



City of Westminster

# Licensing Sub-Committee Report

Item No:

Date:

8<sup>th</sup> September 2022

Licensing Ref No:

22/05081/LIPN - New Premises Licence

Title of Report:

Aloo Tama Nepalese Restaurant  
18 Greencoat Row  
London  
SW1P 1PG

Report of:

Director of Public Protection and Licensing

Wards involved:

Vincent Square

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

Karyn Abbott  
Senior Licensing Officer

Contact details

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## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	12 May 2022		
<b>Applicant:</b>	Mr Swarnim Gurung		
<b>Premises:</b>	Aloo Tama Nepalese Restaurant		
<b>Premises address:</b>	18 Greencoat Row London SW1P 1PG	<b>Ward:</b>	Vincent Square
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	According to the application form, the applicant proposes to operate the premises as a Nepalese Restaurant.		
<b>Premises licence history:</b>	This is a new premises licence application and therefore no premises licence history exists.		
<b>Applicant submissions:</b>	The applicant has provided a letter with a response to the representations received. This can be found at <b>Appendix 2</b> of the report.		
<b>Applicant amendments:</b>	None		

1-B Proposed licensable activities and hours							
<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			On
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	12:00	12:00	12:00	12:00	12:00	12:00	12:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>Seasonal variations/ Non-standard timings:</b>		None					

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	12:00	12:00	12:00	12:00	12:00	12:00	12:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>Seasonal variations/ Non-standard timings:</b>		None					
<b>Adult Entertainment:</b>		None					

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Dave Morgan
<b>Received:</b>	18 July 2022 ( <b>Withdrawn 27<sup>th</sup> July 2022</b> )
<p>Application for New Premises Application: 18 Greencoat Row, London, SW1P 1PG - 22/05081/LIPN</p> <p>With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are <b>objecting</b> to this application as it is our belief that if granted, the application would undermine the Licensing Objectives, namely the Prevention of Crime and Disorder and the Protection of Children from Harm.</p> <p>I appreciate that you have described the steps you will take to promote the licensing objectives, but there are a number of conditions that I would like to see added to the licence and I have attached a list of these conditions to this email.</p> <p>Please let me know if you are happy to accept these or feel free to contact me if you wish to discuss them further.</p> <p><b>The Metropolitan Police withdrew their representation on the 27<sup>th</sup> July 2022 following agreement of conditions with the applicant. These conditions can be found at Appendix 4.</b></p>	

2-B Other Persons	
<b>Name:</b>	Andrea Cindel
<b>Address and/or Residents Association:</b>	Flat 13 Greencoat Mansions Greencoat Row London
<b>Received:</b>	5 July 2022
<p>I wish to <b>object</b> to the Licence Application by Mr Swarnim Gurung for the Sale of Alcohol Monday to Sunday from 12:00 to 23:00 (Location: 18 Greencoat Mansions, London, SW1P 1PG) based on the following concerns:</p> <ol style="list-style-type: none"> <li>1. The location is not only in a residential area but is actually located <b>inside</b> a residential building – Greencoat Mansions – a building which <u>totally lacks sound insulation</u>;             <ol style="list-style-type: none"> <li>a. Greencoat Mansions is formed of studio/one bedroom flats whose residents are mainly elderly people on social benefits, some of whom also suffer from mental health issues, or small families with very young children;</li> <li>b. Greencoat Mansions is an old working class building dating from the 1880's: its floors and ceilings consist of very basic wooden planks on wooden joists, just like an old wooden barn in the countryside. The floor/ceiling cavity between any two dwellings is an empty box which acts as a resonance box in a guitar, i.e. greatly amplifying the sound coming from above/below the dwelling;</li> <li>c. There is no sound insulation whatsoever between a dwellings and the one</li> </ol> </li> </ol>	

above/below it; nor is there any sound insulation whatsoever between dwellings located on the same level.

There is no sound insulation whatsoever between 18 Greencoat Mansions and the rest of the building;

d. The Police have already been asked to intervene in the past because of heated quarrels between residents, such quarrels stemming from the complete lack of sound insulation between dwellings;

e. Where alcohol is involved the probability of inappropriate rowdy behaviour is greatly increased. Hence, were the Licence Application to be granted, it can be declared with certainty that, given the complete lack of sound insulation:

(i) greater suffering would be caused to residents with mental health issues,  
(ii) elderly residents would not be able to live out in peace and quiet the remaining years of their life,

(iii) sleep pattern of young children (who usually go to sleep at 8 pm) would be greatly disrupted, and

(iv) the Police would probably be constantly asked to intervene at Greencoat Mansions.

f. Currently, the residents of Greencoat Mansions are already been subjected to noise and rowdy behaviour caused by the customers of The Greencoat Boy (located just around the corner from Greencoat Mansions).

Granting a licence to Mr Swarnim Gurung would amplify these problems and breach the resident's right to a quiet enjoyment of their home: the 'public nuisance' problem would now be taking place **right inside our building**, eleven hours a day seven days a week!

2. The 'location plans' attached to the Application indicate the presence of a 'public room'/'toilet':

a. However, a site inspection by the Licencing Authority will quickly reveal that such 'toilet' would only be deemed fit for use on a building site, certainly not for a venue such as the one submitting the Licence Application. It honestly beggars belief that this restaurant has been given permission to operate with such "restroom facilities";

b. Such toilet is not located inside the venue but within the building's inner, tiny, courtyard. Were the Licence Application to be granted, it can be declared with certainty that drunk customers – unwilling to wait for the toilet to be vacated if taken - will end up urinating (and vomiting) in the building's inner courtyard with **substantial health impact on the building's residents and their children**;

c. This unisex standalone cubicle, would force women to feel unfairly disadvantaged and, most importantly, would force them to use toilets whose sanitary conditions – given that they will be used by drunk male customers – would leave much to be desired!

As a woman I believe it is vital that women feel safe and comfortable when using public facilities, and their needs are respected. The unisex "toilet" made available by Mr Swarnim Gurung, apart for being fit only for a building site, would not make any female customer feel safe and comfortable when using them.

3. Additionally:

a. On page 15 of his application Mr Swarnim Gurung states: "*Our Kitchen Exhausts are cleaned regularly and we use Filters to minimize any smell.*" This

statement is totally false as any site inspection by the local authority will quickly confirm. Every single day after 5 pm all residents are forced to shut tightly all windows facing the inner courtyard as a strong obnoxious smell of spicy food quickly permeates the whole courtyard and stays there till 10 pm;

b. Moreover, on page 15 of his application Mr Swarnim Gurung also states: “*The waste from the restaurant is being disposed as per Council rules and regulations.*” This is open to dispute, as the restaurant’s employees instead of placing their rubbish bags in their own wheelie bin always dump such rubbish in front of the entrance to flats 9-16 Greencoat Mansions. Every night foxes rip the bags open, spilling discarded food and oil onto the pavement. The area in front of the entrance to flats 9-16 has lately become a true pigsty, as a local authority inspection will quickly confirm;

c. We never had such problems with the previous businesses using 18 Greencoat Mansions:

(i) ‘*Fresco*’ used to make take-away sandwiches; there never was any problems of smell, noise, or rubbish with them;

(ii) ‘*Piqante*’ used to make spicy Mexican take-aways: although they too were cooking spicy food we never had problems of smell in the inner courtyard, nor were there issues of noise given that business hours were till 15:00 and customers were queuing up outside the venue, collecting their order, and leaving, nor were there issues of rubbish causing a pigsty in front of the building;

(iii) ‘*Casa Maria*’ – this was a Mediterranean cuisine restaurant: again we never had problems of smell in the inner courtyard from their cooking, nor were there issues of noise as they only had customers till 5 pm and no alcohol was sold on the premises, nor were there issues of rubbish causing a pigsty in front of the building.

d. As explained above, the owner of the Aloo Tama Nepalese Restaurant (Mr Swarnim Gurung) has already demonstrated total disregard for the existing residents of the building, hence signalling what his likely behaviour will be if a Licence to Sell Alcohol (with extended trading hours) were to be granted!

4. Finally:

a. the location of the “toilet” is such that by being located in the inner courtyard, any customer of the restaurant wanting to use them also has access to the entire building. There **currently** is, in other words, **an issue of security** as any customer wanting to use the toilet can now access the building and walk up to any flat within it.

b. If alcohol were to be sold nothing is going to stop a drunk customer, once in the building’s inner courtyard, from wandering up the building’s stairwells and prey upon any young child (or any female) he finds on his way.

c. This is a totally unacceptable situation to force upon the residents of this building!

Summing up, not only is the granting of a Licence to sell alcohol not compatible with this location, but also the Licence to currently operate as a restaurant is not compatible with this location and such permission to operate as a restaurant should be revoked till the public nuisance and security issues explained above are solved.

<b>Name:</b>	Mr Alan Sinclair
<b>Address and/or Residents Association:</b>	Flat 20 Greencoat Mansions Greencoat Row London SW1P 1PG
<b>Received:</b>	20 July 2022

I strong object to the granting of a liquor license at Aloo Tama,

I am a resident at 20 Greencoat Mansions which is the property situated directly above Aloo Tama. My property is a small 1 bedroom flat with the same floor space as Aloo Tama which is situated one floor below. I and other neighbours have had to speak to the proprietor and his staff on multiple occasions over the past 12 months to raise concern around noise, smell and ASB. Aloo Tama operate in the late afternoon and evening with the bulk of their customers arriving after 18.00hrs. They currently close to customers at 22.00hrs but many are still inside at 22.45hrs.

When the restaurant is busy, the constant level of noise from customers is unbearable. There is very poor sound proofing between floors in Greencoat Mansions. When Aloo Tama has up to 22 covers crammed in to a very small floor space, the noise level is awful.

At present this noise not only rises up in to my property internally but is also leaked out of the restaurant though their front door and rear door which are regularly wedged open. Having challenged the proprietor that his application for a liquor license states that both the front and rear doors would be kept closed during operational hours to prevent noise leakage, I have been advised that this is not always possible due to the need to allow cool air in to the premises. It would appear that the premises do not have air conditioning or other cooling systems.

The restaurant have only one toilet which is located in an outhouse in the communal yard. Customers have been seen to smoke and cause disturbance to residents in this area when they are waiting to use the toilet.

I have seen customers (evidenced) drinking alcohol on the pavement outside the venue. They have sold alcohol.

I would be surprised if Peabody, as the landlord, allow a liquor license in residential block.

<b>Name:</b>	A J Denehan
<b>Address and/or Residents Association:</b>	26 Greencoat Mansions London SW1P 1PG
<b>Received:</b>	21 July 2022

I refer to your letter dated 28 June 2022 reference 22/05081/LIPN. I object most strongly to this application for the sale and consumption of alcohol on this small property. I fear this will increase the noise even further from the customers and more so when the customers leave the premises.

This application if granted will make living here even more unpleasant because of the very strong smell from their cooking. I have raised this issue with the proprietors going back before they started cooking food. They have constantly said they are doing something about it but always fail to do so. Is it right they are allowed to cook such food and sell alcohol on a small residential property. Has this application been approved by the property owners, Peabody Trust.

### 3. Policy & Guidance

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

#### **Policy HRS1 applies**

- 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.
- 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:
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 being open or carrying out operations at the hours proposed.
  4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
  5. The proposed hours when any music, including incidental music, will be played.
  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.
  7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
  8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
  9. The capacity of the premises.
  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.
  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.
  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.
  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.
  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

	<p>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><b>8. Restaurants</b>  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>
<p><b>Policy RNT1 applies</b></p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>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.</li> <li>4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</li> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</li> <li>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.</li> <li>4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</li> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> </ol>

	<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.

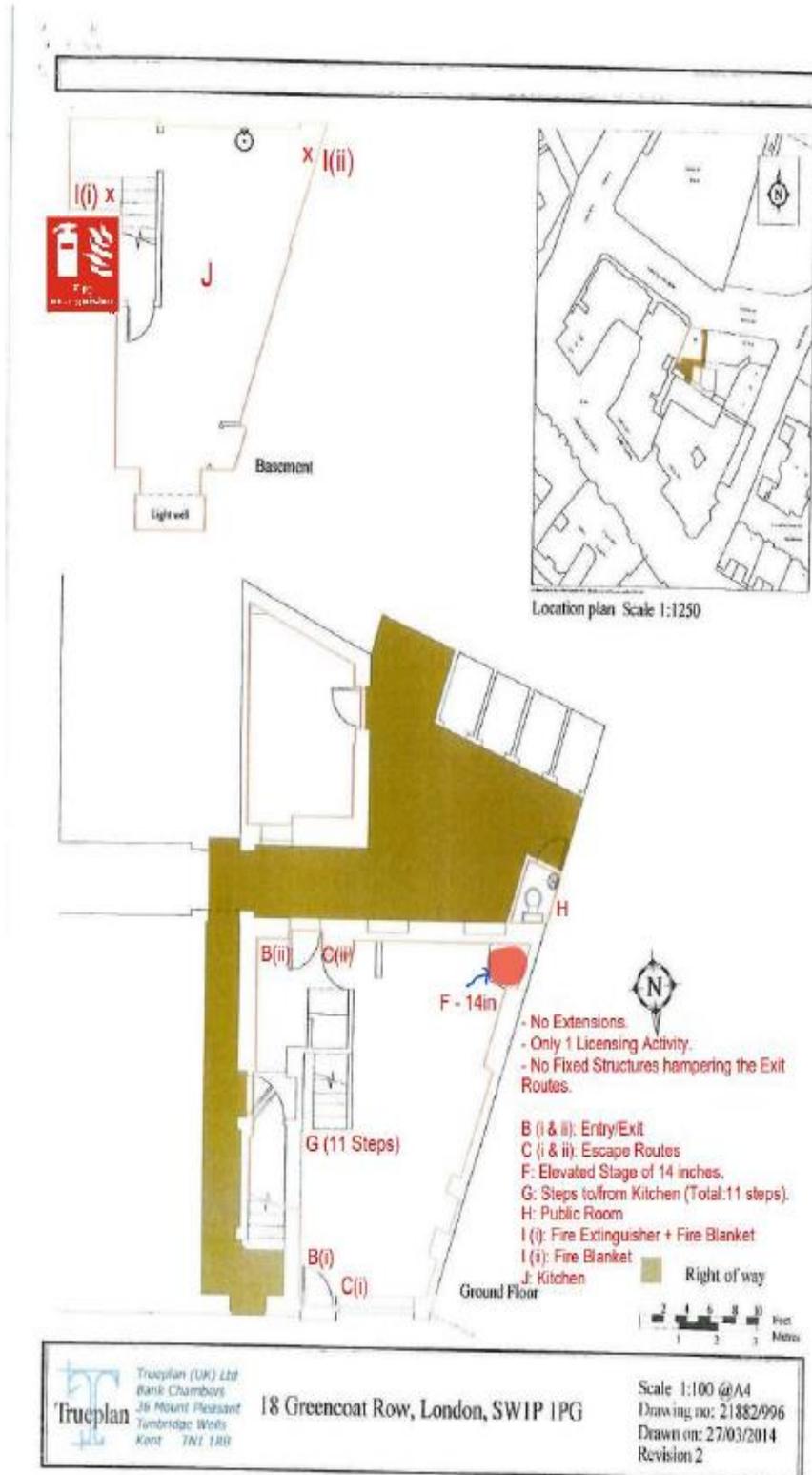
#### 5. Appendices

<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>	Karyn Abbott Senior Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 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**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	October 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Metropolitan Police Service <b>(Withdrawn 27<sup>th</sup> July 2022)</b>	18 <sup>th</sup> July 2022
<b>5</b>	Representation 1	5 <sup>th</sup> July 2022
<b>6</b>	Representation 2	20 <sup>th</sup> July 2022
<b>7</b>	Representation 3	21 <sup>st</sup> July 2022



**Aloo Tama Nepalese Restaurant  
18 Greencoat Row,  
Westminster,  
SW1P 1PQ**

**Subject: Premise License Application**

To whom it may concern,

Dear Sir/Madame,

We, the Aloo Tama Family, appreciate the concerns raised by our neighbors regarding the possibilities from granting us the Premise License. First of all, I would like to inform everyone that Aloo Tama is a Family-run business and we have always been courteous to our neighbors and treated them with respect. Our restaurant, for us, is not only a business but a representation of our culture. We have read the objections that are being raised by some of the residents and respect their concern for the community. The concerns that have been raised have all been evaluated by us and we are on track to solve them as soon as we can. Most of the objections seen are regarding the noise, anti-social behavior, the cooking aroma, and the waste management. The Premise License application is to provide the customers with an accompaniment for their food rather than generating an income solely from the sale of alcohol.

Please be informed that our purpose in the Restaurant is to serve Londoners the flavorsome delicacies from Nepal. This is how we generate our income. We have worked hard to provide a calm ambience for the customers where they can enjoy their food. We always ask the Customers to be courteous to the residents living in the building while they are being seated. We realize the lack of sound proofing in the building, never play the background music at an amplified level. We are not turning our Restaurant into a Pub where the Customers come to only drink or party. The majority of the “noise” is the Customers having a conversation with one another. Also, with respect to our neighbors, we take the final orders at 9pm, our Kitchen closes at 9:30pm and we intend to vacate the premise by 10pm. We have not applied for the Late-Night Refreshment license as we do not intend to open late.

Once again, we would like to remind you that food will be our main source of income and the alcohol sale will only contribute to a portion of it. The sale of alcohol will be monitored and only provided to complement the food that they are having. We do not intend to setup a Bar area where the customers can order their drinks and walk around. The drinks will be served only when seated at their respective table. Constant monitoring of the sale means that no one will be served in excess and thus avoiding any drunk or drunkard behavior. Plenty of water will be provided along with the alcohol to the customers.

We would also like to inform everyone that the procedure to have a high rising exhaust installed has been initiated. An Extraction Engineer has surveyed the area and is currently designing the extraction system, extraction technical specification along with the Odour risk assessment under EMAQ guidance. An Architect and a Noise Engineer are also preparing a proposal to apply for Planning Permission. Having said that, we have tried in the past to decrease the cooking aroma by regularly cleaning the ducts and also placing exhaust filters.

As for the Waste Management, both our Recyclable and General Waste are dropped at Collection Point on Designated Days only. The visiting Council representative acknowledged this as well. Also, we always Double-Bag our wastes so as to prevent any intrusions or leakages (industrial strength garbage bag and the Council provided bags). We emphasize on cleanliness not only within our premise but also our surroundings. Our wastes are placed on Francis Street, now, as per Council directions. As for the mentioned “pigsty” in front of the

entrance to Flats 9-16 are Residential Waste and can be differentiated by the trash bags that are used. Most visible rubbish seen outside the entrance of the rest of the Flats and the Restaurant are immediately taken care of by our staff.

We will also be installing Security Cameras not only within the Restaurant but also outside our premises to make the neighborhood more secure and prevent 'public nuisance'. We have posted sign in the Restaurant that smoking is prohibited in the courtyard. Since it is a small Restaurant and we inform the customers that the Restroom is one-at-a-time so they have refrained from standing in the courtyard and rather sit in their seats until the other returns. As the business progresses, we will definitely make necessary renovations.

Please be informed that we are not trying to force an unacceptable situation upon the residents by applying for a Premise License. Please note that we have allowed our customers to bring their own drinks and this too has been monitored. We have not had public nuisances or drunk behaviors while doing so and we intend to continue it.

This is a difficult time to start any business and to sustain it is even difficult. Please understand that we are not trying to disturb the peace. I, personally, do my best to maintain a healthy and friendly relation with every neighbor. We aim to provide quality service to our customers while maintaining the harmony that is in the neighborhood.

I hope this addresses the concerns raised in the objections and should you need any further assurance, any one of our Team is readily available.

Swarnim Gurung,  
Aloo Tama Nepalese Restaurant  
18 Greencoat Row,  
SW1P 1PG

## **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**

None

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

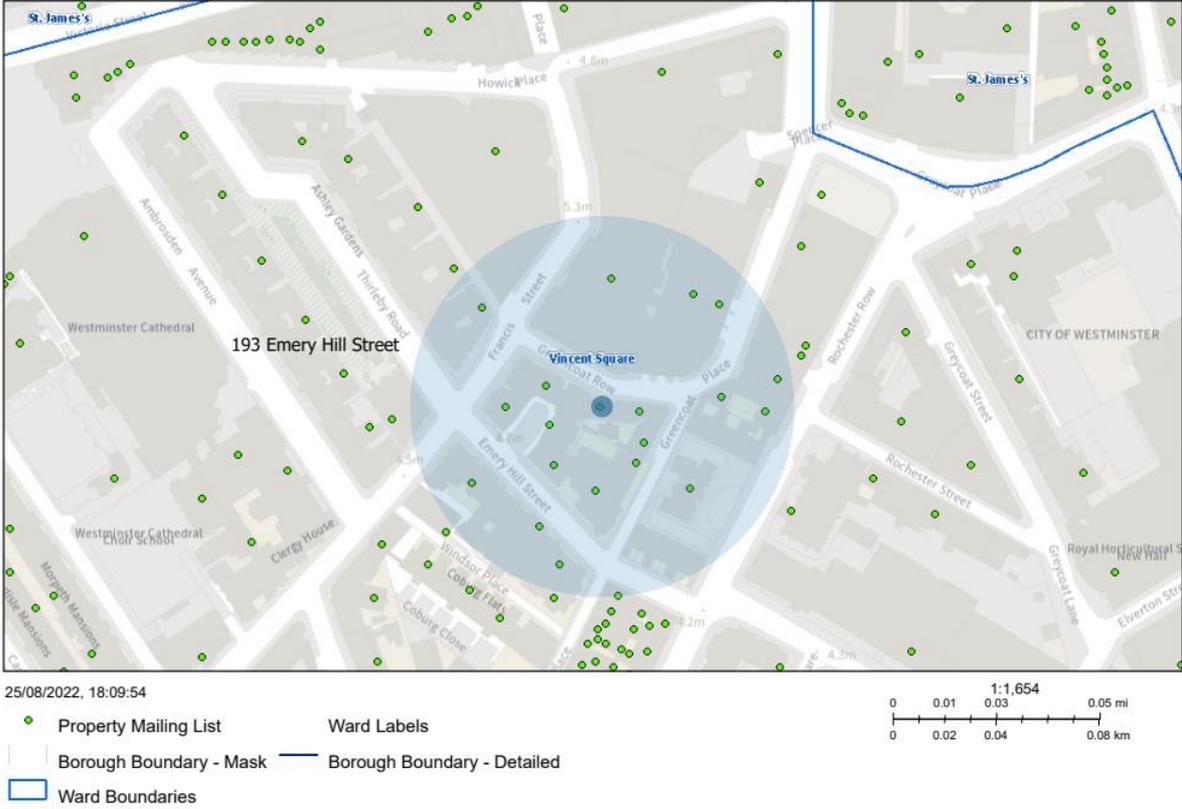
9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. 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. 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.
12. 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.
13. 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.
14. 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.
15. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
16. 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.*

**18 Greencoat Row, London**



Resident Count = 362

**There are no Licensing Premises in a 75m radius of 18 Greencoat Row, London**