



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Licensing Ref No:	<b>14/07833/LIPN</b>
Date:	<b>20 November 2014</b>
Classification:	<b>For General Release</b>
Title of Report:	<b>Perfetto Ground Floor and Basement 112 Westbourne Grove London, W2 5RU</b>
Report of:	<b>Operational Director of Premises Management</b>
Policy context:	<b>City of Westminster Statement of Licensing Policy</b>
Financial summary:	<b>None</b>
Report Author:	<b>Miss Susan Patterson, Environmental Health Case Officer (Licensing)</b>
Contact Details:	<b>Telephone: 020 7641 2207 E-mail: <a href="mailto:spatterson@westminster.gov.uk">spatterson@westminster.gov.uk</a></b>

## APPLICATION DETAILS

<b>Application Type:</b>	A new premises licence application under the Licensing Act 2003.		
<b>Applicant:</b>	Alessandro Zavarise	<b>Date Application Received:</b>	16 September 2014 – valid from 23 September 2014
<b>Premises Name and Address:</b>	Perfetto, Ground Floor and Basement, 112 Westbourne Grove, London, W2 5RU		
<b>Ward Name:</b>	Bayswater	<b>Stress Area:</b>	Bayswater
<b>Description of Premises:</b>	<p>The application states that the premises will be operated as an Italian Deli/Bistro/Cafe.</p> <p>The premises comprises of a Basement Floor and Ground Floor.</p>		

*Note: Where the committee is minded to grant the licence it will be granted subject to the mandatory conditions and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives detailed in Appendix D to this report.*

### Proposed Licensable Activities, Proposed Hours:

#### **1.1 Sale of Alcohol: On and Off the premises**

Monday to Saturday 10:00 to 23:00  
Sunday 10:00 to 22:30

#### **1.2 Opening Hours:**

Monday to Saturday 07:00 to 23:30  
Sunday 07:00 to 23:00

*(Note: Opening hours are not a licensable activity under the Licensing Act 2003, however they can still be taken into consideration when assessing the application's effect on the licensing objectives.)*

	<b>Relevant representations and policies applicable:</b>	<b>References / Notes</b>
<b>1A</b>	The Environmental Health Service has made an adverse representation on the grounds of causing an increase in Public Nuisance and possible impact on Public Safety in the area. Conditions have been proposed to the applicants for their consideration. <b>Please refer to Appendix B.</b>	<b>Environmental Health Service representation</b>
<b>1B</b>	The Metropolitan Police Service had made an adverse representation to this application. They propose shorter hours be agreed and have proposed conditions to the applicants for consideration. <b>Please refer to Appendix B.</b>	<b>Metropolitan Police Service representation</b>
<b>1C</b>	3 local residents have made adverse representations to this application. They state that the application, if granted will create	<b>3 residential representations</b>

	<p>another bar/restaurant in the area creating additional public nuisance.1 states that there are sufficient restaurants in the area and that the premises does not have the appropriate ventilation and is attempting to avoid troublesome planning reclassification and do not have the relevant permissions. They state that the premises should be retail and was not intended for the use of preparing and selling food and beverages.</p> <p><b>1D</b> The Hereford Road Association have also made representation requesting that the application is refused as it is in a stress area, already saturated with licensed premises and contrary to policy, seeking permission for what could be a bar with food just "available" They have concerns over the nebulous nature of the private functions mentioned and question the need for a deli and cookery school to have alcohol sales to 23.00 hours. Additionally they say that the commencement licensed hour of 10.00 requested for Sunday is too early and that although the application refers to customers being seated there is no reference to waiter/waitress service. .</p> <p><b>1E</b> The following policies within the City Of Westminster Statement of Licensing Policy apply:</p> <p>Prevention of crime and disorder (CD1)  Public Safety (PS1)  Prevention of public nuisance (PN1)  Protection children from harm (CH1)  Hours (HRS1)  Stress Areas (STR1)  Public Houses and Bars in the Stress Area (PB2)  Restaurants within the Stress Area (RNT2)</p> <p><b>1F</b> <b>Policy HRS1 applies:</b> (i) Applications for hours within the core hours set out 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 in this policy will be considered on their merits, subject to other relevant policies and with particular regard to criteria set out in the policy:</p> <p><b>1G</b> <b>Policy STR1 Applies:</b></p> <p>(i) It is the Licensing Authority's policy to refuse applications in the Stress Areas for: pubs and bars; late night refreshment premises offering hot food and drink to take-away and premises offering facilities for music and dancing other than applications to vary hours within the Core Hours under Policy HRS1</p> <p>(ii) Applications for other licensable activities in the Stress Areas will be subject to other policies and must demonstrate that they will not add to cumulative impact in the Stress Areas.</p> <p>Policies STR1, FFP2 and PB2 and MD2 are intended to be strict and will only be overridden in genuinely exceptional circumstances. However, the Licensing Authority will not apply these policies inflexibly. It will always consider the individual circumstances of each application; even where an application is made for a proposal that is apparently contrary to policy.</p>	<p><b>1 Local amenity association representation</b></p> <p><b>Policies applicable</b></p>
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<p><b>1H</b></p> <p><b>1I</b></p> <p><b>1J</b></p> <p><b>1K</b></p>	<p><b>Policy HRS1 Applies:</b>  (i) Applications for hours within the core hours set out 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 in this policy will be considered on their merits, subject to other relevant policies and with particular regard to criteria set out in the policy:</p> <p><b>Policy PB2:</b>  It is the Licensing Authority's policy to refuse applications in the Stress Areas other than applications to vary hours within core hours under policy HRS1</p> <p><b>Policy RNT2 Applies:</b>  Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Stress Areas.</p> <p>The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:</p> <ul style="list-style-type: none"> <li>• prevention of public nuisance,</li> <li>• prevention of crime &amp; disorder,</li> <li>• public safety and</li> <li>• protection of children from harm.</li> </ul>	<p><b>Summary</b></p>
<p><b>Current Licensing Position</b></p>	<p>These premises do not hold a premises licence. Please refer to <b>Appendix A</b></p>	
<p><b>Residential Density:</b></p>	<p>298 of the 391 units within a 75m radius of the premises are residential, under construction or proposed residential, (76%), refer to <b>Appendix C</b>.</p>	
<p><b>Planning Position:</b></p>	<p>In June 2014 the planning department reported that:</p> <p>No.112 Westbourne Grove is a Grade II listed building located within the Westbourne Conservation Area. It is located within a designated District/Major shopping centre &amp; entertainment stress area. The property comprises ground &amp; basement retail unit, currently vacant but last occupied by Monsoon for Retail Class A1 purposes, which is its lawful planning use. Applications for planning permission, listed building consent and advertisement consent have recently been submitted which seek a change of use of the basement and ground floors from Class A1 retail to Class A3 restaurant (with hours of operation 0800-23.00 Monday to Saturday &amp; 08.00-22.30 on Sundays &amp; Bank Holidays), installation of replacement plant at roof level, internal alterations, painting of shop front and installation of externally illuminated fascia and projecting signs. The applications are currently under assessment.</p> <p><i>Update November 2014 the application was refused</i></p>	
<p><b>List of Appendices:</b></p>	<p>A – Premises Licence History  B - Conditions  C – Residential Map and list of premises in the vicinity</p>	

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

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7<sup>th</sup> January 2011)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (June 2013)
- Application form
- Plan
- Representations received
- Photos

**Licence & Appeal History**

There are no previous Licensing Act 2003 applications submitted by Alessandro Zavarise for these premises.

There was previously a licensing application for this premises for Bills restaurant which was withdrawn on 19/6/2014

## APPENDIX B

### 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.

#### Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
- 7. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

- 8.
  - (i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
  - (ii) For the purposes of the condition set out in paragraph 8(i) above -



- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) "permitted price" is the price found by applying the formula -
 
$$P = D + (D \times V)$$
 Where -
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- (iii) Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
  - (iv) (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
  - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**Conditions consistent with the operating schedule:**

- 9. The main use of the premises shall be a delicatessen with a food and wine school in which intoxicating liquor will only be sold or supplied for consumption on the premises to seated persons with the exception of:
  - i. up to a maximum of 6 persons standing at the Sommelier's bar counter
  - ii. up to a maximum of 4 persons at the cooking lessons/tasting table area
  - iii. persons attending a private function

**\*Alternative condition(s) proposed by Police Licensing Team;**

- 9a. *Sales of alcohol for consumption on the premises shall be ancillary to the operation of the premises as a delicatessen.*
- 9b. *The ground floor of the premises shall only operate where:-*
- (i) customers are shown to their table,*
  - (ii) food is prepared on the premises and served and consumed at the table using non disposable crockery and*
  - (iii) intoxicating liquor is only sold, supplied, or consumed 'on' the premises to persons who are bona fide eating food and provided always that the consumption of intoxicating liquor by such persons is ancillary to eating food.*

**\*Alternative condition proposed by Environmental Health;**

- 9c. *The premises shall only operate as a restaurant:-*
- (i) in which customers are shown to their table,*
  - (ii) where the supply of alcohol is by waiter or waitress service only,*
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,*
  - (iv) which do not provide any take away service of food or drink for immediate consumption,*
  - (v) which do not provide any take away service of food or drink after 23.00, and*
  - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.*

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

10. *In the basement intoxicating liquor will only be sold or supplied to people attending a cookery or wine course or persons attending a private function.*

**\*Alternative condition proposed by Police Licensing Team;**

- 10a. *The supply of alcohol for consumption in the basement shall only be to persons (and their guests) attending a bona fide cookery or wine course or persons attending a pre-booked private function.*
11. *With the exception of the school area, there shall be a maximum of 20 covers on the ground floor together with a maximum of 10 covers at the cookery lessons/tasting table.*
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 preceding 31 day period.*
13. *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 to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.*

14. Substantial food and non-intoxicating beverages, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

**\*Alternative condition proposed by Environmental Health;**

- 14a. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

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

**\*Alternative condition proposed by Environmental Health;**

- 15a. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

16. The licence holder shall ensure that all cashiers and relevant staff are trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example, thumb print or pupil recognition) is introduced. All cashiers will be instructed, through training, that a sale shall not be made unless this evidence is produced.

17. All cashiers and relevant staff will receive refresher training on relevant alcohol laws and the licence holder's policy on challenging for ID. Such training to take place at least twice a year. Records will be maintained at the premises containing information about the training of any person who may make a sale of alcohol including the date of their training and the nature of the training undertaken. The relevant documentation shall be produced on request to a police officer or a relevant officer of a responsible authority.

18. A direct telephone number for the manager at the premises shall be publically made available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

19. 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.

**\*Alternative condition proposed by Police Licensing Team;**

- 19a. 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 are open.

20. The entrance door shall be kept closed after 22.00 hours except for the immediate access and egress of patrons.

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. Loudspeakers shall not be located in the entrance area or outside the premises building.

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.

24. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
25. No collections of waste or recycling materials (including bottles) from the premises shall take place between 20.00 hours and 08.00 hours on the following day.
26. No deliveries of produce to the premises shall take place between 20.00 hours and 08.00 hours on the following day.

***\*Alternative condition proposed by Environmental Health;***

- 26a. *No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.*
27. 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.
28. The door onto Chepstow Road shall not be used by customers after 21.00 hours each day save for during emergencies.

**Conditions proposed by Police Licensing Team; additional to those outlined above:**

*Further to conditions, Police request licensable hours be reduced as follows:-*

*Monday to Saturday: 10:00 to 22:00*

*Sunday: 12:00 to 22:00*

29. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.
30. Beers, lagers and ciders sold at the premises shall only be premium products in glass bottles.
31. 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.
32. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
33. There shall be no supply of draught beer.
34. There shall be no self service of alcohol on the premises.
35. 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.
36. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
37. Pre-booked private functions shall be booked at least 48 hours in advance.

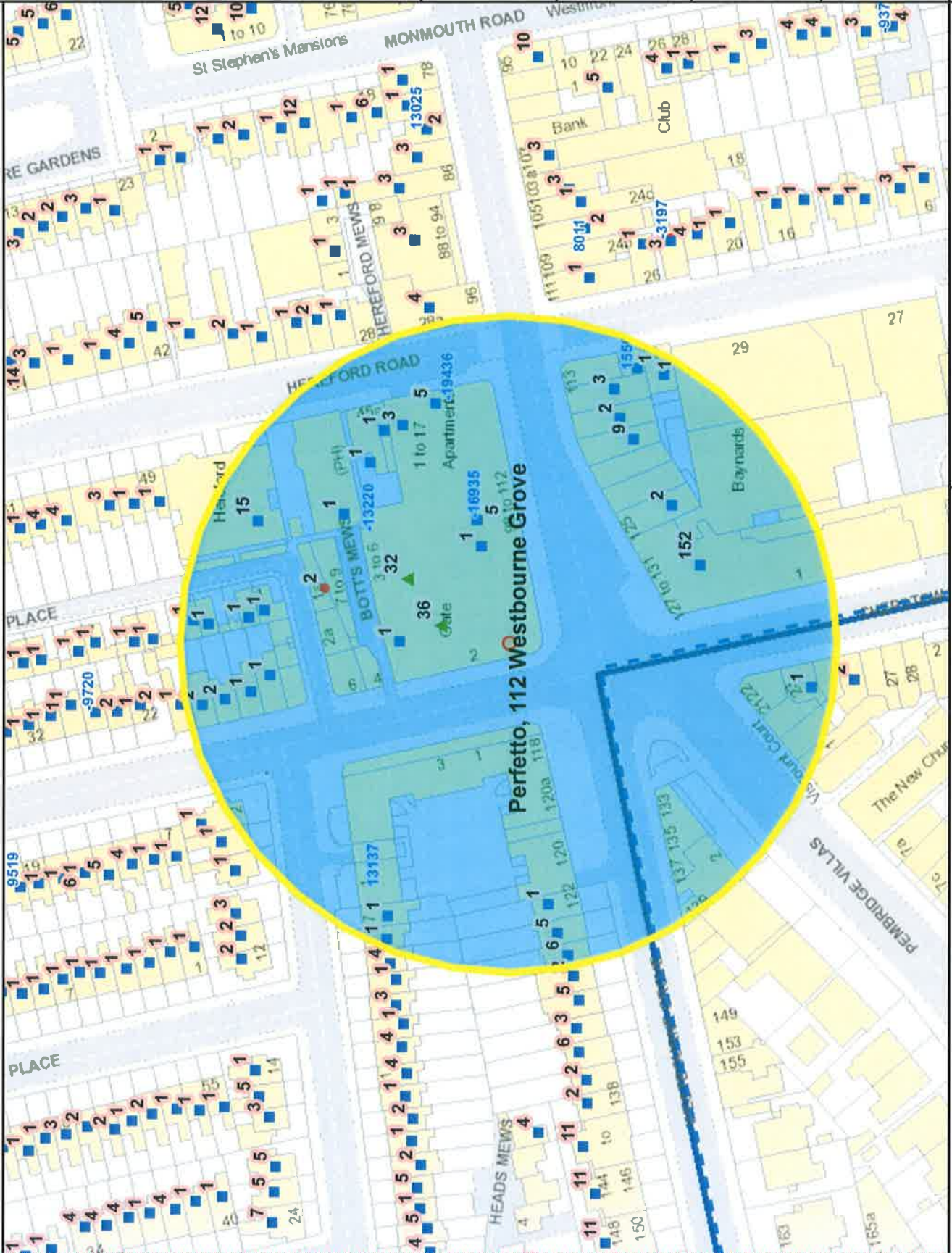
**Conditions proposed by Environmental Health Service; additional to those outlined above:**

38. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.

39. Sales of alcohol for consumption off the premises shall only be supplied with, ancillary to a take- away meal.
40. All outside tables and chairs shall be rendered unusable or removed by 21.00 each day.
41. Patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall be limited to 10 persons at any one time.
42. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
43. The number of persons permitted in the premises (excluding staff) shall not exceed:-  
  
Ground Floor XXX  
First Floor XXX  
  
With no more than 46 persons at any one time.  
  
(If an additional female WC is provided then the capacity can be increases to 70 persons).
44. 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.
45. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.



# Perfetto, 112 Westbourne Grove



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Residential / Proposed Residential	230
Under Construction	68
Other Uses	93
Proportion Residential of all Uses	76%

Data Source: Uniform Database  
Date: 03/11/2014



\* required information

**Section 1 of 19**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

\* Is the applicant's business registered in the UK with Companies House?  Yes  No

\* Registration number

\* Business name

\* VAT number

\* Legal status

If the applicant's business is registered, use its registered name.

Put "none" if the applicant is not registered for VAT.



Continued from previous page...

\* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Agent Business**

\* Is your business registered in the UK with Companies House?  Yes  No

\* Registration number

\* Business name

If your business is registered, use its registered name.

\* VAT number

Put "none" if you are not registered for VAT.

\* Legal status

Continued from previous page...

\* Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Section 2 of 19**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 19****APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or Individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

**Confirm The Following**

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

**Section 4 of 19****NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

limited company

**Address**

Building number or name   
Street   
District   
City or town   
County or administrative area   
Postcode   
Country

**Contact Details**

E-mail   
Telephone number   
Other telephone number

**Section 5 of 19**

**OPERATING SCHEDULE**

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

Italian Deli/Bistro/Cafe

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Continued from previous page...

**Section 6 of 19**

**PROVISION OF PLAYS**

Will you be providing plays?

- Yes  No

**Section 7 of 19**

**PROVISION OF FILMS**

Will you be providing films?

- Yes  No

**Section 8 of 19**

**PROVISION OF INDOOR SPORTING EVENTS**

Will you be providing indoor sporting events?

- Yes  No

**Section 9 of 19**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will you be providing boxing or wrestling entertainments?

- Yes  No

**Section 10 of 19**

**PROVISION OF LIVE MUSIC**

Will you be providing live music?

- Yes  No

**Section 11 of 19**

**PROVISION OF RECORDED MUSIC**

Will you be providing recorded music?

- Yes  No

**Section 12 of 19**

**PROVISION OF PERFORMANCES OF DANCE**

Will you be providing performances of dance?

- Yes  No

**Section 13 of 19**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes  No

**Section 14 of 19**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes

No

Standard Days And Timings

MONDAY

Start 10:00

End 23:00

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start 10:00

End 23:00

Start

End

WEDNESDAY

Start 10:00

End 23:00

Start

End

THURSDAY

Start 10:00

End 23:00

Start

End

FRIDAY

Start 10:00

End 23:00

Start

End

SATURDAY

Start 10:00

End 23:00

Start

End

SUNDAY

Start 10:00

End 22:30

Start

End

Will the sale of alcohol be for consumption:

On the premises

Off the premises

Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

**Name**

First name

Family name

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number  
(if known)

Issuing licensing authority  
(if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Continued from previous page...

**Section 16 of 19**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

N/A

**Section 17 of 19**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations



*Continued from previous page...*

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 18 of 19**

**LICENSING OBJECTIVES**

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Please see conditions attached.

b) The prevention of crime and disorder

Please see conditions attached.

c) Public safety

Please see conditions attached.

d) The prevention of public nuisance

Please see conditions attached.

e) The protection of children from harm

Please see conditions attached.

Continued from previous page...

Section 19 of 19

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

\* Fee amount (£)

**DECLARATION**

\* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

Continued from previous page...

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
  2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/westminster/apply-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**OFFICE USE ONLY**

Applicant reference number	MCL/SMH/21841.00001
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted.	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>

< Previous 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 Next >

# PERFETT

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## **PROPOSED DRAFT CONDITIONS**

### **Mandatory Conditions**

1. 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.
2. For the purposes of the condition set out in paragraph 1-
  - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6)
  - (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(7)
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-

# PERFETT

## F O O D & W I N E

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

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 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.
5. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
6. 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.
7. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
8. (1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;
  - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

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- (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;
  - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
    - (i) the outcome of a race, competition or other event or process, or
    - (ii) the likelihood of anything occurring or not occurring;
  - (e) 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.
9. The responsible person shall ensure that no alcohol is dispensed 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).
10. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
11. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) 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 a holographic mark.
12. The responsible person shall 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; and
  - (b) customers are made aware of the availability of these measures.

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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.

## **Proposed Conditions**

15. The main use of the premises shall be a delicatessen with a food and wine school in which intoxicating liquor will only be sold or supplied for consumption on the premises to seated persons with the exception of:
  - i. up to a maximum of 6 persons standing at the Sommelier's bar counter
  - ii. up to a maximum of 4 persons at the cooking lessons/tasting table area
  - iii. persons attending a private function
16. In the basement intoxicating liquor will only be sold or supplied to people attending a cookery or wine course or persons attending a private function.
17. With the exception of the school area, there shall be a maximum of 20 covers on the ground floor together with a maximum of 10 covers at the cookery lessons/tasting table.
18. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
19. 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 to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
20. Substantial food and non-intoxicating beverages, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

# PERFETT

## F O O D & W I N E

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21. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
22. The licence holder shall ensure that all cashiers and relevant staff are trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example, thumb print or pupil recognition) is introduced. All cashiers will be instructed, through training, that a sale shall not be made unless this evidence is produced.
23. All cashiers and relevant staff will receive refresher training on relevant alcohol laws and the licence holder's policy on challenging for ID. Such training to take place at least twice a year. Records will be maintained at the premises containing information about the training of any person who may make a sale of alcohol including the date of their training and the nature of the training undertaken. The relevant documentation shall be produced on request to a police officer or a relevant officer of a responsible authority.
24. A direct telephone number for the manager at the premises shall be publically made available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
25. 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.
26. The entrance door shall be kept closed after 22.00 hours except for the immediate access and egress of patrons.
27. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
28. Loudspeakers shall not be located in the entrance area or outside the premises building.
29. 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.



# PERFETT

F O O D & W I N E

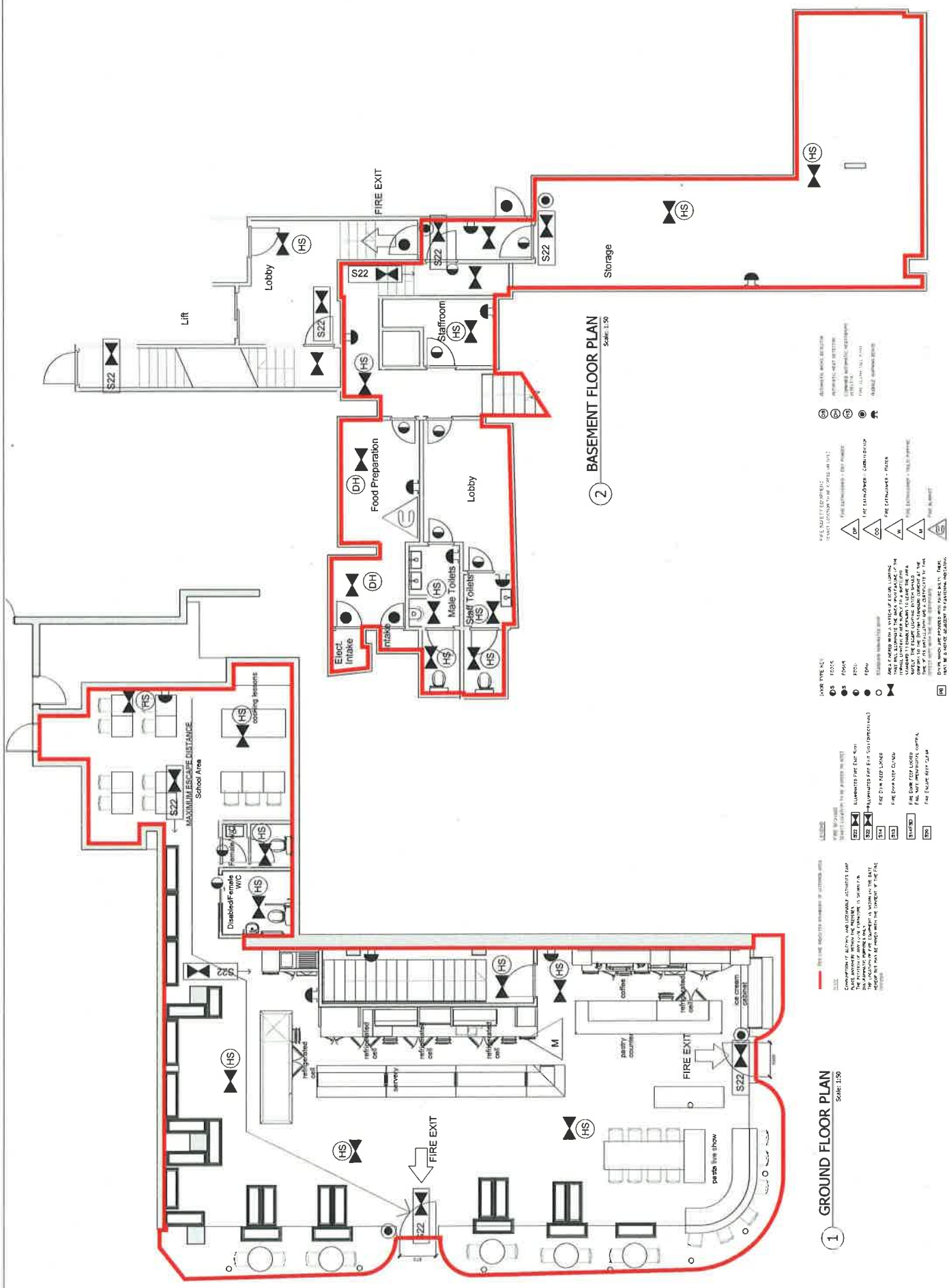
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30. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
31. No collections of waste or recycling materials (including bottles) from the premises shall take place between 20.00 hours and 08.00 hours on the following day.
32. No deliveries of produce to the premises shall take place between 20.00 hours and 08.00 hours on the following day.
33. 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.
34. The door onto Chepstow Road shall not be used by customers after 21.00 hours each day save for during emergencies.

**General Notes:**

1. The proposed works are shown on this plan in accordance with the relevant Building Regulations and the Fire Safety Order 2005.
2. The proposed works are shown on this plan in accordance with the relevant Building Regulations and the Fire Safety Order 2005.
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**TIBBATTS ABEL**  
Fireworks Architects

**PROPOSED LICENSE PLAN**  
GROUND & BASEMENT

**LOVING EXCELLENCE**

**PERFETTO**  
112 WESTBOURNE GROVE  
LONDON

**DATE:** 15.06.2016  
**SCALE:** 1:50 @ A1  
**PROJECT:** MEL  
**REF:** 15/14

- LEGEND**
- 1. FIRE EXITS
  - 2. FIRE EXITS - TO BE PROVIDED
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**1 GROUND FLOOR PLAN**  
Scale: 1:50

**2 BASEMENT FLOOR PLAN**  
Scale: 1:50

TO  
REFERENCE

Susan Patterson  
14/07833/LIPN

FROM  
REFERENCE  
BEING DEALT WITH BY  
TELEPHONE/EMAIL  
DATE

EH Consultation Team, 4<sup>th</sup> Floor, City Hall  
EHCT/LXJ/14/040270/EHCT  
Louise Joyce  
020 7641 1773/ljoyce@westminster.gov.uk  
6<sup>th</sup> October 2014

**The Licensing Act 2003**

**Re: Basement Floor And Ground Floor, 112 Westbourne Grove, London, W2 5RU**

I refer to the application for a New Premises Licence number 14/07833/LIPN. The applicant has submitted plans for the premises showing the proposed ground and basement floors.

- Proposed license plan ground and basement date: 11.09.2014 drg no: A-02

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

The applicant is seeking the following licensable activities on the premises:

1. To permit the Supply of Alcohol "On" and 'Off' the premises Monday to Saturday 1000 hours to 2300 hours and Sunday 1000 hours to 2230 hours

**I wish to make the following representations in relation to the above application:**

1. The supply of alcohol 'On' and 'Off' the premises and the hours requested will have the likely effect to cause an increase in Public Nuisance in the area.

A site visit will need to be arranged to assess the premises to ensure that it does not impact on public safety.

The applicant has submitted proposed conditions; however any new Premises Licence granted will be subject to additional conditions to address the licensing objectives of Prevention of Public Nuisance and Promoting Public Safety.

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

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

Louise Joyce  
Environmental Health Officer

---

**TO** Susan Patterson  
**REFERENCE** 14/07833/LIPN

---

**FROM** EH Consultation Team, 4<sup>th</sup> Floor, City Hall  
**REFERENCE** EHCT/LXJ/14/040270/EHCT  
**BEING DEALT WITH BY** Louise Joyce  
**TELEPHONE/EMAIL** 020 7641 1773/ljoyce@westminster.gov.uk  
**DATE** 11<sup>th</sup> November 2014

---

### The Licensing Act 2003

#### Re: Basement Floor And Ground Floor, 112 Westbourne Grove, London, W2 5RU

These conditions take into account the conditions proposed by the applicant in the operating schedule for the new premises application that is located in the Queensway/Bayswater Stress Area as stated in the Westminster Licensing Policy

1. The premises shall only operate as a restaurant
  - (i) in which customers are shown to their table,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - (iv) which do not provide any take away service of food or drink for immediate consumption,
  - (v) which do not provide any take away service of food or drink after 23.00, and
  - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

2. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
3. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
4. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
5. Sales of alcohol for consumption off the premises shall only be supplied with, ancillary to a take- away meal.
6. All outside tables and chairs shall be rendered unusable or removed by 21.00 each day.
7. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
8. 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.

9. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
10. 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.
11. Patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall be limited to 10 persons at any one time.
12. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
13. 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.
14. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
15. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
16. The number of persons permitted in the premises (excluding staff) shall not exceed  
Ground Floor XXX  
First Floor XXX  
With no more than **46 persons** at any one time.  
If an additional female WC is provided then the capacity can be increased to 70 persons
17. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
18. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

A site visit might be arranged and additional conditions may be proposed by Environmental Health to support the licensing objectives on Prevention of Public Nuisance and Public Safety.

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

Louise Joyce  
Environmental Health Officer

Your

Our

Date:



**METROPOLITAN POLICE  
SERVICE  
Toby Janes**

Westminster Police Licensing Unit  
Westminster City Hall  
Fourth Floor  
64 Victoria Street  
London  
SW1E 6QP

Telephone: 020 7641 3179

Email: [tjanes@westminster.gov.uk](mailto:tjanes@westminster.gov.uk)

Dear Sir

**Application – 14/07833/LIPN – Perfetto, 112 Westbourne Grove, W2.**

Dear Marcus,

Police have considered your application. The conditions that you have offered do not satisfy the licensing policy as the venue is within the Queensway stress area.

The following conditions listed below are those that Police would like you to attach to your premises licence as I believe they will address Police concerns in relation to crime and disorder.

We would also like to see a reduction in licensed hours as follows:

Sale of Alcohol: Monday – Saturday 10:00 – 22:00  
Sunday 12:00 – 22:00

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 authorized officer throughout the preceding 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 are open. This staff member must be able to provide a Police or authorized council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

3. 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 are open
4. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.
5. Beers, lagers and ciders sold at the premises shall only be premium products in glass bottles
6. 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.
7. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
8. The ground floor of the premises shall only operate where (i) customers are shown to their table, (ii) food is prepared on the premises and served and consumed at the table using non disposable crockery and (iii) intoxicating liquor is only sold, supplied, or consumed 'on' the premises to persons who are bona fide eating food and provided always that the consumption of intoxicating liquor by such persons is ancillary to eating food.
9. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
10. There shall be no supply of draught beer.
11. There shall be no self service of alcohol on the premises.
12. 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.
13. Substantial food and non-intoxicating beverages, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
15. Sales of alcohol for consumption on the premises shall be ancillary to the operation of the premises as a delicatessen
16. The supply of alcohol for consumption in the basement shall only be to persons (and their guests) attending a bona fide cookery or wine course or persons attending a pre-booked private function.
17. Pre-booked private functions shall be booked at least 48 hours in advance.

Should you wish to discuss the matter further please contact Toby Janes PC1275CW on **0207 641 3179** or via email, [tjanes@westminster.gov.uk](mailto:tjanes@westminster.gov.uk)

Yours sincerely.

Toby

Westminster Police Licensing Team

## Details of public representations relating to 14/07833/LIPN

### Comments received electronically via PublicAccess:

- **Mr Ben Carson - Flat 9 2 Chepstow Road, London, W2 5BH**

**Received: 22 Sep 2014**

**OBJECTION**

*9:20 AM on 22 Sep 2014 I am a local resident and believe that another restaurant/bar of this type will substantially add to the noise and people congestion. The area already suffers from too many drinking establishments.*

*Further, as the majority of the venue sits on Chepstow Road which is a purely residential road, this will add noise and congestion to this part of the neighbourhood.*

*Regards*

- **Sally Sampson - 10 Hereford Mansions , W2 5BA,**

**Received: 21 Oct 2014**

**OBJECTION**

*I am writing in as a resident of Hereford Mansions, to oppose the above application. I am co chair of the Hereford Road Association, which has written in separately, but I would like to add my own objections as a private individual who has lived at flat 10 Hereford Mansions for ten years. I have read the documentation carefully, and agree with Richard Brown of the CAB that, if granted, the application would lead to the establishment of a bar, with entitlement to any number of "private functions." This has been designated a stress area, and we already have many restaurants and bars nearby. We do not need another., with all the noise and nuisance that it would inevitably cause to local residents of all ages, who need some peace and quiet.*

*Please reject the application.*

### Comments received via other means:

- **Noel And Carmen Deans - Flat1, The Gate Apartments, 2 Chepstow Road, London**

**Received: 14 Oct 2014 by Neighbour**

**OBJECTION**

- **Ms Sally Sampson - And Ms Claire Tallis, Co-chairs Of The HRA, 10 Hereford Mansions**

**Received: 23 Oct 2014 by Local Neighbourhood Group**

**OBJECTION**



**Patterson, Susan**

---

**From:** salvsamp@aol.com  
**Sent:** 21 October 2014 16:04  
**To:** Premises Licensing  
**Subject:** Perfetto, 112 Westbourne Grove W2 5RU application for new preimises licence ref 14/07833/LIPN

Dear Sirs,

I am writing in as a resident of Hereford Mansions, to oppose the above application. I am co chair of the Hereford Road Association, which has written in separately, but I would like to add my own objections as a private individual who has lived at flat 10 Hereford Mansions for ten years. I have read the documentation carefully, and agree with Richard Brown of the CAB that, if granted, the application would lead to the establishment of a bar, with entitlement to any number of "private functions." This has been designated a stress area, and we already have many restaurants and bars nearby. We do not need another., with all the noise and nuisance that it would inevitably cause to local residents of all ages, who need some peace and quiet.

Please reject the application.

Yours sincerely

Sally Sampson (Mrs)  
10 Hereford Mansions W2 5BA

Please reject the application

# Comments for Licensing Application 14/07833/LIPN

## Application Summary

Application Number: 14/07833/LIPN

Address: Basement Floor And Ground Floor 112 Westbourne Grove London W2 5RU

Proposal: Premises Licence - New

Case Officer: Miss Susan Patterson

## Customer Details

Name: Mr Ben Carson

Address: Flat 9 2 Chepstow Road London

## Comment Details

Commenter Type: Interested Party

Stance: Customer objects to the Licensing Application

Comment Reasons:

Comment:9:20 AM on 22 Sep 2014 I am a local resident and believe that another restaurant/bar of this type will substantially add to the noise and people congestion. The area already suffers from too many drinking establishments.

Further, as the majority of the venue sits on Chepstow Road which is a purely residential road, this will add noise and congestion to this part of the neighbourhood.

Regards

Flat 1, The Gate Apartments  
2 Chepstow Rd  
London W2 5BH

13 October 2014

Dear Sir/Madam

Re: Perfetto, Basement Floor and Ground Floor, 112 Westbourne Grove, London, W2 5RU

Notification of a new premises license application under the licensing Act 2003  
(ref: 14/07833/LIPN)

We live in residential premises above the retail outlet for which an application to sell alcohol is being made.

In the first instance, this application is for the premises to be transformed into a deli and eatery, this is the same arrangement as Carluccio's have two doors down and we cannot see why this is not clearly identified as a restaurant business. It clearly states you can eat on the premises, it would be selling food and alcohol and be open from 7am in the morning until 12 pm. So we believe on the description of this business it should require the reclassification from retail into restaurant use as was proposed by Bills. And we are concerned by what we believe to be a lack of transparency in these proposals. Are the applicants trying to get around stricter regulations, guidelines or standards required by attempting not to reclassify the unit? We would object both to the license to sell alcohol and also to any reclassification, as we did to the Bills proposal for the following reasons:

- The commercial outlets in this block already contain two restaurants, we consider this enough in such a short amount of space, the history of restaurant establishments in this block has already brought several difficulties over the years, which as residents we have had to deal with and bring to the attention of the restaurant owners, the landlords and in some cases we still continue to have difficulties with.
- In the first instance, we had many problems with restaurant smells from both Carluccio's and the restaurants in the unit now occupied by Cote coming into the building, into the corridors and even the residents' flats. We do not relish having to go through the whole procedure again trying to find out where the smells are emanating from, getting independent verifiers and putting in proper ventilation shafts through a process of trial and error.
- Both Unit 3 at 108 Westbourne Grove and Unit 7 at 98 Westbourne Grove (occupied by Carluccio's and Cote respectively) were designed to be restaurants when the building was constructed and we still had problems with the smells which took over a year in one instance and over 2 years in the other to be resolved. It must therefore be a reasonable concern that if the unit under consideration was never intended, designed or constructed to be a restaurant, (ie: to be a venue where food is prepared and served to customers) there are, at the very least, likely to be similar problems with smells; and there is a possibility that the problem could be worse than what we have already experienced. There is a strong possibility that Perfetto will have to engage in a process of trial and error which will take time and the resident's ability to enjoy a normal home environment could be affected for a year, two years or more.
- We repeat that the relevant unit was not classified as a restaurant and therefore not intended for the use of preparing and selling food and beverages. For all the reasons we

set out, we do not believe it should therefore be used for these purposes. We understand the commercial objectives of both the applicant and the landlord but these should not trump our right to enjoy our home environment. Any use of this unit for the purposes of selling food and alcohol will unnecessarily, as the unit was never intended, designed or constructed to be a restaurant, affect the balance of the building, which protects our right to enjoy our home environment. We already have two restaurants in the building which was thought to be a reasonable balance at the time of planning permission several years ago. We believe the Council got the balance right then and should maintain that decision now.

- Restaurants start working very early in the morning, and many neighbours, including ourselves have had to complain to Carluccio's that we could hear the bins being dragged out over the cobblestones at 5 or 6 in the morning (which still continues). Of course Perfetto might not produce this precise problem (or it might), but noise travels through buildings and building shafts in unexpected ways and starting so early in the morning is bound to cause noise, because members of staff are fully awake (understandably) and are not really concerned about doing things quietly.
- On the noise level, we already have two restaurants open until midnight, adding a third, which possibly may have two floors of capacity (ground and basement level), I don't know if they will be proposing to use the pavement also, in addition with alcohol being served, it is inevitable that this would be a late night eatery and drinking venue. We are very concerned about the noise level this would generate. In short, we are concerned that our right as residents to enjoy a peaceful home environment will be curtailed both at night (we all have jobs to go to the next day and do not have the luxury of staying up every night until 12 due to noise) and in the mornings, being woken too early.
- We are very concerned about increased restaurant waste being left on the premises overnight. This will create an even bigger pest (mice) problem than the one we already have in the building. We already have a serious pest control issue with the two existing restaurants leaving their food rubbish in the building overnight, with mice regularly seen on the terraces and even in apartments. A third restaurant in the building will only exacerbate this problem, further reducing our ability and right to enjoy our home environment.
- Further, the commercial unit has two entrances into the unit, one is on Westbourne Grove, while the other is on Chepstow Rd. The increased volume of people milling around, very near the bus stop and also the late night closing pizzeria nearby on the next corner on Chepstow Rd would all be occurring right outside the door by which we enter and exit the building. This is not very reassuring for security reasons to have such a thoroughfare of people milling about outside our door, some of whom are likely to be disruptive at times, due to alcohol consumption at the premises. This would jeopardise the safety and security of residents entering and leaving the building, especially in the evening and at night, with the restaurant door on Chepstow Road being within a couple of meters of our entry door. It may even be that customers would be queuing up to gain entrance to the restaurant and so block our entry to the building.
- Already with Cote, we have ongoing issues with them for security reasons as their staff do not shut the bin doors (used by council refuse collectors) properly or at all, and even when going in and out for their cigarette breaks, do not bother to close doors properly, leaving full access to the building, compromising security. We have had several burglaries in these blocks due to outsiders accessing the building. While the management at Cote are always very reassuring and understanding about these matters and say they will tell their staff, unfortunately they cannot control individual staff members, who do not take these matters seriously and it is the residents who suffer through burglaries and the compromised security of the building. We strongly feel

another restaurant outlet would increase our security risk, which we consider is unreasonable.

- The building security is not a minor issue for us. Several apartments have been broken into, and there have been burglaries and attempted break-ins over the years and even this year. The police will have records of all the break-ins and attempted break-ins. Over the years our building has been and continues to be targeted by criminals on a regular basis. Security of the building and personal security within the building is a continuous matter of great concern for us and all residents are very mindful of this. Some of the attempted break-ins have involved residents being confronted with burglars at their front doors. The porter only works during the day and not in the evenings or at night and weekends.
- We would ask also that you consider that this building has been carefully constructed to comply with the Listed Buildings Act, it is inside the Listed Buildings and Conservation Areas, it was never intended to contain more than two restaurant outlets which keeps a good retail experience balance and we would question whether opening a further restaurant in this building is really in keeping with conserving the peaceful, delightful neighbourhood which attracts people to both visit and want to live in this area. We would argue that another late night drinking venue on this corner does not, and that this space is much better suited to a retail outlet, with regular working hours, of which there are many suitable candidates.
- Furthermore, we request that the Council takes into consideration the longer term implications of allowing the retail unit in question to be turned into a restaurant. If Perpetto subsequently decides to vacate the premises, another restaurant business would be able to take over the premises without requiring the Council's permission. This could impact the character of our building as there would be no control over the type of restaurant that becomes the subsequent occupier. This could further diminish the rights of residents to enjoy our home environment.

Finally, we would like to finish by saying that we bought our home in this block in good faith on the understanding that the council had determined that only two restaurant units would be beneath us and we considered that this was reasonable, though actually we have already had to deal with many matters as stated above, including fire alarms set off by the retail units at all hours of the night. When you buy a residential property you should be entitled to adequate peace and quiet, and also peace of mind. It is a regrettable experience for us to have to go through the stress and hassle of objecting to these types of proposals on a regular basis just to try and maintain our quality of life, which other homeowners take for granted.

Yours faithfully

Noel and Carmen Deans

## **Patterson, Susan**

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**From:** Claire Tallis [claire.tallis@googlemail.com]  
**Sent:** 23 October 2014 01:07  
**To:** Premises Licensing  
**Cc:** Sally Sampson; John Zamit SEBRA; bob annibale  
**Subject:** Re: Perfetto, 112 Westbourne Grove W2 5RU application for new preimises licence ref 14/07833/LIPN

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Sirs

We are writing on behalf of the Hereford Road Association and would ask you to please reject this application.

The area where this application is proposed is a designated stress area and we have been informed that, if the application is successful, it would lead to the establishment of a bar. There are many licenced premises already in this area and we believe that many of the consequences of another bar would not benefit the residents who live above and nearby.

Yours faithfully

Sally Sampson and Claire Tallis  
Co-chairs of the HRA

THE HEREFORD ROAD ASSOCIATION

Licensing Applications  
Westminster City Council  
4th Floor (South)  
City Hall  
64 Victoria Street  
London SW1E 6QP

By email only: [premiseslicensing@westminster.gov.uk](mailto:premiseslicensing@westminster.gov.uk)

3 November 2014

Dear Sirs

**'Perfetto', Basement and Ground Floor, 112 Westbourne Grove, London W2 5RU  
Application for new premises licence ref: 14/07833/LIPN**

We write on behalf of the Hereford Road Association (HRA), to add to the initial representation HRA made by email dated 23 October 2014, objecting to the grant of this application.

The HRA has objected on the basis that the likely effect of the application, if granted, would be to harm the licensing objectives of prevention of public nuisance and prevention of crime and disorder. It is also contrary to the City Council's 'Stress Area' policy.

**Background**

The HRA is a local residents' association with approximately 100 fully paid up members predominantly living on Hereford Road, which crosses over Westbourne Grove. The immediate surrounding area has a number of licensed premises. The area has a history of noise and nuisance arising from the 'cumulative impact' of these establishments, which is reflected by the fact that it is within a designated 'Stress Area'.

The application seeks the grant of a premises licence to sell alcohol until 11pm Mon-Sat, 10.30pm Sun, both on and off the premises, with no requirement that food be consumed. We are concerned that the nature of the application as presented could lead to the establishment of a bar, with an entitlement to an unlimited number of 'private functions'. This is directly contrary to policy STR1 and PB2 in the City Council's Statement of Licensing Policy. The application raises a number of concerns which we detail below:

- The plans attached to the application do not seem to demonstrate what, if any, licensable activity is envisaged for the basement, although from the conditions proposed it seems that 'private functions' would be held here. We would be against the use of the basement.
- The commencement hour for opening is too early; it should be 10am Mon-Sat and midday on Sundays.

- The application as presented is contrary to the Council's Statement of Licensing Policy, in particular STR1 and PB2 in that it seeks permission to sell alcohol without food. The proposed condition that food simply be 'available' is manifestly insufficient.
- We note that the customers would at least be seated, but we note that there is no waiter/ess service proposed.
- We have not been able to find any information about the proposed operators on the internet. This raises the question of whether they are new operators and whether they have experience of operating premises within an area of cumulative impact.
- Proposed condition 26 should read 'The entrance doors' (our emphasis).
- Why does a delicatessen and cooking school require a licence until 11pm?
- The rather nebulous concept of a 'private function' causes particular concern. There is no proposed limit to the numbers per year, or the numbers of people able to attend.
- A number of months ago, an application was made for a new premises licence for this premises by 'Bill's'. We and others made representations on the basis of 'cumulative impact'. The application was withdrawn prior to the hearing.
- Although we are aware that it is not strictly relevant to the Licensing Sub-Committee's determination of a licensing application, it should be noted that the lawful planning use for the premises is A1 (it used to be a clothes shop). An application for change of use from A1 to A3 was refused in September 2014.

### **Stress Area Policy**

The application is contrary to policies STR1 and PB2, the relevant 'Stress Area' policies. These policies create a rebuttable presumption against the grant of this application, unless the Applicant can demonstrate 'genuinely exceptional circumstances'.

We are concerned that granting an exception to Policy here would lead to a precedent being set. Of course, other premises would then seek to be able to sell alcohol without food, in line with the competition, on the basis that they, too, are an exception to Policy.

### **Conclusion**

We are against the application, notwithstanding our comments on the proposed conditions, on the basis that this is the appropriate step to promote the licensing objectives. We note that the Guidance issued by the Government under s182 Licensing Act 2003 states (9.36) that an application may be refused on the grounds that this is appropriate for the promotion of the licensing objectives. Para 9.40 states that the 'determination of whether an action or step is appropriate of the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end'. In this case 'that end' includes ensuring that there is no increase in cumulative impact. The fact that the Council's Policy mitigates against the grant of such applications strongly suggests that the logical step is to refuse the application in its current form.

We are aware that applications can be amended and would like to be kept updated if this transpires.

Yours faithfully,



Sally Sampson Co chair

Flat 10, Hereford Mansions, Hereford Road, London, W2 5BA

Claire Tallis Co Chair

49 Hereford Road, London, W2 5BB

On behalf of the Hereford Road Association

## Peermamode, Ryan

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**Subject:** FW: Perfetto - 14/07833/LIPN  
**Attachments:** Fw: Perfetto, 112 Westbourne Grove W2 5RU application for new premises licence ref 14/07833/LIPN

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**From:** Richard Brown [<mailto:licensing@westminstercab.org.uk>]  
**Sent:** 11 November 2014 15:11  
**To:** 'Patterson, Susan'  
**Cc:** 'claire tallis'; 'salvsamp@aol.com'; 'John Zamit'  
**Subject:** Perfetto - 14/07833/LIPN

Hi Sue,

Just to confirm, I am representing Hereford Road Association (HRA) and Sally Sampson at the hearing. Sally is co-chair of the HRA, but also submitted a representation in her capacity as a local resident.

HRA wish to submit the attached email from John Zamit of SEBRA in support of their own representation. HRA wish to call John to speak at the hearing in support of their representations.

Kind regards,

Richard

**Richard Brown**  
Licensing Advice Project  
Westminster Citizens Advice Bureau  
21a Conduit Place, London W2 1HS

[www.licensingadvice.org](http://www.licensingadvice.org)



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T: 020 7706 6026  
F: 020 7706 6039

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**Peermamode, Ryan**

---

**Subject:** FW: Perfetto, 112 Westbourne Grove W2 5RU application for new premises licence ref 14/07833/LIPN

**From:** [John Zamit, Chairman, SEBRA](#)

**Sent:** Friday, October 24, 2014 3:13 PM

**To:** [Premises Licensing](#)

**Subject:** Fw: Perfetto, 112 Westbourne Grove W2 5RU application for new premises licence ref 14/07833/LIPN

We fully support objection from our SEBRA member.

Premises are in a WCC Stress Area and we do not need another premises with a 'bar' in Westbourne Grove.

We do not believe style of operation needs a licence where persons can drink without eating and wine tasting and cooking school do not need such late hours

We believe licence application should be refused as if allowed would cause nuisance to local residents and may result in an increase in crime and loss of amenity etc.

Another drink establishment would have a detrimental cumulative effect on the neighbourhood

John Zamit  
Chairman  
SEBRA (South East Bayswater Residents' Association)  
(& Bayswater Resident's Association Committee Member)  
2 Claremont Court  
Queensway  
LONDON  
W2 5HX

Tel: 020 7727 6104  
Mobile: 07768 068277

Email: [Chairman@SEBRA.org.uk](mailto:Chairman@SEBRA.org.uk)  
Website: [www.sebra.org.uk](http://www.sebra.org.uk)







