



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	9 February 2017
Licensing Ref No:	16/13999/LIPV - Premises Licence Variation
Title of Report:	Piquet Restaurant 92 Newman Street London W1T 3EZ
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:	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			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	19 December 2016		
Applicant:	Firedog Restaurants Limited		
Premises:	Piquet Restaurant		
Premises address:	92 Newman Street London W1T 3EZ	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	This premises operates as a restaurant over two floors		
Variation description:	<p>The applicant is seeking permission to:</p> <ul style="list-style-type: none"> • serve alcohol without the need for a substantial meal on the ground floor only which seats 28 people. Note: the capacity on the licence is 38 on the ground floor • increase the seating from the current stated 60 in the basement to 70 people. • amend the delivery times to to allow deliveries from 4am. 		
Premises licence history:	The premises is currently licensed under 16/12434/LIPDPS. For a full licence history, please refer to Appendix 3.		
Applicant submissions:	None		

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

Late night refreshment						
Indoors, outdoors or both			Current : Indoors		Proposed: No variation applied for	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	00:30	No variation applied for		Ground Floor and Basement	No variation applied for
Tuesday	23:00	00:30				
Wednesday	23:00	00:30				
Thursday	23:00	00:30				
Friday	23:00	00:30				
Saturday	23:00	00:30				
Sunday	23:00	00:00				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	Sundays before bank holidays: 23:00 to 00:30				No variation applied for	
None				No variation applied for		

Sale by Retail of Alcohol						
On or off sales			Current : On		Proposed: On	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	00:00	No variation applied for		Ground Floor and Basement	No variation applied for in terms of layout; the applicant is seeking the restaurant condition to now not apply to the ground floor.
Tuesday	10:00	00:00				
Wednesday	10:00	00:00				
Thursday	10:00	00:00				
Friday	10:00	00:00				
Saturday	10:00	00:00				
Sunday	12:00	23:30				
Seasonal variations/	Current:				Proposed:	
	Sundays before bank holidays: 10:00 to 00:00				No variation applied for	
Non-standard timings:	None				No variation applied for	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	07:00	00:30	No variation applied for		Ground Floor and Basement	No variation applied for
Tuesday	07:00	00:30				
Wednesday	07:00	00:30				
Thursday	07:00	00:30				
Friday	07:00	00:30				
Saturday	07:00	00:30				
Sunday	07:00	00:00				
Seasonal variations/	Current:				Proposed:	
	Sundays before bank holidays: 07:00 to 00:30				No variation applied for	
Non-standard timings:	None				No variation applied for	

1-C Layout alteration
No variation applied for

1-D Conditions being varied, added or removed	
Condition	Proposed variation
Condition 28: No deliveries to the premises shall take place between 23.00 and 08.00 hours.	Condition 28: No deliveries to the premises shall take place between 23.00 and 04.00 hours.
Condition 9: Condition applies to both ground floor and	Condition 9: Amended condition to apply to Ground

<p>basement levels.</p> <p>The premises shall only operate as a restaurant:</p> <p>(i) in which customers are shown to their table,</p> <p>(ii) where the supply of alcohol is by waiter or waitress service only,</p> <p>(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,</p> <p>(iv) which do not provide any take away service of food or drink for immediate consumption,</p> <p>(v) which do not provide any take away service of food or drink after 23.00, and</p> <p>(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.</p> <p>Notwithstanding this condition, 6 customers only are permitted to order and consume alcohol in the Ground Floor holding bar area hatched black on the plan only if they are waiting for their table to have their meal or already had a meal.</p> <p>Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.</p>	<p>Floor only:</p> <p>The premises shall only operate as a restaurant:</p> <p>(i) in which customers are shown to their table,</p> <p>(ii) where the supply of alcohol is by waiter or waitress service only,</p> <p>(iii) which do not provide any take away service of food or drink for immediate consumption,</p> <p>(iv) which do not provide any take away service of food or drink after 23.00, and</p> <p>(v) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</p> <p>Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.</p> <p>The original condition 9 shall still apply to the basement</p>	
Adult entertainment:	Current position:	Proposed position:
	None	No variation applied for

2. Representations

2-A Responsible Authorities	
Responsible Authority:	EH Consultation Team
Representative:	Maxwell Owusu Koduah
Received:	10 January 2017
<p>I refer to the application to vary a Premises Licence which is located in the West End Cumulative Impact area.</p> <p>This representation is based on a ground floor plan by Graham D Horsman Associates Ltd dated 27 June 2008 ref. BOUR-A2.0</p> <p>The applicant is seeking to:</p>	

1. Amend condition 9 of premises licence 16/12434/LIPDPS to allow alcohol to be served without the need for a substantial meal on the ground floor which seats 28 persons
2. Amend condition 10 of premises licence 16/12434/LIPDPS to increase seating capacity in the basement by 10 persons - from 60 to 70 persons
3. Amend condition 28 of premises licence 16/12434/LIPDPS to allow deliveries from 4am

I wish to make the following representation

1. Sale of alcohol on the ground floor not ancillary to a substantial meal will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End Cumulative Impact area
2. Increasing the seating capacity in the basement will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End Cumulative Impact area
3. Allowing deliveries from 4am will have the likely effect of causing an increase in Public Nuisance within the West End Cumulative Impact area

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area

Applicant seeks an increment in seating capacity in the basement by 10 persons (more than 15%); sale of alcohol on the ground floor not ancillary to a substantial meal and start delivery at 4am and yet there is no information within the application to demonstrate how the licensing objectives shall not be compromised.

The applicant has provided some conditions in support of the application which are being considered but do not fully address the concerns of Environmental Health.

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.

Should you wish to discuss the matter further please do not hesitate to contact me.

Note: EH have proposed a works condition and an amendment to condition 18. Please refer to Appendix 4.

Responsible Authority:	Metropolitan Police Service
Representative:	PC Bryan Lewis
Received:	14 th January 2017

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 as it is our belief that if granted the application would undermine the Licensing Objectives.

The venue is situated in the West End Cumulative Impact Area, a locality where there is traditionally high levels of crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

I will propose licence conditions in order to support the licence conditions.

Responsible Authority:	Licensing Service
Representative:	Steve Rowe
Received:	16 th January 2017

I write in relation to the application submitted for a variation of the Premises Licence for the above premises.

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of Children from Harm

As it stands the application does contravene Westminster's Statement of Licensing Policies CIP1, HRS1, RNT2 and PB2.

The application seeks to:

1. Amend condition 9 of the current premises licence (MC66) to allow alcohol to be served without the need for a substantial meal on the ground floor which seats 28 persons
2. Amend condition 10 of the current premises licence to increase seating capacity in the basement by 10 persons - from 60 to 70 persons
3. Amend condition 28 of the current premises licence to allow deliveries from 4am

The premises is located inside the Cumulative Impact Area.

Policy CIP1 states (i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1. However part (ii) states: Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.

Policy HRS1 states at paragraph 2.3.2: "It is the intention to generally grant licences... where the hours when customers are permitted to be on the premises are within the 'core hours' as set out in Policy HRS1. This is not a policy to refuse applications for longer hours than the core hours and consideration will in all cases be given to the individual merits of an application. Where a proposal is made to operate outside these core hours each application will be considered on its merits against the criteria as set out in paragraph (ii) (of Policy HRS1)".

Policy RNT2 which relates to restaurants within the CIA states 'Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

Paragraph 2.5.3 of the Council's Policy relating to restaurants states in part that '.....The Council is particularly concerned that restaurant premises in the cumulative impact areas do not, even in part, come to operate as bars and particularly not as "vertical drinking" premises where customers consume alcohol standing throughout the evening.'

Policy PB2 which relates to pubs and bars states 'It is the Licensing Authority's policy to refuse

applications in the CIA other than applications to vary the hours within the core hours under policy HRS1'.

Please therefore accept this as a formal representation, further details will be provided in due course including a discussion relating to conditions. In the meantime, please provide a suitable date to arrange a site visit.

2-B Other Persons			
Name:		Mr Linus Rees	
Address and/or Residents Association:		Fitzrovia Neighbourhood Association 39 Tottenham Street London	
Status:	Outstanding	In support or opposed:	Opposed
Received:	3 rd January 2017		
<p>Our association objects to this variation "to serve alcohol without the need for a substantial meal on the ground floor" and "the delivery times to be amended to allow deliveries from 4am". Our objection concerns the prevention of public nuisance.</p> <p>Selling alcohol on the ground floor will effectively turn this part of the restaurant into a bar. This will risk a public noise nuisance to local residents.</p> <p>Delivery vehicles at 4am in the morning is unacceptable at this location and will cause noise nuisance for local residents while they are trying to sleep.</p> <p>We note that there are 142 apartments soon to be completed at on the former Royal Mail Delivery site (Rathbone Square). Some of these homes are from first floor to eighth floor, fronting onto Newman Street and diagonally opposite to the premises. There is also residential nearby at Eastcastle Street and further north along Newman Street.</p>			
Name:		Ms Gabrielle Dolan	
Address and/or Residents Association:		Flat 7 13a Berners Street London	
Status:	Outstanding	In support or opposed:	Opposed
Received:	16 th January 2017		
<p>As a resident living around the corner, it is unacceptable to have deliveries from 4am. I object to the 4am deliveries! 7:30 am is acceptable Monday to Friday. Saturday 8am Sunday 9am</p>			
Name:		Sacha Brooks	
Address and/or Residents Association:		9 Berners Place London W1T 3AD	
Status:	Outstanding	In support of opposed:	Opposed
Received:	13 th January 2017		
1. There is a problem with the records for these premises. There is no recognition that there is			

a potential servicing access at the rear of 87-91 Newman Street to which these premises at 92-94 Newman Street have access. This has resulted in nuisance being caused by deliveries and waste management with the previous licensee. Nearest residences are fewer than 50m from this access to the premises. Any future licence needs to refer to the access to Berners Place and control its use with the intention to prevent public nuisance from servicing and other activity. The record for these premises and any licence in them needs to make clear that this access exists and that the radius for affected premises should go from this access on Berners Place as there are at least 7 residential properties within 50m of this access.

2. Because of previous public nuisance caused by the previous licensee using Berners Place for servicing we object to any licence or variation which does not control use of the access on Berners Place to the premises. We propose a condition as follows in order to prevent public nuisance:

"No servicing of any kind will take place on Berners Place at any time".

We have spoken directly with the premises supervisor and he advises that he does not plan to use Berners Place for any servicing so he does not see a problem with this condition.

3. The access to Berners Place, which has many residences, combined with the hours of operation and potential hours of work creates the risk of public noise nuisance from outside smoking. We already experience this with other restaurant and supermarket premises backing on to Berners Place. We propose the following condition aimed at preventing public nuisance from smokers. There is a similar condition in place for the London Edition Hotel for the same reason and it has proved workable and effective:

"Staff and customers will not be permitted to smoke in Berners Place at any time".

Given the geography and direct discussions with the premises supervisor I do not believe this will be a problem for the licensee.

4. The Variation requests servicing hours to be from 4am. Although servicing will take place on Newman Street and therefore not affect my premises directly, I am concerned about the precedent this would set and therefore wish to make a representation that servicing hours, already very long, should not be varied.

Name:		Ms Alison Matthews	
Address and/or Residents Association:		Flat 10 23 Newman St London	
Status:	Outstanding	In support or opposed:	Opposed
Received:	2 nd January 2017		

I am opposed to two aspects of this application – the provision of alcohol without food on the ground floor, and night-time deliveries, both on the grounds that these threaten the licensing objective of the prevention of public nuisance.

Selling alcohol on the ground floor in Piquet, without the necessary accompaniment of a table meal, will effectively turn this part of the restaurant into a bar, fundamentally changing the nature of the licence. A further bar in Newman St, added to the existing pubs (Blue Posts, Newman Tavern) and clubs (Nordic, Mimis) represents a continued northward creep of the night-time economy from the edge of the Soho stress area into the heart of Fitzrovia. The impact of another vertical drinking establishment (with the potential for overspill outside) will be to risk a public noise nuisance to local residents, increasing the concentration of drinking establishments and the footfall of people going from one to another, particularly late at night. The requirement to serve a meal (not necessary a table meal, or a substantial one) should be

retained.

Noise from delivery vehicles in the small hours of the morning will give rise to noise nuisance for local residents while they are trying to sleep. It also represents the thin end of the wedge for noisy night time refuse collections. There are already problems from breaches of licensing conditions for bottle collection in Newman St. The exclusion of night time deliveries and rubbish collections should be retained, and strictly enforced.

Note: Ms Matthews has confirmed that she will be unable to attend the hearing but has asked Licensing that the following be included in the report:

I'm afraid I shall be away on 9 Feb and unable to attend the hearing.

I would just re-iterate my comment that the effective conversion of the ground floor of Piquet restaurant to a bar, by allowing the consumption of alcohol without food, presents a risk of public nuisance.

Piquet is either within, or right on the boundary of, the West End Cumulative Impact area (not clear from available maps). In the first case, allowing an additional bar in Newman St would be against WCC's licensing policy; in either case it would provide a bridge for the traffic from that area to wend its way to nearby hostelries in Newman St (the Blue Posts, the Nordic, Mimi's club, the Newman Tavern), and all those in Charlotte St and Rathbone Place via Newman Passage, causing noise and disturbance to local residents, and thereby effectively extending the Cumulative Impact Area.

All the licensing conditions appropriate to a bar, not just a restaurant, should be applied if it is decided to allow the removal of the substantial table meal requirement.

3. Policy & Guidance















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

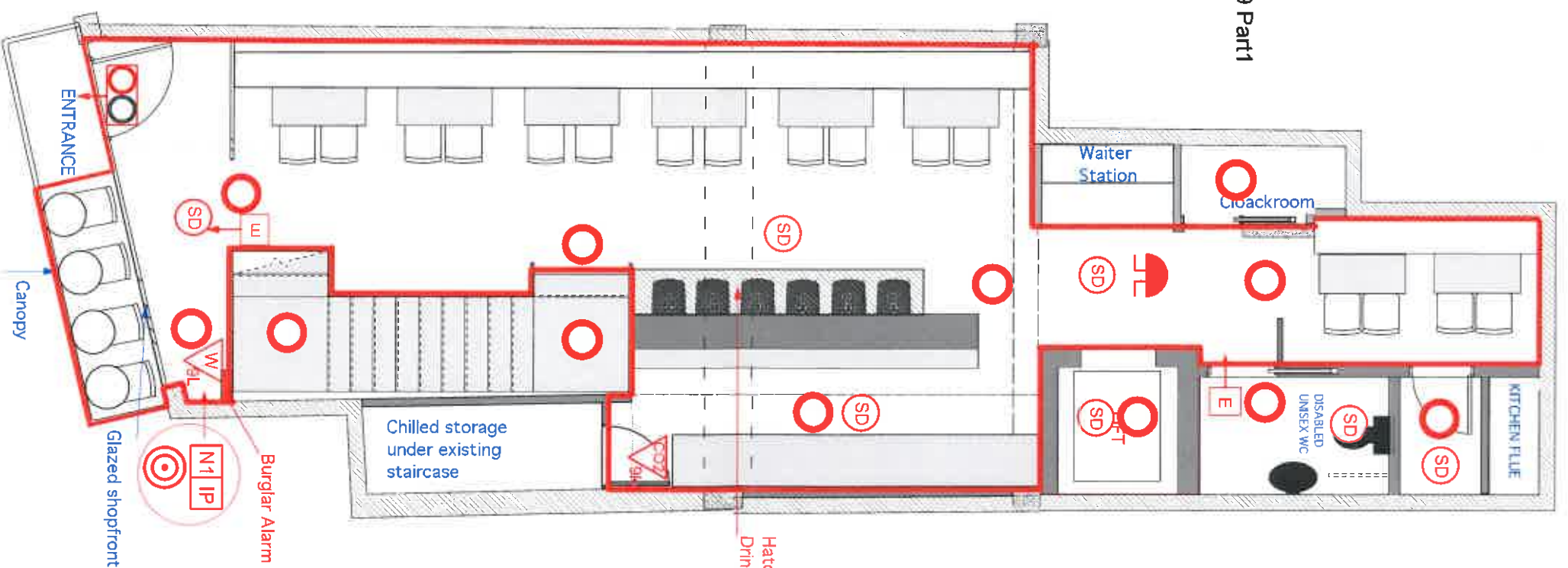
Policy HRS1 applies:	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
Policy PB2 applies:	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.
Policy CIP1 applies:	(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1. (ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Area.

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents - none
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Mrs Sumeet Anand-Patel Senior Licensing Officer	
Contact:	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		
1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	20 th December 2016
5	Licence	20 th December 2016
6	EH Representation	10 th January 2017
7	Police Representation	17 th January 2017
8	Licensing Authority Representation	17 th January 2017
9	Linus Rees Representation	3 rd January 2017
10	Mrs G Dolan Representation	16 th January 2017
11	S Brooks Representation	13 th January 2017
12	A Matthews Representation	2 nd January 2017

-  Fire Alarm Indicator Panel
-  Fire Alarm Call Point
-  Smoke Detector
-  Water Fire Extinguisher
-  CO2 Fire Extinguisher
-  Wet Chemicals Fire Extinguisher
-  Panic Button
-  Audible Warning Device
-  Emergency Lighting Points
-  Illuminated Directional Exit Box to comply with BS:5499 Part1
-  Fire Exit Directional Sign to Comply with BS:5499 part 1
-  Fire Notice
-  Gas Shut Off Point
-  The area where licensable activities will take place



Hatched area at the bar
Drinking only pre or post diners









The location and type of any fire safety and any other safety equipment is shown as at present. This may be varied from time to time with the agreement of the Fire Officer or after a fire risk assessment.








Anything shown on this plan which is not required by the Plan Regulations is for illustrative purposes only, and does not form part of the premises license.

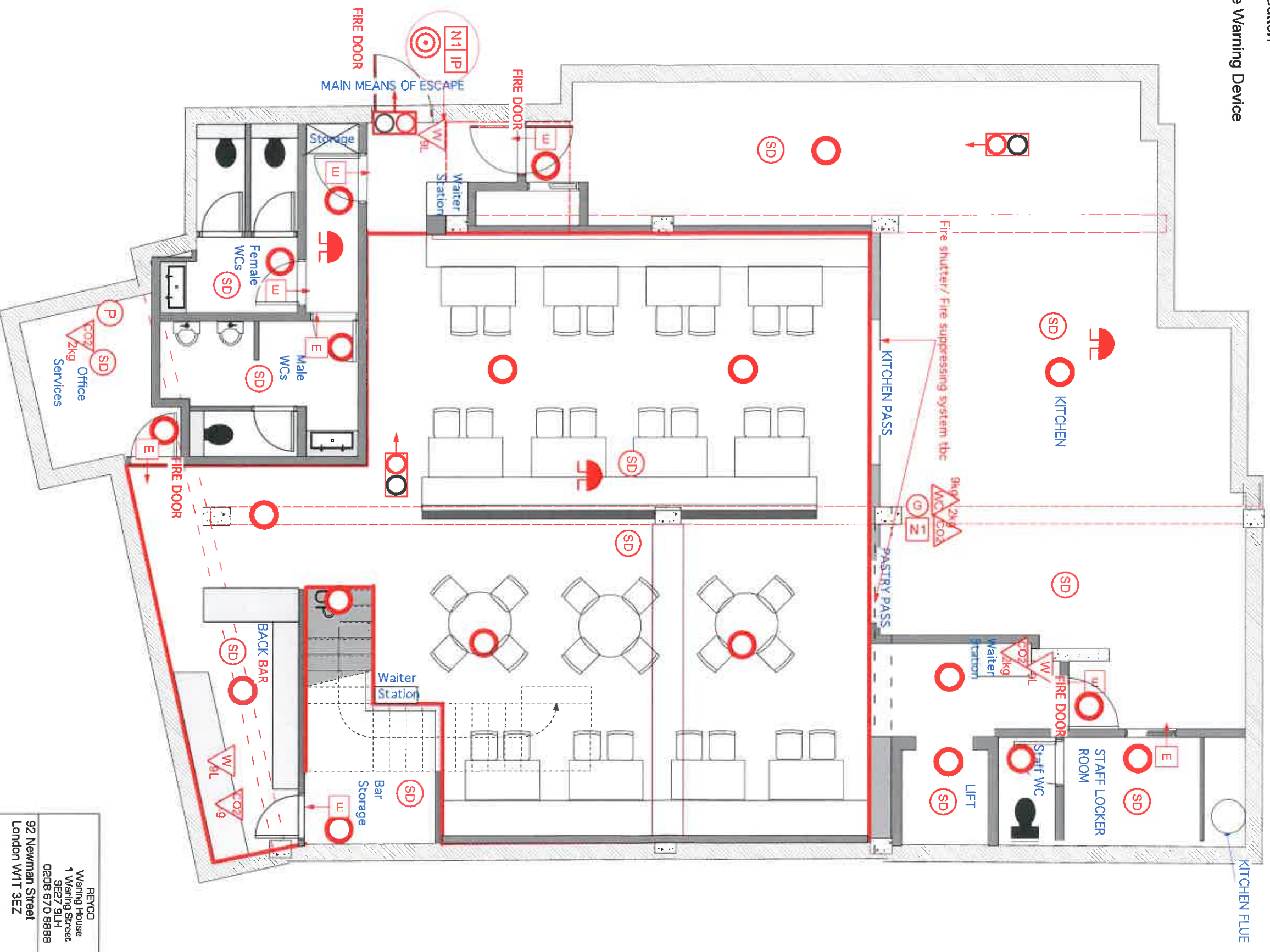
<p>REYCD Warning House 1 Warning Street SE27 9LH 0208 670 8888</p>	<p>92-94 Newnman Street London W1T 3EZ Ground Floor Layout Scale 1:50 on A2</p>
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26.11.2014

Please do not scale from drawing
All dimensions to be checked on site
Any queries, please contact Quentin

-  Fire Alarm Indicator Panel
-  Fire Alarm Call Point
-  Smoke Detector
-  Water Fire Extinguisher
-  CO2 Fire Extinguisher
-  Wet Chemicals Fire Extinguisher
-  Panic Button
-  Audible Warning Device

-  **FIRE DOOR** to be provided with Intumescent strips and smoke seal. To comply with Table B1 of ADB
-  Emergency Lighting Points
-  Illuminated Directional Exit Sign to comply with BS:5499 Part1
-  Fire Exit Directional Sign to Comply with BS:5499 part 1
-  Fire Notice
-  Gas Shut Off Point
-  The area where licensable activities will take place



The location and type of any fire safety and any other safety equipment is shown as at present. This may be varied from time to time with the agreement of the Fire Officer or after a fire risk assessment.

Anything shown on this plan which is not required by the Plan Regulations is for illustrative purposes only, and does not form part of the premises license.

REYCD Waring House 1 Waring Street SE27 9LH 0208 670 8888
92 Newman Street London W1T 3EZ
Basement Layout Licensing purpose Scale 1:50 on A2 26.11.2014
Please do not scale from drawing All dimensions to be checked on site Any queries, please contact Quentin

Applicant Supporting Documents

Appendix 2

There are no further submissions from the applicant.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
New Application 14/10901/LIPN	Application to permit the sale of alcohol and late night refreshment	12.01.2015	Granted by delegated authority
Minor Variation 15/01916/LIPVM	Application to vary the plans	02.04.2015	Granted by delegated authority
DPS Variation 16/06723/LIPDPS	Application to vary the designated premises supervisor	14.07.2016	Granted by delegated authority
Transfer 16/08997/LIPT	Application to transfer the licence	06.09.2016	Granted by delegated authority
Transfer 16/11832/LIPT	Application to transfer the licence	05.12.2016	Granted by delegated authority
DPS Variation 16/12434/LIPDPS	Application to vary the designated premises supervisor	05.12.2016	Granted by delegated authority
Variation 16/13999/LIPV	Current application		Pending

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 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 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 -

Annex 1 – 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.

Annex 2 – Conditions consistent with the operating Schedule

9. 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.

Notwithstanding this condition, 6 customers only are permitted to order and consume alcohol in the Ground Floor holding bar area hatched black on the plan only if they are waiting for their table to have their meal or already had a meal.

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

Note: the applicant has applied for part (iii) of the above application not to apply to the ground floor

10. The number of seated persons permitted on the premises at any one time (excluding staff) shall not exceed:

Ground Floor - 38 persons
Basement Floor - 60 persons

Note: the applicant is seeking to increase the capacity to 70 in the basement

11. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
12. 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.

13. 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.
14. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
15. 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.
16. 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 seizures of drugs or offensive weapons
 - (f) faults in the CCTV system or searching equipment or scanning equipment
 - (g) any visit by a relevant authority or emergency service.
17. 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.
18. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

EH have proposed an amendment to this condition:

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.

19. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
20. All windows and external doors shall be kept closed after 23:00 hours except for the immediate access and egress of persons.
21. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
22. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

23. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
24. 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.
25. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
26. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00.
27. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
28. No deliveries to the premises shall take place between 23.00 and 08.00 hours.

Note: the applicant has applied to amend this condition to read:

No deliveries to the premises shall take place between 23.00 and 04.00 hours.

Note: Ms Dolan (a local resident) has proposed an alternative to the above amendment:

No deliveries to the premises shall take place between 23.00 and 07.30 Monday to Friday, 23:00 and 08:00 on Saturday and 23:00 to 09:00 on Sunday.

29. 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.
30. The hours the premises are open to the public and the hours for Late Night Refreshment and sale of alcohol are permitted may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

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

None

Conditions proposed by EH

31. The variation of the Premises Licence 16/12434/LIPDPS to amend conditions 9, 10 and 28 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

Condition proposed by Sacha Brooks

31. No servicing of any kind will take place on Berners Place at any time.
32. Staff and customers will not be permitted to smoke in Berners Place at any time.



Residential / Proposed Residential	47
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

9

Meters

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