



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	18 August 2016
Licensing Ref No:	16/05656/LIPV - Premises Licence Variation
Title of Report:	Mayfair Garden 8-10 North Audley Street London W1K 6ZD
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr David Sycamore Senior Licensing Officer
Contact details	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	2 June 2016		
<b>Applicant:</b>	Caprice Holdings Limited		
<b>Premises:</b>	Mayfair Garden		
<b>Premises address:</b>	8-10 North Audley Street London W1K 6ZD	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	No
<b>Premises description:</b>	The premises traded for many years as a Chinese restaurant. The premises is now undergoing an expansive modernisation process. The current application seeks only to licence the ground floor.		
<b>Variation description:</b>	To vary the layout of the premises in accordance with the plans attached to this application.		
	To remove the converted conditions replace them with new conditions which support the change in operation.		
	To add non standard timings on New Years Eve and the commencement of British Summer Time for late night refreshment and opening.		
<b>Applicant submissions:</b>	Appendix 2.		

## 1-B Current and proposed licensable activities, areas and hours

Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		Indoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	23:00	01:30	No change		Ground floor and first floor	See appendix 1.
<b>Tuesday</b>	23:00	01:30				
<b>Wednesday</b>	23:00	01:30				
<b>Thursday</b>	23:00	01:30				
<b>Friday</b>	23:00	01:30				
<b>Saturday</b>	23:00	01:30				
<b>Sunday</b>	23:00	01:00				
<b>Seasonal variations/ Non-standard</b>	<b>Current:</b>				<b>Proposed:</b>	
	Converted management conditions.				From the end of permitted hours on New Year's Eve to the start of	

<b>timings:</b>		permitted hours on New Year's Day
	As above.	An additional hour to the terminal hour on the day that British Summertime commences.

<b>Sale by Retail of Alcohol</b>						
<b>On or off sales</b>			<b>Current :</b>		<b>Proposed:</b>	
			On and off		On and off	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	10:00	01:00	No Change.		Ground floor and first floor	See appendix 1.
<b>Tuesday</b>	10:00	01:00				
<b>Wednesday</b>	10:00	01:00				
<b>Thursday</b>	10:00	01:00				
<b>Friday</b>	10:00	01:00				
<b>Saturday</b>	10:00	01:00				
<b>Sunday</b>	12:00	00:30				
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	Converted management conditions.				From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day	
	As above.				An additional hour to the terminal hour on the day that British Summertime commences.	

<b>Hours premises are open to the public</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Premises Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	10:00	01:30	No Change		Ground floor and first floor.	See appendix 1.
<b>Tuesday</b>	10:00	01:30				
<b>Wednesday</b>	10:00	01:30				
<b>Thursday</b>	10:00	01:30				
<b>Friday</b>	10:00	01:30				
<b>Saturday</b>	10:00	01:30				
<b>Sunday</b>	12:00	01:00				
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	Converted management conditions.				From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day	
	As above.				An additional hour to the terminal hour on the day that British Summertime commences.	

**1-C Layout alteration**

These proposals will lead to a reduction in licensable area. The kitchen and all fire related equipment will be significantly upgraded.

Basement plan not included as no licensable activities will take place. It is available as a back ground document.

**1-D Conditions being varied, added or removed****Condition**

Removal of old conditions relating to old licensing regime. (except hours on new years eve.

**Proposed variation**

Numerous proposed conditions can be found at appendix 4.

**Adult entertainment:****Current position:****Proposed position:**

n/a

n/a

**2. Representations****2-A Responsible Authorities****Responsible Authority:**

Environmental Health

**Representative:**

Ian Watson

**Received:**

29<sup>th</sup> June 2016

Having considered all parts of the application, the following concerns have been raised.

Public safety and the likely effect on public nuisance. There have been proposed conditions from the applicant, but they need to be fully considered.

An update has been provided by Ian Watson

The refuse collection times for both residents and commercial premises by Westminster on North Audley Street are

Monday to Sunday 06.30 to 08.30 hours

Monday to Sunday 16.00 to 18.00 hours.

Recycling collections

Monday to Sunday 18.00 to 20.00 hours.

There are no historic nuisance complaints associated with collections from or deliveries to the premises.

I am aware that the premises have proposed to restrict deliveries to the premises between 20.00 and 07.00 hours by way of condition.

The model condition MC65 would read -

**No deliveries to the premises shall take place between 20.00 and 07.00 on the following day.**

2-B Other Persons			
<b>Name:</b>		Dave Brookfield	
<b>Address and/or Residents Association:</b>		19 Stalbridge Flats Lumley street london W1K 6TA	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	29 <sup>th</sup> June 2016		
<p>The resident is concerned about noise from delivery trucks. They have proposed that no deliveries or waste collections between 9 pm and 8 am . They also wished to have contact details for the manager available.</p>			
<b>Name:</b>		Vivienne Loesch	
<b>Address and/or Residents Association:</b>		19 Balderton Flats Brown Hart Gardens London W1K 6TD	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	29 <sup>th</sup> June 2016		
<p>This resident is concerned about the timings for deliveries. They have proposed no movement of waste or recycling between 10pm and 8 am. No Deliveries between 8 pm and 8 am. No negative comments to summer time opening.</p> <p>Further correspondence from the objectors suggested that the delivery times should be between 8 am and 8pm or 9pm.</p>			
<b>Name:</b>		Peter Bullen - GMRA Committee	
<b>Address and/or Residents Association:</b>		32 Stalbridge Flats Lumley Street London W1K 6TA	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	29 <sup>th</sup> June 2016		
<p>This resident is concerned about the timings for deliveries. They have proposed no movement of waste or recycling between 10pm and 8 am. No Deliveries between 8 pm and 8 am. No negative comments to summer time opening.</p>			

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy PB1 applies	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1
Policy HRS1 applies	(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.  (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.

### 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

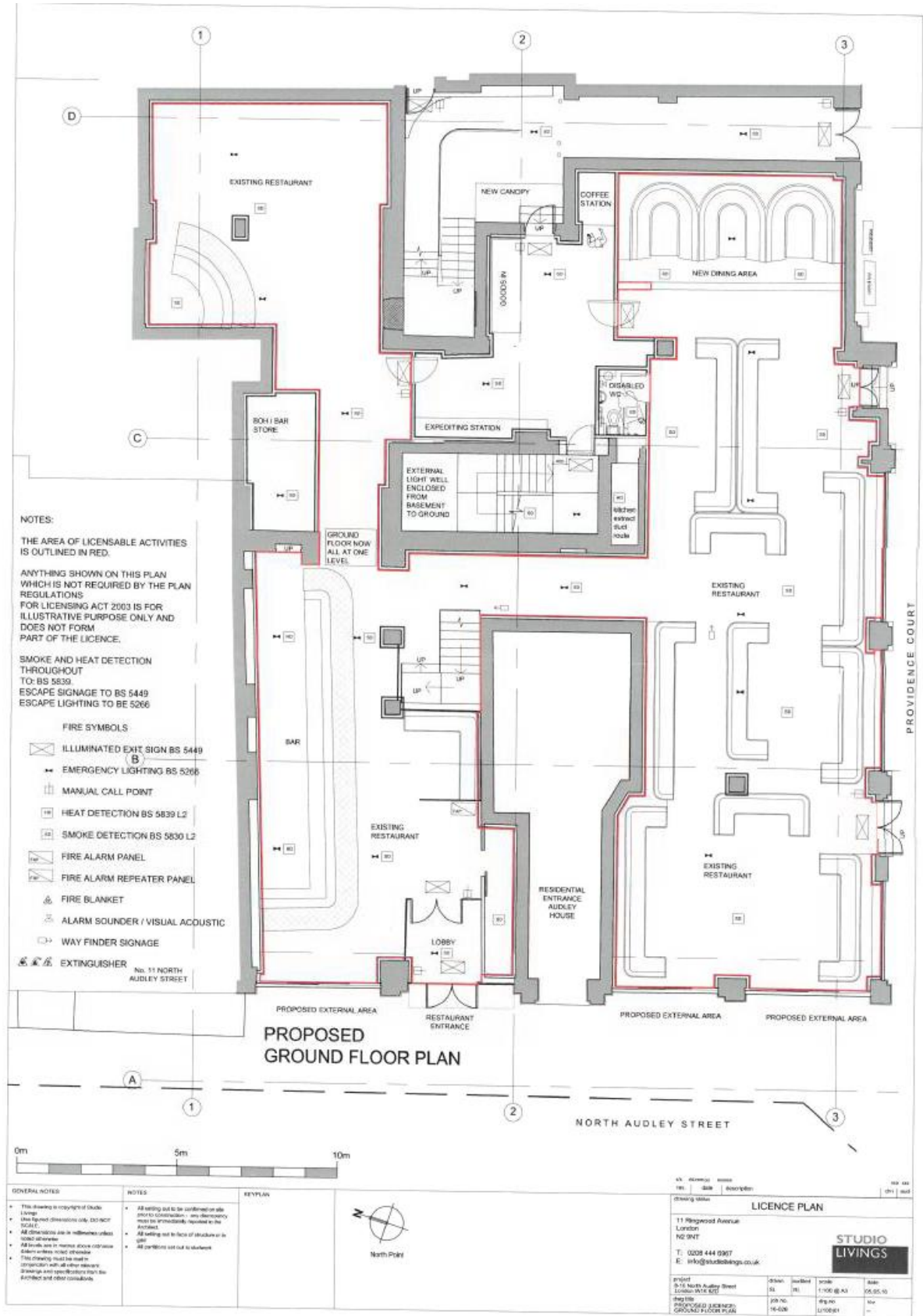
<b>Report author:</b>	Mr David Sycamore Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk

**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>	Resident online comments	June 2016
<b>5</b>	EH objection	June 2016
<b>6</b>	Applicant and Objectors emails	July 2016
<b>7</b>	Notice of hearings sent.	July 2016
<b>8</b>	Emails from LA to Solicitor	August 2016

# Appendix 1 Plans





## Appendix 2 Applicant submissions

Caprice Holdings Limited are a well established and reputable operator of high quality licensed premises across Westminster. Other premises within the group include The Ivy, Sexy Fish, J Sheekey and Scott's.

The company have recently acquired this premises, which historically traded as Princess Garden. An application to transfer the premises licence to Caprice Holdings Limited was submitted on 24 March 2016. The proposal is to close the premises in June 2016 in order to undertake an extensive refurbishment and reopen again in the Autumn of 2016.

The purpose of the variation is to seek approval for layout changes to the licensed plans and amend the conditions on the premises licence following pre-consultation with the Environmental Health Officer, Ian Watson, and District Surveyor, Alan Lynagh. This formal pre-consultation took place by way of a meeting with the Environmental Health Officer and District Surveyor and was in the form of an on site meeting. Their subsequent report and request for conditions have been used to formulate the new operating schedule proposed in this application. A copy of their pre application advice report is attached.

We have also discussed the application with Sandy Russell of Westminster Police's Licensing Department.

We have considered the proposed impact of the variation and do not consider that there will be any adverse effect on the promotion of the licensing objectives, in particular as there is an overall decrease in the licensed area of approximately 348 square metres.

The changes to the plans are to deal with a proposed refurbishment of the customer areas and back of house facilities. The kitchens are being significantly upgraded in respect of their facilities and also all fire related arrangements will be significantly improved as a result of the refurbishment. The existing plans attached to the premises licence are outdated and new plans are supplied with this application which are clear and conform to the plans regulations. In particular, the changes include removing all licensed areas from the basement and relocating the kitchen to the basement.

There is actually a reduction in the licensed area and licensing layout drawings that the application seeks approval for are as follows:-

- L(100)01 showing the ground floor
- L(100)02 showing the basement

The changes to the conditions are appropriate to deal with the changes to the plans attached to the premises licence. The changes to the plans include reference to a proposed external area as there is an intention to submit an application for a pavement licence at some point in the future. No further steps will be necessary to promote the licensing objectives.

All standard licensable activities and hours are to remain as existing.

Although this premises does not fall within any of Westminster's stress areas, the applicant has given the same diligence and consideration to the application and proposed use of the premises. In particular, conditions have been offered to ensure that the licensing objectives are promoted by the use of the premises at all times.

Below are correspondence which has been sent to the objectors to the application.

**MAYFAIR GARDEN**  
8-10 North Audley Street, London W1K 6ZD

---

Variation of Premises Licence Application

---

Licensing Sub Committee Hearing: 18 August 2016

**Evidence Bundle**

<b>Document</b>	<b>Date</b>	<b>Pages</b>
Correspondence to Objectors (Redacted Personal Information)	18 July 2016	1 – 2
Correspondence to Objectors (Redacted Personal Information)	10 August 2016	3

Date: 18 July 2016  
Our ref: CE/LMO/L11755-461  
Doc Ref: 2145535421  
Your ref:  
E-mail: c.eames@popall.co.uk  
Direct line: 0203 078 7486

To whom it may concern

**Mayfair Garden, 8-10 North Audley Street, London**  
**Variation of Premises Licence**

I act on behalf of Caprice Holdings Limited in relation to an application for variation of premises licence for Mayfair Garden at 8-10 North Audley Street.

The Licensing Authority have provided me with a copy of your comments in relation to their application for variation of premises licence and I wanted to set out some more information below to hopefully allay your concerns.

My client's application does not in any way seek to change the times that the premises can open other than to add an extension on New Year's Eve, should the premises have any form of celebration and also to add British Summer Time to the premises licence. British Summer Time commences at 01.00hrs GMT on the last Sunday of March and therefore to avoid the premises having to immediately close, the additional hour is added to the premises licence for that one evening.

In relation to concerns that have been raised surrounding deliveries and waste and recycling collection, my client makes arrangements for deliveries to take place during the day.

My client's general waste and recycling collections are dealt with by Veolia on behalf of Westminster City Council and my client is beholden to their timetable and therefore it would not be appropriate for my client to agree a condition on their premises licence which they are not able to directly control. They do request collection times after 8am but this is not guaranteed.

My client however is able to control the times of deliveries and would be agreeable to a condition that deliveries will not take place between 8pm and 7am.

I would be grateful if you could please confirm if this satisfies the concerns raised in your comments provided to my client's application.

Yours sincerely,



Clare Eames  
**Poppleston Allen**



Date: 10 August 2016  
Our ref: CE/HEC/L11755-461  
Doc Ref: 2145568820  
Your ref:  
E-mail: c.eames@popall.co.uk  
Direct line: 0203 078 7486

To Whom it May Concern

**Mayfair Garden , 8-10 North Audley Street, London**  
**Variation of Premises Licence**

I write further to my previous letter to you regarding my client's variation of premises licence application in respect of Mayfair Garden.

As you may be aware, the matter is due to be determined by Westminster City Council's Licensing Sub Committee on 18 August 2016.

I do hope that my previous letter went some way to allaying your concerns regarding my client's application. Please do not hesitate to contact me if you have any queries or concerns that have not been addressed.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Clare Eames'.

Clare Eames  
**Poppleston Allen**

Appendix 3  
Licence & Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
16/04633/LIPVM	Minor	25.05.2016	Refused
16/03142/LIPDPS	DPS	12.04.2016	Granted- GDA
16/03140/LIPT	Transfer	19.04.2016	Granted - GDA
15/07553/LIPDPS	DPS	22.12.2015	Granted - GDA
05/04553/LIPC	Converted Licence	30.07.2005	Granted GDA.

**There is no appeal history**

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

When determining an application for a variation of a 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 appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate 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

**Conditions: On Current Licence -**

**Mandatory:**

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.

## **Annex 2 – Conditions consistent with the operating Schedule**

### **Conditions reproducing the effect of conditions subject to which the relevant existing licences have effect**

#### **Conditions for Sale of Alcohol**

- 9. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.
- 10.. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises.

### **Conditions which reproduce the effect of any restriction imposed on these of the premises by specified enactments.**

- 11.
  - (i) Alcohol may be sold or supplied:
    - (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10:00 to 00:00;
    - (b) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12:00 to 23:30;
    - (c) On Christmas Day: 12:00 to 23:30;
    - (d) On New Year's Eve, except on a Sunday, 11:00. to 00:00;
    - (e) On New Year's Eve on a Sunday, 12:00 to 23:30;
    - (f) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
  - (ii)
    - (a) Alcohol may be sold or supplied until 01:00 in the morning following weekdays and 00:30 in the morning following Sundays to persons taking table meals in the premises in a part of the premises usually set apart for the service

of such persons and for consumption by that person in that part of the premises as an ancillary to his meal.

- (b) The alcohol must be sold or supplied at a time before (i) the provision of entertainment by persons present and performing or (ii) the provision of substantial refreshment, has ended. For other purposes or in other parts of the premises the hours set out above shall continue to apply.
- (c) This condition does not authorise any sale or supply to any person admitted to the premises either after midnight or less than half an hour before the entertainment is due to end.

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

12. Alcohol shall not be sold or supplied unless the premises have been structurally and bona fide used, or intended to be used, for the purposes of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises.
13. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
  - (a) He is the child of the holder of the premises licence.
  - (b) He resides in the premises, but is not employed there.
  - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
  - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

**To be replaced by those proposed by the applicants if granted.**

- 9b. *Except during pre booked private functions, after 20.00 hours intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to their meal except for up to 20 persons who may consume alcohol without it being ancillary to a table meal in the bar areas hatched black on the approved plan.*
- 10b. *The number of persons permitted on the premises at any one time (excluding staff) shall not exceed (XX) persons. Such figure to be agreed with the District Surveyor following a final inspection of the premises at which time this condition will be amended by the Licensing Authority.*
- 11b. *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.*
- 12b. *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.*

- 13b. *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) any refusal of the sale of alcohol*
14. *During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.*
15. *No licensable activities are permitted within the basement area.*
16. *The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.*
17. *Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority by way of variation*
18. *A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.*

### **Annex 3 – Conditions attached after a hearing by the licensing authority**

None attached.



**Premises within 75 metres of: 8-10 North Audley Street**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Licensed Hours</b>
-10113	North Audley Canteen	41 North Audley Street London W1K 6ZP	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-1951	La Genova Restaurant	32 North Audley Street London W1K 6ZG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
10342	Roka Mayfair	30 North Audley Street London W1K 6ZF	Monday to Sunday 07:30 - 01:30
7633	Il Calcio	33 North Audley Street London W1K 6ZQ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
19227	Le Pain Quotidien	16 North Audley Street London W1K 6WL	Monday to Saturday 07:00 - 00:00 Sunday 09:00 - 22:00
26344	The Beaumont Hotel	8 Balderton Street London W1K 6TF	Monday to Sunday 00:00 - 00:00
-2704	Truc Vert	Ground Floor 42 North Audley Street London W1K 6WG	Monday to Saturday 10:00 - 23:30 Sunday 12:30 - 23:00
-9797	The Great British Restaurant Mayfair	Ground Floor 14 North Audley Street London W1K 6WE	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
4295	Mayfair Garden	8-10 North Audley Street London W1K 6ZD	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00
30784	Prezzo	15 North Audley Street London W1K 6WZ	Monday to Saturday 12:00 - 00:00 Sunday 12:00 - 23:30