

## Appendix 4

Further Comment received from Mr Richard Brown on behalf of Mr John Zamit (SEBRA) and Mrs Elizabeth Virgo (PWMVS)

**From:** [licensing licensing](#)  
**To:** [Wade, Yolanda: WCC](#)  
**Cc:** ["John Zamit"; ELIZABETH VIRGO](#)  
**Subject:** Paddington Barge - 17/04082/LIPN  
**Date:** 21 June 2017 16:09:00

Hi Yolanda,

I am writing on behalf of SEBRA and PWMVS, both of whom have submitted representations in respect of this application. I understand that the hearing has been set for next Thursday 29 June.

There are a number of points which SEBRA and PWMVS wish to make in advance of the hearing.

- It is not entirely clear what the nature of the premises a) is proposed to be; and b) could potentially be under the licence as applied for. Clarification from the applicant would be appreciated. For instance, save for the external seating, there is no requirement for customers to be seated or for waiter/ess service.
- According to the planning permission 16/02946/FULL (attached) there are two separate barges. One has planning consent for a café/exhibition space (sui generis), and the other has planning consent for dual retail/restaurant (A1/A3). However, the licence application does not appear to reflect this.
- What will be the capacity on the licence? The planning permission stipulates 54 covers for the 'restaurant' boat and 28 covers for the 'café' boat, with an additional 18 external covers to each boat. SEBRA and PWMVS would not wish the licence capacity to be greater than this.
- Are the 'external' covers on the towpath?
- The applicant has not proposed any food-related conditions with the application, or following discussions. Accordingly, SEBRA and PWMVS assume that such condition(s) are not going to be proposed. This is concerning, as both are opposed to the premises being able to operate as a bar. The planning consent permits a further 10% in addition to the capacity for a 'holding bar'. However, what seems to be proposed by the applicant is permission for customers to drink without food. Although it is appreciated that a proportion of these customers will be eating too, the vagueness of the current conditions is concerning.
- The hours proposed in the application for customers to be on the premises are considered to be too late (and go beyond the planning permission).
- The hours proposed in the application for servicing are also considered to be too late (and go beyond the planning permission).
- There is residential in the immediate vicinity, and new residential under construction.

- Mrs Virgo of PWMVS has met with the applicant and discussed various matters, including a restriction on types of alcohol. Mrs Virgo was under the impression that the applicant would then revert to the objectors with some further proposals. Sadly, this has not yet happened.

Both SEBRA and PWMVS would be more than happy to discuss the application and any amendments which may be made with the applicant and their solicitor. Mr Zamit can be contacted at [Chairman@SEBRA.org.uk](mailto:Chairman@SEBRA.org.uk) and Mrs Virgo can be contacted at [elizabethvirgo@btinternet.com](mailto:elizabethvirgo@btinternet.com)

I should be grateful if you could include this email and the attachment in the LSC Report for the information of Members and the parties.

## Appendix 5

### 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: 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. 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.
10. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a cafe
11. There shall be no self-service of alcohol on the premises.
12. All sales of alcohol for consumption off the premises shall be in sealed containers only, unless consumed in an area shown on the approved plan.
13. The supply of alcohol at the external seating area of the premises shall be by waiter or waitress service to a person seated.
14. 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.
15. 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.
16. All outside tables and chairs shall be removed or rendered unusable by 21.00 hours Sunday to Wednesday and 22:30 hours Thursday to Saturday.
17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

18. The number of persons permitted in the premises at any one time (including staff) shall not exceed [ ] persons.
19. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
21. 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.

22. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) on the following day .
23. 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 .
24. 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.
25. 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.
26. 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 .
27. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises are constructed or altered in accordance with the appropriate provisions of the District



Surveyor's Association- Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority.

# Residential Map

