that although residents would like to have seen the rendering of outdoor seating unusable by 22:00, should the premises' opening hours be brought in line with Westminster's Core Hours Policy, residents would not have issue with patrons utilising the outdoor seating until 23:00.
17. Mr Horatio Chance, the Legal Advisor to the Sub-Committee summarised a number of small amendments to the proposed conditions at pages 91 to 98 of the agenda pack that could be made, should the application be granted, these were agreed by Mr Maleksadeh. These included:
  - Amending proposed condition 11 to state, "Between the hours of 0700 and 0900".
  - Amending proposed condition 19 to state, "There shall be no vertical drinking at the premises".
  - Proposed condition 28 can be removed and replaced with Model Condition MC12 appearing as condition 52.

18. **In summing up**, the Interested Party and the EHS had nothing further to add.
19. **In summing up** Mr Maleksadeh reiterated that they aimed to have a healthy relationship with neighbouring residents, it was noted that the application had been made when the premises was brand new, and residents were perhaps not as familiar with the premises as they were at the time of the hearing. There had been no complaints about the premises and the Applicant sought to facilitate the good relationship with neighbours.

## **Conclusion**

20. The Sub-Committee realises that it has a duty to consider each application on its individual merits and did so when determining the matter.
21. The Sub-Committee had regard not only to the written and oral evidence but also to the requirements of the Act, The Home Office Guidance issued under section 182 of the Act and the City Councils SLP in the main policies HRS1 and RNT1.
22. The Premises are to operate as a restaurant under Policy RNT1 and so there is no policy presumption to refuse an application of this type provided that the licensing objectives are not undermined.
23. The Sub-Committee noted that the rationale for the application was due to customer demand by allowing an earlier time for the sale of alcohol to cater for breakfast through lunches and dinner in the ground floor area of the Premises.
24. The Sub-Committee welcomed that the Applicant had listened to those who had objected to the application and had amended the hours together with the proposed conditions although the terminal hour was an extra 30 minutes outside of core hours.
25. The Sub-Committee considered that the application should be granted given that the premises was not located in the West End CIZ or any Special Consideration Zone, and that the Applicant already operated a number of establishments in the area with no issues arising. The Sub-Committee also noted that the EHS were satisfied with the application and there had been no further representations received from other Responsible Authorities.
26. The Sub-Committee considered that the Premises opening hours were to be brought in line with Westminster's Core Hours Policy HRS1 to alleviate residents' concerns; the Sub-Committee were not persuaded that opening hours beyond core hours were appropriate and the applicant was encouraged to apply for a Temporary Event Notice whenever required for a private function.
27. The Sub-Committee took on board the points made that waste collections on Great Titchfield Street were made from 07:00 and would, by nature, be louder than a goods delivery. They determined that deliveries of licensable goods

could be made from 07:00, except for Sundays and Bank Holidays when no goods deliveries could be made to the Premises.

28. The Sub-Committee noted that the Applicant company had obtained professional advice from PC Licensing Consultancy in respect of the application and although not present at the hearing had received written submissions with accompanying documentation from a Mr Peter Conisbee (pages 27 and 28 of the agenda papers refers) which was noted.
29. Those submissions also explained that a plant noise assessment had been undertaken dealing with the issue of kitchen extraction at the Premises which are of course planning matters. The mitigation measures are contained in the conclusion of that report at page 53 of the agenda papers and again were noted by the Sub-Committee.
30. The Sub-Committee having carefully considered the matter and the evidence before it decided to **Grant** the Premises Licence with the licensable activities and to core hours. The Sub-Committee considered that this was the right balance when considering the resident objections for the start time and terminal hours accordingly.
31. The Sub-Committee concluded that 09:00 was the right balance as opposed to any earlier start time and later terminal hour. As mentioned in paragraph 26 above should the Applicant wish to extend the terminal hour for any private events, he is advised to use the Temporary Event Notice regime to facilitate this.
32. The Sub-Committee noted the various undertakings and commitments given by Mr Malekzadeh on behalf of the Applicant company into the daily running of the Premises and the robust management practices the Applicant was to employ as well as the many offered conditions which would have the desired effect of promoting the licensing objectives.
33. The Sub-Committee welcomed that the Applicant had engaged well with the Council's EHS and had engaged effectively with local residents in reaching agreement regarding the set of comprehensive conditions now imposed on the premises licence.
34. The Sub-Committee noted the concerns of local residents in relation to nuisance and the kitchen extraction at the Premises but the Applicant has applied for planning permission and this is of course a separate regime distinct from licensing but in any event that planning application is to be determined by the Council's Planning Authority on the 1 March next.
35. Similarly the Sub-Committee has imposed conditions on the premises licence to safeguard potential noise, fumes and odours emanating from the Premises.
36. The Sub-Committee considers that the conditions it has imposed on the premises licence to include licence CCTV by way of security, signage, age verification, staff training, dispersal policy for when customers leave the Premises, no vertical drinking, off sales to be restricted to the outside tables

and chair area occupied by customers, deliveries and collections of waste to the Premises within permitted hours so as to prevent nuisance and the inclusion of Model Condition MC38 requiring that the supply of alcohol at the premises shall only be to a person seated taking a substantial table meal by waiter/waitress service to be appropriate and proportionate and will have the overall effect of promoting the licensing objectives, in particular the prevention of public nuisance and crime and disorder licensing objectives.

37. The Sub-Committee concluded based on the evidence and the agreement by the EHS that they were content with the application, together with the offer of conditions would ensure the application would not undermine the licensing objectives.

38. In reaching its decision, the Sub-Committee concluded that the conditions attached to the licence would mitigate and alleviate the residents' concerns of the parties who had objected and were appropriate, proportionate, enforceable and would promote the licensing objectives.

Having carefully considered the committee papers, the additional papers and the submissions made by all of the parties orally, the Sub-Committee has decided, after taking into account all of the individual circumstances of this particular case and the promotion of the four licensing objectives:-

1. To grant permission for **Recorded Music (Indoors)** Monday to Thursday 23:00 to 23:30 Friday to Saturday 23:00 to 00:00 Sunday N/A **Seasonal variations:** Sundays preceding bank holidays 23:00 to 00:00.
2. To grant permission for **Late Night Refreshment (Indoors and Outdoors)** Monday to Thursday 23:00 to 23:30 Friday to Saturday 23:00 to 00:00 Sunday N/A **Seasonal variations:** Sundays preceding bank holidays 23:00 to 00:00.
3. To grant permission for **the Sale by Retail of Alcohol (On and Off the Premises)** Monday to Thursday 09:00 to 23:30 Friday to Saturday 09:00 to 00:00 Sunday 09:00 to 22:30 **Seasonal variations:** Sundays immediately prior to a bank holiday 09:00 to 00:00.
4. **To grant permission for the Opening Hours of the Premises** Monday to Thursday: 09:00 to 23:30 Friday to Saturday: 09:00 to 00:00 Sunday 09:00 to 22:30 **Seasonal variations:** Sundays immediately prior to a bank holiday 09:00 to 00:00.
5. That the Licence is subject to any relevant mandatory conditions.
6. 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 agreement of the Applicant:**

7. An incident log shall be kept at the premises, and made available on request to the police or an authorised officer, which will record the following:
  - a) All crimes reported to the venue
  - b) Any complaints received
  - c) Any incidents of disorder
  - d) Any faults in the CCTV system
  - e) Any visit by a relevant authority or emergency service
  - f) Any ejections of patrons
  - g) Any refusal of the sale of alcohol
8. During licensable hours there will always be a minimum of two members of staff present.
9. Between the hours of 09:00 and 11:00 the only alcoholic drinks that may be served are, Bloody Mary, Mimosa and Bellini to accompany breakfast orders.
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 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
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 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.
12. Signage stating that CCTV is in operation at the premises will be clearly displayed at the premises
13. 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 Council at all times whilst the premises is open.
14. Food will be available at the commencement of licensable activity each day until 30 minutes before the end of licensable hours.
15. In the event that an assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
  - a) The police (and, where appropriate, the London Ambulance Service) are called without delay;

- b) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
  - c) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
16. The premises shall operate a zero-tolerance policy to drugs.
  17. There shall be no vertical drinking at the premises.
  18. A fire safety risk assessment will be completed as per government guidelines on an annual basis (Regulatory Reform (Fire Safety) Order 2005).
  19. Adequate and appropriate supply of first aid equipment and materials must be available on the premises at all times.
  20. The premises licence holder shall ensure that a gas safety certificate is in existence at the premises and reviewed at the appropriate time.
  21. Staff will attend to any spillages within the venue as soon as practicable to minimise risk of injury to customers.
  22. A health and safety risk assessment will be completed and reviewed regularly, and will be made available to authorised officers of the council and the Metropolitan Police upon request
  23. Staff will be trained to identify signs of intoxication, suspicious or aggressive behaviour and how to appropriately deal with such customers so as to provide adequate care and minimise risk
  24. Prominent, clear and legible notices to be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and the area quietly.
  25. The premises licence holder shall ensure that any patrons smoking outside of the premises, do so in an orderly manner and are regularly monitored by staff so as to ensure that there is no public nuisance or obstruction on the public highway.
  26. Customers will not be allowed or encouraged to congregate in the entrance/exit of the premises except in an emergency.
  27. The outside of the premises shall be regularly monitored to ensure that noise levels from patrons do not cause a nuisance to any nearby residents.
  28. Any outdoor furniture shall be fitted with rubber pads to the bottom of the legs to minimise noise when moved.
  29. 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.

30. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
31. A dispersal policy shall be written and maintained which shall, so far as is possible, ensure that the minimum disturbance or nuisance is caused to neighbours and to ensure that the operation of the premises makes the minimum impact upon the neighbourhood in relation to potential nuisance and anti-social behaviour.
32. The premises licence holder undertakes to use only experienced and reputable delivery companies whereby deliveries will only be delivered to the registered address as per the booking.
33. Delivery riders/drivers will be 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; and not to obstruct the highway. The licence holder will positively encourage delivery riders/drivers to use quieter vehicles that are less likely to cause a nuisance, such as bicycles.
34. There will be no takeaway service of food for immediate consumption and all food taken away is to be closed/wrapped up.
35. All delivery agents shall wait inside the premises between deliveries/for deliveries and have access to use the bathroom facilities if required.
36. A proof of age scheme, Challenge (25), shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as: a driving license or passport / holographically marked PASS scheme identification cards.
37. Any sales tills will offer a Challenge 25 reminder / prompt the cashier making an alcohol sale to verify that the customer is over 18.
38. All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act 2003. Specifically in regard to age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs.
39. All such training shall be fully documented, signed by the employee, and kept at the premises for inspection by Police or other authorised officers. Training shall include, but not be limited to:
  - a. The premises age verification policy
  - b. Dealing with refusal of sales
  - c. Identifying attempts by intoxicated persons to purchase alcohol
  - d. Identifying signs of intoxication
  - e. Welfare and Vulnerability Engagement (WAVE training)
  - f. Ask Angela scheme



40. Such training sessions are to be documented and refreshed every twelve months. All training sessions are to be documented in English. Records of training shall be kept for a minimum of one year and made available on request to authorised officers from the council or police upon request.
41. With regard to on-line orders and deliveries, the premises shall at all times ensure;
- a) The full name and address of the person making the booking is recorded.
  - b) A disclaimer is on the website which states that the person making the order takes the responsibility to ensure the delivery is not intercepted by anyone under the age of 18, and that delivery will not be made to anyone under the age of 18.
  - c) At point of sale the Payment Services Provider will verify age and only authorise sales to over 18s
  - d) Deliveries be made to residential and commercial addresses.
  - e) There will be no 'safe place' delivery option for the delivery of alcohol.
  - f) There will be no cash sales of alcohol.
  - g) The web site shall state that at the point of delivery, any order for the supply of alcohol on behalf of the premises licence holder will require proof of age by way of photographic driving licence, passport or a form of identification with the PASS hologram in accordance with the Challenge 25 age verification scheme.
  - h) Alcohol will only be handed over to the person whose name the order was placed in upon seeing an appropriate form of photographic ID which clearly identifies them.
  - i) Website log-ins are only available to anyone over 18 years of age.
42. The supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.
- For the purpose of this condition a '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.
43. The supply of alcohol for consumption on the premises shall be by waiter or waitress service only.
44. The sale and supply of alcohol for consumption off the premises shall be restricted to:
- a) alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway and bona fide taking a substantial table meal there, and where the consumption of alcohol by such persons is ancillary to taking such a meal, and where the supply of alcohol is by waiter or waitress service only. (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.) Or

b) sealed containers only, and shall not be consumed on the premises.

45. All outside tables and chairs shall be rendered unusable by 23.00 hours each day.
46. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
47. There shall be no sales of alcohol for consumption off the premises between 23:00 hours and commencement hours the following day.
48. No deliveries from the premises, either by the licensee or a third party shall take place between 23:00 and 07:00 hours on the following day.
49. 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.
50. All windows and external doors shall be kept closed after 21:00 hours, except for the immediate access and egress of persons.
51. Loudspeakers shall not be located in the entrance and exit of the premises or outside the building.
52. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
53. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
54. No deliveries of licensable goods to the premises shall take place between 23.00 and 07.00 hours on the following day. No delivery of licensable goods shall take place on a Sunday or Bank Holiday.
55. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (22.00) 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.
56. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (07.00) on the following day unless collections are arranged during the times for the Council's own commercial waste collection service for the street.
57. 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.

58. 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.

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

**The Licensing Sub-Committee  
7 February 2024**

- 2. PJS PIZZA, BASEMENT AND GROUND FLOOR, 358 HARROW ROAD, W9 2HT**

This Application was withdrawn by the Applicants before the date of the hearing.

The Meeting ended at 10.55 am

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_