

Licensing Sub-Committee Report

Item No:	
Date:	19 October 2017
Licensing Ref No:	17/09666/LIPN - New Premises Licence
Title of Report:	Basement And Ground Floor 49 Lexington Street London W1F 9AP
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 Daisy Gadd Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email:dgadd@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	30 August 2017		
Applicant:	Shaftesbury Carnaby Plc		
Premises address:	Basement And Ground Floor	Ward:	West End
	49 Lexington Street London W1F 9AP	Cumulative Impact Area:	West End
Premises description:	The premises will operate as a restaurant.		
Premises licence history:	The premises was previously licensed, reference 09/01654/LIPT, which lapsed due to the premises licence holder going into liquidation. A full history of the premises can be found at Appendix 2.		
Applicant submissions:	Resident letters		
Plans:	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	00:30	00:30	00:30	00:30	00:30	00:30	00:00
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					

Recorded music				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	23:30
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					

Sale by retail of alcohol				On or off sales or both:			On
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	23:30
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	00:30	00:30	00:30	00:30	00:30	00:30	00:00
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					
Adult Entertainment:		Not applicable					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Mr Maxwell Owusu Koduah
Received:	21 September 2017
<p>I refer to the application for a new Premises Licence which is located in the West End Cumulative Impact area.</p> <p>This representation is based on the operating schedule and accompanying plans of Basement dated July 2005</p> <p>The applicant is seeking the following licensable activities:</p> <ol style="list-style-type: none"> 1. Playing of Recorded Music "Indoors" at the following times <ul style="list-style-type: none"> ▪ Monday to Saturday: 10:00 to 00:00 hours ▪ Sunday: 12:00 to 23:30 hours ▪ From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day 2. Late Night Refreshment "Indoors" at the following times <ul style="list-style-type: none"> ▪ Monday to Saturday: 23:00 to 00:30 hours ▪ Sunday: 23:00 to 00:00 hours ▪ From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day 3. Supply of alcohol for consumption "On the premises" at the following times: <ul style="list-style-type: none"> ▪ Monday to Saturday: 10:00 to 00:00 hours 	

- Sunday: 12:00 to 23:30 hours
- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

I wish to make the following representation

1. Playing of Recorded Music and the hours requested will have the likely effect of causing an increase in Public Nuisance within the West End Cumulative Impact area
2. The provision of late night refreshment (LNR) and the hours requested will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End Cumulative Impact area
3. The provision and hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End Cumulative Impact area

The previous conditions on premises licence number 09/01654/LIPT are being considered and do not appear to be insufficient to promote all four licensing objectives.

The granting of the new premises licence as presented would have the likely effect of causing an increase in Public Nuisance and may impact on Public Safety within the West End Cumulative Impact area

The applicant is asked to contact the undersigned to arrange a site visit to assess the premises to ensure the premises is satisfactory and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety.

2-B Other Persons

Received: 14 September 2017

Please can the application state the capacity for this new licence?

thanks

Received: 23 September 2017

First representation from resident

I am writing to you as a very long time resident of 47 Lexington Street - almost thirty years - and obviously a neighbour of 49 Lexington Street about the application by Shaftesbury/Carnaby Plc concerning the application the notice of which was sent out on the 1 September concerning above all the playing of recorded music and also the sale of Alcohol on the ground floor and basement of the above premises. The previous occupiers of the aforementioned premises, a friendly quiet restaurant called Aurora, were, even if they held, it seems, a similar licence to the one being re-applied , for the most part were extremely quiet and restrained, only very rarely playing music, even in the open garden premises behind the ground floor, which in fact also formed part of their restaurant.

In the last few years there has to me been already an unwelcome excess to the ecology of the area explosion of restaurant and other activities that have increasingly and annoyingly ever more spilt out onto this narrow thoroughfare that is Lexington Street,

also with inevitably increasing and unpleasant even dangerous rubbish piles everywhere much of the time.

There are a considerable number of long standing residents in this old, beautiful and indeed fragile street that dates from the very early years of the eighteenth century. I also fully realise that this is Soho with its attendant inevitable bustle. But I certainly strongly object to these premises serving alcohol after 11 pm and above all totally would object to the granting of any MUSIC/CLUB-like license of ANY KIND being part of the activities of these premises, that will interfere both with my work and living here, as well of course my sleep - and equally that of my family, who also live here at no 47 next door to the premises in question.

I am happy to engage of course in any appropriate discussion about this with either yourselves or Shaftesbury about matters raised here that are of clearly immediate concern to myself.

Second representation from resident

re my objection to the licensing application 49 application and my objections outlined in my email 23 September:

I note a notice now on the premises of Fernandez and Wells at 41 Lexington Street which states " that under the terms of their licence it is not possible to take glasses outside - we would be grateful if you could restrain from doing so - also to respect neighbours by leaving premises quietly"

I would be grateful if similar requirements were imposed on all addresses on the street including at number 45, Mildreds which serve cocktails to those waiting to go to the this perfectly fine restaurant, but causing often intense blockage of persons, semi-stubbed out cigarettes and other litter on the street!

Received:	26 September 2017
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There are at least 17 flats in Lexington Street and another five or six within ear shot in Broadwick Street/Silver Place. The majority are lived in, some by families, in contrast to Air B&B or buy to leave. In short the North end of Lexington Street is a truly residential street.

Received:	22 September 2017
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Have nothing to object to with license apart from music playing. I live in the first floor flat on 47 Lex. Loud music playing nightly up to 00:00 in the basement and ground floor of 49 Lex would be very disruptive because walls of these old houses are very thin and the sound travels. This has long been a relatively quiet residential street in Soho.

Received:	17 September 2017
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Other premises in the vicinity are only licensed to sell alcohol until 1100 hours including the John Snow pub. The noise created by intoxicated people after such time would be disruptive to residents of the area.

Received:	16 September 2017
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Lexington Street is primarily a residential street and having read through the application for a new restaurant in this location I am objecting to the late hours this licensing application will cover. There was a restaurant at No 49 Lexington Street (Arora) for at least 30 years and it caused no problems and as this proposed new restaurant is planning to serve alcohol and refreshments after 23.00 hrs this is totally unacceptable to the residents of the surrounding flats and houses and could cause a severe nuisance in the street at night. It could be called a night-club.

Lexington Street has a busy pub, The John Snow, on its corner with Broadwick Street and four other restaurants and a club in the street three of which serve alcohol up to 23.00. We, the residents do not want noisy drinkers in the street after mid-night disturbing our resting hours.

3. Policy & Guidance

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

Policy CIA1 applies:	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
Policy RNT2 applies:	Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.
Policy HRS1 applies:	<p>(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.</p> <p>(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.</p>

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:	Miss Daisy Gadd Senior Licensing Officer
Contact:	Telephone: 020 7641 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 Environmental Health	21 September 2017
5	Representation resident	14 September 2017
6	Representation resident	16 September 2017
7	Representation resident	17 September 2017
8	Representation resident	22 September 2017
9	Representation resident	23 September 2017
10	Representation resident	26 September 2017

Shaftesbury Carnaby

Jane McAusland
Flat 3
41 Lexington Street
London
W1F 9AJ

10 October 2017

Dear Ms McAusland,

**Application for a Premises Licence 17/09666/LIPN
49 Lexington Street, W1F 9AP**

Westminster City Council have provided us with a copy of your representation in respect of our premises licence application. We would be grateful for your consideration of this letter, which we hope will help to address the concerns you have raised.

Sadly, the previous owner of the restaurant passed away earlier this year. His company became insolvent some time prior to his death. As a result, the restaurant's premises licence lapsed. This means we had to apply for a new premises licence.

The application seeks a new licence with the same licensable activities, permitted hours (except for a reduction in recorded music hours – see below) and conditions as the lapsed licence. The proposals also seek to regularise the historical use of the basement dining area by including this in the licensed demise.

The provision of recorded music was permitted 24 hours a day under the lapsed licence. We have proposed to reduce this to hours consistent with the sale of alcohol only. We hope this assists. In any event, we anticipate the provision of music will be consistent with the restaurant use of the premises. The historical licence included a requirement that alcohol is only sold to persons taking a table meal on the premises. This condition has been reflected in the application to ensure future tenants do not operate the premises as a bar. In addition, there is no proposal for off-sales of alcohol. This means the proposed licence would not allow customers to take drinks outside the premises to drink on the street.

As you may know, we are currently undertaking some improvement works to the building. Thereafter we will carefully vet proposed tenants to enter a lease for the premises. We will ensure any tenant is a professional restaurant operator in keeping with Lexington Street.

Thank you for your consideration of this letter. Please do not hesitate to contact us if you have any queries arising, or alternatively would like to arrange a meeting to discuss our proposals further.

Yours sincerely



Rob Kirk
Shaftesbury Carnaby Plc

Shaftesbury

Carnaby

Sir Norman Rosenthal
47 Lexington Street
London
W1F 9AW

10 October 2017

Dear Sir Rosenthal,

**Application for a Premises Licence 17/09666/LIPN
49 Lexington Street, W1F 9AP**

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Yours sincerely



Rob Kirk
Shaftesbury Carnaby Plc

Shaftesbury Carnaby

Miss Eva Rosenthal
First Floor Flat
47 Lexington Street
London
W1F 9AW

10 October 2017

Dear Miss Rosenthal,

**Application for a Premises Licence 17/09666/LIPN
49 Lexington Street, W1F 9AP**

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Yours sincerely



Rob Kirk
Shaftesbury Carnaby Plc

Shaftesbury Carnaby

Miss Nicole Stewart
51 Lexington Street
London
W1F 9AR

10 October 2017

Dear Miss Stewart,

**Application for a Premises Licence 17/09666/LIPN
49 Lexington Street, W1F 9AP**

Westminster City Council have provided us with a copy of your representation in respect of our premises licence application. We would be grateful for your consideration of this letter, which we hope will help to address the concerns you have raised.

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Yours sincerely



Rob Kirk
Shaftesbury Carnaby Plc

Shaftesbury Carnaby

Mr Andrew Edmunds
44-46 Lexington Street
London
W1F 0LW

10 October 2017

Dear Mr Edmunds

**Application for a Premises Licence 17/09666/LIPN
49 Lexington Street, W1F 9AP**

Westminster City Council have provided us with a copy of your representation in respect of our premises licence application. We would be grateful for your consideration of this letter, which we hope will help to address the concerns you have raised.

Sadly, the previous owner of the restaurant passed away earlier this year. His company became insolvent some time prior to his death. As a result, the restaurant's premises licence lapsed. This means we had to apply for a new premises licence.

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Yours sincerely



Rob Kirk
Shaftesbury Carnaby Plc

Licence & Appeal history

Application	Details of Application	Date determined	Decision
05/08473/LIPC	This is the converted licence.	19.09.2005	Granted under Delegated Authority
06/06281/WCCMAP	This is the master copy of the licence.	26.09.2005	Granted under Delegated Authority
09/01654/LIPT	This was a request to transfer the licence. This licence lapsed on 27.03.2014.	27.04.2009	Granted under Delegated Authority

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: 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.

Conditions proposed by the applicant

Conditions reproducing the effect of conditions subject to which the relevant existing licences have effect

Conditions for Sale of Alcohol

9. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.
10. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises.

Conditions which reproduce the effect of any restriction imposed on these of the premises by specified enactments

11. Alcohol may be sold or supplied:
- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10:00 to 00:00.
 - (b) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12:00 to 23:30.
 - (c) On Christmas Day: 12:00 to 22:30;
 - (d) On New Year's Eve, except on a Sunday, 10:00 to 23:00.
 - (e) On New Year's Eve on a Sunday, 12:00 to 22:30.
 - (f) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

- (b) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

- 12. Alcohol shall not be sold or supplied unless the premises have been structurally and bona fide used, or intended to be used, for the purposes of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises.
- 13. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Conditions proposed by the Environmental Health

- 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.

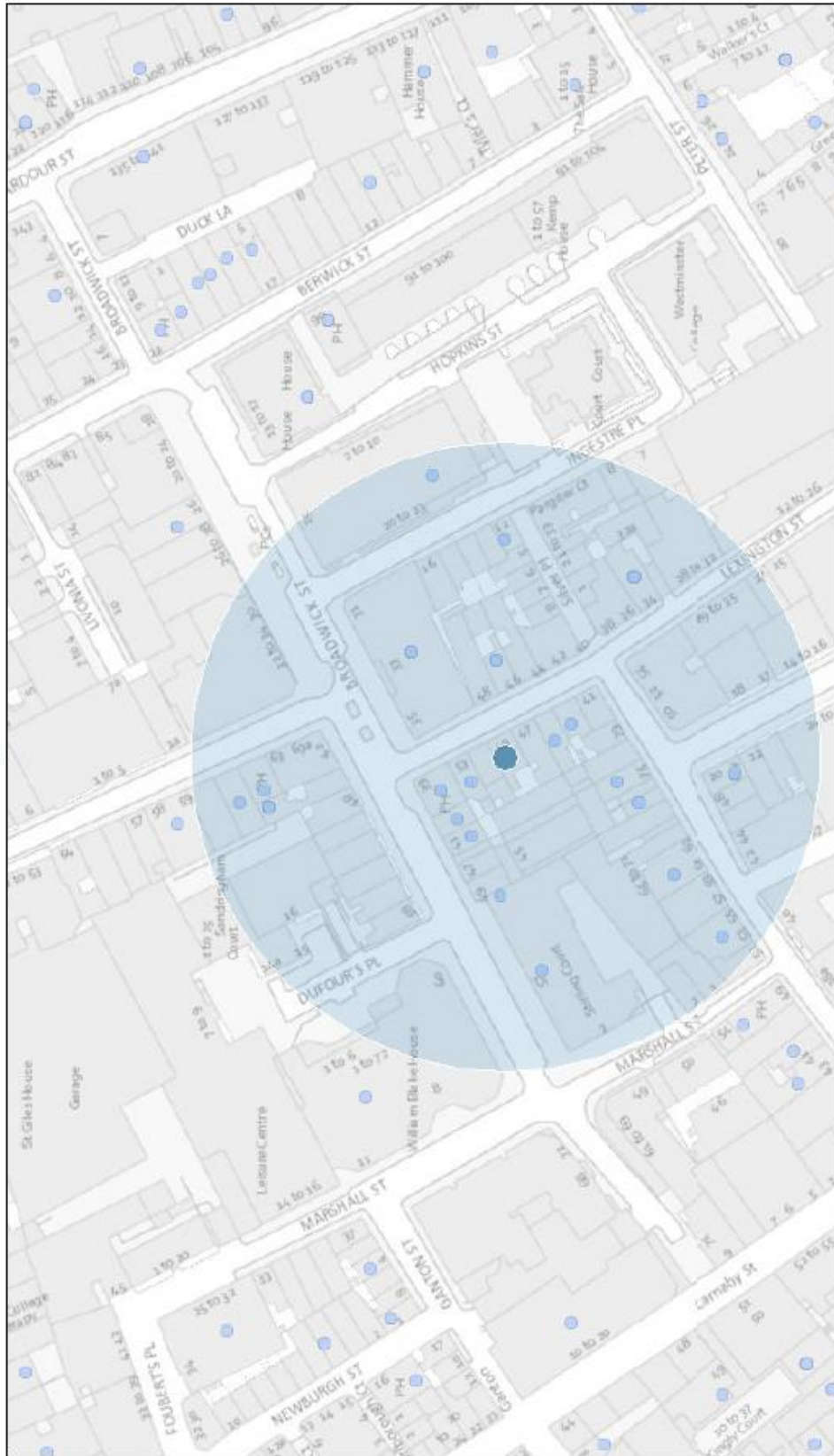
Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

15. 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
16. 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.
17. 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
18. 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
19. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order
20. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided
21. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means
22. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device

23. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous
24. All tables and chairs shall be removed from the outside area by 23.00 hours each day
25. After 23:00 hours, no customers shall be permitted to use the open garden at the rear of the premises
26. 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
27. The door opening on to the beer garden and the entrance door shall be kept closed after 23:00 hours except for the immediate access and egress of persons
28. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance
29. Loudspeakers shall not be located in the entrance lobby or outside the premises building including the rear open beer garden
30. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device
31. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly
32. After 23:00 hours 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
33. Notices shall be prominently displayed at the rear open garden and front outside area requesting patrons to respect the needs of local residents and use the area quietly
34. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times

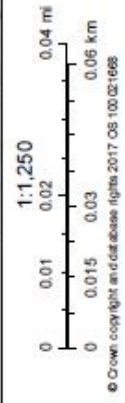
35. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day
36. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 hours and 08.00 hours on the following day
37. No deliveries to the premises shall take place between 23.00 hours and 08.00 hours on the following day.
38. No licensable activities shall take place at the premises until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and at which time this condition shall be removed from the Licence by the Licensing Authority
39. No licensable activities shall take at the premises until the capacity of the premises has been assessed by the Environmental Health Consultation Team and a condition detailing the agreed capacity so determined has replaced this condition on the Licence.
40. 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 situated

49 Lexington Street



October 6, 2017

● Live Licensing Act



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