



City of Westminster

# Committee Agenda

Title: **Licensing Sub-Committee (2)**

Meeting Date: **Thursday 28th June, 2018**

Time: **10.00 am**

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

Members: **Councillors:**

Tim Mitchell (Chairman)  
Heather Acton  
Aziz Toki



**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, Kisi Smith-Charlemagne, Senior Committee and Governance Officer.**

**Email: [kscharlemagne@westminster.gov.uk](mailto:kscharlemagne@westminster.gov.uk) Tel: 020 7641 2783**

**Corporate Website: [www.westminster.gov.uk](http://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. NORTH AUDLEY CANTEEN, 1 NORTH AUDLEY STREET, LONDON, W1K 6ZP**

**(Pages 1 - 34)**

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	West End Ward /not in cumulative impact area	North Audley Canteen, 1 North Audley Street, London, W1K 6ZP	Premises Licence Variation	18/04306/LIP V

**2. HOME GROWN, 44 GREAT CUMBERLAND PLACE, LONDON, W1H 7BS**

**(Pages 35 - 70)**

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
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2.	Bryanston and Dorset Square Ward /not in cumulative impact area	Home Grown, 44 Great Cumberland Place, London, W1H 7BS	Premises Licence Variation	18/05022/LIPV
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**3. MARKS & SPENCER PLC, 169 - 173 OXFORD STREET, LONDON, W1D 2JR**

**(Pages 71 - 94)**

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	West End Ward /Cumulative Impact Area	Marks & Spencer Plc, 169 - 173 Oxford Street, London, W1D 2JR	Premises Licence Variation	18/05212/LIPV

**4. CO-OPERATIVE, 108 WESTBOURNE GROVE, LONDON, W2 5RU**

**(Pages 95 - 118)**

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
4.	Bayswater Ward /Bayswater Cumulative Impact Area	Co-Operative, 108 Westbourne Grove, London, W2 5RU	New Premises Licence	18/04834/LIPN

**Chief Executive**  
**22 June 2018**

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 2016.

### **GUIDANCE CONSIDERATIONS**

The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2016.

### **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.

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City of Westminster

# Licensing Sub-Committee Report

Agenda Item 1

Item No:	
Date:	28 June 2018
Licensing Ref No:	18/04306/LIPV - Premises Licence Variation
Title of Report:	North Audley Canteen 41 North Audley Street London W1K 6ZP
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Sam Eaton Senior Licensing Officer
Contact details	Telephone: 020 7641 2700 Email: <a href="mailto:seaton@westminster.gov.uk">seaton@westminster.gov.uk</a>

# 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	19 April 2018		
<b>Applicant:</b>	Double Five Hospitality Limited		
<b>Premises:</b>	North Audley Canteen		
<b>Premises address:</b>	41 North Audley Street London W1K 6ZP	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	No
<b>Premises description:</b>	The premises are a wine bar and restaurant. The premises offers diners a tapas style small plate menu in French and European style. The premises does offer food and drink for individuals, and small groups. The premises can be booked for private parties of groups up to 23 in the basement or groups of up to 18 in the mezzanine.		
<b>Variation description:</b>	<p>To vary the existing premises licence so as to:</p> <ol style="list-style-type: none"> <li>1) Increase the permitted hours for licensable activities on Monday to Saturdays in line with the City Council's core hours policy, and extend hours for Sundays to 10:00 until 23:00;</li> <li>2) Increase the opening hours to 30 minutes beyond the permitted hours;</li> <li>3) Remove conditions 9 to 12, with the retention of NYE by way of non-standard timings, in place of the appended list of proposed conditions;</li> <li>4) Supersede the existing plan with the appended version, which is a true reflection of the current layout, including: <ul style="list-style-type: none"> <li>- Fixed seating</li> <li>- Bar counters</li> <li>- Private forecourt</li> </ul> </li> </ol>		
<b>Premises licence history:</b>	The premises have benefitted from a premises licence since the conversion of the licence in October 2005. A full history can be found at <b>Appendix 4</b> .		
<b>Applicant submissions:</b>	The applicant has provided copies of the letters that they have sent to the local residents who have made a representation for this application. A copy of these letters are provided at <b>Appendix 2</b> .		
<b>Current Planning Permission:</b>	A copy of the planning permission (Reference: 17/04798/TCH) relating to the outside area can be found at <b>Appendix 3</b> .		



1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Playing of Recorded Music and Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Unrestricted		No change		Unrestricted	As defined by the red line on the proposed premises plans that includes a terrace area.
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						
<b>Seasonal variations:</b>	<b>Current:</b>				<b>Proposed:</b>	
	None				None	
<b>Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).				From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	

Late night refreshment						
Indoors, outdoors or both			Current :			Proposed:
						Both
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	No change		As defined by red line on the premises plans	As defined by red line on the proposed premises plans that include a terrace area.
Tuesday						
Wednesday						
Thursday						
Friday			23:00	00:00		
Saturday			N/A	N/A		
Sunday			N/A	N/A		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	None				None	
	The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.				From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.  Sunday's before bank holidays – 23:00 – 00:00	

<b>Sale by Retail of Alcohol</b>						
<b>On or off sales</b>			<b>Current :</b>		<b>Proposed:</b>	
			Both		Both	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	10:00	23:00	10:00	23:30	As defined by red line on the premises plans	As defined by red line on the proposed premises plans that include a terrace area.
<b>Tuesday</b>						
<b>Wednesday</b>						
<b>Thursday</b>						
<b>Friday</b>			10:00	00:00		
<b>Saturday</b>						
<b>Sunday</b>	12:00	22:30	10:00	23:00		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	None				None	
	On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).				From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.  Sunday's before bank holidays – 10:00 – 00:00	

<b>Hours premises are open to the public</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Premises Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	10:00	23:30	10:00	00:00	As defined by red line on the premises plans	As defined by red line on the proposed premises plans that include a terrace area.
<b>Tuesday</b>						
<b>Wednesday</b>						
<b>Thursday</b>						
<b>Friday</b>			10:00	00:30		
<b>Saturday</b>						
<b>Sunday</b>	12:00	23:00	10:00	23:30		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	None				None	
	On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).				From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.  Sunday's before bank holidays – 10:00 – 00:00	

<b>1-C Layout alteration</b>
To amend the existing plan with the amended version, including: <ul style="list-style-type: none"> <li>- Fixed seating</li> <li>- Bar counters</li> <li>- Private forecourt</li> </ul>

<b>1-D Conditions being varied, added or removed</b>	
<b>Condition</b>	<b>Proposed variation</b>
9. No refuse to be left at the front of the premises.	Proposed for deletion
<p>10. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.</p> <p>In this condition, permitted hours means:</p> <ul style="list-style-type: none"> <li>(a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00;</li> <li>(b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30;</li> <li>(c) On Good Friday, 12:00 to 22:30;</li> <li>(d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22.30;</li> <li>(e) On New Year's Eve, except on a Sunday, 10:00 to 23:00;</li> <li>(f) On New Year's Eve on a Sunday, 12:00 to 22:30;</li> <li>(g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</li> </ul> <p>NOTE - The above restrictions do not prohibit:</p> <ul style="list-style-type: none"> <li>(a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;</li> <li>(b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;</li> <li>(c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;</li> <li>(d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;</li> <li>(e) the ordering of alcohol to be consumed off the premises, or the</li> </ul>	Proposed for deletion

<p>despatch by the vendor of the alcohol so ordered;</p> <p>(f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;</p> <p>(g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;</p> <p>(h) the taking of alcohol from the premises by a person residing there;</p> <p>(i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;</p> <p>(j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.</p> <p>In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.</p>	
<p>11. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:</p> <p>(a) He is the child of the holder of the premises licence.</p> <p>(b) He resides in the premises, but is not employed there.</p> <p>(c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.</p> <p>(d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to</p>	<p>Proposed for deletion</p>

<p>which the holding of the licence is ancillary.</p> <p>In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.</p>	
<p>12. The terminal hour for late night refreshment on New Years Eve is extended to 05:00 on New Years Day</p>	<p><b>Proposed to be amended as follows:</b> From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Mrs Sally Fabbriatore
<b>Received:</b>	16 <sup>th</sup> May 2018
<b>Status:</b>	Maintained
<p>I refer to the application for variation of a Premises Licence (14/10464/LIPDPS), issued under the Licensing Act 2003.</p> <p>This representation is based on the Operating Schedule and the submitted plan, drawing number 341_LL_01 and dated August 2017.</p> <p>The applicant is seeking the following on the throughout the premises:</p> <ol style="list-style-type: none"> <li>1. To increase the hours of the Supply of Alcohol both on and off the premises to Monday to Thursday 10:00-23:30 hours, Friday and Saturday 10:00-00:00 hours and Sunday 10:00-23:00 hours.</li> <li>2. To increase the hours of Late Night Refreshment Monday to Thursday 23:00-23:30 hours and Friday and Saturday 23:00-00:00 hours.</li> <li>3. To allow the above provisions from the end of New Year's Eve to the start of permitted hours on New Year's Day and to allow the Sunday prior to Bank Holiday from 10:00-00:00 hours.</li> <li>4. To extend the opening hours for an extra 30 minutes to licensable activities Monday to Thursday 10:00-00:00 hours, Friday and Saturday 10:00-00:30 hours and Sunday 10:00-23:30 hours.</li> <li>5. To remove conditions 9-12 and replace with conditions detailed in the Operating Schedule.</li> <li>6. To change the layout as detailed in the plan.</li> </ol> <p><b>I wish to make the following representations in relation to the above application:</b></p> <ol style="list-style-type: none"> <li>1. The increase in hours of the Supply of Alcohol may have the likely effect of causing an increase in Public Nuisance in the area.</li> </ol>	

2. The increase in hours of Late Night Refreshment may have the likely effect of causing an increase in Public Nuisance in the area.
3. The variation in hours for New Year's Eve and Sunday prior to Bank Holidays may have the likely effect of causing an increase in Public Nuisance in the area.
4. The increase in opening hours may have the likely effect of causing an increase in Public Nuisance in the area.
5. The removal of conditions 9-12 may have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public Safety.
6. The change in layout may impact on Public Safety.

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

The Environmental Health Service has considered the application in detail. There are no noise complaints that have been received by the Council relating to this premises.

As the applicant now intends to include the outside area of the premises the Environmental Health Officer has proposed that if the licence is granted a condition is attached to the licence that states:

“All outside tables and chairs shall be rendered unusable by 23:00 each day.”

<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Sandy Russell
<b>Received:</b>	27 <sup>th</sup> April 2018
<b>Status:</b>	Withdrawn

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be objecting to this application at this stage in the application process. The venue is situated outside Westminster's Cumulative Impact Area; it is our belief that if granted the application would undermine the Licensing Objectives.

I have looked through the application. Overall it is agreeable but there are a number of police conditions we require to be added to the venue's operating schedule, they are as follows:

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises 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.
3. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
4. All outside tables and chairs shall be rendered unusable by 23.00hrs each day.
5. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
6. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.

7. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
8. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
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. There shall be no sales of alcohol for consumption off the premises after 23.00hrs.
11. There shall be no self-service of alcohol.

Please let me know whether your client is willing to agree to the conditions police are proposing as this may enable us to withdraw our representation.

The Metropolitan Police Service have now come to an agreement with the applicant that would address their concerns. The applicant has agreed to the wording of the police proposed conditions and following their agreement to these conditions, the Police withdrew their representation on the 6<sup>th</sup> June 2018. The agreed conditions can be found at **Appendix 5**.

## 2-B Other Persons

### Representation 1

**In support or opposed:** Opposed

**Received:** 10<sup>th</sup> May 2018

This property sits on the corner of Lees Place which is a quiet residential road. It is very likely that any change to the existing restaurant arrangement to include increased bar facilities and longer hours will inevitably cause considerable disturbance to residents.

North Audley Street has a number of new bars and restaurants. Changing the nature of what are few enough quiet residential enclaves within the area should not form part of Westminster's intention for the location.

Strongly opposed.

### Representation 2

**In support or opposed:** Opposed

**Received:** 27<sup>th</sup> April 2018

I am in receipt of your letter of today regarding Application 18/04306/LIPV FOR Double Five Hospitality for North Audley Canteen, 41, North Audley Street, London W1K6ZP. I live in LEES PLACE just near The proposed new premises and I am vehemently Opposed to any late opening hours. This is a quiet residential street and we do not that to change by rowdy behaviour late at night.

### Representation 3

**In support or opposed:** Support

<b>Received:</b>	18 <sup>th</sup> April 2018
I would like to support this application for longer opening hours. It is a nice place with guests that in my experience do not create any noise or other nuisance. I will quite enjoy having another address in the area where I can still get some good food or a drink later in the evening than is currently the case, and I would think it is a positive for other people in the area as well.	

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies:</b>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
<b>Policy PB1 applies:</b>	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

### 4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.



## 5. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Planning permission for outside area
<b>Appendix 4</b>	Licence and Appeal History
<b>Appendix 5</b>	Proposed conditions
<b>Appendix 6</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Miss Sam Eaton Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 2700 Email: seaton@westminster.gov.uk

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Representation – EH	16 <sup>th</sup> May 2018
<b>5</b>	Representation – Police ( <i>Withdrawn</i> )	27 <sup>th</sup> April 2018
<b>6</b>	Representation 1	10 <sup>th</sup> May 2018
<b>7</b>	Representation 2	27 <sup>th</sup> April 2018
<b>8</b>	Representation 3	18 <sup>th</sup> April 2018

# Premises Plans

**1 Proposed Basement Plan**  
Scale 1/100

**2 Proposed Mezzanine Floor Plan**  
Scale 1/100

**3 Proposed Ground Floor Plan**  
Scale 1/100

**KEY**

- EXIT - distributed fire exit sign
- 1 - down covered by emergency lighting
- 2 - electric stairs
- 3 - stair doors
- 4 - fire alarm
- 5 - fire extinguisher
- 6 - fire blanket
- 7 - fire escape
- 8 - fire escape door
- 9 - fire escape window
- 10 - fire escape window

**NOTES**

THE LOCATION AND TYPE OF ANY FIRE SAFETY AND/OR OTHER SAFETY EQUIPMENT IS SHOWN AS AN INDICATOR. THIS MAY BE VARIOUS FROM THAT TO TAKE WITH THE AGREEMENT OF THE FIRE OFFICER ON THE ABOVE PLAN AS APPROVED.

ADDITIONAL SAFETY OR FIRE SAFETY EQUIPMENT IS NOT SHOWN ON THIS PLAN FOR REGULATORY OR STATUTORY PURPOSES ONLY AND DOES NOT FORM PART OF THE LICENSE.

**Client of Plans:**  
 Name: [REDACTED]  
 Address: [REDACTED]  
 City: [REDACTED]  
 State: [REDACTED]  
 Zip: [REDACTED]

**Professional Engineer:**  
 Name: [REDACTED]  
 License No.: [REDACTED]  
 State: [REDACTED]

**Date:** [REDACTED]

## Applicant Supporting Documents

The applicant has provided letters to the residents who have made representations against the application:

- Letter to Ms Anthea Sherley-Dale
- Letter to Dolores Rose
- Letter to Miss Ellen van den Broek



Ms Anthea Sherley-Dale  
Sent by email via WCC Licensing

June 12<sup>th</sup>, 2018

Dear Ms Sherley-Dale

**North Audley Canteen; Licence application: 18/04306/LIPV**

I have been provided with copy of your letter of opposition to our licence application, as is required by the City Council. I note your concerns, in particular reference to hours.

If I may summarise the increase as follows:-

- An additional 30 minutes to the terminal hour on Sundays to Thursday;
- An additional 60 minutes to the terminal hour on Fridays and Saturdays; and
- An additional 2 hours to the commencement hour on Sundays.

Save for Sundays, the increase to hours Mondays to Saturdays is in line with the City Council's framework hours policy. The extension on Sundays is a true reflection of our existing opening hours and to allow a 'champagne' breakfast service prior to midday.

At time of writing, we have had a positive visit from the Environmental Health officer, and agreed terms with the Police Licensing officer.

I would be grateful if you would kindly contact me so we may discuss your concerns further, ahead of the licensing hearing.

I look forward to hearing from you.

Yours sincerely

Gabriel Cohen-Elia  
NAC

Tel: 02074933443

Email: gabriel@bvcgroup.co.uk



Ms Dolores Rose  
Sent by email via WCC Licensing

June 12<sup>th</sup>, 2018

Dear Ms Rose

**North Audley Canteen; Licence application: 18/04306/LIPV**

I have been provided with copy of your letter of opposition to our licence application, as is required by the City Council. I note your concerns, in particular reference to hours.

If I may summarise the increase as follows:-

- An additional 30 minutes to the terminal hour on Sundays to Thursday;
- An additional 60 minutes to the terminal hour on Fridays and Saturdays; and
- An additional 2 hours to the commencement hour on Sundays.

Save for Sundays, the increase to hours Mondays to Saturdays is in line with the City Council's framework hours policy. The extension on Sundays is a true reflection of our existing opening hours and to allow a 'champagne' breakfast service prior to midday.

At time of writing, we have had a positive visit from the Environmental Health officer, and agreed terms with the Police Licensing officer.

I would be grateful if you would kindly contact me so we may discuss your concerns further, ahead of the licensing hearing.

I look forward to hearing from you.

Yours sincerely

Gabriel Cohen-Elia  
NAC

Tel: 02074933443

Email: gabriel@bvcgroup.co.uk



Miss Ellen Van Den Broek  
Sent by email via WCC Licensing

June 12<sup>th</sup>, 2018

Dear Miss Van Den Broek

**North Audley Canteen; Licence application: 18/04306/LIPV**

I have been provided copy of your letter of support to our licence application from the City Council.  
This is gratefully received.

I would be further grateful if you would kindly contact me so we may discuss how best to utilise your support.

I look forward to hearing from you.

Yours sincerely

Gabriel Cohen-Elia  
NAC  
Tel: 02074933443

Email: [gabriel@bvcgroup.co.uk](mailto:gabriel@bvcgroup.co.uk)

Planning Permission relating to the outside area of North Audley Canteen (ref 17/04798/TCH) is enclosed:



Your ref: NAC Outdoor Seating  
My ref: 17/04798/TCH

**Please reply to:**  
Tel No:

Adam Jones  
020 7641 1446

Ian Goggin  
Gundry Ducker Architecture  
No3 Garrick Street  
London  
WC2E 9BF

**Development Planning**  
Westminster City Council  
PO Box 732  
Redhill, RH1 9FL

31 August 2017

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACT 1990  
PERMISSION FOR DEVELOPMENT (CONDITIONAL)**

The City Council has considered your application and permits the development referred to below subject to the conditions set out and in accordance with the plans submitted. Unless any other period is stated in the Schedule this permission, by virtue of Section 91(1) of the Town and Country Planning Act 1990 (as amended) is subject to a condition that the development shall be commenced within 3 years of the date of this decision. Your attention is drawn to the Applicant's Rights.

**SCHEDULE**

**Application No:** 17/04798/TCH

**Application Date:**

**Date Received:** 01.06.2017

**Date Amended:** 02.06.2017

**Plan Nos:** 327\_PL\_01 Rev. C

**Address:** 41 North Audley Street, London, W1K 6ZP,

**Proposal:** Use of an area of the public highway measuring 2.15m x 5.5m for the placing of 3 tables, 1 bench and 7 planters in connection with the existing ground floor use.

See next page for conditions/reasons.

Yours faithfully

**John Walker**  
**Director of Planning**



**Condition(s):**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 You must not put the tables and chairs in any other position than that shown on drawing 327\_PL\_01 Rev. C. (C25AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 3 You can only put the tables, bench and planters on the pavement between:

07:30 - 23:00 Monday - Friday,  
09:30 - 23:30 Saturday,  
09:30 - 16:30 Sunday and Bank Holidays.

All of the furniture must be removed from the public highway outside of these times.

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 4 The tables and chairs must only be used by customers of ground floor unit of 41 North Audley Street. (C25CA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

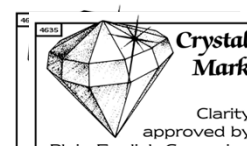
- 5 This use of the pavement may continue until 31 August 2019. You must then remove the tables and chairs. (C25DA)

Reason:

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan (November 2016)

**Note:**

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- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



and TACE 11 of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

- 6 You can only put out on the pavement the tables and chairs shown on drawing 327\_PL\_01 Rev. C. No other furniture, equipment or screening shall be placed on the pavement in association with the tables and chairs hereby approved.

Reason:

To make sure that the type and appearance of the tables and chairs (and where appropriate other furniture or equipment) is suitable and that no additional furniture, equipment or screening is placed on the pavement to the detriment of the character and appearance of the area. This is as set out in TACE 11 and DES 7 of our Unitary Development Plan that we adopted in January 2007.

**Informative(s):**

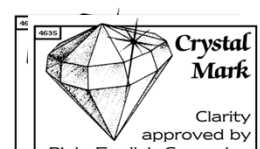
- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You must keep the tables and chairs within the area shown at all times. We will monitor this closely and may withdraw your street trading licence if you put them outside this area. (I48AA)
- 3 You cannot put tables and chairs in the area unless you have a street trading licence.

If you want to know about the progress of your application for a licence, you can contact our Licensing Service on 020 7641 8549. If you apply for a licence and then decide to change the layout of the tables and chairs, you may have to apply again for planning permission. You can discuss this with the planning officer whose name appears at the top of this letter.

Please remember that once you have a licence you must keep the tables and chairs within the agreed area at all times. (I47AB)

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# City of Westminster

## TOWN AND COUNTRY PLANNING ACT 1990 PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

### Applicant's Rights and General Information

#### 1. Applicant's Rights (refusals and conditional approvals)

##### a) *Appeals to the Planning Inspectorate*

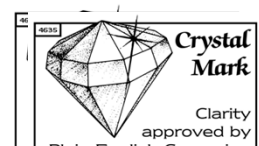
If your application has been **refused** by the City Council or **granted subject to conditions** that you are not happy with, you have the right to appeal to the Planning Inspectorate (under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990). The Planning Inspectorate is an Executive Agency reporting to the Secretary of State for Communities and Local Government.

The time limits for submitting an appeal may vary. The period after the date of the City Council's decision within which an appeal must be received by the Secretary of State is:

- **28 days** in the case of an appeal against refusal of a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice.
- **8 weeks** in the case of an appeal against refusal of advertisement consent.
- **12 weeks** in the case of appeals made under s78(1) against refusal of any 'householder application' – that is,
  - refusal of an application for planning permission to alter or extend a house, or for works within the curtilage of a house.
  - Refusal to approve details submitted as required by a condition imposed on a permission granted for a householder application.
  - Refusal of prior approvals relating to dwelling houses, including the neighbours' consultation scheme for larger home extensions under Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order.
- **12 weeks** in the case of 'minor commercial applications that is,
  - refusal of an application for development of an existing building or part of a building currently in use for any purposes in Classes A1, A2, A3, A4 and A5 where the proposal does not include a change of use, a change to the number of units, development that is not wholly at ground floor level and/or does not increase the gross internal area of the building.
  - Interested parties have no right to comment on an appeal with regards to a minor commercial development (specifically a shopfront).
- **6 months** in the case of all other appeals made under s78(1) or s20 of the above Acts relating to a decision on a planning application or listed building consent application. The 6 month time limit also applies to any appeal made under s78 (2) of the Act in respect of a failure to give a decision within the statutory period.

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If you want to appeal, you must use the correct appeal form from the following list: Planning, Householder, Minor Commercial, Listed Building Consent or Certificate of Lawful Use or Development.

The Planning Inspectorate has an online appeals service: [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs). The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the application form and associated documents and the completed appeal documents. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure that you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal. Alternatively, you can obtain a form from the **Customer Support Team, Planning Inspectorate, 3/08a, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN Tel: 0303 4440000**. An extension of time for lodging an appeal is unlikely to be granted except in special circumstances. There is a guide and other useful advice about appeals on line at [www.planningportal.gov.uk/planning/appeals/online/makeanappeal](http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal)

#### **APPROVAL OF DETAILS:**

If your application has been granted and is subject to the approval of details reserved by condition please use the form 'Application For Approval Of Details Reserved By Condition' in order to discharge the relevant details. This form can be downloaded from the City Council's web site at [www.westminster.gov.uk/planning](http://www.westminster.gov.uk/planning)

### **b) Purchase Notices**

In certain circumstances the owner of a property has the right to serve a Purchase Notice on the City Council or the Department for Communities and Local Government. A Notice may be served if, following a refusal or a conditional approval, the owner considers the land cannot be put to a reasonably beneficial use in either its existing state or through development which has or would be permitted. A Purchase Notice would require the City Council to purchase the owner's interest in the land in accordance with the relevant provisions of the Acts (Part VI of the Town and Country Planning Act 1990 and Sections 32-37 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

## **2. General information relating to all approvals**

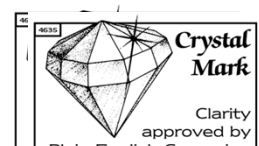
### **a) Other legislative requirements**

This decision has been made by the City Council as the local planning authority. You are reminded of the need to comply with other relevant regulations and statutory provisions and respect the rights of other owners/occupiers provided by relevant property legislation.

**Transportation:** If your proposal involves works which affect the public highway you should consult the City Council as Highways Authority. This includes works to, over or below any carriageway, footway or public forecourt. You should contact the Highways Planning Team by email [highwaysplanning@westminster.gov.uk](mailto:highwaysplanning@westminster.gov.uk) or telephone 020 7641 3326. If your proposal is related to paving works and/or is associated with an agreement under Section 106 of the Town and Country Planning Act 1990 please telephone: 020 7641 2920.

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**Highways Licensing:** For general enquiries about temporary structures on the highway, such as hoardings, skips, the excavation and storage of materials on the highways, please telephone 020 761 2000.

**Building Control:** You are advised to contact Westminster District Surveyors immediately to find out whether your proposal will require consent under the Building Regulations: Tel: 020 7641 6500 Email :districtsurveyors@westminster.gov.uk.

Building Regulation forms and further information is available on the Council's web site: <http://www.westminster.gov.uk/services/environment/landandpremises/buildings/forms/>

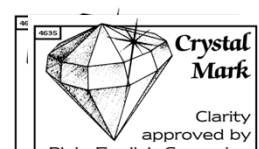
**Land Drainage:** Where major works are involved, Land Drainage Consent may be required under the Water Resources Act 1991 and Thames Region Land Drainage By Laws 1981. You are advised to contact the Environment Agency, Apollo Court ,2 Bishop's Square Business Park, St Albans Road West Hatfield AL10 9EX Tel: 03708 506 506 or email:enquiries@environment-agency.gov.uk.

## ***b) Provision of access and facilities for disabled people***

Designing new buildings and adapting existing buildings to meet the needs of people with disabilities results in a safer and more convenient environment for all. General advice is available from planning and building control officers who can also direct you to appropriate sources of technical/specialist advice.

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### Licence & Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/10855/LIPC	Conversion Application	21.11.2005	Granted Under Delegated Authority
06/06053/WCCMAP	New Premises Application	01.05.2007	Granted Under Delegated Authority
13/05012/LIPT	Transfer Application	11.09.2013	Granted Under Delegated Authority
14/10464/LIPDPS	Application to Vary the Designated Premises Supervisor	19.01.2015	Granted Under Delegated Authority

**There is no appeal history.**

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

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

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

**Conditions reproducing the effect of conditions subject to which the relevant existing licences have effect**

**Conditions related to the Sale of Alcohol**

9. No refuse to be left at the front of the premises.

*(Condition 9 Proposed for deletion by the applicant)*

**Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactment**

**Conditions related to the Sale of Alcohol**

10. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00;
- (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30;
- (c) On Good Friday, 12:00 to 22:30;
- (d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30;
- (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00;
- (f) On New Year's Eve on a Sunday, 12:00 to 22:30;
- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

***(Condition 10 Proposed for deletion by the applicant)***

11. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
  - (b) He resides in the premises, but is not employed there.
  - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
  - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

***(Condition 11 Proposed for deletion by the applicant)***

12. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

***Proposed to be amended as follows:***

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

**Annex 2 – Conditions consistent with the operating Schedule**

None

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

None

**Conditions consistent with the operating schedule:**

13. Between 10:00 and midday on a Sunday, the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
14. 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.

***(Also proposed and agreed with Metropolitan Police Service)***

15. 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.

***(Also proposed and agreed with Metropolitan Police Service)***

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

***(Also proposed and agreed with Metropolitan Police Service)***

17. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

***(Also proposed and agreed with Metropolitan Police Service)***

18. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
19. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between **(23.00)** hours and **(08.00)** hours on the following day.
20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

***(Also proposed and agreed with Metropolitan Police Service)***

21. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
22. 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.
23. 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.

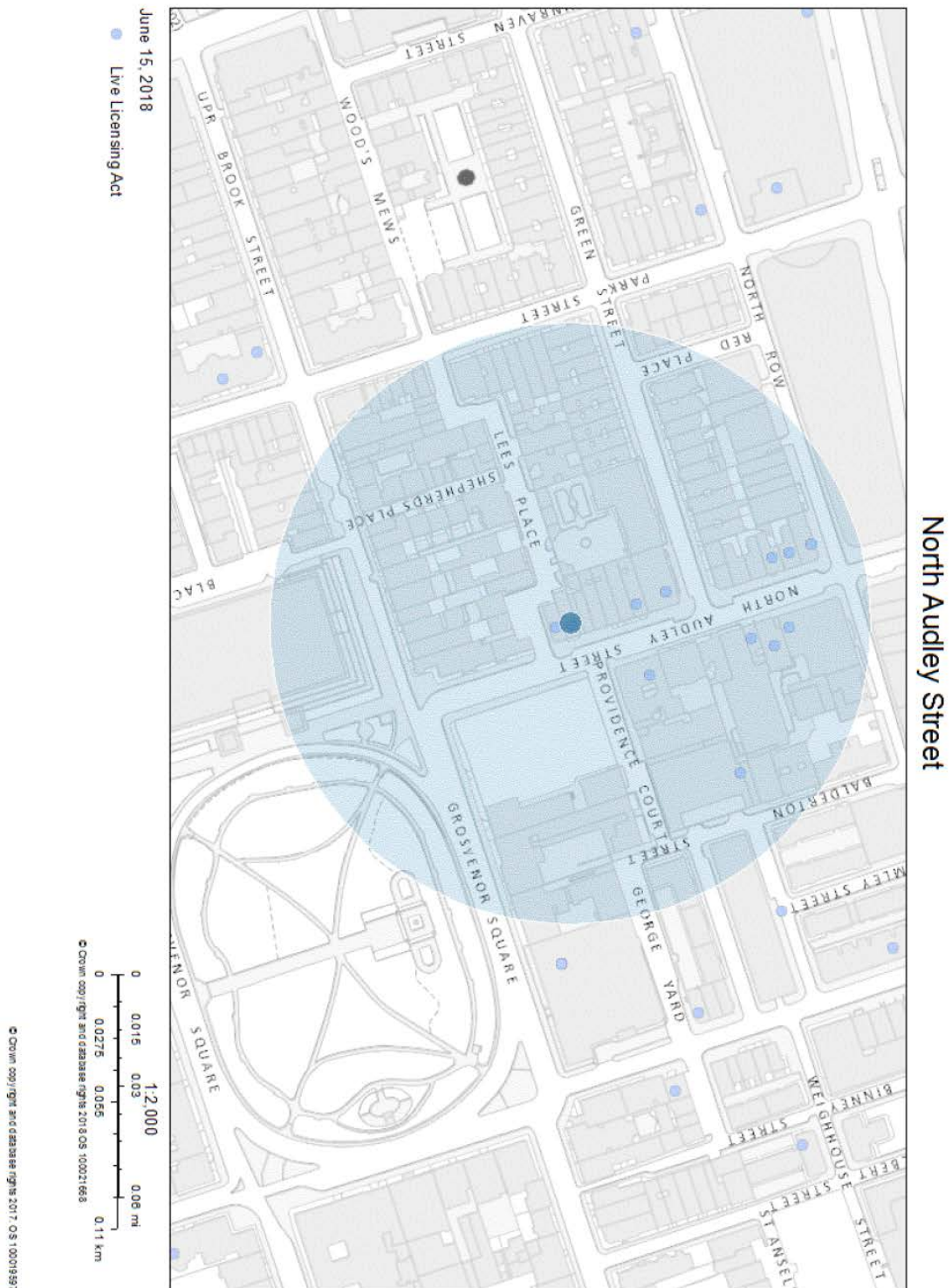
**Conditions Proposed by Environmental Health Service and agreed with the applicant:**

24. All outside tables and chairs shall be rendered unusable by (23.00) each day.

**Conditions Proposed by Metropolitan Police Service and agreed with the applicant:**

25. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal, save for part-consumed resealed bottles of wine.
26. 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, Save for within the external seating area.
27. There shall be no sales of alcohol for consumption off the premises after 23.00hrs.
28. There shall be no self-service of alcohol.

# Residential Map and List of Premises in the Vicinity



Resident count: 365.

### Premises within 50 metres of: 41 North Audley Street

Licence Number	Trading Name	Address	Time Period
14/10464/LIPDPS	North Audley Canteen	41 North Audley Street London W1K 6ZP	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
17/06324/LIPDPS	Truc Vert	Ground Floor 42 North Audley Street London W1K 6WG	Monday to Saturday; 10:00 - 23:30   Sunday; 12:30 - 23:00
09/00662/LIPDPS	La Genova Restaurant	32 North Audley Street London W1K 6ZG	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
16/05656/LIPV	Mayfair Garden	8-10 North Audley Street London W1K 6ZD	Monday to Saturday; 10:00 - 01:30   Sunday; 12:00 - 01:00
17/07927/LIPDPS	Roka Mayfair	30 North Audley Street London W1K 6ZF	Monday to Sunday; 07:30 - 01:30
17/10428/LIPT	The Mayfair Chippy	Ground Floor 14 North Audley Street London W1K 6WE	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
18/03195/LIPT	Prezzo	15 North Audley Street London W1K 6WZ	Monday to Saturday; 12:00 - 00:00   Sunday; 12:00 - 23:30
06/05695/WCCMAP	Moscós Café	Ground Floor 26 North Audley Street London W1K 6WT	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
18/01302/LIPDPS	Le Pain Quotidien	16 North Audley Street London W1K 6WL	Monday to Saturday; 07:00 - 00:00   Sunday; 09:00 - 22:00
17/01294/LIPDPS	The Beaumont Hotel	8 Balderton Street London W1K 6TF	Monday to Sunday; 00:00 - 00:00

13/09124/LIPVM	Mayfair Food Fayre	Basement And Ground Floor 25 North Audley Street London W1K 6WS	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30
18/03545/LIPT	Marlborough Head Public House	Ground Floor 24 North Audley Street London W1K 6WB	Monday to Thursday; 07:00 - 23:30   Friday to Saturday; 07:00 - 00:00   Sunday; 07:00 - 22:30





City of Westminster

# Agenda Item 2

## Licensing Sub-Committee Report

Item No:	
Date:	28 June 2018
Licensing Ref No:	18/05022/LIPV - Premises Licence Variation
Title of Report:	Home Grown 44 Great Cumberland Place London W1H 7BS
Report of:	Director of Public Protection and Licensing
Wards involved:	Bryanston And Dorset Square
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mrs Shannon Pring Senior Licensing Officer
Contact details	Telephone: 020 7641 3217 Email: <a href="mailto:spring3@westminster.gov.uk">spring3@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	2 May 2018		
<b>Applicant:</b>	Home Grown Club Ltd (Quintillion Restaurants Ltd)		
<b>Premises:</b>	Home Grown		
<b>Premises address:</b>	44 Great Cumberland Place London W1H 7BS	<b>Ward:</b>	Bryanston and Dorset Square
		<b>Cumulative Impact Area:</b>	No
<b>Premises description:</b>	The premises currently operates as a private member's club.		
<b>Variation description:</b>	The variation application seeks to: <ul style="list-style-type: none"> <li>• Approve new layout</li> <li>• Amend capacity</li> <li>• Amend condition 9 so as to allow licensable activities to additionally be provided to persons using the bedroom facilities and their bona fide guests.</li> </ul>		
<b>Premises licence history:</b>	The premises currently benefits from a premises licence. The full premises licence history can be found at Appendix 3 of the report.		
<b>Applicant submissions:</b>	There are no submissions from the Applicant.		

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment: Performance of Live Music, Playing of Recorded Music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	07:00	01:00	No change		The Portman Room, The Bar (including Lounge), The Library, Silence Room, The Cumberland Room, Sample Suite, The Centenary Suite	No change
<b>Tuesday</b>						
<b>Wednesday</b>						
<b>Thursday</b>						
<b>Friday</b>						
<b>Saturday</b>						
<b>Sunday</b>						
<b>Seasonal variations:</b>	<b>Current:</b> The hours for licensable activities may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				<b>Proposed:</b> No change	

Late night refreshment						
Indoors, outdoors or both			Current :			Proposed:
			Indoors			No change
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	01:30	No change		Basement, Ground Floor, First Floor, Second Floor, Third Floor, Fourth Floor	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						
Seasonal variations	<b>Current:</b> The hours for licensable activities may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				<b>Proposed:</b> No change	

Sale by Retail of Alcohol						
On or off sales			Current :			Proposed:
			Both			No change
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	07:00	01:00	No change		Basement, Ground Floor, First Floor, Second Floor, Third Floor, Fourth Floor	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						
Seasonal variations	<b>Current:</b> The hours for licensable activities may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				<b>Proposed:</b> No change	
No standard timings:	Residents and their guests 00:00 to 00:00.				No change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	00:00	00:00	No change		Basement, Ground Floor, First Floor, Second Floor, Third Floor, Fourth Floor	No change
<b>Tuesday</b>						
<b>Wednesday</b>						
<b>Thursday</b>						
<b>Friday</b>						
<b>Saturday</b>						
<b>Sunday</b>						
<b>Seasonal variations</b>	<b>Current:</b> The hours for licensable activities may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				<b>Proposed:</b> No change	

1-C Layout alteration
The applicant has made substantial changes to the layout and therefore are applying to amend the plans for all floors. The applicant is not seeking to add additional floors or areas for licensable activities.

1-D Conditions being varied, added or removed	
Condition	Proposed variation
<p><b><u>Vary condition 9</u></b></p> <p>Licensable activities may not be provided other than to:</p> <ul style="list-style-type: none"> <li>i) Members (and their bona fide guests) of the New Cavendish Club as defined in the New Cavendish Club Rules. Any changes to these rules must be notified to the Police and Licensing Authority.</li> <li>ii) Persons attending pre-booked private events, a record of which will be kept on site for a minimum period of 31 days after the events, and made available on request to authorised officers from the Police and Council. The record shall include the details of the organiser, type of event, number of people, timings and date.</li> </ul>	<p><b><u>Replace with:</u></b></p> <p>Licensable activities may not be provided other than to:</p> <ul style="list-style-type: none"> <li>i) Members of the Home Grown Club Ltd and their bona fide guests;</li> <li>ii) Persons attending pre-booked private events;</li> <li>iii) Persons using the bedroom facilities and their bone fide guests.</li> </ul> <p>Details of all member's guests and non-members attending the premises for licensable activities shall be kept on site for a minimum period of 31 days after the attendance.</p>
<p><b><u>Vary condition 11</u></b></p> <p>The number of persons permitted on the premises at any one time (excluding staff) shall not exceed 320 persons (excluding</p>	<p><b>Capacities to be determined by Environmental Health and the District Surveyor.</b></p>

Staff). With no more than the number listed below in each room;	
<ul style="list-style-type: none"> <li>• The Portman Room - 35 persons</li> <li>• The Bar (incl. Lounge) - 60 persons</li> <li>• The Library - 25 persons</li> <li>• Silence Room - 10 persons</li> <li>• The Cumberland Room - 60 persons</li> <li>• Sample Suite - 40 persons</li> <li>• The Centenary Suite - 90 persons</li> </ul>	

## 2. Representations

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	Environmental Health Consultation Team
<b>Representative:</b>	Mrs Sally Fabbricatore
<b>Received:</b>	18 May 2018
<p>I refer to the application for variation of a Premises Licence (15/11137/LIPV), issued under the Licensing Act 2003.</p> <p>This representation is based on the Operating Schedule and the submitted plans:</p> <ul style="list-style-type: none"> <li>• Basement - drawing number 10280-L-01-0001-ZB1 rev 4 and dated 25.11.15</li> <li>• Ground floor - drawing number 10280-L-01-0002-Z00 rev 5 and dated 25.11.15</li> <li>• 1<sup>st</sup> floor - drawing number 10280-L-01-0003-Z01 rev 5 and dated 25.11.15</li> <li>• 2<sup>nd</sup> floor - drawing number 10280-L-01-0004-Z02 rev 3 and dated 25.11.15</li> <li>• 3<sup>rd</sup> floor - drawing number 10280-L-01-0005-Z03 rev 3 and dated 25.11.15</li> <li>• 4<sup>th</sup> floor - drawing number 10280-L-01-0006-Z04 rev 3 and dated 25.11.15</li> </ul> <p>The applicant is seeking the following on the throughout the premises:</p> <ol style="list-style-type: none"> <li>1. To change the layout as detailed in the submitted plans.</li> <li>2. To amend the capacities. Details have not been supplied.</li> <li>3. To amend condition 9.</li> </ol> <p><b>I wish to make the following representations in relation to the above application:</b></p> <ol style="list-style-type: none"> <li>1. The change to layout may impact on public safety increase in hours of the Supply of Alcohol may have the likely effect of causing an increase in Public Nuisance in the area.</li> <li>2. The change to capacities may impact may have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public Safety.</li> <li>3. The amendment to condition 9 may have the likely effect of causing an increase in Public Nuisance in the area.</li> </ol> <p><b>The granting of the variation Premises Licence as presented may have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public Safety.</b></p>	

## **Further correspondence between Environmental Health and the Applicant**

I have the following comments:

### **External areas**

The use of the external areas is governed by the following:

17. Licensable activities are not permitted on any external terrace.

*Proposed to change to:*

17. Licensable activities are not permitted on any external terrace or light well.

*To remain:*

50. Any external terrace areas may only be used for the consumption of alcohol on Fridays and Saturdays;

51. The supply of alcohol for consumption on the terrace must be by waiter or waitress service only;

52. Any external terrace areas shall be vacated by 7pm save for persons using the area to smoke;

53. No more than ten persons, excluding staff, shall be permitted on the first floor terrace at any one time;

54. There shall be no access to any external terrace before 10:00 Monday to Sunday;

Additional proposed condition: **There shall be no consumption of alcohol in the light well.**

### **Clearance condition**

Works clearance condition to change to:

The variation of this premises licence (18/05022/LIPV) will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the licence by the licensing authority.

### **Change to layout and capacities**

The current condition reads:

The number of persons permitted on the premises at any one time (excluding staff) shall not exceed 320 persons (excluding Staff). With no more than the number listed below in each room;

- The Portman Room - 35 persons
- The Bar (including Lounge) - 60 persons
- The Library - 25 persons
- Silence Room - 10 persons
- The Cumberland Room - 60 persons
- Sample Suite - 40 persons
- The Centenary Suite - 90 persons

Following on from the site meeting and looking at the plans it looks like the following capacities are requested:

**Basement:** Lounge 16  
Pitch Room 12

Pitch Room 12  
Event Room – 100

**Ground floor:** Drawing Room -20  
Drawing Room -20  
Study – 24  
Study café -20  
Formal restaurant -40  
Private Dining – 14

**First floor:** Dining Room -20  
Lounge -30  
Bar -16  
Salon-30  
Secret Salon – 15  
Lounge 1 – 10  
Lounge 2 - 10

So a total of 409 excluding staff. Therefore a proposed increase of 89 people.

However can we leave the capacity TBC as depending on means of escape and the works clearance.

Proposed condition:

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 WCs required are as follows, I have used table 10 of the British Standard:

- 7 female WCs
- 3 male WCs and 3 urinals
- Staff facilities

I have counted the following provisions:

- Basement – 2 staff, 3 female WCs, 1 accessible, 2 male WCs and 3 urinals and 2 unisex
- Ground – none
- First – 1 accessible, 1 male WC and 3 female WCs.

This provision is compliant.

#### **Membership condition**

The current condition 9 reads:

Licensable activities may not be provided other than to:

- I. Members (and their bone fide guests) of the New Cavendish Club as defined in the New Cavendish Club Rules. Any changes to these rules must be notified to the Police and Licensing Authority.
- II. Persons attending pre-booked private events, a record of which will be kept on site for a minimum period of 31 days after the event, and made available on request to authorised officers from the Police and Council. The record shall include the details of the organiser, type of event, number of people, timings and date.

Your proposed condition:

Licensable activities may not be provided other than to:

- a) Members of the Home Grown Club Ltd and their bona fide guests
- b) Persons attending pre-booked private events
- c) Persons using the bedroom facilities and their bona fide guests.

Details of all member's guests and non-members attending the premises for licensable activities shall be kept on site for a minimum period of 31 days after their attendance.

So there is no mention of the rules and changes being notified to the Police and Licensing Authority. This part '*The record shall include the details of the organiser, type of event, number of people, timings and date*' has also been removed.

EH proposed condition:

Licensable activities may not be provided other than to:

- I. Members (and their bona fide guests) of the Home Grown Club as defined in the Home Grown Club Rules. Any changes to these rules must be notified to the Police and Licensing Authority.
- II. Persons attending pre-booked private events, a record of which will be kept on site for a minimum period of 31 days after the event, and made available on request to authorised officers from the Police and Council. The record shall include the details of the organiser, type of event, number of people, timings and date.
- III. Persons using the bedroom facilities and their bona fide guests.

2-B Other Persons	
Name:	The Arch Hotel
Address and/or Residents Association:	50 Great Cumberland Place
Received:	29 May 2018
<b>Re: Application Ref: 18/05022/LIPV</b> <b>Applicant: Home Grown Club Ltd (Quintillion Restaurants Ltd)</b> <b>Location: Home Grown, 44 Great Cumberland Place, London W1H 7BS</b>	
We act on behalf of The Arch Hotel situated at 50 Great Cumberland Place which is immediately adjacent to the Applicant's premises and parts of which – during the extensive construction works – touches our clients premises.	
We note the pending application which includes a request to extend various services to either 1:00 am or 1:30am.	
Our clients object to such extensions specifically the performance of live music and the playing of Recorded Music as they do not believe it is possible to contain the noise which would impact on our premises and disturb our clientele.	
Whilst it is somehow historical, we understand that when our clients applied some years ago for not dissimilar extensions such applications failed specifically as it would likely to cause nuisance to adjoining occupiers.	



Further we would refer to point 21 'No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance'.

As you maybe aware works have and continue to be carried out and the writer was at the hotel Friday morning – whilst the ongoing works were taking place there was constant vibration and excessive volume of noise despite the fact our clients have specifically installed secondary glazing in certain rooms.

Accordingly our clients are considerably concerned as to the present position and the pending application.

We look forward to hearing from you.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy PB1 applies:</b>	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.
<b>Policy HOT1 applies:</b>	Subject to the effect on the promotion of the licensing objectives and other relevant policies in this Statement, premises licences for hotels will generally be granted so that: (a) Alcohol is permitted to be sold at any time to people staying in hotel rooms for consumption on the premises. (b) The hours of serving of alcohol to the general public will be subject to conditions limiting the sale of alcohol after a specified time to those attending pre-booked events held at the hotel, (c) The exhibition of film, in the form of recordings or non-broadcast television programmes to be viewed in hotel bedrooms, will generally be permitted.
<b>Policy HRS1 applies:</b>	(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. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

#### 5. Appendices

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

<b>Report author:</b>	Mrs Shannon Pring Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 3217 Email: spring3@westminster.gov.uk

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

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

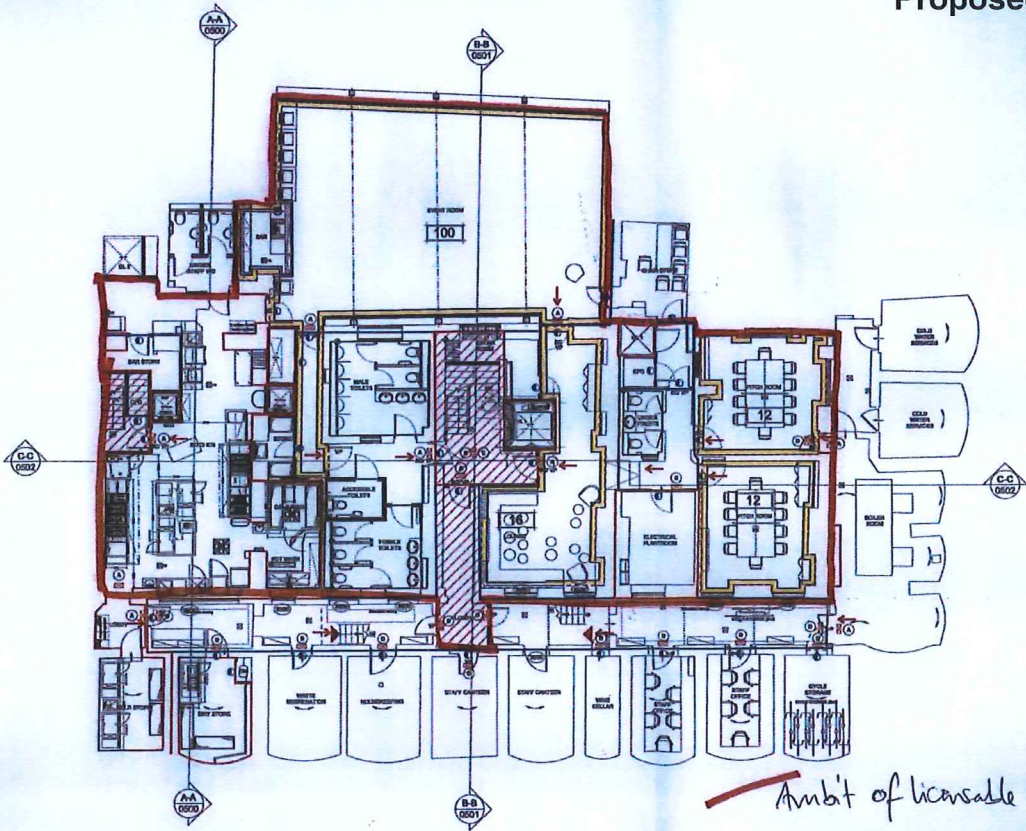
<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Environmental Health Service	18 May 2018
<b>5</b>	Representation 1	29 May 2018

Premises Plans

Appendix 1

The proposed and current premises plans are enclosed.

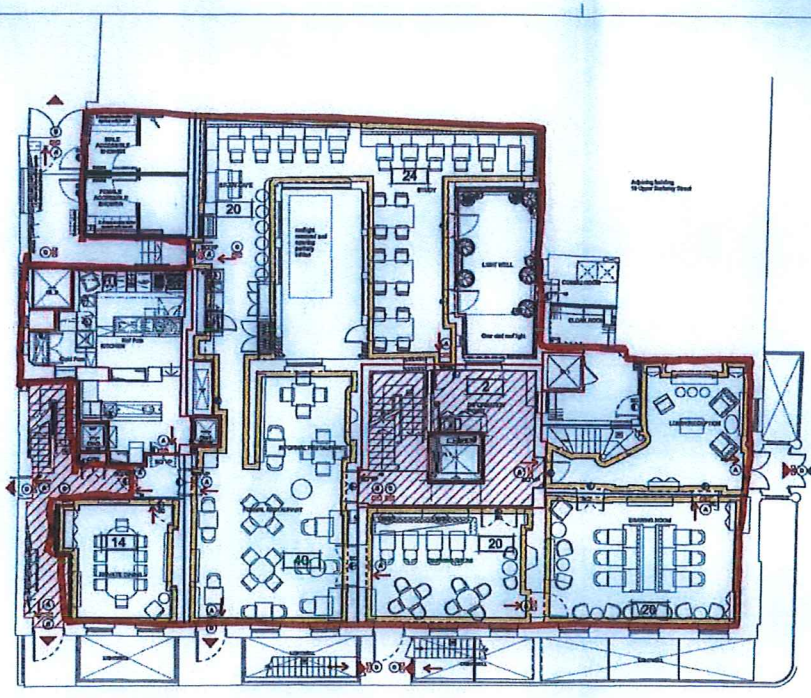
# Proposed Plan



*Ambit of licensable activity*

- Key**
- Fire Exit (Ground floor only)
  - Fire Extinguisher Zone
  - Compartment - Public Areas
  - Disabled refuge
  - Fire Signage
  - Note All Emergency Exits must comply with direction of travel
  - Fire Extinguisher (1) (1.1)
  - Fire Extinguisher (2) (2.1)
  - Fire Extinguisher (3) (3.1)
- Fire Compartment Rating Key (assumed rating for existing walls)**
- 1 Hour
  - 1/2 Hour
- Door Width**
- 1/2 clear width (typ)
- Door Fire Rating Key**
- 1 Hour fire resistance with infill and smoke seals
  - 1/2 Hour fire resistance with infill and smoke seals
  - 1 Hour fire resistance
  - VP - Vision Panel
  - SC - Self-Closing
- Window Fire Rating Key**
- 30 minutes integrity & ventilation
- It is assumed that where existing walls are to provide a fire resistance performance that fire is contained within the existing wall. Existing doors are to be upgraded to confirm fire resistance performance and enhanced required to achieve required performance.**
- Protected staircase corridor
- Refer to Windows Schedule for the performance (glazing & hardware requirements).**
- Licensing Key**
- Areas used for sub-licensing of alcohol
  - Areas used for regulated entertainment (glazing & hardware requirements)
  - Public entertainment
  - Point of sale - alcohol
  - Kitchen facility
  - Signage (groups visible) from the premises
  - Access to the premises

**EPR** 30 Bedford Row London  
 Registered Structural Engineer  
 Proposed Structural Steel Frame  
 License No. 11066-AD-001118  
 10290-L-01-0001-Z01 04



- Key**
- ▲ Fire Exit (Ground floor only)
  - ▲ Fire Extinguisher Zone
  - Occupancy - Public Areas
  - Disabled refuge
  - Ⓢ Fire Signs  
Note: All Emergency Escape signs to comply with BS 5446-1
  - ① 1 hr A 115
  - ② 1 hr A 115
  - ③ 1 hr A 115
  - ④ 1 hr A 115
- Fire Compartment Rating Key (assumed rating for existing work)**
- ▬ 1 Hour
  - ▬ 1/2 Hour
- Exit widths**  
min clear width (m)
- Door Fire Rating Key**
- ① 1 Hour fire resistance with infill panel & smoke seals
  - ② 1/2 Hour fire resistance with infill panel & smoke seals
  - ③ 1 Hour fire resistance
  - VP Vision Panel
  - DC Self-Closing
- Window Fire Rating Key**
- ④ 1/2 hr window integrity & insulation
- It is intended that where seating walls are to provide a fire resistance performance that fire is achieved automatically by the necessary wall. Existing walls will be investigated to confirm the necessary performance and where required to provide the necessary required performance.*
- ▨ Protected structural member
- Refer to Window Schedule for the performance integrity & insulation requirements.*
- Licensing Key**
- - - - - Areas used for sub-licence/occupation of alcohol
  - - - - - Areas used for regulated entertainment
  - - - - - Areas used for the provision of night entertainment
  - - - - - Public conveniences
  - - - - - Point of sale - alcohol
  - - - - - Kitchen facility
  - ← Egress (escape route) from the premises
  - ← Access to the premises

*— Aribit of licensable activity*

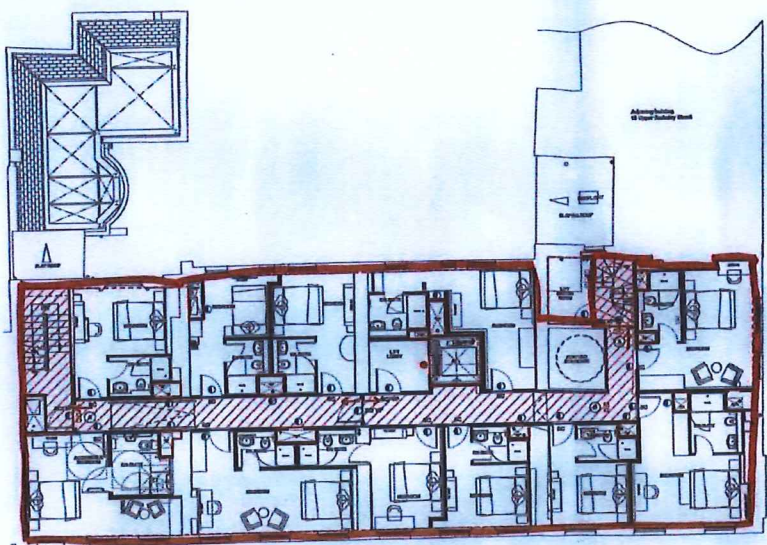
NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
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11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40

**EPR** 25th Floor  
 10000 - L-01-0002-200 | 05

10000 - L-01-0002-200 | 05







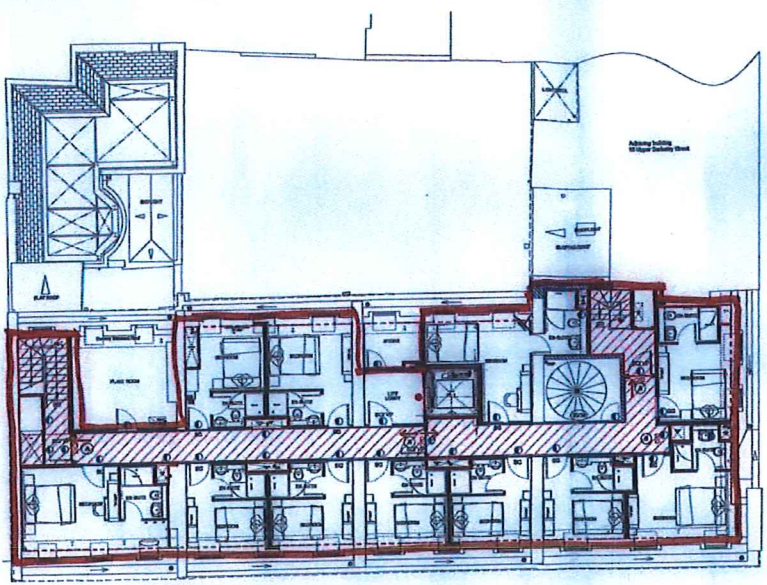
*Ambit of licensable activity*

- Key**
- ▲ Fire Exit (Ground floor only)
  - ▲ Fire Extinguisher Zone
  - Occupancy - Public Areas
  - Disabled refuge
  - ☒ Fire Signage
- Notes:** All Emergency Escape routes to comply BS 5830:2002
- Fire Compartment Rating Key (assumed entry for existing work)**
- 1 Hour
  - 1/2 Hour
- Door width**  
only clear width (m)
- Door Fire Rating Key**
- FD 150 1 Hour fire resistance with intumescent & smoke seals
  - FD 150 1/2 Hour fire resistance with intumescent & smoke seals
  - FD 150 1 Hour fire resistance
  - VP Vision Panel
  - DC Dual Clear
- Window Fire Rating Key**
- W150 1/2 Hour integrity & ventilation
- It is assumed that where existing walls are to provide a fire resistance performance that fire is contained inherently by the existing wall. Existing doors are to be upgraded to match the resistance performance and reinforced/replace to achieve required performance.**
- Prohibited structural member
  - Refer to Window Schedule for fire performance (Strength & ventilation requirements)
- Leeway Key**
- Area used for sub-construction of ducts
  - Area used for regulated entertainment
  - Area used for the provision of the right of way
  - Public entertainment
  - Part of safe - ducted
  - Kitchen facility
  - Escape (escape route) from 'the premises'
  - Access to 'the premises'

Item	Quantity	Unit	Value
1. Fire Extinguishers	10	ea	10
2. Fire Doors	10	ea	10
3. Fire Windows	10	ea	10
4. Fire Signage	10	ea	10
5. Fire Exits	10	ea	10
6. Fire Compartment Walls	10	m <sup>2</sup>	10
7. Fire Compartment Doors	10	ea	10
8. Fire Compartment Windows	10	ea	10
9. Fire Compartment Floors	10	m <sup>2</sup>	10
10. Fire Compartment Ceilings	10	m <sup>2</sup>	10

**EPR** Engineering Practice Resources  
 444 St. John Street, London, EC1A 4BB  
 Tel: 020 7463 2222 Fax: 020 7463 2222  
 10290-L-01-0000-203 03





*Ambit of licensable activity*

**Key**

- ▲ Fire Exit (shown floor only)
- ▲ Fire Extinguisher Zone
- Occupancy - Public Areas
- Disabled refuge
- ☒ Fire Signage

**Major AD Emergency Escape signs to comply BS 5592-2:2009**

①	②	③	④	⑤	⑥	⑦	⑧
①	②	③	④	⑤	⑥	⑦	⑧

**Fire Compartment Rating Key (Dimensioned rating for existing work)**

- 1 Hour
- 60 Hour

**Exit width**  
Exit clear width (mpts)

**Door Fire Rating Key**

- ① 1 Hour fire resistance with intumescent & smoke seals
- ② 60 Hour fire resistance with intumescent & smoke seals
- ③ 1 Hour fire resistance

VP Vision Panel  
SC Self-Closing

**Window Fire Rating Key**

① 60 minutes integrity & insulation

*It is assumed that where existing walls are to provide a fire resistance performance that this is achieved inherently by the existing wall. Existing ducts are to be decommissioned to confirm the fire resistance performance and subsequent replacement to achieve required performance.*

① Protected structural member

① Refer to Window Schedule for fire performance (Integrity & insulation requirements)

**Leaving Key**

- Area used for sub-construction of disabled
- Area used for regulated entertainment
- Area used for the provision of safe night entertainment
- Public entertainment
- Point of sale - alcohol
- Vehicle facility
- Egress (passage route) from the premises
- Access to the premises


**EPR**  
Engineering Practice Register  
London  
Proposed Fourth Floor Plan  
Leaving Area Plan  
10280-L-01-0006-204 03

# Current plans

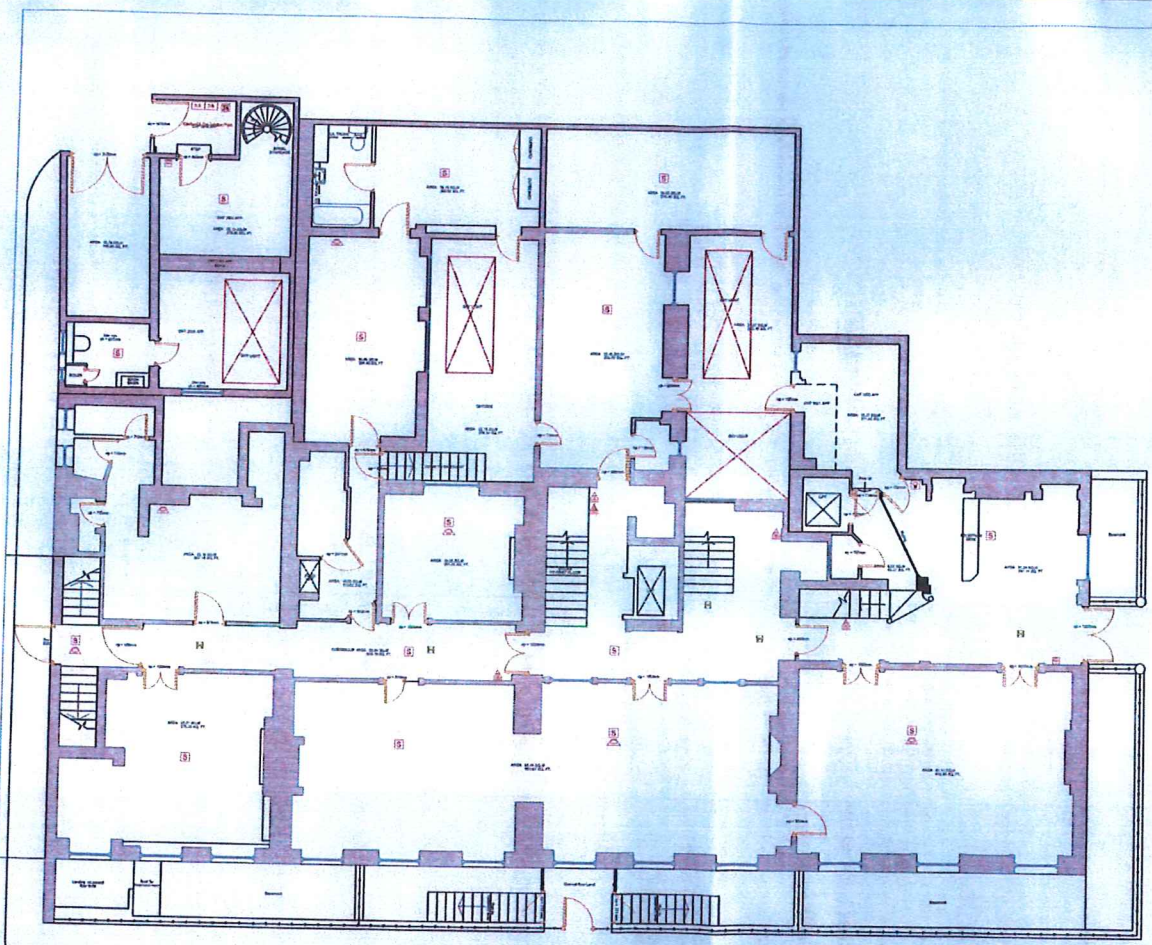
basement level

-  CALL POINT
-  FIRE EXTINGUISHER
-  FIRE HOSE
-  FIRST AID POST
-  CAUTION HAZARD
-  ESCAPE ROUTE FOLLOW ARROW
-  ESCAPE ROUTE FOLLOW ARROW
-  ESCAPE ROUTE FOLLOW ARROW
-  ESCAPE ROUTE FOLLOW ARROW
-  EMERGENCY TELEPHONE

LICENSABLE ACTIVITIES WILL TAKE PLACE THROUGHOUT THE PREMISES




Client - J M North Services Ltd	
Drawing Level	2011ND0609F
The New Cavendish Club - Fire Drawings	
Scale - 1:50	Drawn By - ACH
Drawing prepared by - M2 Property Services	

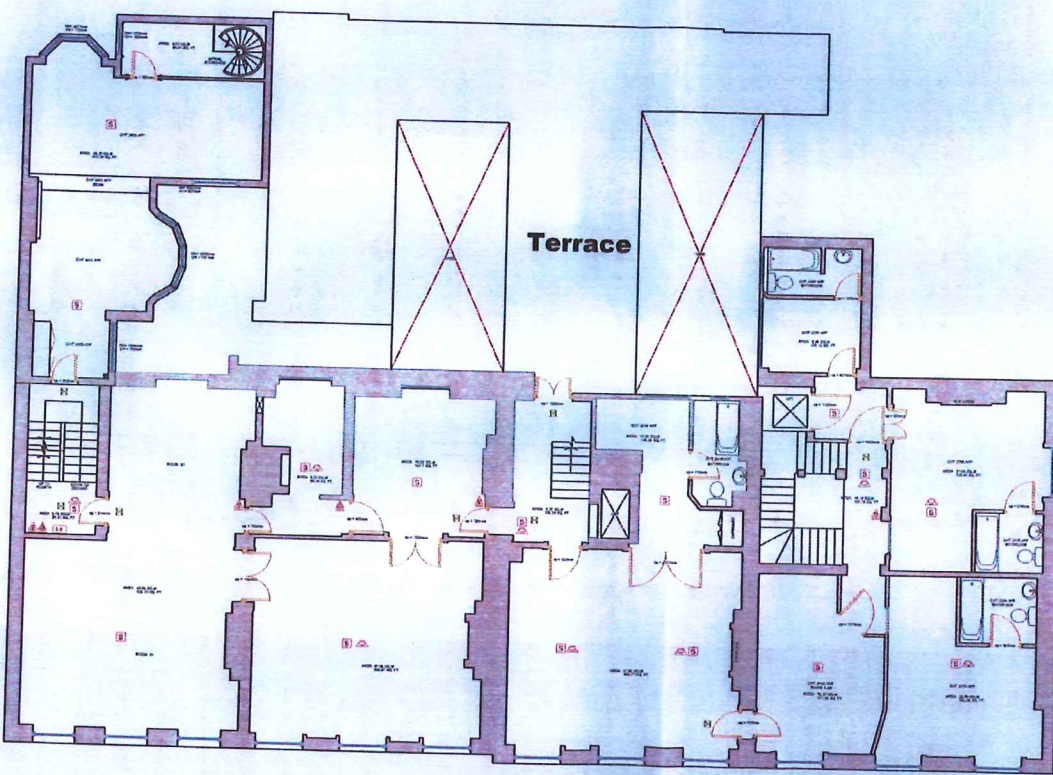


**ground floor**

LICENSABLE ACTIVITIES WILL TAKE PLACE THROUGHOUT THE PREMISES

-  CALL POINT
-  FIRE EXTINGUISHER
-  FIRE HOSE
-  FIRST AID POST
-  CAUTION HAZARD
-  ESCAPE ROUTE FOLLOW ARROW
-  ESCAPE ROUTE FOLLOW ARROW
-  ESCAPE ROUTE FOLLOW ARROW
-  ESCAPE ROUTE FOLLOW ARROW
-  EMERGENCY TELEPHONE


	Client - J M North Services Ltd	2011/MCC/006P
	Ground Floor	
	The New Cavendish Club - Fire Drawings	
	Scale - 1:50	Drawn By - ACH
	Drawing prepared by - ME Property Services	

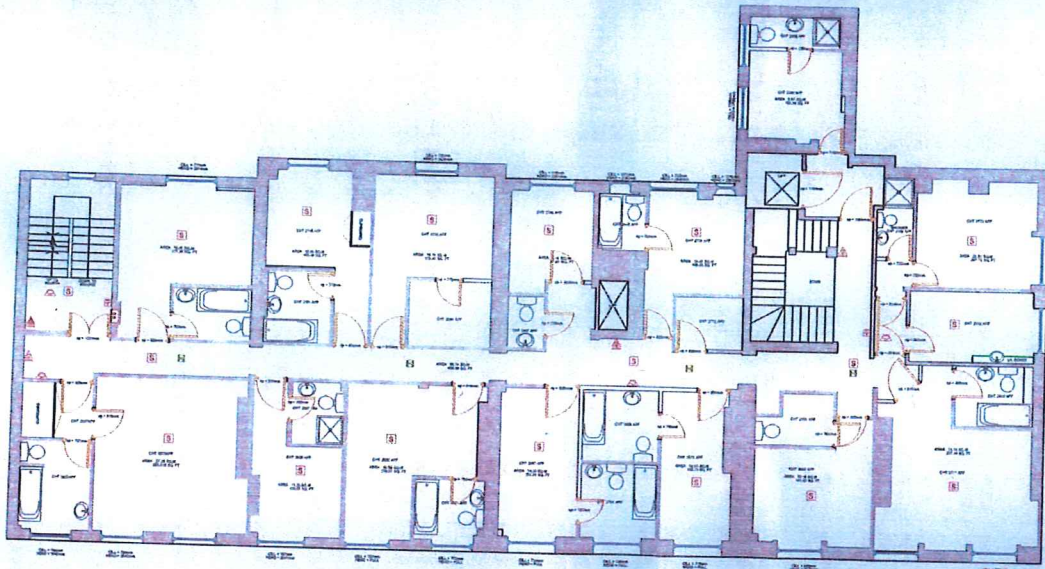


**first floor**

-  CALL POINT
-  FIRE EXTINGUISHER
-  FIRE HOSE
-  FIRST AID POST
-  CAUTION HAZARD
-  ESCAPE ROUTE FOLLOW ARROW
-  ESCAPE ROUTE FOLLOW ARROW
-  ESCAPE ROUTE FOLLOW ARROW
-  ESCAPE ROUTE FOLLOW ARROW
-  EMERGENCY TELEPHONE

LICENSABLE ACTIVITIES WILL TAKE PLACE THROUGHOUT THE PREMISES


	
Client - J M North Services Ltd	
First Floor	2011NCC-0009
The New Cavendish Club - Fire Drawings	
Scale - 1:50	Drawn By - JCH
Drawing prepared by - ME Property Services	



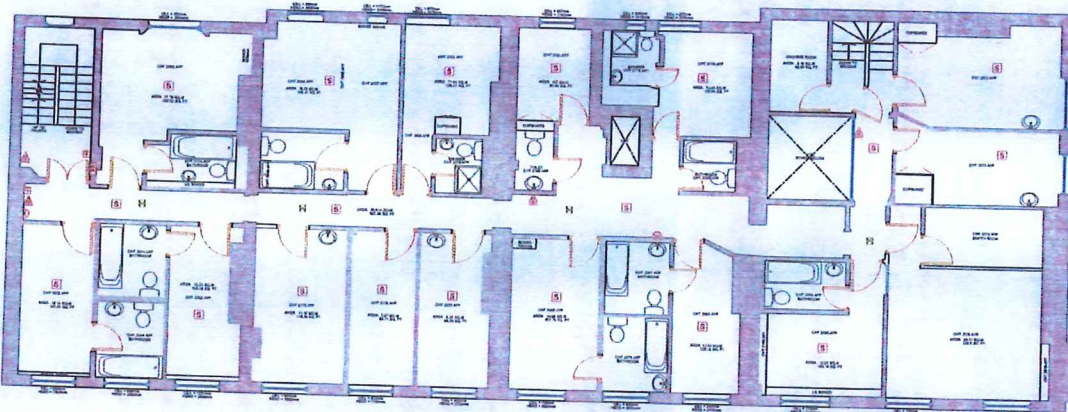
**second floor**

-  CALL POINT
-  FIRE EXTINGUISHER
-  FIRE HOSE
-  FIRST AID POST
-  CAUTION HAZARD
-  ESCAPE ROUTE FOLLOW ARROW
-  ESCAPE ROUTE FOLLOW ARROW
-  ESCAPE ROUTE FOLLOW ARROW
-  ESCAPE ROUTE FOLLOW ARROW
-  EMERGENCY TELEPHONE

LICENSABLE ACTIVITIES WILL TAKE PLACE THROUGHOUT THE PREMISES




Client - J M North Services Ltd	
Second Floor	2015MCC610F
The Nine Cornish Club - Fire Drawings	
Scale - 1:50	Drawn By - ACH
Drawing prepared by - MIE Property Services	



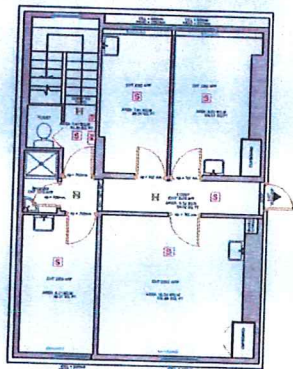
**third floor**

-  CALL POINT
-  FIRE EXTINGUISHER
-  FIRE HOSE
-  FIRST AID POST
-  CAUTION HAZARD
-  ESCAPE ROUTE FOLLOW ARROW
-  ESCAPE ROUTE FOLLOW ARROW
-  ESCAPE ROUTE FOLLOW ARROW
-  ESCAPE ROUTE FOLLOW ARROW
-  EMERGENCY TELEPHONE

LICENSABLE ACTIVITIES WILL TAKE PLACE THROUGHOUT THE PREMISES




Client - J.M. North Services Ltd	2011/NC001/IF
Third Floor	
The New Clarendon Club - Fire Drawings	
Scale - 1:50	Drawn By - ACH
Drawing prepared by - ME Property Services	



**fourth floor**

-  CALL POINT
-  FIRE EXTINGUISHER
-  FIRE HOSE
-  FIRST AID POST
-  CAUTION HAZARD
-  ESCAPE ROUTE FOLLOW ARROW
-  ESCAPE ROUTE FOLLOW ARROW
-  ESCAPE ROUTE FOLLOW ARROW
-  ESCAPE ROUTE FOLLOW ARROW
-  EMERGENCY TELEPHONE

LICENSABLE ACTIVITIES WILL TAKE PLACE THROUGHOUT THE PREMISES

	Client - J M North Services Ltd	
	Fourth Floor	2011NCC0-12F
	The New Cornish Club - Fire Drawings	
	Scale - 1:50	Drawn By - ACH
Drawing prepared by - M2 Property Services		

There are no additional supporting documents from the Applicant.



## Licence &amp; Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
12/03933/LIPN	New premises licence application	05/07/2012	Granted by Licensing Sub-Committee
12/06155/LIPDPS	Variation of the designated premises supervisor	30/07/2012	Granted under delegated authority
14/05076/LIPT	Application to transfer the premises licence	09/07/2014	Granted under delegated authority
15/11098/LIPT	Application to transfer the premises licence	17/02/2016	Granted under delegated authority
15/11109/LIPDPS	Variation of the designated premises supervisor	17/02/2016	Granted under delegated authority
15/11137/LIPV	Application to vary the premises licence	04/02/2016	Granted by Licensing Sub-Committee
18/05022/LIPV	Current application		

**There is no appeal history**

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

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

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers 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. Licensable activities may not be provided other than to:

- I. Members (and their bona fide guests) of the New Cavendish Club as defined in the New Cavendish Club Rules. Any changes to these rules must be notified to the Police and Licensing Authority.
- II. Persons attending pre-booked private events, a record of which will be kept on site for a minimum period of 31 days after the event, and made available on request to authorised officers from the Police and Council. The record shall include the details of the organiser, type of event, number of people, timings and date.

**Applicants proposed amendment – amend condition 9 to read:**

Licensable activities may not be provided other than to:

- i) Members of the Home Grown Club Ltd and their bona fide guests;
- ii) Persons attending pre-booked private events;
- iii) Persons using the bedroom facilities and their bona fide guests.

Details of all member's guests and non-members attending the premises for licensable activities shall be kept on site for a minimum period of 31 days after the attendance.

**Environmental Health proposed amendment – amend condition 9 to read:**

Licensable activities may not be provided other than to:

- i) Members (and their bona fide guests) of the Home Grown Club as defined in the Home Grown Club Rules. Any changes to these rules must be notified to the Police and Licensing Authority.
- ii) Persons attending pre-booked private events, a record of which will be kept on site for a minimum period of 31 days after the event, and made available on request to authorised officers from the Police and Council. The record shall include the details of the organiser, type of event, number of people, timings and date.
- iii) Persons using the bedroom facilities and their bona fide guests.

10. Regulated Entertainment shall only be permitted in the areas listed in condition 11 of this licence.

11. The number of persons permitted on the premises at any one time (excluding staff) shall not exceed 320 persons (excluding Staff). With no more than the number listed below in each room;

- The Portman Room - 35 persons
- The Bar (including Lounge) - 60 persons
- The Library - 25 persons
- Silence Room - 10 persons
- The Cumberland Room - 60 persons
- Sample Suite - 40 persons
- The Centenary Suite - 90 persons

**Applicant proposed amendment – to vary the above capacities to be determined by the Environmental Health Consultation Team and the District Surveyor.**

12. Arrangements will be made to ensure that any capacity limit set for the premises can be properly monitored. Information regarding the capacity should be given to an authorised officer on request.
13. Substantial food and non-intoxicating beverages shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
14. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
15. With the exception of residents and their bona fide guests, no alcohol shall be consumed more than 30 minutes after the permitted hours for the supply of alcohol.
16. The provision of alcohol shall be ancillary to food between 07:00 and 10:00 hours for non-residents.
17. Licensable activities are not permitted on any external terrace.

**Environmental Health proposed amendment to condition 17:**

Licensable activities are not permitted on any external terrace or light well.

18. No drinks shall be consumed outside the premises nor glasses/bottles removed from the premises by patrons when leaving, save for off sales in sealed containers, and patrons using the terrace.
19. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
20. All windows and external doors to areas where regulated entertainment is permitted shall be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
21. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
22. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
23. 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.
24. No deliveries shall be made to the premises between 23:00 and 08:00 hours.
25. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
26. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
27. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
28. The pavement from the building line to the kerb edge immediately outside the premises, including gutter / channel at its junction with the kerb edge, shall be swept and or

washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

29. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
30. The approved arrangements at the premises, including means of escape provisions, emergency warning and emergency equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
31. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
32. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
33. All emergency doors will be maintained effectively self-closing, and not held open other than by an approved device.
34. The edge of the treads of steps and stairways shall be maintained so as to be conspicuous.
35. Only hangings, curtains, upholstery and temporary decorations, complying with the relevant British (or where appropriate European) Standard shall be used. Where necessary these shall be periodically tested for flame resistance and re-treated as necessary.
36. Curtains and hangings shall be arranged so as not to obstruct safety signs other emergency equipment.
37. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 7 days prior notice being given to Westminster City Council Consultation Team where consent has not previously been given:
  - a. dry ice and cryogenic fog;
  - b. smoke machines and fog generators;
  - c. pyrotechnics including fire works;
  - d. firearms;
  - e. lasers;
  - f. explosives and highly flammable substances;
  - g. real flame;
  - h. strobe lighting.
38. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility

of the mind of that person to suggestion or direction is increased or intended to be increased.

NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

39. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received regards crime and disorder
  - (d) any incidents of disorder
  - (e) seizures of drugs or offensive weapons
  - (f) any refusal of the sale of alcohol
  - (g) any visit by a relevant authority or emergency service.
40. The certificates listed below shall be submitted to Westminster City Council Consultation Team upon written request:
  - a. Any emergency lighting battery or system
  - b. Any electrical installation
  - c. Any fire alarm system.
41. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
42. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
43. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
44. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.
45. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except in the guest bedrooms.
46. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.



47. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.
48. As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local pubwatch, clubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.
49. The hours for licensable activities may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
50. Any external terrace areas may only be used for the consumption of alcohol on Fridays and Saturdays;
51. The supply of alcohol for consumption on the terrace must be by waiter or waitress service only;
52. Any external terrace areas shall be vacated by 7pm save for persons using the area to smoke;
53. No more than ten persons, excluding staff, shall be permitted on the first floor terrace at any one time;
54. There shall be no access to any external terrace before 10:00 Monday to Sunday.
55. The variation of this premises licence (14/05076/LIPT) will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the licence by the licensing authority.

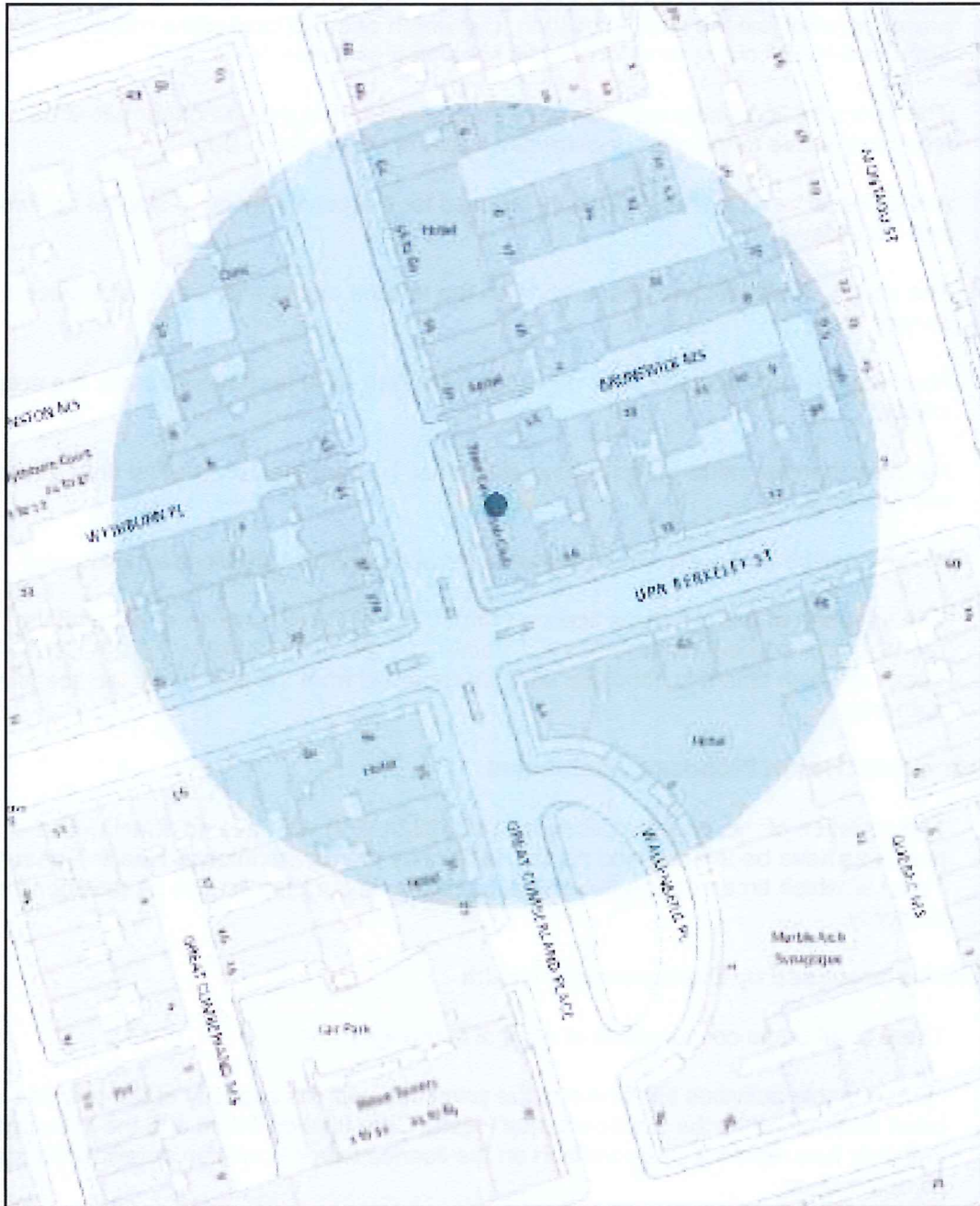
**Environmental Health Proposed amendment:**

The variation of this premises licence (18/05022/LIPV) will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the licence by the licensing authority.

**Conditions proposed by Environmental Health**

56. There shall be no consumption of alcohol in the light well.
57. 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.

### Home Grown, 44 Great Cumberland Place



June 18, 2018



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Resident count: 202

**Premises within a 75 metre radius of Home Grown, 44 Great Cumberland Place, W1H 7BS**

Licence Number	Trading Name	Address	Premises Type	Time Period
11/10786/LIPDPS	The Arch	50 Great Cumberland Place London W1H 7FD	Hotel, 4+ star or major chain	Monday to Sunday; 00:00 - 00:00
17/05074/LIPDPS	Shaftesbury Suites Marble Arch	41 Great Cumberland Place London W1H 7LG	Hotel, 4+ star or major chain	Monday to Sunday; 00:00 - 00:00
17/05077/LIPDPS	Montcalm Hotel And Grand Ballroom	2 Wallenberg Place City Of Westminster London W1H 7TN	Hotel, 4+ star or major chain	Monday to Sunday; 00:00 - 00:00
17/05081/LIPDPS	The Marble Arch By Montcalm London	31 Great Cumberland Place London W1H 7TA	Restaurant	Monday to Sunday; 00:00 - 00:00

Year	Project Name	Location	Project Description	Project Status
2010	...	...	...	...
2011	...	...	...	...
2012	...	...	...	...
2013	...	...	...	...



City of Westminster

# Licensing Sub-Committee Report

## Agenda Item 3

Item No:	
Date:	28 June 2018
Licensing Ref No:	18/05212/LIPV - Premises Licence Variation
Title of Report:	Marks & Spencer Plc 169-173 Oxford Street London W1D 2JR
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	9 May 2018		
<b>Applicant:</b>	Marks & Spencer Plc		
<b>Premises:</b>	Marks & Spencer		
<b>Premises address:</b>	169-173 Oxford Street London W1D 2JR	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	The premises currently operates as a retail store with cafe.		
<b>Variation description:</b>	<p>The applicant seeks to permit on sales from the customer café on the first floor as hatched in red on the plan.</p> <p>The applicant also seeks to remove condition 7 "Alcohol shall not be sold in an open container or be consumed in the licensed premises".</p>		
<b>Premises licence history:</b>	The premises has been licensed since 2005 and a full history can be found at Appendix 3.		
<b>Applicant submissions:</b>	None Submitted.		

1-B Current and proposed licensable activities, areas and hours						
<b>Sale by Retail of Alcohol – OFF SALES</b>						
<b>On or off sales</b>		<b>Current :</b>			<b>Proposed:</b>	
		Off Sales			Both	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	07:00	23:00	No Change to off sales.		See Plans at Appendix 1	No Change.
<b>Tuesday</b>	07:00	23:00				
<b>Wednesday</b>	07:00	23:00				
<b>Thursday</b>	07:00	23:00				
<b>Friday</b>	07:00	23:00				
<b>Saturday</b>	07:00	23:00				
<b>Sunday</b>	09:00	21:00				
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>			<b>Proposed:</b>		
	None.			None.		

<b>Sale by Retail of Alcohol – ON SALES</b>					
<b>On or off sales</b>			<b>Current :</b>		<b>Proposed:</b>
			Off Sales		Both
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Proposed:</b>
<b>Monday</b>			10:00	23:00	First Floor only, area hatched red on plan (See Appendix 1).
<b>Tuesday</b>			10:00	23:00	
<b>Wednesday</b>			10:00	23:00	
<b>Thursday</b>			10:00	23:00	
<b>Friday</b>			10:00	23:00	
<b>Saturday</b>			10:00	23:00	
<b>Sunday</b>			12:00	22:30	
<b>Seasonal variations/ Non-standard timings:</b>		<b>Current:</b>			<b>Proposed:</b>
		None.			None.

<b>Playing of Recorded Music, Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit</b>					
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>
<b>Monday</b>	Unrestricted		No Change		See Plans at Appendix 1
<b>Tuesday</b>					
<b>Wednesday</b>					
<b>Thursday</b>					
<b>Friday</b>					
<b>Saturday</b>					
<b>Sunday</b>					
<b>Seasonal variations/ Non-standard timings:</b>		<b>Current:</b>			<b>Proposed:</b>
		None.			None.

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	07:00	23:00	No Change.		All of premises.	No Change.
<b>Tuesday</b>	07:00	23:00				
<b>Wednesday</b>	07:00	23:00				
<b>Thursday</b>	07:00	23:00				
<b>Friday</b>	07:00	23:00				
<b>Saturday</b>	07:00	23:00				
<b>Sunday</b>	09:00	22:30				
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	None.				No Change.	

1-C Layout alteration
None proposed.

1-D Conditions being varied, added or removed		
Condition	Proposed variation	
<u><b>Condition 7</b></u>  Alcohol shall not be sold in an open container or be consumed in the licensed premises.	To be removed	
<b>Adult entertainment:</b>	<b>Current position:</b>	<b>Proposed position:</b>
	Not applicable	Not applicable



## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Sandy Russell
<b>Received:</b>	16 <sup>th</sup> May 2018
<b>Status:</b>	Withdrawn
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be objecting to this application at this stage in the application process. The venue is situated within Westminster's Cumulative Impact Area; it is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>I have looked through the application. Overall it is agreeable but there are a number of police conditions we require to be added to the venue's operating schedule, they are as follows:</p> <p>To replace condition 9 shown on current licence:</p> <ol style="list-style-type: none"> <li>1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.</li> <li>2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises 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.</li> <li>3. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.</li> <li>8. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.</li> </ol> <p>Please let me know whether your client is willing to agree to the conditions police are</p>	

proposing as this may enable us to withdraw our representation.  
***Following the agreement of the conditions above, the Metropolitan Police Service have withdrawn their representation.***

<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Ms Roxsana Haq
<b>Received:</b>	5 <sup>th</sup> June 2018
<b>Status:</b>	Maintained

I write in relation to the application submitted for the Variation of a Premises Licence for Marks & Spencer Plc, 169-173 Oxford Street.

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:

- Prevention of Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of children from harm

This application seeks to permit the following licensable activities:

Supply of alcohol (on):

Monday to Saturday: 10:00 to 23:00

Sunday: 12:00 to 22:30

The premises is located within the cumulative impact area (CIA) and as such the policy points CIP1 and PB2 must be considered.

Following a helpful site visit with the applicant and the Environmental Health Consultation team the Licensing Authority have clarified that the applicant proposes to provide mainly self-service alcohol in the form of single serve wine bottles and prosecco without the need to have a substantial table meal.

The current premises licence does not restrict the operation of the premises as a restaurant therefore this application will be considered within policy PB2. Paragraph 2.5.23 of the Councils Statement of Licensing Policy 2016, states "*the Licensing Authority considers that the grant of variations or new licences for pubs and bars in the cumulative impact area should be limited to exceptional circumstances*".

Therefore it is for the applicant to demonstrate that this application can be regarded as an exception to policy. The list of examples of what may be considered an exceptional circumstance can be found at paragraphs 2.4.2 – 2.4.13 of the Council's Statement of Licensing Policy.

Paragraph 2.4.21 of the Licensing Policy states "*when the sale of alcohol is not*

*permitted beyond 20:00 hours; then permitting the sale of alcohol for consumption on the premises is unlikely to add to cumulative impact in the cumulative impact area”* therefore we encourage the applicant to consider reducing the terminal hours of alcohol sales as proposed to 20:00 hours.

Please accept this as a formal representation and we look forward to receiving any further submissions.

**On 6<sup>th</sup> June 2018 the applicant offered to amend the application as follows providing the Licensing Authority representation is withdrawn:**

I have taken my client’s instructions and they are prepared to amend their application to cease the sale of alcohol for consumption on the premises to 8pm on the basis your representation is withdrawn.

<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Mr Ian Watson
<b>Received:</b>	6 <sup>th</sup> June 2018
<b>Status:</b>	Withdrawn

I refer to the application for variation of the Premises Licence.

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

The applicant has submitted first floor plans of the premises.

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

The applicant is seeking the following

1. To add the supply of alcohol ‘On’ and ‘Off’ the premises for the first floor café Monday to Saturday 10.00 to 23.00 hours and Sunday 12.00 to 22.30 hours.
2. To remove condition 7 concerning the ‘Off’ sale of alcohol.

I wish to make the following representation

1. The hours requested for the Supply of Alcohol ‘On’ and ‘Off’ the premises will impact on Public Safety and have the likely effect of causing an increase in Public Nuisance within the West End Cumulative Impact Area.
2. The removal of condition 7 will have the likely effect of causing an increase in Public Nuisance within the West End Cumulative Impact Area.

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

**On 6<sup>th</sup> June 2018 the Environmental Health Service contacted the applicant with the proposed amendment to a condition 7 on the premises licence:**

Thanks for that. Concerning the removal of condition 7 can I propose that it is varied to read:

“Except for the first floor café alcohol shall not be sold in an open container or be consumed in the licensed premises.”

If you are happy to accept I can withdraw my representation.

***Following the agreement of the condition above, the Environmental Health Service have withdrawn their representation.***

### 3. Policy & Guidance

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

<b>Policy CIP1 applies</b>	(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.  (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.
<b>Policy HRS1 applies:</b>	(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.
<b>Policy PB2 applies:</b>	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.

### 4. Appendices

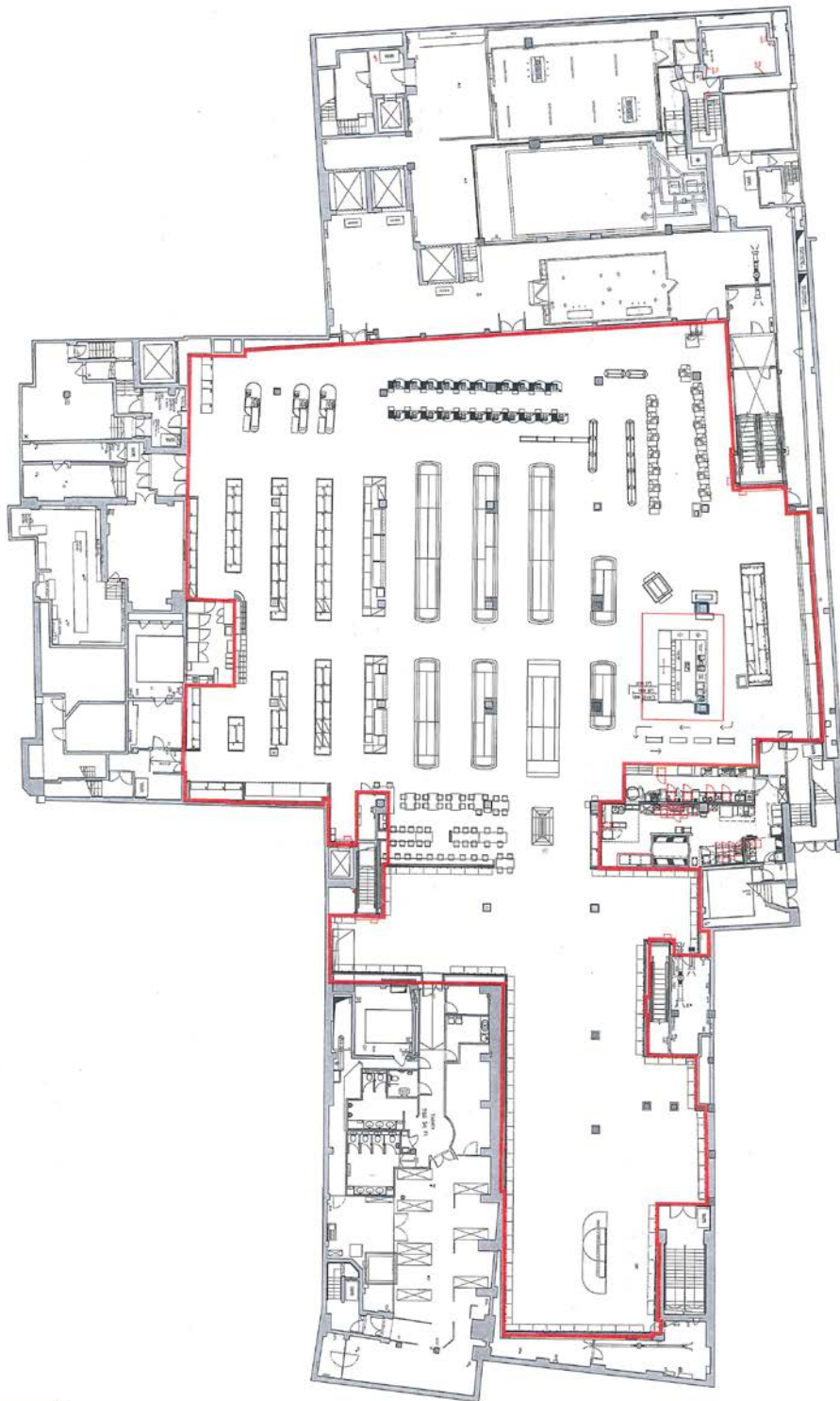
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

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

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Application Form	9 <sup>th</sup> May 2018
<b>5</b>	Representation – MET Police	16 <sup>th</sup> May 2018
<b>6</b>	Representation – Licensing Authority	5 <sup>th</sup> June 2018
<b>7</b>	Representation – Environmental Health	6 <sup>th</sup> June 2018



<p><b>M&amp;S</b> EST. 1948</p> <p>2480 PATZHO A PA741</p> <p>1 30</p>	
<p><b>PROPOSED BASEMENT FLOOR LAYOUT</b></p>	
<p><b>DATE:</b> 21.03.2017</p> <p><b>SCALE:</b> 1:30</p>	
<p><b>PROJECT:</b> PROPOSED BASEMENT FLOOR LAYOUT</p>	
<p><b>CLIENT:</b> M&amp;S PROJECT HOODLET</p>	
<p><b>DESIGNER:</b> PATTINSON ARCHITECTS</p>	
<p><b>PROJECT NO:</b> 2480 PATZHO A PA741</p>	
<p><b>DATE:</b> 21.03.2017</p>	
<p><b>SCALE:</b> 1:30</p>	
<p><b>PROJECT:</b> PROPOSED BASEMENT FLOOR LAYOUT</p>	
<p><b>CLIENT:</b> M&amp;S PROJECT HOODLET</p>	
<p><b>DESIGNER:</b> PATTINSON ARCHITECTS</p>	
<p><b>PROJECT NO:</b> 2480 PATZHO A PA741</p>	
<p><b>DATE:</b> 21.03.2017</p>	
<p><b>SCALE:</b> 1:30</p>	

**M&S**  
EST. 1948

**PROPOSED BASEMENT FLOOR LAYOUT**

**DATE:** 21.03.2017

**SCALE:** 1:30

**PROJECT:** PROPOSED BASEMENT FLOOR LAYOUT

**CLIENT:** M&S PROJECT HOODLET

**DESIGNER:** PATTINSON ARCHITECTS

**PROJECT NO:** 2480 PATZHO A PA741

**DATE:** 21.03.2017

**SCALE:** 1:30

NOTES

1. ALL WORK TO BE IN ACCORDANCE WITH THE BUILDING REGULATIONS 2010.

2. ALL WORK TO BE IN ACCORDANCE WITH THE FIRE REGULATIONS 2010.

3. ALL WORK TO BE IN ACCORDANCE WITH THE PLANNING REGULATIONS 2010.

4. ALL WORK TO BE IN ACCORDANCE WITH THE ENVIRONMENTAL REGULATIONS 2010.

5. ALL WORK TO BE IN ACCORDANCE WITH THE HEALTH AND SAFETY REGULATIONS 2010.

6. ALL WORK TO BE IN ACCORDANCE WITH THE EQUAL OPPORTUNITIES REGULATIONS 2010.

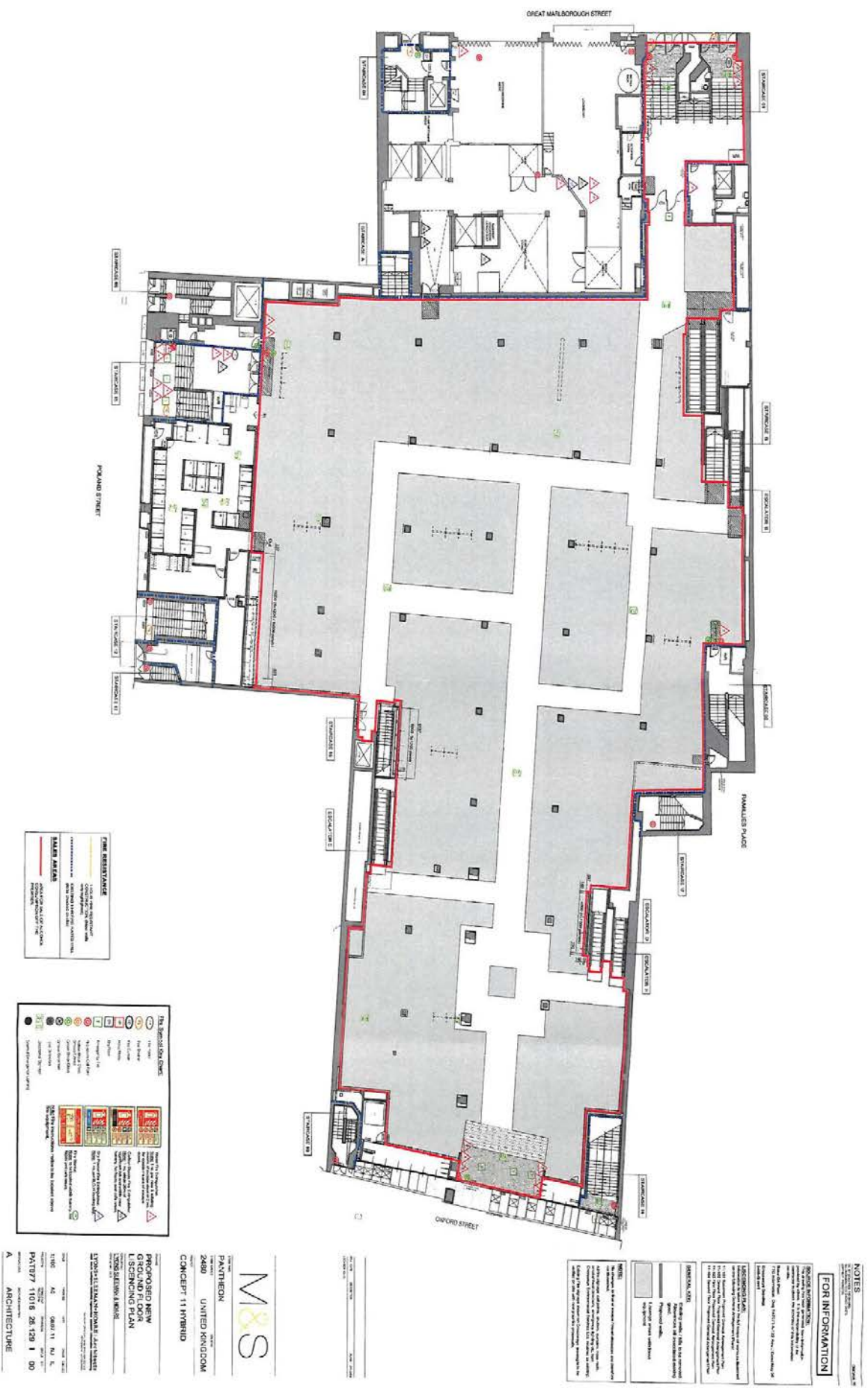
7. ALL WORK TO BE IN ACCORDANCE WITH THE DATA PROTECTION REGULATIONS 2010.

8. ALL WORK TO BE IN ACCORDANCE WITH THE FREEDOM OF INFORMATION REGULATIONS 2010.

9. ALL WORK TO BE IN ACCORDANCE WITH THE ACCESSIBILITY REGULATIONS 2010.

10. ALL WORK TO BE IN ACCORDANCE WITH THE SUSTAINABILITY REGULATIONS 2010.

<p><b>PLANNING KEY</b></p> <p>EXISTING</p> <p>PROPOSED</p>	<p><b>LICENSING KEY</b></p> <p>EXISTING</p> <p>PROPOSED</p>	<p><b>LEGEND</b></p> <p>EXISTING</p> <p>PROPOSED</p>	<p><b>FOR INFORMATION</b></p> <p>EXISTING</p> <p>PROPOSED</p>
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**NOTES**

1. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING REGULATIONS 2010 AND THE BUILDING ACT 2003.

2. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND THE BUILDING ACT 2003.

3. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND THE BUILDING ACT 2003.

4. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND THE BUILDING ACT 2003.

**FOR INFORMATION**

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2. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND THE BUILDING ACT 2003.

3. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND THE BUILDING ACT 2003.

4. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND THE BUILDING ACT 2003.

**GENERAL NOTES**

1. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING REGULATIONS 2010 AND THE BUILDING ACT 2003.

2. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND THE BUILDING ACT 2003.

3. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND THE BUILDING ACT 2003.

4. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND THE BUILDING ACT 2003.

**REVISIONS**

NO.	DESCRIPTION	DATE
1	ISSUED FOR TENDER	10/10/11
2	REVISION TO DRAWING	10/10/11
3	REVISION TO DRAWING	10/10/11
4	REVISION TO DRAWING	10/10/11
5	REVISION TO DRAWING	10/10/11
6	REVISION TO DRAWING	10/10/11
7	REVISION TO DRAWING	10/10/11
8	REVISION TO DRAWING	10/10/11
9	REVISION TO DRAWING	10/10/11
10	REVISION TO DRAWING	10/10/11

**NOTES**

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2. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND THE BUILDING ACT 2003.

3. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND THE BUILDING ACT 2003.

4. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND THE BUILDING ACT 2003.

**M&S**

PLANNING  
2480 UNITED KINGDOM  
CONCEPT 11 HYBRID

**PROPOSED NEW  
GROUND FLOOR  
LICENSING PLAN  
CONSULTATION 11/10/11**

APPROVED BY: [Signature]  
DATE: 10/10/11

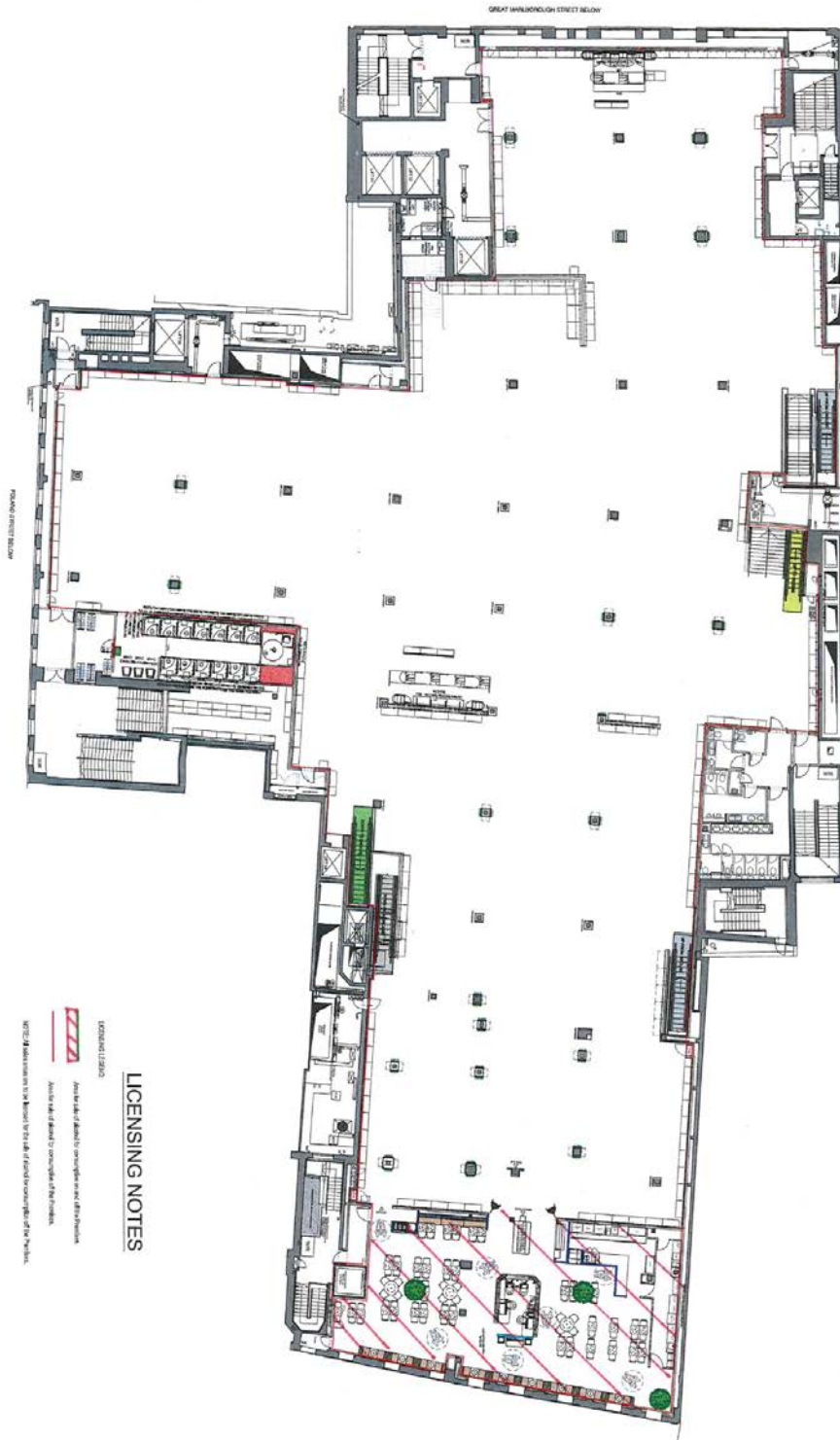
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PROJECT: 11/10/11 26 129 1 00  
ARCHITECTURE







# Proposed amendment to 1st Floor



**LICENSING NOTES**

**PROPOSED LICENSE**  
 Area for sale of alcohol to consumers on and off the premises.  
 Area for sale of alcohol to consumers off the premises.

**NOTE:** All alterations to the license will be subject to approval by the Licensing Authority.

**INFORMATION**

**M&S**  
 EST. 1934

**M&S PARTNERS**  
 2018 CAFE S' COUNTER  
 RENEWAL

**PROPOSED CAFE LICENSING PLAN**  
 FLOOR

**NOTES**

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50

2400 PARKWAY A 401  
 1937

**Applicant Supporting Documents**

None submitted.

**Licence & Appeal History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/05699/LIPC	New Premises Licence	04.09.2005	Granted under Delegated Authority
06/02320/LIPV	<p>Application to Vary the Premises Licence</p> <p>To permit the sale of alcohol for consumption off the premises from 0700 to 2300 on each day.</p> <p>To remove all restrictions imposed on the Premises Licence pursuant to paragraph 6 of the Eighth Schedule Licensing Act 2003.</p>	12.05.2006	Granted under Delegated Authority
07/09807/LIPV	<p>Application to Vary the Premises Licence</p> <p>To amend plans following some internal alterations</p>	06.12.2007	Granted by Licensing Sub Committee
11/08564/LIPVM	<p>Application for a Minor Variation</p> <p>Improvement and modernisation works to the sales floors including relocation of merchandise display 'walls' at ground and first floor adjacent to escalator voids and removal of existing merchandise display 'walls' in order to facilitate use of loose equipment layout on sales floors.</p>	15.09.2011	Granted under Delegated Authority

15/04926/LIPDPS	Application to Vary the Designated Premises Supervisor	07.07.2015	Granted under Delegated Authority
16/01306/LIPDPS	Application to Vary the Designated Premises Supervisor	16.03.2016	Granted under Delegated Authority
17/11571/LIPVM	<p>Application for a Minor Variation</p> <p>To carry out internal alterations to the store to include the installation of a new Wasabi concession counter within the food hall area (as shown with a thin red outline on the attached plan - top (centre) of the plan). The changes relate to the basement floor only.</p>	03.11.2017	Granted under Delegated Authority
18/05212/LIPV	<p>Application to Vary the Premises Licence</p> <p>The application seeks to permit on sales from the customer café on the first floor as hatched in red on the application which accompanies the application.</p> <p>The application also seeks to remove condition 7 under Conditions Applicable to the Sale of Alcohol ie "7. Alcohol shall not be sold in an open container or be consumed in the licensed premises".</p>		To be determined

**There is no appeal history**

*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.

(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.

**Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments**

**Conditions Applicable to the Sale of Alcohol**

9. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays from 07:00 to 23:00;
- (b) On Sundays from 09:00 to 21:00.

NOTE - The above restrictions do not prohibit:

- (a) ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered.

***Condition 10 originally intended to be deleted (previously condition 7)***

10. Alcohol shall not be sold in an open container or be consumed in the licensed premises.

***Following discussions with Environmental Health agreed to read as follows:***

Except for the first floor café alcohol shall not be sold in an open container or be consumed in the licensed premises

**Annex 2 – Conditions consistent with the operating Schedule**

11. Save for premium lines, there shall be no super strength (having an ABV of 5.5% or above) lager or ciders sold by retail at the premises.

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

12. The existing comprehensive CCTV system already installed at the premises will remain installed and be maintained as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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 are open for licensable activities and the recordings shall be kept available for a minimum of 31 days with time and date stamping. Recordings shall be made available to an authorised officer or a police officer together with facilities for viewing throughout the preceding 31 day period.

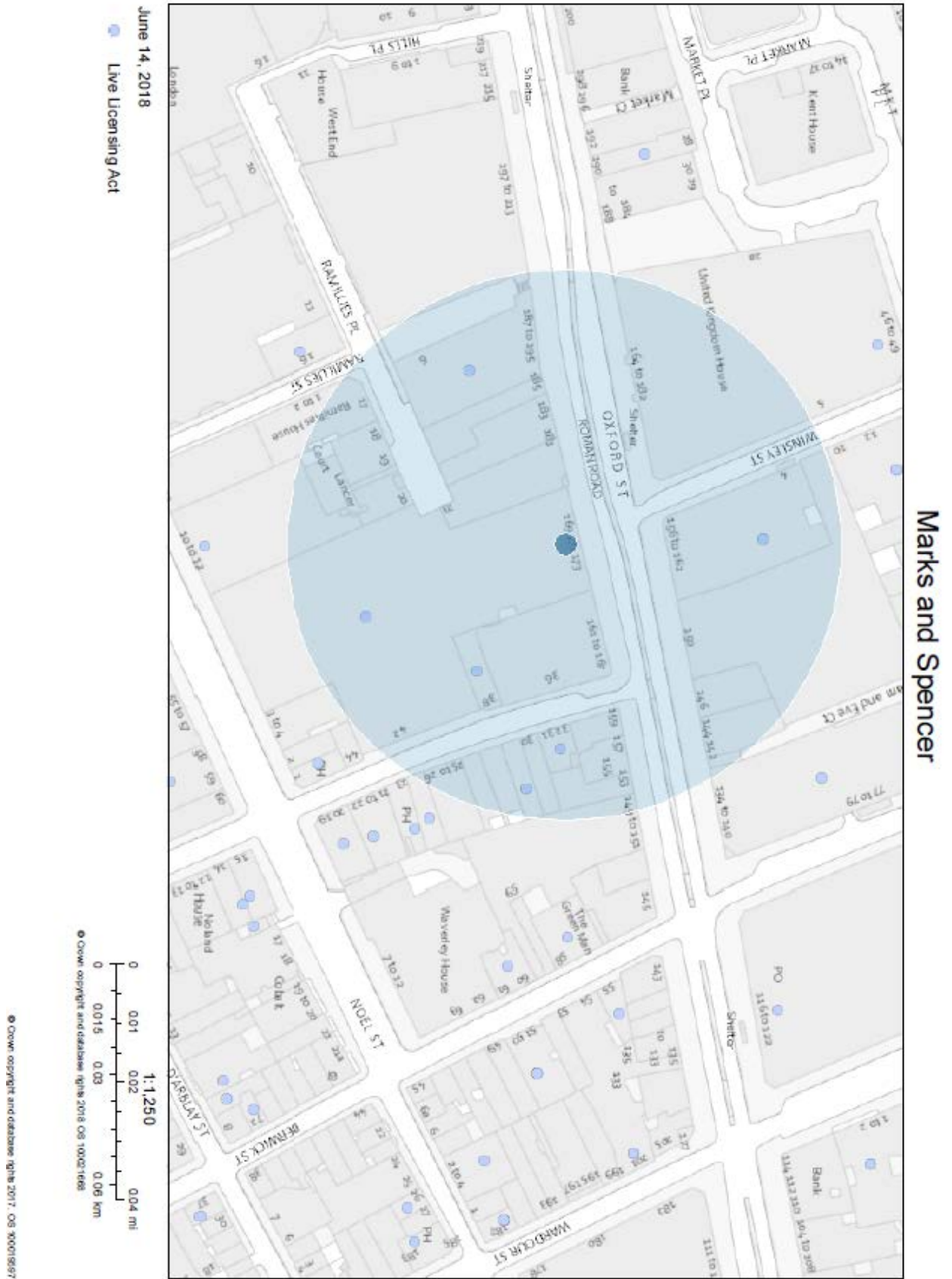
***Police propose condition 12 be amended, agreed by applicant***

12. 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.
13. Alcohol shall be displayed in a responsible manner and be subject to appropriate systems of security and supervision by staff, CCTV or a combination of both.

***Additional conditions proposed by the Police, agreed by the applicant***

14. 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.
15. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.

**Residential Map and List of Premises in the Vicinity**



**Premises within 75 metres of: Marks & Spencer, 169 – 173 Oxford Street, London, W1D 2JR**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Licensed Hours</b>
08/05298/LIPT	The Chippy	Ground Floor 38 Poland Street London W1F 7LY	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
14/04881/LIPVM	China White	Mappin House 4 Winsley Street London W1W 8HF	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 23:00
16/06154/LIPT	McDonald's	185-187 Oxford Street London W1D 2JU	Thursday to Saturday; 05:00 - 01:00 Sunday to Wednesday; 05:00 - 00:00
06/07045/WCC	Arirang Korean Restaurant	31-32 Poland Street London W1F 8QN	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
16/10148/LIPVM	Corazon	Ground Floor 29 Poland Street London W1F 8QN	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00

Item No:	
Date:	28 June 2018
Licensing Ref No:	18/04834/LIPN - New Premises Licence
Title of Report:	Co-Operative 108 Westbourne Grove London W2 5RU
Report of:	Director of Public Protection and Licensing
Wards involved:	Bayswater
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mrs Shannon Pring Senior Licensing Officer
Contact details	Telephone: 020 7641 3217 Email: <a href="mailto:spring3@westminster.gov.uk">spring3@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	30 April 2018		
<b>Applicant:</b>	Co-operative Group Food Limited		
<b>Premises:</b>	Co-Operative		
<b>Premises address:</b>	108 Westbourne Grove London W2 5RU	<b>Ward:</b>	Bayswater
		<b>Cumulative Impact Area:</b>	Bayswater
<b>Premises description:</b>	The applicant proposed to operate the premises as a convenience store with a sales area of 2253 Sq Ft. The licence is sought to enable the applicant to sell alcohol for consumption off the premises.		
<b>Premises licence history:</b>	This is a new premises licence application; however, the premises has previously operated as a Carluccio's restaurant. The premises currently benefits from a premises licence (18/06350/LIPT).		
<b>Applicant submissions:</b>	The applicant, following discussions with the Licensing Authority has amended their application so that proposed licensable hours for the sale by retail of alcohol on Sunday meet the Council's Core Hours Policy (HRS1). Prior to the publication of this report, the applicant has not provided any further documentation in support of the application.		
<b>Current planning permission</b>	The current planning permission for this premises has not yet been determined. The reference number is 18/02532/FULL.		

1-B Proposed licensable activities and hours							
<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Off
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	08:00	08:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00

<b>Application amended - Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Off
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	08:00	10:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	22:30

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	07:00	07:00	07:00	07:00	07:00	07:00	07:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Ms Daisy Gadd
<b>Received:</b>	24 May 2018
<p>I write in relation to the application submitted for a New Premises Licence for 108 Westbourne Grove.</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"> <li>• Public Nuisance</li> <li>• Prevention of Crime &amp; Disorder</li> <li>• Public Safety</li> <li>• Protection of children from harm</li> </ul> <p>This application seeks the following:</p> <ul style="list-style-type: none"> <li>• Sale by retail of alcohol for consumption off the premises Monday to Sunday from 08:00 to 23:00.</li> </ul> <p>The premises is located within the Bayswater Cumulative Impact area and as such various policy points must be considered, namely CIP1, HRS1 and OS2.</p> <p>At present, the operating hours applied for licensable activities currently fall outside of Westminster's core hours. For premises for the supply of alcohol for consumption off the premises, Westminster's core hours are as follows:</p> <p>Monday to Saturday: 08:00 to 23:00            Sunday: 10:00 to 22:30</p> <p>The Licensing Authority would encourage the applicant to consider reducing the operating hours for licensable activities to be in line with those of Westminster's core hours.</p> <p>The Licensing Authority acknowledges that the applicant has offered conditions that go some way in mitigating the potential adverse effects on the licensing objectives, however the applicant must demonstrate that they will not add to cumulative impact in the Cumulative Impact Area. Unless the applicant can satisfy the concerns of the Licensing Authority by demonstrating that the application will not add to cumulative impact if granted, it will be for Licensing Sub-Committee Members to determine this application, given its location with the Bayswater Cumulative Impact area.</p> <p>Please accept this as a formal representation.</p>	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Dave Nevitt
<b>Received:</b>	18 May 2018

The premises is located in the Queensway/Bayswater Cumulative Impact Area.

The application seeks hours for the Sale of Alcohol which exceed the Core Hours as defined by the City Council's Licensing Policy. I recommend that the application is amended with respect to the hours sought for Sundays to match the Core Hours for 'Off' Sales:

Sundays 1000hrs-2230hrs

The application includes some proposed conditions and I make the following comments:

Conditions 1.1 – 1.7 should be replaced with:

MC01 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.

MC02 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.

Conditions 2.1 and 2.2 should be replaced with:

MC47 A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

Conditions 3.1 – 3.3 should be discussed with the Police who may prefer MC48 and/or MC49.

Condition 4.1 should be replaced with:

MC29 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.

Condition 5.1 should be replaced with:

MC31 No more than (15)% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.

Condition 5.2 should be replaced with:

MC32 There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.

Condition 5.3 should be replaced with:

MC28 Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked



grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.

Condition 5.4 should be discussed with the Police

I also propose the following Conditions:

MC17 All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

MC27 All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.

MC33 Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.

MC35 No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.

MC43 No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) on the following day.

MC65 No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.

MC81 No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Reaz Guerra
<b>Received:</b>	11 April 2018

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Prevention of Crime and Disorder and Protection of children from harm objectives.

The venue is situated in the Queensway/Bayswater Cumulative Impact, a locality where there is traditionally high crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

The hours sought exceed Westminster's Core Hours Policy.

There is insufficient detail within the operating schedule to promote the Licensing Objectives.

An officer from this unit will be in contact with you shortly to discuss the application. However it is for the applicant to prove that this application will not add to the problems already experienced in this area.

It is for these reasons that we are objecting to the application.

<b>2-B Other Persons</b>	
<b>Representation 1</b>	
<b>Received:</b>	15 May 2018
<p>As a resident of the building and living right above the proposed location I would like to object to this application for the following reasons:</p> <p>Increased noise from deliveries to the residents. Frequent out of hours deliveries are very likely to be a nuisance to residents in the floors above.</p> <p>Increased noise from additional footfall.</p> <p>Inadequate provision for deliveries. Deliveries to a supermarket through the garage, which is primarily for residential use is not feasible, particularly as this may not occur during work hours. The garage is not staffed out of hours, and deliveries to existing restaurants leave garage doors open for large periods of time, posing a security risk.</p> <p>Increased amounts of rubbish. The building already has several restaurants, which generate large amounts of rubbish; bin rooms are already full to capacity.</p>	
<b>Representation 2</b>	
<b>Received:</b>	16 May 2018
<p>As a resident of the building I would like to object to this application for the following reasons:</p> <p>Increased noise from deliveries to the residents. Frequent out of hours deliveries are very likely to be a nuisance to residents in the floors above.</p> <p>Increased noise from additional footfall. There is likely to be a substantial increase in footfall at all times.</p> <p>Inadequate provision for deliveries. Deliveries to a supermarket through the garage, which is primarily for residential use is not feasible, particularly as this may not occur during work hours. The garage is not staffed out of hours, and deliveries to existing restaurants leave garage doors open for large periods of time, posing a security risk.</p> <p>Increased amounts of rubbish. The building already has several restaurants, which generate large amounts of rubbish; bin rooms are already full to capacity.</p>	
<b>Representation 3</b>	
<b>Received:</b>	16 May 2018
<p>I own a flat at the Gate Apartments block, right above the address property where an application to set up a Co-operative supermarket has been made.</p> <p>I am writing to ask the Westminster Council to refuse this planning application from Co-operative Group Food Limited. Herein are my comments and objections regarding this project:</p> <ul style="list-style-type: none"> <li>-The Supermarket will increase the noise on an already busy and congested road such as Westbourne Grove. This will lead to a loss of privacy and will certainly impact on the peaceful enjoyment of our properties.</li> <li>-This Supermarket might also increase the risk of security because there is not an adequate provision for deliveries. This might create an obstacle to the primary purpose of the garage,</li> </ul>	

which is for residential use, by blocking the garage doors with trucks and vans or leaving the garage's doors opened for long period of time to let goods dropping.  
-Last but not least is the rubbish problem. Waste will for sure increase and since there is insufficient space for waste, this might create not only a rubbish issue but also a hygiene issue.

#### Representation 4

**Received:** 25 May 2018

3:06 PM on 25 May 2018 As a resident of the building I would like to object to this application for the following reasons:

Increased noise from deliveries to the residents. Frequent out of hours deliveries are very likely to be a nuisance to residents in the floors above.

Increased noise from additional footfall. There is likely to be a substantial increase in footfall at all times.

Inadequate provision for deliveries. Deliveries to a supermarket through the garage, which is primarily for residential use is not feasible, particularly as this may not occur during work hours. The garage is not staffed out of hours, and deliveries to existing restaurants leave garage doors open for large periods of time, posing a security risk.

Increased amounts of rubbish. The building already has several restaurants, which generate large amounts of rubbish; bin rooms are already full to capacity.

#### Representation 5

**Received:** 21 May 2018

We object to this licence as hours applied for on Sundays (& bank holidays) are outside WCC 'core hours'

We would require hours to be reduced to 10.00 to 22.30 on Sundays and Bank Holidays.

We have concern on deliveries & refuse/recycling to premises as right by bus stop but are facilities opposite & in adjacent Hereford Road where hours would need to be in line with present parking arrangements ( Monday to Friday 8.30 am to 6.30 pm and Saturdays 8.30 am to 1.30 pm and none on Sundays & bank holidays) planning application presently under consideration very good on loading proposals.

As always happy to discuss matter with applicant or their agent or meet up on site if necessary and hopefully hearing will not be necessary

We do not wish sale of 'miniatures' 20cc of alcohol to be sold as street drinking problem etc.

We note recent licence granted by WCC to the Co-operative at Merchant Square W2 and many 'model' conditions on that applicable - especially as similar circumstances with residential units over shop unit.

Assume usual conditions on CCTV etc.

Await to see EH & Police conditions to check everything covered

#### Representation 6

**Received:** 23 May 2018

Our building is not ready and built to support a supermarket. First, We have already reach the limit in terms of waste storage with Cote Brasserie, some galleries and other shops. Without the permanent pressure of residents on commercial activities, we will be out of basic hygienic rules as rubbish capacities are well undersized for the existing activities and I do not see how it can face the additional charge of a supermarket. Second, supermarket deliveries are at any time of the day will seriously increase noise disturbances at night and will significantly complicate the traffic on Westbound Grove or Hereford road. Lastly, we are facing more and more security issues as shop staff are not respecting basic safety rules, such as closing street doors or parking access. For all these points, I believe that a supermarket activity is not compatible with the family values, such as safety, cleanliness and calm that we try to protect in our residence.

### **Representation 7**

**Received:** 24 May 2018

As a resident of the building I would like to object to this application for the following reasons: Increased noise from deliveries to the residents. Frequent out of hours deliveries are very likely to be a nuisance to residents in the floors above.

Increased noise from additional footfall. There is likely to be a substantial increase in footfall at all times.

Inadequate provision for deliveries. Deliveries to a supermarket through the garage, which is primarily for residential use is not feasible, particularly as this may not occur during work hours. The garage is not staffed out of hours, and deliveries to existing restaurants leave garage doors open for large periods of time, posing a security risk.

Increased amounts of rubbish. The building already has several restaurants, which generate large amounts of rubbish; bin rooms are already full to capacity.

### **Representation 8**

**Received:** 14 May 2018

As a resident of the building I would like to object to this application for the following reasons: Increased noise from deliveries to the residents. Frequent out of hours deliveries are very likely to be a nuisance to residents in the floors above.

Increased noise from additional footfall. There is likely to be a substantial increase in footfall at all times.

Inadequate provision for deliveries. Deliveries to a supermarket through the garage, which is primarily for residential use is not feasible, particularly as this may not occur during work hours. The garage is not staffed out of hours, and deliveries to existing restaurants leave garage doors open for large periods of time, posing a security risk.

Increased amounts of rubbish. The building already has several restaurants, which generate large amounts of rubbish; bin rooms are already full to capacity.

Received: 4:09 PM on 25 May 2018

I would like to add a supplement to the objection I submitted on 14th May 2018.

I have a particular concern around deliveries to the proposed convenience store; my flat is on the first floor and has bedrooms that face onto Hereford road; one possible area where deliveries will take place. There are already a number of deliveries during the week which are a nuisance, especially larger refrigerated vehicles that are parked for long periods of time -

these are so noisy that we have to keep our windows closed during these times. A convenience store will increase the number of deliveries and therefore noise.

In addition, delivery vehicles will be competing for the very small space in this area which is often occupied by other cars, and it's not clear whether any contingency delivery area is available in case the Hereford road area is not usable (for example, this is currently closed off to carry out pavement works along Hereford road).

I am also very concerned that the main entrance to our building will frequently have delivery vehicles standing in front of it. It is not clear how delivered goods will be moved to the convenience store from drop off, having trolleys rolled across the narrow pavement will be both noisy and unsightly, and going through the garage in the building (as I have raised previously) is a security concern and likely to be disruptive to residents.

We already have an issue with staff from commercial units smoking and leaving trash outside the residential entrance, and the large number of staff (including delivery) that will be required for a convenience store I believe will exacerbate this problem.

Finally, I would like to add that myself and my wife are the owners of [REDACTED] in this building, which is currently rented out. We are concerned that the noise and issues raised above will be detrimental to the rental prospects of our property.

#### Representation 9

<b>Received:</b>	15 May 2018
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As a resident of the building I would like to object to this application for the following reasons: Increased noise from deliveries to the residents. Frequent out of hours deliveries are very likely to be a nuisance to residents in the floors above.

Increased noise from additional footfall. There is likely to be a substantial increase in footfall at all times.

Inadequate provision for deliveries. Deliveries to a supermarket through the garage, which is primarily for residential use is not feasible, particularly as this may not occur during work hours. The garage is not staffed out of hours, and deliveries to existing restaurants leave garage doors open for large periods of time, posing a security risk. Increased amounts of rubbish. The building already has several restaurants, which generate large amounts of rubbish; bin rooms are already full to capacity.

#### Representation 10

<b>Received:</b>	24 May 2018
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We are writing to you as SEBRA members as well as members of the Hereford Road Association and the Hereford Mansions Residents association. We object to this application for a licence on all the same grounds as fully outlined in [REDACTED] email message to you dated May 21, 2018. Hereford Road is mainly a residential street, with family homes with children, busy professionals, and houses for vulnerable people. We are in a designated stress area, as well as a conservation area, and people need their sleep at night and some peace and quiet during the daytime. The HRA has over 100 members, and the Hereford Mansions Residents Association represents the residents of 16 freehold flats, which are all occupied, some by elderly people. Extending the licensing hours would cause distress with all the extra noise involved, and street drinking could create a public nuisance and pose a danger to small children, of which there are many in this neighbourhood.

We fully endorse SEBRAs concerns about deliveries in Hereford Road, which is already very congested especially near the junction with Westbourne Grove.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies</b>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> <p>For premises for the supply of alcohol for the consumption off the premises:</p> <p>Monday to Saturday: 08:00 to 23:00 Sundays: 10:00 to 22:30</p>
<b>Policy CIP1 applies</b>	<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>
<b>Policy OS2 applies</b>	<p>Applications will be granted subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.</p>

### 4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

## 5. Appendices

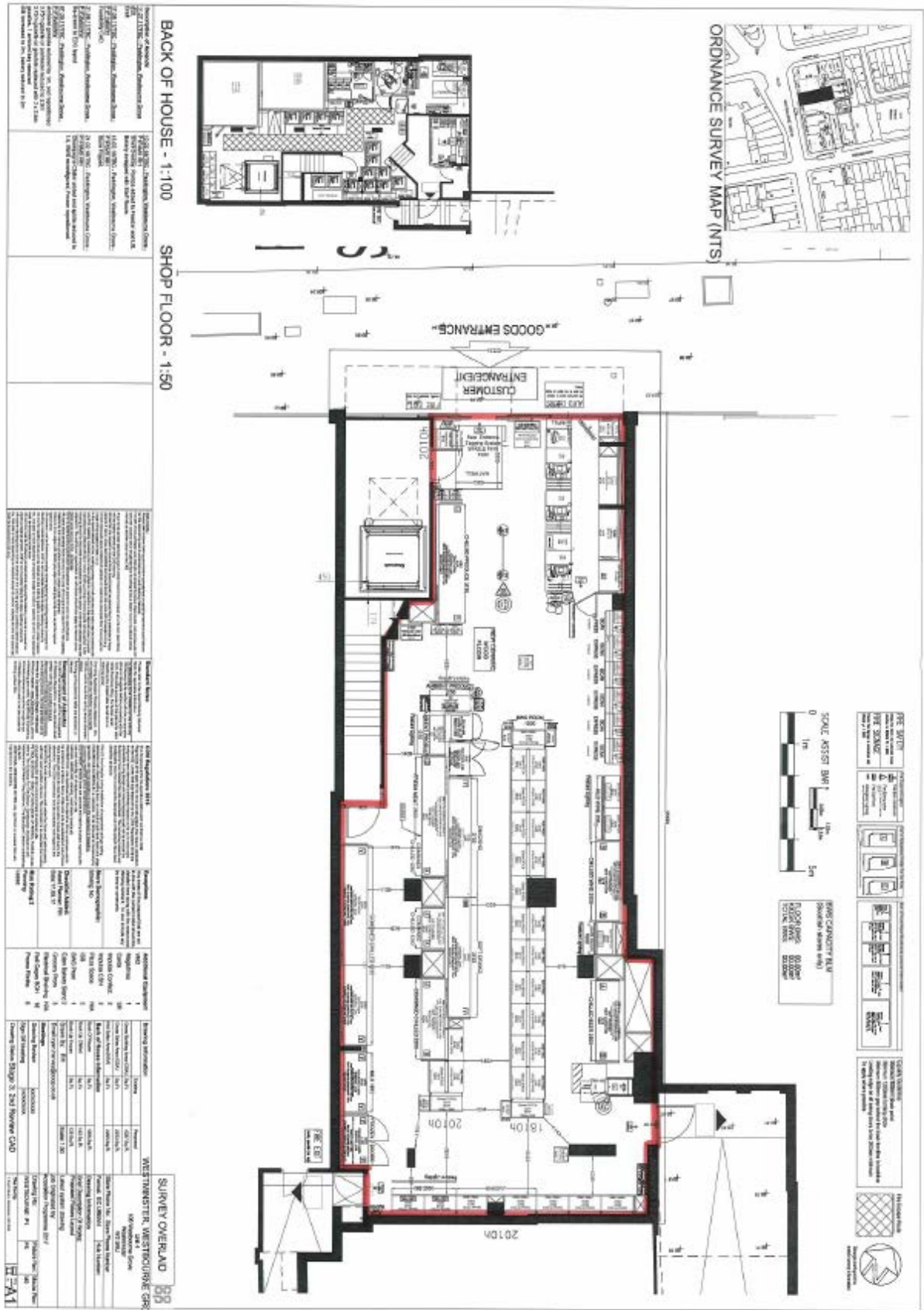
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Mrs Shannon Pring Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 3217 Email: spring3@westminster.gov.uk

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Licensing Authority	24 May 2018
<b>5</b>	Environmental Health Service	18 May 2018
<b>6</b>	Metropolitan Police Service	11 April 2018
<b>7</b>	Representation 1	15 May 2018
<b>8</b>	Representation 2	16 May 2018
<b>9</b>	Representation 3	16 May 2018
<b>10</b>	Representation 4	25 May 2018
<b>11</b>	Representation 5	21 May 2018
<b>12</b>	Representation 6	23 May 2018
<b>13</b>	Representation 7	24 May 2018
<b>14</b>	Representation 8	14 May 2018
<b>15</b>	Representation 9	15 May 2018
<b>16</b>	Representation 10	24 May 2018





There are no supporting documents from the Applicant.

This is a new premises licence application with a different operator and operation; however, the premises has previously operated as a Carluccio's restaurant since 2005. The premises history is as follows:

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/09639/LIPN	Application for a new premises licence	08/11/2005	Granted by Licensing Sub-Committee
06/00564/LIPDPS	Application to vary the designated premises supervisor	28/02/2006	Granted under Delegated Authority
06/08580/LIPDPS	Application to vary the designated premises supervisor	12/09/2006	Granted under Delegated Authority
06/10268/LIPDPS	Application to vary the designated premises supervisor	23/10/2006	Granted under Delegated Authority
07/06514/LIPDPS	Application to vary the designated premises supervisor	17/09/2007	Granted under Delegated Authority
07/08743/LIPDPS	Application to vary the designated premises supervisor	02/11/2007	Granted under Delegated Authority
07/10512/LIPDPS	Application to vary the designated premises supervisor	02/11/2007	Granted under Delegated Authority
08/02211/LIPDPS	Application to vary the designated premises supervisor	07/03/2008	Granted under Delegated Authority
06/09235/WCCMAP	Master Licence	15/04/2008	Granted under Delegated Authority
08/06292/LIPCH	Application to change the Premises Licence Holder details	26/06/2008	Granted under Delegated Authority
09/03598/LIPDPS	Application to vary the designated premises supervisor	22/05/2009	Granted under Delegated Authority
10/08672/LIPDPS	Application to vary the designated premises supervisor	12/11/2010	Granted under Delegated Authority

11/00021/LIPCH	Application to vary the designated premises supervisor	04/01/2011	Granted under Delegated Authority
11/05007/LIPDPS	Application to vary the designated premises supervisor	03/06/2011	Granted under Delegated Authority
11/07503/LIPDPS	Application to vary the designated premises supervisor	03/08/2011	Granted under Delegated Authority
12/03460/LIPDPS	Application to vary the designated premises supervisor	18/05/2012	Granted under Delegated Authority
13/04605/LIPVM	Application for a minor variation	17/07/2013	Granted under Delegated Authority
14/01429/LIPDPS	Application to vary the designated premises supervisor	03/03/2014	Granted under Delegated Authority
14/09128/LIPDPS	Application to vary the designated premises supervisor	11/02/2015	Granted under Delegated Authority
15/12081/LIPDPS	Application to vary the designated premises supervisor	22/02/2016	Granted under Delegated Authority
16/13905/LIPDPS	Application to vary the designated premises supervisor	20/03/2017	Granted under Delegated Authority
18/00110/LIPDPS	Application to vary the designated premises supervisor	22/02/2018	Granted under Delegated Authority
18/06350/LIPT	Application to transfer the premises licence	20/06/2018	Granted under Delegated Authority

## **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. A CCTV system shall be installed and maintained at the premises which gives coverage of all areas, including the entrance and exit, to which the public have access.
- 7. The CCTV system shall be recording at all times the licensable activities are taking place at the premises.
- 8. The CCTV system shall provide clear images at all times.
- 9. The CCTV footage shall be retained for a minimum of 31 days.

10. A member of staff must be present at the premises at all times when open to the public who can operate the CCTV system and provide copies of images on request to the Police or an authorised Officer of the Council.
11. CCTV images shall record the correct date and time, such information shall be checked regularly to ensure accuracy.
12. CCTV images must be retained in an easily downloadable format.

**Proposed amendment by Environmental Health – Conditions 6-12 be replaced by the following two conditions:**

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.

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. The premises shall operate an age verification scheme, such as Challenge 25, whereby any person attempting to buy alcohol who appears to be under the relevant age shall be asked for identification.
14. The only forms of identification which shall be acceptable for the purposes of age verification shall be a valid passport, a UK driving licence with photograph, photographic military identification or a Proof of Age card bearing the PASS hologram or any other form of identification from time to time approved by the Secretary of State.

**Proposed amendment by Environmental Health – Conditions 13-14 be replaced by:**

A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

15. An incident log (whether kept in written or electronic form) shall be retained at the premises and shall be made available on request to the Police or an authorised Officer of the Council.
16. Incidents must be recorded in the log within 24 hours of their occurrence. The incident log shall record:
  - i. all crimes reported to the premises
  - ii. any faults in the CCTV system
  - iii. any refusal to sell alcohol ; and

- iv. any visit by a Responsible Authority in connection with the licensable activity conducted the premises.

**Proposed amendment by Environmental Health – Conditions 15-16 be replaced by either of the following conditions:**

A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.

An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system, searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

17. No beer, lager or cider with an ABV of 5.5% or more shall be sold at the premises save that this prohibition shall not apply to premium beer, lager or cider.

**Proposed amendment by Environmental Health – Conditions 17 be replaced by:**

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.

18. All relevant staff shall be trained in relation to their responsibilities under the Licensing Act 2003.
19. Training Records shall be correct and made available for inspection upon receipt of request from the Police or an Authorised Officer of the Licensing Authority.
20. No more than 15% of the sales area shall be used at any one time for the sale or display of alcohol.

**Proposed amendment by Environmental Health – Condition 20 to be replaced by:**

No more than (15)% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.

21. There shall be no self-service of spirits on the premises save that this prohibition shall not apply to spirit mixtures.

**Proposed amendment by Environmental Health – Condition 21 to be replaced by:**

There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.

22. Outside of the hours permitted for the sale of alcohol, and whilst the premises are open to the public, the Premises Licence Holder shall ensure that all alcohol on display in the premises is secured behind locked screens or cabinet doors so as to prevent access by customers.

**Proposed amendment by Environmental Health – Condition 22 to be replaced by:**

Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.

23. On the Sunday and Monday of the Notting Hill Carnival the following conditions will apply:
- i. There shall be no sale of alcohol in glass bottles, save that this prohibition shall not apply to wine.
  - ii. There shall be no external advertising of alcohol promotions at the premises.
  - iii. The sale of alcohol shall cease at 20:00hrs.

**Proposed amendment by the Police – Condition 23 to be replaced by:**

On the Sunday and Monday of the Notting Hill Carnival:

- a) There will be no sale of alcohol in glass vessels from the premises; and
  - b) There will be no external advertisement of alcohol promotions at the premises.
  - c) There shall be no sale of alcohol from the premises after 20:00 hours.
24. A notice must be displayed in the premises explaining that it is an offence for persons under the age of 18 to purchase alcohol.
25. A panic alarm and system shall be installed and maintained at the premises.
26. A burglar alarm system shall be installed and maintained at the premises.
27. An electronic till prompt system shall be installed and maintained at the premises which reminds staff to ask for age verification.
28. No spirit measures of less than 20cl shall be sold at the premises, save that this prohibition shall not apply to mixed spirits.

**Proposed amendment by SEBRA – Condition 28 to be replaced by:**

No spirit measures of less than 20cl shall be sold at the premises.

29. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a public nuisance.
30. 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.

**Proposed amendment by Environmental Health – Condition 30 to be replaced by:**

No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.

31. 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.



**Proposed amendment by Environmental Health – Condition 31 to be replaced by:**

No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

32. The inspection of the premises shall be concluded within 3 working days of Environmental Health Consultation Team being notified by the Premises Licence Holder that the premises is about to open.
33. Environmental Health Consultation Team 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.
34. If Environmental Health Consultation Team do not fulfil the requirements of 8.2 and 8.3 then the Premises Licence Holder may, in any event, conduct licensable activities.

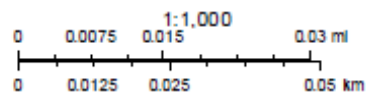
**Conditions proposed by the Environmental Health**

35. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
36. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
37. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
38. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.
39. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) on the following day.

### Co-op, 108 Westbourne Grove



June 15, 2018



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Resident count: 177

<b>Premises with a 75 metre radius of Co-Operative, 108 Westbourne Grove, W2 5RU</b>				
<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
18/00110/LIPDPS	Carluccios	Unit 3 108 Westbourne Grove London W2 5RU	Restaurant	Monday to Saturday; 08:00 - 00:30   Sunday; 09:00 - 00:00
14/07833/LIPN	Perfetto	Basement Floor And Ground Floor 112 Westbourne Grove London W2 5RU	Cafe	Monday to Saturday; 07:00 - 23:30   Sunday; 07:00 - 23:00
17/04791/LIPDPS	Cote	Unit 7 98 Westbourne Grove London W2 5RU	Restaurant	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 23:00   Sundays before Bank Holidays; 12:00 - 23:30
17/09071/LIPCHD	Pomona's	The Commander 47 Hereford Road London W2 5AH	Restaurant	Monday to Wednesday; 08:00 - 23:30   Thursday to Friday; 08:00 - 00:00   Saturday; 09:00 - 00:00   Sunday; 09:00 - 23:00   Sundays before Bank Holidays; 09:00 - 00:00
16/07092/LIPDPS	Commander	The Commander 47 Hereford Road London W2 5AH	Restaurant	Monday to Wednesday; 10:00 - 23:30   Thursday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 23:00   Sundays before Bank Holidays; 12:00 - 00:00
16/01914/LIPN	Not Recorded	Basement And Ground Floor 115 Westbourne Grove London W2 4UP	Restaurant	Monday to Sunday; 10:00 - 23:30
15/08481/LIPT	Otto Pizza	6 Chepstow Road London W2 5BH	Restaurant	Monday to Friday; 12:00 - 15:00   Monday to Friday; 17:30 - 23:00   Saturday; 12:00 - 23:00   Sunday; 12:00 - 22:00

16/09990/LIPDPS	Franco Manca	111 Westbourne Grove London W2 4UW	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
06/11786/WCCMAP	Rodizio Rico	111 Westbourne Grove London W2 4UW	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
15/00554/LIPDPS	Sainsbury's	Grove House 88 - 94 Westbourne Grove London W2 5RT	Shop	Monday to Sunday; 07:00 - 23:00
16/03507/LIPN	Sainsburys Supermarkets Limited	Grove House 88 - 94 Westbourne Grove London W2 5RT	Food store (large)	Monday to Sunday; 07:00 - 23:00
16/10441/LIPDPS	Sainsburys Supermarkets Limited	Grove House 88 - 94 Westbourne Grove London W2 5RT	Food store (large)	Monday to Sunday; 07:00 - 23:00
18/03332/LIPDPS	Shack 107	107 Westbourne Grove London W2 4UW	Restaurant	Monday to Saturday; 12:00 - 00:00   Sunday; 12:00 - 23:00
06/11814/WCCMAP	Durbar Tandoori Restaurant	24 Hereford Road London W2 4AA	Restaurant	Monday to Saturday; 12:00 - 00:30   Sunday; 12:00 - 00:00