



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	4 October 2018
Licensing Ref No:	18/09370/LIPV - Premises Licence Variation
Title of Report:	Murano Ground Floor North Meadows House 20 - 22 Queen Street W1J 5PR
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:	Shannon Pring Senior Practitioner for Street Trading and Enforcement
Contact details	Telephone: 020 7641 3217 Email: spring3@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	9 August 2018		
<b>Applicant:</b>	Angela Hartnett (Queen Street) Limited		
<b>Premises:</b>	Murano		
<b>Premises address:</b>	Ground Floor North Meadows House 20 - 22 Queen Street London W1J 5PR	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	No
<b>Premises description:</b>	The premises currently operates as a restaurant.		
<b>Variation description:</b>	<p>The variation application seeks to:</p> <ol style="list-style-type: none"> <li>1. Relax the requirement for the consumption of alcohol to be ancillary to food by deleting conditions 9 and 10 attached to the premises licence.</li> <li>2. Extend the permitted hours for the sale of alcohol and the provision of late night refreshment until 01:00 and 01:30 respectively on Sundays, in line with the permitted hours for the rest of the week.</li> <li>3. Allow the sale and consumption of alcohol on the private external forecourt by including the area within the red line defining the licensed premises and by deleting condition 15 attached to the premises licence.</li> <li>4. Delete conditions 11, 12, 13, 17 and 19.</li> <li>5. Add additional conditions proposed by the applicant.</li> </ol>		
<b>Premises licence history:</b>	The premises currently benefits from a premises licence (17/04547/LIPDPS). Full details of the premises licence history can be found at Appendix 3.		
<b>Applicant submissions:</b>	There are no submissions from the applicant.		

1-B Current and proposed licensable activities, areas and hours						
<b>Regulated Entertainment</b>						
<b>Playing of Recorded Music and Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	Unrestricted		No change		Unrestricted	No change
<b>Tuesday</b>						
<b>Wednesday</b>						
<b>Thursday</b>						
<b>Friday</b>						
<b>Saturday</b>						
<b>Sunday</b>						
<b>Seasonal variations:</b>	<b>Current:</b>				<b>Proposed:</b>	
	None				No change	

<b>Non-standard timings:</b>	<b>Current:</b>	<b>Proposed:</b>
	None	No change

Late night refreshment						
Indoors, outdoors or both		Current :			Proposed:	
		Unknown			Indoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	01:30	23:00	01:30	Whole premises	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday	23:00	00:00				
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.				Delete condition	

Sale by Retail of Alcohol						
On or off sales		Current :			Proposed:	
		Both			On Sales	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	01:00	10:00	01:00	Within and outside of the red line of the current plan that accompanies the licence	Within the red line on the plan that accompanies the application
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday	12:00	23:30	12:00	01:00		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	Alcohol may be sold or supplied: <ul style="list-style-type: none"> <li>(a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10:00 to 01:00.</li> <li>(b) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12:00 to 23:30.</li> <li>(c) On Christmas Day: 12:00 to 22:30;</li> <li>(d) On New Year's Eve, except on a Sunday, 10:00 to 23:00.</li> <li>(e) On New Year's Eve on a Sunday, 12:00 to 22:30.</li> </ul>				Delete condition	

	<p>(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).</p>	
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Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	10:00	01:30	10:00	01:30	Whole premises	No change
<b>Tuesday</b>						
<b>Wednesday</b>						
<b>Thursday</b>						
<b>Friday</b>						
<b>Saturday</b>						
<b>Sunday</b>	10:00	00:00	12:00	01:30		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	None				None	
	None				None	

<b>1-C</b>	<b>Layout alteration</b>
<p>The applicant proposes to amend the plans to extend the red line to include the private forecourt to enable the sale of alcohol and consumption of alcohol on the premises.</p>	

<b>1-D</b>	<b>Conditions being removed</b>
<b>Condition</b>	
<b>Condition 9</b> 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.	
<b>Condition 10</b> 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.	
<b>Condition 11</b> Alcohol may be sold or supplied:	
<p>(a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10:00 to 01:00.</p> <p>(b) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12:00 to 23:30.</p> <p>(c) On Christmas Day: 12:00 to 22:30;</p> <p>(d) On New Year's Eve, except on a Sunday, 10:00 to 23:00.</p> <p>(e) On New Year's Eve on a Sunday, 12:00 to 22:30.</p>	

(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 thirty 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.

**Condition 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.

**Condition 13**

The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

**Condition 15**

No consumption of Alcohol shall be permitted outside the premises.

**Condition 17**

No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

**Condition 19**

The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, is swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

<b>1-E Conditions being added</b>	
<b>Condition</b>	
The supply of alcohol shall be by waiter or waitress service only.	
The supply of alcohol shall only be supplied to customers seated at the premises (including the outside area).	
All outside tables and chairs shall be rendered unusable by (23.00) each day.	
The capacity of the outside area shall be limited to TBC customers.	
Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.	
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.	
The premises may remain open for the sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.	
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.	
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.	

## 2. Representations

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Sally Fabbricatore
<b>Received:</b>	05 September 2018
<p>I refer to the application for variation of a Premises Licence (17/04547/LIPV), issued under the Licensing Act 2003.</p> <p>The applicant did apply for pre-application advice ref. 18/064117/PREAPM.</p> <p>This representation is based on the Operating Schedule and the submitted plans:</p> <ul style="list-style-type: none"> <li>• Ground floor - drawing number 179 rev B and dated 28.02.08.</li> </ul> <p>The applicant is seeking the following on the throughout the premises:</p> <ol style="list-style-type: none"> <li>1. To delete the following conditions:</li> <li>9. <i>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.</i></li> <li>10. <i>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.</i></li> </ol>	

2. To extend permitted hours on Sunday for the supply of alcohol until 01:00 hours and Late Night Refreshment until 01:30 hours.
3. To extend the red line to include the external private forecourt for 'on' sales of alcohol.
4. To delete and amend conditions 11, 12, 13, 17 and 19.

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

1. The relaxation in restaurant use may cause an increase in Public Nuisance in the area, however conditions have been proposed to limit the impact of this.
2. The extension of hours on a Sunday may have the likely effect of causing an increase in Public Nuisance in the area.
3. The extension of the red line may cause an increase in Public Nuisance in the area, however conditions have been proposed to minimise this.
4. No representation.

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

**Further correspondence from EH to the applicant received on 25 September 2018:**

With regard to the outside capacity can you confirm what this is please.

I can confirm no operational noise complaints have been received about the premises.

In addition to your proposed condition I also propose the following:

*All patrons to have vacated the premises by 01:30 hours Monday to Sunday.*

I will be maintaining my representation as there is a residential representation and I may be able to assist at LSC.

<b>Responsible Authority:</b>	Metropolitan Police Service ( <b><i>Withdrawn</i></b> )
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<b>Representative:</b>	PC Adam Deweltz
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<b>Received:</b>	21 August 2018
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With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be making a representation against this application.

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

***Following the applicant's agreement of the Police conditions, the Police have withdrawn their representation.***

**2-B Other Persons****Resident representation**

<b>Status:</b>	Maintained	<b>In support or opposed:</b>	Opposed
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<b>Received:</b>	27 August 2018
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Please consider this email my formal consultation response to the application for licensing variation for Murano, Ground floor, North Meadows House, 20-22 Queen Street. Your reference is 18/09370/LIPV

I strongly oppose this application on all four counts, as set out below:

Points 1., 2. and 3.: I live at [REDACTED], which is just beyond the corner of Queen St with Charles St. From my house, I can hear customers leaving Murano in a noisy way at closing time. It is not only in the immediate vicinity of Murano where they make noise, but also when they walk home or to their cars which can be parked outside my house (single yellow line). This is already the case when customers have to order food if they want to drink (alcohol): consider the disinhibiting effects of alcohol when customers do not have to order food if they want to order drink. It is not appropriate to this heavily residential area to make this venue supportive of on-street drinking. It is already the case that customers of Murano stand on the pavement smoking and lingering in a way which blocks the pavement, in daytime and night time. If drinking is allowed on the raised outside platform, this will cause noise nuisance, and certainly some customers will stray into the pavement, unless Murano has a full-time outdoors employee presence to manage this behaviour. Also, note that customers at the nearby pub The Footman (Charles St) routinely stray into the pavement even where a red rope is put up, unless a staff member supervises. 1 or 1.30 in the morning is late, and it will cause disturbance to my sleep for customers to be drinking outside as late as this. Note that there are other local residents who live even nearer to Murano than I do.

Point 4. This is not presented in a 'user-friendly' way for me to understand, as a local resident. I assume that the conditions being listed here for deletion are the same as those in the 'Conditions' tab. Condition 17 states 'No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance'. Deleting this condition is highly concerning - why should we not seek to minimise noise nuisance? It is particularly concerning in light of the application to allow on-street drinking. Again, it is not clear why we would not want to retain condition 19. in order to ensure the street landscape is kept clear and clean.

If you would like further clarification from me on these points please do email me.



### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<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> <p><u>For premises for the supply of alcohol for consumption on the premises:</u> 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</p>
<b>Policy RNT1 applies</b>	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1

### 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

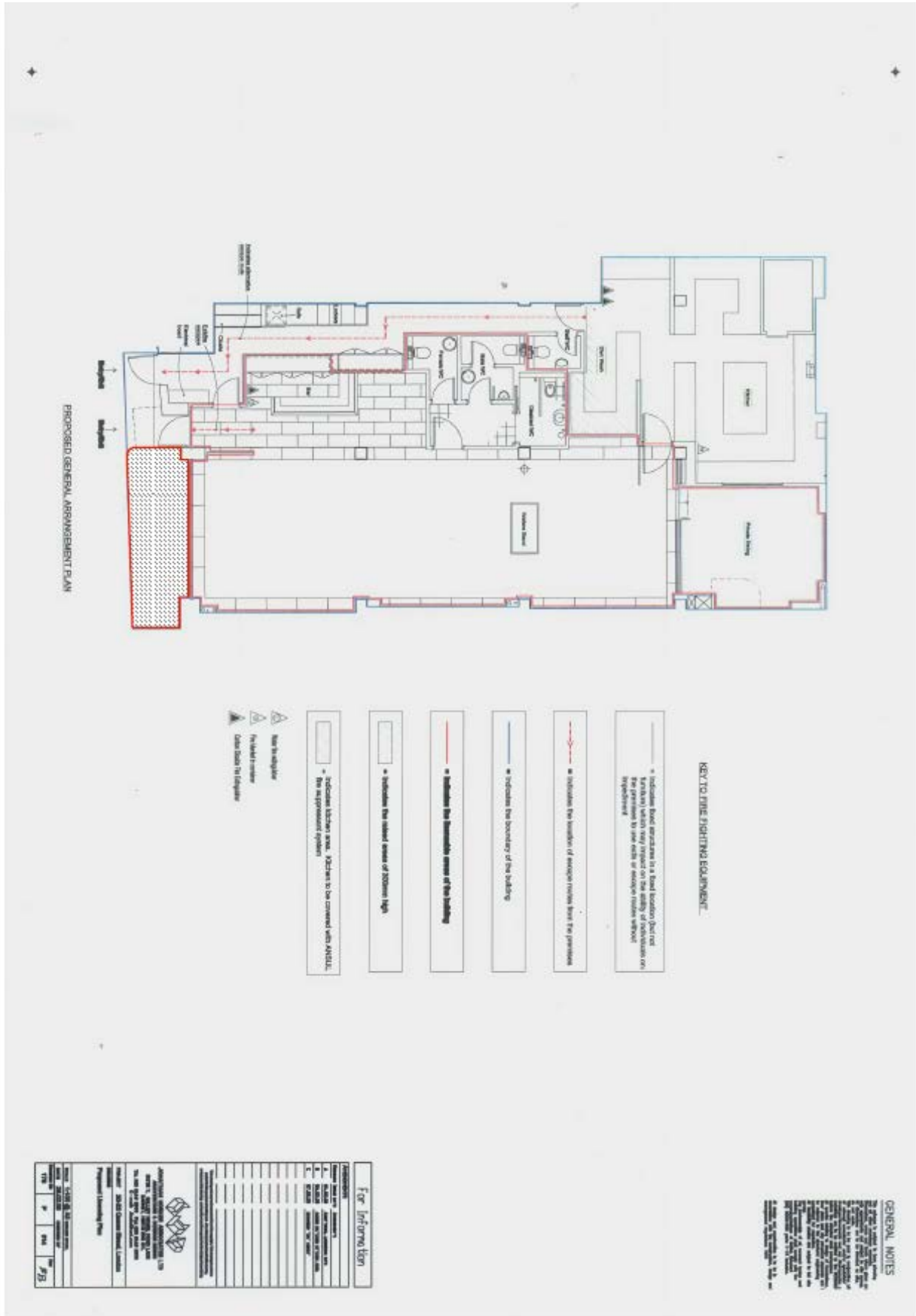
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Shannon Pring Senior Practitioner for Street Trading and Enforcement
<b>Contact:</b>	Telephone: 020 7641 3217 Email: spring3@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	August 2018
<b>4</b>	Environmental Health Service representation	05 September 2018
<b>5</b>	Metropolitan Police Service representation <i>(Withdrawn)</i>	21 August 2018
<b>6</b>	Resident representation	27 August 2018



KEY TO FIRE FIGHTING EQUIPMENT

- Indicates fire apparatus in a fixed location but not a location which may require on the ability of personnel on the premises to use such or escape routes without impediment.
- - - - - Indicates the location of escape routes from the premises
- Indicates the boundary of the building
- Indicates the boundary area of the building
- Indicates the lowest storey of 200mm high
- Indicates liftways area. Liftways to be covered with ANTI-SLIP in the improvement system
- △ Fire to extinguish
- △ Fire to extinguish
- △ Fire to extinguish
- △ Fire to extinguish

GENERAL NOTES  
 1. The fire fighting equipment is to be installed in accordance with the relevant standards.  
 2. The fire fighting equipment is to be installed in the location shown on the plan.  
 3. The fire fighting equipment is to be installed in the location shown on the plan.  
 4. The fire fighting equipment is to be installed in the location shown on the plan.  
 5. The fire fighting equipment is to be installed in the location shown on the plan.  
 6. The fire fighting equipment is to be installed in the location shown on the plan.  
 7. The fire fighting equipment is to be installed in the location shown on the plan.  
 8. The fire fighting equipment is to be installed in the location shown on the plan.  
 9. The fire fighting equipment is to be installed in the location shown on the plan.  
 10. The fire fighting equipment is to be installed in the location shown on the plan.

For Information

NO.	DATE	REVISION
1	10/10/2010	ISSUED FOR TENDER
2	10/10/2010	ISSUED FOR TENDER
3	10/10/2010	ISSUED FOR TENDER
4	10/10/2010	ISSUED FOR TENDER
5	10/10/2010	ISSUED FOR TENDER
6	10/10/2010	ISSUED FOR TENDER
7	10/10/2010	ISSUED FOR TENDER
8	10/10/2010	ISSUED FOR TENDER
9	10/10/2010	ISSUED FOR TENDER
10	10/10/2010	ISSUED FOR TENDER

APPROVED FOR THE CLIENT  
 NAME: [Name]  
 POSITION: [Position]  
 DATE: [Date]

APPROVED FOR THE CONTRACTOR  
 NAME: [Name]  
 POSITION: [Position]  
 DATE: [Date]

PROJECT: [Project Name]  
 PROJECT LOCATION: [Location]

DRAWING NO: [Drawing No]  
 SHEET NO: [Sheet No]

## **Applicant Supporting Documents**

## **Appendix 2**

There are no supporting documents from the Applicant.

## Licence &amp; Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/04663/LIPC	Conversion application	03.08.2005	Granted under Delegated Authority
08/00621/LIPT	Application to transfer the licence from Tealeaf Limited to Zen Central Restaurant.	11.02.2008	Granted under Delegated Authority
06/06468/WCCMAP	Master licence	16.04.2008	Granted under Delegated Authority
08/02354/LIPV	Application to vary the premises licence. The variation sought changes to the layout of the premises and to vary the terminal hour for the sale of alcohol.	16.04.2008	Granted under Delegated Authority
08/07720/LIPDPS	Application to vary the Designated Premises Supervisor.	23.08.2008	Granted under Delegated Authority
08/08560/LIPDPS	Application to vary the Designated Premises Supervisor.	01.10.2008	Granted under Delegated Authority
14/04537/LIPDPS	Application to vary the Designated Premises Supervisor.	08.07.2014	Granted under Delegated Authority
17/04547/LIPDPS	Application to vary the Designated Premises Supervisor.	05.06.2017	Granted under Delegated Authority

**There is no appeal history**

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

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

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

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

**Conditions: On Current Licence -**

**Mandatory:**

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

less in a manner which carries a significant risk of undermining a licensing objective;

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.



## **Conditions related to the 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.

### ***Applicant proposes to delete condition 9***

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.

### ***Applicant proposes to delete condition 10***

## **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 01:00.
  - (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 thirty 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.

***Applicant proposes to delete condition 11***

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.

***Applicant proposes to delete condition 12***

13. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

***Applicant proposes to delete condition 13***

**Annex 2 – Conditions consistent with the operating Schedule**

14. 'Off' Sales of Alcohol are to be in sealed containers only and for consumption off the premises.
15. No consumption of Alcohol shall be permitted outside the premises.

***Applicant proposes to delete condition 15***

16. Notices shall be prominently displayed at exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
17. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

***Applicant proposes to delete condition 17***

18. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
19. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, is swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

***Applicant proposes to delete condition 19***

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

None

**Conditions proposed by the applicant to form part of the operating schedule**

20. The supply of alcohol shall be by waiter or waitress service only.
21. The supply of alcohol shall only be supplied to customers seated at the premises (including the outside area).
22. All outside tables and chairs shall be rendered unusable by (23.00) each day.
23. The capacity of the outside area shall be limited to TBC customers.

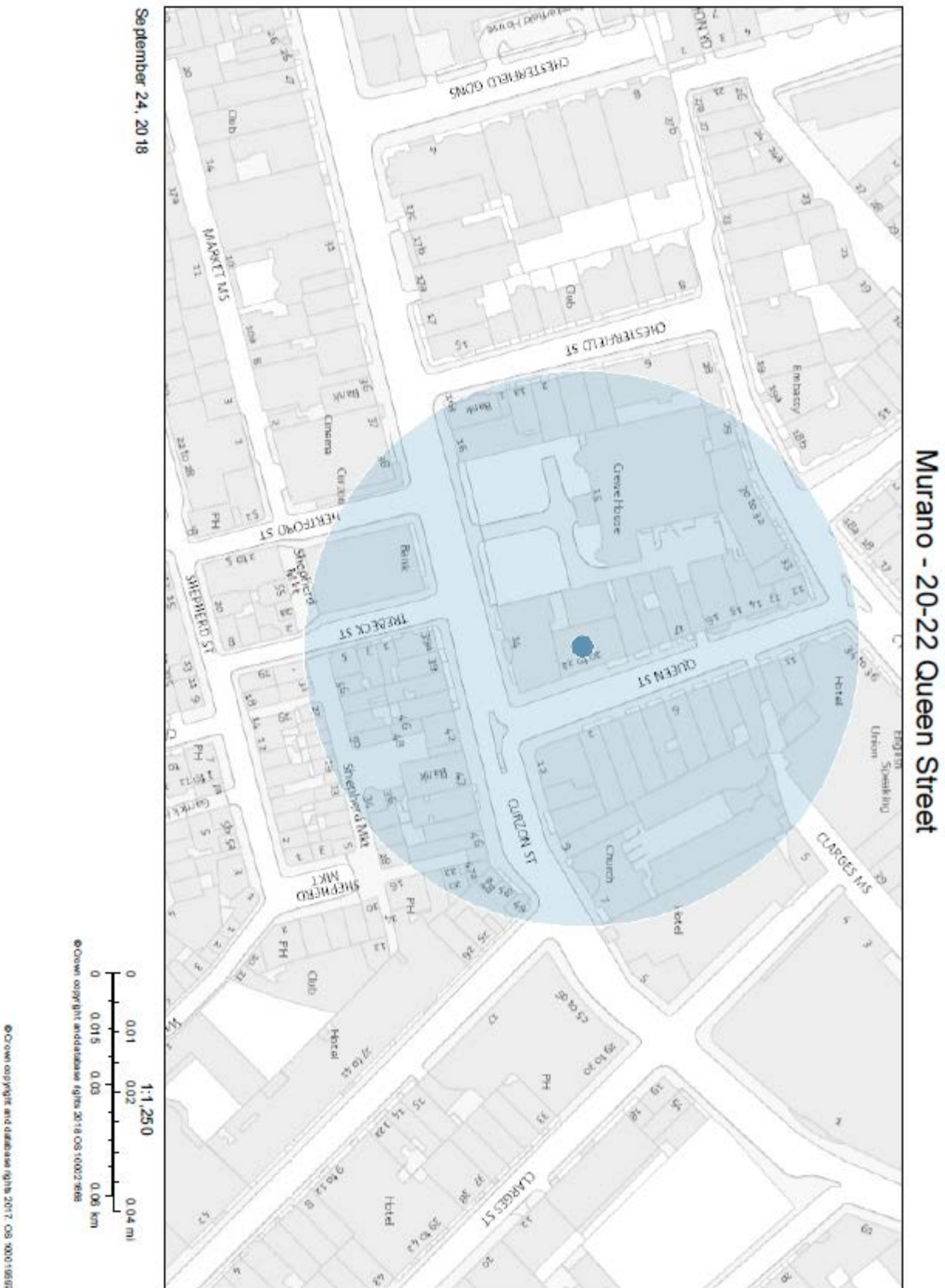
24. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
25. Substantial food and non-intoxicating beverages, including drinking water shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
26. The premises may remain open for the sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
27. 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.
28. 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.

**Conditions proposed by the Police and agreed by the applicant to form part of the operating schedule**

29. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
30. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
31. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
32. 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.

**Condition proposed by Environmental Health, not yet agreed by the applicant**

33. All patrons to have vacated the premises by 01:30 hours Monday to Sunday.



Resident count: 76

Licence Number	Trading Name	Address	Premises Type	Time Period
17/00308/LIPDPS	Tamarind Restaurant	Basement And Ground Floor South Meadows House 20 - 22 Queen Street London W1J 5PR	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
17/04547/LIPDPS	Murano	Ground Floor North Meadows House 20 - 22 Queen Street London W1J 5PR	Restaurant	Monday to Saturday; 10:00 - 01:30   Sunday; 12:00 - 00:00
18/00045/LIPDPS	Little House	2 Queen Street London W1J 5PA	Restaurant	Monday to Thursday; 08:00 - 01:30   Friday to Saturday; 08:00 - 02:30   Sunday; 08:00 - 22:30
12/08761/LIPN	L'Eto Caffè	Basement And Ground Floor 46 - 48 Shepherd Market London W1J 7QS	Cafe	Monday to Sunday; 08:00 - 20:30
17/01208/LIPN	Curzon Mayfair Cinema	38 Curzon Street London W1J 7TY	Cinema	Monday to Saturday; 09:00 - 02:30   Sunday; 10:00 - 02:30

12/01313/LIPN	Yazu Sushi	Basement Part And Ground Floor 46 Curzon Street London W1J 7UH	Restaurant	Monday to Saturday; 12:00 - 22:00
11/09867/LIPV	Noura	Basement And Ground Floor 16 Curzon Street London W1J 5HP	Restaurant	Monday to Friday; 10:00 - 00:30   Saturday; 10:00 - 01:30   Sunday; 12:00 - 00:00
15/08015/LIPDPS	Brasserie Al Hamra	52 Shepherd Market London W1J 7QU	Cafe	Monday to Saturday; 09:00 - 00:30   Sunday; 12:00 - 00:30
17/00926/LIPDPS	Private Members Club	Basement To First Floor 1A Chesterfield Street London W1J 5JG	Club or institution	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
18/08882/LIPDPS	Le Boudin Blanc	5 Trebeck Street London W1J 7LT	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
18/07751/LIPDPS	Ferdi	Basement And Ground Floor 30 Shepherd Market London W1J 7QN	Shop	Monday to Saturday; 08:00 - 00:00   Sunday; 08:00 - 23:30

16/00527/LIPDPS	Chesterfield Hotel	34-36 Charles Street London W1J 5EB	Hotel, 4+ star or major chain	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
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