



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	9 October 2017
Licensing Ref No:	17/08985/LIPV - Premises Licence Variation
Title of Report:	Lazeez Lebanese Tapas 29 Duke Street London W1U 1LF
Report of:	Director of Public Protection and Licensing
Wards involved:	Marylebone High Street
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Ms Daisy Gadd Senior Licensing Officer
Contact details	Telephone: 0207 641 2737 Email: dgadd@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	7 August 2017		
Applicant:	Caffe V Restaurant Limited		
Premises:	Lazeez Lebanese Tapas		
Premises address:	29 Duke Street London W1U 1LF	Ward:	Marylebone High Street
		Cumulative Impact Area:	N/A
Premises description:	The premises currently operates as a restaurant.		
Variation description:	<p>This application seeks:</p> <ol style="list-style-type: none"> 1) To extend the hours on Fridays and Saturdays for the sale of alcohol until 01:00 and the opening hours until 01:30. 2) To add Late Night Refreshment as a licensable activity on Fridays and Saturdays from 23:00 to 01:00. 3) To change the name of the premises from "Café V" to "Lazeez Lebanese Tapas". 		
Premises licence history:	The premises has been licensed since 2012.		
Applicant submissions:	None		
Plans:	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Current and proposed licensable activities, areas and hours					
Late night refreshment					
Indoors, outdoors or both		Current :			Proposed:
					Indoors
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday					Indoors
Tuesday					
Wednesday					
Thursday					
Friday			23:00	01:00	
Saturday			23:00	01:00	
Sunday					
Seasonal Variations/Non-standard timings:		None			

Supply of alcohol					
On or off the premises		Current :			Proposed:
		On			No change
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	10:00	23:00	No change		No change
Tuesday	10:00	23:00			
Wednesday	10:00	23:00			
Thursday	10:00	23:00			
Friday	10:00	23:00			
Saturday	10:00	23:00			
Sunday	12:00	22:30			
Seasonal Variations/Non-standard timings:		None			

Hours premises are open to the public					
	Current Hours		Proposed Hours		Premises Area
	Start:	End:	Start:	End:	
Monday	10:00	23:30	10:00	23:30	No change
Tuesday	10:00	23:30	10:00	23:30	
Wednesday	10:00	23:30	10:00	23:30	
Thursday	10:00	23:30	10:00	23:30	
Friday	10:00	00:00	10:00	01:30	
Saturday	10:00	00:00	10:00	01:30	
Sunday	12:00	23:00	12:00	23:00	
Seasonal Variations/Non-standard timings:			None		

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service (withdrawn)
Representative:	PC Reaz Guerra
Received:	16 August 2017
<p>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.</p> <p>The hours sought exceed Westminster's Core Hour Policy and there is insufficient detail contained within the operating schedule to promote the licensing objectives.</p> <p>It is for these reasons that we are objecting to the application.</p> <p>The Police have withdrawn their representation following the agreement of the proposed Police conditions.</p>	
Responsible Authority:	Environmental Health
Representative:	Mrs Sally Fabbriatore
Received:	31 August 2017
<p>I refer to the application for variation of a Premises Licence (12/00488/LIPN), issued under the Licensing Act 2003.</p> <p>This representation is based on the Operating Schedule and the plan.</p>	

The applicant is seeking the following on the throughout the premises:

1. To increase the terminal hour of the Supply of Alcohol from 23:00 hours to 01:00 hours on Friday and Saturday.
2. To provide Late Night Refreshment from 23:00 -01:00 hours on Friday and Saturday.

I wish to make the following representations in relation to the above application:

1. The increase in hours of the Supply of Alcohol may have the likely effect of causing an increase in Public Nuisance in the area.
2. The provision of Late Night refreshment may have the likely effect of causing an increase in Public Nuisance in the area.

The granting of the variation Premises Licence as presented may have the likely effect of causing an increase in Public Nuisance in the area.

2-B Other Persons

Name:	Mrs Vivienne Loesch
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Received:	15 August 2017
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I strongly object to this application being granted. This is very much a residential area, and there is already enough noise nuisance at night from licensed restaurants and their customers, throughout the area. The current license puts no restrictions on the times at which waste, recycling and other goods can be moved outside the premises (should be restricted to between 8am and 8pm). Deliveries and waste vehicles run throughout the area throughout the night, using routes that cross Oxford Street, waking up residents south and north of Oxford Street. Restaurants customers also move throughout the area at all hours of the night. It only takes a couple of drinks for people to become very noisy. In this very residential area there should be no licenses allowing premises to be open as late as 1am.

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

4. Appendices

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

Report author:	Ms Daisy Gadd Senior Licensing Officer
Contact:	Telephone: 0207 641 2737 Email: dgadd@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	Representation Metropolitan Police	16 August 2017
5	Representation Environmental Health	31 August 2017
6	Representation resident	15 August 2017



14 September 2017

Our Ref: NMM.MJP.L00245-0005

BY EMAIL ONLY

Dear Local Resident

LAZEEZ LEBANESE TAPAS, 29 DUKE STREET, LONDON W1U 1LE

Thank you for your recent representation in respect of the above premises.

By way of background, Lazeez Lebanese Tapas is a family business which has operated at 29 Duke Street for the past 10 years. There is no proposal to change the style of operation in any way and the premises has never received any complaints from local residents.

After discussions with Environmental Health and the Metropolitan Police our client has agreed that, should the application be granted, the following further conditions be placed on the premises licence:

- All windows and external doors shall be kept closed after 23:00 hours, except for the immediate access and egress of persons.
- There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
- No drinks shall be taken outside after 23.00hours.
- No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
- No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.
- 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

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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. (replaces existing condition 9)

- 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. (replaces existing condition 10)
- A 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.
- 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:
 - all crimes reported to the venue
 - all ejections of patrons
 - any complaints received concerning crime and disorder
 - any incidents of disorder
 - all seizures of drugs or offensive weapons
 - any faults in the CCTV system
 - any refusal of the sale of alcohol
 - any visit by a relevant authority or emergency service.

Given this, if the variation application is granted, the premises licence will have far more restrictive conditions on it than is currently the case, in particular with respect to deliveries and waste collection. We hope that these additional concerns ease your concerns. If this is the case we should be most grateful if you would formally withdraw your representation so that the time and expense of a licensing sub-committee hearing may be avoided.

Should you have any queries in respect of the above we should be most grateful if you would contact the writer, Niall McCann on niall.m@joelsonlaw.com. Needless to say, our client would be happy to meet if desired.

Yours faithfully,


JOELSON

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
12/00488/LIPN	This was an application for a new premises licence.	15.03.2012	Granted by Licensing Sub Committee

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 -

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

None

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

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

(replaced by condition 29)

10. 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 to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.

(replaced by condition 30)

11. Alcohol to be consumed as ancillary to a table meal.
12. The supply of alcohol shall only be to persons who are seated at tables and served by a waiter or waitress.
13. 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.
14. There shall be no sale of draught beer.

15. The number of persons accommodated at any one time (excluding staff) shall not exceed the limit set out in the current fire risk assessment.
16. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
17. No refuse, including bottles, shall be moved, removed or transferred to or in outside areas between 2300 hours and 0800 hours.
18. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
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. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
21. The maximum number of persons accommodated at any one time, shall not exceed 70 persons including staff, inclusive of a maximum of 40 persons in the basement.
22. The premises shall only operate as a restaurant
 - (i) in which customers are shown to their table,
 - (ii) 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,
 - (iii) which do not provide any take away service of food or drink for immediate consumption, and
 - (iv) where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals.
23. All tables and chairs shall be removed from the outside area by 23.00 hours each day.

Conditions proposed by Environmental Health

24. All windows and external doors shall be kept closed after 23:00 hours, except for the immediate access and egress of persons.
25. There shall be no sales of hot food or hot drink for consumption off the premises after 23:00.

26. No drinks shall be taken outside after 23:00 hours.
27. No deliveries to the premises shall take place between 23:00 and 07:00 on the following day.
28. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 07:00 hours on the following day.

Conditions proposed by the Police and agreed with the application

29. 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.

(replaces existing condition 9)

30. 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.

(replaces existing condition 10)

31. A 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.
32. 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.

Lazeez Lebanese Tapas



Resident count = 86