

# Licensing Sub-Committee Report

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|--------------------|---|
| Item No:           |   |
| Date:              | 25 May 2017   |
| Licensing Ref No:  | 17/03024/LIPN - New Premises Licence                            |
| Title of Report:   | 21 Charing Cross Road<br>London<br>WC2H 0ES                     |
| Report of:         | Director of Public Protection and Licensing                     |
| Wards involved:    | St James's  |
| Policy context:    | City of Westminster Statement of Licensing Policy               |
| Financial summary: | None  |
| Report Author:     | Miss Heidi Lawrance<br>Senior Licensing Officer                 |
| Contact details    | Telephone: 020 7641 2751<br>Email: hlawrance@westminster.gov.uk |

## 1. Application

| 1-A Applicant and premises        |  |                                |            |
|-----------------------------------|--|--------------------------------|------------|
| <b>Application Type:</b>          | New Premises Licence, Licensing Act 2003   |                                |            |
| <b>Application received date:</b> | 21 March 2017  |                                |            |
| <b>Applicant:</b>                 | Youcef Khaloufi  |                                |            |
| <b>Premises:</b>                  |  |                                |            |
| <b>Premises address:</b>          | 21 Charing Cross Road<br>London<br>WC2H 0ES  | <b>Ward:</b>                   | St James's |
|                                   |  | <b>Cumulative Impact Area:</b> | West End   |
| <b>Premises description:</b>      | The premises is intending to operate as a kebab and grill food outlet.   |                                |            |
| <b>Premises licence history:</b>  | <p>The premises has previously been licensed reference: 16/11303/LIDPSR.</p> <p>The Premises Licence was granted in July 2006. The Licence lapsed due to the Licence Holder Company going insolvent 27<sup>th</sup> September 2016.</p> <p>A history of this Premises Licence can be found at Appendix 3.</p>  |                                |            |
| <b>Applicant submissions:</b>     | Food shop located in the City of London between the National Portrait Gallery and Leicester Square Garden. Serving traditional Kebab and Grills with a sitting area at ground floor and take away service. Storage room, staff toilet and kitchen located in the basement of the premises. Opening hours everyday of the week from 11:00hs - 23:00hs with late night refreshment on weekends (23:00-4:00hs). |                                |            |

| 1-B Proposed licensable activities and hours      |            |             |            |   |            |            |            |
|---|------------|-------------|------------|---|------------|------------|------------|
| <b>Late Night Refreshment:</b>                    |            |             |            | <b>Indoors, outdoors or both</b>                                |            |            | Both       |
| <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>                                     |            |             |            |   | 23:00      | 23:00      | 23:00      |
| <b>End:</b>                                       |            |             |            |   | 04:00      | 04:00      | 04:00      |
| <b>Seasonal variations/ Non-standard timings:</b> |            |             |            | Christmas Eve and New Year's Eve: 23:00 hours until 04:00 hours |            |            |            |

| Hours premises are open to the public             |       |   |       |       |       |       |       |
|---|-------|---|-------|-------|-------|-------|-------|
| Day:  | Mon   | Tues  | Wed   | Thur  | Fri   | Sat   | Sun   |
| <b>Start:</b>                                     | 11:00 | 11:00   | 11:00 | 11:00 | 11:00 | 11:00 | 11:00 |
| <b>End:</b>                                       | 23:00 | 23:00   | 23:00 | 23:00 | 04:00 | 04:00 | 04:00 |
| <b>Seasonal variations/ Non-standard timings:</b> |       | Christmas Eve and New Year's Eve: 23:00 hours until 04:00 hours |       |       |       |       |       |
| <b>Adult Entertainment:</b>                       |       | Not applicable.   |       |       |       |       |       |

## 2. Representations

| 2-A Responsible Authorities   |                             |
|---|-----------------------------|
| <b>Responsible Authority:</b>   | Metropolitan Police Service |
| <b>Representative:</b>  | 11 <sup>th</sup> April 2017 |
| <b>Received:</b>  | PC Bryan Lewis              |
| <p>I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>The venue is situated in the West End Cumulative Impact Area, a locality where there is traditionally high levels of crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.</p> <p><b>Further discussions with applicant and proposed conditions:</b></p> <ol style="list-style-type: none"> <li>1. 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 preceding 31 day period.</li> <li>2. 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 are 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</li> <li>3. 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, which will record the</li> </ol> |                             |

following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) any faults in the CCTV system
- (f) any visit by a relevant authority or emergency service

- 4. After 11pm all drinks shall be served in paper or plastic containers only.
- 5. There shall be a minimum of one SIA door supervisor employed from 23:00 hours until the premises closes on Friday, Saturday and Sunday trading nights. They shall wear a high visibility yellow jacket or tabard and display their SIA licences at all times.
- 6. There shall be a take away service only after midnight Friday Saturday and Sunday trading nights.

|                               |  |
|-------------------------------|--|
| <b>Responsible Authority:</b> | Environmental Health Consultation Team |
| <b>Representative:</b>        | Ms Ayesha Bolton                       |
| <b>Received:</b>              | 13 <sup>th</sup> April 2017            |

**The premises are located within the West End Cumulative Impact Area as stated in the City of Westminster's Statement of Licensing Policy.**

This representation is based on the plans and operating schedule submitted.

The applicant is seeking the following:

- 1. To provide Late Night Refreshment both Indoors and Outdoors on Friday to Sunday from 23.00 to 04.00 hours, on Christmas Eve and New Year's Eve from 23.00 to 04.00 hours.

I wish to make the following representation.

- 1. The provision and hours requested for Late Night Refreshment will have the likely effect of causing an increase in Public Nuisance within the area and may impact on Public Safety.

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.

Should you wish to discuss the matter further please do not hesitate to contact me.

|                               |                     |
|-------------------------------|---------------------|
| <b>Responsible Authority:</b> | Licensing Authority |
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|                        |                   |
|------------------------|-------------------|
| <b>Representative:</b> | Mr David Sycamore |
|------------------------|-------------------|

|                  |                             |
|------------------|-----------------------------|
| <b>Received:</b> | 18 <sup>th</sup> April 2017 |
|------------------|-----------------------------|

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of Children from Harm

As it stands the application contravenes Westminster's Statement of Licensing Policies CIP1, and HRS1.

The application seeks to permit the following:

To provide late night refreshment from 11:00 hrs until 04:00 hrs Friday, Saturday and Sunday nights indoors and our doors.

Policy HRS1 states at paragraph 2.3.2: "It is the intention to generally grant licences... where the hours when customers are permitted to be on the premises are within the 'core hours' as set out in Policy HRS1. Further, Policy RNT2 which relates to restaurants within the CIA states 'Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

Currently the hours are outside of the core hours policy on Friday, Saturday and Sunday night, the premises is located inside the Cumulative Impact Area.

Policy CIP1 states (i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1. However part (ii) states: Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.

We are generally concerned that this application does not address the likely increase in cumulative impact in an already busy area.

Please could you provide further submissions that demonstrate the premises will not add to cumulative impact in the Cumulative Impact Area if the application were to be granted.

**Response from applicant:**

In relation to the application submitted for Kebabge & Grill located in 21 Charing Cross Road, we would like to appease your concerns about this application having a cumulative impact its busy area.

In addition to the information already submitted we would like to add some others conditions which would help maintain the public safety.

1. After 23:00hs would only be take away service from window shop, to encourage the flow of people instead of the accumulation in a close space which is more likely to cause public nuisance and disorder.
2. Staff will remind clients to keep the order while waiting if its needed (provide training) in addition of specific signs advise patrons and staff to be quiet when leaving premises. Ban people from the premises who do not cooperate
- 3.SIA supervisor door with a high visibility yellow jacket or vest during the late night service.
4. CCTV cameras shall be install.
5. No drinks shall be served in glass containers at any time.
6. Sufficient measures will be in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
7. Encourage customers to dispose of litter responsibly using posters inside premises and on bins. Discourage customers from leaving premises drinking from open cans and bottles.
- 8.Deliveries to be made at reasonable times.

If you consider we'll need to have more conditions set in order for the application to be granted please let us know. We are open to suggestions.

**Further comments from Licensing Authority**

Thank you for your conditions, however they do not address the facts that there will be an increase of people in the area using your new premises if it were to be granted. This case will have to be determined by a licensing sub-committee if you wish to stay with your current hours as requested. People who have been drinking in the cumulative impact area then make their ways to late night venues that serve hot food and drinks



which often adds to public nuisance as stated in our policy (2.5.2)

As 2.5.17 of our policy states, it is the Council's current stance to refuse premises supplying fast food inside the cumulative impact area and as such our representation shall be maintained. What will assist the members in making any decision is the detail you can go into as to how you will disperse your customers once they have been served.

| 2-B Other Persons  |  |
|--|--|
| <b>Name:</b>   | [REDACTED]   |
| <b>Address and/or Residents Association:</b>   | [REDACTED]<br>[REDACTED]<br>[REDACTED]<br>[REDACTED] |
| <b>Received:</b>   | 17 <sup>th</sup> April 2017                          |
| <p>I write to object to the above-numbered Application on the grounds of public nuisance, and more specifically those of (actual) noise, and potential anti-social behaviour. [REDACTED]</p> <p>[REDACTED] - and those of twice that number in the immediately adjacent wing of Faraday House. If I have understood the terms of the Application aright, the Applicant is seeking to extend the hours of his commerce in order to serve food, not only within his own premises, but out into the street, until the excessively late hour of 4 a.m.. It is, at the present time of year (mid-April) still relatively cool at nights; as the nights get warmer, the anti-social behaviour this is liable to generate will become significantly greater. This is no theoretical objection. There was previously, on these very premises a similar enterprise, by the name of 'All-American Fried Chicken', which was eventually shut down because of the regular disturbance created by its late-night patrons, many of whom had clearly taken on board more alcohol than they could carry. The immediate neighbourhood is, indeed, well - too well - supplied with late-night drinking places, and these 'revellers' tend to congregate at the local - late-LATE-night - take-away joints before eventually heading home.</p> <p>It so happens that at this moment the bus stops serving the night buses travelling in both directions along the Charing Cross Road have been moved away from their usual position on account of the building works in progress at the neighbouring Alhambra House. But as soon as these works are completed, the stops will be relocated to their original positions. And these positions, and most particularly that for south-faring passengers, are situated hard by the premises here in question: and opposite the dwellings at Garrick Mansions and Faraday House. When this was previously the case - as it will quite certainly be again - the boisterous, and frequently well-oiled, customers of these premises would take their food and their shouting to the bus stops to await the arrival of their night buses - an arrival even more ardently wished for by the neighbouring residents than by the intending passengers!</p> <p>In sum, the proposed extension of operating hours to 4 in the morning seems quite excessive and liable to further degrade the already compromised amenity of this</p> |  |

neighbourhood. I would further observe that it would seem both reasonable and desirable that, after 11 p.m., the serving and consumption of food should be restricted to that within the interior of these premises.

The above, then, are the grounds of my objection.

|  |  |
|--|--|
| <b>Name:</b>                                 | [REDACTED]   |
| <b>Address and/or Residents Association:</b> | [REDACTED]<br>[REDACTED]<br>[REDACTED]<br>[REDACTED] |
| <b>Received:</b>                             | 25 <sup>th</sup> March 2017                          |

The application in effect proposes an hour extension to current permissions from 3am to 4am.

The premises currently has a hatch window designed to serve food to customers on the pavement but it is not clear if the licensee holds permissions to carry out this activity. I would object to it being permitted after 11pm.

The premises currently places a table and chair directly on the pavement outside but it is not clear if the current premises licence which permits an external area to be used, has appropriate authority attached (tables and chairs licence) to place furniture onto the street. I would object to this being permitted after 11pm.

The planned TENS test which ran from 7th-14th April does not reflect increases in street activity which occur during warmer seasons. Also that the close-by northbound night-bus stop is currently subject to temporary closures due to major building works. Therefore these TENS results are both unreliable and unrepresentative of normal and variant conditions.

The premises is opposite family apartments (Peabody's south wing of Faraday House - entrance at 18 Charing Cross Rd - flats 11-22) located on the 6 floors above the Garrick Arms which directly face the licensee from the east side of Charing Cross Rd. Adjacent to the Garrick Arms is Garrick Mansions, also a residential apartment containing 6 homes. In both apartment buildings bedrooms are street facing. The Peabody property consists of 2 bedroom flats where both bedrooms face the street, including the one designated for children.

This licensee is close to two major designated West End night-bus stops located a few meters away to the north on the west side and opposite on the east. It is probable that groups and individuals, very likely under the influence of alcohol, would take to congregating for night buses outside this premises to consume food they have bought there through-out the night, particularly in warmer months.

The application is contrary to the City Council's Statement of Licensing Policy 2016.

The premises is situated within the West End 'cumulative impact area' for the purposes of the Policy. It is in close proximity to late night, drink-led premises. It is also adjacent to 2 'night bus' stops. The terminal hour sought is very late. These three factors, and the nature of the offer, make it very likely that the premises will attract people who have



been drinking for long periods and are looking for fast food. Not only does this raise the prospect of noise and anti-social behaviour, but also litter and waste.

This is particularly the case because it seems from the application (and indeed from the physical layout of the premises - see attached photo) that customers will be able to purchase late night refreshment from a hatch or window. The customer would therefore never have to actually enter the premises. This increases the prospect of the sort of 'honeypot' issues which the Policy envisages.

The relevant sections of the Policy are as follows:

2.4.1 - 'These areas have been identified as Cumulative Impact Areas because the cumulative effect of the concentration of late night and drink led premises and/or night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses...The retention of people late at night contributes to the cumulative impact. This arises both from the lack of late night transport and the existence of facilities such as fast food outlets that encourage people to stay on after other licensed premises have closed.'

Also:

CIP1(i) - 'It is the Licensing Authority's policy to refuse applications [in this area] for: pubs and bars, fast food premises...other than applications to vary hours within the Core Hours under Policy HRS1.'

FFP2 - 'It is the Licensing Authority's policy to refuse applications [in this area], other than applications to vary hours within the Core Hours under Policy HRS1.'

This is a new application, not a variation. In any event, the hours sought are well outside the 'core hours'.

2.5.18 'Fast food premises which are open after 23.00 can attract large groups of customers, many of whom have been consuming alcohol in pubs, bars, or night clubs sometimes some distance away. The congregation of people around these premises leads to additional noise and disturbance and further congestion in the area....The council considers that the addition of hot fast food and hot drink adds to the attractiveness of premises to people who have been drinking and who are more likely to be involved in anti-social behaviour.'

2.5.19 'The Metropolitan Police have raised concerns about the levels of crime and disorder that happen outside fast food premises late at night due to alcohol, fuelled behaviour.'

2.5.20 '...there are high concentrations of fast food premises in addition to other licensed premises. On this basis and because the attraction and retention of people by the premises mitigates against their rapid dispersal from the cumulative impact areas, the

Licensing Authority considers that the grant of variations or new licences should be limited to exceptional circumstances.'

This raises issues which are set out at para 2.4.1 of the Policy. My understanding is that one of the fundamental aims of the Policy is to facilitate rapid dispersal from the

cumulative impact areas. This application has the exact opposite effect.

This is precisely what I anticipate, and is residents' experience from previous late night usage of the premises when it was called 'All American Fried Chicken', a style of operation which was also attractive to late night drinkers.

In my view, in order to obtain a grant of this licence to the terminal hour proposed, the applicant needs to demonstrate that there are 'genuinely exceptional circumstances' to justify a departure from Policy (see para 2.4.2). The threat of disturbance to residents is therefore so great that I object to the hours proposed in the license application and request permissions to maintain sale and consumption of food WITHIN the premises only during late and beyond core hours. I would ask that the Licensing Authority refuse this application in as much as it relates to:

1. Extending hours
2. To the serving of late night refreshment through a hatch without customers actually entering the premises.
3. I would also ask the Council to determine the current state of permissions for placing of chair and table onto the street and to disallow this after 11pm.

I attach a photo of the current hatch and external table and chair for assessment.



|   |                             |
|---|-----------------------------|
| <b>Name:</b>  | [REDACTED]                  |
| <b>Address and/or Residents Association:</b>  | [REDACTED]                  |
| <b>Received:</b>  | 27 <sup>th</sup> March 2017 |
| <p>This Representation is being made on behalf of the CGCA. These premises are on the West side of Charing Cross Road and so opposite a residential building (Faraday House).</p> <p>The detailed Application is not available for some technical reason and so we are making our Representation without sight of this. Once it is available we may amend the condition.</p> <p>From the plans and details the premises are a small cafe style operation which proposed to offer LNR until 04:00 Friday to Sunday. Whether is is Friday to Sunday night or Thursday to Saturday night is unclear. Whether the LNR is offered for takeaway is also unclear, although given the small size of the premises we assume that this will be the case.</p> <p>In any event we believe that having a small LNR venue, even without alcohol available, will increase the level of Public Nuisance in the vicinity of the premises and within the CIA as a whole. We believe that it should be refused under Policy FFP2 for the reasons given in the policy in that it will attract people from other late night venues and encourage them to remain in the area. This will be the case whether or not they offer LNR for takeaway.</p> |                             |

### 3. Policy & Guidance

|  |  |
|--|--|
| The following policies within the City Of Westminster Statement of Licensing Policy apply: |  |
| <b>Policy FFP2 applies:</b>  | It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours under Policy HRS1.   |
| <b>Policy HRS1 applies:</b>  | <p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> |
| <b>Policy CIA1 applies:</b>  | (i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and  |

|  |  |
|--|--|
|  | <p>dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p> |
|--|--|

#### 4. 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>Appendix 6</b> | Premises Licence - 16/11303/LIDPSR                   |

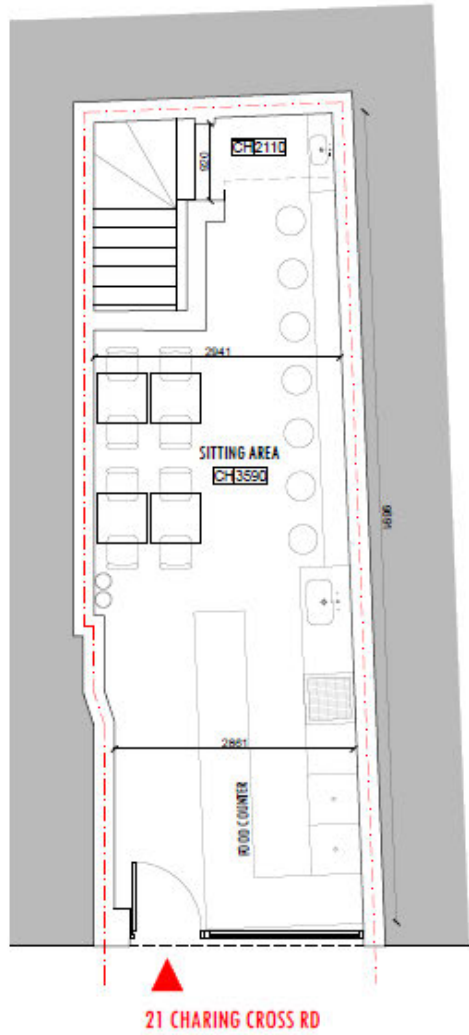
|                       |   |
|-----------------------|---|
| <b>Report author:</b> | Miss Heidi Lawrance<br>Senior Licensing Officer                 |
| <b>Contact:</b>       | Telephone: 020 7641 2751<br>Email: hlawrance@westminster.gov.uk |

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

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

|           |   |                              |
|-----------|---|------------------------------|
| <b>1</b>  | Licensing Act 2003  | N/A                          |
| <b>2</b>  | City of Westminster Statement of Licensing Policy                   | 7 <sup>th</sup> January 2016 |
| <b>3</b>  | Amended Guidance issued under section 182 of the Licensing Act 2003 | March 2015                   |
| <b>4</b>  | Application Form  | 21 <sup>st</sup> March 2017  |
| <b>5</b>  | Representation – Metropolitan Police Service                        | 11 <sup>th</sup> April 2017  |
| <b>6</b>  | Representation – Environmental Health Service                       | 13 <sup>th</sup> April 2017  |
| <b>7</b>  | Representation – Licensing Authority                                | 18 <sup>th</sup> April 2017  |
| <b>8</b>  | Representation – ██████████   | 25 <sup>th</sup> March 2017  |
| <b>9</b>  | Representation – ██████   | 27 <sup>th</sup> March 2017  |
| <b>10</b> | Representation – ████████████████████                               | 17 <sup>th</sup> April 2017  |

**Premises Plans**



**EXISTING GROUND FLOOR PLAN**

**CANDiDe-Design**  
 0650  
 Unit 2nd  
 100/101  
 E. 104th St. 200/1000  
 www.candidedesign.com

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**PERMISSION**  
 PROJECT NO. 2017-001  
 PROJECT NAME

**SHEET PLAN**

**NOTES**  
 Issued to client FEB/2017



**CANDiDe-Design** **CAN**  
 PROJECT: 21 CHARING CROSS RD  
 DRAWING TITLE: EXISTING GROUND FLOOR  
 SCALE: 1:50 PROJECT NO: DRAWING  
 PAPER SIZE: A3 W: 210x297 H: 297  
 DATE: DETAIL DESIGN



**Applicant Supporting Documents**

None provided.

**Premises History - 16/11303/LIDPSR**

| <b>Application</b> | <b>Details of Application</b>                          | <b>Date Determined</b> | <b>Decision</b>                    |
|--------------------|--|------------------------|------------------------------------|
| 06/04825/LIPN      | New Premises Application                               | 27.07.2006             | Granted by Licensing Sub-Committee |
| 06/07600/WCCMAP    | New Premises Application                               | 27.07.2006             | Granted by Licensing Sub-Committee |
| 06/10308/LIPV      | Variation Application                                  | 15.02.2007             | Refused by Licensing Sub-Committee |
| 08/07395/LIPV      | Variation Application                                  | 22.09.2008             | Granted Under Delegated Authority  |
| 10/04893/LIPRW     | Removal of a works condition                           | 06.07.2010             | Granted Under Delegated Authority  |
| 13/08043/LIPT      | Transfer Application                                   | 26.11.2013             | Granted Under Delegated Authority  |
| 14/00894/LIPVM     | Minor Variation Application                            | 13.02.2014             | Granted Under Delegated Authority  |
| 15/08598/LIPT      | Transfer Application                                   | 19.10.2015             | Granted Under Delegated Authority  |
| 15/08997/LIPV      | Variation Application                                  | 10.12.2015             | Granted by Licensing Sub-Committee |
| 15/10295/LIPVM     | Minor Variation Application                            | 01.12.2015             | Granted Under Delegated Authority  |
| 15/11658/LIPDPS    | Application to Vary the Designated Premises Supervisor | 28.12.2015             | Granted Under Delegated Authority  |
| 16/11303/LIDPSR    | Removal of a Designated Premises Supervisor            | 19.10.2016             | Granted Under Delegated Authority  |
| 17/01744/LITENN    | Temporary Event Notice                                 | 02.03.2017             | Refused Licence                    |

|                 |                        |            |                     |
|-----------------|------------------------|------------|---------------------|
| 17/02265/LITENN | Temporary Event Notice | 08.03.2017 | Invalid Application |
| 17/02491/LITENN | Temporary Event Notice | 17.03.2017 | Notice granted      |
| 17/02926/LITENN | Temporary Event Notice | 24.03.2017 | Refused Licence     |
| 17/03313/LITENN | Temporary Event Notice | 05.04.2017 | Notice Granted      |
| 17/03615/LITENN | Temporary Event Notice | 11.04.2017 | Refused Licence     |
| 17/03616/LITENN | Temporary Event Notice | 10.04.2017 | Invalid Application |
| 17/03621/LITENN | Temporary Event Notice | 10.04.2017 | Invalid Application |

No appeal history.

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

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

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

1. All emergency and precaution signs will be display for all attendants as regulation demands.
2. Staff will be aware of taking all precautions needed to prevent public nuisance and disorder.
3. No children would be allow after 21:00hs unless accompanied by an adult.
4. CCTV cameras 24hs for further safety support.
5. All necessary smoking signs will be up, fire exit visible and the lock shall be unlock and kept free will the public is in the premises.
6. All deliveries shall take place during the normal working day.
7. After 23:00hs all costumers will be told to leave quietly.
8. Notices asking customers to leave quietly shall be conspicuously displayed at all exits.
9. After 23:00hs would only be take away service from window shop, to encourage the flow of people instead of the accumulation in a close space which is more likely to cause public nuisance and disorder.
10. Staff will remind clients to keep the order while waiting if its needed (provide training) in addition of specific signs advise patrons and staff to be quiet when leaving premises. Ban people from the premises who do not cooperate
11. SIA supervisor door with a high visibility yellow jacket or vest during the late night service.
12. CCTV cameras shall be install.
13. No drinks shall be served in glass containers at any time.
14. Sufficient measures will be in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
15. Encourage customers to dispose of litter responsibly using posters inside premises and on bins. Discourage customers from leaving premises drinking from open cans and bottles.
16. Deliveries to be made at reasonable times.

## **Conditions proposed by the Police**

17. 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 preceding 31 day period.
18. 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 are 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
19. 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, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) any faults in the CCTV system
  - (f) any visit by a relevant authority or emergency service
20. After 11pm all drinks shall be served in paper or plastic containers only.
21. There shall be a minimum of one SIA door supervisor employed from 23:00 hours until the premises closes on Friday, Saturday and Sunday trading nights. They shall wear a high visibility yellow jacket or tabard and display their SIA licences at all times.
22. There shall be a take away service only after midnight Friday Saturday and Sunday trading nights.

## **Conditions proposed by Environmental Health**

23. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 70 persons.
24. 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.
25. The supply of alcohol on the premises shall be by waiter or waitress service only.

26. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
27. 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, except by patrons seated at external tables and chairs.
28. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises except by patrons seated at external tables and chairs.
29. No Self Service of alcohol to be sold for consumption off the Premises.
30. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
31. No Off Sales of super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.
32. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
33. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
34. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
35. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
36. 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.
37. All windows and external doors shall be kept closed after 21:00 hours except for the immediate access and egress of persons.
38. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
39. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
40. No deliveries shall be made to the premises between 23:00 and 08:00 hours.

41. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.





**Premises Licence - 16/11303/LIDPSR**

**City of Westminster**

64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part A

WARD: St James's  
UPRN: 100023431474

Premises licence

Regulation 33, 34

|                          |                 |
|--------------------------|-----------------|
| Premises licence number: | 15/11658/LIDPSR |
| Original Reference:      | 06/04825/LIPN   |

**Part 1 – Premises details**

**Postal address of premises:**

Fometto  
21 Charing Cross Road  
London  
WC2H 0ES

**Telephone Number:** Not Supplied

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Late Night Refreshment  
Sale by Retail of Alcohol

**The times the licence authorises the carrying out of licensable activities:**

**Late Night Refreshment**  
Monday to Sunday: 23:00 to 03:00  
Non-standard Timings: From the terminal hour on New Year's Eve until the commencement hour on New Year's Day.

**Sale by Retail of Alcohol**  
Monday to Thursday: 10:00 to 23:30  
Friday to Saturday: 10:00 to 00:00  
Sunday: 12:00 to 22:30  
Sundays before Bank Holidays: 10:00 to 00:00  
Non-standard Timings: From the terminal hour on New Year's Eve until the commencement hour on New Year's Day.

**The opening hours of the premises:**

Monday to Sunday: 11:00 to 03:00

Where the licence authorises supplies of alcohol, whether these are on and/or off premises:

Alcohol is supplied for consumption both on and off the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Fometto Limited  
1 Old Court Mews  
311 Chase Road  
London  
N14 6JS

Registered number of holder, for example company number, charity number (where applicable)

09177014

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: Mr Stefano Potorti

*Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.*

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: 08/07493/LIPERS  
Licensing Authority: City Of Westminster Council

Date: 01 February 2016

This licence has been authorised by Mr Yiannis Chrysanthou on behalf of the Director - Public Protection and Licensing.



#### Annex 1 – 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 premises 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(II). Where the permitted price given by Paragraph 8(I)(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(I)(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 preceding 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. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
12. The number of persons permitted on the premises at any one time (including staff) shall not exceed:
  - Ground Floor 24 persons.
13. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
14. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
16. 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.
17. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
18. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00.
19. No deliveries to the premises shall take place between 23:00 and 08:00.
20. 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.

21. Waiter or waitress service shall be available for the sale or supply of alcohol for consumption on the premises.
22. Alcohol shall not be sold for consumption on the premises 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.
23. Alcohol shall not be sold for consumption off the premises apart from:
  - a. Alcohol in a sealed container that has been supplied with and ancillary to a take-away meal for delivery to other premises; or
  - b. Alcohol in a sealed container that has been supplied with and ancillary to a take-away meal (other than for delivery to other premises) but only until 20.00 on every day of the week, including week-ends; or
  - c. Alcohol that is served by a waiter or waitress to persons who are seated in an external area appropriately authorised for the use of tables and chairs on the highway and bona fide taking substantial meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
24. There shall be no self-service of alcohol.

Annex 4 – Plans  
Attached