



City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

18 August 2022

Licensing Ref No:

22/06003/LIPN - New Premises Licence

Title of Report:

Lusin Restaurant
16 - 17 Hay Hill
London
W1J 8NY

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:

Karyn Abbott
Senior Licensing Officer

Contact details

Telephone: 020 7641 6500
Email: kabbott@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	13 June 2022		
Applicant:	Mira Foods International (Uk) Limited		
Premises:	Lusin Restaurant		
Premises address:	16 - 17 Hay Hill London W1J 8NY	Ward:	West End
		Cumulative Impact Area:	None
		Special Consideration Zone:	Mayfair
Premises description:	According to the application form the premises proposes to operate as a restaurant over the ground and first floor.		
Premises licence history:	This is a new premises licence application and therefore no premises licence history exists.		
Applicant submissions:	<p>The applicant has provided submissions addressing the relevant spatial policies and proposed eleven conditions as part of their operating schedule.</p> <p>The applicant has also provided an email that to interested parties addressing their concerns.</p> <p>These can be found at Appendix 2 of the Report.</p>		
Applicant amendments:	None		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			On
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	11:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations/ Non-standard timings:		None					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	11:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations/ Non-standard timings:		None					
Adult Entertainment:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Andy Elliott
Received:	12 July 2022
<p>As a responsible authority the Metropolitan Police is objecting to this application at 16-17 HAY HILL as it lies on the SOUTH side of HAY HILL which is bounded by the Special Consideration Zone as prescribed in the WCC Spatial Policies D57.</p> <p>Equally please can you confirm the Licensable Areas as in the 'Consent of Individual to being specified as Premises Supervisor' form dated 13/06/2022 reference in the address is given to 'Basement, Ground & First' when the plans submitted only reference Ground & First. Can I assume that the Basement will be for the purpose of staff and not patrons.</p>	
Responsible Authority:	Environmental Health Service
Representative:	Dave Nevitt
Received:	12 July 2022
<p>I wish to make Representations on the following grounds: Representation is made in relation to the application, as the proposals are likely to increase the risk of Public Nuisance and may impact upon Public Safety.</p>	

2-B Other Persons	
Name:	██████████
Address and/or Residents Association:	██████████ ██████████ ██████████
Received:	29 June 2022
<p>I am writing to make a representation in respect of this application. My representation is based on the likely impact of the application on the licensing objective of 'prevention of public nuisance'.</p> <p>My flat at ██████████ is a short distance away from the premises. The immediate area has a large number of licensed premises, and this causes nuisance problems later in the evening.</p> <p>Whilst the hours in this application are reasonable and I note that the full 'restaurant' condition has been proposed, I feel that the absence of other conditions (which I have successfully asked for on other licence applications in the area) would risk an increase in public nuisance in this already extremely busy area.</p> <p>If the application was for later hours or included bar use, I would be objecting strenuously to any grant. As it is, I am asking for additional conditions.</p> <p>What is the proposed capacity?</p>	

The additional condition I ask for are as follows:

- o Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take drinks or glass containers with them.
- o 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.
- o No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.
- o There shall be no sale of alcohol for consumption off the premises.

I trust that the applicant will be agreeable to these sensible and proportionate conditions.

Name:	██████████
Address and/or Residents Association:	██████████ ██████████ ██████████ ██████████
Received:	29 June 2022
<p>Mayfair Residents Group wishes to object to the application as presently made but only insofar as conditions are concerned. MRG supports the request made by local residents for additional conditions. This support is made on the basis of seeking consistency especially in this already heavily licensed area with existing nuisance.</p>	

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy SCZ1 applies	<p>A. In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should demonstrate that they have taken account of the issues particular to the Zone, in question as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their operating schedule.</p> <p>B. For the purpose of Clause A, the designated Special Consideration Zones are:</p> <ul style="list-style-type: none"> • West End Buffer. • Queensway/Bayswater. • Edgware Road. • East Covent Garden. • Mayfair. • Victoria.
Policy HRS1 applies	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm. 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation. 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises

	<p>being open or carrying out operations at the hours proposed.</p> <p>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</p> <p>5. The proposed hours when any music, including incidental music, will be played.</p> <p>6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.</p> <p>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</p> <p>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</p> <p>9. The capacity of the premises.</p> <p>10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</p> <p>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <p>8. Restaurants Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
Policy RNT1 applies	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <p>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</p>

	<p>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</p> <p>3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</p> <p>4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</p> <p>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</p> <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <p>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</p> <p>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</p> <p>3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</p> <p>4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</p> <p>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</p> <p>C. For the purposes of this policy a restaurant is defined as:</p> <p>1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.</p> <p>2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.</p> <p>3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.</p> <p>4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</p> <p>5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.</p>
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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, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

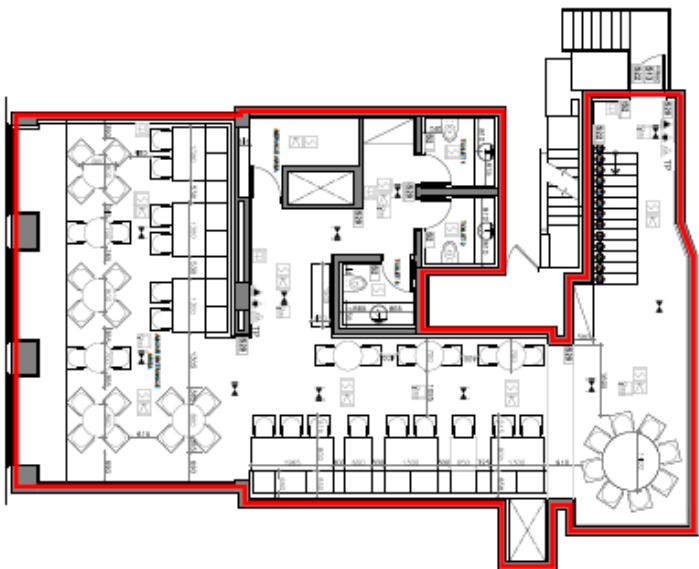
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Karyn Abbott Senior Licensing Officer
Contact:	Telephone: 020 7641 6500 Email: kabbott@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	October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police Service	12 July 2022
5	Environmental Health Service	12 July 2022
6	Representation 1	29 June 2022
7	Representation 2	29 June 2022



Scale Bar
1:100

Legend	
S2	25 mm. NO SMOKING SIGN
S13	5 mm. FIRE DOOR KEEP SHUT SIGN
S20	25 mm. FIRE ESCAPE KEEP CLEAR SIGN
S22	25 mm. FIRE EXIT, EXIT OR EMERGENCY EXIT SIGN
▶	NON-MAINTAINED 8 WATT LUMINAIRE
⊞	AUTOMATIC SMOKE DETECTOR
⊞	AUTOMATIC HEAT DETECTOR
TP	FIRE ALARM TELEPHONE POINT
FR60	60 MIN. PROTECTION FIRE DOOR B.S. COMPLIANT
⊞	FIRE ALARM CALL POINT WITH FIRE ACTION SIGN
⊞	CONTROL PANEL SOUNDERS AND ILLUMINATED SIGNALS
▽	FIRE EXTINGUISHER
▽	CARBON DIOXIDE FIRE EXTINGUISHER
▽	FOAM FIRE EXTINGUISHER
◐	CONTAINED FIRE BLANKET
▬	AREA OF LICENSABLE ACTIVITIES

INFORMATION		DATE		DRAWN BY	
Project	Ground and First Floor Plan	Issue	1:1:00	Drawn	AA
Client	MIRA FOODS INTERNATIONAL UK LTD	Issue	22020	Drawn	AA
Address	16-17 Hay Hill W1J 8NY	Issue	22020-5K001	Drawn	01

Application for Premises Licence

Lusin, 16 - 17 Hay Hill, London W1J 8NY

APPLICATION SUBMISSIONS ADDRESSING LICENSING POLICY SCZ1

This is an application for premises licence for Lusin, 16 – 17 Hay Hill, London W1J 8NY (“the Premises”). The Premises is within the West End Buffer Special Consideration Zone, but outside the Cumulative Impact Area. This is an important distinction in Policy RNT1 with the presumption to grant applications meeting the provisions set out at B (1) to (5) of RNT1.

The Operating Schedule contained with the application proposes a number of conditions to promote the licensing objectives, with particular attention given to addressing the identified local issues for this area.

The Premises will operate as a restaurant, trading Monday to Sunday from 11:00 to 23:00. These hours are within Policy HRS1 Core Hours save for 30 minutes on a Sunday evening, and are appropriate to utilise local transport links and in line with the granted planning permission (17/07518/FULL). Model Condition 66 is proposed, applying in full. There is no external area, with all licensable activities taking place on the ground and first floor. No regulated entertainment has been applied for. Strict conditions have been offered for the permitted timings of waste collections from and deliveries to the Premises.

Statement of Licensing Policy paragraph F125 states: “Restaurants where there is no music and dancing, where customers are seated and served at tables, may appeal particularly to families or older customers. It is recognised that restaurants, as defined in this section, have a low risk of association with crime and disorder.”

Below are the specific conditions which address the SCZ1 (West End Buffer Zone) local issues. The full wording of the conditions are contained in the application Operating Schedule.

SCZ1 Local Issue (West End Buffer Zone)	Comment/Proposed Condition	Operating Schedule condition
Robberies and Theft	<ul style="list-style-type: none"> • 23:00 close • No external area licensed • CCTV • Incident log • Restaurant operation 	N/A N/A 2 & 3 4 1
Antisocial behaviour on and around public transport.	<ul style="list-style-type: none"> • 23:00 close • CCTV • Restaurant operation • Notices 	N/A 2 & 3 1 5
Incidents relating to ambulance call outs at night to the locations of licensed premises for intoxication, injury related to intoxication and/or assault.	<ul style="list-style-type: none"> • 23:00 close • Restaurant operation • CCTV • Incident log • Proof of age scheme • Refusals log 	N/A 1 2 & 3 4 9 10

From: [Holly McColgan](#)
To: [Abbott, Karyn: WCC](#); [Donovan, Jessica: WCC](#); [Haq, Roxsana: WCC](#); [Meloyan, Emanuela: WCC](#)
Cc: [Nevitt, Dave: WCC](#); [Andy.L.Elliott](#); [Thomas O'Maoileoin](#); [Tilly Burton](#)
Subject: 22/06003/LIPN - 16 - 17 Hay Hill, London, W1J 8NY - Email to Objectors
Date: 02 August 2022 12:49:05
Attachments: [image002.png](#)
[image003.png](#)

Dear Licensing

16 - 17 Hay Hill, London, W1J 8NY

Ref: 22/06003/LIPN

LSC: 18 August 2022

Please can you pass the below email to the residential objector, [REDACTED] of the [REDACTED], who has supported the resident's views?

I have cc'd [@Nevitt, Dave: WCC](#) and [@Andy.L.Elliott@met.police.uk](#) as they have submitted representations to the application.

Many thanks in advance.

Kind regards

Holly McColgan
Thomas & Thomas Partners LLP
38a Monmouth Street
London WC2H 9EP

DDI: 020 7042 1224

M: 07519 119068

E: hmccolgan@tandtp.com

W: <https://cas5-0-urlprotect.trendmicro.com:443/wis/clicktime/v1/query?url=https%3a%2f%2fwww.tandtp.com&umid=29eab936-e5bd-473a-a745-9243eb0d947c&auth=f23bd3b3794c7a5914053bd0a99b1b4837b89b14-2a18e6531aeb5a3e320e5ce9f8af02483a366a5e>

Please note my working days are Monday, Tuesday, Thursday & Friday



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Dear [REDACTED]

The applicant has considered your representations and the conditions proposed in it; thank you for taking the time to submit your views. The applicant is keen to establish good relations with you as a neighbour and has taken seriously your concerns and the proposals you have made.

Whilst the applicant is unable to agree the restriction on off sales you have asked for – we would respectfully point to the Model Condition MC16 where the restriction for off sales is suggested at 23:00 which is the closing time applied for in the application – the applicant is able to agree the following additional conditions:

- *“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.” (As requested)*
- *“No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.” (As requested).*
- *“Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them.” (Amended to reflect the council’s Model Condition MC57)*

In terms of capacity, this will be set in accordance with the Environmental Health Consultation Team.

We hope you accept these concessions by the applicant as being indicative of their intentions to listen to and accommodate its neighbours and you will consider withdrawing your representation as a result.

We have asked the Licensing Authority to copy this email to [REDACTED] [REDACTED] [REDACTED] [REDACTED] who has supported your representation.

Should you have any further queries please do not hesitate to contact us either direct, or via the Licensing Authority if you would prefer.

Yours sincerely

Thomas & Thomas Partners LLP
38a Monmouth Street
London WC2H 9EP

T: 020 7042 0410

E: hmccolgan@tandtp.com

W: <https://cas5-0-urlprotect.trendmicro.com:443/wis/clicktime/v1/query?url=https%3a%2f%2fwww.tandtp.com&umid=29eab936-e5bd-473a-a745-9243eb0d947c&auth=f23bd3b3794c7a5914053bd0a99b1b4837b89b14-2a18e6531aeb5a3e320e5ce9f8af02483a366a5e>



Premises History

Appendix 3

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 premises shall only operate as a restaurant,
- (i) in which customers are shown to their table or the customer will select a table themselves,
- (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,
- (iv) which do not provide any takeaway service of food or drink for immediate consumption off the premises,
- (v) 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.

For the purpose of this condition 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

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

10. CCTV
 - (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
 - (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
 - (c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
 - (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
 - (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
11. 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.
12. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
13. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
15. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (07.00) hours on the following day.

16. No deliveries to the premises shall take place between (23.00) and (08.00) hours on the following day.
17. 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.
18. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
19. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

Conditions proposed by Interested Parties and agreed with the applicant to form part of the operating schedule

20. 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.
21. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.
22. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them.

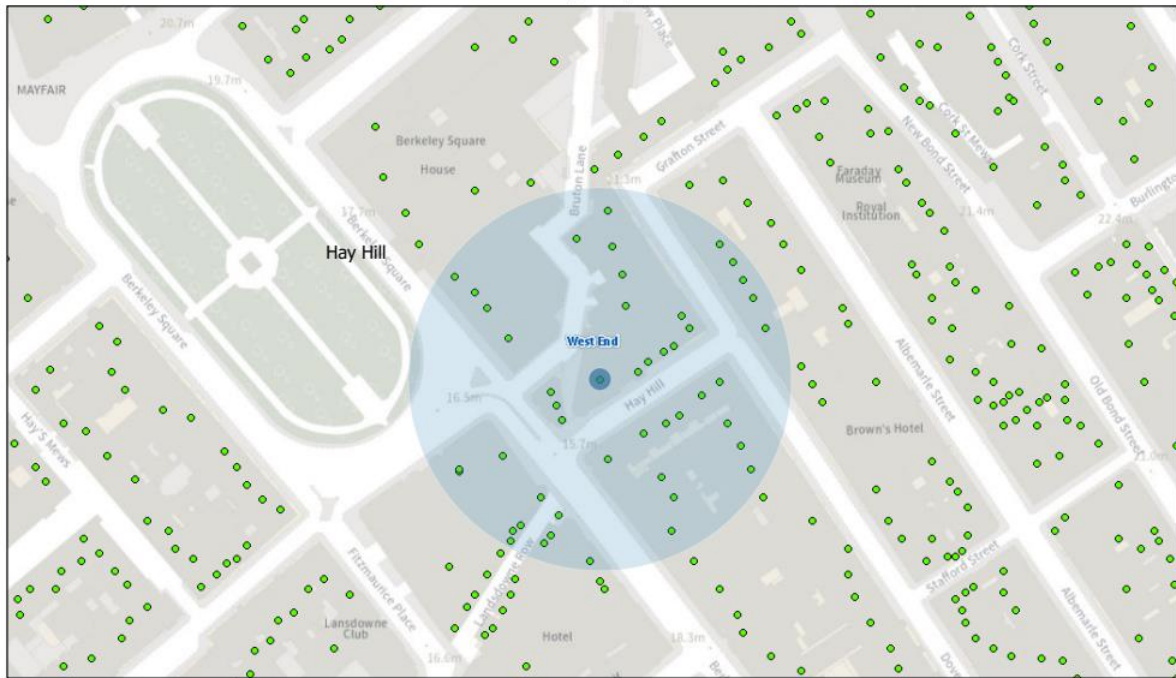
Conditions proposed by Interested Parties and not agreed by the Applicant

23. There shall be no sales of alcohol for consumption off the premises after (23.00) hours.

Conditions proposed by the Environmental Health

None

16 - 17 Hay Hill, London



Resident Count = 93

Licensed premises within 75 metres of 16 – 17 Hay Hill, London				
Licence Number	Trading Name	Address	Premises Type	Time Period
19/11917/LIPDPS	12 Hay Hill Limited	Lower Ground Floor To Fourth Floor 12 Hay Hill London W1J 8NR	Office	Monday to Thursday 08:00 to 00:00 Friday to Saturday 08:00 to 01:30 Sunday 08:00 to 22:30
22/04514/LIPCH	Not Recorded	20 Berkeley Street London W1J 8EE	Restaurant	Sunday; 08:00 - 22:30 Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00
21/05419/LIPDPS	Socialista	15A Hay Hill London W1J 8NX	Night clubs and discos	Sunday; 12:00 - 23:00 Monday to Saturday; 09:00 - 03:30
21/04769/LIPDPS	Sexyfish	4 Berkeley Square London W1J 6EB	Restaurant	Sunday; 08:00 - 01:00 Monday to Saturday; 07:00 - 02:00
17/01368/LIPVM	Bocconcino	19 Berkeley Street	Restaurant	Sunday; 12:00 -

		London W1J 8ED		22:30 Monday to Saturday; 10:00 - 00:30
20/0520/LIPT	Chucs Bar & Grill	30B Dover Street London W1S 4NB	Restaurant	Sunday; 07:00 - 23:00 Monday to Thursday; 07:00 - 00:00 Friday to Saturday; 07:00 - 00:30 Sundays before Bank Holidays; 07:00 - 00:00
17/08546/LIPV	Aubaine	Part Basement And Ground Floor North 31 Dover Street London W1S 4ND	Restaurant	Sunday; 12:00 - 00:30 Monday to Saturday; 10:00 - 01:30
18/07544/LIPN	Moffats	Basement And Ground Floor 1 Lansdowne Row London W1J 6DP	Food store	Saturday to Sunday; 07:00 - 21:00
22/04986/LIPCH	Itsu, Ground Floor, Lansdowne House	55 Berkeley Square London W1J 5BE	Restaurant	Monday to Sunday; 07:00 - 23:30
22/00242/LIPDPS	Be At One	59 Berkeley Square London W1S 4EA	Night clubs and discos	Sunday; 09:00 - 01:00 Monday to Saturday; 09:00 - 03:30
20/07486/LIPDPS	Park Chinois	Basement And Ground Floor 17 Berkeley Street London W1J 8EA	Restaurant	Sunday; 10:00 - 00:00 Monday to Saturday; 08:00 - 02:00
22/00945/LIPV	6 Grafton Street	6 Grafton Street London W1S 4EQ	Club or institution	Monday; 08:00 - 00:00 Monday; 08:00 - 00:00 Tuesday; 08:00 - 00:00 Tuesday; 08:00 - 00:00 Wednesday; 08:00 - 00:00 Wednesday; 08:00 - 00:00 Thursday; 08:00 - 00:00 Thursday; 08:00 - 00:00 Friday; 08:00 - 00:00 Saturday; 08:00 - 00:00 Saturday; 08:00 - 00:00 Sunday; 08:00 - 00:00 Sunday; 08:00 - 00:00 Sunday; 08:00 - 00:00
22/06590/LIPCH	Baku Bistro	22 - 24 Lansdowne Row London W1J 8QL	Restaurant	Sunday; 07:00 - 23:00 Monday to Thursday; 07:00 -

				00:00 Friday to Saturday; 07:00 - 00:30 Sundays before Bank Holidays; 07:00 - 00:00
21/03306/LIPCH	Shadow Licence	Hereditable House 28-29 Dover Street London W1S 4NA	Premises Licence - Shadow Licence	Monday; 07:00 - 00:30 Tuesday; 07:00 - 00:30 Wednesday; 07:00 - 00:30 Thursday; 07:00 - 00:30 Friday; 07:00 - 01:30 Saturday; 07:00 - 01:30 Sunday; 07:00 - 00:30
22/00847/LIPDPS	It Restaurant	Hereditable House 28-29 Dover Street London W1S 4NA	Restaurant	Monday; 07:00 - 00:30 Tuesday; 07:00 - 00:30 Wednesday; 07:00 - 00:30 Thursday; 07:00 - 00:30 Friday; 07:00 - 01:30 Saturday; 07:00 - 01:30 Sunday; 07:00 - 00:30
20/07485/LIPDPS	(Restaurant)	Ground Floor 33 Dover Street London W1S 4NF	Public house or pub restaurant	Saturday; 08:00 - 03:00 Sunday; 10:00 - 23:30 Monday to Friday; 07:00 - 03:00 Sundays before Bank Holidays; 10:00 - 01:00
22/02608/LIPDPS	Not Recorded	10 Berkeley Square London W1J 6AA	Not Recorded	Monday; 07:00 - 01:30 Tuesday; 07:00 - 01:30 Wednesday; 07:00 - 03:00 Thursday; 07:00 - 03:00 Friday; 07:00 - 03:00 Saturday; 07:00 - 03:00 Sunday; 09:00 - 01:30