



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	3 August 2017
Licensing Ref No:	17/06083/LIPV - Premises Licence Variation
Title of Report:	Nagomi 4 Blenheim Street London W1S 1LD
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:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1872 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	5 June 2017		
Applicant:	Rising Sun UK Limited		
Premises:	Nagomi		
Premises address:	4 Blenheim Street London W1S 1LD	Ward:	West End
		Cumulative Impact Area:	No
Premises description:	The premises currently operate as a restaurant		
Variation description:	<p>The applicant is seeking to vary the premises licence as follows:</p> <ol style="list-style-type: none"> 1. Revised layout following a refurbishment 2. Extension of hours 3. Addition of recorded music. 		
Premises licence history:	Appendix 3		
Applicant submissions:	None		

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Recorded Music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	N/A		12:00	16:00	Basement, Ground Floor	See Plan (Appendix 1)
			18:00	00:00	Basement, Ground Floor	
Tuesday			12:00	16:00	Basement, Ground Floor	
			18:00	00:00	Basement, Ground Floor	
Wednesday			12:00	16:00	Basement, Ground Floor	
			18:00	00:00	Basement, Ground Floor	
Thursday			12:00	16:00	Basement, Ground Floor	
			18:00	00:00	Basement, Ground Floor	
Friday	12:00	16:00	Basement, Ground Floor			
	18:00	00:00	Basement, Ground Floor			
Saturday	12:00	17:00	Basement, Ground Floor			
	18:00	00:00	Basement, Ground Floor			
Sunday	12:00	17:00	Basement, Ground Floor			
	18:00	22:00	Basement, Ground Floor			

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			On		Both	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	12:00 18:00	15:00 22:45	12:00 18:00	16:00 00:00	Basement, Ground Floor	See Plan (Appendix 1)
Tuesday	12:00 18:00	15:00 22:45	12:00 18:00	16:00 00:00	Basement, Ground Floor	
Wednesday	12:00 18:00	15:00 22:45	12:00 18:00	16:00 00:00	Basement, Ground Floor	
Thursday	12:00 18:00	15:00 22:45	12:00 18:00	16:00 00:00	Basement, Ground Floor	
Friday	12:00 18:00	15:00 22:45	12:00 18:00	16:00 00:00	Basement, Ground Floor	
Saturday	12:00 18:00	15:00 22:45	12:00 18:00	17:00 00:00	Basement, Ground Floor	
Sunday	12:00 18:00	15:00 22:15	12:00 18:00	16:00 22:00	Basement, Ground Floor	

Hours premises are open to the public				
	Current Hours		Proposed Hours	
	Start:	End:	Start:	End:
Monday	12:00 18:00	15:00 23:00	12:00 18:00	16:00 00:30
Tuesday	12:00 18:00	15:00 23:00	12:00 18:00	16:00 00:30
Wednesday	12:00 18:00	15:00 23:00	12:00 18:00	16:00 00:30
Thursday	12:00 18:00	15:00 23:00	12:00 18:00	16:00 00:30
Friday	12:00 18:00	15:00 23:00	12:00 18:00	16:00 00:30
Saturday	12:00 18:00	15:00 23:00	12:00 18:00	17:00 23:00
Sunday	12:00 18:00	15:00 22:30	12:00 18:00	15:00 22:30

1-C	Layout alteration
According to the application, there is a revised layout of the premises following refurbishment	

2. Representations

2-A Responsible Authorities	
Responsible	The Environmental Health Service

Authority:	
Representative:	Mr Dave Nevitt
Received:	11 th July 2017

I wish to make Representations on the following grounds:
Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety. I wish to make Representations on the following grounds:

Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.

Responsible Authority:	The Metropolitan Police Service
Representative:	PC Brian Hunter
Received:	16 th June 2017

With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be making a representation against this application.

It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.

There are no conditions contained within the operating schedule, having previously visited your premises to discuss the previous application, I have listed the following conditions the Police would like to see on the Premises Licence. If these are agreed to I would be willing to review my representation:

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.

- 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.

- A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

- 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.

- 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,
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

- The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway and bona fide taking a substantial table meal there, and where the consumption of alcohol by such persons is ancillary to taking such a meal, and where the supply of alcohol is by waiter or waitress service only.

- All outside tables and chairs shall be rendered unusable by (23.30) Monday to Saturday except on a Sunday where this will be at (22:00)

The Police have withdrawn their representation to the application as the applicant agreed

to their proposed conditions

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

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Copy of the existing licence
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1872 Email: ywade@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
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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	5 th June 2017
5	The Environmental Health Service Rep	11h July 2017
6	The Metropolitan Police Service Rep	16 TH June 2017

To view the plans of the premises please contact the Licensing Department.

Email: licensing@westminster.gov.uk

Telephone: 0207 641 6500

Applicant Supporting Documents

Appendix 2

None

Appendix 3

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
06/09683/WCCMAP	New Premises Application	19.09.2006	Granted Under Delegated Authority

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

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

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

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

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

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

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

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

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

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

9. The sale of alcohol 'On' the premises shall only be to persons taking a table meal there and consumption by such person as ancillary to their meal.
10. The supply of alcohol shall be by waiter/waitress only.
11. Non-intoxicating beverages, including drinking water, shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
12. The premises will maintain a comprehensive CCTV system that ensures all areas of the licensed premises are monitored including all entry points and which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept available for a minimum of 31 days with time and date stamping. Recordings shall be made available to an authorised officer or a police officer together with facilities for viewing. The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice. (subject to the Data Protection Act 1998).
13. All refuse will be paid, properly presented and placed on the street 30 minutes before any agreed collection time.

Proposed Conditions by Police and agreed by applicant that will form part of the Operating Schedule

14. 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.

15. 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.
16. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
17. 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.
18. 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,
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
19. The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway and bona fide taking a substantial table meal there, and where the consumption of alcohol by such persons is ancillary to taking such a meal, and where the supply of alcohol is by waiter or waitress service only.
20. All outside tables and chairs shall be rendered unusable by (23.30) Monday to Saturday except on a Sunday where this will be at (22:00)

Copy of Existing Licence



City of Westminster
64 Victoria Street, London, SW1E 6QP

Schedule 12
Part A

WARD: West End
UPRN: 999000011480

Premises licence

Regulation 33, 34

Premises licence number:

06/09683/WCCMAP

Part 1 – Premises details

Postal address of premises:

Nagomi
4 Blenheim Street
London
W1S 1LD

Telephone Number: 0207 165 9506

Where the licence is time limited, the dates:

N/A

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Sale by Retail of Alcohol: Monday to Saturday - 12:00 to 15:00
Sale by Retail of Alcohol: Monday to Saturday - 18:00 to 22:45
Sale by Retail of Alcohol: Sunday - 12:00 to 15:00
Sale by Retail of Alcohol: Sunday - 18:00 to 22:15

The opening hours of the premises:

Monday to Saturday - 12:00 to 15:00
Monday to Saturday - 18:00 to 23:00
Sunday - 12:00 to 15:00
Sunday - 18:00 to 22:30

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

On

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Rising Sun UK Limited
31 Livingstone House
Wyndham Road
London
: 020 7703 6242

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: Hiroomi Wada
Address: 31 Livingstone House, Wyndham Road, London, SE5 0UX
Phone: 020 7703 6242

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: Not supplied
Licensing Authority: Southwark Council

Date: _____

Signed: _____
Director of Legal & Administrative Services



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.

Annex 2 – Conditions consistent with the operating Schedule

4. The sale of alcohol 'On' the premises shall only be to persons taking a table meal there and consumption by such person as ancillary to their meal.
5. The supply of alcohol shall be by waiter/waitress only.
6. Non-intoxicating beverages, including drinking water, shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
7. The premises will maintain a comprehensive CCTV system that ensures all areas of the licensed premises are monitored including all entry points and which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept available for a minimum of 31 days with time and date stamping. Recordings shall be made available to an authorised officer or a police officer together with facilities for viewing. The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice. (subject to the Data Protection Act 1998).
8. All refuse will be paid, properly presented and placed on the street 30 minutes before any agreed collection time.

Annex 3 – Conditions attached after a hearing by the licensing authority
None

Annex 4 – Plans

Attached





City of Westminster
64 Victoria Street, London, SW1E 6QP

Schedule 12
Part B

WARD: West End
UPRN: 999000011480

Premises licence
summary

Regulation 33, 34

Premises licence number:

06/09683/WCCMAP

Part 1 – Premises details

Postal address of premises:

Nagomi
4 Blenheim Street
London
W1S 1LD

Telephone Number: 0207 165 9506

Where the licence is time limited, the dates:

N/A

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Sale by Retail of Alcohol: Monday to Saturday - 12:00 to 15:00
Sale by Retail of Alcohol: Monday to Saturday - 18:00 to 22:45
Sale by Retail of Alcohol: Sunday - 12:00 to 15:00
Sale by Retail of Alcohol: Sunday - 18:00 to 22:15

The opening hours of the premises:

Monday to Saturday - 12:00 to 15:00
Monday to Saturday - 18:00 to 23:00
Sunday - 12:00 to 15:00
Sunday - 18:00 to 22:30

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

On

Name and (registered) address of holder of premises licence:

Rising Sun UK Limited
31 Livingstone House
Wyndham Road
London

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Name: Hiroomi Wada

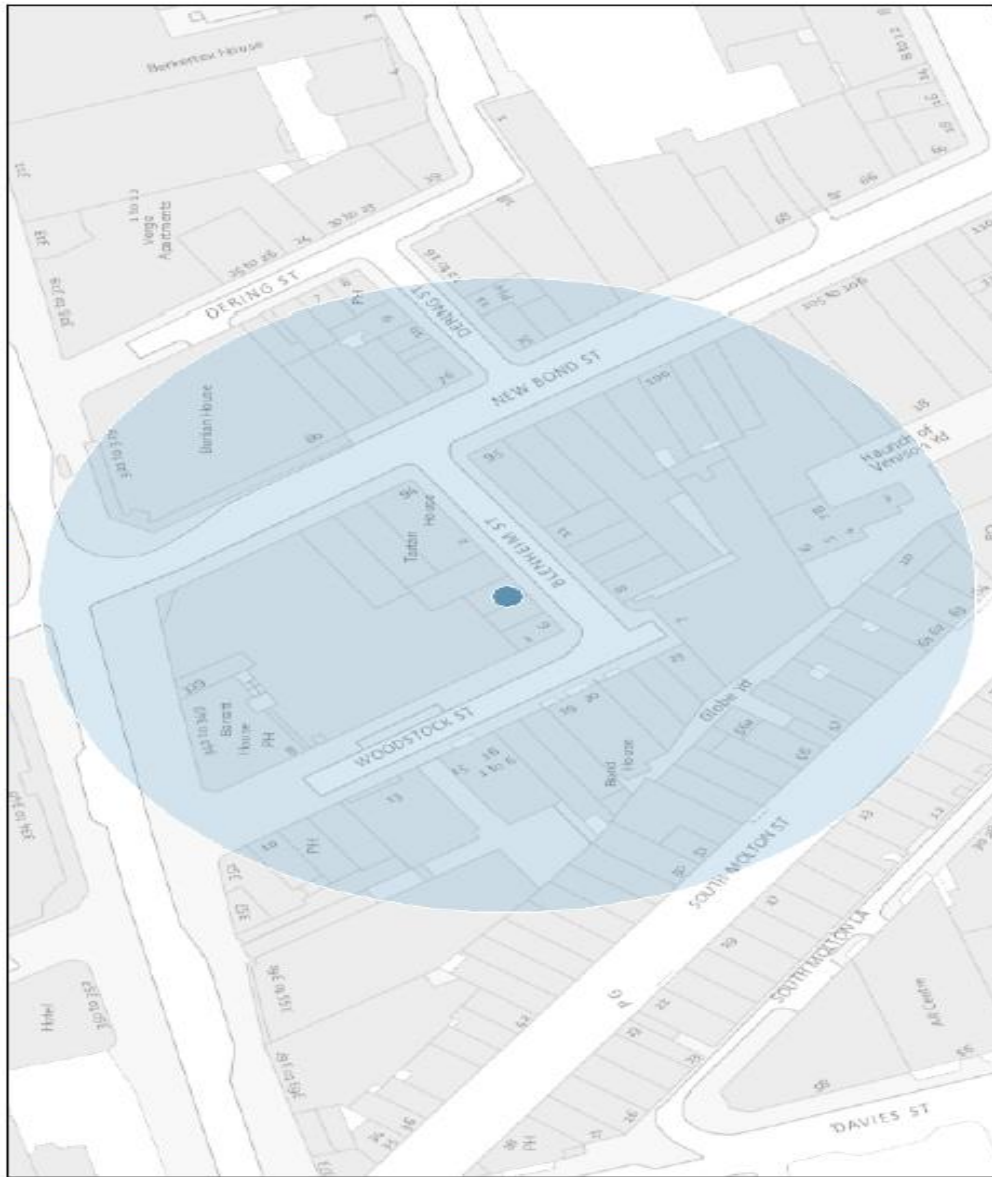
State whether access to the premises by children is restricted or prohibited:

Restricted

Date: _____

Signed: _____
Director of Legal & Administrative Services

Nagomi 4 Blenheim Street



Resident Count: 28