

# Licensing Sub-Committee Report

Item No:	
Date:	5 July 2018
Licensing Ref No:	18/04918/LIPN - New Premises Licence
Title of Report:	Abuelo 26 Southampton Street London WC2E 7JA
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 76412751 Email: hlawrance@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	1 May 2018		
<b>Applicant:</b>	Abuelo Covent Garden Limited		
<b>Premises:</b>	Abuelo		
<b>Premises address:</b>	26 Southampton Street London WC2E 7JA	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	According to the application, the premises currently operates as a cafe/restaurant.		
<b>Premises licence history:</b>	This is an application for a new premises licence and therefore no history exists.		
<b>Applicant submissions:</b>	None submitted.		

1-B Proposed licensable activities and hours							
<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			On Sales
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	08:00	10:00
<b>End:</b>	22:00	22:00	22:00	22:00	23:00	23:00	22:00
<b>Seasonal variations/ Non-standard timings:</b>		None applied for.					

Amended Hours for Sale of Alcohol:

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			On Sales
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	10:00
<b>End:</b>	22:00	22:00	22:00	22:00	23:00	23:00	22:00
<b>Seasonal variations/ Non-standard timings:</b>		None applied for.					

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	08:00	10:00
<b>End:</b>	22:00	22:00	22:00	22:00	23:00	23:00	22:00
<b>Seasonal variations/ Non-standard timings:</b>		No applied for.					

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Consultation Team ( <i>Withdrawn</i> )
<b>Representative:</b>	Mrs Sally Fabbriatore
<b>Received:</b>	18 <sup>th</sup> May 2018

I refer to the application for a new Premises Licence for the above premises.

**The premises are situated in the West End Cumulative Impact Area as stated in City of Westminster's Statement of Licensing Policy.**

This representation is based on the Operating Schedule and the ground floor plan of the premises, this does not have a drawing number and it has not been dated.

The applicant is seeking the following on the **ground floor**:

1. To allow the Supply of Alcohol 'on' the premises Monday to Thursday 08:00 – 22:00, Friday and Saturday 08:00 -23:00 hours and Sunday 10:00-22:00 hours.

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

1. The provision of the Supply of Alcohol may cause an increase in Public Nuisance in the cumulative impact area, it may also impact on Public Safety.

The applicant has proposed conditions within the operating schedule which are being considered. Further conditions may be proposed by Environmental Health in order to help prevent Public Nuisance and protect Public Safety.

It does not appear there is a customer WC. Reference should be made to the British Standard 6465-1:2009 Sanitary Installations - Table 10. If customers are to dine in the premises, customer facilities will need to be provided.

**The granting of the new Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the cumulative area and may impact on Public Safety.**

**Further comments:**

You mentioned private bookings, would the alcohol still be to people eating or would you operate it as a standing bar?

Please find my proposed conditions attached, let me know your thoughts and if you are agreeable to them.

I have double checked your plan and it does include some of the outside area, so I have conditioned this as well.

With regard to the timings for the sale of alcohol you said you would be in agreement to amend the start time to 10:00 hours Monday to Sunday to be more in line with The Council's Core Hours policy – (save for Sundays)). Please confirm if you are happy to amend your application.

This is the link to the Food Standard's Agency website and the documented food safety system. It is a legal requirement to have a documented food safety system and this is one example of how you can fulfil this requirement, you can of course write your own, but this is a good guide - <https://www.food.gov.uk/business-guidance/safer-food-better-business>

Allergen guidance – <https://www.food.gov.uk/business-guidance/allergen-information-for-different-business-types> (there are quite a few pages about this)

*Response:*

With respect to the private bookings, they operate as a time slot that is a restaurant booking for dining. We only take bookings if all patrons are seated and eating. As we are very small, our business is structured to promote our beautiful food, meaning we can't afford to allow customers to take a space without spending money on food. When we are able to serve alcohol, the drinks will still be secondary to the food, as we don't see that we can afford to have people sitting and drinking only, nor do we want to look like a bar. We have set it up to look like a homely dining space. Our bookings are normal restaurant reservations and the private bookings are only when the group is big enough to take over the whole space, but sitting down for a time slot that is limited. As you could see, we don't have space to serve people if they are standing as they would be in our way.

I have no problem with your proposed conditions.

*Response:*

I will be now withdrawing my representation due to you agreeing my proposed conditions and you have amended your hours as detailed in the attached email.

***Conditions have now been agreed in this matter and as a result Environmental Health have now withdrawn their representation.***

<b>Responsible Authority:</b>	Metropolitan Police Service <b>(Withdrawn)</b>
<b>Representative:</b>	PC Cheryl Boon
<b>Received:</b>	9 <sup>th</sup> May 2018

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be objecting to this application at this stage in the application process. The venue is situated inside Westminster's Cumulative Impact Area and it is our belief that if granted the application would undermine the Licensing Objectives.

I have looked through the application and as per our telephone conversation earlier we would like to attend your venue to discuss your plans as feel there are insufficient undertakings at this stage. Myself and my colleague PC Russell will be attending 1pm on Friday 9<sup>th</sup> May 2018 to discuss this fully and then try and propose licensing conditions for your application.

If you have any questions in the meantime then please do not hesitate to contact me.

**Further comments:**

Thank you for taking the time to meet with us last week. As promised, below are the conditions proposed by the Metropolitan Police. Please let us know whether you would agree to them being added to any future operating schedule should a licence be granted. If you are able to do this it may enable us to withdraw our representation. If you have any questions or queries please do not hesitate to get in touch

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

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

3. 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.

4. 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.

5. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

6. 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.

7. 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.

8. There shall be no self-service of alcohol.

I trust you find this satisfactory and I look forward to your prompt response.

*Response from applicant:*

Everything is totally acceptable and I look forward to hearing further.

*Response from MET Police:*

Thanks for your prompt response.

Based on your agreement to the conditions below being added to any future operating schedule

the police representation is now withdrawn.

***As a result of the agreement of conditions, the MET Police Service have now withdrawn their representation.***

<b>Responsible Authority:</b>	Licensing Authority
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<b>Representative:</b>	Miss Daisy Gadd
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<b>Received:</b>	18 <sup>th</sup> May 2018
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I write in relation to the application submitted for a New Premises Licence for Abuelo, situated at [26 Southampton Street](#).

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of children from harm

The application seeks to permit the following licensable activities:

- Supply of alcohol (on):  
Monday to Thursday: 08:00 to 22:00  
Friday to Saturday: 08:00 to 23:00  
Sunday: 10:00 to 22:00

The premises is located within the West End Cumulative Impact Area and as such a number of policy points must be considered, namely CIP1, HRS1 and RNT2.

The hours applied for licensable activities currently fall outside of Westminster's core hours. The Licensing Authority would like to encourage the applicant to consider reducing the commencement hours for licensable activities to be in line with those of Westminster's core hours, which are the following:

Monday to Saturday: 10:00  
Sunday: 12:00

This application currently falls within policy RNT2. The applicant has accepted the Metropolitan Police's proposal of model condition 66. However, the applicant must also demonstrate that the operation of the premises will not add to cumulative impact in the Cumulative Impact Area. No additional information has been received which addresses this policy concern, and the Licensing Authority encourages the applicant to provide further submissions as to how the premises will not add to cumulative impact.

Further discussions will be held with the applicant prior to the hearing and any further submissions will be forwarded on for Members information.

Please accept this as a formal representation.

*Response:*

I wish to offer some further information specific to your concerns in the Cumulative Impact Area

within which we fall. I am totally understanding of any concern that would make the impact of alcohol greater in this area, especially since my family and I are also residents of Covent Garden.

Firstly, I would like to point out that our premises are very small, seating up to 20. We have been operating since 17th March this year and we are happy with the way our food has been received so far, however it is clear that the customer base in this area do prefer to have a drink with their food. We always intended to apply for a licence but we wanted to get our operation open first so that we could understand fully what the customers wanted.

We do not intend to turn our premises into a bar and or serve alcohol without substantial food.

We agreed to the condition of only serving alcohol with food as it is our intention to continue to promote our food as our focus, and a glass of wine would accompany that, in that order.

As I live in Apartment 8/ 1 Exchange Court, off Maiden Lane (only around the corner from our shop in Southampton St) I am well aware of the impact of drinking numbers in the area and believe that our customers are not the same as those wishing to drink only to get drunk. I already am impacted by the activity and noise of the surrounding pubs (we live behind the Porterhouse).

We are not wanting a liquor licence to create more nuisance to our own area.

We also agree that alcohol would not be consumed on the footpath unless in a plastic cup, however we do not want to allow any drinking outside our premises *at all* as again I want to reiterate that our alcohol licence would simply be used for the sake of having a glass of wine with dinner, not to become a bar or drinking hot spot.

As I said, we do not intend for drinkers to be served standing inside *or* outside - alcohol would only be served to customers seated and eating. This is something that is not possible regardless as we simply do not have the space for people to stand. We have a healthy menu that attracts a stylish, quiet crowd looking to step away from that scene, and in the time that we have been operating we have not seen any drunk people coming from the pubs to eat at our place after already consuming alcohol as it is simply not the vibe. It is possible that they are different clientele, looking for a different night out.

We have spent a lot of money on our fit out, we have expensive furniture and paintings and as an architect I have gone through an immense effort to create the interiors - meaning I do not want to encourage any rowdy, drunkenness. I have had a liquor licence in Sydney and Melbourne in the past and never had any problems, so I am aware of the responsibilities that come with this territory.

I want to also point out that the rent in Covent Garden is incredibly high and for a space as small as ours we need to trade from morning until night to make enough money to continue our business - unfortunately the evening food service is almost entirely hampered by our lack of an alcohol menu. People in the area are going out to the theatres and so on and want to have a glass of wine with dinner and we are not able to compete with other small restaurants in the area without that. Unfortunately we do need a wine list to encourage the sale of our dinner menu. Our proposed liquor menu would be very small and include two red wines, two white wines, two beers and 4 cocktails.

Having said the above I truly believe that if we are granted a liquor licence and we manage it within our small space as a drink that is ordered with food, we will not be adding to public nuisance or crime in the area, nor placing the public, in particular children, at risk.

With respect to the opening hours, Monday to Saturday at 10.00am is fine but I would like to

also ask for 10.00am on Sunday as we are a popular brunch location and with that it is not uncommon for customers to want a glass of champagne or prosecco with the food that we serve, which is more of an 'all day' dining serving full size meals of eggs, fritters, roast vegetables, lamb tostados and salads, in other words substantial food not muesli and muffins. I have attached our menu for your information.

I hope this information answers your concerns.

<b>2-B Other Persons</b>	
<b>Name:</b>	Covent Garden Community Association
<b>Received:</b>	4 <sup>th</sup> June 2018
<p>This representation is being made on behalf of the Covent Garden Community Association.</p> <p>We do not have an objection to the nature of the operation described by the general description of the premises. However this is not reflected in the operating schedule. If the premises were granted a licence without these restrictions it could operate in a way which would harm the Public Nuisance Licensing Objective.</p> <p>We would like to have the following conditions, which reflect the description, included on the face of the licence.</p> <p>the sale of alcohol shall only be made when ancillary to a substantial table meal (to include a sharing plate of cheese and charcuterie etc) and only to seated customers.</p> <p>The alcohol supplied shall be restricted to wine only</p> <p>We would also like the applicant to propose a seated capacity and for this to be included on the Licence</p>	
<b>Received:</b>	24 <sup>th</sup> May 2018
<p>This licence is to run too late in an already crowded bar area that is mainly residential, and can only contribute to more late night noise, especially at the weekend.</p>	
<b>Received:</b>	27 <sup>th</sup> May 2018
<p>Please note the following comments. :</p> <p>Southampton Street is predominantly residential and centrally located in the wonderful vibrant Covent Garden Conservation area. The above venue is completely surrounded by residential properties - adjoining, above and opposite. Our historical neighbourhood daily welcomes tourists, families, business workers, theatre goers. The 7000 residents enjoy the rapport.</p> <ul style="list-style-type: none"> <li>- Alcohol attracts noise and anti social behaviour, outside vertical drinkers, music,</li> <li>- Late opening hours not acceptable</li> <li>- Currently black plastic trash bags and cardboard food containers (not crushed) are left overnight on the public footpath by Abuelo staff. This is attracting vermin rats and pigeons have been observed.</li> <li>- Interior bottle crusher needed for quiet glass disposal.</li> <li>- Deliveries and on site workmen not observing WCC permitted hours regulations</li> </ul> <p>Thank you for your attention.</p>	



### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy CIP1 applies</b>	<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>
<b>Policy HRS1 applies:</b>	<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>
<b>Policy PB2 applies:</b>	<p>It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.</p>

#### 4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

#### 5. Appendices

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

<b>Report author:</b>	Miss Heidi Lawrance Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

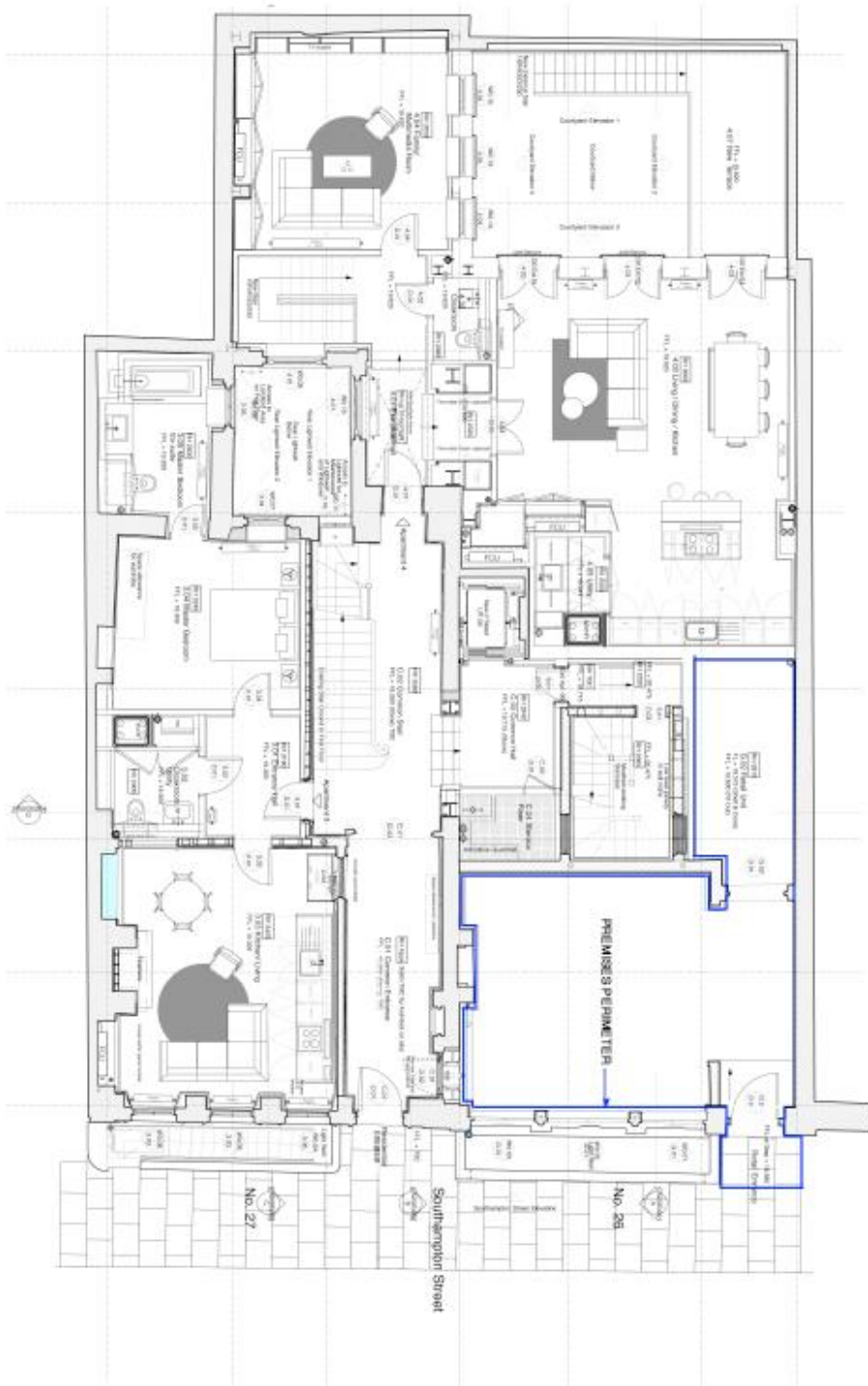
**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

#### **Background Documents – Local Government (Access to Information) Act 1972**

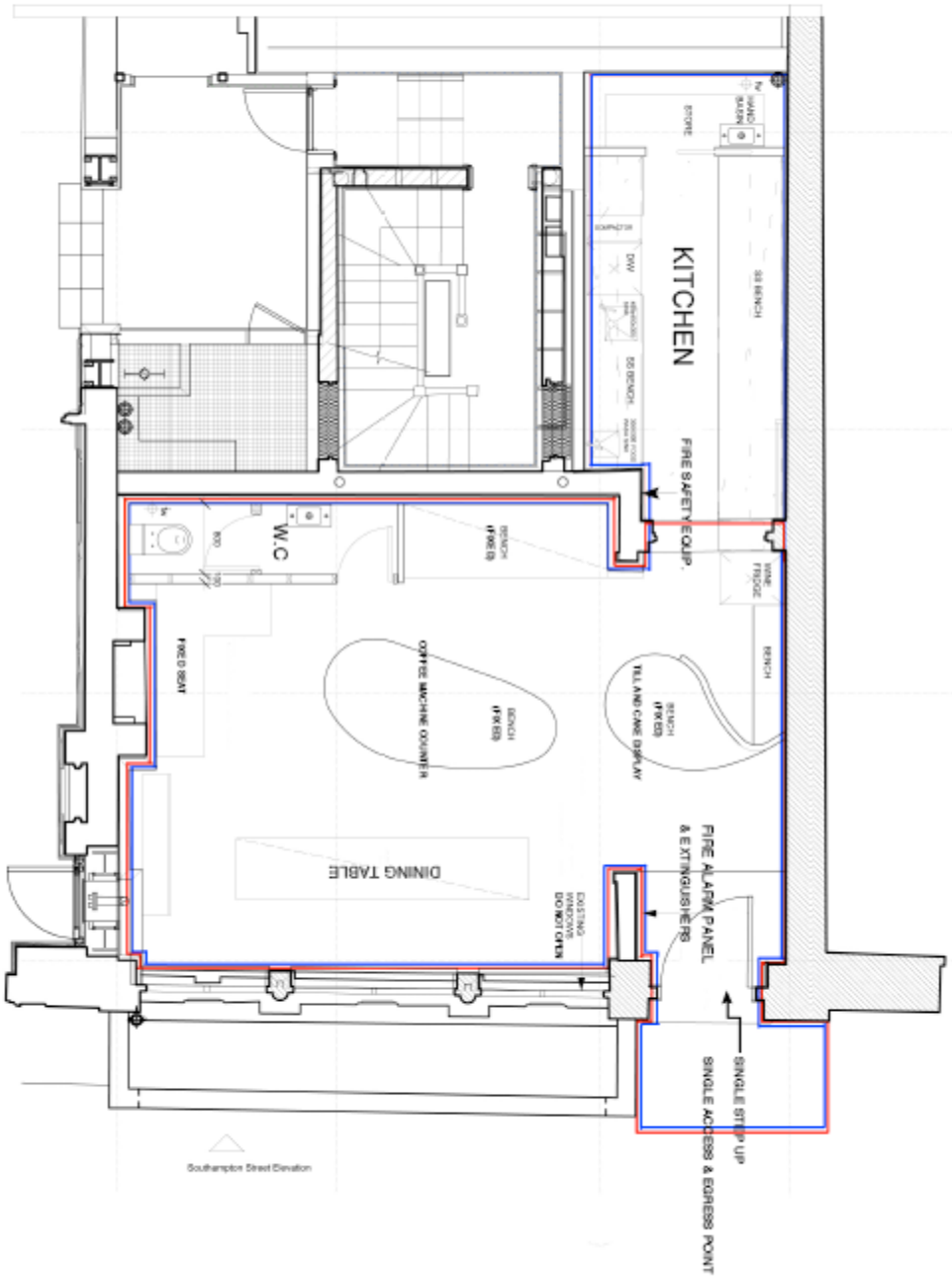
<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Application Form	1 <sup>st</sup> May 2018
<b>5</b>	Representation – Environmental Health (withdrawn)	18 <sup>th</sup> May 2018
<b>6</b>	Representation – MET Police (Withdrawn)	9 <sup>th</sup> May 2018
<b>7</b>	Representation – Licensing Authority	18 <sup>th</sup> May 2018
<b>8</b>	Representation	4 <sup>th</sup> June 2018
<b>9</b>	Representation	27 <sup>th</sup> May 2018
<b>10</b>	Representation	24 <sup>th</sup> May 2018

**Premises Plans**

WHOLE BUILDING FLOORPLAN - 2827 SOUTHAMPTON STREET



— = Area used for licensable activity  
— = Perimeter of premises



ARCHITECT  
 DE LA VEGA ARCHITECTS  
 PO. Box 1063 Woodlana 1350  
 M4013419 413 999 j@vegalava.com.au

This set of documents is to be taken in conjunction with the Building Code of Australia (BCA) and the relevant state or territory legislation. It is intended to provide a guide to the minimum requirements for the design and construction of the building. It is not intended to be a substitute for the professional advice of a qualified architect or engineer. The architect and engineer are not responsible for the design or construction of the building.



PROJECT  
 ARLETO CAFE  
 26 Southampton Street  
 Convent Garden London

PROJECT NO.  
 AC/170929

DRAWN: LD  
 SCALE: 1:50  
 DATE: 21/10/17

TITLE: **FLOOR PLAN**  
 DRAW NO: **01**  
 REV:

**Applicant Supporting Documents****EVENING MENU*****SHARE PLATES***

Market day share board:

Selection of 4 cheeses and 3 cured meats, dulce de batata, dulce de membrillo, olives, cranberry rye toast, pistachios, truffle honey, caramelized onions, and Cornish little-leaves (2 - 4 people)	30
Crunchy kale chips with garlic & cashew "cheese" (V)	6
Brown rice, chopped herbs, chilli, olive oil, honey and spice fire-roasted nuts	7
Pumpkin 'half-moons' roasted with coconut oil and pinmenton dulce (V)	7
Fresh pea crostini with mint, shaved garlic & pepper belpor knolle cows cheese and white balsamic (2) (V) opt.	8
Avocado, shaved dark chocolate and red chilli baked tostada	9
Slow cooked pulled Lamb with chipotle mayo, pickled red onion, radish and red amaranth baked tostada	9
Ripped herb salad - mint, wild garlic leaves, chives, spring onion, baby spinach, cress, avocado, chilli, grated ginger, seeds, soft cows cheese in olive oil (V) opt.	9.5
Burrata, rosemary roasted beetroot, honey, walnuts, charcoal salt	12
Smoked Paprika Arepas with organic slow cooked pulled beef, mustard mayo, semi-pickled red cabbage and raw slaw (2)	14.5
Sloppy José - Traditional beef empanada filling (minced beef, spices, olives, sultanas, red pepper) on a brioche with melted mature cheddar and a quail egg on top	13
Organic slow cooked lamb with garlic and lemon oil, labneh, mint, wild garlic, chives and spring onion	15

***PLEASE MAKE STAFF AWARE OF ALLERGIES  
VAT & SERVICE CHARGE INCLUDED***

## BRUNCH MENU

### Eggs and toast

Honey whipped mascarpone, fresh figs, crushed salted pistachios and edible flowers on toast	8
Beetroot and rosemary hummus, garlic broad beans, red amaranth and micro-greens on toast (V)	8
+ poached egg	+ 2
Huevos divorciados de Turco - Poached eggs, salsa roja and chimichurri, on a bed of Labneh, avocado and smoked paprika, served with toast	12
Sweet potato and beetroot fritters, poached egg, chipotle mayo, smoked salt, spinach & cress salad	13
Abuelo bibi' bowl of sticky black rice with a poached egg, spicy tomato salsa, noodled carrot and courgette, crunchy kale and micro-cress	12

### Meats and cheese

Mushroom toastie : gruyere, mature cheddar, truffle oil and jalapeños on sourdough (V) - vegan cheese optional	8
BBQ Croque-Monsieur : marinated organic pulled pork, caramelised balsamic onions finished with a micro-green garnish	10
Carne Provoleta : melted provolone cheese 'fondue' style with slow cooked organic beef brisket in chimichurri salsa, fresh herbs and leaves	14.5
Smoked Paprika Arepa (corn pancake) with organic slow cooked pulled beef, mustard mayo, semi-pickled red cabbage and raw slaw	15

### Salads and veg

Roasted sweet potato, pumpkin, purple & yellow carrot, turnip and potato with sumac dressing, sweet roasted nuts and seeds, goats cheese and ripped herbs (V) - vegan cheese optional	11
Ripped herb salad with mint, wild garlic leaves, chives, spring onion, cress, baby spinach, avocado, jalapeños, grated ginger, pumpkin seeds, goats cheese, olive oil (V) - vegan cheese optional	11
+Add chimichurri organic slow cooked lamb toast	+4
Vegan Summer Salad - fresh lemon hummus, red pepper salsa, semi-pickled red cabbage, broad beans, pine nuts, cashew 'cheese', spiralized veg, and little leaves (V)	12

*PLEASE MAKE STAFF AWARE OF ALLERGIES  
VAT & SERVICE CHARGE INCLUDED*

**Premises History**

There is no licence or appeal history for the premises.

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

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

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

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

### Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;



- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: 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 consistent with the operating schedule – replaced by agreed EH and MET conditions.**

9. Staff training in the awareness of alcohol service laws, the premises license and requirements. This will include selling alcohol to underage people, drunk or disorderly behaviour on or outside the premises, illicit drug use or sale, violent or anti social behaviour or harm to children. All staff will be trained on the Licensing Act and adhere to the hours of operation and the licensable activities during those hours.
10. CCTV system to be installed at the premises.
11. Signage will be displayed to request that our staff and customers respect the needs of residents and leave quietly.
12. Deliveries of goods will be carried out at a time or in a manner that prevents disturbance. Movement of rubbish bins will be kept to a minimum very early or late in the day to avoid disrupting sleep of residents nearby.
13. Adopt a 'challenge 25' strategy which encourages anyone over 18 but looks under 25 to display true ID if they intend to purchase any alcohol. All staff will be well trained on this.

**Conditions proposed by the Police, agreed by the applicant**

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. 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.

17. 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.
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
19. 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.
20. 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.
21. There shall be no self-service of alcohol.

**Conditions proposed by the Environmental Health, agreed by the applicant**

22. The number of seated persons on the ground floor (excluding staff) shall not exceed 20 persons.
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. 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.
25. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
26. 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.

27. All tables and chairs shall be removed from the outside area by (23.00) each day.

**Conditions Proposed by the Covent Garden Community Association:**

28. The sale of alcohol shall only be made when ancillary to a substantial table meal (to include a sharing plate of cheese and charcuterie etc) and only to seated customers.

29. The alcohol supplied shall be restricted to wine only.

Residential Map and List of Premises in the Vicinity



<b>Premises within 75 metres of: Abuelo, 26 Southampton Street, WC2E 7JA</b>			
<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Licensed Hours</b>
18/00927/LIPDP S	Covent Garden Grind	42 Maiden Lane London WC2E 7LJ	Monday to Thursday; 10:00 - 23:30  Friday to Saturday; 10:00 - 00:00  Sunday; 12:00 - 22:30
15/11428/LIPDP S	Wagamama	1A Tavistock Street London WC2E 7PA	Monday to Saturday; 10:00 - 00:30  Sunday; 12:00 - 00:00
18/01122/LIPDP S	The Ivy Market Grill	1A Henrietta Street London WC2E 8PS	Monday to Thursday; 07:00 - 00:30  Friday; 07:00 - 01:00  Saturday; 08:00 - 01:00  Sunday; 08:00 - 23:30
16/12576/LIPDP S	Maple Leaf	Ground Floor 41 Maiden Lane London WC2E 7LJ	Monday to Thursday; 10:00 - 23:30  Friday to Saturday; 10:00 - 00:00  Sunday; 12:00 - 22:30
16/10196/LIPCH	Franco Manca	38 - 39 Maiden Lane London WC2E 7LJ	Monday to Saturday; 10:00 - 23:30  Sunday; 12:00 - 23:00
17/10013/LIPDP S	Masons Cafe Bar	Basement And Ground Floor 5 - 6 Henrietta Street London WC2E 8PS	Monday to Saturday; 07:30 - 00:00  Sunday; 09:00 - 23:30
16/10339/LIPVM	Honest Burgers	Basement To First Floor 33 Southampton Street London WC2E 7HE	Monday to Saturday; 10:00 - 00:30  Sunday; 12:00 - 00:00  Sundays before Bank Holidays; 12:00 - 00:30
17/09679/LIPCH	Da Polpo	Ground Floor 6 Maiden Lane London WC2E 7NA	Monday to Thursday; 10:00 - 00:00  Friday to Saturday; 10:00 - 00:30  Sunday; 10:00 - 23:00

			Sundays before Bank Holidays; 09:00 - 00:30
18/00718/LIPDPS	Thai Pin Restaurant	Ground Floor 7 - 8 Maiden Lane London WC2E 7NA	Monday to Saturday; 10:00 - 00:30  Sunday; 12:00 - 00:00
10/09349/LIPD	Prima Saponi D'Italia	Basement To Second Floor Hudson House 8 Tavistock Street London WC2E 7PP	Monday to Saturday; 08:00 - 21:00  Sunday; 10:00 - 21:00
17/02037/LIPN	The Frog	35 Southampton Street London WC2E 7HE	Monday to Thursday; 08:00 - 00:00  Friday to Saturday; 08:00 - 00:30  Sunday; 08:00 - 23:00  Sundays before Bank Holidays; 08:00 - 00:30
12/06980/LIPN	Prima Saponi D'Italia	Unit 2 Jubilee Hall Jubilee Market The Piazza Covent Garden London WC2E 8BE	Monday to Saturday; 08:00 - 23:00  Sunday; 10:00 - 22:30
15/00660/LIPT	Rules Restaurant	34-35 Maiden Lane London WC2E 7LB	Monday to Saturday; 10:00 - 00:30  Sunday; 12:00 - 00:00
10/05496/LIPN	Hola Paella	28B The Piazza Covent Garden London WC2E 8RD	Monday to Saturday; 09:00 - 23:00  Sunday; 09:00 - 22:30
10/05017/LIPV	Andronicas World Of Coffee	28B The Piazza Covent Garden London WC2E 8RD	Monday to Friday; 08:00 - 00:30  Saturday to Sunday; 10:00 - 00:30
17/08680/LIPN	Andronicas World Of Coffee (Shadow 27B The Piazza)	28B The Piazza Covent Garden London WC2E 8RD	Monday to Saturday; 08:00 - 00:30  Sunday; 10:00 - 00:30
16/06937/LIPCH	Punch And Judy Public House	The Punch And Judy 40 The Market Covent Garden London WC2E 8RF	Monday to Thursday; 10:00 - 23:30  Friday to Saturday; 10:00 - 00:00  Sunday; 12:00 - 22:30  Sundays before Bank Holidays; 12:00 - 23:30



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