



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (1)**

Meeting Date: **Thursday 2nd November, 2017**

Time: **10.00 am**

Venue: **Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR**

Members: **Councillors:**

Angela Harvey (Chairman)
Julia Alexander
Shamim Talukder

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda.

Admission to the public gallery is via a visitor's pass which is available from the main ground floor reception at 5 Strand from 9.30am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Jonathan Deacon.

**Email: jdeacon@westminster.gov.uk Tel: 020 7641 2783
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of any personal or prejudicial interests in matters on this agenda.

Licensing Applications for Determination

1. PITCH 1612 AND PITCH 1736, VILLIERS STREET, WC2

(Pages 1 - 26)

App No	Ward	Site Name and Address	Application	Licensing Reference Number
1.	St James's Ward	Pitch 1612 and Pitch 1736, Villiers Street, WC2	Street Trading – to vary designation of Pitch 1612 and de-designate Pitch 1736	16/06838/LIIS (Pitch 1612) & 16/06876/LIIS (Pitch 1736)

2. CO-OPERATIVE, 4 MERCHANT SQUARE, W2

(Pages 27 - 40)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	Hyde Park Ward / not	Co-Operative,	New Premises	17/08350/LIPN

	in cumulative impact area	4 Merchant Square, W2	Licence	
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3. CHUTNEY MARY, 72-73 ST JAMES'S STREET, SW1

(Pages 41 - 76)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	St James's Ward / not in cumulative impact area	Chutney Mary, 72-73 St James's Street, SW1	Variation of Premises Licence	17/09962/LIPV

4. UNIT 4 - HAPPY BAR AND GRILL, TROCADERO, 13 COVENTRY STREET, W1

(Pages 77 - 102)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
4.	St James's Ward / West End Cumulative Impact Area	Unit 4 – Happy Bar And Grill, Trocadero, 13 Coventry Street, W1	New Premises Licence	17/08106/LIPN

**Charlie Parker
Chief Executive
27 October 2017**

In considering applications for premises licences under the Licensing Act 2003, the sub-committee is advised of the following:

POLICY CONSIDERATIONS

The City of Westminster statement of licensing policy applies to all applications where relevant representations have been made. The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy and the guidance issued by the Secretary of state under Section 182 of the Licensing Act 2003.

GUIDANCE CONSIDERATIONS

The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES (As set out in the Council's Statement of Licensing Policy 2011)

- For premises for the supply of alcohol for consumption on the premises:

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

Monday to Thursday: 10:00 to 23:30.

- For premises for the supply of alcohol for consumption off the premises:

Monday to Saturday: 08:00 to 23:00

Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight

Sundays immediately prior to Bank Holidays: 09.00 to midnight

Other Sundays: 09.00 to 22.30

Monday to Thursday: 09.00 to 23.30.



City of Westminster

Licensing Sub-Committee Report

Item No:	
Licensing Ref No:	16/06838/LIIS (Pitch 1612) & 16/016876/LIIS (Pitch 1736)
Date:	2 November 2017
Classification:	For General Release
Title of Report:	Street Trading 16/06838/LIIS (Pitch 1612)- Villiers Street, WC2N 6NQ 16/06838/LIIS (Pitch 1736) –Villiers Street, WC2N 6NQ
Report of:	Director of Public Protection & Licensing
Policy context:	Street Trading Policy To provide a safe, well-regulated environment.
Financial summary:	None
Report Author:	Taruna Adnath Senior Licensing Officer
Contact Details:	Telephone: 020 7641 71496 E-mail: tadnath@westminster.gov.uk

PROPOSAL DETAILS

Proposal:	The designating resolution passed by the Council on 25 July 1990, subsequent varied on 16 December 1999, be varied so as : (a) to vary the designation of Pitch 1612 located at Villiers Street (b) to de-designate Pitch 1736 located at Villiers Street		
Applicant	Mr Terry Palmer –Pitch 1612 Mr Albert Palmer-Pitch 1736	Date Application Received:	5 May 2016
Pitch and Location:	Isolated Pitch 1612- Villiers Street, West side near junction with Strand 32' from back of Strand footway Isolated Pitch 1736- Villiers Street on the pedestrian area immediately South of licence pitch No. 1612.		
Ward Name:	St James		

1. SUMMARY OF PURPOSE OF THIS REPORT:

- 1.1 On 5 May 2016, Wally Watson, Chairman for the West End Traders Branch National Market Traders Federation (WESTA), wrote to the Licensing Service on behalf of two permanent street traders, Mrs Albert Palmer and Terry Palmer. **Appendix A**
- 1.2. Mr Albert Palmer, permanent street trading licence holder at Pitch 1736 and Mr Terry Palmer, permanent street trading licence holder at Pitch 1612, both located at Villiers Street are requesting the following proposals to be considered:
- (a) To vary the designation for pitch 1612 with a bigger pitch dimension to a new proposed location
The current pitch dimension is L15'X W7'6
The proposed new pitch dimension is L 13.45 X W 9.8
 - (b) Once proposal 1.2(a) above is approved, Pitch 1736 to be de-designated. Mr Albert Palmer, who holds a permanent street trading licence for Pitch 1736 to surrender his street trading licence.

2. BACKGROUND TO THIS PROPOSAL:

- 2.1. Mr Albert Palmer and Terry Palmer are father and son. Mr Terry Palmer is the only nominated next of Kin to Mr Albert Palmer. Both traders hold individual permanent street trading licences. Under the Westminster Act 1999, a street trading licence is personal to an individual and Terry Palmer cannot hold two street trading licences. Hence the proposals to surrender and de-designate Pitch 1736 and varying pitch 1612 with a bigger dimension.
- 2.2 Pitch 1736 has been licensed to Mr Albert Palmer and the latter has not been making full use of the pitch due to health issues.

POSITION OF THE LICENSING SERVICE:

- 2.3 The Street Trading Policy adopted in December 2013 sets out in Policy ST5 –Designation & de-designation, the criteria for establishing suitable locations for street trading pitches and reasons for de-designation in cases where the location is unsuitable.

For the Licensing Service to effectively manage street trading and meet the aspirations of other council services for improving the Public Realm, the Licensing Service has considered the above proposals and has exceptionally agreed to support the above proposals as it considers that having a single pitch at the new proposal location will be in a better position

than the two existing pitches and the proposals will enhance the vision of the area.

Before making any changes to the Council's designating resolution the City of Westminster Act 1999 requires that statutory consultation should be undertaken and the results of this are set out in Section 8 of the report.

The Licensing Service has consulted other officers and there is full support that the resolution passed by the Council on 25 April 1990, designating Pitch 1736 Villiers Street on the pedestrian area immediately South of licence pitch No. 1612 as a licence street, be rescinded and that Pitch 1612 designation be varied. **Appendix E**

2.4 The proposals have been reviewed by the Council's Place Shaping Team and they are in alignment with the vision and aspiration for this area.

2.5 The Licensing Service conducted a formal consultation and other departments as well as stakeholders are in full support and officers are of the opinion that the highway environment would benefit by the suggested variation and proposed de-designation.

2.6. The Licensing Service is of the view that the proposal for Pitch 1612 can only be progressed subject:

- (i) The designation and the surrender of the street trading licence for Pitch 1736.
- (ii) The relevant planning permission is sought for Pitch 1612 relation to change the use of the land for street trading and approval of the appropriate stall for that area.

3 LICENSING BACKGROUND

3.1 Pitches 1612 and 1736 are adjacent on the west side of Villiers Street WC2, on the east side of Charing Cross Station, starting "32" from the inner edge of the Strand footway, south Side (**Appendix B** See attached plan and photographs of existing pitches)

Pitch 1612- Villiers Street-Terry Palmer

3.1.1 Mr Terry Palmer was first licensed in 2008, after the previous licence holder, Mr Keefe transferred his licence to Terry Palmer as next of kin. Pitch 1612 is located on Villiers Street, Westside Near Junction with Strand 32 inches back of Strand Footway. Pitch 1612 measures L15'X W7'6.

3.1.2 The licence permits the sale of Pick and mix', soft drinks, nuts, posters, calendars, sportswear, mobile phones and accessories, chocolate confectionery, festive novelties, Christmas hats, souvenirs, neckwear, toys, leatherwear, sunglasses, bus tour tickets, socks, tights, 'scrunchies', hats, gloves & belts. **Appendix C**

Pitch 1736 -Villiers Street-Albert Palmer

3.1.3 Mr Albert Palmer held a licence prior to 1991 and Pitch 1736 is located at Villiers Street on the pedestrian area immediately South of licence pitch No. 1612. Pitch 1736 measures L10'6X W7'

3.1.4 The licence permits the sale of Souvenirs, neckwear, toys, leather wear, and sunglasses Bus Tour Tickets, Socks, Tights, 'Scrunchies' Hats, Gloves and Belts **Appendix D**

4. RESULTS OF STATUTORY CONSULTATION

In seeking the proposed variation and de-designation of the isolated pitches, the Licensing service is taking into account the views of the Growth, Planning and Housing Unit, Highways Department, Street Management and Stakeholders. **Appendix E**

Full responses to the statutory consultation are included in the report

4.1 Growth , Planning and Housing

The Licensing Service has received responses from different officers in the Growth, Planning and Housing Team as detailed below:

4.1.1 Highways

Sean Dwyer, Highways Planning Manager has stated that there is no representation to the de designation for Pitch 1736.

In relation to variation for Pitch 1612, there is no representation and planning permission will be required for the new location and designation to change the land use to street trading use. **Appendix F**

4.1.2 Strategic Transport Planning and Public Realm:

Sarah Hoare, Programme Support, Place Shaping Co-ordinator, Place Shaping Team has submitted as follows:

De Designation of Pitch 1736: no representation to this proposal as pitch 1736 is situated on a place of high pedestrian footfall and impedes movement from Charing Cross Station on to Villiers Street. The current kiosk is in a state of disrepair and significantly impacts on the heritage of the area.

Variation of Pitch 1612: this proposal is fully supported and the new position will have less effect on pedestrian movement as the new location will be between two LUL stairwells and is away from building lines.

There is on-going discussion with Mr Terry Palmer, licence holder for Pitch 1612 on the design of the new proposed kiosk which takes into account the location and in alignment with the characteristic of the area. The new proposed location for Pitch 1612 and display of merchandise must sit within the stairwells (as per plan) and not spread onto the footway. **Appendix G**

4.1.3 Developing Planning-Area Design and Conservation Officer- South Team:

In relation to Pitch 1612 to the new proposed location as detailed at **Appendix A**, there is no adverse representation in principle as it would be a slight improvement in terms of pulling the stall away from the listed walls surrounding the station.

The permanent relocation of the new kiosk to the new location will require planning permission and the matter will be assessed on the merits of the application.

The existing pitch locations are visually harmful to the setting of the listed train station and harm the appearance of the Trafalgar Square Conservation Area.

Hence the de designation of Pitch 1736 and variation of designation for Pitch 1612

would remove this harm. **Appendix H**

4.2 Public Protection and Licensing

4.2.1 Market Enforcement :

Concerns have been raised as to the suitability of the new kiosk at the new location and whether the new Kiosk and whether the new kiosk will remain in lieu and is the kiosk easily removable in case of emergency or new year celebration.

Appendix I

Note: the current proposal is for the variation of designation of the location for pitch 1612 and approval of receptacle will be dealt at a later stage once planning permission has been sought and an authorised officer from the Licensing Service has approved the receptacle in line with the Planning permission and Street Trading Policy under delegated authority.

4.3 The Northbank Bid

4.3.1 The Northbank Bid is fully supporting both proposals stating:

- (i) De-designating Pitch 1736 will allow more space for pedestrians to walk easily in the busy area
- (ii) Relocating Pitch 1612 to the new proposed location will allow more space for pedestrians and enable effective Street cleaning.

The Northbank Bid has stated that the new proposed location for Pitch 1612 has a high footfall with many cafes, restaurants, and bars open 24 hours and waste is a considerable problem. The new proposed pitch location should be kept neat and tidy and there should be adequate arrangement for waste. **Appendix J**

5 Ward Councillors:

No response has been received.

6 MATTERS FOR CONSIDERATION:

6.1 No Planning permission has been submitted yet for Pitch 1612 for a new stall design.

Planning Development Team is aware of the emerging stall design.

6.2 The Licensing Service has advised Mr Terry Palmer (Pitch 1612) that if Members are minded to grant the variation of designation for Pitch 1612, a variation application to change the pitch designation/location on the current street trading licence and a further application for change of land use approval of receptacle need to be submitted to the Planning Development. Subsequently, the Licensing Service and same will be dealt by an authorised officer of the Licensing Service in accordance with the Scheme of Delegation.

6.3 In light of the consultation above, Members are invited to consider the following :

(a) To vary the licence for pitch 1612 and to vary the designation for that pitch at the same time but subject to the licence for pitch 1736 being surrendered beforehand.

(b) To rescind the designation for pitch 1736 as soon as the licence for that pitch has been

surrendered.	
Current Licensing Position	<p>(1) A permanent street trading licence under the City of Westminster Act 1999 is held by Mr Terry Palmer to trade from pitch 1612. Mr Terry Palmer is licensed to sell Pick and Mix', soft drinks, nuts, posters, calendars, sportswear, mobile phones and accessories , chocolate confectionery, festive novelties , Christmas hats, souvenirs , neckwear, toys , leatherwear , sunglasses, bus tour tickets, socks, tights, 'scrunchies', hats, gloves & belts.</p> <p>The existing designated area of the pitch measures L15"X W7'6 See Appendix C</p> <p>(2) A permanent street trading licence under the City of Westminster Act 1999 is held by Mr Albert Palmer to trade from pitch 1736. Mr Albert Palmer is licensed to sell Souvenirs, neckwear, toys, leather wear, and sunglasses, Bus Tour Tickets , Socks , Tights , 'Scrunchies' Hats, Gloves and Belts.</p> <p>The existing designated area of the pitch is L10'6X W7'. See Appendix D</p>
Current Planning Position	There is no planning application.
List of Appendices:	<p>Appendix A - Proposal from WESTA on behalf of the Palmers Appendix B -Location Plan and Photographs of pitches 1612 and 1736 Appendix C - Permanent Street trading licence for Pitch 1612 Appendix D- Permanent Street trading licence for pitch 1736 Appendix E- Formal consultation carried by the Licensing Service Appendix F- Response from Highways Appendix G-Response from Growth Planning and Housing Appendix H- Response from Development Planning-South Team Appendix I- Response from the Market Enforcement Team Appendix J- Response from the Northbank Bid</p>
Results of Ward Member Consultation	No response has been received from the Ward Councillors following the Statutory consultation

7. STREET TRADING POLICY

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

Designation and De-designation - Policy ST5

- (i) *The Licensing authority will designate specific resolution for licensed street trading.*
- (ii) *The Licensing authority may de-designate pitches that are no longer suitable for licensed street trading.*
- (iii) *The Licensing authority will not designate any new isolated street trading pitches, apart from in exceptional circumstances.*

Policy ST5(2) states that the Licensing authority may, subject to the appropriate consultation and notification procedures, de-designate street trading pitches where in the opinion of the licensing authority, they are no longer suitable for street

trading . The circumstances under which a location may be considered not suitable include:

- (a) It has not been used for trading for a period of greater than six months;*
- (b) There has been altered circumstances due to the increased pedestrian footfall resulting from altered highways layouts, public realms improvements or construction projects;*
- (c) Where there is new development and the siting and operation of the trading pitch would adversely affect local pedestrian flow or cause congestion, including close to the transport stops or stations.*

8. LEGAL FRAMEWORK

Designating Resolution

- 8.1 Under the provisions of Section 5(1) (a) of the City of Westminster Act 1999 (the Act) the council may pass a resolution designating a street or part of a street in the city as a licence street (a designating resolution).
- 8.2 Under the provisions of Section 5(2) of the Act, the council may from time to time rescind or vary any such resolution..
- 8.3 Under the provisions of section 6(1) of the Act , the council must, before passing a resolution to vary or rescind such a resolution , consult the Commissioner of Police, Highway Authority, anybody representing the relevant street traders , and all licence holders who might reasonably be affected by the proposed resolution.
- 8.4 Section 6(5) of the Act provides that the council shall give to any person who makes representations by the due date an opportunity to make oral representations to the council and may at their discretion give to other persons making representations a similar.
- 8.5 For the present exercise officers have extended consultation to include the Planning Department and Stakeholder.

Appeal:

- 8.6 Under S18 (1)of the Act , any person aggrieved by a decision of the council to vary a street trading licence may appeal to the Magistrates' Court within 21 days upon formal notification of the decision .
- 8.7 Under Section 19(1) of the Act, any person aggrieved by a resolution varying or rescinding a designating resolution may appeal to the Magistrates' Court. An appeal may be brought at any time before the expiration of a period of three months commencing on the date on which notice of the proposed resolution has been given in writing to the person aggrieved.
- 8.8 Any procedural deficiencies may also be challenged by an application to the High Court for Judicial Review.

If you have any questions about this report, or wish to inspect one of the background papers, please contact **Taruna Adnath** on **020 7641 1496** or at tadnath@westminster.gov.uk

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

- City of Westminster Act 1999
- City Of Westminster Statement of Street Licensing Policy adopted in December 2013
- Rules of Procedure for Licensing Sub-Committee

APPENDIX A

Adnath, Taruna: WCC

From: Wally Watson <wallywatson@kws-imports.co.uk>
Sent: 05 May 2016 13:28
To: Adnath, Taruna; Hick, Rosalind; Austin, Roger; Hoare, Sarah
Subject: PALMERS
Attachments: Palmer - Villiers Street.pdf

Hi Taruna

Mr Terry Palmer (**PITCH 1612 VILLIERS STREET**) Has asked me to write on his behalf to request that WCC License Dept. vary his designation to new location as shown on the attached map.

At the Same time Mr Albert Palmer Wishes to hand in his License (**PITCH 1736 VILLIERS STREET**).

So to confirm once WCC License Dept. Have Conformed that the designation has been varied Mr Terry Palmer will have One Pitch and Mr Albert Palmer will relinquish his License.

Mr Terry Palmer has had a new Kiosk commissioned for the New Location this all with the Help of WCC.

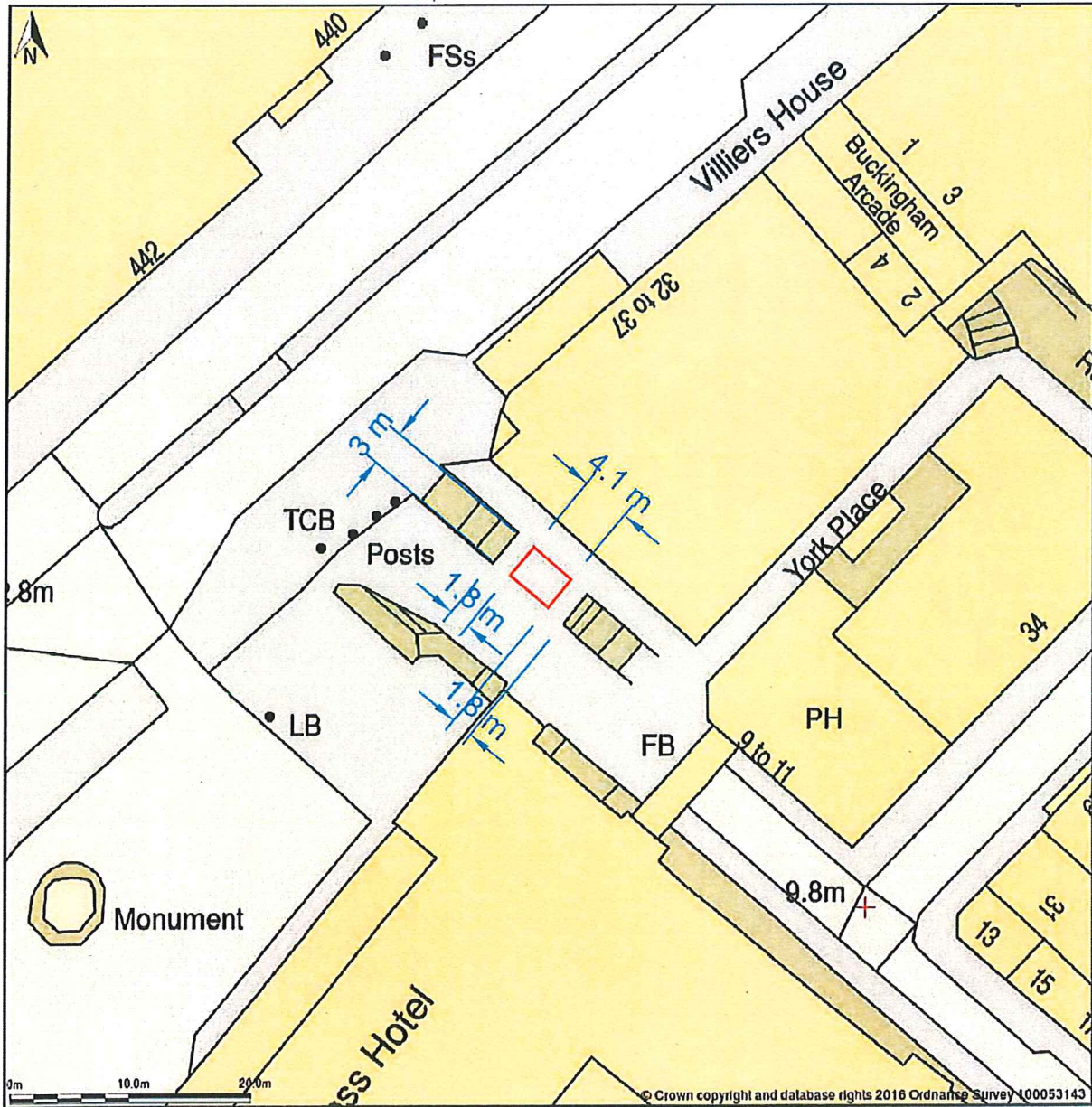
Would it be Possible for Mr Terry Palmer to Trade from the old location until the New Location is ready to accept the New Approved Kiosk.

Please advise me if I've not made it clear. Or you need any further details

Best

Wally Watson (Chairman WESTA Branch NMTF.)

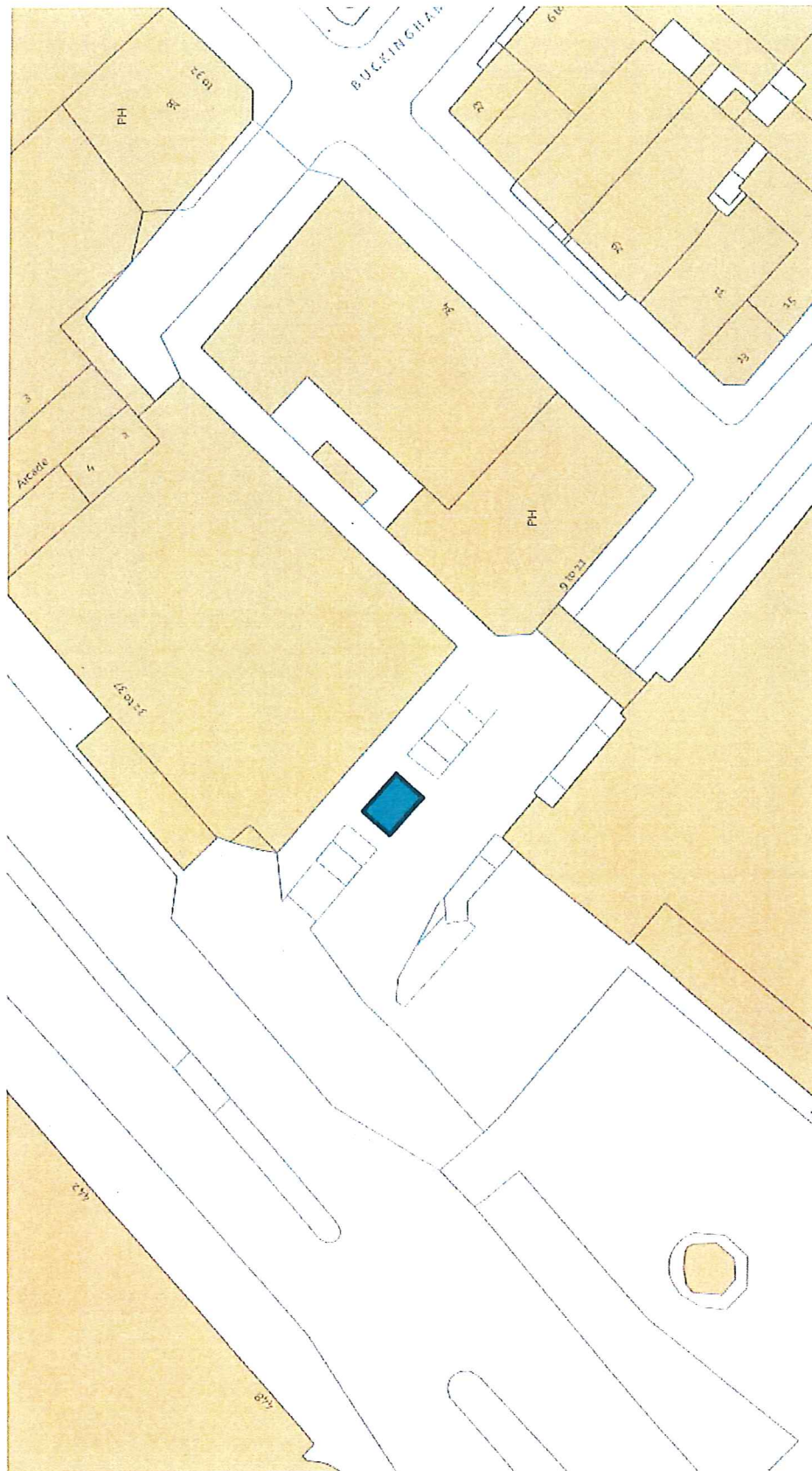
Villier Street



Block Plan shows area bounded by: 530192.38, 180482.06 530282.38, 180572.06 (at a scale of 1:500) The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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PLATES 1612 AND 1736

S T R A N D

(ex. Train)

Confectionery
Mobile Phones
Café chairs, Sports wear, mugs, posters, calendars

VILLIERS STREET
(pedestrianised)

L/holder

J. KEEFE (deceased Jan. 2008)

T. PALMER (A. Palmer's son) nominated successor (Aug 2005)

L/holder

A. PALMER
(granted medical waiver
until 1.6.08)

7'6"

1612

1736

Needles, toys, Sewing, Duvet covers, leather wear, Sunloungers, hats, hoSery.

~~NEIGHBOURHOOD~~
Parish

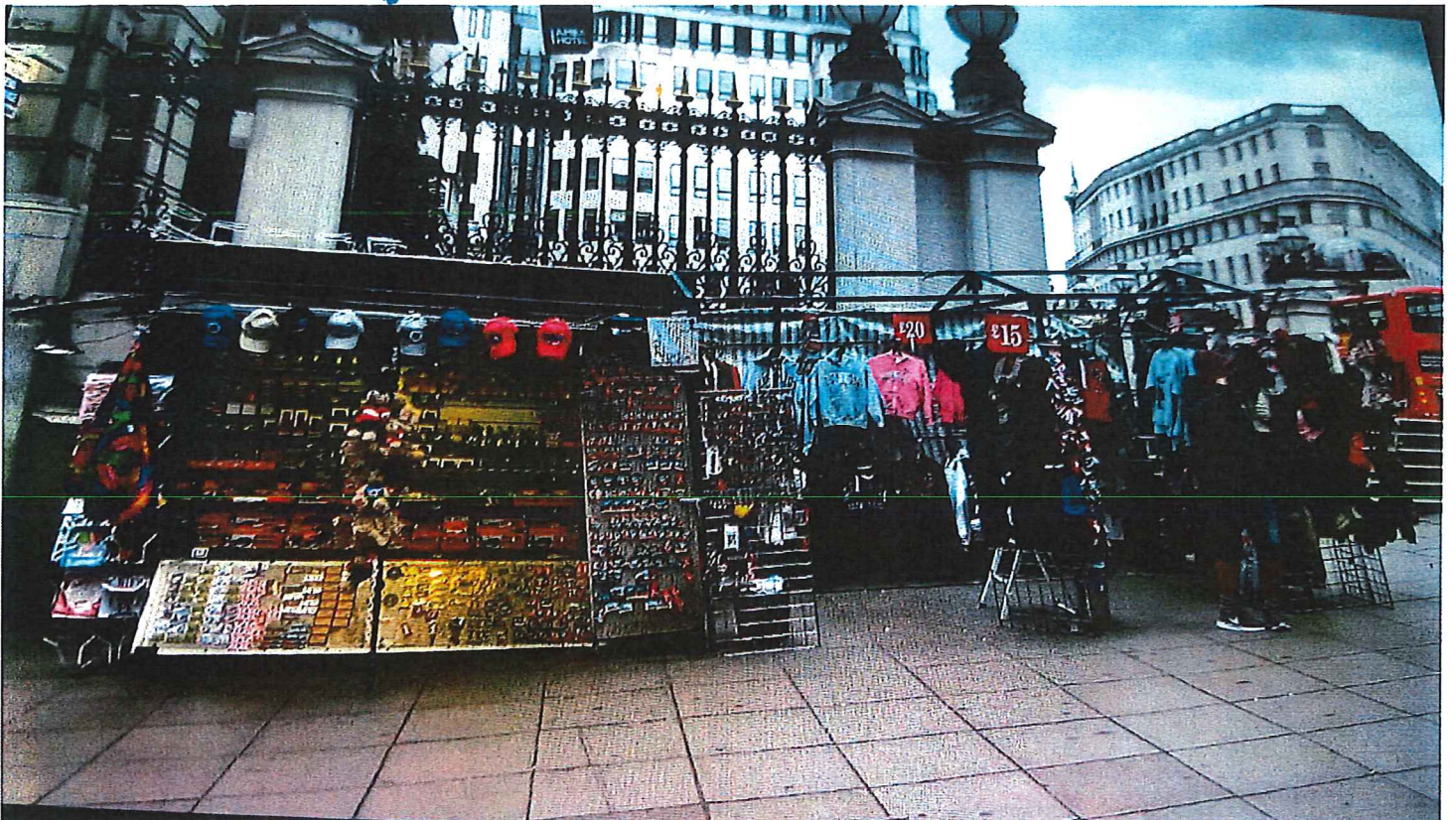
Charting
Cross Train
Station

PITCH 1736



PITCH 1612

PITCH 1736



PITCH 1612

DUPLICATE



1. THE WESTMINSTER CITY COUNCIL hereby grants to Mr Terry Palmer
A licence to engage in street trading in the City of Westminster on Pitch 1612
2. This licence authorises the holder to trade solely in the articles, and in the manner, and at the places and times specified in the Schedule to the licence and is granted subject (1) to the standard conditions made under Section 10(1) of the City of Westminster Act 1999; (2) to any Act amending the same and to any Orders made thereunder; and (3) to any other statutory enactment which is in force for the time being.
3. This licence shall remain in force until it is cancelled or revoked by the Council.

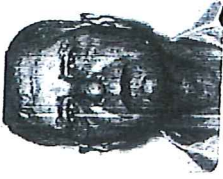
OPERATIONAL DIRECTOR
PREMISES MANAGEMENT

Dated this: 2 December 2011

SCHEDULE

Class of Articles	M: 'Pick And Mix' Soft Drinks, Nuts, Posters, Calendars, Sportswear, Mobile Phone Including Accessories And Chocolate Confectionery A: Festive Novelties and Christmas Hats						
Street	1612 Isolated Pitch Villiers Street Villers Street Westside Near Junction With Strand 32 Inches From Back of Strand Footway						
Position or Place at which the holder may trade							
Size of Pitch	L: 4.57M W: 2.32M						
Day	MON	TUE	WED	THUR	FRI	SAT	SUN
From Time	09:00	09:00	09:00	09:00	09:00	09:00	09:00
To Time	20:00	20:00	20:00	20:00	20:00	20:00	20:00

FURTHER CONDITIONS



1. THE WESTMINSTER CITY COUNCIL hereby grants to Mr Albert Palmer

A licence to engage in street trading in the City of Westminster on Pitch 1736

2. This licence authorises the holder to trade solely in the articles, and in the manner, and at the places and times specified in the Schedule to the licence and is granted subject (1) to the standard conditions made under Section 10(1) of the City of Westminster Act 1999; (2) to any Act amending the same and to any Orders made thereunder; and (3) to any other statutory enactment which is in force for the time being.

3. This licence shall remain in force until it is cancelled or revoked by the Council.

Dated this: 23 August 2004

DIRECTOR OF LEGAL AND
ADMINISTRATIVE SERVICES

SCHEDULE

Class of Articles	Souvenirs, Neckwear, Toys, Leatherwear, Sunglasses, Bus Tour Tickets, Socks, Tights, 'Scrunchies', Hats, Gloves and Belts						
Street	Isolated Pitch 1736						
Position or Place at which the holder may trade	Villiers Street on the pedestrianised area immediately south of Pitch No. 1612						
Size of Receptacle							
Day	MON	TUE	WED	THUR	FRI	SAT	SUN
From Time	0700	0700	0700	0700	0700	0700	0700
To Time	1900	1900	1900	1900	1900	1900	1900

FURTHER CONDITIONS

APPENDIX E

Adnath, Taruna: WCC

From: Adnath, Taruna: WCC
Sent: 04 July 2016 17:01
To: Dwyer, Sean: WCC; Ayton, Robert: WCC; Auckland, Richard: WCC; Murphy, Peter: WCC; Austin, Roger: WCC; Hoare, Sarah: WCC; 'Police General Licensing'; Guerra, Reaz: WCC; 'alison@thenorthbank.london'; Mitchell, Tim (Cllr): WCC
Cc: 'Wally Watson'; 'terrypalmer1983@yahoo.co.uk'; 'albertpalmer1956@yahoo.co.uk'; Mitchell, Tim (Cllr): WCC; Thomson, Cameron (Cllr): WCC; Hyams, Louise (Cllr): WCC; Hick, Rosalind: WCC
Subject: PITCH 1612-VARIATION OF DESIGNATION AND PITCH 1736- DE DESIGNATION OF A STREET LICENSED PITCH
Attachments: PALMERS; Palmer - Villiers Street.pdf; Villiers St Map.docx
Importance: High

Dear All,

The licensing service has received a request from Wally Watson, Chairman of WESTA, on behalf of two permanent street traders as follows (see email attached):

- (a) **PITCH 1612-** To vary the designation of Pitch 1612 as detailed in table below to a new proposed location as per the attached location Map (PDF FILE WITH RED BOX showing the new proposed location)

LICENCE NUMBER	SIZE OF PITCH	NAME OF PITCH HOLDER	CLASS OF ARTICLES	DAYS OF WEEK	APPROXIMATE POSITION OF PITCH IN FRONT OF
1612 10	L15' W 7'6"	Mr T Palmer	'Pick and mix', soft drinks, nuts, posters, calendars, sportswear, mobile phones and accessories, chocolate confectionery, festive novelties, Christmas hats, souvenirs, neckwear, toys, leatherwear, sunglasses, bus tour tickets, socks, tights, 'scrunchies', hats, gloves & belts	Mon – Sun 9.00am – 8.00pm	Villiers Street, West side near junction with Strand 32' from back of Strand footway.

- (b) Pitch 1736: to de-designate Pitch 1736 as described below

LICENCE NUMBER	SIZE OF PITCH	NAME OF PITCH	CLASS OF ARTICLES	DAYS OF WEEK	APPROXIMATE POSITION OF PITCH
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		HOLDER			IN FRONT OF
1736 St. James 49	L 10.6' W 7'	Mr A Palmer	Souvenirs, neckwear, toys, leather wear, and sunglasses Bus Tour Tickets, Socks, Tights, 'Scrunchies' Hats, Gloves and Belts	Mon – Sat 7.00am – 7.00pm	Villiers Street on the pedestrian area immediately South of licence pitch No. 1612.

I am formally writing to advise that:

VARIATION OF DESIGNATION- PITCH 1612 16/06838/LIIS

- (a) the City Council is proposing to vary the designation for Pitch 1612 at Villiers Street under section (5)(2) of the City of Westminster Act 1999('the Act') by rescinding the resolution made by the Council on 25 July 1990.

DE DESIGNATION OF PITCH 1736: 16/06876/LIIS

- (b) the City Council is proposing to de designate Pitch 1736 at Villiers Street under section (5)(2) of the City of Westminster Act 1999('the Act') by rescinding the resolution made by the Council on 25 July 1990.

Under the provisions of section 6(1) of the Act, the Council must, before rescinding and varying a resolution designating a street or part of a street as a licence street, carry out a consultation exercise. The Council must consult the Commissioner of Police of the Metropolis, the Highway Authority, anybody which appears to represent the relevant street traders, and any licence holder whom the Council might reasonably expect would be affected by the proposed resolution.

Representations to the current proposals must be made formally in writing to the undersigned Senior Licensing Officer **by not later than 3 August 2016** quoting the reference **16/06838/LIIS and 16/06876/LIIS**

The Council must give any person who makes representations by the due date an opportunity of being heard and may, at their discretion, consider representations received after that date.

The matter will be then referred to a Licensing Sub Committee to consider the current proposals.

If you wish to have more information on the current proposal, please do not hesitate to contact me.

Regards

Taruna

Mrs Taruna Adnath

Senior Licensing Officer

Street Trading Team

Public Protection & Licensing Department
Westminster City Council
4th Floor West
City Hall
64 Victoria Street
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tadnath@westminster.gov.uk

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EDUCATION

CHOICE

HERITAGE

WESTMINSTER CITY TRAINING

westminster.gov.uk/training-programme
020 7641 6252



BIIAB

RECOGNISED CENTRE

Adnath, Taruna: WCC

From: Dwyer, Sean: WCC
Sent: 26 July 2016 11:50
To: Adnath, Taruna: WCC
Cc: Ayton, Robert: WCC
Subject: RE: PITCH 1612-VARIATION OF DESIGNATION AND PITCH 1736- DE DESIGNATION OF A STREET LICENSED PITCH

Taruna

I have no problem with pitch no 1736 being de-designated.

With regard to the relocation of pitch no 1612, I have no problem with this either provided that the original pitch is de-designated too, so that the net result is a reduction in the number of pitches from two to one.

However, I think the new pitch also requires planning permission.

Sean

Sean Dwyer
Highways Planning Manager
Development Planning
Growth, Planning and Housing
PO Box 732, Redhill, RH1 9FL
Tel: 020-7641-3326
westminster.gov.uk



Any views or opinions expressed in this email are those of the sender, and whilst given in good faith, do not necessarily represent a formal decision of the Local Planning Authority unless a statutory application is or has been made and determined in accordance with requisite procedures, planning policies and having had regard to material considerations.

From: Adnath, Taruna: WCC [mailto:tadnath@westminster.gov.uk]
Sent: 19 July 2016 15:54
To: Dwyer, Sean; Ayton, Robert; Auckland, Richard; Murphy, Peter; Austin, Roger; Hoare, Sarah; Police General Licensing; Guerra, Reaz; alison@thenorthbank.london; Mitchell, Tim (Cllr)
Cc: Mitchell, Tim (Cllr); Thomson, Cameron (Cllr); Hyams, Louise (Cllr)
Subject: RE: PITCH 1612-VARIATION OF DESIGNATION AND PITCH 1736- DE DESIGNATION OF A STREET LICENSED PITCH

Adnath, Taruna: WCC

From: Hoare, Sarah: WCC
Sent: 01 August 2016 14:48
To: Adnath, Taruna: WCC
Cc: Austin, Roger: WCC
Subject: FW: PITCH 1612-VARIATION OF DESIGNATION AND PITCH 1736- DE DESIGNATION OF A STREET LICENSED PITCH

Hi Taruna

Response below:

We support the de-designation of pitch 1736 as the pitch is situated on a place of high pedestrian footfall and impedes movement especially coming from Charing Cross Station on to Villiers Street. The kiosk is in disrepair and significantly impacts on the heritage of the area.

We support the variation of pitch 1612. The new position will have less effect on pedestrian movement as its situated between the two LUL stairwells. The proposed site is set away from building lines. The size of pitch also considers the risk of the receptacle being climbed on from the stairwell as it will have a 1.8m void.

GPH are working with the trader on the design of a new kiosk which takes account of the location and aligns with the look and feel of the area. The kiosk and any merchandising must sit within the stairwells (as the plan shows) and not spread any further onto the footway.

As a proposal of 2 actions, de-designation and variation, GPH fully support the changes proposed.

Kind regards,
Sarah

Sarah Hoare
Programme Support

Strategic Transport Planning and Public Realm
Growth Planning and Housing
Westminster City Council
11th Floor
Westminster City Hall
64 Victoria Street
London SW1E 6QP

020 7641 1590
shoare@westminster.gov.uk



EXPERIMENTAL

CHOICE

HERITAGE

From: Austin, Roger
Sent: 04 July 2016 18:50
To: Hoare, Sarah
Cc: Adnath, Taruna

Adnath, Taruna: WCC

From: Barber, Andrew: WCC
Sent: 02 August 2016 09:45
To: Adnath, Taruna: WCC
Cc: Austin, Roger: WCC; Hoare, Sarah: WCC
Subject: RE: PITCH 1612-VARIATION OF DESIGNATION AND PITCH 1736- DE DESIGNATION OF A STREET LICENSED PITCH

Taruna,

We understand that this consultation only relates to the relocation of the pitch, and does not relate to the size, type, design, or permanence of the kiosk which would occupy the pitch.

In this understanding, we have no objection to the principle of relocating the licensed pitch to the indicated position: it would have a slight improvement in terms of pulling the kiosk etc. away from the listed walls surrounding the station approach. However, it should be noted that the permanent siting of a kiosk in this new location (including simply relocating the existing kiosks) would require Planning Permission and as such we reserve judgement on the full implications of relocating this pitch until a permission has been secured. Roger and Sarah are currently assisting WESTA in this regard in liaison with myself.

Best wishes,

Andrew

Andrew Barber

Area Design and Conservation Officer - South

Development Planning
Growth, Planning and Housing
PO Box 732, Redhill, RH1 9FL

Tel: 020 7641 7708
westminster.gov.uk



ENVIRONMENT

CHOICE

HERITAGE

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Adnath, Taruna: WCC

From: Barber, Andrew: WCC
Sent: 23 May 2017 08:59
To: Hoare, Sarah: WCC
Cc: Adnath, Taruna: WCC; Tanburn, Sarah: WCC; Cloke, Rebecca: WCC
Subject: RE: Villers St - street trading kiosk de-designation

Sarah,

Focussing purely on the existing plot (rather than how it may compare to alternative plots nearby), the existing kiosk is visually harmful to the setting of the listed train station, and harms the appearance of the Trafalgar Square Conservation Area. It's removal and the extinguishment of the license would by contrast remove this harm.

Best wishes,

Andrew

Andrew Barber

Area Design and Conservation Officer - South

Post to:
Development Planning, Growth, Planning and Housing, PO Box 732, Redhill, RH1 9FL

My Location:
20th Floor, Portland House, Bressenden Place, London SW1E 5RS

Tel: 020 7641 7708
westminster.gov.uk/planning



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From: Hoare, Sarah: WCC
Sent: 18 May 2017 14:45
To: Barber, Andrew: WCC; Tanburn, Sarah: WCC; Cloke, Rebecca: WCC
Cc: Adnath, Taruna: WCC
Subject: Villers St - street trading kiosk de-designation

Hi Andrew

A while ago now, you were asked to comment on the de-designation of one pitch and a variation of the other pitch (to in between the stairwell) on Villers St at the Strand junction.

Licensing require further evidence to support the de-designation of the pitch. From a placeshaping view the pitches inhibit pedestrian flow, negatively impact on the views up and down the street and is unsuitable as a street trading pitch.

Please could you provide further comment from planning on your views to support this?

Rebecca/Sarah T – Do you have anything to add about the aspirations for Villers st under the current proposals? Also, do you have any PCL evidence from Publica’s work on the street? Ideally we would have legal grounds (PCL, health and safety) to support the de-designation.

Kind regards,
Sarah

Sarah Hoare
Place Shaping Co-ordinator

Place Shaping Team
Growth Planning and Housing -Westminster City Council
Portland House, Bressenden Place
London, SW1E 5RS
020 7641 1590
shoare@westminster.gov.uk



APPENDIX I

Adnath, Taruna: WCC

From: Auckland, Richard: WCC
Sent: 06 July 2016 11:48
To: Adnath, Taruna: WCC
Subject: RE: PITCH 1612-VARIATION OF DESIGNATION AND PITCH 1736- DE DESIGNATION OF A STREET LICENSED PITCH

Have some notes concerns.

Will the stall be easily removed at the end of business each day? Or will he be given a Sect 28 approval?

Is the stall easily moved as per New Year Celebrations?

Does the Licence holder understand that nothing is to protrude from the stall area so that the 1.8m is continually kept clear?

What is the weight of the stall bearing in mind there is a subway underneath?

Regards

Richard

Richard Auckland
Senior City Inspector Markets
Public Protection and Licencing
Westminster City Council
4th Floor
Westminster City Hall
64 Victoria Street
London, SW1E 6QP
02076411682
rauckland@westminster.gov.uk
Westminster.gov.uk

From: Adnath, Taruna: WCC [<mailto:tadnath@westminster.gov.uk>]
Sent: 04 July 2016 17:01
To: Dwyer, Sean; Ayton, Robert; Auckland, Richard; Murphy, Peter; Austin, Roger; Hoare, Sarah; Police General Licensing; Guerra, Reaz; alison@thenorthbank.london; Mitchell, Tim (Cllr)
Cc: Wally Watson; terrypalmer1983@yahoo.co.uk; albertpalmer1956@yahoo.co.uk; Mitchell, Tim (Cllr); Thomson, Cameron (Cllr); Hyams, Louise (Cllr); Hick, Rosalind
Subject: PITCH 1612-VARIATION OF DESIGNATION AND PITCH 1736- DE DESIGNATION OF A STREET LICENSED PITCH
Importance: High

Dear All,

The licensing service has received a request from Wally Watson, Chairman of WESTA, on behalf of two permanent street traders as follows (see email attached):

THE
NORTHBANK



TRAFALGAR SQ · STRAND · ALDWYCH

3rd August 2016

Dear Sir

RE: Villiers Street kiosk: Pitch 1612 new location
Pitch 1736 de-designation

Thank you for consulting with the BID for the changes to the pitches at the Strand end of Villiers Street. Villiers Street has one of London's highest footfalls and this section is particularly busy at all times of day and night because of the Charing Cross Station and local cafes and restaurants, bars and shops.

The Northbank BID supports the de-designation of pitch 1736 which will allow more space for pedestrians to walk easily in the busy section of street.

The BID also supports the move of pitch 1612 to the proposed location between the two access stairs to the subway. This will allow more space for pedestrians to walk in the area, enable effective street cleaning.

We look forward to seeing the final kiosk designs and working with the street trader and local businesses to continue improving the street.

Yours sincerely

Alison Gregory
Environment and Public Realm Manager

West Wing, Somerset House
Strand, London, WC2R 1LA

Telephone 020 3697 9270
Fax 020 7257 9540

WWW.THENORTHBANK.ORG

COMPANY REG: 08210066 — VAT NO: 141326350



25th October 2017

Dear Sir,

We would like to respond to the application for:

REGULATION OF STREET TRADING

**DE DESIGNATION AND VARIATION OF STREET TRADING PITCHES: 1612 (VARIATION)
1736 (DE DESIGNATION)**

Thank you for forwarding the proposals for the licencing aspects of the permanent street trading pitches at the Strand end of Villiers Street, being considered on the 2nd November.

We consider the proposals will benefit the area by increasing space on the main section of the footway, allowing easier pedestrian movement.

The proposed location has a very high footfall with many cafes, restaurants and bars near by, some of which are open 24 hours. Waste and litter are a considerable problem in the area with large amounts of take-away food and drink containers also spills making the street untidy. The cleaning required takes a lot of council and BID resources. We would also like the pitch to be kept neat and tidy with adequate arrangements for waste as part of any changes.

The BID is working with local stakeholders and Westminster City Council to improve Villiers Street with upgrade of street materials and enhancement of area character. We also understand that a more appropriate kiosk design is being developed and look forward to seeing the designs. We would welcome input at the appropriate stages.

Yours sincerely

Alison Gregory,
On behalf of The Northbank BID

Item No:	
Date:	2 November 2017
Licensing Ref No:	17/08350/LIPN - New Premises Licence
Title of Report:	Co-Operative 4 Merchant Square City Of Westminster London W2 1AZ
Report of:	Director of Public Protection and Licensing
Wards involved:	Hyde Park
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Daisy Gadd Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email: dgadd@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	27 July 2017		
Applicant:	Co-operative Group Food Limited		
Premises:	Co-Operative		
Premises address:	4 Merchant Square City Of Westminster London W2 1AZ	Ward:	Hyde Park
		Cumulative Impact Area:	No
Premises description:	The premises intends to operate as a convenience store selling groceries, sundry items and alcohol for consumption off the premises.		
Premises licence history:	This is an application for a new premises licence and therefore no history exists.		
Applicant submissions:	None		
Plans:	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			Off
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations/ Non-standard timings:	None						

Following discussions with the Police, the applicant has amended the proposed hours for the sale of alcohol to the below:

Sale by retail of alcohol				On or off sales or both:			Off
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	10:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:30
Seasonal variations/ Non-standard timings:	None						

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations/ Non-standard timings:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service (withdrawn)
Representative:	PC Sandy Russell
Received:	3 August 2017
<p>I am writing to inform you that the Metropolitan Police, as a responsible authority, will be objecting to this application. It is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>The times applied for alcohol sales are not conducive to Westminster Council's Licensing Policy Document</p> <p>The conditions submitted are not worded appropriately enough from a police perspective.</p> <p>The Police have withdrawn their representation followings the agreement of conditions and timings with the applicant.</p>	
Responsible Authority:	Environmental Health
Representative:	Mr Anil Drayan
Received:	18 August 2017
<p>I refer to the application for a new Premises Licence for the above premises.</p> <p>The applicant has submitted plans of the premises showing Basement and Shop Floor, labelled 4 Merchant Square, Drawing No : NAME P1, Fixture Rev:F1, Macro Rev: MO, dated 2017.</p> <p>This representation is based on the operating schedule and plans submitted.</p> <p>The applicant is seeking the following:</p> <ol style="list-style-type: none"> 1. Supply of Alcohol 'off' the premises on Monday to Sunday from 07:00 to 23:00 hours <p>I wish to make the following representations:</p> <ol style="list-style-type: none"> 1. The Supply of Alcohol and for the hours requested may have the likely effect of causing an increase in Public Nuisance in the area 	

It is noted that the hours requested are also beyond 'core' hours as stated in Westminster's Statement of Licensing policy.

I understand the premises have not yet been refurbished for the proposed use and will in any case need to be inspected for Public Safety prior to start of licensable operations.

The applicant has submitted conditions and undertaking in the operating schedule and these are under consideration for adequacy with the actual application as applied.

The applicant is therefore requested to contact the undersigned to arrange a site visit to discuss the application after which Environmental Health may request additional conditions.

2-B Other Persons

Name: Councillor Floru

Received: 20 August 2017

I am one of the three ward councillors for this area.

While the Coop will offer additional shopping opportunity to local residents, we need to take into account that the area has a problem with rough sleepers, beggars, and other anti-social behaviour.

I object to this application, unless the following conditions are added to the Licence:

- the morning hours for sale of alcohol should be reduced; and
- no sale of beer or cider over 5.5% strength; and
- no 'miniatures' of alcohol on sale; and
- spirits to be sold from behind the sales counter; and
- Challenge 25 to be in operation at all times; and
- make sure the premises close at 23.00 (22.30 Sundays & Bank Holidays) as there are residential premises above.

Name: South East Bayswater Residents' Association

Received: 21 August 2017

In and around the area there is a problem with rough sleepers, beggars and street drinkers - particularly along Praed Street and Edgware Road.

We also have concern as premises immediately adjacent 'floating gardens' just opened on canal where could be place that unsocial drinking takes place but we note that there are security guard employed around Merchant Square.

We would wish any application for 'off sales' to be within WCC 'Off sales' Core Hours, CCTV to satisfaction of police and WCC along we other 'model' conditions such as.

No sale of beer or cider over 5.5% strength

No 'miniatures' of alcohol on sale.

Cabinets with alcohol to be 'locked' outside hours permitted for 'off sales'

No more than maximum of 15% of sales area of shop to be for alcohol display.

Spirits to be sold from behind 'sales counter'

Challenge 25 to be in operation at all times.

Premises to close at 23.00 (22.30 Sundays & Bank Holidays) as residential premises above.

Name:	Paddington Waterways & Maida Vale Society
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Received:	12 August 2017
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As a recognised amenity society by Westminster City Council, we are officially charged with working towards the preservation and enhancement of the architectural and environmental quality of Little Venice, Maida Vale and the Paddington Waterway area (including planning and licensing issues). We are concerned with the well-being and sense of community of its residents, including those who live in the vicinity of this location.

We recognise that this proposal is designed to provide services for locals as well as people who are not residents in this area. However the hours sought for alcohol are 7am to 11pm each day - outside core hour in morning, and on Sunday evening. We would like the hours reduced.

In the absence of a plan, we are concerned as to where the sales will take place, and what provision for locked cabinets there will be.

The application referred to attached conditions but these were not there. We may wish to comment on these in due course.

3. Policy & Guidance

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

Policy OS1 applies:	Applications will generally be granted and reviews determined subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement.
Policy HRS1 applies:	(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. (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.

4. Appendices

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

Report author:	Miss Daisy Gadd Senior Licensing Officer
Contact:	Telephone: 020 7641 2737 Email: dgadd@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2017
4	Representation Metropolitan Police Service	3 August 2017
5	Representation Environmental Health	18 August 2017
6	Representation Councillor Floru	20 August 2017
7	Representation South East Bayswater Residents' Association	21 August 2017
8	Representation Paddington Waterways & Maida Vale Society	12 August 2017

None submitted

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 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.

- 5(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.
- 5(ii) For the purposes of the condition set out in paragraph 5(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.
- 5(iii). Where the permitted price given by Paragraph 5(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.
- 5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(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

6. The premises shall maintain a CCTV system which gives coverage of all entry and exit points. The system shall continually record whilst the premises are open and conducting licensable activities. All recordings shall be stored for a minimum period of 28 days and shall be capable of being easily downloaded. Recordings shall be made available upon the receipt of a request by an authorised Officer of the Police or the Local Authority.
7. There shall be 'CCTV in Operation' signs prominently displayed at the premises.
8. An incident log (whether kept in a written or electronic form) shall be retained at the premises and made available to an authorised Officer of the Police or the Local Authority.
9. The premises shall operate a proof of age scheme, such as a Challenge 25, whereby the only forms of acceptable identification shall be either a photographic driving licence, a valid passport, military identification or any other recognised form of photographic identification incorporating the PASS logo, or any other form of identification from time to time approved by the secretary of the state.
10. The premises will be fitted with a burglar alarm system.
11. The premises will be fitted with a panic button system for staff to utilise in the case of an emergency.

Conditions proposed by the Police and Environmental Health and agreed with the applicant

12. The premises licence holder shall install and maintain a CCTV system at the premises giving coverage of all entry points and areas to which customers have access in any lighting conditions.
13. Such CCTV system shall continuously record whilst the premises are open for licensable activities and shall be capable of providing frontal identification of customers.
14. All CCTV recordings shall be retained for a minimum of 31 days and shall be date and time stamped.
15. CCTV recordings should be made immediately available for inspection upon receipt of a request by the Police and Authorised Officer of the Licensing Authority.
16. A member of staff shall always be present on the premises whilst they are open who is capable of operating the CCTV system and able to facilitate immediate viewing of CCTV footage upon the request of the Police and Authorised Officer of the Licensing Authority.
17. A Proof of Age Scheme, such as Challenge 25, shall be operated premises whereby the only acceptable forms of identification are a valid passport, UK driving licence, any form of identification containing the PASS hologram, military

identification or any other form of identification time to time approved by the Secretary of State.

18. An Incident Record, whether kept in written or electronic form, shall be maintained at the premises and made available on request to the Police or an Authorised Officer of the Licensing Authority. The Incident Record shall record any complaints received in connection with the licensable activity at the premises, any faults with the CCTV system, any refusal to sell alcohol at the premises, and any visit to the premises by a responsible authority in connection with the licensable activity permitted at the premises.
19. All relevant staff shall be trained in relation to their responsibilities under the Licensing Act 2003.
20. Training Records shall be kept and made available for inspection upon receipt of request from the Police or an Authorised Officer of the Licensing Authority.
21. A notice must be displayed in the premises explaining that it is an offence for persons under the age of 18 to purchase alcohol.
22. A panic alarm and system shall be installed and maintained at the premises.
23. A burglar alarm system shall be installed and maintained at the premises.
24. An electronic till prompt system shall be installed and maintained at the premises.
25. During the hours that the premises is open but not authorised to sell alcohol, all alcohol within the trading area shall be secured behind locked screens that customers do not have access to it.
26. No more than 15% of the trading area shall at any one time be given over to the display of alcohol.
27. Notices shall be displayed in the premises confirming that the hours during which alcohol may be sold.
28. There shall be no self-service of spirits, save for mixed spirits with an ABV of 6.5% or less.
29. No spirit measures of less than 20cl shall be sold at the premises save that this prohibition shall not apply to mixed spirits, being spirits mixed with a non-alcoholic beverage.
30. Notices shall be displayed at the exit to the premises requesting that customers should leave quietly.
31. No beer, lager or cider of 6.5BV or above shall be sold at the premises save that this prohibition shall not apply to premium products such as draft and microbrewery products, or products produced to commemorate a specific event or similar.

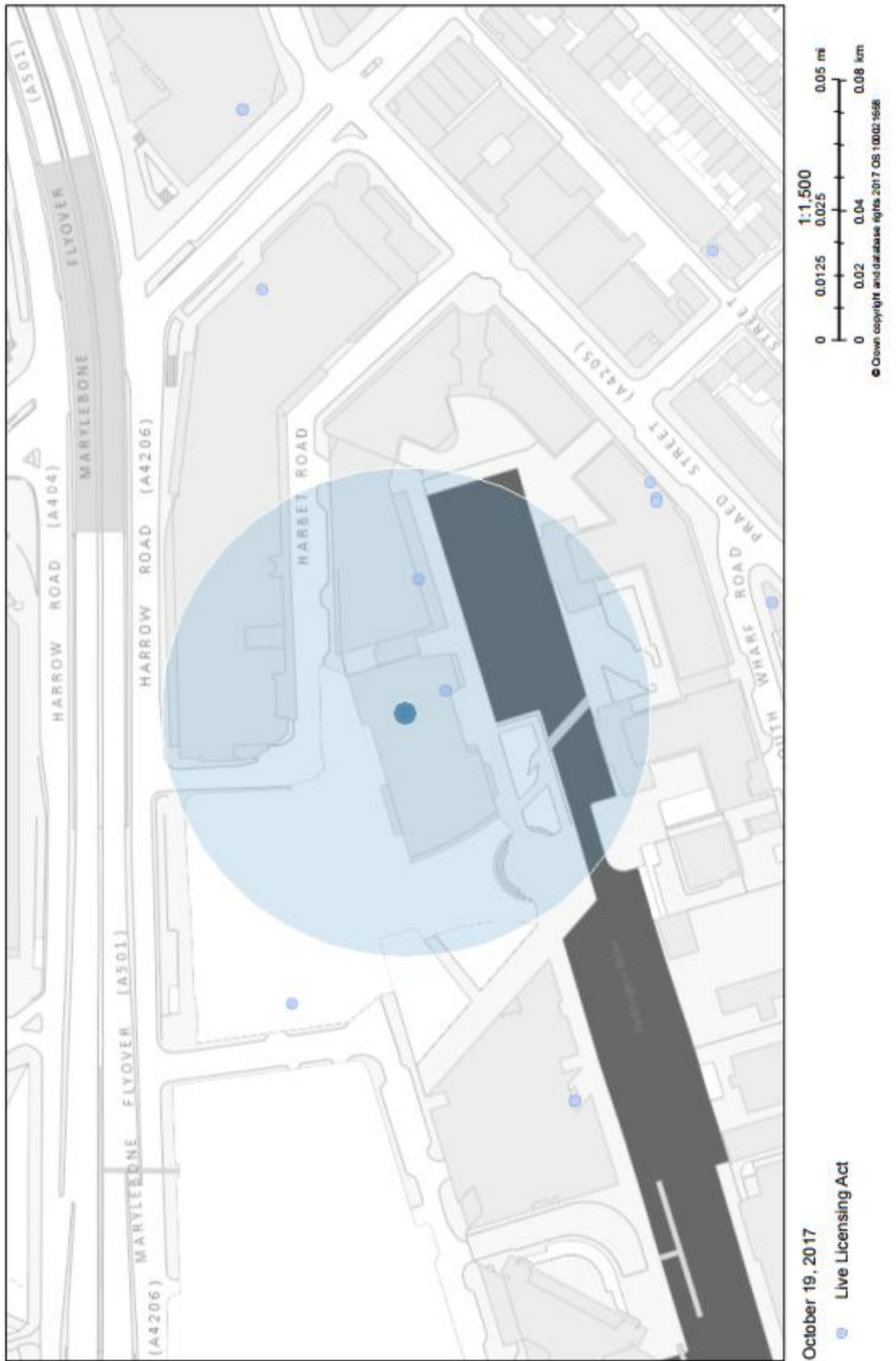
Additional conditions proposed by Environmental Health and agreed with the applicant

32. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a public nuisance.
33. No deliveries to the premises shall take place between 23:00 and 07:00 on the following day save that this restriction does not apply to newspapers and magazines or diary or bakery products.
34. No licensable activity shall be permitted at the premises until the premises have been inspected by the Environmental Health Consultation Team and they have confirmed that policies and procedures are in place which enables the Premises Licence Holder to fulfil the conditions attached to this licence.
35. The inspection of the premises shall be concluded within 3 working days of EHCT being notified by the Premises Licence Holder that the premises is about to open.
36. EHCT shall notify the Premises Licence Holder that they are so satisfied, or what steps need to be taken to rectify any inadequacies, within 24 hours of the inspection taking place.
36. If EHCT do not fulfil the requirements of 9.2 and 9.3 then the Premises Licence Holder may, in any event, conduct licensable activities.

Conditions proposed by SEBRA and PWMVS

37. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.

Co-operative



Resident count = 226



City of Westminster

Licensing Sub-Committee Report

Agenda Item 3

Item No:	
Date:	2 November 2017
Licensing Ref No:	17/09962/LIPV - Premises Licence Variation
Title of Report:	Chutney Mary 72-73 St James's Street London SW1A 1PH
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:	Ms Daisy Gadd Senior Licensing Officer
Contact details	Telephone: 0207 641 2737 Email: dgadd@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	7 September 2017		
Applicant:	MW Eat Limited		
Premises:	Chutney Mary		
Premises address:	72-73 St James's Street London SW1A 1PH	Ward:	St James's
		Cumulative Impact Area:	No
Premises description:	The premises currently operates as a restaurant		
Variation description:	<p>The applicant has applied to vary the below condition:</p> <p>"To permit the supply of alcohol without food on the premises until 19:30 on any day by waiter/waitress service to no more than 20 customers seated in the hatched area as shown on the plan numbered 3346/LIC2.22 as submitted to the Licensing Sub Committee and attached to this Order"</p> <p>This application seeks to amend this condition to the following:</p> <p>"To permit the supply of alcohol without food until 22:00 on any day by waiter/waitress service to no more than 30 customers seated in the hatched area as shown on revised plan number 3346/LIC2.22 submitted with this application"</p>		
Premises licence history:	<p>The premises has been licensed since 1998. An application to vary the premises licence was previously considered by the Licensing Sub-Committee on 19 May 2016. That application was refused. The full details of this can be found at Appendix 6. An appeal was lodged against that decision and in February 2017 the appeal was allowed by way of a Consent Order. Details of the appeal decision can be found at Appendix 2. The full details of the premises licence history can be found at Appendix 2.</p>		
Applicant submissions:	None		
Plans:	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee		

1-B Current and proposed licensable activities, areas and hours

Playing of recorded music

	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	11:00	00:00	No change		No change
Tuesday	11:00	00:00			
Wednesday	11:00	00:00			
Thursday	11:00	00:00			
Friday	11:00	00:00			
Saturday	11:00	00:00			
Sunday	12:00	23:30			
Seasonal variations:	Current:			Proposed:	
Non-standard timings:	None			No change	

Late night refreshment

Indoors, outdoors or both	Current :				Proposed:	
	Indoors				No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:		
Monday	23:00	00:30	No change		No change	
Tuesday	23:00	00:30				
Wednesday	23:00	00:30				
Thursday	23:00	00:30				
Friday	23:00	01:00				
Saturday	23:00	01:00				
Sunday	23:00	00:00				
Seasonal variations/ Non-standard timings:	Current:			Proposed:		
	None			No change		

Sale by Retail of Alcohol					
On or off sales			Current :		Proposed:
			On		No change
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	11:00	00:00	No change		No change
Tuesday	11:00	00:00			
Wednesday	11:00	00:00			
Thursday	11:00	00:00			
Friday	11:00	01:00			
Saturday	11:00	01:00			
Sunday	11:00	23:30			
Seasonal variations/ Non-standard timings:		Current:			Proposed:
		None			No change

Hours premises are open to the public					
	Current Hours		Proposed Hours		Premises Area
	Start:	End:	Start:	End:	
Monday	11:00	00:30	No change		No change
Tuesday	11:00	00:30			
Wednesday	11:00	00:30			
Thursday	11:00	00:30			
Friday	11:00	01:30			
Saturday	11:00	01:30			
Sunday	11:00	00:30			
Seasonal variations/ Non-standard timings:		Current:			Proposed:
		None			No change

1-D Conditions being varied, added or removed		
Condition	Proposed variation	
To permit the supply of alcohol without food on the premises until 19:30 on any day by waiter/waitress service to no more than 20 customers seated in the hatched area as shown on the plan numbered 3346/LIC2.22 as submitted to the Licensing Sub Committee and attached to this Order.	To permit the supply of alcohol without food until 22:00 on any day by waiter/waitress service to no more than 30 customers seated in the hatched area as shown on revised plan number 3346/LIC2.22 submitted with this application.	
Adult entertainment:	Current position:	Proposed position:
	None	No change

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Sandy Russell
Received:	20 September 2017
<p>I am writing to inform you that the Metropolitan Police, as a responsible authority, will be objecting to this application. It is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>Due to the nature and the sensitivity of the application we feel the decision as to whether this variation is granted should be made at LSC.</p>	
Responsible Authority:	Environmental Health
Representative:	Mrs Sally Fabbricatore
Received:	22 September 2017
<p>I refer to the application for variation of a Premises Licence (16/01879/LIPV), issued under the Licensing Act 2003.</p> <p>The applicant has submitted a ground floor plan, drawing number 3346/LIC2.22 and dated February 2015.</p> <p>This representation is based on the Operating Schedule and the plan.</p> <p>The applicant is seeking the following on the ground floor:</p> <ol style="list-style-type: none"> 1. To allow alcohol to be consumed without being ancillary to food until 22.00 hours in a restricted area for up to 30 people. This will be to seated customers only and served by waiter/waitress service. <p>I wish to make the following representations in relation to the above application:</p> <ol style="list-style-type: none"> 1. The increase in hours to the bar area may cause an increase in Public Nuisance in the area and the increase in capacity may have an impact on Public Safety. <p>The granting of the variation Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public Safety.</p>	

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy RNT1 applies:	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.
Policy HRS1 applies:	(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. (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.

4. Appendices

Appendix 1	Applicant supporting documents
Appendix 2	Premises history
Appendix 3	Proposed conditions
Appendix 4	Residential map and list of premises in the vicinity
Appendix 5	Existing premises licence
Appendix 6	Licensing Sub-Committee Decision (REF 16/01879/LIPV)

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

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2017
4	Representation Metropolitan Police	20 September 2017
5	Representation Environmental Health	22 September 2017

None

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/11360/LIPN	This was an application for a new premises licence	20.12.2005	Granted by Licensing Sub Committee
06/09149/WCCMAP	This is the master copy of the licence	20.12.2005	Granted by Licensing Sub Committee
06/10224/LIPV	<p>This was an application to vary the premises licence.</p> <p>The proposed variation concerned only the ground floor premises. As detailed on the enclosed plan, the ground floor premises layout included an entrance bar area which was divided into two areas. The proposed variation was to serve alcohol to members of the public who wish to enter the ground floor entrance bar and stand or sit at the bar and to those who wished to be seated at the tables/booths, so that alcohol may be served by retail without a meal. It was also intended to offer alcohol with a meal in this area and additional light food to bar customers which may not be classified as a meal. However, it was anticipated that the majority of customers will have some kind of food with their drinks but the pure bar customers may only consume bar type snacks. Although the restaurant desires to have the option to serve alcohol in the ground floor premises without food.</p> <p>The existing hours are to remain the same.</p>	07.12.2006	Refused by Licensing Sub Committee
11/10041/LIPDPS	This was a request to vary the DPS	09.11.2011	Granted under Delegated Authority

14/06300/LIPT	This was a request to transfer the licence from Prunier Restaurant Limited to MW Eat Limited.	04.09.2014	Granted under Delegated Authority
14/06587/LIPDPS	This was a request to vary the DPS	04.09.2014	Granted under Delegated Authority
15/02086/LIPV	<p>This was an application to vary the premises licence.</p> <p>To approve new layout plans showing</p> <ol style="list-style-type: none"> 1. Creation of 2 new private rooms in the basement 2. Rearrangement of basement toilet facilities 3. Relocation of bar counter in entrance lobby area 4. New fixed seating in main restaurant space. <p>Permit start time of 11.00 for service of alcohol on Sundays. Permit finish time of 01.00 for service of alcohol and late night refreshment on Fridays and Saturdays.</p>	29.05.2015	Granted under Delegated Authority
16/01879/LIPV	<p>This was an application to vary the premises licence.</p> <p>Notwithstanding conditions 19 and 21, alcohol may be supplied to customers without food provided that</p> <ol style="list-style-type: none"> a) Such supply shall only be to persons seated and served by waiter/waitress. b) Such supply shall cease at 20.00 c) Such supply shall be limited to 30 customers to be seated in the area hatched black and shown on plan number 3346/LIC2.22 <p>The availability of alcohol without food shall not be promoted or advertised otherwise than on menus and price lists within the premises.</p>	05.08.2016	Licence Refused. The full details of the decision can be found at Appendix 6.
16/13758/LIPCH	This was an application for a change of details	14.12.2016	Granted under Delegated Authority

Appeal	<p>This appeal was settled after a Licensing Committee approved the terms of the proposed settlement being offered by the Appellant. Prior to the hearing, a proposed offer of settlement was received from the Appellants offering to reduce the number of persons permitted to purchase alcohol without food to 20 up to 19:30 hours, as opposed to 20:00 hours as originally requested and refused by a previous Licensing Committee. According to the licensing report the offer to settle the appeal was reported back to a Licensing Committee for consideration. The Licensing Committee authorised the settlement of the appeal on the terms proposed on condition that the appellants pay the council's costs of defending the appeal amounting to £15,928 (which have been paid) and provided an additional condition was added to the licence prohibiting patrons from taking open drinks outside the appeal.</p>	February 2017	Settled
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Temporary Event Notice History

Application	Details of Application	Date Determined	Decision
16/11684/LITENP	This was an application for a Temporary Event Notice	01.11.2016	Granted

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

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

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

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

Conditions: On Current Licence -

Mandatory:

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

Where -

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

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

None

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

9. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
10. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
11. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed: Overall capacity 150 persons
Basement Private Room 1 - 40
Basement Private Room 2 - 20
12. 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.
13. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside area between 23:00 hours and 08:00 hours the following day.
14. 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 driving licence, passport or proof of age card with the PASS hologram.
15. The premises shall only operate as a restaurant (i) in which customers are shown to their table, (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 using

non disposable crockery, (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) 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. Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

16. The premises will maintain a comprehensive CCTV system that ensures all areas of the licensed premises are monitored including all entry and exit points, and the street environment and which enable frontal identification in any light condition. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping. Tape recordings shall be made available to an authorised officer or a police officer with facilities for viewing. The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice. (Subject to the Data Protection Act 1998).
17. The supply of alcohol shall be ancillary to meals.
18. Suitable beverages other than alcohol (including drinking water) shall be available during the permitted hours.
19. All external doors shall be kept closed after 21:00 except for immediate access and egress.
20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

On 10th February 2017 an appeal at Westminster Magistrates Court was allowed by way of a Consent Order to permit the following condition:

21. To permit the supply of alcohol without food on the premises until 19:30 on any day by waiter/waitress service to no more than 20 customers seated in the hatched area as shown on the plan numbered 3346/LIC2.22 as submitted to the Licensing Sub Committee and attached to this Order.

The applicant has applied for this condition to be amended to:

To permit the supply of alcohol without food until 22:00 on any day by waiter/waitress service to no more than 30 customers seated in the hatched area as shown on revised plan number 3346/LIC2.22 submitted with this application.

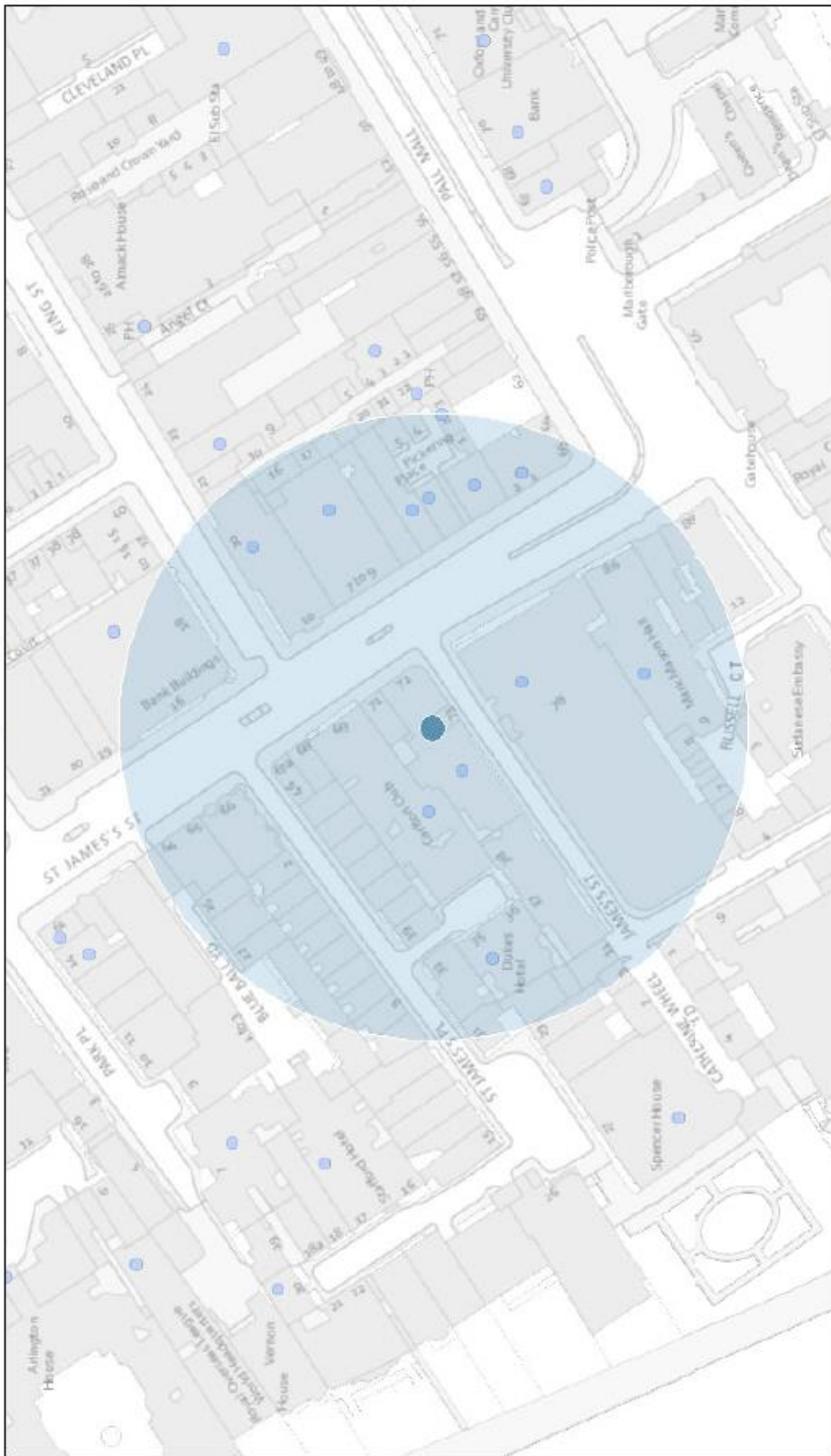
Conditions proposed by the Police

None

Conditions proposed by Environmental Health

None

Chutney Mary



Resident count = 54



Schedule 12
Part A

WARD: St James's
UPRN: 100023336913

City of Westminster
64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:	16/13758/LIPCH
Original Reference:	05/11360/LIPN

Part 1 – Premises details

Postal address of premises: Chutney Mary 72-73 St James's Street London SW1A 1PH
Telephone Number: Not Supplied

Where the licence is time limited, the dates: Not applicable
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Licensable activities authorised by the licence: Playing of Recorded Music Late Night Refreshment Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:	
Playing of Recorded Music	
Monday to Saturday:	11:00 to 00:00
Sunday:	12:00 to 23:30
Late Night Refreshment	
Monday to Thursday:	23:00 to 00:30
Friday to Saturday:	23:00 to 01:00
Sunday:	23:00 to 00:00
Sale by Retail of Alcohol	
Monday to Thursday:	11:00 to 00:00
Friday to Saturday:	11:00 to 01:00
Sunday:	11:00 to 23:30

The opening hours of the premises:	
Sunday to Thursday:	11:00 to 00:30
Friday to Saturday:	11:00 to 01:30

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

Alcohol is supplied for consumption on the Premises.

Part 2

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

MW Eat Limited
47 Upper Berkeley Street
London
W1H 5QW
Business Phone Number : Not Supplied

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

02282732

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

Name: Preman Mohan

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: TAND/PERS/05/181
Licensing Authority: Tandridge District Council

Date: 14 December 2016

This licence has been authorised by Shannon Pring 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 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.
- (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.
- (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.
- (iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

None

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

9. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
10. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
11. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed: Overall capacity 150 persons
 - o Basement Private Room 1 - 40
 - o Basement Private Room 2 - 20
12. 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.
13. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside area between 23:00 hours and 08:00 hours the following day.
14. 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 driving licence, passport or proof of age card with the PASS hologram.
15. The premises shall only operate as a restaurant (i) in which customers are shown to their table, (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 using non disposable crockery, (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) 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. Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
16. The premises will maintain a comprehensive CCTV system that ensures all areas of the licensed premises are monitored including all entry and exit points, and the street environment and which enable frontal identification in any light condition. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping. Tape recordings shall be made available to an authorised officer or a police officer with facilities for viewing. The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice. (Subject to the Data Protection Act 1998).
17. The supply of alcohol shall be ancillary to meals.
18. Suitable beverages other than alcohol (including drinking water) shall be available during the permitted hours.
19. All external doors shall be kept closed after 21:00 except for immediate access and egress.
20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.



City of Westminster
64 Victoria Street, London, SW1E 6QP

Schedule 12
Part B

Premises licence
summary

WARD: St James's
UPRN: 100023336913

Regulation 33, 34

Premises licence number:

16/13758/LIPCH

Part 1 – Premises details

Postal address of premises:

Chutney Mary
72-73 St James's Street
London
SW1A 1PH

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Late Night Refreshment
Sale by Retail of Alcohol

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

Playing of Recorded Music	
Monday to Saturday:	11:00 to 00:00
Sunday:	12:00 to 23:30
Late Night Refreshment	
Monday to Thursday:	23:00 to 00:30
Friday to Saturday:	23:00 to 01:00
Sunday:	23:00 to 00:00
Sale by Retail of Alcohol	
Monday to Thursday:	11:00 to 00:00
Friday to Saturday:	11:00 to 01:00
Sunday:	11:00 to 23:30

The opening hours of the premises:

Sunday to Thursday:	11:00 to 00:30
Friday to Saturday:	11:00 to 01:30

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

Alcohol is supplied for consumption on the Premises.

Name and (registered) address of holder of premises licence:

MW Eat Limited
47 Upper Berkeley Street
London
W1H 5QW

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

02282732

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Name: Preman Mohan

State whether access to the premises by children is restricted or prohibited:

Restricted

Date: 14 December 2016

This licence has been authorised by Shannon Pring on behalf of the Director - Public Protection and Licensing.

Licensing Sub-Committee Decision (REF: 16/01879/LIPV) Appendix 6

LICENSING SUB-COMMITTEE No. 3

Thursday 19th May 2016

Membership: Councillor Melvyn Caplan (Chairman), Councillor Rita Begum and Councillor Nick Evans

Legal Adviser: Horatio Chance
 Policy Adviser: Chris Wroe
 Committee Officer: Tristan Fieldsend
 Presenting Officer: Heidi Lawrence

Relevant Representations: Environmental Health and 11 local residents and the St James's Conservation Trust.

Present: Mr Craig Baylis (Solicitor, Representing the Applicant), Mr Ranjit Mathrani (Applicant), Mr Ian Watson (Environmental Health), Mr Gary Grant (Counsel, representing Mr Nicholas Turner) and Mr Nicholas Turner (local resident).

Chutney Mary, 72-73 St James's Street, London, SW1A 1PH 16/01879/LIPV	
1.	Condition proposed to be varied so as to permit the sale of alcohol until 20:00 without food on the premises
	Proposed Variation
	Notwithstanding condition 19, alcohol may be supplied to customers without food provided that <ul style="list-style-type: none"> a) Such supply shall only be to persons seated and served by waiter/waitress service. b) Such supply shall cease at 20:00. c) Such supply shall be limited to 30 customers to be seated in the area hatched black and shown on plan number 3346/LIC2.22 <p>The availability of alcohol without food shall not be promoted or advertised otherwise than on menus and price lists within the premises.</p>
	Amendments to application advised at hearing: None

Decision (including reasons if different from those set out in report):

The Sub-Committee considered an application by MW Eat Limited for a variation of a premises licence in respect of Chutney Mary.

The Licensing Officer provided an outline of the application to the Sub-Committee.

All parties were invited to make representations to the Sub-Committee in relation to the application. The parties responded to members' questions and were given an opportunity to ask questions of each other.

Mr Baylis, representing the applicant, informed the Sub-Committee that the current owner was an experienced restaurateur and had taken over the premises in September 2014. Previously, the premises had operated as a restaurant with a bar element. The Sub-Committee noted that the applicant did not want the premises to become a bar but would remain as a restaurant where patrons currently spent £70-80 per head. The proposed bar area would have tables and chairs, there would be no vertical drinking and it would be table service only.

It was recognised and accepted by the applicant that breaches of the licence had occurred in the past as alcohol had been served without a substantial meal. It was submitted that this was due to a misunderstanding on the part of the applicant in terms of his understanding of the licence and once the breaches had been discovered constructive talks had taken place between the applicant, Environmental Health and the Licensing Inspectorate to ensure it wouldn't happen again. In order to comply with the conditions a menu had been introduced to the area containing the bar requiring a minimum spend of £7 on food.

The Sub-Committee was advised that it was not a problem premises and there was no evidence allowing alcohol to be served without food until 20:00 would cause late night disruption. The Sub-Committee was advised that residents' concerns over noise nuisance had been investigated and subsequently new fans had been installed. Issues surrounding staff smoking had also been resolved and there was an on-going dialogue with residents to ensure any concerns they had in this respect were addressed.

In response to a question Mr Bayliss confirmed that although conditions on the licence had been breached it had not resulted in any potential difficulties or problems and a minimum spend on food had been subsequently introduced. If the variation was granted the Sub-Committee was informed that in order to ensure there was no alcohol served after 20:00 without food in the bar area, waiting staff would be required to inform customers by 19:30, at the latest, of these requirements.

Mr Mathrani explained that he owned eleven restaurants, all of which were fully compliant with their licences. The fact Mary Chutney had breached its conditions was a source of embarrassment and it had arisen as the licence had not been

scrutinised closely enough. It was submitted that once the error had been realised a minimum spend on food had been introduced.

A question was raised regarding the noise complaints relating to glass and bottle collections received by the Council's Noise Team. Mr Mathrani confirmed that very strict orders had been issued to staff to ensure they adhered to the premises noise policy. Steps had been taken to prevent such instances occurring again, however human mistakes were sometimes made and immediate action was taken when they were. Mr Mathrani explained that the staff were very sensitive to residents' needs.

During the course of the discussion the Licensing Policy Adviser provided clarification on Policy 2.4.21 from the City Council's Statement of Licensing Policy ("SLP") with regards to this particular application. It was explained that it was not entirely relevant to the application as it dealt with occasions where a premises wanted to sell alcohol ancillary to food within a Cumulative Impact Area. Where the sale was not likely to add to the cumulative impact, in the Council's view, the presumption against awarding the licence could be removed. The Sub-Committee was advised that this part of the policy was not directly relevant to the application.

Environmental Health advised the Sub-Committee that the premises was located directly below a residential apartment block and noise and odour complaints had been received. In relation to the noise report produced by the residents it had been assessed by the Council's technical noise team and it concluded there was likely to be a noise nuisance from the plant equipment. With regards to the odour complaints these would require further investigation. It was noted that the applicant had recently upgraded the fans to minimise these issues. Environmental Health noted that the conditions on the licence had been breached and the bar area located in the premises would be a prominent feature. The Sub-Committee was advised that the current licence did not prevent customers taking drinks outside the premises and if it was minded to grant the application it may be appropriate to impose Model Condition 57, stopping patrons taking drinks outside.

Mr Gary Grant, representing a local resident Mr Nicholas Turner and 73 St James's Street RTM Company Limited, addressed the Sub-Committee. He informed the members that the residents had no issue with restaurants operating at the premises subject to them not abusing their position or operating the business without care to residents. Previously there had been very few complaints regarding previous operators on the site. However, since Chutney Mary had been operating at the premises more complaints had been made since September 2014 than had been received in the previous forty years. These complaints centred on odours, noise from rubbish collection and noise created by staff members. It was explained that these issues were all relevant as the Sub-Committee was being asked to liberalise the premises licence by allowing the applicant to sell alcohol without food until 20:00. As such they needed to be certain they had confidence in the operator to promote the licensing objectives. The operator had admitted technical breaches of the licence conditions in the previous nine months had occurred and the Sub-Committee had to decide

whether this constituted good management and promoted the licensing objectives.

Attention was drawn to a previous application on the premises which was refused in December 2006 as the location was a highly residential area. It was explained that Policy 2.4.21 of the SLP was not relevant as the premises was not located in a Cumulative Impact Area. The application had to be judged on its merits and introducing a bar area would involve a greater number of customers drinking alcohol which would have the potential to cause increased noise disturbance to residents.

The suggestion that an experienced restaurateur, such as the applicant, would fail to properly scrutinise the licence was not accurate. The applicant must have been aware of the alcohol conditions attached to the licence which included alcohol being ancillary to food. To deny they breached the conditions intentionally was misleading and residents were rightly concerned as they had bought alcohol on the premises without being served food on three separate occasions. It was a fact that they had breached the conditions on numerous occasions and they were now asking for further concessions. The residents had no confidence that the applicant could operate the business in line with the conditions and the licensing objectives and requested that the application be refused.

Mr Craig Baylis highlighted that this was a moderate application. Breaches of the conditions had occurred but these issues had subsequently been resolved following discussions with Environmental Health. It was confirmed that the £7 minimum charge for food had been introduced once the breaches had been identified.

In response to a question over why the Sub-Committee should have enough confidence in the operator to accept the variation in the premises licence Mr Baylis explained that the applicant had never abused the licence. The vast majority of customers at the restaurant dined at the restaurant and paid an average of £70 per meal. It was explained that the bar area was a minor additional feature and there were no plans to turn the premises solely into a bar. Only minor breaches to the licence had occurred and these had not caused any failures to the licensing objectives.

Mr Mathrani stated that he ran eleven restaurants and unfortunately this premises had accidentally breached its conditions. The Sub-Committee could have confidence in the operation as he had managed restaurants for over twenty-five years and during this time had maintained good relationships with the licensing authorities. It was explained that the total income derived from alcohol sales at the premises was low but granting the variation would allow them to offer an extra facility to residents.

Mr Nicholas Turner, a local resident, stated that since Chutney Mary had been in operation numerous issues regarding noise and odours had arisen. Mr Turner advised the Sub-Committee that several unsuccessful efforts had been made to engage with the operator and discussions had only taken place when legal

processes had been initiated.

Mr Mathrani informed the Sub-Committee that he did not accept the residents' comments as he had regularly communicated with them regarding the acoustics of the restaurant and the installation of the new fans. Mr Mathrani had met Mr Turner on several occasions and had responded and engaged with residents on many different levels.

The Sub-Committee was of the opinion that the application to vary the premises licence and permit the sale of alcohol for consumption without food on the premises until 20:00 was a fundamental change to the use of the premises. It was recognised that whilst there were restrictions to the bar area, including service until 20:00 and a maximum capacity of thirty seated customers, the premises was nonetheless, located in a highly residential area. The Sub-Committee expressed concern that this had the potential to increase noise and disturbance for local residents'.

It was expected by the Sub-Committee that every licenced premises should be well managed and it was imperative that there was confidence in operators upholding the licensing objectives and their licence conditions. Due to the recurring breaches of the existing conditions of the licence, as evidenced by credible evidence supplied by local residents and as admitted by the applicant in the oral submissions presented,, the Sub-Committee expressed the view that it did not have confidence in the current management being able to promote the licensing objectives. Based on the evidence it was felt that attaching further conditions at this stage to the licence would be inappropriate as the applicant was struggling to uphold the current conditions and there was no guarantee that any additional conditions the Sub-Committee might have considered imposing would in fact be complied with.

The Sub-Committee stated that for it to reconsider its decision the applicant would have to demonstrate a significant period of compliance with the conditions on the licence. Improved engagement with residents was also required in order to resolve any outstanding noise and odour issues.

Due to the reasons stated above the Sub-Committee did not have confidence that the variation to the premises licence would promote the licensing objectives and therefore agreed that the application should be refused.

With the agreement of all parties the Sub-Committee modified the existing conditions as there were a number of errors and duplications on the existing licence. The following conditions were amended or removed to update and avoid duplication on the licence:

- Removal of Condition 15 from the premises licence;
- Removal of Condition 16 from the premises licence;
- Removal of Condition 17 from the premises licence;
- Removal of Condition 18 from the premises licence;
- Condition 11 be amended to read "The number of persons permitted in the premises at any one time (excluding staff) shall not exceed: Overall

	<p>capacity 150 persons Basement Private Room 1-40 Basement Private Room 2 – 20”;</p> <ul style="list-style-type: none"> • Removal of Condition 26 from the premises licence; and • Condition 19 be amended to delete the following sentence “Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal”.
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Conditions attached to the Licence
<p><u>Mandatory Conditions</u></p> <p>1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.</p> <p>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.</p> <p>3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.</p> <p>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.</p> <p>(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—</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;</p> <p>(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</p> <p>(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</p> <p>(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;</p> <p>(c) provision of free or discounted alcohol or any other thing as a prize to encourage</p>

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 subparagraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

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

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

Annex 2 – Conditions consistent with the operating Schedule

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

10. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

11. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed: Overall capacity 150 persons

- Basement Private Room 1-40
- Basement Private Room 2 – 20

12. 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 storage arrangements by close of business.

13. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside area between 23:00 hours and 07:00 hours the following day.

14. 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 driving licence, passport or proof of age card with the PASS hologram.

15. The premises shall only operate as a restaurant (i) in which customers are shown to their table, (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 using non disposable crockery, (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23:00, and (vi) 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. Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

Conditions Attached After a Hearing by the Licensing Authority

16. The premises will maintain a comprehensive CCTV system that ensures all areas of the licensed premises are monitored including all entry and exit points, and the street environment and which enable frontal identification in any light condition. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping. Tape recordings shall be made available to an authorised officer or a police officer with facilities for viewing. The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice. (Subject to the Data Protection Act 1998).

17. The supply of alcohol shall be ancillary to food.

18. Suitable beverages other than alcohol (including drinking water) shall be available during the permitted hours.

19. All external doors shall be kept closed after 21:00 except for immediate access and egress.

20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

Item No:	
Date:	2 November 2017
Licensing Ref No:	17/08106/LIPN - New Premises Licence
Title of Report:	Unit 4 - Happy Bar And Grill Troadero 13 Coventry Street London W1W 7DH
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 Daisy Gadd Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email: dgadd@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	18 July 2017		
Applicant:	Happy Bar And Grill Limited		
Premises:	Unit 4 - Happy Bar And Grill		
Premises address:	Trocadero 13 Coventry Street London W1W 7DH	Ward:	St James's
		Cumulative Impact Area:	West End
Premises description:	The premise is intending to operate as a restaurant.		
Premises licence history:	This is an application for a new premises licence and therefore no history exists.		
Applicant submissions:	None		
Plans:	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	00:00
Seasonal variations/ Non-standard timings:		New Year's Eve: end of permitted hours on NYE to start of permitted hours on New Year's Day					

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	00:00
Seasonal variations/ Non-standard timings:		New Year's Eve: end of permitted hours on NYE to start of permitted hours on New Year's Day					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	00:00
Seasonal variations/ Non-standard timings:	New Year's Eve: end of permitted hours on NYE to start of permitted hours on New Year's Day						
Adult Entertainment:	None						

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service (withdrawn)
Representative:	PC Toby Janes
Received:	2 August 2017
<p>I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application.</p> <p>It is our belief that if granted the application would undermine the licensing objectives in relation to the prevention of crime and disorder.</p> <p>The conditions offered within the application do address some of our concerns. However the venue is situated in the West End cumulative impact area, a locality where there is traditionally high crime and disorder. The hours sought are beyond core hours as set out in the Westminster Policy and we have concerns that this application may cause further policing problems in an already demanding area.</p> <p>Police propose the following conditions are added to your operating schedule. I have included the conditions already offered by you, but have amended condition 2 as shown in red to correspond to the correct condition. The only additional condition refers to security for New Year's Eve.</p> <ol style="list-style-type: none"> 1. The premises shall only operate as a restaurant <ol style="list-style-type: none"> (i) in which customers are shown to their table, (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 using non disposable crockery, (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) 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. <p>Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.</p>	

2. Notwithstanding condition 1, alcohol may be supplied and consumed prior to their meal in the bar area (designated on the plan), by up to a maximum at any one time, of 25 persons dining at the premises.

3. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

4. 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.

5. A 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.

6. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.

7. 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.

8. The reception desk shall be manned at all times the premises is in operation.

9. 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.

10. On New Year's Eve, A minimum of 2 SIA licensed door supervisors shall be on duty from 2200 hours at the premises, at all times whilst it is open for business.

The Police have withdrawn their representation following the agreement of conditions proposed by the Police with the applicant.

Responsible Authority:	Environmental Health (withdrawn)
Representative:	Mrs Sally Fabbriatore
Received:	8 August 2017

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

This representation is based on the Operating Schedule and the submitted plans, ground floor, titled with the address and dated June 2017 and drawing number 7869_SK11.

The applicant is seeking the following on the **ground floor**:

1. To allow the Supply of Alcohol both 'on and off' the premises Monday to Saturday 08:00-01:00 hours and Sunday 08:00-00:00 hours.
2. To allow Late Night Refreshment 'indoors' Monday to Saturday 23:00-01:00 hours and Sunday 23:00-00:00 hours.
3. To allow both the Supply of Alcohol and Late Night Refreshment from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

I wish to make the following representation in relation to the above application:

1. The provision of the Supply of Alcohol may cause an increase in Public Nuisance in the cumulative impact area, it may also impact on Public Safety.
2. The provision of Late Night Refreshment may cause an increase in Public Nuisance in the cumulative impact area.
3. The extension of hours on New Year's Eve may cause an increase in Public Nuisance in the cumulative impact area.

The applicant has proposed conditions within the operating schedule which are being considered. Further conditions may be proposed by Environmental Health in order to help prevent Public Nuisance and protect Public Safety.

Reference is made to the British Standard 6465-1:2009 Sanitary Installations, Table 10, and the proposed WC provisions, the maximum capacity which could be accommodated would be 240 customers excluding staff. Further WC provisions will need to be provided if the capacity of 430 customers is required.

The granting of the new Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the cumulative impact area and may impact on Public Safety.

Environmental Health have withdrawn their representation following the agreement of conditions proposed by Environmental Health with the applicant.

Responsible Authority:	Licensing Authority
Representative:	Mr David Sycamore
Received:	15 August 2017
<p>I write in relation to the application submitted for a Premises Licence for the following premises Unit 4 - Happy Bar And Grill, 13 Coventry Street.</p> <p>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:</p> <ul style="list-style-type: none"> • Public Nuisance • Prevention of Crime & Disorder • Public Safety <p>The premises is located within the West End Cumulative Impact and as such a number of policy points must be considered.</p> <p>The hours sought for the sale of alcohol and late night refreshment are outside of the Westminster Core Hours policy HRS1. We welcome the addition of model condition 66, however policy RNT2 states that to grant a restaurant within the cumulative impact area you would still need to justify how it will not add to cumulative impact. The premises will have capacity of up to 430 and it is the authorities opinion that these customers will add to cumulative impact when leaving the restaurant. Please could we ask for more information as to how off sales are proposed to be used, if they are not required please could this part of the application be withdrawn.</p> <p>We would welcome additional documents to support the application in relation to why hours outside core hours should be granted and why a large venue with a large capacity will not add to cumulative impact or how it will be managed.</p>	

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIA1 applies:	<p>(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.</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>
Policy RNT2 applies:	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.
Policy HRS1 applies:	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>

4. Appendices

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

Report author:	Miss Daisy Gadd Senior Licensing Officer
Contact:	Telephone: 020 7641 2737 Email: dgadd@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2017
4	Representation Metropolitan Police Service	2 August 2017
5	Representation Environmental Health	8 August 2017
6	Representation Licensing Authority	15 August 2017
7	Applicant submissions	

1. HAPPY BAR & GRILL CONCEPT

- 1.1 Happy Bar and Grill began as a restaurant in Bulgaria set up by its Founder Orlin Popov, a former chocolate merchant and now successful entrepreneur, in 1997 and has now been successfully expanding for over 20 years. Since it was first set up, Happy Bar and Grill has become the fastest growing and most popular restaurant chain in Bulgaria with over 22 restaurants in all of Bulgaria's biggest cities.
- 1.2 Happy Bar and Grill have become an iconic restaurant brand, not only within Bulgaria but also within Europe, as they continue to expand and open new restaurants in Barcelona, Spain and in Poland.
- 1.3 Happy Bar and Grill have been voted top restaurant brand by Bulgarians 8 years in a row by Pragmatica Market Research and won numerous International restaurant and hospitality awards from a variety of independent reviewers, including from IH&RA (International Hotel & Restaurant Association), Tripadvisor, the Balkan Alliance & Hotel Association and Forbes Evolution Awards.
- 1.4 The Founder of Happy Bar and Grill, Orlin Popov, has successfully built up an empire of other successful brands including the Captain Cook chain (two high-class fish restaurants in Sofia and Varna); Happy Sushi; the Asian SASA, which moved from the Hemus Hotel to the National Assembly in Bulgaria; as well as the hit Candy Club in the Marinella Hotel. Orlin's success has resulted in him featuring in Forbes magazine.
- 1.5 Happy Bar and Grill are now looking to open their first restaurant in the UK in London, before rolling out restaurants across the country and across Europe.
- 1.6 Due to the nature of the business, Happy Bar and Grill trades provides a complimentary use to shopping centres and contributing to the vitality and viability of the area.
- 1.7 For the appearance of each site, Happy invest heavily in high quality, vibrant, internal restaurant fit outs, with instantly recognisable 'Happy' signage (subject to approval). Their ethos is to be positive, supportive, generous (with their charity and local sport support), to be trendy and above all, to be one of the friendliest restaurant brands around – as the name 'Happy' suggests, perfect service with a smile ensures that customers keep on returning. With over 600,000 customers per month, Happy is one of the most popular restaurant brands in Europe.
- 1.8 Happy Bar and Grill have shown great commitment to fundraise for charities such as UNICEF and many local sporting groups, proving them to be an extremely popular restaurant brand in Bulgaria with a sustainable business model. This is demonstrated by the numerous letters of recommendation received from the International Hotel & Restaurant Association, the Bulgarian Society of Nutrition and Dietics, Unicef and The Minister of Economy in Bulgaria.
- 1.9 Letters of recommendation for the operator have been sent to the Licensing Team.

2. THE SITE AND SURROUNDING AREA

- 2.1 The application site comprises the ground floor of Unit 4, Trocadero, Coventry Street, London. The unit has a single frontage with pedestrian access into the unit from Coventry Street.
- 2.2 The application site is a 1,107 sqm unit, situated on the southern elevation of the Trocadero complex, an established entertainment complex bounded by Coventry Street, Rupert Street, Shaftesbury Avenue and Great Windmill Street within London's West End. The Trocadero has a mix of uses including retail (mostly short-term lease souvenir shops) at ground floor level, restaurants and cafes at ground floor level and night clubs at basement level. There are construction works ongoing at the Trocadero for installation of a new 'pod' hotel to be installed across the upper floors of the building. There is also an existing cinema on the 5th floor.
- 2.3 The Trocadero building is arranged across several storeys, with two basement floor levels below ground and up to twelve storeys above ground, with the height of the building varying across the Trocadero complex. The application site is currently occupied as a retail souvenir shop on a short term lease. The application site has stood either vacant or occupied by short term lease tenants for a number of years (since at least 2008).
- 2.4 The unit sits adjacent to a number of other temporary souvenir shops on Coventry Street including Sweet Kingdom and Essentials, as well as a Theatre Ticket Office and the entrance to Platinum Lace nightclub (SEV).
- 2.5 The site, which is Grade II listed, is located within the West End Cumulative Impact Area, and West End Strategic Cultural Area.

3. THE PROPOSAL

- 3.1 An application for a licensed restaurant was submitted to Westminster City Council on 18th July 2017.
- 3.2 The proposed licensable activities shall take place during the following times:
Late Night Refreshment:
Monday to Saturday 23:00 to 01:00
Sunday 23:00 to 00:00
Sale of Alcohol
Monday to Saturday 08:00 to 01:00
Sunday 08:00 to 00:00
- 3.3 Happy Bar and Grill seek to occupy the ground of Unit 4 of the Trocadero building. The food preparation area, kitchen, serving area and dining area will be located on the rear, western corner of the unit, together with customer toilets, staff facilities, and a large area of customer seating. In total, the restaurant and associated floorspace will occupy 1,107m².

4. TRANSPORT

- 4.1 The site is well served by a variety of modes of public transport including the underground station at Piccadilly Circus, situated less than 100m from the site and several bus stops on Coventry Street.
- 4.2 Service vehicles will use the existing Trocadero service bay located in Rupert Street.

5. WASTE MANAGEMENT STATEMENT

- 5.1 Happy Bar and Grill have allocated an area of the ground floor as a bin storage area to accommodate wheelie bins for storage of waste and recycling.
- 5.2 All waste and recycling is collected on a daily basis by a private waste service provider or by the Local Authority
- 5.3 The unit has rear access to the central Trocadero service yard and therefore, all waste and recycling will be carried to this service area and will not be carried out to the front of the unit (Coventry Street). Access to the rear service yard area, which is accessible from the application site and from Rupert Street, ensures that no waste will be left on the Highway or the pedestrian footpath in front of the shopfront at any time.

6. PROPOSED CONDITIONS

- 6.1 Happy Bar and Grill Ltd have proposed the following conditions in their operating schedule:

- The premises shall only operate as a restaurant.
 - (i) in which customers are shown to their table,
 - (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 using non disposable crockery,
 - (iv) which do not provide any take away service of food or drink for immediate consumption,
 - (v) which do not provide any take away service of food or drink after 23.00, and
 - (vi) 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.

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

- Notwithstanding condition 9, alcohol may be supplied and consumed prior to their meal in the bar area (***designated on the plan***), by up to a maximum at any one time, of (12) persons dining at the premises.
- 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.

- A 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.
- An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
- Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
- The reception desk shall be manned at all times the premises is in operation.
- 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.
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- 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.
- 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.
- All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
- No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.
- No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
- No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 on the following day.
- 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. Smoking related litter shall be cleared by the premises regularly during trade and at the end of the day's trade.

- The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
- The number of persons permitted in the premises at any one time (including staff) shall not exceed 430 persons.
- The Licence will have no effect until the Licensing Authority are satisfied that the premises are constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
- Prior to the licence taking effect, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority.

An additional condition agreed with the Metropolitan Police:

- On New Year's Eve, A minimum of 2 SIA licensed door supervisors shall be on duty from 2200 hours at the premises, at all times whilst it is open for business.

7. WCC POLICY CONSIDERATION

- 7.1 In accordance with the City Council's policy, this premises shall operate as a restaurant and falls under Policy RNT1 – Restaurants within the Cumulative Impact Area.
- 7.2 The Policy states (at section 2.5.12) that *'restaurants of various types attract people over a wide range of ages. Restaurants where there is no music and dancing, where customers are seated and served at tables, may appeal particularly to families or older customers. It is recognised that restaurants, as defined in this section, have little association with crime and disorder'*.
- This is reflected by the withdrawal of the Police representation.
- 7.3 The Policy states (at 2.4.25) that *'the Licensing Authority's view is that cumulative impact in the Cumulative Impact Areas arises mainly from the numbers of pubs and bars, music and dance premises and fast food premises.'*
- 7.4 This premises is situated in the heart of the West End and has direct transport links (including nearby Tottenham Court Road Station where both the Central and Northern lines run throughout the night). Together with the experience of the licensee and the extensive list of conditions proposed with the application, we believe that this premises shall operate to a high standard and not add to cumulative impact within the West End Cumulative Impact Area.

Existing Streetscape



Figure 2.2 - East 4th Avenue, Existing Streetscape, Planning from University Street

Proposed Atmosphere

A selection of precedent images of city centre bar & grill/ restaurant interiors, providing a sense of atmosphere, feel and materiality to the space.

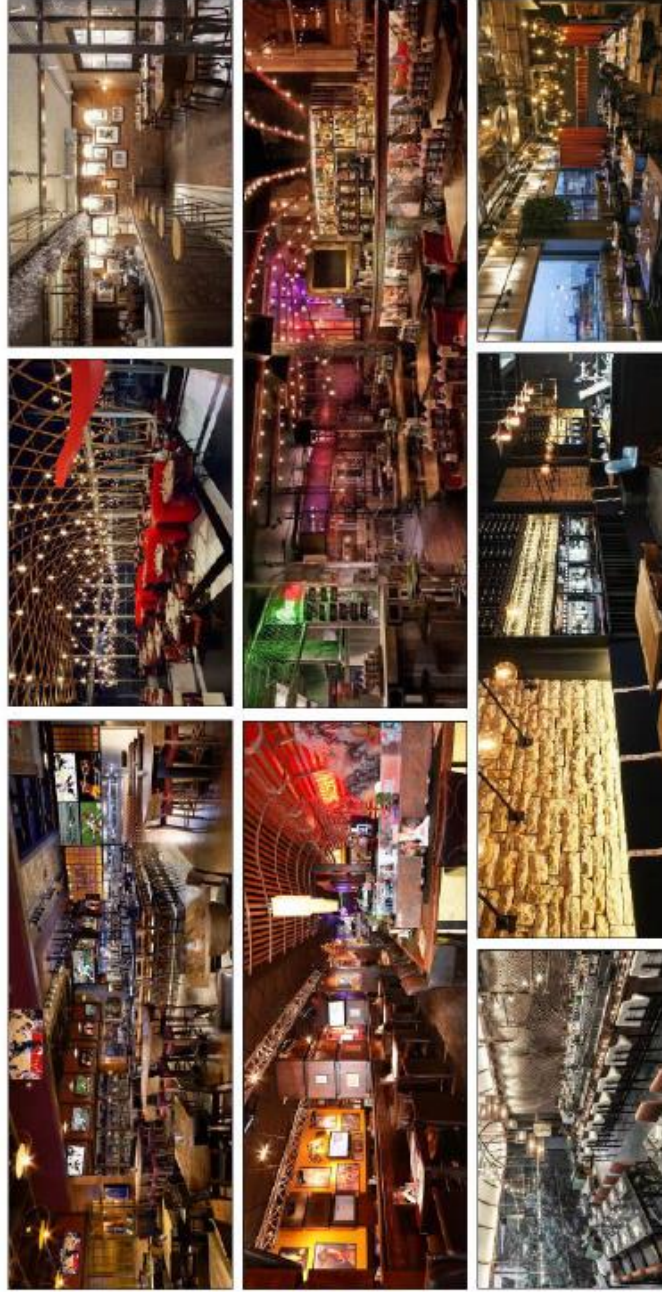


Figure 24-23: reference precedents

Proposed Streetscape



Figure 23: Unit 4 Rowlocks, Proposed Revitalization Fronting from Coventry Street

An example interior



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 proposed by the applicant

9. The premises shall only operate as a restaurant
 - (i) in which customers are shown to their table,
 - (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 using non disposable crockery,
 - (iv) which do not provide any take away service of food or drink for immediate consumption,
 - (v) which do not provide any take away service of food or drink after 23.00, and
 - (vi) 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.

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

10. Notwithstanding condition 9, alcohol may be supplied and consumed prior to their meal in the bar area (designated on the plan), by up to a maximum at any one time, of (25) persons dining at the premises.
11. 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.
12. 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.
13. A 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.
14. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.

15. 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.
16. The reception desk shall be manned at all times the premises is in operation.
17. 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.
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
19. 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.
20. 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.
21. No water or recyclable materials, including bottles, shall be moved, removed from or placed in areas outside the Trocadero between 23.00 hours and 07.00 hours on the following day.
22. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
23. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 on the following day.
24. 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. Smoking related litter shall be cleared by the premises regularly during trade and at the end of the day's trade.
25. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
26. The number of persons permitted in the premises at any one time (including staff) shall not exceed **(430)** persons.
27. The Licence will have no effect until the Licensing Authority are satisfied that the premises are constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
28. Prior to the licence taking effect, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate

reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority.

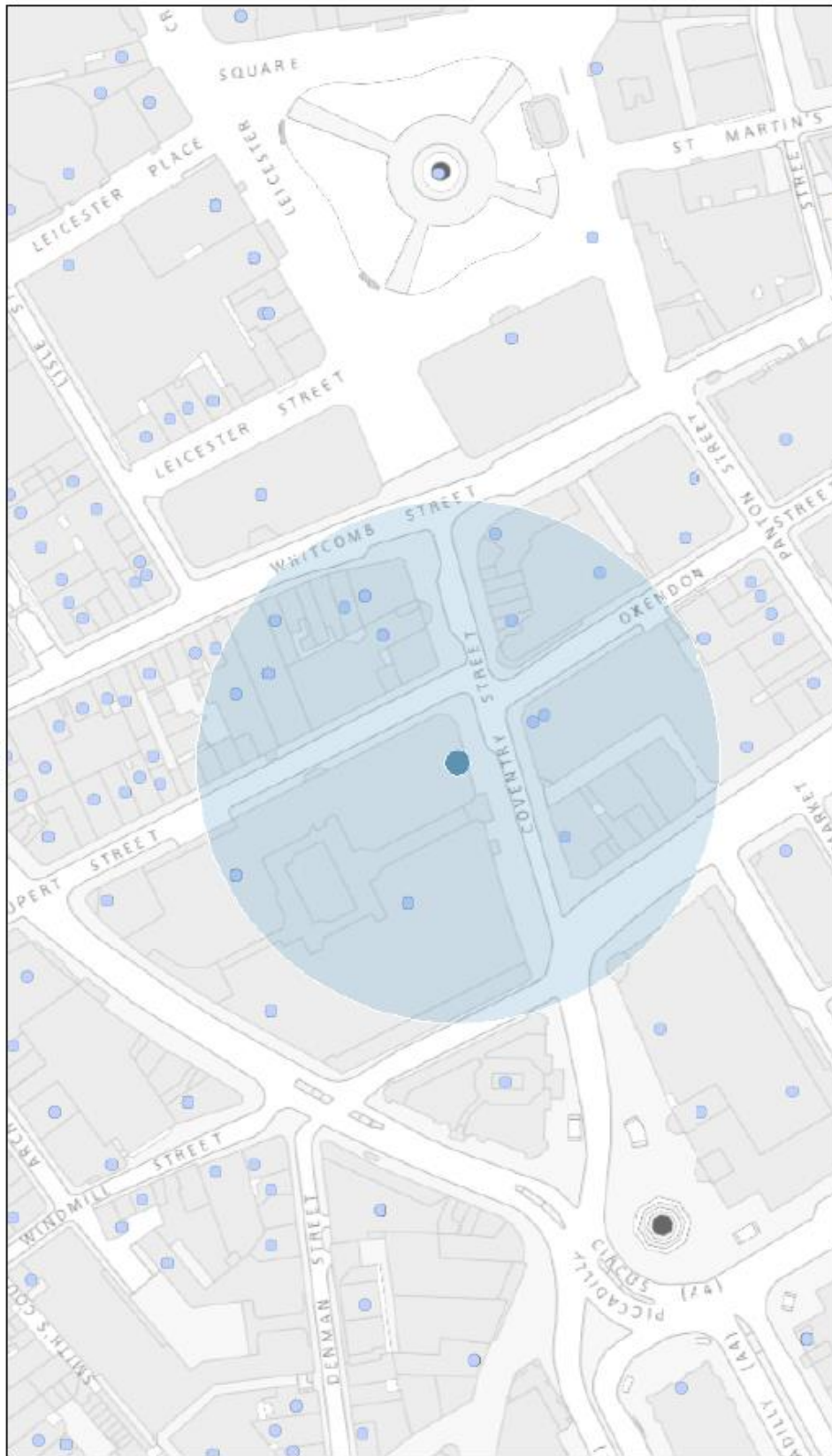
Conditions proposed by the Police and agreed with the applicant

30. On New Year's Eve, A minimum of 2 SIA licensed door supervisors shall be on duty from 2200 hours at the premises, at all times whilst it is open for business

Conditions proposed by the Environmental Health and agreed with the applicant

31. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
32. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined. The maximum capacity that can be determined is 430 persons (excluding staff).

Unit 4 Happy Bar and Grill



Resident count = 50

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