



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	29 November 2018
Licensing Ref No:	18/11783/LIPV - Premises Licence Variation
Title of Report:	15A Elizabeth Street London SW1W 9RB
Report of:	Director of Public Protection and Licensing
Wards involved:	Churchill
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Ms Daisy Gadd Senior Licensing Officer
Contact details	Telephone: 0207 641 2737 Email: dgadd@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	4 October 2018		
Applicant:	The Athenian Greek Street Food Limited		
Premises:	The Athenian		
Premises address:	15A Elizabeth Street London SW1W 9RB	Ward:	Churchill
		Cumulative Impact Area:	None
Premises description:	The premises currently operates as a restaurant.		
Variation description:	<p>This variation seeks the following:</p> <ol style="list-style-type: none"> 1. To increase the hours for the Supply of Alcohol 'On' and 'Off' the premises to between 10:00 and 23:30 Sunday to Thursday and 10:00 to 00:00 Friday and Saturday. 2. To increase the hours for the provision of Late Night Refreshment 'Indoors' and 'Outdoors' to 23:00 and 23:30 Sunday to Thursday and 23:00 to 00:00 Friday and Saturday. 		
Premises licence history:	This premises has had the benefit of a premises licence since 2017. Full details of the premises licence history can be found at Appendix 3 of the report.		
Applicant submissions:	None submitted		

1-B Current and proposed licensable activities, areas and hours						
Late night refreshment						
Indoors, outdoors or both		Current :			Proposed:	
		Indoors			Both	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	23:00	23:30	Ground Floor	No change
Tuesday	23:00	23:30	23:00	23:30		
Wednesday	23:00	23:30	23:00	23:30		
Thursday	23:00	23:30	23:00	23:30		
Friday	23:00	23:30	23:00	00:00		
Saturday	23:00	23:30	23:00	00:00		
Sunday			23:00	23:30		
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		None			No change	

Sale by Retail of Alcohol						
On or off sales		Current :			Proposed:	
		Both			No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:00	10:00	23:30	Ground Floor	No change
Tuesday	10:00	23:00	10:00	23:30		
Wednesday	10:00	23:00	10:00	23:30		
Thursday	10:00	23:00	10:00	23:30		
Friday	10:00	23:00	10:00	00:00		
Saturday	10:00	23:00	10:00	00:00		
Sunday			10:00	23:30		
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		None			No change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	07:00	23:30	07:00	23:30	Ground Floor	No change
Tuesday	07:00	23:30	07:00	23:30		
Wednesday	07:00	23:30	07:00	23:30		
Thursday	07:00	23:30	07:00	23:30		
Friday	07:00	23:30	07:00	00:00		
Saturday	07:00	23:30	07:00	00:00		
Sunday			07:00	23:30		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	None				No change	

1-C Layout alteration

This variation seeks no changes to the layout of the premises.

2. Representations

2-A Responsible Authorities

Responsible Authority:	Environmental Health
Representative:	Mr Anil Drayan
Received:	1 November 2018

The following variations are being sought:

1. To increase the hours for the Supply of Alcohol 'On' and 'Off' the premises to between 10:00 and 23:30 Sunday to Thursday and 10:00 to 24:00 Friday and Saturday.
2. To increase the hours for the provision of Late Night Refreshment 'Indoors' and 'Outdoors' to 23:00 and 23:30 Sunday to Thursday and 23:00 to 24:00 Friday and Saturday

I wish to make the following representations:

1. The increase in hours requested for the Supply of Alcohol may lead to an increase in Public Nuisance in the Area
2. The increase in hours requested for the Provision of Late Night Refreshment may lead to an increase in Public Nuisance in the Area

Environmental Health also makes the following further comments:

- The hours requested on the Sunday are beyond 'core' hours as defined in Westminster's Statement of Licensing policy.

- Clarification is sought if the premises is currently carrying out licensable activities as the 'works' condition on the Licence appears not yet to have been discharged.

The applicant is requested to contact the undersigned to discuss the above and to arrange a site visit after which Environmental Health may propose additional conditions.

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> <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>
Policy PB1 applies:	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.
Policy RNT1 applies:	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.

4. 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:	Ms Daisy Gadd Senior Licensing Officer
Contact:	Telephone: 0207 641 2737 Email: dgadd@westminster.gov.uk

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

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

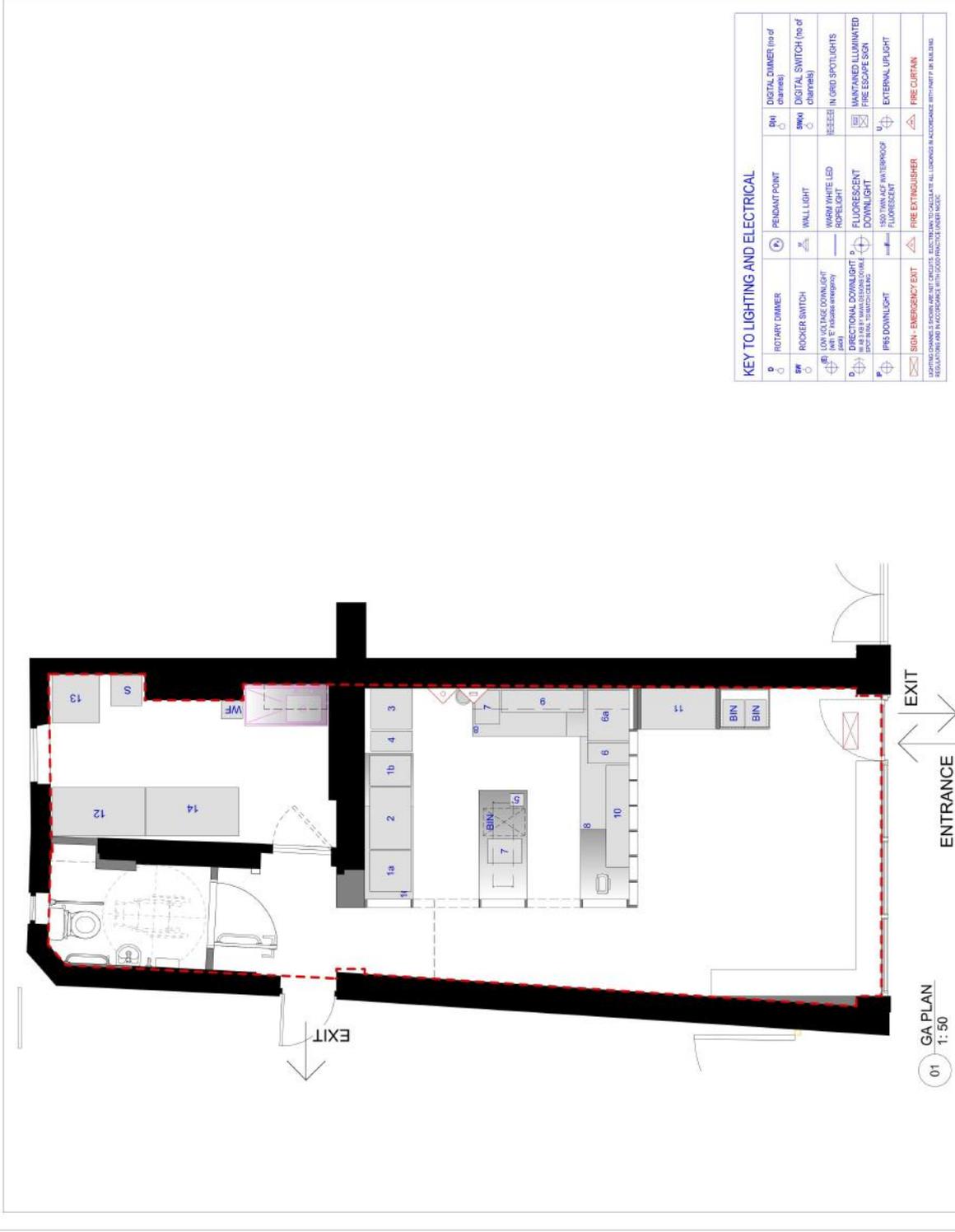
1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Representation Environmental Health	1 November 2018

No dimensions to be scaled from this drawing for construction purposes. All dimensions are to be checked on site.
 This drawing should be removed from currency immediately a revised version is issued.
 All dimensions in millimeters.

LICENSABLE ACTIVITIES CAN TAKE PLACE ANYWHERE WITHIN THE REDLINE. ANY LOOSE FINISHES SHOWN IN THIS DIAGRAMATIC PURPOSES ONLY.

REV	DATE	BY	NOTES
B	10/11/2017	MC	Client Information
A	10/02/2017	MC	Client Information

Project: **The Athenian - Victoria**
 Drawing: **GA Licencing Plan 17003**
 Drawing No: **0201**
 Job No: **17003**
 Revision: **B**
 Date: **20.06.2017**
 Drawn: **MC**
 Status: **GA Licencing Plan**
 Scale: **1:50**



KEY TO LIGHTING AND ELECTRICAL

ROCKY DIMMER	PERJANT POINT	DIGITAL DIMMER (no of channels)
ROCKER SWITCH	WALL LIGHT	DIGITAL SWITCH (no of channels)
LOW VOLTAGE DOWNLIGHT (100V 12" recessed emergency)	SMART WHITE LED DOWNLIGHT	IN GRID SPOTLIGHTS
DIRECTIONAL DOWNLIGHT (100V 12" recessed emergency)	FLOURESCENT DOWNLIGHT	MANFAYED ILLUMINATED FIRE ESCAPE SIGN
IP65 DOWNLIGHT	100V 12" WIPERPROOF FLOURESCENT	EXTERNAL UPLIGHT
SIGN - EMERGENCY EXIT	FIRE EXTINGUISHER	FIRE CURTAIN

LOADING DIMMERS & DOWNLIGHTS TO BE SPECIFIED. SWITCHES TO BE SPECIFIED. ALL LIGHTS TO BE SPECIFIED IN ACCORDANCE WITH PART 7 OF THE REGULATIONS AND IN ACCORDANCE WITH GOOD PRACTICE (REFER NOTE)

01 GA PLAN 1:50

Applicant Supporting Documents

Appendix 2

None

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
17/11980/LIPN	Application for a new premises licence.	21.12.2017	Granted by Licensing Sub-Committee

There is no appeal history

Appendix 4

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

- (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club

present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

None

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

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of 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.

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

11. 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.

12. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

14. There shall be no self-service of spirits on the premises.

15. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.

16. The number of persons permitted to be seated in the premises at any one time (excluding staff) shall not exceed 20 persons.
17. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
18. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 on the following day.
19. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
20. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
21. 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.
22. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
23. 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.
24. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

Licence Number	Trading Name	Address	Time Period
17/11980/LIPN	Not Recorded	15A Elizabeth Street, London, SW1W 9RB	Monday to Saturday: 07:00 to 23:30
09/03109/LIPRW	Victoria Grocers	17 Elizabeth Street, London, SW1W 9RP	Monday to Sunday: 07:00 to 23:00
17/02089/LIPVM	Dominique Ansel Bakery (17-21)	17 Elizabeth Street, London, SW1W 9RP	Monday to Saturday: 10:00 to 23:00; Sunday: 12:00 to 00:00
06/12030/WCCMAP	Friar Inn Fish Restaurant	23 Elizabeth Street, London, W1W 9RP	Monday to Saturday: 07:00 to 23:00; Sunday: 07:00 to 22:30
17/02407/LIPN	Mister Lasagna	23 Elizabeth Street, London, W1W 9RP	Monday to Saturday: 07:00 to 23:00; Sunday: 07:00 to 22:30
17/07570/LIPDPS	Sainsbury's	14-20 Elizabeth Street, London, SW1W 9RB	Monday to Sunday: 00:00 to 00:00