

Licensing Sub-Committee Report

Item No:	
Date:	18 th May 2017
Licensing Ref No:	17/02615/LIPN - New Premises Licence
Title of Report:	The Marylebone Kitchen 106 York Street London W1H 4QN
Report of:	Director of Public Protection and Licensing
Wards involved:	Bryanston And Dorset Square
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: h.lawrance@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	10 March 2017		
Applicant:	The Marylebone Kitchen Ltd		
Premises:	The Marylebone Kitchen		
Premises address:	106 York Street London W1H 4QN	Ward: Cumulative Impact Area:	Bryanston and Dorset Square None
Premises description:	According to the application, the premises intends to operate as a cafe with a takeaway food option.		
Premises licence history:	This is an application for a new premises licence and therefore no premises licence history exists.		
Applicant submissions:	<p>The Marylebone Kitchen (previously Entre Nous) is under new ownership, Louay Michel. It has been modernised and the location is much loved by both people who work and live in the area. The cafe is a fast-casual concept; freshly cooked food every day including some hot food, sandwiches, salads and other food retail items. The majority of the business during the week is takeaway, and the applicant doesn't expect alcohol to be a major selling point; however, it will be in more demand during the weekend brunch, Saturday and Sunday; where customers will prefer to sit in and enjoy a nice meal with a glass of wine.</p> <p>The cafe seats up to 18 inside, and 8-10 outside. It is not a noisy place, it is where people can have a nice meal and relax for a while should they want to stay.</p>		

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

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	10:00	10:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:00
Seasonal variations/ Non-standard timings:	None applied.						
Adult Entertainment:	Not applicable.						

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Sandy Russell
Received:	6 th April 2017

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.

Police propose the following conditions:

- 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 entire 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 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.
3. 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.
- 4.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.

5. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service

6. 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.

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

Further Police Correspondence:

Revised police conditions:

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 entire 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 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.

3. 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.

4. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises are open.

5. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service

6. The premises shall only operate as a restaurant in which customers are seated. Food will be provided in the form of substantial table meals that are prepared on the premises and are served at a counter but consumed at a table using recyclable, non-disposable or biodegradable crockery and cutlery. The premises will not provide any take away service of food or drink after 23:00, and 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 customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

Following the agreement of conditions above the Police have now withdrawn their representation.

Responsible Authority:	Environmental Health Consultation Team
Representative:	Ms Rebecca St Rose
Received:	19 th April 2017

The applicant has submitted ground floor plans of the premises. This representation is based on the plans and operating schedule submitted.

The applicant is seeking the following:

1. The provision of Playing of Recorded Music (Indoors) on Monday to Friday from 07:00 to 23:00, Saturday from 09:30 to 23:00 and on Sunday from 09:30 to 22:30.
2. The Sale of Alcohol (On and Off) on Monday to Saturday from 11:00 to 23:00

and on Sunday from 11:00 to 22:00.

I wish to make the following representation:

1. The Licensable activity and the hours requested for the Playing of Recorded Music will have the likely effect of causing an increase in public nuisance within the area.
2. The Licensable Activity and hours requested for the Sale of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area.

A site visit was undertaken on the 12th April and the application was discussed with the applicant, Mr Louay Michel.

The applicant has provided conditions in support of the application but these do not fully address the concerns of Environmental Health and additional conditions will be proposed.

Further discussions:

Attached the proposed conditions on behalf of the Environmental Health Service.

As discussed at our meeting on the 12th April, the background music that you were playing within the café at the time of my visit is not licensable and does not require the licensable activity of Recorded Music that you have applied for. If you decide to maintain the application for recorded music, I will have to maintain representation as I believe that due to the close proximity of your neighbours, as well as the location of your speakers, recorded music will have the likely effect of causing public nuisance.

The following conditions are proposed by the Environmental Health Service, some of these conditions will replace similar conditions proposed in the applicant's Operating Schedule.

1. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
2. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situate.
3. The supply of alcohol shall be by waiter or waitress service only.
4. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
5. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
6. 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.

7. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly
8. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
9. 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.
10. There shall be no draught sales of beers or lagers.

2-B Other Persons

Name:	Sonia and Peter Sleep
Address and/or Residents Association:	95a York Street London W1H 4QG
Received:	24 th April 2017

We live directly across York Street from the premises, which has until recently been operating as a café (not open in the evenings) without any issue. We both work in the day but I do not work on Mondays and am often at home in the day. We are generally supportive of the new owner's endeavours and wish for the new venture to be a success. We do not oppose the grant of a new premises licence per se, but we are anxious that if it is granted, it is subject to appropriate and sufficient conditions to ensure that the licensing objectives are not undermined. Our particular concern is for the public nuisance objective, as near neighbours.

Background

York Street (and Harcourt Street) in this location is predominantly residential, with some quiet retail and other uses at ground floor level. In the evenings it is generally quiet but the Harcourt restaurant and bar – next door to us as Harcourt Street begins – has in recent times caused us considerable disturbance, largely because customers are permitted, in apparently unlimited number, to congregate outside on the street (below our windows) into the evening, where they are noisy. When the licensed hours come to an end, sometimes it can take as long as 90 minutes to clear the immediate area of their customers. We are particularly anxious to ensure that the Marylebone Kitchen does not add to this disturbance.

Concept

We are concerned that the application states that no dinner service is intended (see Box 15) but authorisation to sell/supply alcohol until 2300 (2200 on Sundays) is sought.

This would permit use of the premises into the evening as a vertical drinking 'bar' rather than a restaurant/caf . We would like to see, as a minimum, a **condition restricting alcohol sales to those seated at tables eating substantial food**. Without such a condition we are concerned that the premises could simply operate as a bar, which would be inappropriate in this location. It would be much more likely to cause public nuisance.

We are also concerned at the suggestion of 'occasional private hire' of the premises. The premises recently hosted a 'private party' at which alcohol was provided into the evening. We are concerned at how often this might be planned and how, if (as last time) these are 'private parties', the premises would be regulated at all.

Public Nuisance

Hours

We note that the times proposed for the sale of alcohol and provision of recorded music are almost but not quite within 'core hours' set out in the Statement of Licensing Policy (HRS1), save that it is proposed that recorded music be permitted from 0700 on weekdays. **We would prefer to see that element kept within core hours, such that it may not begin until 1000 Monday to Sunday** to avoid the possibility of early morning disturbance.

In addition, whilst we note that the proposed opening times are 0700-2300 Monday-Friday, 1000-2300 Saturday and 1000-2200 on Sunday, we would **request that a condition be added to the license requiring the premises to be closed at 2300 Monday-Saturday and 2200 on Sundays**.

Outside area

The premises has a small outside area (called 'forecourt' on the plan) which can hold a maximum of 10 seated customers. We note that the Certificate of Lawful Use authorising the caf  use of the premises appears only to permit 9 people seated outside, and only until 1600. Use of this area has the greatest potential to cause public nuisance and disturbance (the outside area of the Harcourt is the source of most of the noise from those premises). This is particularly so in the evenings, when York Street is (or should be) quiet and residents have an expectation of peace and quiet. We would ask that the following conditions be imposed on the use of that area:

Prior to 1900, there shall be no more than nine (9) persons permitted in the forecourt at any one time, and only where seated at tables;

Save for use as a smoking area, use of the forecourt shall cease at 1900 and all tables and chairs shall be cleared away; after 1900 no more than 5 persons may be in the outside area at any one time, and only for the purposes of smoking.

After 1900 no alcohol or food shall be consumed in the outside area.

We welcome the suggestion that attempts will be made to encourage patrons to leave swiftly and quietly and trust that the sub-committee will impose a suitably worded condition to this effect. In addition we would like to see the premises **clearly display a "Please remember this is a residential area and we ask you to leave quietly" Notice**. We would hope that **by 2330 all patrons would be off the premises, including the forecourt**, and a condition securing this would be welcome.

Deliveries

We are concerned at the potential for refuse collection and deliveries to cause noise and disturbance. We would ask for a condition to be imposed that **no refuse collections or deliveries shall be attempted prior to 0700 or after 2300 (2200 on Sundays)**.

Conclusion

Whilst we are not opposed to a new café opening opposite us, and support the new owner in his venture, we are concerned that it does not become a source of nuisance in the way that, in recent times, the Harcourt has. We hope that with suitable and appropriate conditions, the Marylebone Kitchen can become an asset to the area. However, at present it is unclear whether the style of operation proposed might be closer to a bar than a restaurant (in particular the suggestion of evening private parties), which we think would be inappropriate here; and the application appears to envisage full and unregulated use of the forecourt until closing time, which would be an undoubted cause of noise nuisance to those living nearby.

We hope that our suggested additional conditions would mean, if they are imposed, that the Marylebone Kitchen can operate successfully without undermining the licensing objectives, and in particular our quality of life. We would be happy to attend a hearing and answer any questions.

3. Policy & Guidance

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

Policy RNT1 applies	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.
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4. Appendices

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

Report author:	Miss Heidi Lawrence Senior Licensing Officer
Contact:	Telephone: 020 7641 2751

	Email: hlawrance@westminster.gov.uk
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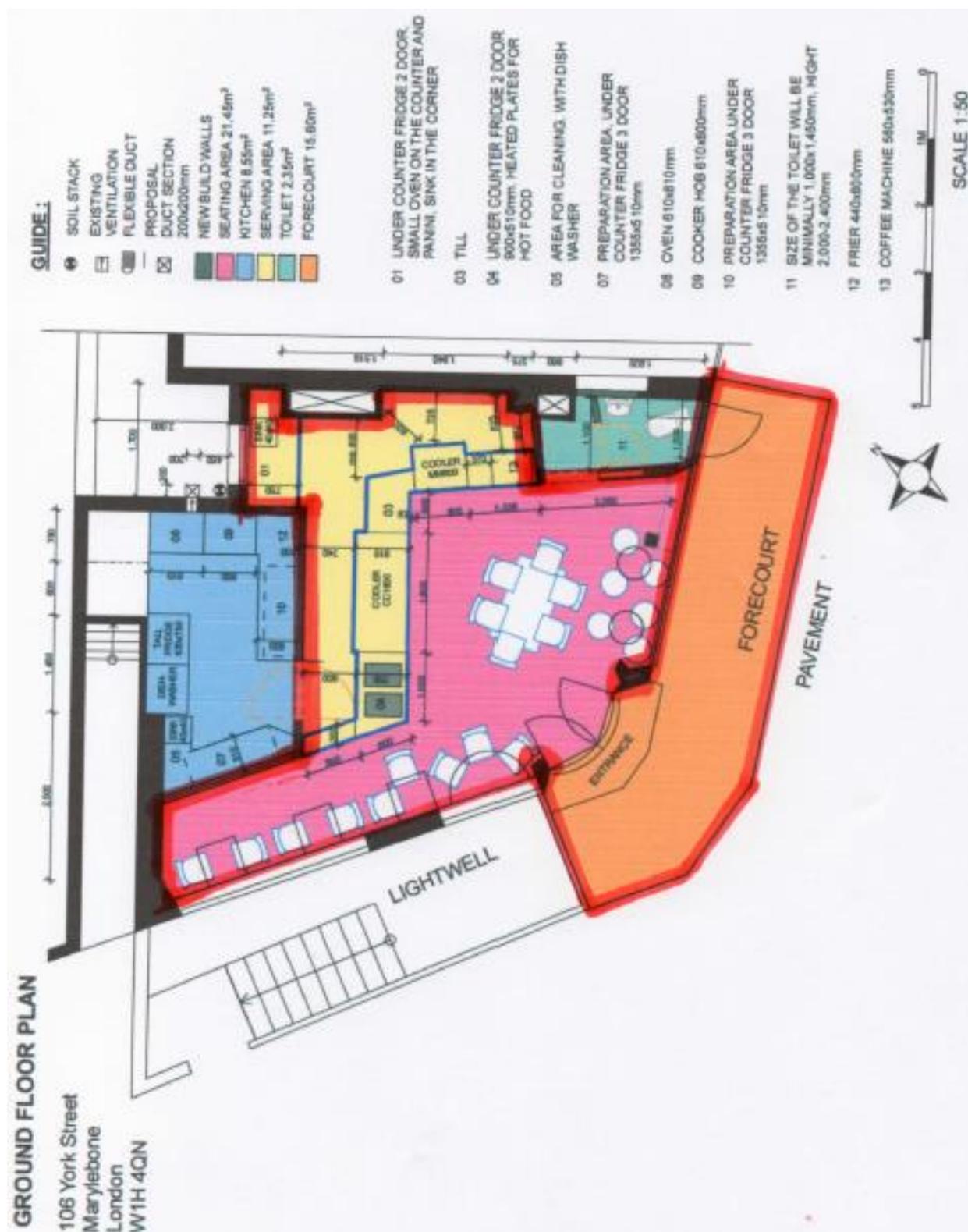
If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

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	10 th March 2017
5	Representation – MET Police	6 th April 2017
6	Representation – Environmental Health	19 th April 2017
7	Representation – Mr and Mrs Sleep	24 th April 2017

Appendix 1

Premises Plans



Applicant Supporting Documents

None submitted.

Premises History

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: $\frac{1}{2}$ 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 clear and legible notice outside the premises will indicate the normal hours under the terms of the premises license during which licensable activities are permitted.
10. Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed.
11. Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.
12. A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises license that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorized by the Licensing Act 2003 or associated legislation.
13. All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.
14. The Licensee will ensure that staff who arrive early morning or depart late at night (ex. for unpacking, pricing newly delivered goods) when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.
15. The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm so as to reduce the levels of noise produced by the premises.
16. Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.

Conditions proposed by the Environmental Health

17. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
18. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situate.
19. The supply of alcohol shall be by waiter or waitress service only.
20. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
21. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
22. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

23. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly
24. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
25. 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.
26. There shall be no draught sales of beers or lagers.

Conditions proposed by the Police and agreed by Applicant

27. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises 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.
28. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises 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.
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. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises are open.
31. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons

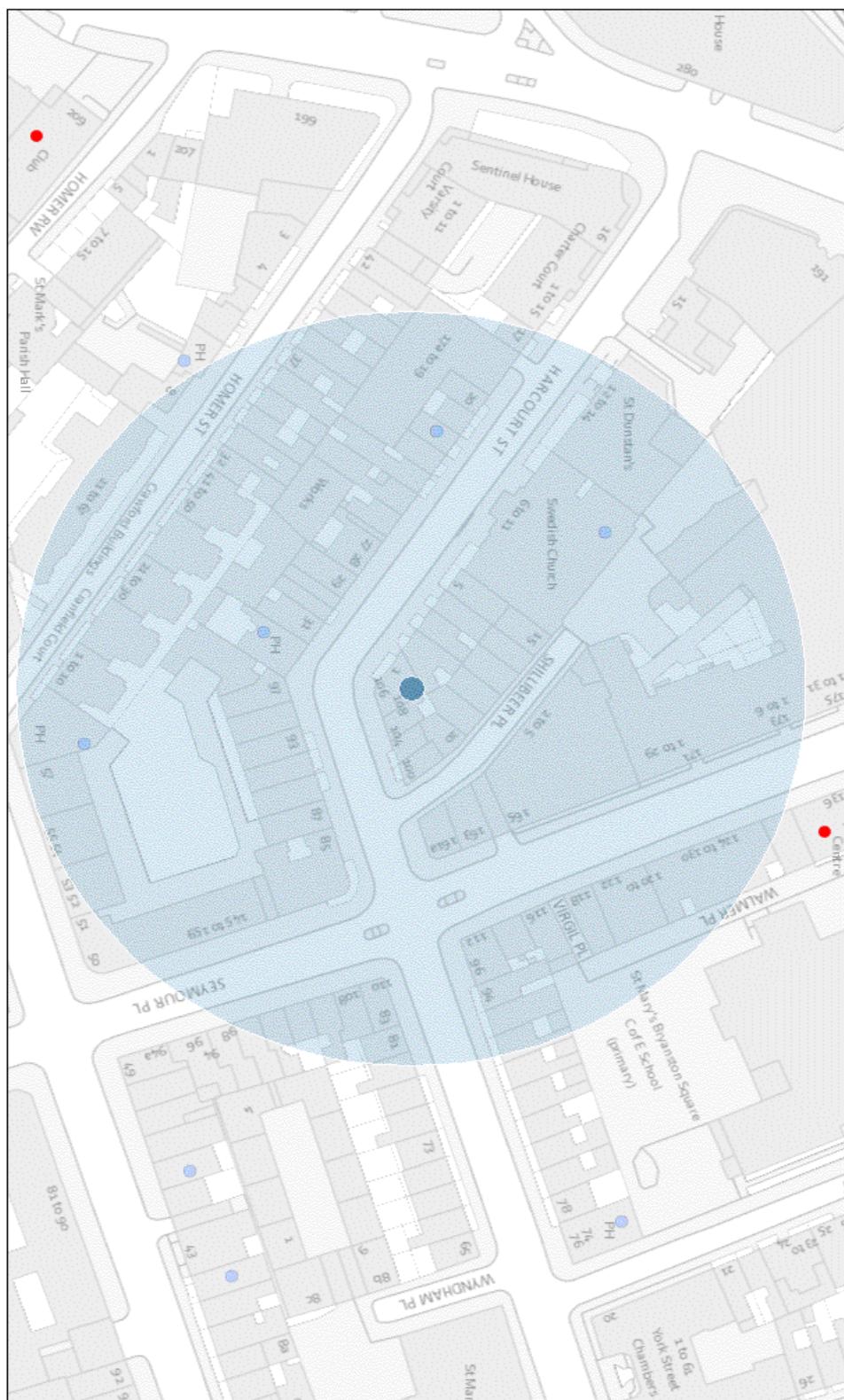
- (f) any faults in the CCTV system, searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service

32. The premises shall only operate as a restaurant in which customers are seated. Food will be provided in the form of substantial table meals that are prepared on the premises and are served at a counter but consumed at a table using recyclable, non-disposable or biodegradable crockery and cutlery. The premises will not provide any take away service of food or drink after 23.00, and 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 customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

Appendix 5

Marylebone Kitchen



Resident Count: 311