

Licensing Sub-Committee Report

Item No:	
Date:	20 September 2018
Licensing Ref No:	18/08241/LIPN - New Premises Licence
Title of Report:	The Flying Pie, Ground Floor 10 New Row London WC2N 4LH
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 Michelle Steward Senior Licensing Officer
Contact details	Telephone: 020 7641 1872 Email: msteward1@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	9 July 2018		
Applicant:	The Flying Pie Ltd		
Premises:	The Flying Pie, Ground Floor		
Premises address:	10 New Row London WC2N 4LH	Ward:	St James's
		Cumulative Impact Area:	West End
Premises description:	The applicant proposes to operate this premises as a restaurant.		
Premises licence history:	This is a new premises licence and therefore no licence history exists		
Applicant submissions:	There are no submissions from the applicant		

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	
End:	23:30	23:30	23:30	23:30	23:30	23:30	
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.					
		Until 23:30 on any Bank Holiday Sunday					

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:30
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.					
		Until 23:30 on any Bank Holiday Sunday					

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:	23:30	23:30	23:30	23:30	23:30	23:30	22:30
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.					
		Until 23:30 on any Bank Holiday Sunday					
Adult Entertainment:	N/A						

2. Representations

2-A Responsible Authorities

Responsible Authority:	Environmental Health Consultation Team
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Representative:	Sally Fabbricatore
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Received:	1 st August 2018
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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 submitted plans for the ground floor and basement, drawing number 1369-100 and dated 11/6/18.

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

1. To allow the Supply of Alcohol 'on' and 'off' the premises Monday to Saturday 10:00-23:00 hours and Sunday 12:00-22:30 hours.
2. To allow the provision of Late Night Refreshment 'indoors' Monday to Saturday 23:00-23:30 hours.
3. To allow the above provisions from the end of permitted hours of New Year's Eve to the start of permitted hours on New Year's Day and until 23:30 hours on a Sunday prior to a Bank Holiday.

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.
2. The provision of Late Night Refreshment may cause an increase in Public Nuisance in the cumulative impact area.
3. The non-standard timings may cause an increase in Public Nuisance in the cumulative impact area.

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.

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

Responsible Authority:	Licensing Authority
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Representative:	Miss Daisy Gadd
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Received:	30 July 2018
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I write in relation to the application submitted for a New Premises Licence for Flying Pie, situated at 10 New Row.

As a responsible authority under section 13(4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2003 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 licence the following activities:

- Late Night Refreshment:
 - o Monday to Saturday: 23:00 to 23:30
- Supply of alcohol (both):
 - o Monday to Saturday: 10:00 to 23:00
 - o Sunday: 12:00 to 22:30

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

According to the application form, the premises intends to operate as a restaurant with the applicant proposing model condition 66 to be added to the operating schedule of the licence, should this application be granted. This application should then be considered under policy RNT2 which states that "Applications will be granted subject to other policies...provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas".

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. Furthermore, the Licensing Authority is concerned that there is insufficient detail contained within the application form that demonstrates the proposed operation style of the premises. The applicant has applied for both on and off sales of alcohol and it would be useful if the applicant could provide further submissions, such as an operational plan, to highlight the way in which the premises intends to be managed.

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

2-B Other Persons	
Name:	████████████████████
Address and/or Residents Association:	████████████████████ ██████████ ██████████

Received:	18 July 2018
<p>5:47 PM on 18 Jul 2018 The trading hours requested end much too late.</p> <p>The supply of alcohol "both on and off the premises" will result in anti-social behaviour.</p> <p>This is a residential area and residents deserve a decent night's sleep.</p>	
Name:	██████████
Address and/or Residents Association:	██████████ ██████████ ██████████ ██████████
Received:	31 July 2018
<p>The CGCA has reviewed this application. We understand that the premises will operate as a sit down restaurant with some limited service at a counter. The conditions include MC66, including the statement that there will be no supply of food or drink for immediate consumption. The operation of this type of premises, despite the conditions offered in the application, is still capable of harming the Licensing Objective of the Prevention of Public Nuisance through noise from the premises themselves, whether from plant, equipment or customers. New Row is a narrow Street with residential accomodation on upper floors. In order to promote the Licensing Objectives we would ask that MC 12 be included on the Licence.</p> <p>This states as follows:</p> <p>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. This will ensure that if there was an issue with noise associated with the premises it can be addressed through the Licence Conditions.</p> <p>Please could this condition be included on the Licence when granted.</p>	
Name:	██████████
Address and/or Residents Association:	██████████ ██████████ ██████████
Received:	26 July 2018
<p>Further to my telephone conversation yesterday with one of the Licensing team, I would like to confirm our discussion in writing.</p> <p>I have been a resident at 19 New Row, WC2N 4LA for 35 years and since the above application by THE FLYING PIE at 20 New Row - if granted - would not only affect the residents of 19 New Row, but all surrounding residential properties, I am voicing my objection with this e-mail. The official objection will follow, but in the meantime, I would also like to mention that the staff of THE FLYING PIE frequently stand outside the premises and invite pedestrians to sample their food inside. This takes place until late at night - sometimes until 11 p.m. and beyond.</p> <p>The bedrooms of the 19 New Row residents face the entrance to THE FLYING PIE and as you can imagine, this 'pavement soliciting' added to the busy flow of tourists, makes it impossible to get some sleep.</p> <p>There is already a Mexican restaurant on the ground floor of 19 New Row, 3 pubs - one on the corner of St. Martin's Lane, the Roundhouse and one next to Tesco's selling alcohol and granting another license to a restaurant in this small and busy road would cause serious distress to residents.</p>	
<p>Further Correspondence from ██████████ received 1 August 2018</p>	

I have already sent an e-mail to licensing@westminster.gov.uk on July 26 which contains the reasons for my objection. Here is a summary: my flat's bedroom faces THE FLYING PIE's entrance directly and since the opening, staff stand outside and invite passersby to try their pies inside. This frequently takes place until 11.30 p.m. and sometimes takeaways are provided. This activity, plus the constant stream of tourists passing through New Row, makes it impossible to go to sleep. 19 New Row has a Mexican restaurant on the ground floor and there are 4 pubs in the vicinity which already cause distress to residents and, therefore, I strongly object to the granting of the above license.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	5 August 2018

8:24 PM on 05 Aug 2018 As it is, New Row is already heavily congested, filthy with overnight rubbish and very noisy. Granting an alcohol licence to Flying Pie will only increase the flood of late-night revelers streaming down the street with loud conversation, screams and, not infrequent quarrels and fights. They would not hesitate to stop over at the said restaurant to continue with their antics. Flying Pie continues to offer service into late hours of the night. I know this because I live on the first floor of the flat overlooking them. Sometimes it goes on till midnight. They also keep their marquee light on all night, contributing to light pollution, one added obstacle, when trying to sleep.

I have to add, that the Mexican restaurant right below me, serves alcohol out on the pavement (which I don't know if that is legal), so clients congregate, carousing and smoking under my window. I can only foresee the same if the Flying Pie joins in. Thank you.

Name:	[REDACTED]
Address and/or Residents Association:	
Received:	4 August 2018

I am writing to object to the above application because I live opposite the Flying Pie

My bedroom and sitting room are at the front of the property, overlooking the premises

The ground floor of 10 New Row was previously occupied by Scotts, a sandwich bar which closed around 4pm. The Flying pie is open until 11pm, sometimes closing later

The Flying Pie is already creating more noise than the sandwich bar used to and i'm concerned that an alcohol license will only increase that noise

2-B Other Persons	
Name:	Covent Garden Community Association

Address and/or Residents Association:		Covent Garden Community Association	
Status:	Valid	In support or opposed:	Opposed
Received:	6 August 2018		

This representation is being made by the Covent Garden Community Association (CGCA). The CGCA is recognised by both Camden and Westminster as the Amenity Society for the Covent Garden area (defined as the area bounded by High Holborn, New Oxford Street, Charing Cross Road, St. Martin's Place, Northumberland Avenue, Victoria Embankment, Lancaster Place, Aldwych and Kingsway) and so represents the interests of those who live and work in this area. The CGCA's Licensing Subcommittee is authorised by the Association to make Representations on any Licensing Applications which the Subcommittee believes may have an effect on local residents or other members of the community through likely impact on one or more of the Licensing Objectives. This authorisation was last renewed at a meeting of the Executive Committee of the CGCA on 5th December 2017.

The premises for which this application is being made are situated on New Row at its junction with Bedfordbury. There is residential accommodation opposite the premises on both New Row and Bedfordbury. A map showing residential accommodation in the vicinity is attached.

Current Situation

The last use of the premises was as a daytime café which closed at around 6pm each day. The current use as "The Flying Pie" started some weeks ago and has already caused public nuisance for residents on New Row and Bedfordbury. This has mainly been noise from people outside, both customers of the premises and staff of the premises touting for business on the street. We believe that if the licence is granted as applied for this will continue and so harm the Licensing Objective of the Prevention of Public Nuisance.

Proposed Licence

This is an application for a New Licence for Late Night Refreshment (23:00-23:30) Monday to Saturday and the Sale of Alcohol until 23:00 (22:30 on Sunday). The premises is described as a restaurant and MC66 is proposed which restricts the sale of alcohol to seated customers eating a substantial table meal. **Covent Garden Community Association.**

CGCA's View

Whilst The Flying Pie is proposing to operate as a restaurant with MC66 conditions we are concerned that this type of operation, which will tend to have a shorter dwell time than a more traditional full service restaurant, may add to the cumulative impact on the area out of proportion to the relatively small size of the premises. We are also concerned that the fact that the premises is able to sell hot food for immediate consumption up until 23:00 will also add to public nuisance in the area because of people arriving, queuing and eating in the vicinity of the premises.

Because of these concerns we would ask the licence granted is modified as follows:

LNR is refused (so sale of hot food must cease at 23:00)

Sale of alcohol ends at 22:30 (keeping the additional 30 minutes wind down time proposed by the applicant).

The following conditions are added to the Licence:

Condition	Reason
No queuing is permitted outside the premises after 20:00	To ensure that people queuing do not cause a public nuisance in the vicinity of the premises.
All windows and external doors shall be kept closed after 20:00 hours except for the immediate access and egress of persons. (MC14)	To reduce noise in the vicinity
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. (MC12)	To ensure that enforcement action can be taken against public nuisance from noise
No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20.00 hours and 08.00 hours on the following day. (MC35)	To reduce impact on residents
No deliveries to the premises shall take place between 20.00 and 08.00 on the following day. (MC65)	To reduce impact on residents
No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises. The distribution of leaflets or similar promotional material, including samples of food is also prohibited within the specified area. The area shall include New Row, Bedfordbury, Bedford Street and King Street. This restriction shall apply from 18:00 until close on all nights of the week. (MC58)	To prevent touting for customers in the area causing a nuisance for residents in the vicinity.

3. Policy & Guidance

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

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> <ul style="list-style-type: none"> • For premises for the supply of alcohol for consumption on the premises: Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to midnight Sundays immediately prior to Bank Holidays: Midday to midnight Other Sundays: Midday to 22:30 • For premises for the supply of alcohol for consumption off the premises: Monday to Saturday: 08:00 to 23:00 Sundays: 10:00 to 22:30
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	<ul style="list-style-type: none"> • For premises for the provision of other licensable activities: Monday to Thursday: 09:00 to 23.30 Friday and Saturday: 09:00 to midnight Sundays immediately prior to Bank Holidays: 09:00 to midnight Other Sundays: 09:00 to 22:30
Policy CIP1 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.

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

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

Report author:	Miss Michelle Steward Senior Licensing Officer
Contact:	Telephone: 020 7641 1872 Email: msteward1@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	Environmental Health Service	1 August 2018
5	Licensing Authority	30 July 2018
6	Resident (Opposed)	18 July 2018
7	Resident (Opposed)	31 July 2018
8	Resident (Opposed)	1 August 2018
9	Resident (Opposed)	5 August 2018
10	Resident (Opposed)	26 July 2018
11	Resident (Opposed)	4 August 2018
12	Resident Association (Opposed)	6 August 2018

Applicant Supporting Documents

Appendix 2

None

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

9. The full menu will be available throughout the trading day (subject to a permitted wind-down period before the terminal hour of service).
10. A 30 minute drinking up time on top of the last permitted sale of alcohol to allow customers to use the toilet facilities and disperse from the premises.
11. CCTV shall be in use at the premises:
 - (i) All entry and exit points are to be covered and must provide a clear head and shoulders view.
 - (ii) The CCTV system will be of a standard capable of providing images of evidential quality and capable of facial recognition in all lighting conditions.
 - (iii) The premises licence holder shall ensure images from the CCTV are retained for a period of no less than 28 days and no more than 31 days.
 - (iv) The correct time and date will be generated onto both the recording and the real time image screen.
 - (v) The premises Licence holder shall ensure that there is at least one trained member of staff available during licensable hours to be able to retrieve CCTV images to be viewed by a police officer on request as part of an ongoing investigation into a criminal offence.
 - (vi) Footage shall be capable of being downloaded onto a portable device at the request of a police officer as part of an ongoing investigation into a criminal offence, to be provided at a time agreed and as permitted under data protection legislation. Any officer removing data will provide confirmation of how the data is to be used, stored and disposed of prior to removal in line with the data controller's legal obligations.
 - (vii) There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during all licensable hours.

Alternative conditions proposed by the Police to replace condition 11

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

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises 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.

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) any faults in the CCTV system

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

12. Other than in the areas designated for drinking and indicated in this application, no persons shall be permitted by the designated premises supervisor or persons acting under his/hers authorization to remove alcohol from the premises in an open container. Off sales are to be taken off the area marked on the licensed plan in sealed containers only.
13. Crime prevention posters/material aimed at preventing theft/loss of personal possessions will be affixed/displayed in prominent positions (agreed by Both Police and Management) within the premises.
14. A log for all incidents is to be kept and maintained. This log must be available to Police or Council Officers on request. Relevant offences will be reported to Police in good time.
15. Appropriate fire safety measures will be installed and maintained as shown on the drawings accompanying this application.
16. A refuse store of sufficient size shall be provided
17. 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.

18. Suitable receptacles will be provided within this area for cigarette litter. The Premises Licence Holder or nominated person shall ensure that the smoking area is regularly cleaned to ensure that all discarded smoking litter is removed and properly disposed.
19. The Premises Licence Holder or nominated person shall ensure that suitable signage is positioned at exits to request the co-operation of patrons, in particular to make as little noise as possible when leaving the premises. Patrons will be asked not to stand around talking in the street outside the premises or any car park; and asked to leave the vicinity quickly and quietly.
20. All staff shall be aware of the law regarding the refusal of service to any person who is drunk or is underage and shall be aware of how to seek ID from anyone who appears to be underage.
21. All staff training on the issue of underage sales to be documented and made available to responsible authorities upon request.
22. Persons under the age of 18 shall only be admitted onto the premises in the company of an adult.

23. A challenge 21 policy is employed whereby those who appear to be under the age of 21 and are attempting to purchase alcohol will be asked to provide identification.
24. The only type of identification that will be accepted is a photo driving licence, passport, PASS (Proof of Age Standards Scheme) or accredited Military identification cards.
25. Staff will be trained in this policy and records will be kept.
26. There shall be no adult entertainment, services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Conditions proposed by the Police

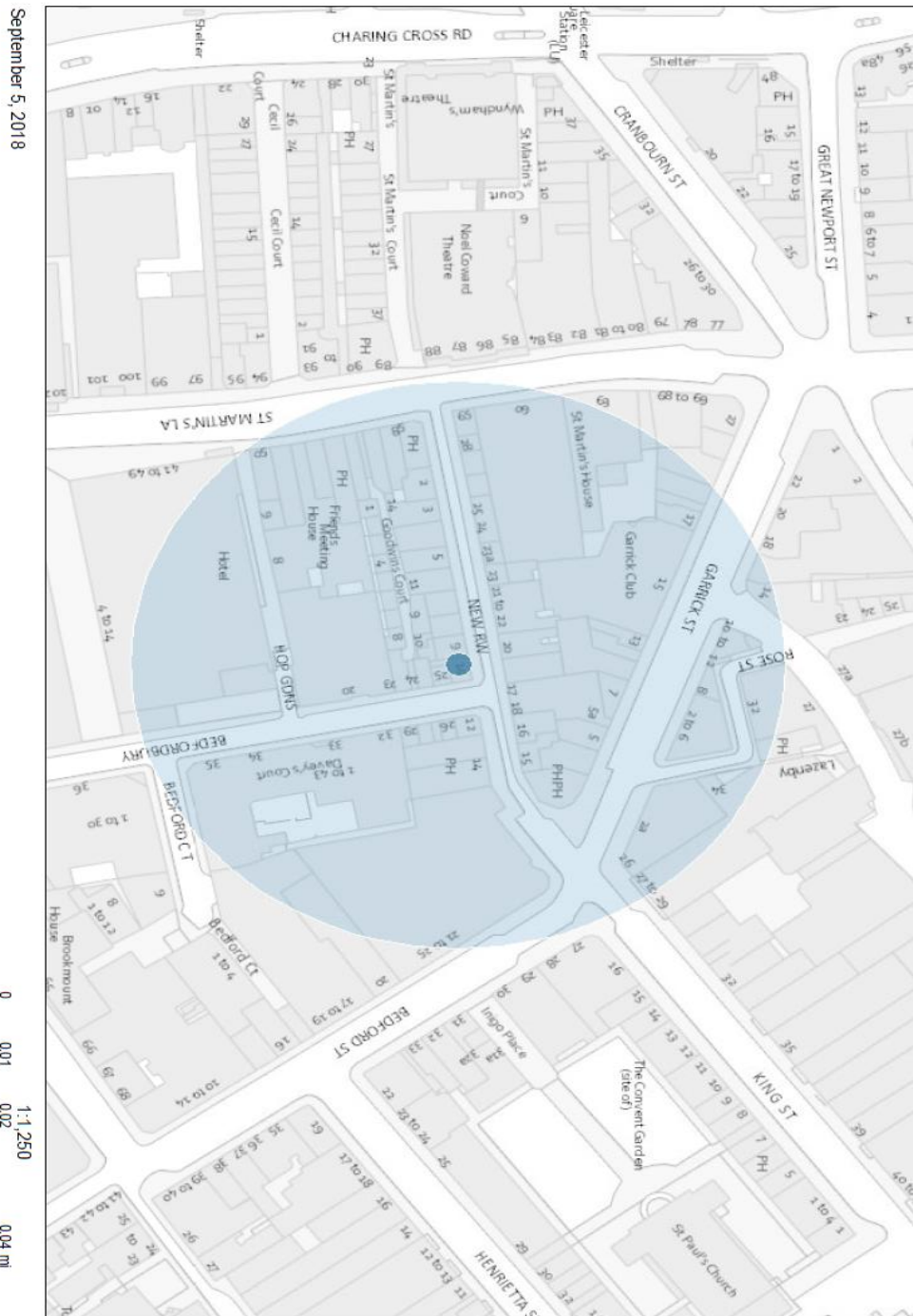
27. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually 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.
28. 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.
29. 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) any faults in the CCTV system
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service.

Conditions proposed by the Environmental Health Service

30. The number of seated persons inside the premises (excluding staff) shall not exceed 30 persons.
31. There shall be no self service of alcohol.
32. 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.
33. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
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. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
37. 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.
38. 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.
39. 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.

The Flying Pie, Ground Floor, 10 New Row, London



Resident count: 179

Premises within 75 metres of: The Flying Pie, Ground Floor, 10 New Row, London			
Reference	Name of Premises	Premises Address	Licensed Hours
06/08897/WCCMAP	Giovanni's Restaurant	10 Goodwin's Court London WC2N 4LL	Monday to Saturday; 10:00 - 15:00 Monday to Saturday; 18:00 - 00:30 Sunday; 18:00 - 00:00 Sunday; 12:00 - 15:00
18/09396/LIPCH	Benitos Hat	Ground 19 New Row London WC2N 4LA	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
06/08049/WCCMAP	Grand Indian 1 Restaurant	6 New Row London WC2N 4LH	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
14/06349/LICV	Garrick Club	15 Garrick Street London WC2E 9AY	Monday to Sunday; 07:00 - 01:30
16/10032/LIPV	The White Swan	14 New Row London WC2N 4LF	Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:00 Sunday; 07:00 - 22:50 Sundays before Bank Holidays; 07:00 - 00:00
17/09446/LIPT	Cafe Nuvo	4 New Row London WC2N 4LH	Monday to Sunday; 08:00 - 23:00
15/06071/LIPDPS	Round House	1 Garrick Street London WC2E 9AR	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 23:00 Sundays before Bank Holidays; 12:00 - 00:00
14/07843/LIPDPS	Com Viet	2 Garrick Street London WC2E 9BH	Monday to Sunday; 10:00 - 00:30
16/00472/LIPCH	Tesco	22-25 Bedford Street London WC2E 9EQ	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
18/01313/LIPDPS	Cote	Ground Floor 51 St Martin's Lane London WC2N 4EA	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
16/03143/LIPDPS	Pepe Restaurant	57 St Martin's Lane London WC2N 4EA	Monday to Thursday; 11:00 - 00:00 Friday to Saturday; 11:00 - 01:00 Sunday; 11:00 - 22:30 Sundays before Bank Holidays; 11:00 - 00:00
13/02048/LIPT	Steak & Co	4 - 6 Garrick Street London WC2E 9BH	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
16/05363/LIPCH	The Real Greek	54 St Martin's Lane London WC2N 4EA	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 23:00
18/05796/LIPDPS	The Angel & Crown	58 St Martin's Lane London WC2N 4EA	Monday to Thursday; 10:00 - 23:30 Monday to Saturday; 10:00 - 00:30 Friday to Saturday; 10:00 -

			00:00 Sunday; 12:00 - 22:50 Sunday; 12:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00
11/07100/LIPT	Le Garrick	10-12 Garrick St, Covent Garden, London WC2E 9BH	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
18/03513/LIPN	Not Recorded	Basement And Ground Floor Part 59 St Martin's Lane London	Monday to Sunday; 07:30 - 20:00
18/06347/LIPT	Carluccios	2a Garrick St, Covent Garden, London WC2E 9BH	Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00 Sunday; 10:00 - 22:30
10/01447/LIPVM	Simurgh	17 Garrick St, London WC2E 9BL	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
17/15038/LIPN	Not Recorded	Garrick House 63 - 66 St Martin's Lane London	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
18/09557/LIPCHT	Blame Gloria	20 Bedford St, London WC2E 9HP	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 - 00:00
06/13626/WCCMAC	Concert Artistes Association	20 Bedford St, London WC2E 9HP	Monday to Saturday; 11:00 - 01:00 Sunday; 12:00 - 22:30