

# Licensing Sub-Committee Report

Item No:	
Date:	16 <sup>th</sup> June 2016
Licensing Ref No:	16/04033/LIPN - New Premises Licence
Title of Report:	Golden Hind Restaurant 71 - 73 Marylebone Lane London W1U 2PH
Report of:	Director of Public Protection and Licensing
Wards involved:	Marylebone High Street
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mrs Sumeet Anand-Patel Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	20 April 2016		
<b>Applicant:</b>	Fine Dining EIS Limited		
<b>Premises:</b>	Golden Hind Restaurant		
<b>Premises address:</b>	71a - 73 Marylebone Lane London W1U 2PH	<b>Ward:</b>	Marylebone High Street
		<b>Cumulative Impact Area:</b>	No
<b>Premises description:</b>	<p>This premises operates as a restaurant on ground and lower ground floor levels. This application seeks permission to:</p> <ul style="list-style-type: none"> <li>• serve alcohol ancillary to food for consumption on the premises</li> <li>• allow 20 customers to consume alcohol without food</li> <li>• sell sealed containers of alcohol to diners only, to be consumed off the premises</li> <li>• hold private events at the premises without the restaurant condition restriction</li> </ul>		
<b>Premises licence history:</b>	This premises has not previously benefitted from a licence under the Licensing Act 2003.		
<b>Applicant submissions:</b>	The applicant has written to one of the objectors and a copy of their letter is attached at Appendix A2.		

1-B Proposed licensable activities and hours							
<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			On and Off
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	11:00	11:00	11:00	11:00	11:00	11:00	11:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>			None				

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	11:00	11:00	11:00	11:00	11:00	11:00	11:00
<b>End:</b>	23:30	23:30	23:30	23:30	23:30	23:30	23:00
<b>Seasonal variations/ Non-standard timings:</b>			None				
<b>Adult Entertainment:</b>			None				

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Metropolitan Police
<b>Representative:</b>	PC Sandy Russell
<b>Received:</b>	22 <sup>nd</sup> April 2016
<b>Status:</b>	Withdrawn

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be objecting to this application. It is our belief that if granted the application would undermine the Licensing Objectives.

There are concerns that this application will cause further policing problems in an already demanding area and add to the cumulative impact. It is for this reasons that we are objecting to the application at this stage in the application process.

Police propose the following conditions. If you are willing to add them to the current operating schedule should this application be granted we may be willing to withdraw our representation. They are as follows:

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 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 preceding 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. 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 is open.
4. 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, which 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 or searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.

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

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

6. Condition 5 will not apply to bonefide, pre booked, ticket only private or corporate events held in the Lower Ground Floor.
7. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
8. 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.
9. Save for condition 5, alcohol may be supplied and consumed by up to a maximum of 20 persons within the designated bar area at any one time.
10. As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local pub watch or other local crime reduction scheme approved by the police, and local radio scheme if available.

If you wish to discuss or query any aspect of police requirements please do not hesitate in getting in touch.

Following a discussion with the applicant and agreement to conditions (including amendments to some of them), the Police have withdrawn their representation. Please refer to **Appendix 4** for a list of agreed conditions.

<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Maxwell Koduah
<b>Received:</b>	10 <sup>th</sup> May 2016

I refer to the application for a New Premises Licence number for the above premises, which is located in the area.

This representation is based on plans of Lower Ground Floor and Ground Floor levels by Beyondtheblue Training & Consultancy (undated) submitted with the operating schedule.

**The applicant is seeking the following licensable activities:**

1. Supply of Alcohol for consumption "On" and 'Off' the premises at the following

times:

*Monday to Saturday: 11:00 to 23:00 hours*

*Sunday: 11:00 to 22:30 hours.*

**I wish to make the following representations:**

1. The Supply of Alcohol for consumption "On" and 'Off' the premises and for the hours requested may have the likely effect of increasing Public Nuisance in the area and impact on Public Safety.

Conditions have been offered in the operating schedule and these are under consideration.

The applicant is asked to contact the undersigned to arrange a site visit to assess the premises to ensure the premises is satisfactory and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety.

The granting of the new premises licence as presented would have the likely effect of causing an increase in Public Nuisance and may impact on Public Safety within the area.

Note: Environmental Health have proposed a number of conditions which are attached at **Appendix 4.**

2-B Other Persons	
<b>Name:</b>	Wiggin Osbourne Fullerlove on behalf of Felix Leibovich
<b>Address and/or Residents Association:</b>	71 Marylebone Lane London W1U 2PH
<b>Received:</b>	12 <sup>th</sup> May 2016
<p>We act for Mr Felix Leibovich, who is the owner and occupier of the maisonette at 71 Marylebone Lane, which is located directly above part of the premises now occupied by The Golden Hind Restaurant.</p> <p>Our client has recently received notification from you of Fine Dining EIS Ltd's application for a licence to sell alcohol from The Golden Hind Restaurant.</p> <p>Our client would like to make representations in opposition to the grant of an application for a licence to sell alcohol from The Golden Hind Restaurant.</p> <p>We note the four licensing objectives and in particular have the following concerns:</p> <ol style="list-style-type: none"><li>1. The application states that The Golden Hind Restaurant is believed to have been established almost 100 years ago (1918) at the current site. Until the last few years, The Golden Hind Restaurant occupied Nos 72 and 73 Marylebone Lane, whereas No 71A (the premises directly below our client's maisonette) was occupied by a cafe/creperie.</li><li>2 Paragraph 10(vi) of the application suggests that alcohol will not be sold or</li></ol>	

supplied otherwise than for consumption by persons who are seated in the premises and taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. However, in direct conflict with this assertion, paragraph 12 states that upto 20 customers will be permitted to purchase alcohol without food. Our client is concerned that 20 customers purchasing alcohol without food is likely to change the character of the restaurant significantly, making it more of a bar than a restaurant. This situation will be exacerbated outside main meal times if drinking without food is permitted.

Such a change to the character of the Golden Hind and, indeed, the introduction of alcohol even with meals, is highly likely to lead to increased disturbance, disorder and other alcohol- related offences in and around the Golden Hind. This will impact directly on our client's and his neighbours' enjoyment of what for them is a residential area.

It seems that the proposed 20 drinks-only customers will be 20 customers at any one time. However, it is not clear how such a restriction on numbers would be monitored or enforced.

3. Our client already experiences significant noise transmission from the Golden Hind premises beneath his maisonette. Consequently, he is concerned that noise levels from customers within the restaurant will be increased after the consumption of alcohol such that the noise levels would amount to a nuisance to him and to other local residents.

The consumption of alcohol may result in the litter generated outside the premises increasing, which constitutes another potential nuisance.

We request on behalf of Mr Leibovich that the application for a licence to sell alcohol from the premises is refused.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

<b>Policy HRS1 applies:</b>	<p>Policy HRS1 applies:</p> <p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
<b>Policy PB1 applies:</b>	<p>Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.</p>

#### 4. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

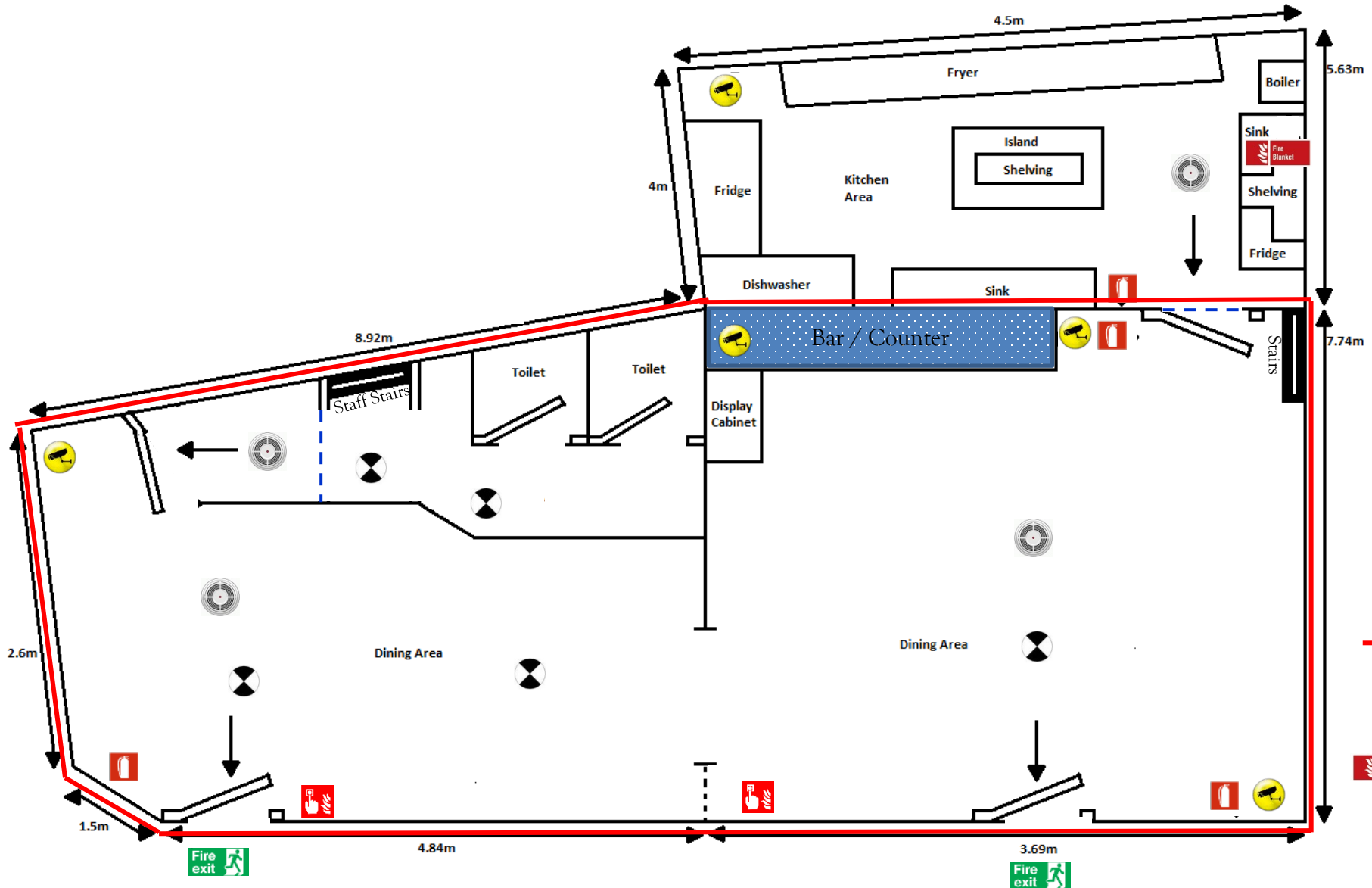
<b>Report author:</b>	Mrs Sumeet Anand-Patel Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

**Background Documents – Local Government (Access to Information) Act 1972**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application Form	21 <sup>st</sup> April 2016
<b>5</b>	Plan	21 <sup>st</sup> April 2016
<b>6</b>	Environmental Health Representation	10 <sup>th</sup> May 2016
<b>7</b>	Metropolitan Police Representation	22 <sup>nd</sup> April 2016
<b>8</b>	Felix Leibovich Representation	12 <sup>th</sup> May 2016
<b>9</b>	Applicant letter to Felix Leibovich	1 <sup>st</sup> June 2016

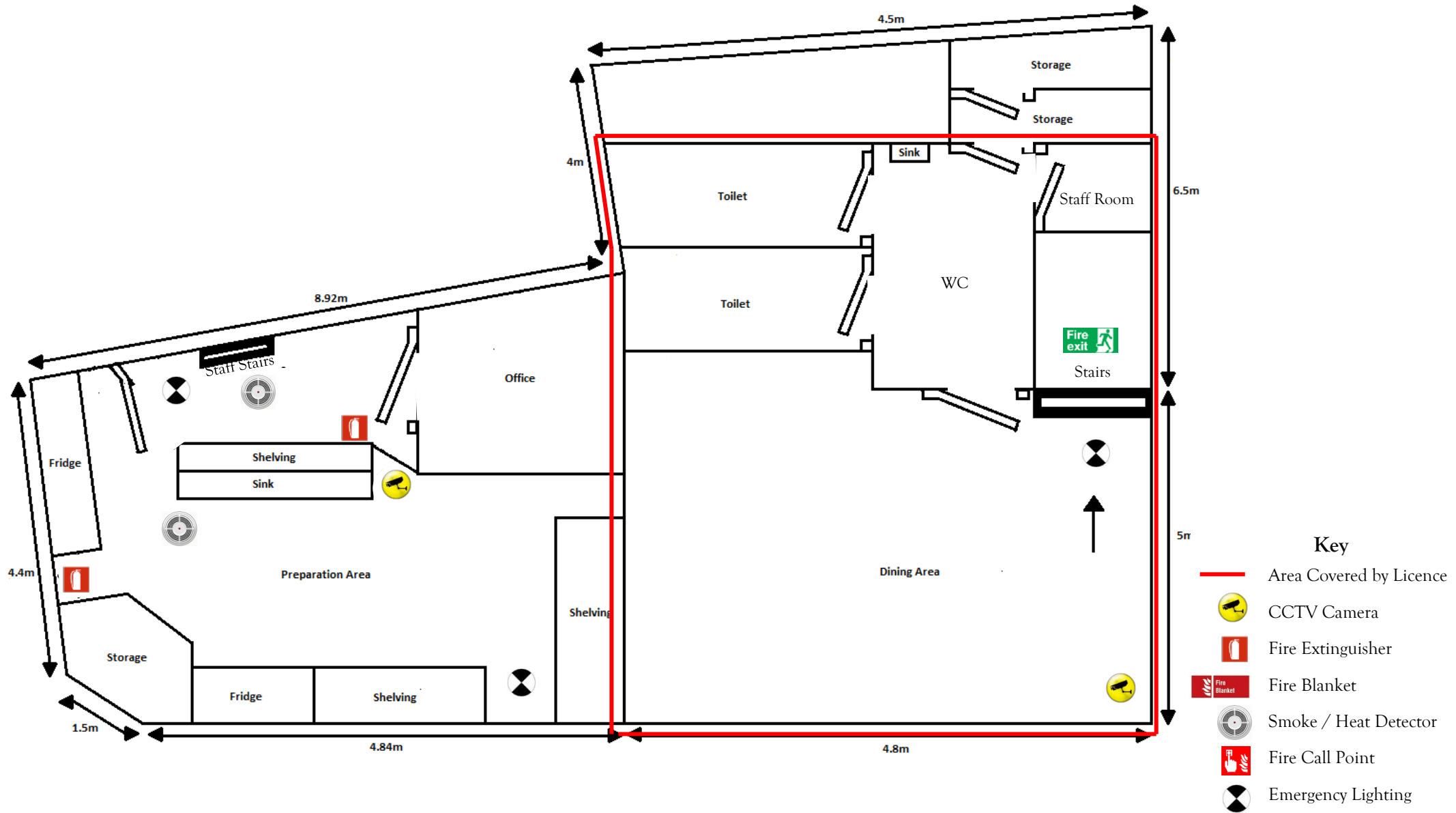











- Key**
-  Area Covered by Licence
  -  CCTV Camera
  -  Fire Extinguisher
  -  Fire Blanket
  -  Smoke / Heat Detector
  -  Fire Call Point
  -  Emergency Lighting
  -  Step

Golden Hind Restaurant (Ground Floor)  
71a - 73 Marylebone Lane, London W1U 2PN

# Premises Licence Plan



- Key**
-  Area Covered by Licence
  -  CCTV Camera
  -  Fire Extinguisher
  -  Fire Blanket
  -  Smoke / Heat Detector
  -  Fire Call Point
  -  Emergency Lighting

**Golden Hind Restaurant (Lower Ground Floor)**  
71a - 73 Marylebone Lane, London W1U 2PN



Wiggin Osborne Fullerlove  
52 Jermyn Street  
London SW1Y 6LX

31 May 2016

Dear Sirs,

We are in receipt of a copy of your representation in relation to the application (16/04033/LIPN) for a Premises Licence at:

**The Golden Hind Restaurant**  
**71a – 73 Marylebone Lane**  
**London W1U 2PN**

As you are aware from our previous correspondence with Mr Green, we are representing the applicant Fine Dining EIS Ltd in this matter.

You had previously requested a meeting in respect on this application, to which we responded with our availability via the email dated 4<sup>th</sup> May 2016 and the follow-up telephone conversation with Mr Green. No response was received to our previous correspondence, however we would like to take this opportunity to again offer to meet with your client, in order to discuss the representation now received.

I would assume it would be in both our client's interest to resolve this matter without the need for a hearing; yours being the only remaining active representation against the application.

There were three representations in total to the application, as I am sure you are aware.

The police were essentially satisfied with the application and just sought to agree the wording of a number of conditions. This was agreed and they have withdrawn their representation as a result.

We met with the Environmental Health Officer last week and he has agreed that the application falls within the WCC Licensing Policy guidelines. It is his intention to email us a number of conditions this week, which I anticipate we will be able to agree upon. He has further indicated that he is minded to withdraw his representation, if we can reach an agreement with your client.

Subject to an agreement being reach with EH, this just leaves the representation from your client.

**Beyond the Blue**  
Training & Consultancy

92 Vegal Crescent  
Englefield Green  
Surrey TW20 0QF  
United Kingdom

[info@beyondtheblue.co.uk](mailto:info@beyondtheblue.co.uk)

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We would hope that by providing a little more information on the application and responding to the points you have raised, that your client might reconsider his representation or seek to discuss other ways we might mitigate his concerns.

Your initial point references the exception within the application for 20 ‘non-dining diners’ to consume alcohol, without that alcohol being consumed in conjunction with a table meal.

While it is the intention of the applicant to continue to run a restaurant, there is a desire for them not to have to turn away someone who might wish to have a drink at the premises. For example, it would be reasonable to expect that occasionally a group of 4 persons may be seated at the premises and one of that group may choose not to eat a meal, but would wish to accompany their friends and have a drink as they do.

There would be nothing to stop the applicant from applying for a standard alcohol licence without any restrictions to limit the premises as a restaurant, where alcohol accompanies food. They have however chosen to voluntarily offer this as a condition of the licence. This provides reassurance that at some point in the future the premises cannot simply turn into a bar without a further variation being sought; which would then once again be open to public scrutiny.

We believe that they should be entitled to some flexibility in their approach. It is not anticipated that there will regularly be many people drinking without food, as the nature of the business is as a restaurant. The number of non-dining diners drinking alcohol will, we feel, rarely reach the maximum we have stated in the application. This means that regulating this number will be a simple process.

Furthermore, the ‘restaurant condition’ we have offered means that any consumption will need to take place while patrons are seated at the premises, further reducing any risk from the activity and making it relatively easy to control the number of people drinking without food at any one time.

As a sign of good faith subject to your client withdrawing their representation, our client would be willing to reduce the number of non-dining diners to 15 at any one time. This offer is made without prejudice.

The second point you made was in reference to noise transmission from the premises. We are unaware of any complaint in relation to noise from the premises and as far as we can tell no complaints have been received.

The applicant accepts their responsibility to ensure that noise is not transmitted through the premises and has enshrined this responsibility in the application, through the condition offered (No. 18):

*Noise Escape - No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.*

In many ways the granting of the Premises Licence would therefore provide your client with additional legal recourse, as were he to experience noise disturbance at some point in the future, he would not only have Noise Abatement legislation to fall back on, but also as a breach of condition on the Premises Licence, it would become enforceable under the Licensing Act 2003.

I would also highlight that no Regulated Entertainment has been applied for in this application.

The final point which was made in respect of litter and rubbish is also dealt with in the Premises Licence Application via Condition 17:

***Litter** - The area immediately outside the premises will be maintained to ensure that any litter generated by the premises and / or its customers is regularly cleared.*

The applicant has therefore again accepted their responsibility in this area and volunteered a legally enforceable condition, regarding the responsibility to maintain the area to the front of the premises.

While we accept that this is a residential area, there are a number of similar businesses in the immediate vicinity, some of which appear to operate to later hours and are significantly more alcohol led than this one proposes to be.

It is also worth noting that The Golden Hind Restaurant has for a considerable time been operating on a BYO basis, and therefore the consumption of alcohol has been taking place. We therefore see no reason for the introduction of the Sale of Alcohol suddenly changing the nature of the business, other than providing convenience for its customers.

Our intention with this letter is to provide further explanation and reassurance in respect of those points you raised on behalf of your client. It is our hope that your client will reconsider his representation or choose to meet with the applicant to discuss the matter further without the need to refer this matter to a Licensing Committee Hearing; with the additional cost that brings to all parties.

I look forward to your comments on this matter and should you require any additional information, please do not hesitate to contact me.

Kind regards

Peter Mayhew  
Director

## Appendix 3

There is no licence or appeal history for the premises

## **CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING**

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

### **Mandatory Conditions**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic

in a manner which carries a significant risk of undermining a licensing objective;

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and



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

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

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

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

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

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

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

Where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

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

**Conditions consistent with the operating schedule**

9. A sign requesting customers to respect local residents and leave the premises quietly, will be displayed at the exit to the premises.

***Similar condition proposed by EH***

*Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.*

10. All doors to the premises will remain closed after 22.30 except for entrance and egress.
11. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

***Similar condition proposed by the Police has been agreed by the applicant:***

*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.*

12. Appropriate induction training will be undertaken with all relevant staff to cover appropriate subjects for their role including:
- The responsible sale of alcohol.
  - The prevention of under-age sales of alcohol, the Challenge 25 policy and in checking & authenticating accepted forms of identification.
  - The responsibility to refuse the sale of alcohol to any person who is drunk.
13. 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, which 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

***Similar condition proposed by the Police has been agreed by the applicant:***

*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, which 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 or searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service

14. 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 is open. **(Also proposed by the Police)**
15. Only sealed unopened containers will be sold for off-sale and only to diners at the premises.

**Similar condition proposed by EH:**

*Sales of alcohol for consumption off the premises shall*

- a. *be in sealed containers only and not consumed on the premises*
- b. *supplied with take away meal*

16. 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 preceding 31 day period. **(Also proposed by the Police)**
17. 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. **(Also proposed by the Police)**
18. A Zero Tolerance Policy towards the use, possession and supply of illegal drugs will be adopted and enforced.
19. No self-service of alcohol will be permitted at the premises.
20. An intruder alarm shall be installed.
21. The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) where the supply of alcohol is by waiter or waitress service only, (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. **(Also proposed by the Police)**

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal. **(Also proposed by the Police)**

22. Condition 21 shall not apply to the lower ground floor where the lower ground floor is used for a bone-fide private or corporate event. Bone-fide private & corporate events are described as those pre-organised ticket / invitation only events, where members of the general public are not permitted on a 'walk-in' basis.

***Similar condition proposed by the Police has been agreed by the applicant:***

*Condition 21 will not apply to bonefide, pre booked, ticket only private or corporate events held in the Lower Ground Floor.*

23. Non-Dining Diners - Within the premises up to 20 customers are permitted to purchase alcohol without food. The availability of alcohol without food during the permitted hours shall not be promoted or advertised, otherwise than on menus and price lists within the premises.

***Similar condition proposed by the Police has been agreed by the applicant:***

*Save for condition 21, alcohol may be supplied and consumed by up to a maximum of 20 persons within the premises at any one time.*

24. Alcohol may only be consumed by persons seated at the premises.
25. The area immediately outside the premises will be maintained to ensure that any litter generated by the premises and / or its customers is regularly cleared.
26. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

***Similar condition proposed by EH***

*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*

**Conditions proposed by the Police**

27. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

**Conditions Proposed by EH**

28. There shall be no self-service of alcohol
29. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
30. 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.
31. No deliveries to the premises shall take place between **23.00** hours and **08.00** hours on the following day.

32. 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.
33. 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.
34. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
35. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
36. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
37. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
38. 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

**Premises within 75 metres of: Golden Hind Restaurant, 71-73 Marylebone Lane, London W1U 2PH**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Opening Hours</b>
10373	Cafe Caldesi	118 Marylebone Lane London W1U 2QF	Monday to Wednesday 10:00 - 00:30 Thursday to Saturday 10:00 - 01:30 Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 00:00 Sunday 12:00 - 23:00
11750	The Angel In The Fields Public House	37 Thayer Street London	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
11822	Le Relais De Venise 'L' Entrecote'	120 Marylebone Lane London W1U 2QG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
15573	Tommi's Burger Joint	Basement And Ground Floor 30 Thayer Street London W1U 2QP	Monday to Sunday 10:00 - 23:30
-16478	Ivy Cafe	96 Marylebone Lane London W1U 2QA	Monday to Saturday 08:00 - 01:30 Sunday 09:00 - 00:30
-13046	Golden Eagle Public House	59 Marylebone Lane London W1U 2NY	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 23:00
-2842	Number 6 George Street	6 George Street London W1U 3QX	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
29643	Woodlands Restaurant	77 Marylebone Lane London W1U 2PS	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-29167	Bonne Bouche	2 - 3 Thayer Street London W1U 3JA	Monday to Saturday 07:00 - 20:00 Sunday 08:00 - 18:00
-13403	Not Recorded	Basement And Ground Floor 1 Blandford Street London W1U 3DA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-572	The Good Life Eatery	Ground Floor 69 Marylebone Lane London W1U 2PH	Monday to Saturday 12:00 - 00:00 Sunday 12:00 - 22:00
2762	Fairuz Restaurant	3 Blandford Street London W1U 3DA	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
5454	The Golden Hind	Basement And Ground Floor 71 Marylebone Lane London W1U 2PJ	Friday to Saturday 08:00 - 00:00 Monday to Thursday 08:00 - 23:30 Sunday 09:00 - 23:30