



City of Westminster

Licensing Sub-Committee Report

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: seaton@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	19 April 2018		
Applicant:	Double Five Hospitality Limited		
Premises:	North Audley Canteen		
Premises address:	41 North Audley Street London W1K 6ZP	Ward:	West End
		Cumulative Impact Area:	No
Premises description:	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.		
Variation description:	<p>To vary the existing premises licence so as to:</p> <ol style="list-style-type: none"> 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; 2) Increase the opening hours to 30 minutes beyond the permitted hours; 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; 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"> - Fixed seating - Bar counters - Private forecourt 		
Premises licence history:	The premises have benefitted from a premises licence since the conversion of the licence in October 2005. A full history can be found at Appendix 4 .		
Applicant submissions:	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 Appendix 2 .		
Current Planning Permission:	A copy of the planning permission (Reference: 17/04798/TCH) relating to the outside area can be found at Appendix 3 .		

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						
Seasonal variations:	Current:				Proposed:	
	None				None	
Non-standard timings:	Current:				Proposed:	
	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			23:00	00:00		
Friday						
Saturday						
Sunday			N/A	N/A		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	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	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			Both		Both	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	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.
Tuesday						
Wednesday						
Thursday						
Friday			10:00	00:00		
Saturday						
Sunday	12:00	22:30	10:00	23:00		
Seasonal variations/ Non-standard timings:	Current:			Proposed:		
	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		

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	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.
Tuesday						
Wednesday						
Thursday						
Friday			10:00	00:30		
Saturday						
Sunday	12:00	23:00	10:00	23:30		
Seasonal variations/ Non-standard timings:	Current:			Proposed:		
	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		

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

1-D Conditions being varied, added or removed	
Condition	Proposed variation
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"> (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). <p>NOTE - The above restrictions do not prohibit:</p> <ul style="list-style-type: none"> (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 	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>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.</p>

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Mrs Sally Fabbriatore
Received:	16 th May 2018
Status:	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"> 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. 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. 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. 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. 5. To remove conditions 9-12 and replace with conditions detailed in the Operating Schedule. 6. To change the layout as detailed in the plan. <p>I wish to make the following representations in relation to the above application:</p> <ol style="list-style-type: none"> 1. The increase in hours of the Supply of Alcohol may have the likely effect of causing an increase in Public Nuisance in the area. 	

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.”

Responsible Authority:	Metropolitan Police Service
Representative:	PC Sandy Russell
Received:	27 th April 2018
Status:	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 6th June 2018. The agreed conditions can be found at **Appendix 5**.

2-B Other Persons	
Representation 1	
In support or opposed:	Opposed
Received:	10 th May 2018
<p>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.</p> <p>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.</p> <p>Strongly opposed.</p>	
Representation 2	
In support or opposed:	Opposed
Received:	27 th April 2018
<p>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.</p>	
Representation 3	
In support or opposed:	Support

Received:	18 th 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:	
Policy HRS1 applies:	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
Policy PB1 applies:	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

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

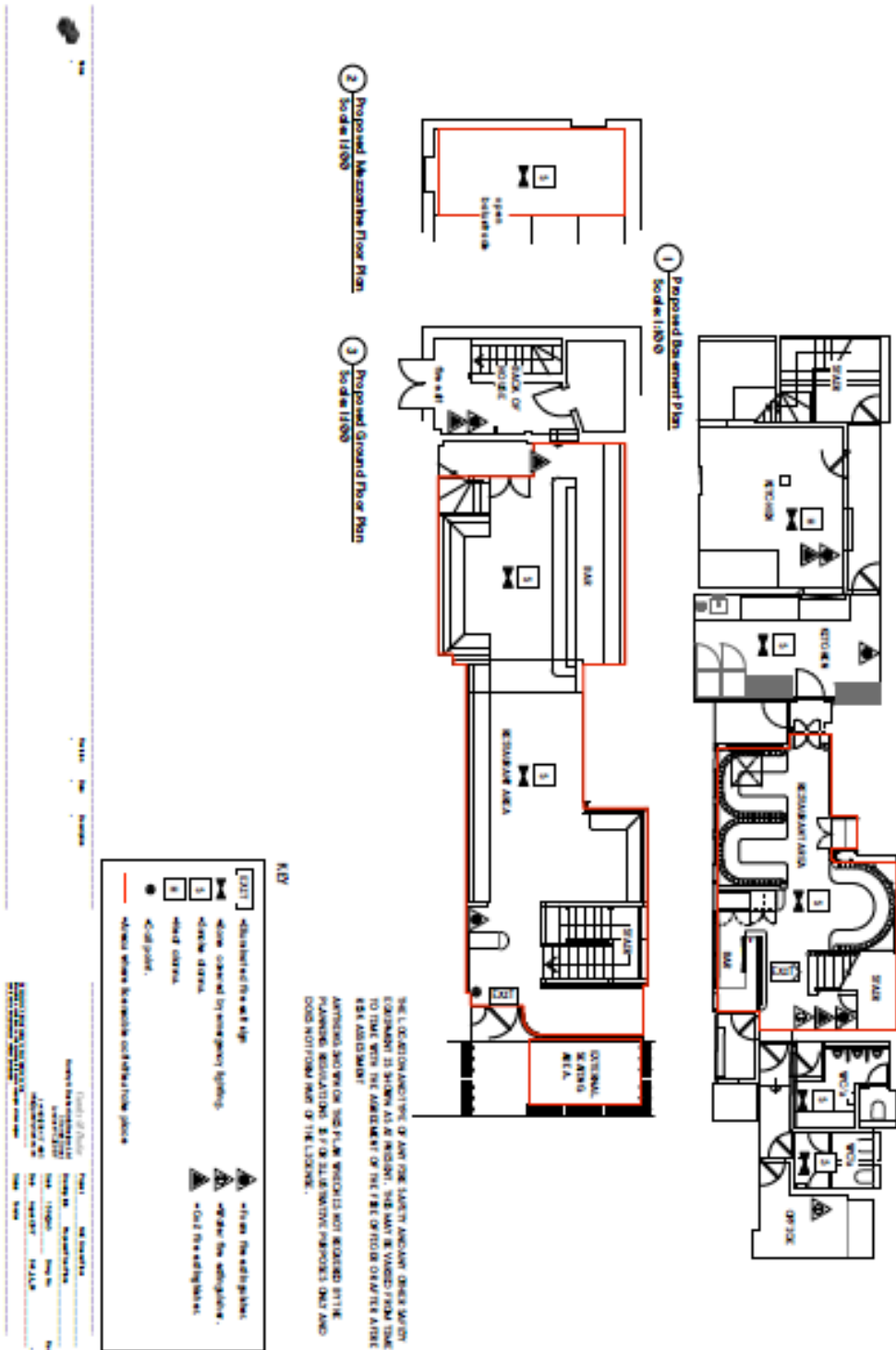
Report author:	Miss Sam Eaton Senior Licensing Officer
Contact:	Telephone: 020 7641 2700 Email: seaton@westminster.gov.uk

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

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

Premises Plans



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 12th, 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

NAC Mayfair
41 North Audley Street, Mayfair,
London W1K 2P
T: +44 (0) 20 7493 3443
naclondon.co.uk



Ms Dolores Rose
Sent by email via WCC Licensing

June 12th, 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

NAC Mayfair
41 North Audley Street, Mayfair,
London W1K 2P
T: +44 (0) 20 7493 3443
naclondon.co.uk



Miss Ellen Van Den Broek
Sent by email via WCC Licensing

June 12th, 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

NAC Mayfair
41 North Audley Street, Mayfair,
London W1K ZP
T: +44 (0) 20 7493 3443
naclondon.co.uk

Current Planning Permission

Appendix 3

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)

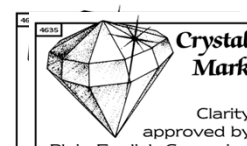
- 5 This use of the pavement may continue until 31 August 2019. You must then remove the tables and chairs. (C25DA)

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:

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- 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)

Note:

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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*

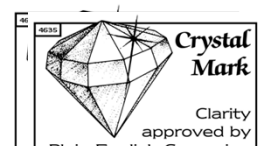
If your application has been **refused** by the City Council or **granted subject to conditions** that you are not happy with, you have the right to appeal to the Planning Inspectorate (under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Buildings and Conservation 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.

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.



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. 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

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

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 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/>

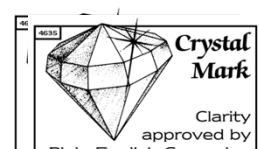
Land Drainage: Where major works are involved, Land Drainage Consent may be required under the Water Resources Act 1991 and Thames Region Land Drainage By Laws 1981. You are advised to contact the Environment Agency, Apollo Court ,2 Bishop's Square Business Park, St Albans Road West Hatfield AL10 9EX 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

Application	Details of Application	Date Determined	Decision
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.

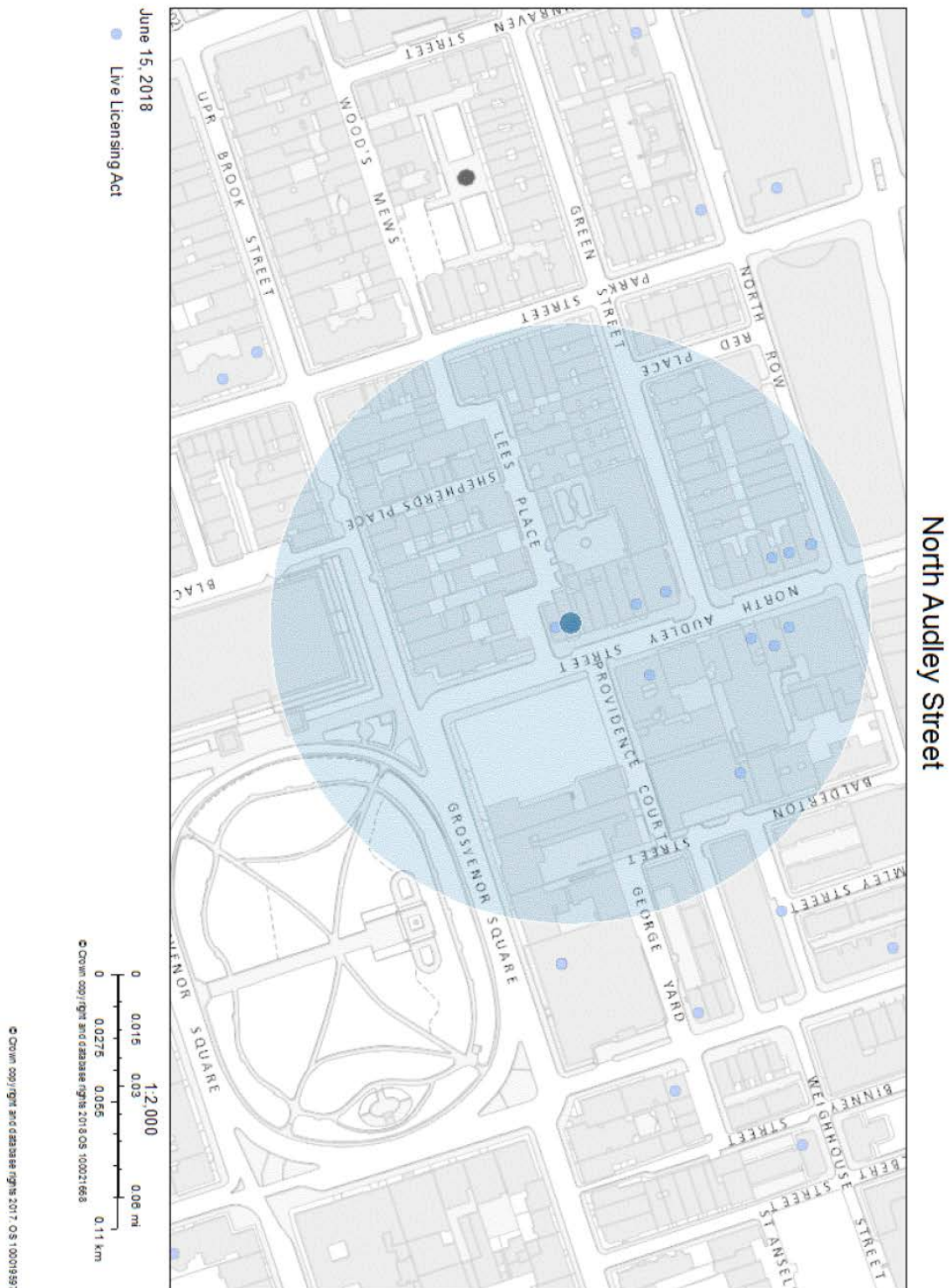
Conditions Proposed by Environmental Health Service and agreed with the applicant:

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