



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (4)**

Meeting Date: **Tuesday 12th January, 2016**

Time: **10.00 am**

Venue: **Rooms 5, 6 & 7 - 17th Floor, City Hall, 64 Victoria Street, London SW1E 6QP**

Members: **Councillors:**

Jean Paul Floru (Chairman)
Heather Acton
Aziz Toki

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

Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 9.00am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



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

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

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTEREST

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

Licensing Applications for Determination

1. THE PHOENIX, 51 MOSCOW ROAD, W2

(Pages 1 - 44)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	Lancaster Gate Ward / not applicable	The Phoenix, 51 Moscow Road, W2	Variation	15/09852/LIPV

2. BURGER STATION, 11 SOUTH MOLTON STREET, W1

(Pages 45 - 60)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	West End Ward / not applicable	Burger Station, 11 South Molton Street, W1	Variation	15/08088/LIPV

3. BURGER & LOBSTER, MARANDA HOUSE, 26-28 BINNEY STREET, W1

(Pages 61 - 78)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	West End Ward / not applicable	Burger & Lobster, Maranda House, 26- 28 Binney Street, W1	Variation	15/09258/LIPV

4. BAR TERMINI, 7 OLD COMPTON STREET, W1

**(Pages 79 -
114)**

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
4.	West End Ward / West End	Bar Termini, 7 Old Compton Street, W1	New	15/10386/LIPN

5. SHIORI, 45 MOSCOW ROAD, W2

**(Pages 115 -
130)**

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
5.	Lancaster Gate Ward / not applicable	Shiori, 45 Moscow Road, W2	Variation	15/09578/LIPV

6. ASCOTT MAYFAIR LONDON, LOWER GROUND FLOOR, 49 HILL STREET, W1

(Pages 131 - 146)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
6.	West End Ward / not applicable	Ascott Mayfair London, Lower Ground Floor, 49 Hill Street, W1	New	15/10074/LIPN

**Charlie Parker
Chief Executive
7 January 2016**

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

POLICY CONSIDERATIONS

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

GUIDANCE CONSIDERATIONS

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

PERMITTED TEMPORARY ACTIVITIES

The licensee of any premises is entitled under the Licensing Act 2003 to apply for permission to hold temporary events, authorising licensable activities instead of or in addition to any activities that may be authorised by a premises licence, subject to the following restrictions:

- 1) No more than 12 events over a total of 21 days may be held at any one premises in any year
- 2) Each event must last for no more than 168 hours
- 3) There must be 24 hours between each event
- 4) The number of people at each event must be less than 500.

A Temporary Event Notice for each event (a TEN) is required to be given to the licensing authority, the police and environmental health service no later than 10 working days before the event for a 'standard' TEN or 5 to 9 working days before the event is due to begin for a 'late' TEN. The licensing authority is required to send an acknowledgement by the next working day.

Once a Temporary Event Notice is given the police and environmental health service have a right to object to the event if they are satisfied that the event will undermine any of the licensing objectives of preventing crime and disorder, prevention of public nuisance, protection of children from harm and promotion of public safety. They must serve an objection notice stating their reasons as to why the objectives would be undermined to the licensing authority and the premises user within 3 working days of receiving a copy of the TEN. The licensing authority is required to hold a hearing and may issue a counter notice which will prevent the event taking place.

LIVE MUSIC ACT 2012

The Live Music Act amends the Licensing Act 2003 by:

- removing the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on premises authorised by a premises licence or club premises certificate to supply alcohol for consumption on the premises (at a time when those premises are open for the purposes of being used for the supply of alcohol for consumption on the premises), subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate
- removing the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
- removing the licensing requirement for unamplified live music taking place between 8am and 11pm in any place, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises
- removing the licensing requirement for the provision of entertainment facilities
- widens the licensing exemption for live music that is integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applies to both live or recorded music instead of just unamplified live music in that instance.

CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES

(As set out in the Council's Statement of Licensing Policy 2011)

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

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

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

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

Monday to Saturday: 08:00 to 23:00

Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight

Sundays immediately prior to Bank Holidays: 09.00 to midnight

Other Sundays: 09.00 to 22.30

Monday to Thursday: 09.00 to 23.30.

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City of Westminster

Agenda Item 1 Licensing Sub-Committee Report

Item No:	
Date:	12 January 2016
Licensing Ref No:	15/09852/LIPV - Premises Licence Variation
Title of Report:	The Phoenix 51 Moscow Road London W2 4AL
Report of:	Director of Public Protection and Licensing
Wards involved:	Lancaster Gate
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	3 November 2015		
Applicant:	Spirit Pub Company (Services) Limited		
Premises:	The Phoenix		
Premises address:	51 Moscow Road	Ward:	Lancaster Gate
	London W2 4AL	Cumulative Impact Area	
Premises description:	The Premises is a Public House		
Variation description:	<p>This is an application to extend the permission for the sale of alcohol Monday to Saturday from 10:00 until 00:00 (current permission 10:00 until 23:00). For the above to maintain thirty minutes drinking up time following the last permitted sale of alcohol.</p> <p>To extend late night refreshment Monday to Thursday from 23:00 until 00:00 and Friday to Saturday 23:00 until 00:30 the following morning (current permission 23:00 until 23:30). To remove the restriction on trading hours for Good Friday under annex 1 9(c) so that the hours on that day reflect what is permitted on the licence for a Friday. All other hours, activities and conditions are to remain unchanged by this application.</p>		
Premises licence history:	The Premises has had a Premises Licence since October 2005.		
Applicant submissions:			

1-B Current and proposed licensable activities, areas and hours						
Late night refreshment						
Indoors, outdoors or both		Current :			Proposed:	
		Indoors			Indoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	23:00	00:00		
Tuesday	23:00	23:30	23:00	00:00		
Wednesday	23:00	23:30	23:00	00:00		

Friday	23:00	23:30	23:00	00:30		
Saturday	23:00	23:30	23:00	00:30		
Sunday						
Seasonal variations:	None					
Non-standard timings:						

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	00:00		
Tuesday	10:00	23:00	10:00	00:00		
Wednesday	10:00	23:00	10:00	00:00		
Thursday	10:00	23:00	10:00	00:00		
Friday	10:00	23:00	10:00	00:00		
Saturday	10:00	23:00	10:00	00:00		
Sunday	12:00	22:30	12:00	22:30		
Seasonal variations:	None					
Non-standard timings:						

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	07:00	23:30	07:00	00:30		
Tuesday	07:00	23:30	07:00	00:30		
Wednesday	07:00	23:30	07:00	00:30		
Thursday	07:00	23:30	07:00	00:30		
Friday	07:00	23:30	07:00	00:30		
Saturday	07:00	23:30	07:00	00:30		
Sunday	07:00	23:00	07:00	00:30		
Seasonal variations:	None					
Non-standard timings:						

1-C Layout alteration
None proposed

1-D Conditions being varied, added or removed

Condition	Proposed variation
<p>9. 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 despatch by the vendor of the alcohol so ordered;(f) the sale of alcohol to a trader or registered club	<p>To remove the restrict on trading hours for Good Friday under Annex 1 9(c) so that the hours on that day reflect what is permitted on the Licence for a Friday</p>

<p>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>		
Adult entertainment:	Current position:	Proposed position:
	None	None

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police
Representative:	Mr Toby Janes
Received:	30 th November 2015
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority make a representation against application.</p> <p>It is our belief that if granted the application would undermine the Licensing Objectives in relation to the prevention of crime and disorder as there are insufficient conditions contained within the operating schedule.</p> <p>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.</p> <p>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</p>	

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.

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. All customers to be off the premises by 00.30.

4. 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.

Following agreement of conditions this representation has now been withdrawn. The conditions 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 preceding 31 day period.

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3. All customers to be off the premises by 00.30

4. 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.

Responsible Authority:	Environmental Health
Representative:	Anil Drayan
Received:	30 th November 2015

THE PHOENIX, 51 MOSCOW ROAD, LONDON, W2 4AL

I refer to the application for variation of the Premises Licence, 14/11306/LIPDPS, for the above premises.

The applicant is seeking the following:

1. To increase the hours for the provision of Late Night Refreshment 'indoors' so that they are 23:00 to 00:00 hours Monday to Thursday and 23:00 to 00:30 hours Friday and Saturday
2. To increase the hours for Supply of Alcohol for 'On' and 'Off' the premises so that they are from 10:00 to 00:00 hours Monday to Saturday. This request includes maintaining the thirty minutes drinking up time following the last permitted sale of alcohol.
3. To remove restrictions on trading hours for Good Friday under Annex 1, 9(c).

I wish to make the following representations as numbered above:

1. The increase in hours requested for the provision of Late Night Refreshment may have the likely effect of causing an increase in Public Nuisance in the area
2. The increase in hours requested for the supply of alcohol and maintenance of 'drinking up time' may have the likely effect of causing an increase in Public Nuisance in the area
3. No representation made

The proposed increase in hours for alcohol are also beyond the 'core' hours as stated in Westminster's Statement of Licensing Policy.

The applicant has not offered any additional conditions as part of the proposal. However should the variation be granted Environmental Health considers additional conditions may be appropriate to allay its concerns.

The applicant is requested to contact the undersigned to arrange a site visit to discuss the issues raised by the application.

Additional information submitted by Environmental Health

Further to my memo dated 30 November and following a site visit and discussions with the manager / DPS, Ireneusz Tomecki, the following further information was ascertained:

- The premises was closed for 10 days in July 2015 for an extensive refurbishment.
- The premises has a private forecourt fronting on Moscow Road on which are located 5 tables, each with 4 chairs. The manager explained that current operation is to render these external facilities unusable after 10.30pm. Patrons wishing to go

outside after this time, eg to smoke, are only permitted to do so without any drinks.

- The fire risk assessment gives the premises has an internal capacity for 150 patrons. There are 3 WC's for females, 1 WC and 4 urinals for males. Based on the guidance *British Standard 6465 – Provision of Sanitary Accommodation* the premises complies with the recommended standard for facilities for males and is 1 female WC short to be fully compliant for female provision.
- For major events (defined by DPS as usually when DJ music or live band are hired) a SIA registered door supervisor is usually employed following a risk assessment carried out prior to the event. Music is played through the performers own sound systems as speakers at the premises are relatively of small power rating. Also it was ascertained there is no electronic noise limiter fitted to the sound system.
- An application has been submitted for the upper floors to be a licensed House in Multiple Occupation (HMO) consisting of 5 units.

A history check since 2012 of the Council's Noise Team and Licensing Inspector intervention records shows the following 2 nuisance complaint entries logged on the Council's Noise Team's premises database:

i. Date, day and time complaint received:

27 September 2015, Sunday 22:36 hours;

Reason for complaint:

Loud music from the pub since 9pm which has increased around 10 mins ago. No callback required.

Action by Noise Team:

Visit unable to be made.

ii. Date complaint received:

4.11.2015 - originally sent to police neighbourhood watch who passed it onto Licensing Inspectors for investigation.

Nature of complaint:

I am a Moscow Road resident and writing in respect of the Phoenix pub. I am going to request a review of their existing licence conditions as we have been experiencing anti-social behaviour and public safety concerns associated with the operation of the pub, both within and outside of the terms of their licence (loud music, out of hours drinking, drinkers spilling out onto the public highway. I don't believe the licence as it currently stands is suitable for the predominantly residential area.

Action by Licensing Inspectors:

Monitoring visit - at the time of visit (Friday 20 November 2015 – 11pm) the premises were quiet with all main doors to venue closed. No issues found.

Visited premises (Monday 20 November 2015 – 2pm) and spoke with the area manager and the general manager with regards to noise complaint made by a local resident and what proactive measures were being taken or are in place to deal with prevention of noise nuisance specifically. Advice on appropriate measures also provided.

I understand that the applicant has amended the application to reduce the variation so that licensable activities are in line with 'core hours'.

However it is also my understanding that the applicant wishes to maintain the request for 'thirty minutes drinking up time following the last permitted sale of alcohol'. Environmental Health considers this to be not consistent with 'core hour' policy but nevertheless would be content if any consumption was in accordance with Condition 9, Note (c) as stated on the existing licence conditions.

2-B Other Persons	
Name:	Mr Rexford Ladd
Address and/or Residents Association:	4 Windsor Court Moscow Road London W2 4SN
Received:	27 th November 2015

I write on behalf of Windsor Court Longleaseholders Association to make a representation in respect of the *above* application for a new premises licence. The representation is made on the basis that the likely impact of the application, if granted, would be to harm the licensing objective of prevention of public nuisance and prevention of crime and disorder. The application is also contrary to policies HRS1 and PB1 of the City Council's Statement of Licensing Policy.

I am a local resident in the vicinity of this premises. I write in my personal capacity as a resident who will be affected by problems connected with the licensing objectives should the application be granted, and in my capacity as Chairman of Windsor Court Longleaseholders Association.

Windsor Court is at a 45 degree angle from the premises and at a distance of no more than 20 metres.

This part of Moscow Road does already have a small parade of shops and another Public House which in the main DO NOT give us any cause for concern.

The application seeks to *vary* the current premises licence so as to significantly extend the hours for licensable activities. Sale of alcohol is currently permitted to 11pm Mon-Sat, 10.30pm Sun; it is proposed to amend this to midnight Man-Sat. Late night refreshment is currently permitted to 11.30pm Man-Sat; it is proposed to amend this to midnight Mon-Thurs, 12.30am Fri-Sat. Opening hours are currently 7am -11.30pm Man-Sat, 7am -11pm Sun; it is proposed that the terminal hour is amended to 12.30am Men-Sat.

Our concerns are as follows:

Prevention of public nuisance

The hours proposed are well in excess of the 'core hours' set out in the City Council's

Statement of Licensing Policy ('SLP') Policy HRSI. Extending the hours beyond what is currently permitted would inevitably lead to an increase in the noise, anti-social behaviour and other public nuisance which residents experience in the local area, including from this premises. The nuisance is the noise made by persons when leaving the premises, which include very loud talking and swearing and general unruly behavior.

Should the application be granted, patrons would of course be leaving later, having had the chance to consume more alcohol.

Opening later would lead to the premises becoming a destination venue, resulting in more customers arriving in the vicinity late at night, and departing from the vicinity late at night. Patrons from other licensed premises would migrate to the Phoenix from other nearby premises which close earlier. This is particularly important in the context of 'cumulative impact', see below. This could cause noise nuisance to residents both as customers arrive and as they leave, which would be later at night than presently allowed.

In terms of dispersal of customers, there is no information in the application to explain how this would be facilitated. It is concerning that the applicant has not considered the impact of the later hours on dispersal of customers. The current hours permit customers to go home via the tubes and buses (before night buses start). Thus, later hours can lead to difficulties in customer dispersing as quickly as possible from the area. Night buses are far less frequent than regular buses. Problems with dispersal are explicitly recognised in the Council's SLP. If customers cannot easily catch a tube or regular bus, this would increase the noise from taxis and people shouting loud goodbyes and discussing what to do next, in the quiet residential side streets in the vicinity.

There is no information about outside drinking/smoking. The pub is a popular venue to watch sport. Later hours for alcohol combined with sporting events can lead to customers being excessively loud outside the premises, and when they leave. If this happens at a later hour, it will disrupt our sleep.

Loud music can often be heard emanating from the premises. This is disturbing at present, and would only become more intrusive given the later hours proposed.

The Guidance issued under s182 Licensing Act 2003 makes it clear that there are certain expectations of applicants; namely, that an applicant is expected to have assessed any risk posed to the local area by the proposals, and to include positive proposals in their application on how they will manage any potential risks (Guidance 8.34 and 8.35). Without prejudice to our contention that there are no steps which would appropriately mitigate risk in this location to these hours, the applicant does not appear to have carried out enquiries in this regard.

Excess alcohol consumption leads to lower inhibitions. This can lead to low-level anti-social

behaviour and crime. There is also the possibility that, having drunk more for longer, until later) they can become the perpetrators (or indeed) victims of crime, increasing pressure on police resources.

Cumulative impact

The premises is not located in a designated Cumulative Impact Area (CIA). However, the Queensway CIA is very close by. There is a real risk that people dispersing from this premises at 12.30am will disperse in to the CIA looking for transport or other late night venues, adding to the problems within the CIA. Similarly, there is a real risk that people will migrate from premises in the CIA to the Phoenix, thereby bringing with it the problems which are inherent in the CIA.

Statement of licensing Policy

The application is outside the Council's core hours Policy HRS for when customers can be on the premises. However, even if it were compliant with this Policy, it is not compliant with other policies, particularly the 'public nuisance' Policy PNI. We refer specifically to para 2.2.12:

'Residents are often subjected to nuisance from the noise of people on their way to and from premises, and loitering in the streets after they have left premises. This can affect residents even at some distance from the premises themselves, especially along routes to transport facilities, and to car parks and parking areas and on routes between late night premises of various types. The nuisance from noise depends on its nature and whether it is during the day, the evening or at night. Late night noise is often unsettling; particularly shouting and screaming. Some of this is associated with aggression and assaults but most of it is "high spirits". It is impossible to distinguish between the reasons for these noises and in any case, it is very disturbing late at night. The degree of nuisance caused by noise increases with the lateness of the hour; especially if it disturbs or prevents sleep.'

There is a great deal of residential accommodation in the vicinity and applicants in such areas should be held to a stricter standard.

There have been two previous applications to vary the premises licence to increase the hours for licensable activities (application ref: 12/04087/LIPV and application ref: 10/09802/LIPV). Both applications were withdrawn following a significant number of objections from residents. We wonder what has changed since 2012. Residents can sometimes get 'worn down' by repeat applications, particularly where there is nothing which makes a repeat application stand out as different to previous applications.

Conclusion

The licensing authority is charged with determining the application with a view to promoting

the licensing objectives in the overall interests of the local community (Guidance 9.37). An application may be refused on the grounds that this is appropriate for the promotion of the licensing objectives (Guidance 9.39).

For the reasons stated, we are therefore opposed to the application being granted. The current hours are at the limit of what is appropriate for this location, given the factors I have outlined above.

We look forward to being kept informed of any developments, and would like to attend or be represented at the hearing in due course.

Name:	Mr Joseph Ogden
Address and/or Residents Association:	27 Burnham Court Moscow Road London W2 4SW
Received:	30 th November 2015

I live in Burnham Court on the other side of the road from the Phoenix pub and urge the committee to refuse the application on the grounds that it will extend noisy late-night disruption in a predominantly residential area - the pub is surrounded by significant residential buildings, many of which are occupied by young families - and that it will make it difficult to reject similar applications from the two other pubs on the stretch, which would add up to exponentially increased disruption at a time when residents are due some peace and quiet.

It's relevant to mention that I only heard about this application today, the day before the deadline, and a quick check with neighbours suggests there is general ignorance about it, and, had more been aware you would have received many more objections. The only notice I can locate is in the window of the pub itself. A similar application for the Shiori restaurant, virtually next door to the Phoenix pub was posted on lamp posts on both sides of the street. Can I suggest that this be taken into account in the committee's deliberations?

Name:	Baroness Gardner
Address and/or Residents Association:	25 Caroline Place London W2 4AN
Received:	10 th November 2015

Dear Sir,

Extension of Hours: Phoenix Pub corner of Bark Place and Moscow Road W2

Please register my objection to this application on a number of grounds:

1. Public nuisance. This is a residential area with a significant number of older residents and also of young families. Allowing longer hours would have a markedly adverse effect on both of these groups. In addition the working age residents in the immediate area also need quiet sleep time hours. Extending the present hours would change the character of the area and what is now a pleasant, peaceful and safe locality would be destroyed by the Phoenix staying open and after "drinking up time", patrons leaving after midnight.

2. As mentioned in 1 above, the safety of children would be at risk due to sleep disturbance at that late hour, damaging to their health and causing them to be fearful due to shouting or noisy

behaviour of people leaving the premises.

3. Safety. Crime and disorder will be encouraged by the later licensing. In the vicinity of many licensed premises, vandalism of local property is common as also use of local gardens and basement areas for urinating. In some cases residents are frightened by people found "sleeping it off", in the area, such as a garage front or garden of their home. In these days of a worrying level of knife crime, residents may well be threatened and a change in the ethos of the area would definitely have a strong risk of an increase in crime and disorder.

4. Public Order. Would definitely be under threat from the items listed in numbers 1-3 above.

By long tradition, Good Friday is not treated as "any other Friday" and I support the continuance of the present recognition of the special traditional significance of Good Friday.

Baroness Gardner

Name:	Mr Tim Snell
Address and/or Residents Association:	Chenies House, 37 Moscow Road London W2 4AH
Received:	6 th November 2015

I am writing to object to the proposed variation to the premises licence for the Phoenix Public House.

As an immediate neighbour to the pub (I live in Chenies House, 37 Moscow Road W2 4AH), I am well placed to comment on the existing problems caused by the operation of the pub. The existing problems are in fact so bad that I will shortly be requesting a review of the existing licence against the licencing objectives, as I don't believe it is appropriate for its predominantly residential location, and its terms are not being complied with.

My concerns about the operation fall into two categories – public nuisance and public safety.

The existing operation causes frequent and significant noise disturbance late at night. Drinkers are allowed to remain inside and outside the premises after official closing hours and remain on the public highway after hours. The resulting shouting, chanting and screaming prevents us from sleeping, wakes us up. The management do not seem to encourage its clients to leave in a timely fashion, or behave in a manner that reflects the residential context. When the pub hosts live or recorded music nights, the volume of the music is significantly beyond what I consider to be normal or reasonable, and these special events only compound the wider problems of noise I describe above.

The premises is on the corner of Bark Place and Moscow Road. The pavements in this location are very narrow and drinkers spill out onto the pavements and road which often prevents members of the public from passing safely. It is also a hazard for drivers with drinkers often spilling into the road. This is not controlled by the management.

I object to the proposed variation of the licence on the grounds that all of the problems identified above will get worse and will be experienced later at night. This would represent a gradual but significant erosion of the quality of life of residents. Any extension to, or relaxation of, the existing licence should be rejected. Similarly, any requests for temporary event notices which have the effect of extending or relaxing existing licence provisions should be rejected also and I would be grateful if you could consider this representation when any future requests of this

nature are made.

Your team manager James Hayes has been in touch with me, and I will respond shortly to request a review of the existing premises licence. Many thanks for this.

If you require any further information please don't hesitate to contact me.

Name:	Mr John Yiannakis
Address and/or Residents Association:	28 Caroline Place London W2 4AN

Received:	1 st December 2015
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I strongly object to the above application by the Phoenix Public House because of the harm it will cause to the neighbourhood.

It is already bad enough walking home at night from the Bayswater tube station being accosted by drunks and encountering people urinating outside the pub on Bark Place, people arguing in a drunken stupor, and people smoking strange smelling cigarettes.

There have been incidents when intoxicated patrons accosted residents returning from the theatre (my sister Athena Yiannaki was one of them).

This is predominantly a residential neighbourhood and, as such, we expect some protection from public nuisance and disorder and the consequences which the above will bring to the residents.

The area outside the pub is invariably littered with broken glass, a consequence from the inconsiderate behaviour of the customers of the Phoenix, so much so, that we are forced to walk in the road, not on the pavement, in order to avoid stepping onto the shards of glass. The danger and the harm this causes to the children is huge.

Consequently, I beg you to reject the application for the safeguard of the neighbourhood, its residents, especially the children.

Name:	Ms Fiona Mates
Address and/or Residents Association:	Bark Place London

Received:	14 th November 2015
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As a resident of Bark Place where we are extremely close to the Phoenix pub and affected by both the noise of those drinking outside the pub and from those leaving the pub as they go home I would like to oppose strongly their application for later opening hours.

We get a large amount of disturbance from groups leaving the pub to walk up to the main road and 12.30 would be totally unacceptable for this residential street.

There are always empty glasses left around and cigarette butts strewn the street in the morning as children walk to school, we would not welcome any opportunity for more.

I urge you not to accept this application.

Name:	Mrs Camilla Fritze
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Address and/or Residents Association:	30 Bark Place London W2 4at
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Received:	28 th November 2015
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While the internal refurbishment is appreciated the fact that noisy clientele of the pub walk down a residential street at night singing songs and shouting has not. For this I do not blame the pub but the reality is people leaving a pub after a number of drinks is not compatible with people trying to sleep. Bark place is a quiet family street and I don't see why the opening hours should be extended especially when the clientele of the pub is not local residents. The extended hours would be disruptive to the residential living of the people living on bark place.

Finally the pub applied for the same extension a few years ago. What has changed? I get the sense that the large pub company that owns it must have a lawyer who just keeps putting applications in until they finally find a time when the neighbours who object either aren't aware or just give up. Is this right? If there was a way to stop future applications unless they can prove a change in circumstances it would save a lot of time and money.

Name:	Mr & Mrs Peter And Sophia Massey-Cook
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Address and/or Residents Association:	38 Bark Place London W2 4AT
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Received:	30 th November 2015
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We wish to object to the above application on the basis that it will fail to promote the licensing objectives of prevention of Public Nuisance, Protection of Children from Harm, and Prevention of Crime and Disorder. Later closing hours would significantly increase the aggravation already caused to the residents of Bark Place by increasing the total alcohol consumption. Noise from outside drinkers and smokers would prevent residents from sleeping and the footfall and noisy conversations from patrons leaving would take place at even more unsociable hours. As the Neighbourhood Watch Coordinators for Bark Place we are concerned that increased drinking hours is likely to lead to more drunk and disorderly behaviour and associated crime in the locality.

The Phoenix is on the corner of Bark Place and Moscow Road. Moscow Road is a quiet street with three pubs, only a few shops and many residents in numerous mansion blocks. Bark Place is an entirely residential road, joining Moscow Road and Bayswater Road, via Orme Court, apart from a sixth form college which is closed in the evenings and weekends. The houses, which are all well-maintained are mostly owner-occupied, many of them by families with children. Our house is approximately 100 metres from The Phoenix Pub, yet we are disturbed by patrons using our street to get to and from the establishment. Bark Place is used as a pedestrian thoroughfare to Bayswater Road.

In recent years, The Phoenix has caused us the following problems:

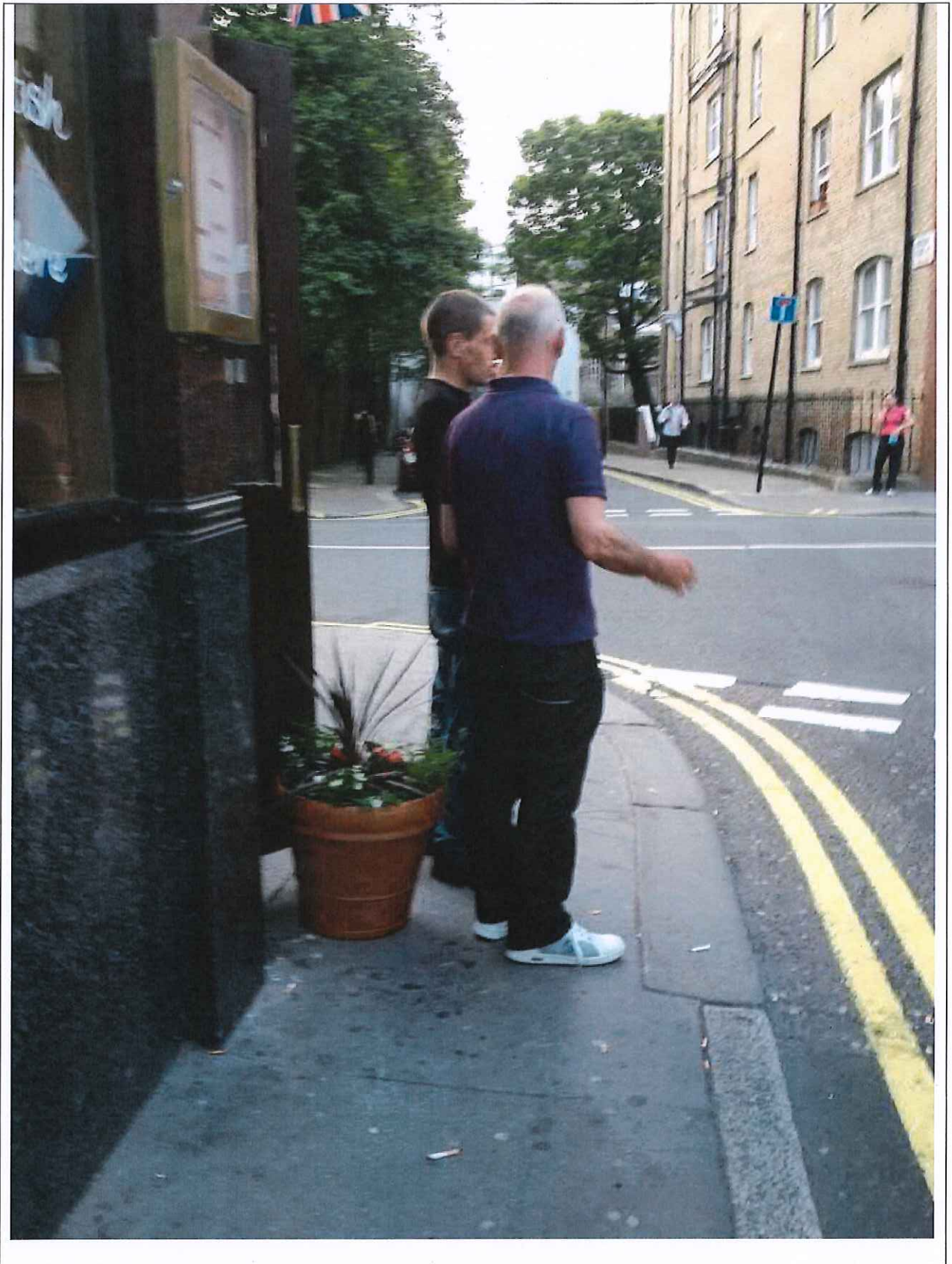
- People drinking and smoking on the narrow pavement on the Bark Place frontage preventing pedestrians from passing without going into the road.
- Men urinating openly on Bark Place, to the rear of The Phoenix and to the rear of Mulberry Pizza (47 Moscow Road)
- Pub glasses left on garden walls and planted in our hedges.
- Cigarette butts and vomit on the pavement.

- Noise from people drinking and eating at outside tables
- The noise of “merry” customers leaving The Phoenix at closing times, which disturbs the sleep and peace of mind of the residents even at current closing times

Such incidents would undoubtedly be magnified by the proposed increase of licensed hours and would take place when occupants of Bark Place and Moscow Road have every right to peaceful enjoyment of their property and undisturbed sleep.



The outside tables, which are beside the windows of residential houses.





Drinkers and smokers, even in small numbers, regularly force pedestrians to walk in the narrow road.



The rear doors to the Phoenix Pub, which open out onto the narrow pavement, cause danger to passing pedestrians.

The Phoenix Pub has put in applications for extended hours in both 2010 and 2012, both of which received considerable numbers of objection letters from neighbours and were either withdrawn or rejected on the basis of the disruption which would be caused to residents.

Bark Place, like the other surrounding residential roads, is an extremely quiet residential one-lane road which has almost no motor traffic at night. The houses are relatively high for the width of the road, which creates an echo effect, rather than absorbing the sound. You could virtually hear a pin drop. Consequently, the conversations held by groups of Phoenix customers as they leave the pub and make their way to Bayswater Road are loud enough to wake anyone sleeping at the front of the houses, even when their windows are closed. They often stop for some time to continue their conversations before they part company. This is frequently followed by the slamming of car doors and loud "goodbye"s. To reduce disturbance caused by the noise from the Phoenix patrons our windows must be kept shut on warm evenings. These houses do not have air conditioning, therefore closing windows is extremely unpleasant in the summer months.

Patrons of The Phoenix are not local residents of the Bark Place area. At closing time, customers almost always need to walk down Bark Place and then Orme Court to find transport: taxis on Bayswater Road, buses on Bayswater Road, and Queensway tube station. Bark Place and Orme Court have narrow, poorly lit openings at either end, which make late-night encounters with often drunken pub patrons all the more disquieting for residents returning home. Those entering this area at night are either residents, or patrons of The Phoenix.

We also ask that the application to remove trading restrictions on Good Friday be refused as this is a time of family holiday for the residents.

We ask you to reject this application for extended licensed hours.

Name:	Dr Rachel pope
Address and/or Residents Association:	11 Bark Place London W2 4AR
Received:	30 th November 2015

We used to live at 20 bark place even closer to the pub and now at 11 Bark Place this is a real community with young children and there has always been noise from the pub at closing time I feel this will be detrimental to the well being of local families with disturbance after midnight. There have been numerous occasions of vomiting on the pavement. There is a narrow pinch point in the road here and with customers spilling onto the road late at night risk of injury.

Name:	Miss Karin Amstad
Address and/or Residents Association:	26 Windsor Court Moscow Road London W2 4SN
Received:	14 th November 2015

We object on the basis that this pub is in the middle of a residential area surrounded by plenty of flats and houses nearby, where people typically go for a drink after work or to watch football, as most football matches are shown in this pub. For both groups the current opening hours cater for sufficiently.

The pub is not in an area where people would naturally go out late at night, say for a last drink after theatre or so. After 10pm the pub empties very quickly and it is difficult to see how extended opening hours would increase trading for the pub apart from the odd drunken reveller who would visit and later on leave very noisily, something that already happens regularly.

Furthermore the moving inside of tables and chairs causes nightly screeching noises and having this even later will cause further and later disruptions for residents. Whenever the doors are open, loud music spills into the streets which can easily be heard in the flats and houses nearby. Again, having this going on until even later will only affect residents adversely further.

Name:	Mr Anthony Rendell
Address and/or Residents Association:	9 Bark Place Bayswater London W2 4AR
Received:	29 th November 2015

I wish to object to the extension of hours at The Phoenix pub. It is on the corner of Moscow Rd and Bark Place, surrounded by residences.

There is inevitably noise from outside drinkers and smokers, whose happy conversations are loud. Many go home down Bark Place to Bayswater Road for busses, cabs, and the tube. This is disturbing to residents who include children and the elderly (some of whom are in poor health who need sleep. Quiet enjoyment of these residences is impossible, especially on warm nights,

when patrons like to pause to talk and shout and sing and smoke, and it's essential to close our front windows Local people don't use the pub much, and patrons are transients, including tourists, and they don't think about residents.

Extending the hours later would make things worse.

I also object to removing restrictions on Good Friday, as Easter is an important family time for residents and their visiting relatives.

Name:	Mrs M.J. Fraser
Address and/or Residents Association:	39 Bark Place London W2 4AT
Received:	30 th November 2015

As a resident of Bark Place for almost 30 years I stand firm in objecting to any licensing extension which may result in the disturbance of the neighbourhood outside of what should be considered reasonable and considerate social hours.

Bark Place is a through road to the main Bayswater Road and late hour noise and revelry, besides peeing/puking and litter dropping in the streets in a relatively peaceful evening/night period as a result of increased drinking time is not acceptable.

I therefore register my objections to this application for these reasons and on the grounds that any decisions would also set precedence for other applications from similar commercial venues in what is essentially a residential area including families with young children, elderly people and those in between.

Thank you for your attention and I hope my comments will be taken into due consideration.

Name:	Mr Guy Usher
Address and/or Residents Association:	25 Bark Place London W2 4AT
Received:	29 th November 2015

We are the owners and residents on a house in Bark Place which is the third house along that street from The Phoenix. Bark Place is a quiet residential street.

We object to the application due to the fact that there will be increased levels of noise and disruption caused by drunken individuals leaving the premises at a later hour. We frequently experience small crowds of people hanging around and speaking or shouting very loudly, often for some time after they leave the pub. Later opening hours will make this more disruptive to sleep as it will be later and there will be more time to get more drunk.

The pub is extremely busy when major sporting events are screened and the viewers often do not leave once the game has finished.

Although in this respect things have improved slightly in the last year, we still see evidence the next morning of people having urinated or being sick in the street and litter (including beer bottles) being dumped in our front garden).

Music in any form should not, in any event, be permitted, beyond the current hours.

Name:	Ms Eleni Antoniadou
Address and/or Residents Association:	Eleni Antoniadou Environmental Ltd 2 Chenies House 37 Moscow Road London W2 4AH
Received:	20 th November 2015

RE: Objection Licence Application Number: 15/09852/LIPV to extend the licensing hours to 24:00 at the Phoenix Pub on Moscow Road

In response to Licence Application Number: 15/09852/LIPV to extend the licensing hours to 24:00 at the Phoenix Pub on Moscow Road , I write to express my objection on the following environmental impact and social impact grounds:

Social Impacts-Lack of consideration of local residents leading to reduction in quality of life for local residents

1) The Phoenix Pub does not manage their current license until 23:00 with a drinking time of 23:30 appropriately and responsibly. It allows customers to linger in groups not only outside the pub where permitted but also on the public pavement around the pub and directly below the adjacent residential properties (including our building, which is adjacent to the pub) until at least one hour to one and half hours after closing time. I have photographic evidence of the pub filled with customers still drinking at midnight to support this.

There is no effort made on behalf of the pub to disperse customers by or after the 23:30 drinking time by the staff , or to keep volume down in respect of local residents after closing time. I have contacted the Westminster Noise Team on several occasions, after contacting the pub directly with no action taken by the pub staff and management. The most recent phone call to the Westminster Noise Team was made on the Saturday 31st October at 01:00 in the morning. On this occasion a DJ was used for a Halloween event and the pub operated until 01:00 with drunken customers creating noise until 02:00.

The pub clients also linger in our building backyard whilst at the pub or leaving the pub. Even though this is largely ignored, by the residents on the occasions that we do ask pub clients to leave due to noise, we have been threatened with physical violence.

Environmental Impacts- Noise

2) The Phoenix pub has this year started to have live amplified music on Saturdays, in addition to the live screening of football matches, such as the World Cup. Noise levels are frequently so loud that they can be heard within our property, which has both double glazing and secondary glazing, with all the windows closed. We have recently installed double glazing in response to the increased noise levels generated by the pub. We have also raised phone calls with the Westminster Noise team on 3 occasions this year alone in relation to loud music with amplification which continues until beyond 22:00, which is considered to be within the controlled noise hours.

3) The noise from customers drinking, shouting, singing in groups both whilst at the pub and leaving the pub can be heard within our property with the acoustic insulation and is loudest between 10:00- 00:30 due to the lack of management of clients by the pub staff and drunken behaviour of clients. As I monitor noise on construction sites and operational highways and have access to a noise meter, I can confirm that the noise levels within our property frequently exceed the set guidelines set for construction sites/ operational highways and would stop a construction project under Section 61 if these noise levels were detected at the closest

residential receptor. As we work during the day and have a young child, our quality of life has been reduced due to the noise levels and associated lack of sleep. The nature of the loud noise outbursts also means there is no way to adapt to the noise levels. Night life venues can operate within residential areas, but within the acceptable noise levels during controlled hours.

There are at least 100 noise sensitive receptors within a 100m of the pub who could be affected by noise.

Cumulative Impact- Number of drinking venues on Moscow Road

4) Within a radius of 100m of our property there are already 7 venues where alcohol can be purchased and consumed either on or off the premises up until 23:00 or later in restaurants. This includes a total of 3 pubs, one off license, a supermarket, 3 restaurants. There are also existing restaurants, hotels, night clubs and bars which already operate until later hours on Queensway , Notting Hill Gate, Portobello and in the wider area. Extending the hours of operation of the pub will therefore not contribute positively to the environment or quality of life in the local area or provide a new social benefit-for those wishing to go out late- which does not exist already . The majority of establishments in our immediate area now manage to control the behaviour of clients, and do not generate social impacts on such as frequent basis. We are therefore willing to accept that there will be some level of noise and drinking associated behaviour in our area which cannot be easily managed or reduced such as public urination, drinking on our doorstep, etc.

However, taking into consideration the frequency and level of noise and social disturbance generated by the Phoenix pub, and their inability/ lack of will to take action to reduce noise impacts to acceptable levels and respect local residents, despite frequent visits from the Westminster noise team and phone calls from locals residents, I strongly object the planning application to operate until 24:00 with drinking time until 00:30.

Even with the most appropriate mitigation measures to manage clients, this is not an acceptable time for a drinking venue within densely populated residential area.

I am willing to take this matter to the highest authority and can provide environmental evidence of the issues identified above.

Name:	Carole Jackson
Address and/or Residents Association:	4 Lombardy Place London W2 4AU
Received:	10 th November 2015

Application Reference: 15/09852/LIPV

Notice is hereby given that Spirit Pub Company (Services) Limited (the applicant) has applied to the City of Westminster for a variation of their premises licence for:
The Phoenix, 51 Moscow Road, London, W2 4AL

I would like to object to the above application as there will be increased noise later at night which will disturb the local residents as this is a residential area and should be maintained as such.

Name:	Mrs Laura Marani
Address and/or Residents Association:	Windsor Court Moscow Road London W2 4SN

Received: 17th November 2015

The Phoenix (no.51) has applied many times for variation of the licence and many letters have been written, as well as personal representation and withdrawal of the application. Roughly 1 month ago a variation of licence was applied for by no 45 and many neighbours feared this would lead to a renewed effort from the Phoenix (as has happened)

The conditions have not changed in all this time and the objections which have been raised in the past, and which I am sure you have on file, still stand. Please let me know if it all has to be spelled out again.

I am sure the manager of the Phoenix does his best, but putting in all the effort possible will not make the customers take heed.

Please, please consider the 'rights' (hate that word!) of the residents to enjoy living (and sleeping) in this area and consider that, if the licence changes, then all the other licensed premises in this street will all want more.

Thank you for your consideration.

Name:	Mr William Relton
Address and/or Residents Association:	23 Bark Place London W2 4AT

Received: 30th November 2015

I understand that the Phoenix pub has applied to extend their licensing hours and vary the conditions concerning public holidays.

May I oppose this application on the grounds that the proposed closing time is well after normal bed times for the residents near the pub ? We are the nearest dwelling and we still find our drive used as an ashtray and find empty, or half empty, glasses perched on our gateway.

Why would people want to consume alcohol after the hour when only night buses operate? Surely they would not attempt to drive. The safest remedy is to close at 10.30 so that responsible drinkers can return home without endangering pedestrians or other, sober, drivers.

Bark Place is a residential area, likewise St Petersburg Mews where our son and family live.

There is quite enough noise without augmenting it late at night.

If this application is granted, then you can expect a further one from the Kings Head and goodness knows what will happen to LAFitness under its new management.

Please do not open the way for an avalanche of applications which, if approved, would completely transform this quiet area in which we have lived happily since 1981.

Name:	Anthony Brooke
Address and/or Residents Association:	20 Caroline Place London W2 4AN
Received:	7 th November 2015
<p>I am a resident of Caroline Place which is very close to The Phoenix in Moscow Road.</p> <p>I strongly object to the proposal to extend The Phoenix's opening hours as set out in Application Reference 15/09852/LIPV. The area is quiet and residential. The customers of The Phoenix have on numerous occasions engaged in anti-social, criminal and noisy behaviour and this would only be exacerbated if the pub's opening hours were extended as is proposed.</p> <p>I hope that these views will be taken into account when the application is considered.</p>	
Name:	Sarah Joiner
Address and/or Residents Association:	4 Caroline Place London W2 4AW
Received:	7 th November 2015
<p>I write as a local resident of Caroline Place to object to the extension of hours at the Phoenix pub. This is situated in a residential area with many young families living directly by the pub. We are blessed with near silence at night time and residents would be greatly concerned if the hours were extended in any way. The pub is not frequented by residents and attracts outsiders.</p> <p>It is essential that the opening hours are NOT extended as it will lead to an increase in social nuisance, local petty crime and anti-social behaviour.</p>	
Name:	Jacqueline Wase-Bailey
Address and/or Residents Association:	Not supplied
Received:	9 th November 2015
<p>As a local resident I just wish to object to the above application.</p> <p>For many reasons ie it is a quiet residential area and there are 3 other pubs very close by.</p>	

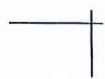
3. Policy & Guidance

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

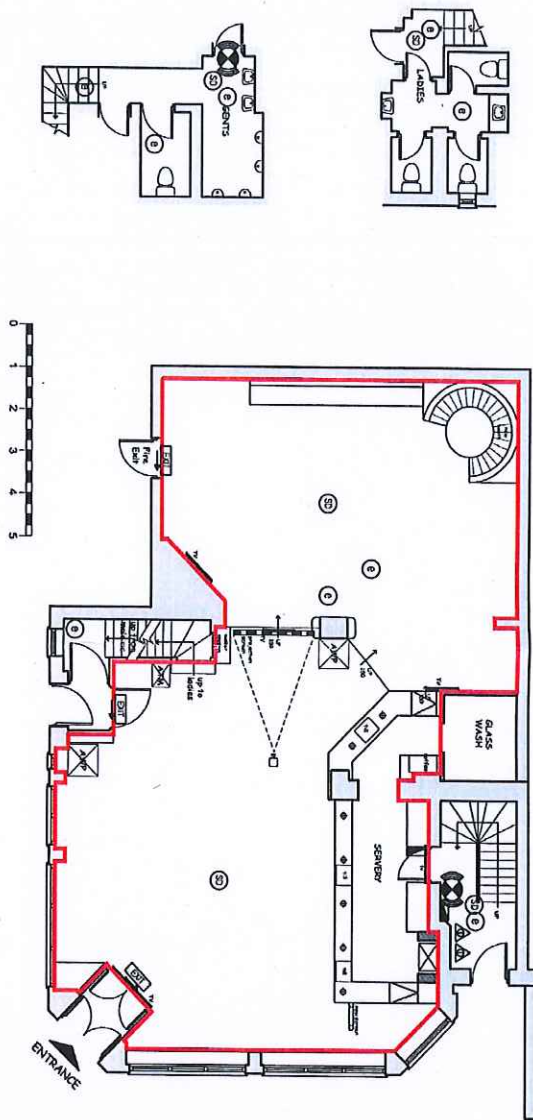
4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history and Current Premises Licence
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

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

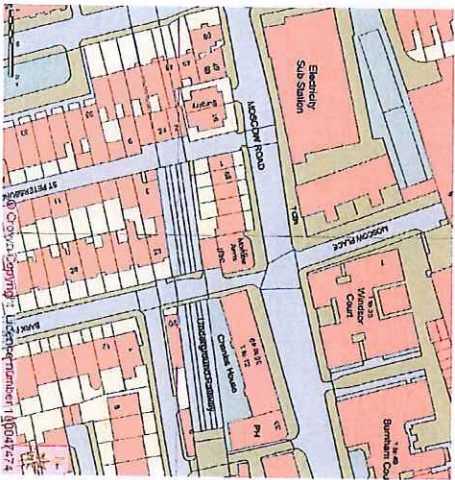


PROPOSED FLOOR PLAN



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10001 100th Street, Suite 100, Richmond, BC V6V 1K2 TEL: 604-273-3333 FAX: 604-273-3311 WWW.CREATIVEGROUP.COM	
BRANT FISH COMPANY 51, MOSCOW ROAD Cowichan Bay DECEMBER 2012	
LICENSING PROPOSED PLAN DATE 1.10.12 @ AJ DRAWN BY AJ CHECKED BY BLS DATE 20.12.12	
304 - 012	
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OS MAP
Scale 1:1250

Key	Description
⊕	Area to covered by non-maintained emergency luminaire (bs 5266)
HD	area covered by heat detector (bs 5839)
SD	area covered by smoke detector (bs 5839)
⊗	area covered by visible warning indicator & sounder at high level - (bs 5839)
⊙	manual call point (bs 5839)
EXIT	internally illuminated 'fire exit' or graphic equivalent - 75mm high letters (bs 5499)
SS22	doors to be securely fixed open whilst members of the public are on the premises
■	fire alarm panel

notes

- main contractor to ensure adequate power supply is available and fit the alarm panel or equipment
- all electrical installations to conform to current UK regulations
- basic of house lighting fittings to be re-wired & cleaned unless otherwise advised by designer
- this drawing is to be read in conjunction with fire safety drawing
- main contractor to advise fire power to external lights and light fittings
- note where contractor to provide wiring to lighting positions for external lighting contractor to wire to junction box for signage contractor to fit
- allow for loss dimming circuits
- certificates of compliance to BS 5266 - emergency lighting in 11999 & BS 5266-2 to be provided to the fire authority
- certificates of compliance to BS 5839 - fire detection and alarm systems for buildings in 11998
- main contractor to advise fire new disabled alarm fully compliant with the latest B7regs doc M
- dog to be read in conjunction with signage systems

Key	Description
PB	Push bar or single action fastening to be available when the premises are in use
VP	vision panel
SC	self closing - opening force limited to 20 newtons to comply with Building Regulations Dec M
⚠	fire extinguisher: water type
⚠	fire extinguisher: dry powder
⚠	fire extinguisher: carbon dioxide gas
⚠	fire extinguisher: fire blanket
FD30S	30 min fire resistant doorset with intumescent strip, smoke seal & self closer
⚠	fire extinguisher: foam

denotes 'Area of Licenseable Activity'

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 Client

THE PROJECT
 01, MCCORMICK ROAD
 DUNMUNNY
 DUNMUNNY

LENDING OR AWP AND AWP
 Date

REVISIONS: 2012

1:1250 & A3	AS
DUNMUNNY	AS
1812	AS
2012	AS
2012	AS

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None provided.

Appendix 3

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
New Premises Licence 15/05421/LIPCV	Applied for Regulated Entertainment & Sale of Alcohol Monday to Saturday: 10:00 to 23:00 Sunday: 12:00 to 22:20 Late Night Refreshment: Monday to Saturday 23:00 to 23:30	Conversion from old legislation to new – deemed granted	10/10/2005
Vary DPS 07/06357/LIPDPS	Application to vary the Designated Premises Supervisor	Granted under Delegated Authority	06/07/2007
Vary DPS 07/12118/LIPDPS	Application to vary the Designated Premises Supervisor	Granted under Delegated Authority	18/12/2007
Change of Details 09/04169/LIPCH	Change of details	Granted under Delegated Authority	05/06/2009
Minor Variation 10/07625/LIPVM	Minor Variation to Remove the condition '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 a 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'. Add the condition "Children will only be permitted when accompanied by an adult". Add the condition "A challenge 21 policy will be employed whereby those individuals who appear to be under the age of 21 and are attempting to purchase alcohol will be asked to provide identification.	Granted under Delegated Authority	18/10/2010

	The only type of identification that will be accepted is a passport, photo driving licence or any other PASS accredited identification. Staff will be trained in this policy and records will be kept".		
Application to Vary the Premises Licence 10/09802/LIPV	To permit the sale of alcohol Monday to Thursday until 23:30hrs and Friday and Saturday until 00:00hrs (currently permitted until 23.00). To permit late night refreshment Friday and Saturday until 00:00hrs (currently permitted until 23:30). Opening hours of the premises are to match the terminal hour for the sale of alcohol. For all of the above on the Sundays immediately prior to bank holidays until 00:00. From the end of permitted hours on New Years Eve until the start of permitted hours New Years Day. Remove the restrictions on hours for Christmas Day and Good Friday so that which ever day of the week these respective days fall on, the hours for that day will apply. All other hours (including the Sunday permission), licensible activities and conditions are to remain unchanged.	Application withdrawn	24/11/2011
Vary DPS 11/05325/LIPDPS	Application to vary the Designated Premises Supervisor	Granted under Delegated Authority	13/06/2011
Application to Vary the Premises Licence 12/04087/LIPV	To extend the sale of alcohol as follows:- 10:00 until 00:30 the following morning on Thursday to Saturday (current permission 10:00 until 23:00) To permit the premises to open for the sale of alcohol on Sunday from 10:00 (current permission 12:00). To extend late night refreshment as follows:- 23:00 until 01:00 the following morning on Thursday to Saturday (current permission 23:00 until 23:30) To maintain 30 minutes drinking up time following the last permitted sale of alcohol. To add the following conditions:- "There will be no first entry to the premises after 23:30" "No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance" "The designated premises supervisor or a member of staff nominated for the purpose shall ensure that prominent, clear and legible notices are displayed at all exits requiring	Application Withdrawn	06/07/2012

	customers to respect the needs of local residents and to leave the area quietly prior to opening for trading" "No rubbish including bottles will be moved, removed or placed in outside areas between 23:00 and 08:00" "Late night refreshment is restricted to consumption on the premises". To remove the restriction the Good Friday and Christmas Day trading hours. All other hours, licensable activities, conditions and non standard timings are to remain unchanged.		
Application for a Minor Variation 12/05521/LIPVM	To permit the premises to open from 07:00 in order to serve breakfast and non-alcoholic beverages. There is to be no change to licensable activities or timings.	Granted under Delegated Authority	18/07/2012
Application for a Minor Variation 12/11135/LIPVM	To vary the plans attached to the existing premises licence so as to incorporate the following changes: 1. Removal of part raised floor to create one flat raised floor at 1 step up. 2. Introduction of new dining height fixed seating and curved feature booth seating. 3. Removal of internal timber screen in raised floor area. 4. Addition of half-timber screen by end of bar to control customer access. 5. New timber drinks shelves by AWP positions. There are no proposed changes to current licensable activities or timings.	Granted under Delegated Authority	07/01/2013
Vary DPS 14/02825/LIPDPS	Application to vary the Designated Premises Supervisor	Granted under Delegated Authority	09/06/2014
Vary DPS 14/05583/LIPDPS	Application to vary the Designated Premises Supervisor	Granted under Delegated Authority	28/07/2014
Vary DPS 14/11306/LIPDPS	Application to vary the Designated Premises Supervisor	Granted under Delegated Authority	28/12/2014

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

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

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

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

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

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

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

Annex 2 – Conditions consistent with the operating Schedule

11. Children will only be permitted when accompanied by an adult.
12. A challenge 21 policy will be employed whereby those individuals who appear to be under the age of 21 and are attempting to purchase alcohol will be asked to provide identification. The only type of identification will be accepted is a passport, photo driving licence or any other PASS accredited identification. Staff will be trained in this policy and records will be kept.

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

None

Conditions agreed by Metropolitan Police Service

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
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. All customers to be off the premises by 00.30

4. 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.

Proposed conditions from applicant in relation to the Environmental Health Representation and Resident Representations *(Not yet agreed by EH or residents)*

5. No drinks will be permitted outside after 22:30 on any day. Signs will be displayed to notify customers of this policy at all exits to the premises.
6. Signs will be displayed at all exits reminding customers to respect the residents in the immediate vicinity when leaving the premises.
7. Outside chairs will be stacked away and stored by 22:30 daily.
8. All doors and windows to be closed during regulated entertainment.
9. During trading hours the duty manager will undertake a patrol outside the premises to assess customer and music noise and to ensure that no public nuisance is being caused.
10. Staff will regularly collect glasses from outside the premises (at least every 20 minutes) and inform the duty manager of anything they witness that they consider might undermine the prevention of public nuisance objective. It will be for the duty manager to take reasonable measures to ensure that no public nuisance is caused.
11. 15 minutes before the terminal hour for sale of alcohol, 'last orders' will be called, music levels turned down to 'background' levels and lighting adjusted (increased) to indicate that the premises is preparing to close.
12. A complaints log (the Log) shall be maintained and all complaints made to the premises shall be recorded in the Log. As a minimum, the Log will record the date and time of the complaint, the name and address of the complainant (if known), the name of the person recording the complaint, the nature of the complaint and any action taken thereafter.
13. From 20 minutes prior to closing the premises, the duty manager will patrol outside the front of the premises to ensure a quiet customer dispersal. The duty manager will remain outside until such time as the last customers have left.

Proposed conditions by Environmental Health *Not yet agreed by Applicant*

14. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises or its vicinity save for on the private forecourt on Moscow Road.

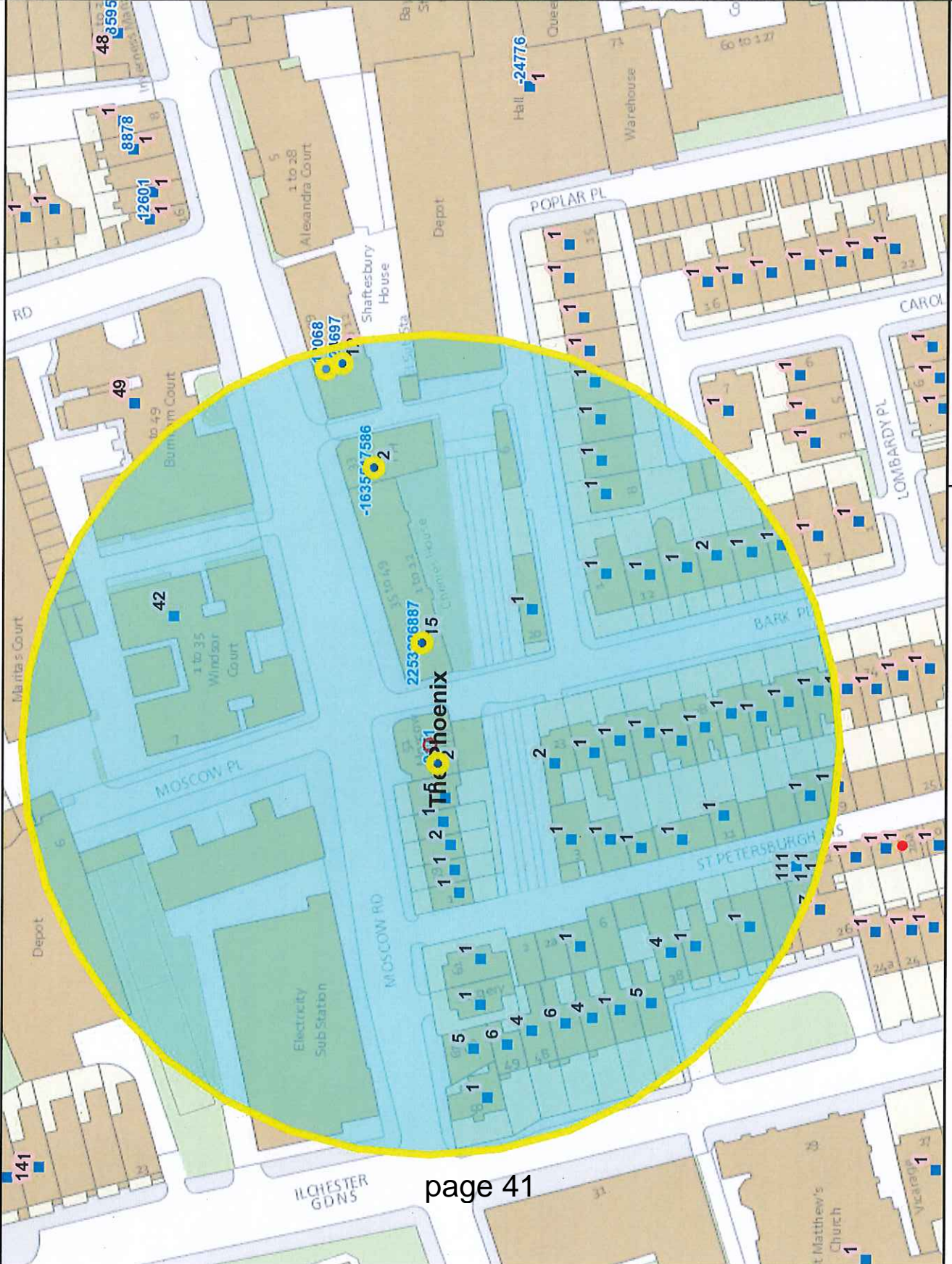
15. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
16. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
17. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
18. When amplified music is being played all windows and external doors shall be kept closed except for the immediate access and egress of persons.
19. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
20. All outside tables and chairs shall be removed or rendered unusable by (22.30) hours.
21. After (22:30) hours patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.
22. Notices shall be prominently displayed at the exit/entrance and in the external area requesting patrons to respect the needs of local residents and businesses and when leaving to do so quietly.
23. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
24. 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.
25. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

26. No collections of waste or recycling materials, including bottles, from the premises shall take place between 23.00 and 08.00 hours on the following day.
27. 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.

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 2011
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015



Residential / Proposed Residential	159
Under Construction	
Other Uses	
Proportion Residential of all Uses	

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Data Source: Uniform Database
Date: 09/12/2015

Premises within 75 metres of:			
p / n	Name of Premises	Premises Address	Licensed Hours
22532	Mulberry Street	Ground Floor 47 Moscow Road London W2 4AH	Sunday 12:00 - 22:30 Monday to Saturday 12:00 - 23:00
26887	Shiori	45 Moscow Road London W2 4AH	Monday to Saturday 12:00 - 15:00 Monday to Saturday 18:00 - 22:30
-24687	Olympic Food Centre	21 Moscow Road London W2 4AH	Sunday 08:00 - 22:30 Monday to Saturday 08:00 - 23:00
-16355	Kings Head Public House	Kings Head 33 Moscow Road London W2 4AH	Sunday 07:00 - 23:00 Monday to Saturday 07:00 - 23:30
-12068	Byzantium Cafe	Ground Floor 31 Moscow Road London W2 4AH	Monday to Sunday 08:00 - 23:00
9171	The Phoenix	51 Moscow Road London W2 4AL	Sunday 07:00 - 23:00 Monday to Saturday 07:00 - 23:30
17586	Kings Head Public House	Kings Head 33 Moscow Road London W2 4AH	Sunday 07:00 - 23:00 Monday to Saturday 07:00 - 23:30





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City of Westminster

Licensing Sub-Committee Report

Agenda Item 2

Item No:	
Date:	12 January 2016
Licensing Ref No:	15/08088/LIPV - Premises Licence Variation
Title of Report:	Burger Station 11 South Molton Street London W1K 5QL
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:	Mr Nick Nelson Senior Licensing Officer
Contact details	Telephone: 020 7641 3431 Email: nnelson@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	20 October 2015		
Applicant:	Burger Station Ltd		
Premises:	Burger Station		
Premises address:	11 South Molton Street London W1K 5QL	Ward:	West End
		Cumulative Impact Area:	None
Premises description:	The premises is a cafe and restaurant providing hot meals, especially burgers, salads, pastas and other hot dishes, snacks, soft drinks and tea / coffee. The premises has tables and chairs inside and outside.		
Variation description:	To change the layout of the premises so as to add an additional toilet and to increase capacity.		
Premises licence history:	The premises was granted a new premises licence by the Licensing Sub-Committee on 21 May 2015 for the sale by retail of alcohol.		
Applicant submissions:	None.		

1-B Current and proposed licensable activities, areas and hours					
Sale by Retail of Alcohol					
On or off sales		Current :		Proposed:	
		Both		No change	
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	10:00	23:00	No change		Slight reduction of the licensable area on the ground floor by removing 2 tables to accommodate the new toilet facilities.
Tuesday	10:00	23:00	No change		
Wednesday	10:00	23:00	No change		
Thursday	10:00	23:00	No change		
Friday	10:00	23:00	No change		
Saturday	10:00	23:00	No change		
Sunday	12:00	22:30	No change		

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	23:30	No change		Ground floor,	No change

Tuesday	08:00	23:30	No change	lower ground floor and basement	
Wednesday	08:00	23:30	No change		
Thursday	08:00	23:30	No change		
Friday	08:00	23:30	No change		
Saturday	08:00	23:30	No change		
Sunday	08:00	23:30	No change		

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Nicola Curtis
Received:	14 October 2015
<p>Environmental Health originally made a representation. However, following agreement to amend condition 22 on the premises licence if the application is granted, Environmental Health withdrew their representation on 8 December 2015.</p> <p>Condition 22 currently reads: <i>The maximum number of persons accommodated to consume food and/or drink at the premises shall not exceed 15 persons (excluding staff).</i></p> <p>The agreed condition reads: <i>The maximum number of persons accommodated to consume food and/or drink at the premises shall not exceed 40 persons excluding staff.</i></p>	

2-B Other Persons			
Name:	Mayfair Residents' Group		
Address and/or Residents Association:	29A Brook Street London W1K 4HE		
Status:	Valid	In support or opposed:	Opposed
Received:	9 November 2015		
<p>The Mayfair Residents Group wishes to oppose any alterations in the original conditions specified by the Council when it granted a licence to this establishment.</p> <p>South Molton Street is purely a small shopping and residential street, wholly unsuited for any significant late night entertainment establishment. Because of this, if the customer capacity of Burger Station is allowed to be increased with the advent of an extra toilet, we feel that it is absolutely necessary for the original license conditions be strictly adhered to, so that the risk of any late night excessive noise and anti-social behaviour is minimised.</p>			
Name:	Residents' Society of Mayfair & St James's		

Address and/or Residents Association:		19 Moore Flats Gilbert Street London W1K 5HN	
Status:	Valid	In support or opposed:	Opposed
Received:	13 October 2015		
<p>As you are no doubt aware Mayfair and St. James's are residential areas and it is to that end the society wish to object to any further extension to the above premises.</p> <p>The Society firmly believes that to grant any extension the applicant has applied for will lead to additional anti-social behaviour and noise pollution. It will absolutely have a negative impact on the residents living in this predominately residential neighbourhood and any additional extensions will only exacerbate an already intolerable situation. Crime and disorder along with a severe public nuisance will surely ensue.</p> <p>The Residents Society of Mayfair & St. James's therefore wishes to register a very strong objection for and on behalf of the residents on that basis.</p>			
Name:		Judy Kuttner	
Address and/or Residents Association		Flat 3 29A Brook Street London W1K 4HE	
Status:	Valid	In support or opposed:	Opposed
Received:	9 November 2015		
<p>This premises has served the street as a local cafe for a number of years. The cafe is frequented by many of the people who work in the street as well as by passers-by. The cafe serves people at tables both inside and outside the premises and also provides a take-away service, but in the past it has normally closed around 6pm if not before.</p> <p>South Molton Street has nearly 60 shops, at least as many offices and 30 flats. It is a pedestrian precinct which is primarily a shopping street that closes down by 8pm with rare exception. It is not heavily travelled during the evening and the noise level drops. There are currently no other premises serving alcohol or food on South Molton Street.</p> <p>Burger Station (Toast) was recently granted a licence for 15 people until 11pm. It now seeks to add a toilet in order to serve 40 people in total. Granting this licence variation raises the potential for public nuisance including noise, litter, loitering and possibly smell, especially because of the café's outdoor and takeaway services.</p> <p>The original licence was granted with conditions which included no takeaway alcohol and outside tables to be disabled by 7pm. If additional people are now to be allowed on the licence, I believe that it is even more important that the original conditions remain in place.</p>			
Name:		Well-Being Business Centre	
Address and/or Residents Association		58 South Molton Street London W1K 5SL	
Status:	Valid	In support or opposed:	Opposed
Received:	30 October 2015		

We had previously written to you on 9th March 2015 in objection to the new licensing for Toast, 11 South Molton Street. We would like to write again to express our discontent for the new licensing.

We had carefully chosen our premise location at 58 South Molton St due to there being no evening activities taking place on the street. This is due to our business being a well-being centre and we require for the surrounding area to be quiet to operate our business successfully. We now understand that the new license will allow for a later closer time, which will disrupt our clients as we are directly opposite to Toast.

We also understand that there will be more covers which will result in more people, causing further disruption and noise.

We request that if the new licence will be upheld, that a 19:00 closing will be retained, and that alcohol is restricted to be consumed indoors only to avoid noise and any potential antisocial behaviour.

3. Policy & Guidance

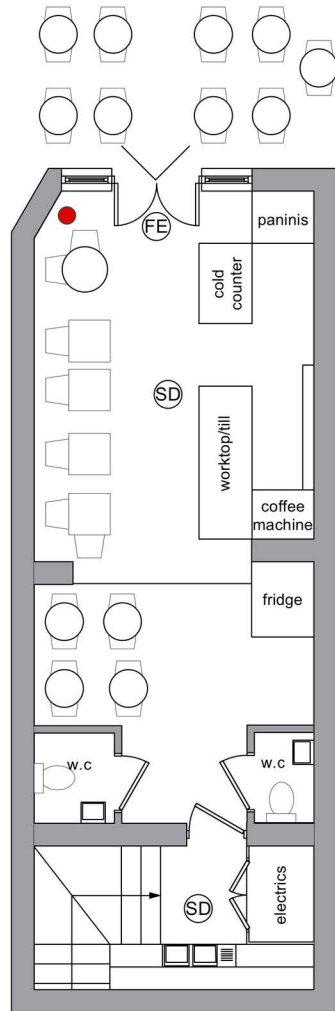
The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy RNT1 applies	Policy RNT1 applies: Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.
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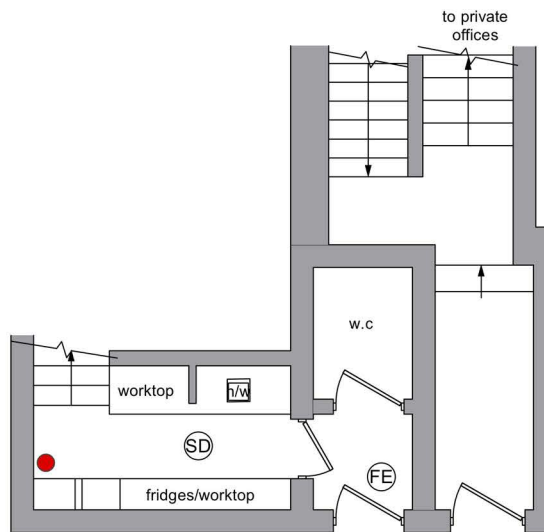
4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents - None
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

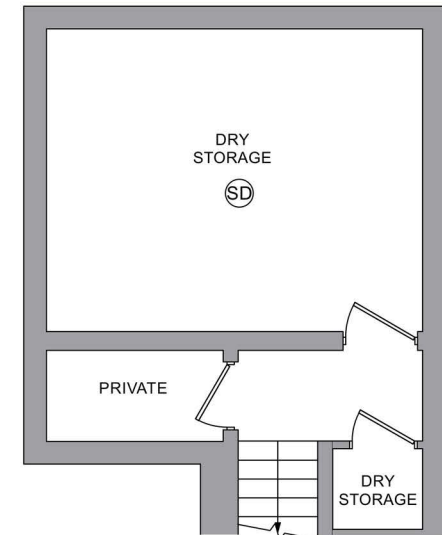
Report author:	Mr Nick Nelson Senior Licensing Officer
Contact:	Telephone: 020 7641 3431 Email: nnelson@westminster.gov.uk



PROPOSED GROUND FLOOR PLAN



PROPOSED LOWER GROUND FLOOR PLAN



PROPOSED BASEMENT FLOOR PLAN

CLIENT	ADDRESS	PROJECT	DRAWING TITLE	SCALE	DWG NO	NOTES
TOAST	11 South Molton St. London W1K 5QL	Premises License Application	Proposed GA Plan	1:100 @ A4	001	(FE) Fire Exit (SD) Smoke detector ● Fire Extinguisher
				DATE December 2014		

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
New premises licence 15/00989/LIPN	Application for the sale by retail of alcohol from 10:00 – 23:00 Monday to Saturday and 12:00 – 22:30 Sunday.	21.05.2015	Granted by Licensing Sub-Committee
Change of trading name 15/06963/LIPCHT	Change of trading name from “Toast” to “Burger Station”.	20.08.2015	Granted under delegated authority
Variation application 15/08088/LIPV	Current application.		

There is no appeal history

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

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Conditions: On Current Licence -

Mandatory:

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

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

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

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

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

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

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

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

Where -

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

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

Annex 2 – Conditions consistent with the operating Schedule

None

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

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
12. All outside tables and chairs shall be rendered unusable by 19.00 each day.
13. 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.
14. 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.

15. 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.
16. No deliveries to the premises shall take place between 23.00 and 08.00.
17. The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed at the outside tables and chairs in an area appropriately authorised for such use on the highway, shall be by waiter or waitress service, served only to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.
18. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23.00 hours and 08.00 hours.
19. The supply of alcohol for consumption on the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.
20. The supply of alcohol shall be by waiter or waitress service only.
21. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
22. The maximum number of persons accommodated to consume food and/or drink at the premises shall not exceed 15 persons (excluding staff).
23. The Licence will have no effect until the premise has been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
24. No noise or vibration shall emanate from the premises which give rise to a nuisance.

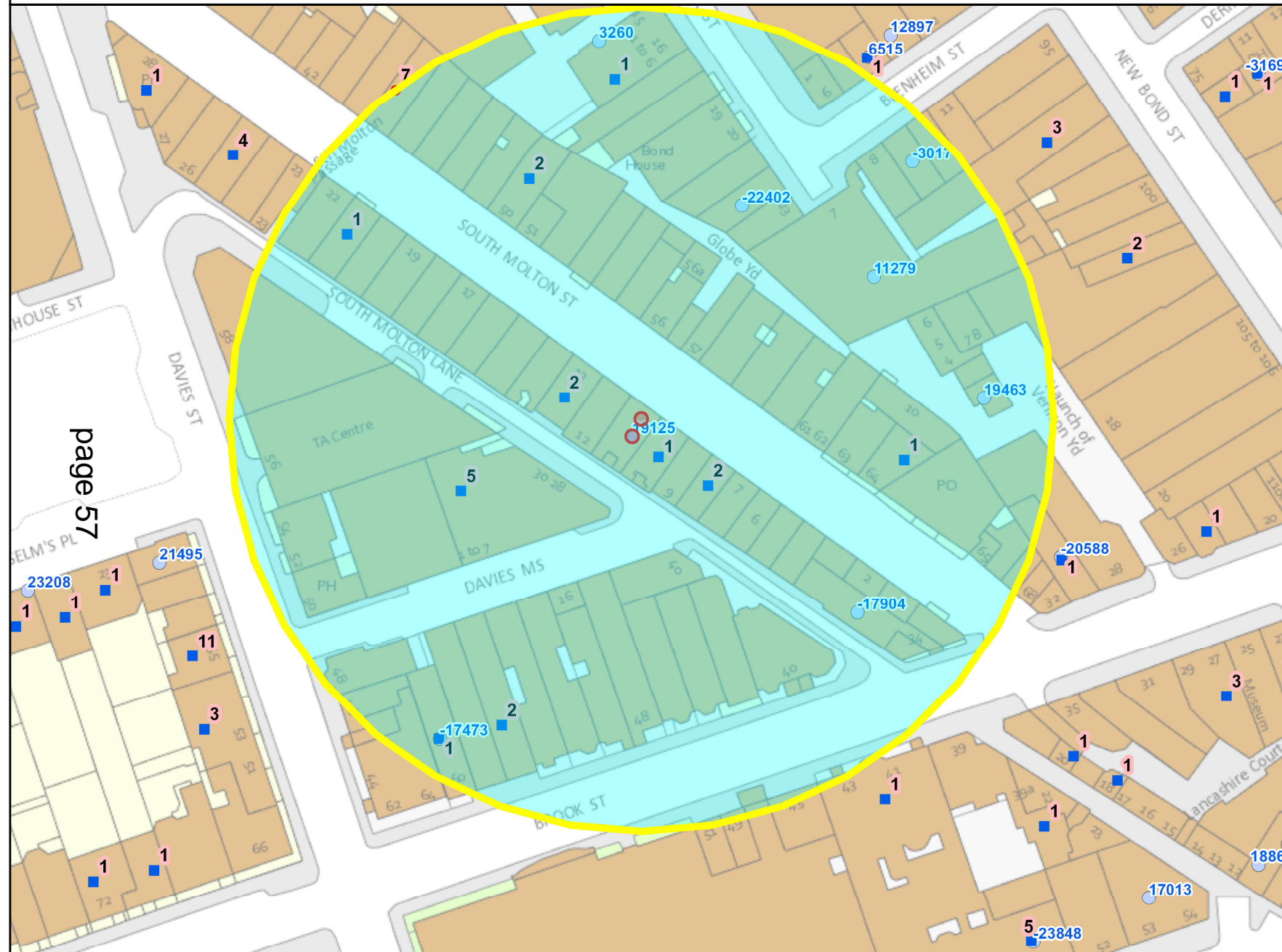
Condition proposed by Environmental Health and agreed with the applicant:

To replace condition 22 above:

22. The maximum number of persons accommodated to consume food and/or drink at the premises shall not exceed 40 persons excluding staff.



Burger Station



page 57

Residential / Proposed Residential	18
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

10
 Meters

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Data Source: Uniform Database
 Date: 29/12/2015

Premises within 75 metres of: Burger Station, 11 South Molton Street

p / n	Name of Premises	Premises Address	Opening Hours
15/06963/LIPCHT	Burger Station	11 South Molton Street London W1K 5QL	Monday to Sunday 08:00 - 23:30
14/01662/LIPVM	Bonhams	Blenstock House 7 Blenheim Street London W1S 1LG	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
14/02902/LIPDPS	Yo! Sushi	15 Woodstock Street London W1C 2AQ	Sunday 12:00 - 22:30 Monday to Saturday 12:00 - 23:00
12/03704/LIPN	The Refinery	60 Brook Street Mayfair London W1K 5DU	Saturday 09:00 - 18:00 Monday to Tuesday 10:00 - 19:00 Wednesday t
13/07748/LIPN	Bonhams	3 Haunch Of Venison Yard London W1K 5SS	Friday to Saturday 08:00 - 00:00 Monday to Thursday 08:00 - 23:30 Su
14/02767/LIPDPS	Ristorante Semplice	9 Blenheim Street London W1S 1LH	Sunday 10:00 - 00:00 Monday to Saturday 10:00 - 00:30
15/08199/LIPDPS	Gigi's	Ground Floor 22 Woodstock Street London W1C 2AP	Sunday 10:00 - 00:00 Monday to Saturday 10:00 - 01:30
12/00562/LIPDPS	Mayfair Exchange	Basement 34 Brook Street Mayfair London W1K 5DN	Monday to Saturday 07:00 - 00:30 Sunday 12:00 - 23:00

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	March 2015
4	Application Form	20 October 2015
5	Representation – Environmental Health	14 October 2015
6	Representation – Mayfair Residents' Group	9 November 2015
7	Representation – Mayfair & St James's Residents' Association	13 October 2015
8	Representation – Judy Kuttner	9 November 2015
9	Representation – Well-Being Business Centre	30 October 2015

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City of Westminster

Licensing Sub-Committee Report

Agenda Item 3

Item No:	
Date:	12 January 2016
Licensing Ref No:	15/09258/LIPV - Premises Licence Variation
Title of Report:	Burger & Lobster Maranda House 26 - 28 Binney Street London W1K 5BN
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:	Mr Ola Owojori Senior Licensing Officer
Contact details	Telephone: 020 7641 7830 Email: owojori@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	28 October 2015		
Applicant:	Lobster Roll Binney Street Ltd		
Premises:	Burger & Lobster		
Premises address:	Maranda House 26 - 28 Binney Street London W1K 5BN	Ward:	West End
		Stress Area:	No
Premises description:	The premises are operated as a restaurant with takeaway service		
Variation description:	<p>To relax condition 24 so as to allow up 12 persons to consume alcohol in the bar area hatched black without a table meal until 21:00 hours.</p> <p>The applicant originally sought so to relax condition 24 to allow 15 persons to consume alcohol in the bar area hatched black without a table meal. Following discussions with the Police and the Environmental Health, the application was amended to its current form and no representation was made by the Police and the Environmental Health.</p> <p>The interested parties have been informed of the revised application. David Brookfield and Vivienne Loesch have confirmed that they wish to maintain their representation against the application.</p>		
Premises licence history:	The premises is currently licensed. The premises licence history is attached at Appendix 3		
Applicant submissions:	The applicant has written to Mr Brookfield to address the concerns raised in his representation. Please see Appendix 2 for details.		

1-B Current and proposed licensable activities, areas and hours	
No application has been sought to vary the permitted hours and the hours the premises is opened to the public	
1-C Conditions being varied	
To relax condition 24 so as to allow up 12 persons to consume alcohol in the bar area hatched black without a table meal until 21:00 hours.	
Condition	Proposed variation
24. The supply of alcohol for consumption on the premises shall only be to a person taking a table meal there and for consumption by such a person as ancillary to their meal.	24. The supply of alcohol for consumption on the premises shall only be to a person taking a table meal there and for consumption by such a person as ancillary to their meal.

	Notwithstanding condition 24, alcohol may be supplied and consumed in the bar area hatched black on the plan, by up to a maximum at any one time, of 12 seated persons by waiter service until 9pm.
--	---

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			On and Off		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:00	No change		Ground and Basement	No change
Tuesday	10:00	23:00				
Wednesday	10:00	23:00				
Thursday	10:00	23:00				
Friday	10:00	23:00				
Saturday	10:00	23:00				
Sunday	12:00	22:30				
Seasonal variations:	Current:				Proposed:	
	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				No change	
Non-standard timings:	Current:				Proposed:	
	N/A				No change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	No change		Ground and Basement	No change
Tuesday	10:00	23:30				
Wednesday	10:00	23:30				
Thursday	10:00	23:30				
Friday	10:00	00:00				
Saturday	10:00	00:00				
Sunday	12:00	22:30				
Seasonal variations:	Current:				Proposed:	
	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				No change	
Non-standard timings:	Current:				Proposed:	
	N/A				No change	

2. Representations

2-A Other Persons			
Name:		Cllr Paul Church	
Address and/or Residents Association:		Not stated	
Status:	Ward Councillor	In support or opposed:	Opposed
Received:	26 October 2015		
<p>I would like to officially object to the application. This is in the middle of a very residential part of my Ward and it is, in my opinion, entirely unacceptable for the creation of what is essentially an 'add-on bar' to the current restaurant. I see no reason why the restaurant cannot operate as such.</p>			
Name:		Vivienne Loesch	
Address and/or Residents Association:		19 Balderton Flats Brown Hart Gardens London W1K 6TD	
Status:	Local resident	In support or opposed:	Opposed
Received:	3 November 2015		
<p>License condition 24 makes alcohol sales ancillary to eating, so that the premises is a restaurant where customers can have a drink with their meal or snack. It is a fast food premises that does not offer reservations, so it is conceivable that part of any queue of people waiting for tables could be allowed in to have a drink before a table is free. This might be defined as being ancillary to food, as long as staff are guaranteed to be available to ensure that bar customers do move on to tables to eat. There is nothing in the application explaining how staff will prevent the bar area from being used by people who only want to drink, and I don't see how they could actually prevent people from doing this. If the intention is to have part of any queue use the bar, it is difficult to see how staff will manage this, as there might well be many people in the queue who do not want to drink before eating. Bar customers might also want to drink for several hours before eating a lobster roll - this is food being ancillary to alcohol consumption.</p> <p>On balance, this looks very much like a bar that anyone could go to for a drink, rather than alcohol being ancillary to food.</p> <p>This fast food facility is in a residential location, where residents already suffer too much from the considerable nuisances caused by people who have had a few drinks, or a few too many. These include public urination and/or vomiting, late night noise, full volume late night long drawn-out arguments.</p> <p>This proposed variation would contravene condition 24, and threatens further degradation of residential quality of life, so should not be granted.</p>			

Name:		David Brookfield	
Address and/or Residents Association			
Status:	Local resident	In support of opposed:	Opposed
Received:	9 November 2015		
<p>The Burger Lobster in Binney Street is a restaurant in a highly residential area where residents go to bed and get up for work at various times some rise at 4am after going to bed at 9am. To allow this license change will be allowing a wine bar/pub to operate within the restaurant, 15 people at any one time as stated in the application means as people leave the bar others can enter which amounts to unlimited people during the course of a day, the current licence has a closing time of midnight so there will be a very high chance of people leaving other drinking establishments that close earlier than midnight of going to the Lobster Burger to finish off their night out. Food helps to absorb alcohol and reduces the risk of a person becoming drunk which in turn reduces the risk of any type of anti social behaviour, there is a risk of A.S.B. in the streets if this application is granted and there will be a very high risk of residents being disturbed, I object very strongly to this application being granted.</p>			

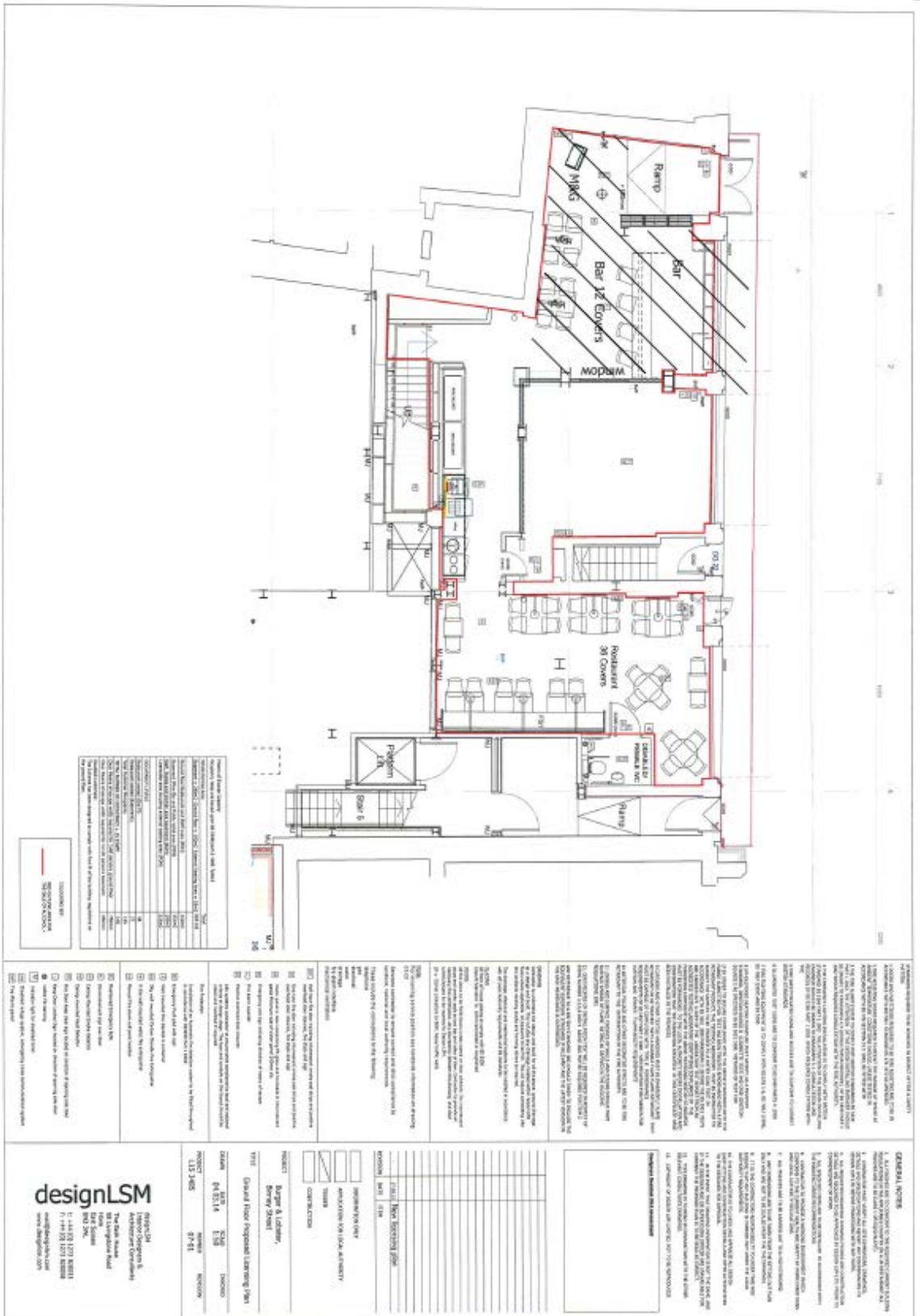
3. Policy & Guidance

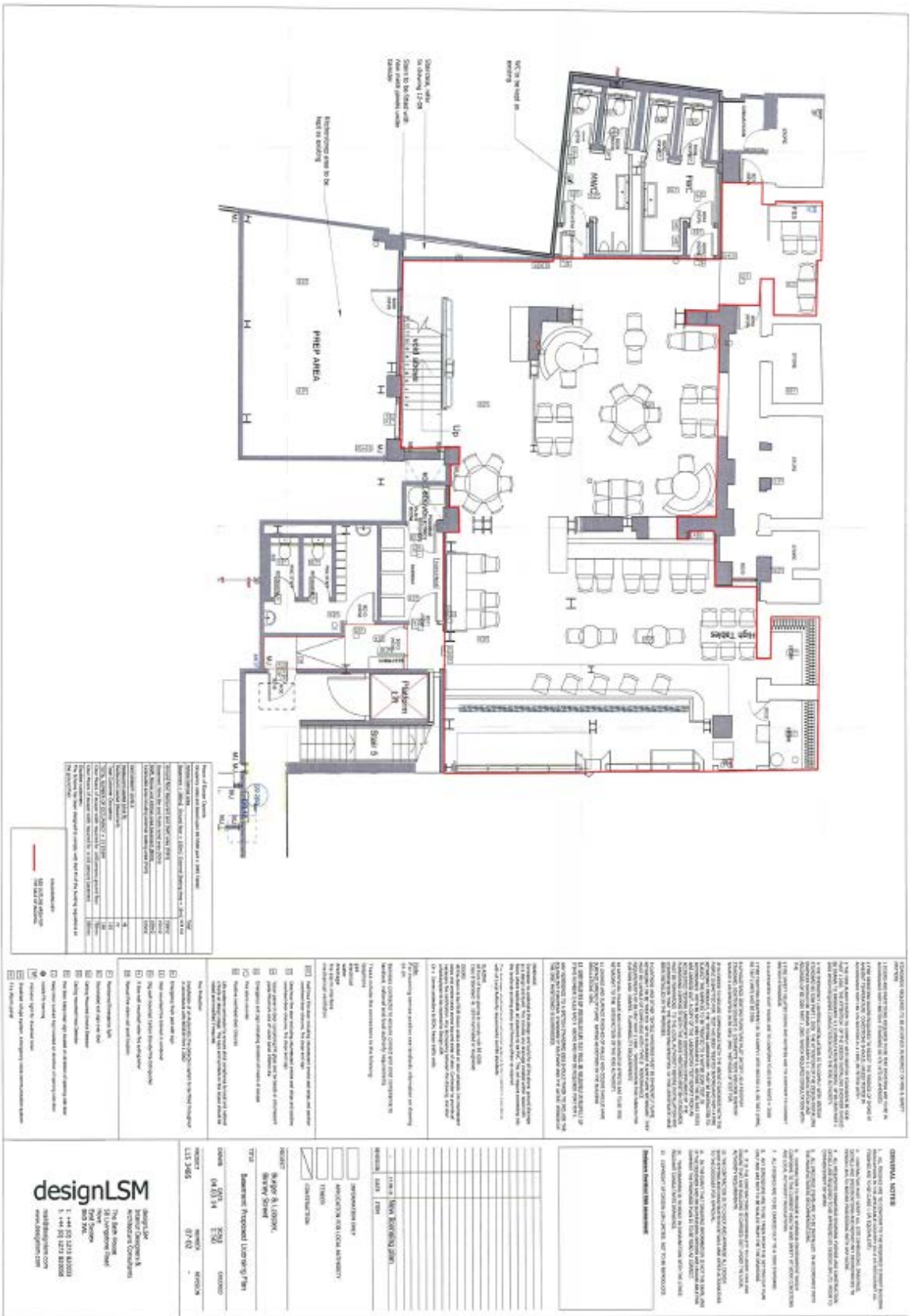
The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy PB1 applies:	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

4. Appendices

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

Report author:	Mr Ola Owojori Senior Licensing Officer
Contact:	Telephone: 020 7641 7830 Email: owojori@westminster.gov.uk





Dear Mr Brookfield

I act for Burger & Lobster and Lobster Roll and have been sent a copy of your objection to their recent application to vary the layout of their restaurant. You will hopefully be aware that apart from the refurbishment they do not seek to change anything else on the licence. Quite simply instead of only selling Lobster Rolls they will in the future be selling Burgers too – hence from Lobster Roll to Burger & Lobster.

Whilst we cant have a condition about ASBOs etc. as it would be void for uncertainty we would however be happy to amend condition 33 as you suggest to read “All customers leaving the restaurant will be asked to move away the area between Binney Street and Weighouse Street”.

You have suggested that further conditions could be added but for my part I think this will be very difficult as the licence is already “fully loaded” with relevant conditions (a copy of the licence is attached for your ease of reference)

Of particular note are the following:

1. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly
(CONDITION 16)
2. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity. **(CONDITION 17)**
3. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by staff so as to ensure that there is no public nuisance or obstruction to the public highway. Any queue that may form will be directed towards Oxford Street. **(CONDITION 18)**
4. 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. **(CONDITION 37)**

In light of the above are you happy to withdraw?

With kind regards
Thomas

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
New	Application for a new premises licence for sale of alcohol	7.8.14	Granted by the Licensing Sub-Committee
Variation	Application to change the layout of the premises	13.10.15	Granted under delegated authority
Transfer	Application to transfer from Lobster Roll Binney Street Ltd to Burger & Lobster Restaurant Group Ltd	Pending	

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor.

For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

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

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

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

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

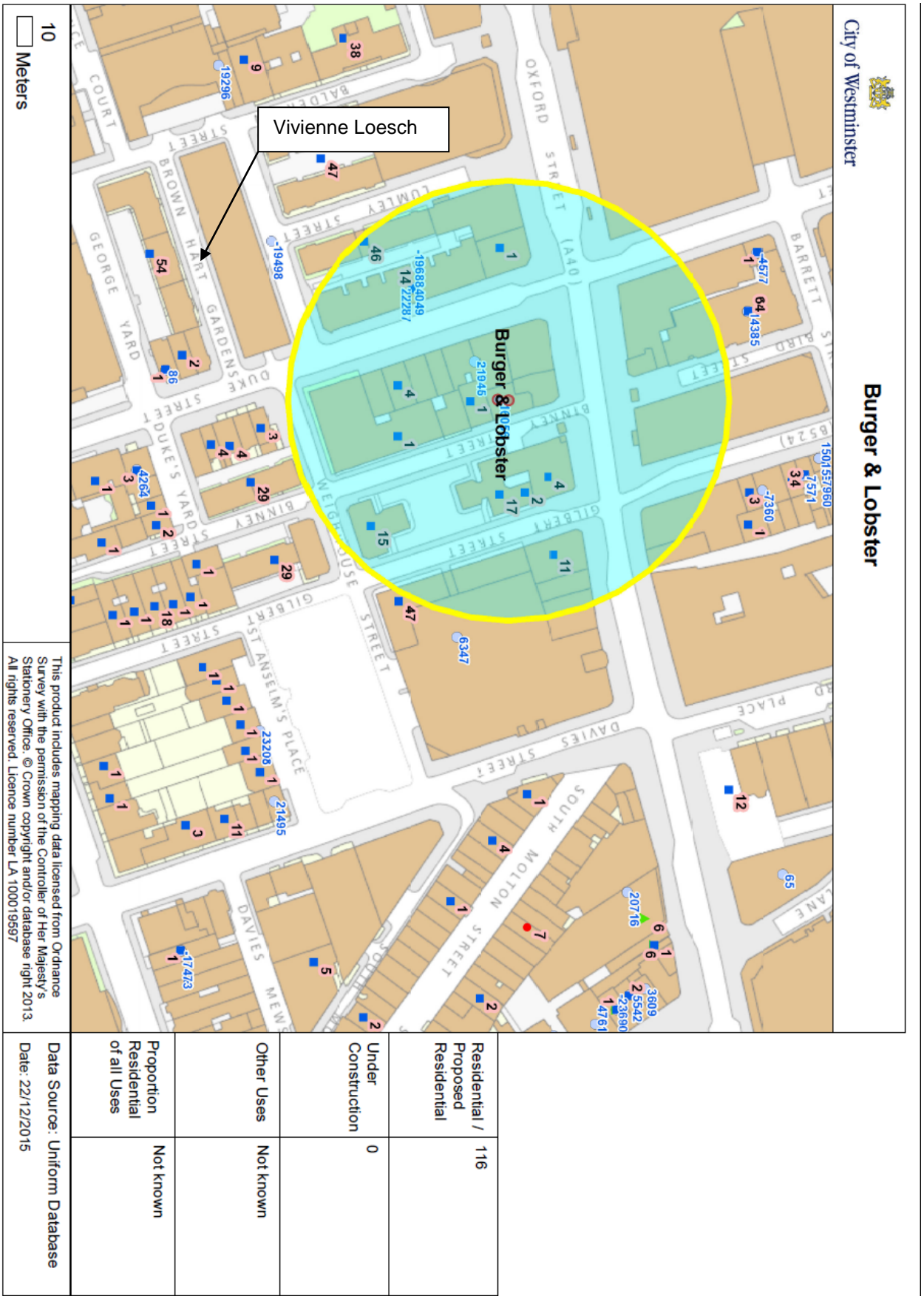
Annex 2 – Conditions consistent with the operating Schedule

None

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

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
12. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
13. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
14. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
16. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity. The telephone number will be advertised in letters of not less than two inches high on the façade of the premises.
17. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by staff so as to ensure that there is no public nuisance or obstruction to the public highway. Any queue that may form will be directed towards Oxford Street.
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 20:00 hours and 08:00 hours on the following day.

20. No collections of waste or recycling materials (including bottles) from the premises shall take place between 20.00 and 08.00 on the following day.
21. No deliveries to the premises shall take place between 20:00 and 08:00 on the following day.
22. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 120 persons. (to be assessed by the District Surveyor)
23. The supply of alcohol for consumption on the premises shall only be to a person taking a table meal there and for consumption by such a person as ancillary to their meal.
24. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
25. 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.
26. 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.
27. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
28. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.
29. 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.
30. There will be no 'off' sales of alcohol after 20:00 hours.
31. There will be at least one permanent member of staff to supervise the outside area at all times when the restaurant is open.
32. All customers leaving the restaurant will be asked to move away from the area.
33. If there is outside queuing it will be supervised at all times.
34. No queuing will be permitted after 21:00 hours.
35. No more than 20 people will be allowed to queue at any one time.
36. 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
37. All customers shall leave the premises 30 minutes after the last sale of alcohol.



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Residential / Proposed Residential	116
Under Construction	0
Other Uses	Not known
Proportion Residential of all Uses	Not known
Data Source: Uniform Database	
Date: 22/12/2015	

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	March 2015
4	Lamppost and Public notice	20/11/15
5	Existing licence	20/10/15
6	Plan	20/10/15
7	Application form	20/10/15
8	Application served and acknowledged	20/10/15
9	Residents notification	21/10/15
10	Cllr Church representation	26/10/15
11	Representation response date extended	29/10/15
12	Vivienne Loesch representation	3/11/15
13	David Brookfield representation	9/11/15
14	Police response	17/11/15
15	Environmental Health representation	17/11/15
16	Applicant's correspondence to David Brookfield	18/11/15
17	Hearing notification	18/11/15
18	Vivienne Loesch and David Brookfield maintain representations	04/01/16
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21		
22		
23		
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City of Westminster

Licensing Sub-Committee Report

Agenda Item 4

Item No:	
Date:	12 January 2016
Licensing Ref No:	15/10386/LIPN – New Premises Licence
Title of Report:	Bar Termini 7 Old Compton Street London W1D 5JE
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:	Mr Ola Owojori Senior Licensing Officer
Contact details	Telephone: 020 7641 7830 Email: owojori@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	13 November 2015		
Applicant:	Bar Termini Limited		
Premises:	Bar Termini		
Premises address:	7 Old Compton Street London W1D 5JE	Ward:	West End
		Stress Area:	West End
Premises description:	The premises is operated as aperitif bar on the ground floor.		
Premises licence history:	The premises is currently licensed. For a full licence history, please refer to Appendix 3 .		
Applicant submissions:	<p>The applicant is seeking a new premises licence to permit late night refreshment, seasonal variations, amend conditions and to increase the hours for sale of alcohol by one hour on Friday and Saturday.</p> <p>The applicant has stated that the existing licence will be surrendered upon the grant of the new premises licence.</p> <p>Please see the applicant's supporting information at Appendix 2</p>		

1-B Proposed licensable activities, areas and hours						
Late night refreshment						
Indoors, outdoors or both		Current :			Proposed:	
		Indoors			No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	N/A	N/A	23:00	23:30	N/A	Ground Floor
Tuesday			23:00	23:30		
Wednesday			23:00	23:30		
Thursday			23:00	23:30		
Friday			23:00	01:00		
Saturday			23:00	01:00		
Sunday			N/A	N/A		
Seasonal variations:	Current:				Proposed:	
	N/A				From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day	
Non-standard timings:	Current:				Proposed:	
	N/A				An additional hour on Valentines	

		Day, the Sunday before Bank Holiday Monday, Christmas Eve and Boxing Day.
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Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			On and Off		On	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	11:00	23:30	No change		Ground Floor	No change
Tuesday	11:00	23:30				
Wednesday	11:00	23:30				
Thursday	11:00	23:30				
Friday	11:00	00:00	11:00	01:00		
Saturday	11:00	00:00	11:01	01:00		
Sunday	12:00	22:30	No change			
Seasonal variations:	Current:				Proposed:	
	N/A				From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day	
Non-standard timings:	Current:				Proposed:	
	N/A				An additional hour on Valentines Day, the Sunday before Bank Holiday Monday, Christmas Eve and Boxing Day.	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	11:00	23:30	07:00	23:30	Ground Floor	No change
Tuesday	11:00	23:30	07:00	23:30		
Wednesday	11:00	23:30	07:00	23:30		
Thursday	11:00	23:30	07:00	23:30		
Friday	11:00	00:00	07:00	01:00		
Saturday	11:00	00:00	07:00	01:00		
Sunday	12:00	22:30	07:00	22:30		
Seasonal variations:	Current:				Proposed:	
	N/A				From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day	
Non-standard timings:	Current:				Proposed:	
	N/A				An additional hour on Valentines Day, the Sunday before Bank Holiday Monday, Christmas Eve and Boxing Day.	

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Dave Nevitt
Received:	10 December 2015
<p>I refer to the above application which seeks a Premises Licence to include the following Licensable activities:</p> <p>The Provision of Late Night Refreshment ‘Indoors’ Monday to Thursday until 2330hrs, Friday and Saturday until 0100hrs;</p> <p>The Supply of Alcohol for consumption ‘On’ the premises Monday to Thursday 1100hrs-2330hrs, Friday and Saturday 1100hrs-0100hrs, and Sunday 1200hrs-2230hrs.</p> <p><u>The applicant also seeks ‘Non-Standard Timings’:</u></p> <p><i>‘An additional hour on Valentine’s Day, the Sunday before each Bank Holiday Monday, Christmas Eve and Boxing Day.’</i></p> <p><i>‘From the end of permitted hours on New Years’ Eve to the start of permitted hours on New Years’ Day.’</i></p> <p>The applicant has proposed Conditions which are under consideration.</p> <p>I wish to make Representations on the following grounds:</p> <p style="padding-left: 40px;">Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.</p> <p style="padding-left: 40px;">The premises is located in the West End Stress Area as defined by the City Council’s Licensing Policy.</p> <p>The hours sought are beyond the Core Hours as defined by the City Council’s Licensing Policy. Environmental Health will maintain a Representation on the grounds that what is sought is likely to add to Cumulative Impact in a Stress Area. The applicant may need to demonstrate to the Licensing Sub Committee that the application is an exception to the Council’s Licensing Policy.</p> <p>Should you wish to discuss the matter further please do not hesitate to contact me.</p> <p>Subsequently, the statement below has been provided in support of their representation.</p> <p>The application would permit Licensable activities to take place in excess of the ‘core hours’ as set out in the City Council’s Statement of Licensing Policy. The premises is located within the West End Stress Area. The matter will therefore need to be adjudicated at a Hearing of the Licensing Sub Committee.</p> <p>Extending the hours beyond what is currently permitted may have the effect of increasing the</p>	

potential for noise, anti-social behaviour and public nuisance in the local area. Patrons would be leaving later, having had the opportunity to consume more alcohol.

The premises has operated satisfactorily without complaint.

The applicant is advised that the City Council's Licensing Policy is a vital consideration, particularly because the premises is located in the West End Stress Area. In Section 2.3, The Hours Policy – HRS1, The applicant will need to have regard to HRS1 and paragraphs (a) – (m). 2.5.16 of the Policy – Policy PB2 relates to bars.

The application will need to be determined by the Licensing Sub Committee at a hearing and the applicant will need to demonstrate that the matters above have been addressed and that what is sought has grounds to be an exception to the Policy.

The applicant has proposed Conditions in the Operating Schedule and I make the following comments:

Conditions 3, 5, 9 allow the premises to operate as a 'Bar' because alcohol is not required to be ancillary to a table meal as in a Restaurant. Conditions 3 and 5 contain descriptions which have no clear definition for enforcement purposes. Condition 4 would allow 'vertical drinking' up to 1800hrs.

Conditions 1, 2, 6, 7, 8, 9, 10 are agreed.

Condition 11 seems to be duplicated by 8.

Conditions 12, 13 are agreed.

Condition 14 could be better worded: *The front entrance/exit doors shall be kept closed at all times after 2200hrs save for immediate access and egress of persons or in case of emergency.*

Conditions 15, 16, 17, 18, 19, 20 are agreed save for Condition 19 where the hour should be 0800hrs as per the Model Condition MC35.

Condition 21 will need to be assessed by the Committee and its Legal Advisor.

Conditions 22, 23 and 24 are agreed.

I propose MC65 (deliveries)

Responsible Authority:	Metropolitan Police
Representative:	Chris Marriott
Received:	18 November 2015

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority have representations to this application. It is our belief that if granted the application would undermine the Licensing Objectives.

The venue is situated within the West End stress area where this is traditionally high crime and disorder. There are concerns that this application will cause further policing problems in an already demanding area and add to the cumulative impact.

Should you wish to discuss the matter further please contact me on **0207 641 3179** or via email cmariott2@westminster.gov.uk

2-B Other Persons			
Name:		Soho Society	
Address and/or Residents Association:		St Annes Tower 55 Dean Street London W1D 6AF	
Status:	Amenity Society	In support or opposed:	Opposed
Received:	10 December 2015		



The Soho Society
St Anne's Tower
55 Dean Street
London
W1D 6AF

020 7439 4303
licensing@thesohosociety.org.uk

Objections
Westminster Licensing Service
4th Floor (West) City Hall
64 Victoria Street
London
SW1E 6QP

Sent via email to licensing@westminster.gov.uk

10 December 2015

Reference: 1510386LIPN, Premises Licence - New, Bar Termini, 7 Old Compton Street, W1D 5JE

I write to make a relevant representation to the above application on behalf of The Soho Society.

The Soho Society objects to this application as it is currently presented, on the grounds of prevention of public nuisance, prevention of crime and disorder and cumulative impact in the West End Stress Area.

About The Soho Society

The Soho Society is a charitable company limited by guarantee established in 1972. The society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment. In particular, the society supports the Westminster City Council's policies, including the cumulative impact policy, as set out in the Statement of Licensing Policy.

Application summary

Activity	Indoors/Out doors	Alcohol Consumed	Time Period	From	To
Late Night Refreshment	Indoors		Monday to Thursday	11:00 PM	11:30 PM
Late Night Refreshment	Indoors		Friday to Saturday	11:00 PM	01:00 AM
Sale by Retail of Alcohol		On Premises	Monday to Thursday	11:00 AM	11:30 PM

Page 1 of 2

Sale by Retail of Alcohol		On Premises	Friday to Saturday	11:00 AM	01:00 AM
Sale by Retail of Alcohol		On Premises	Sunday	12:00 PM	10:30 PM

Hours of operation

The proposal includes licensable activities, including offsite sale of alcohol, outside of Westminster core hours. The premises are in the West End Stress Area. There are private homes nearby and residents in the immediate area are subject to noise and general nuisance every night of the week. We therefore feel it is necessary to keep the operating hours within defined core hours, namely Monday to Thursday 10am – 11.30pm, Friday and Saturday 10 am – 12 midnight and Sunday 12 noon – 10.30 pm.

Licensing policy

This area has been identified by the Westminster City Council (2.4.1 of the Statement of Licensing Policy, as amended) as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (2.4.5 of the policy). The policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (2.4.2 of the policy). The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of historic areas. For the reasons I have set out, we believe that the application, if granted in its present form, would fail to promote the licensing objectives of prevention of public nuisance and prevention of crime and disorder. I respectfully urge the Licensing Sub-Committee to reject this application.

Please let me know if any proposals are made to amend the application; particularly in respect of the hours sought or any further conditions proposed.

Yours faithfully,

David Gleeson
Licensing Chair

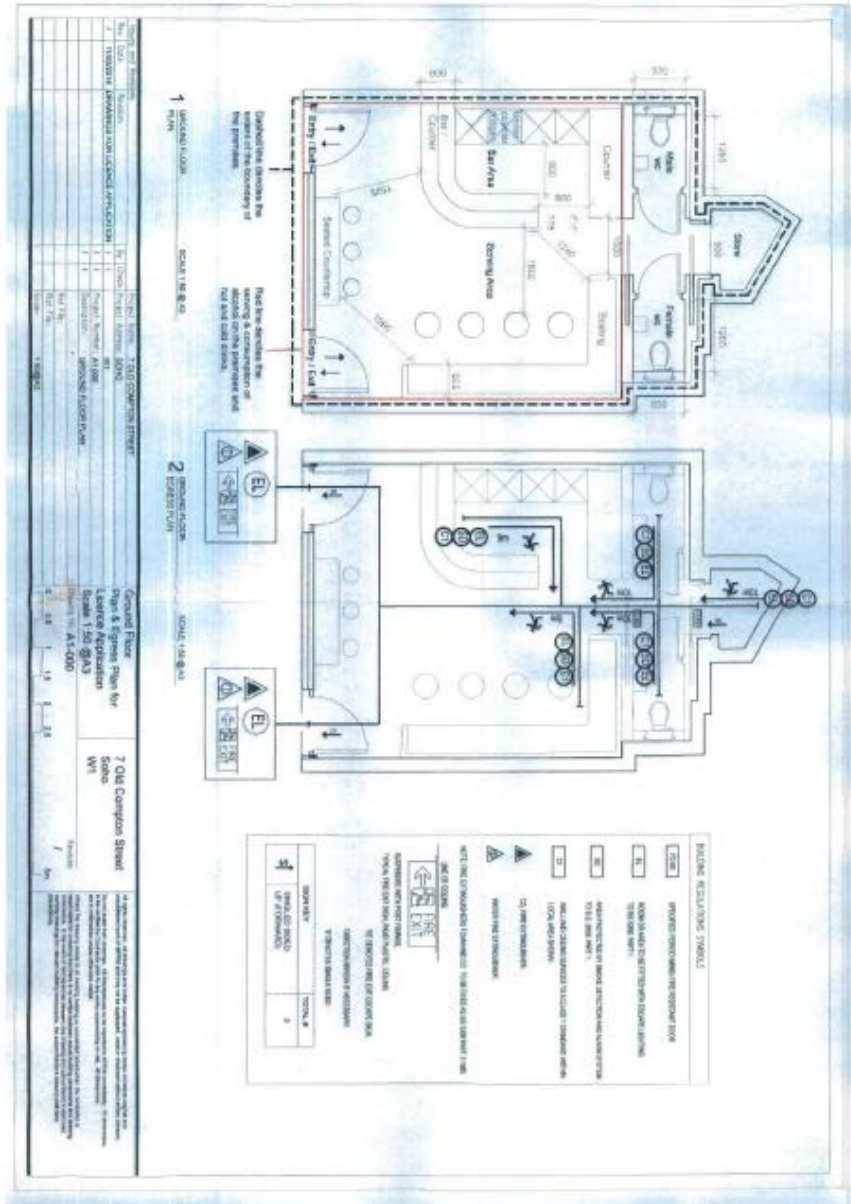
3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIP1 applies:	(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1. (ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.
Policy HRS1 applies:	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
Policy PB2 applies:	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.

4. Appendices

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

Report author:	Mr Ola Owojori Senior Licensing Officer
Contact:	Telephone: 020 7641 7830 Email: owojori@westminster.gov.uk



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Our ref 303L/RC18/PW03/98697/2
 Your ref



City of Westminster
 Westminster City Hall
 4th Floor South
 64 Victoria Street
 LONDON
 SW1E 6QP
For the attention of: Licensing Section

Direct tel	+44 (0)333 006 0692	Date	13 November 2015
Direct fax	+44 (0)333 006 1492	Email	Piers.warne@TLTsolicitors.com

Dear Sirs

**Licensing Act 2003: Application for a new premises licence
 Bar Termini 7 Old Compton Street London W1D 5JE ('the Premises')**

Please find enclosed the application for a new premises licence made on behalf of the operators of the Premises.

The Premises is currently licensed (premises licence number 14/02200/LIPN).

The purpose of this application is to increase the permitted hours for the sale of alcohol and late night refreshment by one hour on Friday into Saturday morning and Saturday into Sunday morning. The applicant has sought a limited number of seasonal variations (as set out in the application) and has also sought to clarify and amend conditions on the licence to ensure that they are appropriate to the style of operation.

Should this application be granted, the new licence shall be ineffective until the existing licence has been surrendered and rendered incapable of reinstatement under S.50 Licensing Act 2003.

Bar Termini is a small aperitivo and digestivo bar in Old Compton Street that has been trading since June 2014 under the above licence. We have been instructed that during this time, it has traded with an impeccable record in terms of promotion of the licensing objectives. There is no intention to change the style of trading from that which the operators currently operate.

In addition, the applicant has operated under a series of temporary event notices, expressly with the intention of demonstrating that the Premises continues to promote the licensing objective for the additional hours being applied for. We are instructed that this is the case and that there have been no incidents or complaints recorded at the Premises relating to the licensing objectives that would suggest anything other than the continued promotion of the licensing objectives were the application to be granted.

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 A list of members is available for inspection at that address.
 TLT LLP is authorised and regulated by the Solicitors Regulation Authority number 406297.



Please note that for confidentiality reasons we have given the DPS's address as TLT's (London) office. This is to avoid the DPS's home address falling into the public domain.

We will be happy to discuss the application with any party who expresses an interest and would ask that any such dialogue is entered into at an early stage in order that any concerns raised can be dealt with as early in the consultation period as possible.

Yours sincerely

Pf Piers Warne
Associate
for TLT LLP

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

Conditions as per Premises Licence 14/02200/LPIN. The steps we intend to adopt will be the same as Licence 14/02200/LPIN.
Premises licence 14/02200/LPIN will be surrendered upon the satisfactory grant of the application.
Locations of fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.
Any details shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time.

b) The prevention of crime and disorder

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
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 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.
3. The premises shall operate as an aperitivo and digestivo bar where the supply of alcohol for consumption 'on' the premises shall be by waiter or waitress service to seated persons save for those persons mentioned in condition 4.
4. From 1800 hours all patrons shall be seated save for a maximum of 4 persons waiting to be seated.
5. Substantial food which is of the type described as "fatta fuori sede" which means that there is no primary cooking on site shall be available throughout all hours of trading.
6. There shall be no sales of draft beer.
7. The premises shall be a member of the local pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.

c) Public safety

8. 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.
9. 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
10. The number of persons accommodated at any one time shall not exceed 30 persons inclusive of staff.
11. No drinks shall be consumed outside the premises nor glasses/bottles removed from the premises by patrons when leaving.

d) The prevention of public nuisance

12. 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.
13. 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.
14. The entrance door shall be kept closed after 22.00 hours except for the immediate access and egress of patrons.
15. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
16. Loudspeakers shall not be located in the entrance area or outside the premises building.
17. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
18. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
19. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 hours and 07.00 hours on the following day.
20. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
21. The licensable activities authorised by this licence can only be carried on at the premises by Bar Termini Ltd.

e) The protection of children from harm

22. 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.
23. 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.
24. 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.

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Our ref 303L/JS21/CR04/098697/000003
Your ref



The Soho Society
St Anne's Tower
55 Dean Street
LONDON
W1D 6AF

By email and post: licensing@thesohosociety.org.uk

Direct tel	+44 (0)333 006 1357	Date	17 December 2015
Direct fax	+44 (0)333 006 0311	Email	Julian.Skeens@TLTsolicitors.com

Dear David

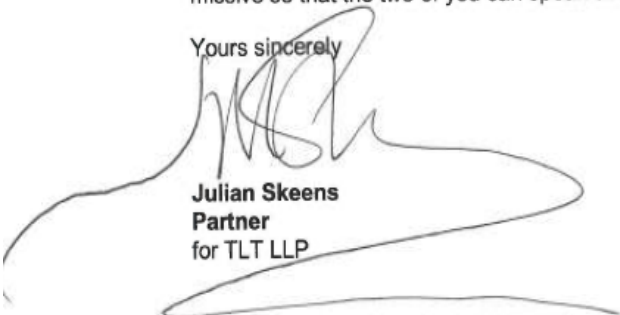
Bar Termini 7 Old Compton Street W1D 5JE

I have been passed a copy of your letter of 10 December in relation to the above mentioned premises.

May I refer to your section headed 'About The Soho Society' and comment that my clients consider that they are doing exactly what it desired by the Society specifically making Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses' etc.

My client is very keen for you to visit his premises so that you can see why he makes that claim in the hope that you will reconsider your objection. For speed I have copied Marco in on this missive so that the two of you can speak direct.

Yours sincerely



Julian Skeens
Partner
for TLT LLP

c.c licensing@westminster.gov.uk
marco@bar-termini.com



Licensing Team
Public Protection and Licensing Department
Westminster City Council
4th Floor East
64 Victoria Street
LONDON
SW1E 6QP

Also by email: licensing@westminster.gov.uk

Direct tel	+44 (0)333 006 1357	Date	6 January 2016
Direct fax	+44 (0)333 006 0311	Email	Julian.Skeens@TLTsolicitors.com

Dear Sir or Madam

Bar Termini 7 Old Compton Street W1D 5JE

We thought that it might be helpful to provide the committee with an overview of the application and therefore we would be grateful if you would kindly put this letter before the committee.

This is a modest application in respect of a tiny premises (maximum occupancy of 30 inclusive of staff) to extend the permitted hours on a Friday and Saturday until 1am (the day following) and to allow alcohol to be provided to a maximum of 4 patrons whilst waiting to be seated and finally to allow some seasonal variations.

On 15 May 2014 the Licensing Committee granted a new premises Licence for a Café/Aperitivo Bar to provide food in the form of "fatta fuori sede cuisine" stating that

"the application could only be granted as an exception to policy on the clear understanding that the provision of substantial food meant more than simply making food available. It was important to note that the premises were not to be drink led and whilst there was no obligation on all customers to purchase food, there was an expectation that many of them would choose to do so".

The committee were evidently impressed with the style of operation but wanted to ensure that the Licence could not be transferred to another operator.

"It was agreed that a personal condition would be attached to the Licence so that it would be restricted to the name of the operator".

In the Notice of Application that condition is repeated as condition 21.

"The Licence of activities authorised by this Licence can only be carried out on the premises by Bar Termini Ltd".

The premises are situated at the extreme eastern (quieter) end of Old Compton Street, the premises trades in exactly the way that was explained to the Licensing Committee and the only change in style that is proposed here is that the premises would provide the additional facility as a "digestivo bar" on a Fridays and Saturdays only, hence the application for a one hour extension.

The premises opened to wide acclaim and soon had a dedicated following. However the Licensee's dedication to the uncompromisingly high standards has meant that the premises have struggled financially.

Condition 15 (b) of the existing Licence allows for a maximum of 4 persons to stand in the premises whilst waiting for a seat. The operators have found that not being able to supply them with food and intoxicating beverages whilst they wait for a table has caused some, perhaps unnecessary, frustration and it is hoped that the committee will relax that condition to allow those 4 people to be provided with some food and drinks whilst waiting to be seated.

The only other change that is asked for is to allow for seasonal variations which were brought to the forefront of minds this New Years Eve, as the premises were unable to welcome in the New Year.

For members of the committee who are unaware of the premises or the application, which was granted on 15 May 2014 we have included a small brochure. The first page is a photograph of the inside of the premises which shows just how small the premises are; the size of the premises can be measured from document 2. At document 3 we have set out a very brief c.v of the impressive Marco Arrigo and at document 4 we provide the same for his partner Tony Conigliaro. It is no accident that the next picture shows coffee. As was indicated previously, coffee forms a very important part of the offer (using specially adapted machinery). The combined expertise of Marco and Tony is shown in the following pages, this fare is available throughout the trading day [see proposed condition 5].

The committee will note that there is no sale for consumption off the premises whatsoever, whether that be coffee, food or intoxicating liquor and no draught beer (proposed condition 6).

Representations have been lodged against the application stating that it is contrary to policy; clearly we are seeking your permission as an exception to policy.

In relation to the additional hour the operators of the premises appreciate that the committee may well feel that trading between midnight and 1am on days following Friday and Saturday will pose different operating challenges. Having discussed the matter with the police and your environmental health officer the Licensees applied for a series of Temporary Event Notices from 20 September to 8 November extending the permitted hours until 2am and further notifications were made for the 5, 6, 12 and 13 December until 1am. We understand that the premises traded very successfully and caused no problem whatsoever either by way of crime or nuisance, but doubtless the police and your environmental health officer will comment to you directly.

When the Licence was granted on 15 May 2014, as mentioned above, the Licensing Committee clearly placed great importance on the way that the premises intended to trade and clearly were sufficiently impressed by the Licensee to attach a personal condition to the Licence that the premises could only be operated by Bar Termini Ltd. The premises have traded very successfully for a year and eight months.



In their representation dated 10 December, the Soho Society recited that the aim of the Society was to

"make Soho a better place to live, work or visit by preserving and enhancing the areas existing diversity of character and uses, and by improving its facilities, amenities and environment".

The Licensee and the founding fathers share that vision and invited the "Licensing Chair" of the Society to visit the premises and to canvas their members directly in relation to these particular premises. We are instructed that many members of the Society have visited the premises and are very loyal supporters but we do not know whether our challenge was taken up.

The Licensee also endorse Westminster's Policy document and aspirations for Soho. The Applicant's hope that having an impeccable record of trading for a year and eight months, operating in exactly the way that they described to the Licensing Committee, they have earned their spurs. Further having sought Temporary Event Notices so that they could operate until 2/1am, they have been able to demonstrate to the Committee that they could operate the premises without any adverse effect. In fact, it was to the contrary and they were able to enhance the "area's existing diversity of character and uses by improving its facilities, amenities and environment".

As a result it is hoped that the Committee will be able to have sufficient confidence to grant the application, albeit contrary to the policy, thus allowing this unique and highly valued style of operation to survive, and to continue to be able to enhance Soho as a better place to live, work or visit.

Yours faithfully

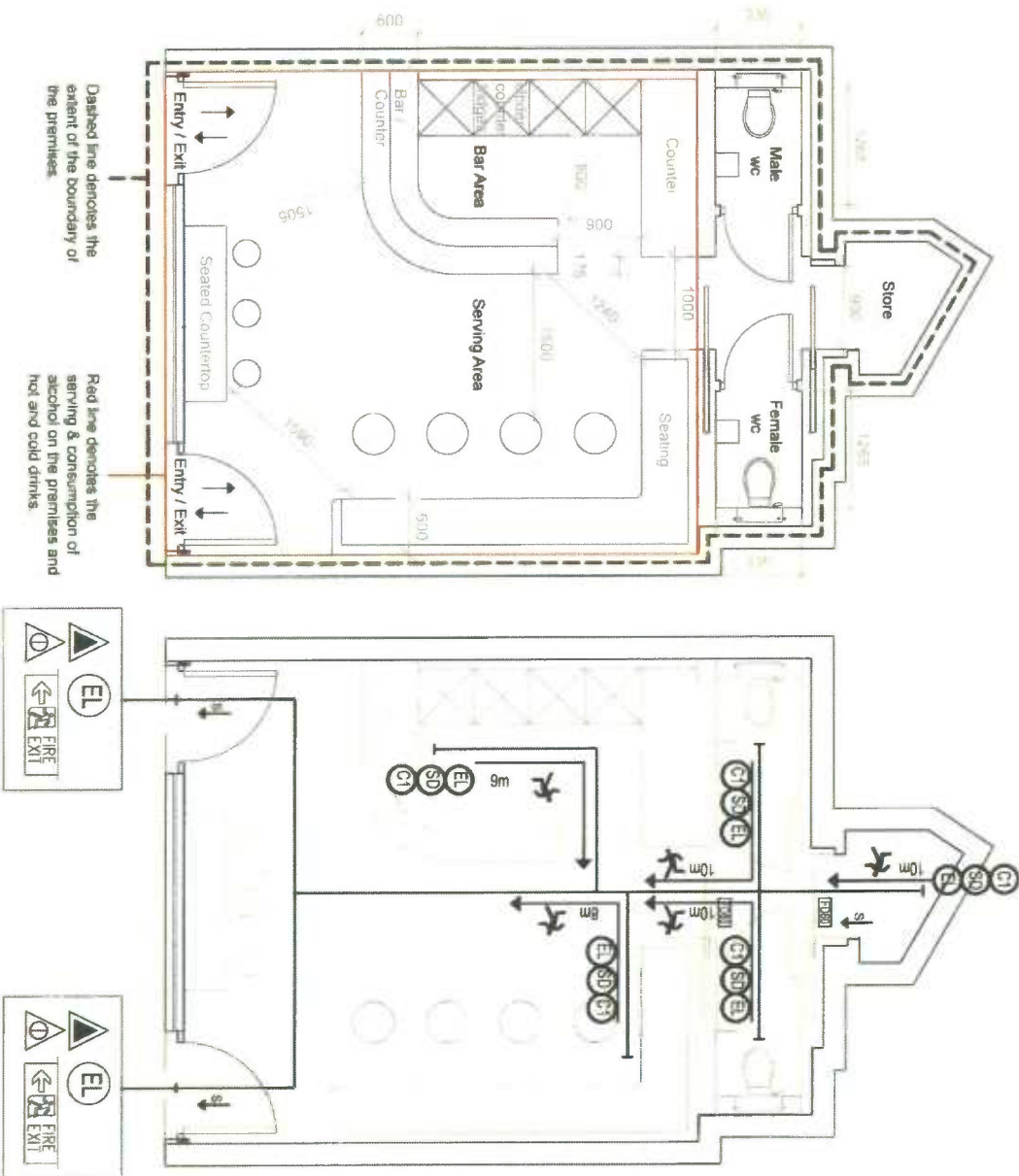


TLT LLP

Enc.



2



1 GROUND FLOOR PLAN SCALE 1:50 @ A3

2 GROUND FLOOR EGRESS PLAN SCALE 1:50 @ A3

BUILDING REGULATIONS SYMBOLS

- FD 80 SPECIFIED PERIOD (MIN) FIRE RESISTANT DOOR
- EL ROOM OR AREA TO BE FITTED WITH ESCAPE LIGHTING TO BS 5838 PART 1.
- SD AREA PROTECTED BY SMOKE DETECTION AND ALARM SYSTEM TO BS 5838 PART 1.
- CI WALL AND CEILING SURFACES TO A CLASS 1 STANDARD WITHIN LOCAL AREA SHOWN.
- FE FIRE EXTINGUISHER
- WATER FIRE EXTINGUISHER

NOTE: FIRE EXTINGUISHERS FOAM AND CO TO BE FITTED AS BS 5838 PART 3 1995



SUSPENDED WITH POST FRAMES. TYPICAL FIRE EXIT SIGN, RIGID PLASTIC, CEILING

FE DENOTES FIRE EXIT ESCAPE SIGN. DIRECTION ARROW IF NECESSARY. S DENOTES SINGLE SIDED.

SIGN KEY	TOTAL #
↑ (SINGLED SIDED UP FORWARD)	3

Rev.	Date	Revision	By	Check	Project Name	Project Address	Project Number	Description	Ref. File	Plot File	Scale
1	11/03/2014	DRAWINGS FOR LICENCE APPLICATION	/	/	7 Old Compton Street	SOHO	W1	GROUND FLOOR PLAN			1:50@A3

Ground Floor Plan & Egress Plan for Licence Application	7 Old Compton Street Soho W1				
Scale 1:50 @A3	Scale 1:50 @A3				
Drawing No A1-000					
0	0.5	1	1.5	2	2.5
Revision					
/					
5m					

3

Marco Arigo

Marco has over 20 years' experience of working in the coffee industry. Throughout this time he has become known and respected as one of the authorities of coffee in the UK.

Since 1999 Marco has been the Head of Quality at illy.

Wanting to share this passion for coffee, in 2009 Marco opened the University of Espresso in the Islington BDC. By 2010 the school was training approximately 150 baristas a week, alongside ongoing training for all illy staff and continues to do so.

He manages illy's outside events, including Frieze Art Fair in Regents Park, Guard's Polo Club in Windsor Great Park and sporting events for both Maserati and Ferrari.

In 2007 he played a key role in establishing the Apprenticeship Academy, assisting jobless teenagers into paid work under an NVQ scheme.

Marco was one of the original mentors for Jamie Oliver's Fifteen project, which works to enable young unemployed individuals to forge careers in the hospitality industry. He is also involved in the following projects:

- Director of National License Trade Association,
- Founding member of Barcode, and an active member of the current team.
- Member of the Sustainable Restaurant Association, advising suppliers for sustainable practices in the supply chain.



Tony Conigliaro

4

Acknowledged as one of the UK's pioneering drinks creators, by continually working to break the boundaries surrounding drinking experiences. Tony is also one of the most respected bartenders in his field.

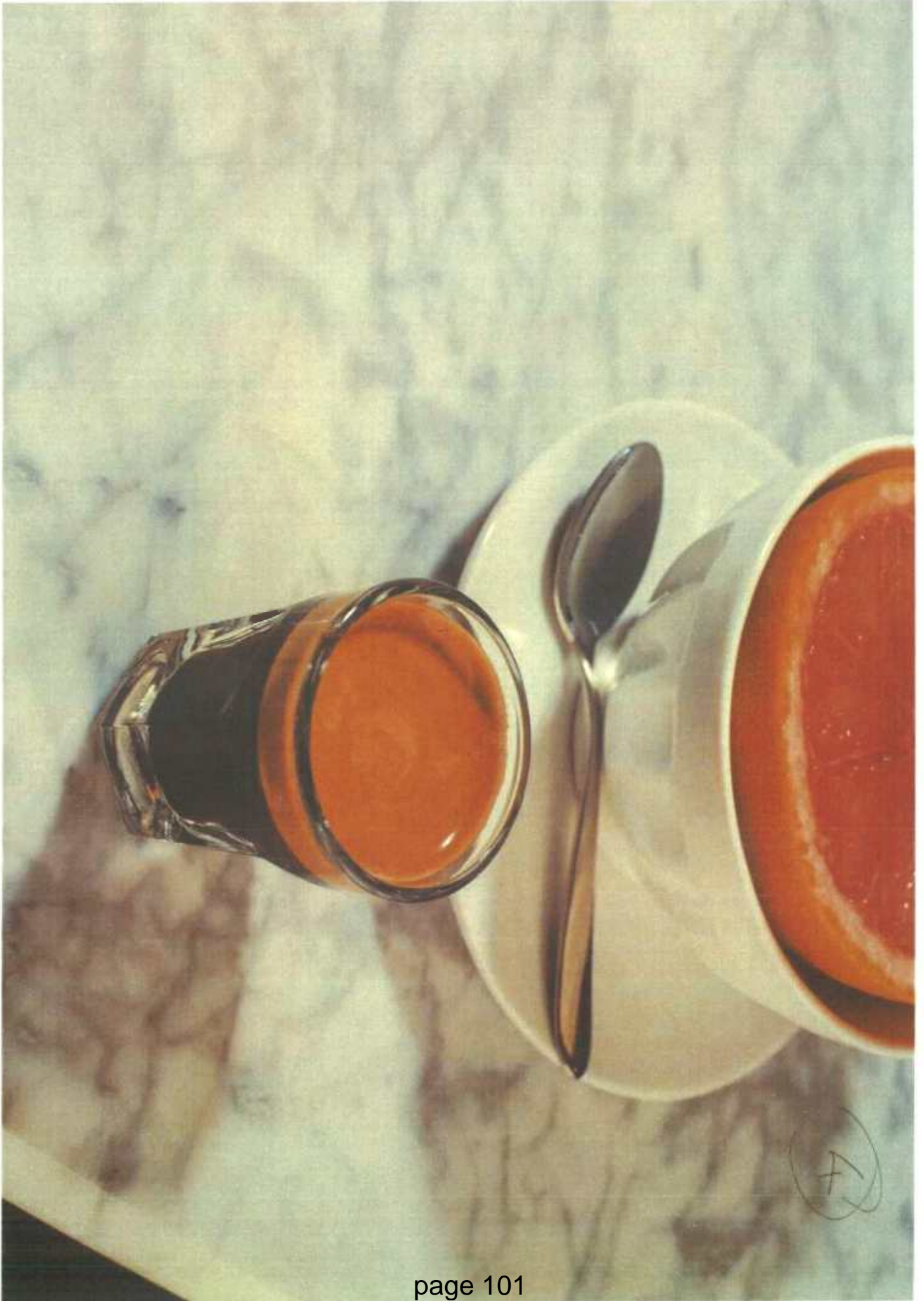
Having opened and run some of the best bars in London, Tony began to pay attention to the work of the chefs and incorporated new methods into his cocktail repertoire, resulting in some groundbreaking cocktail menus.

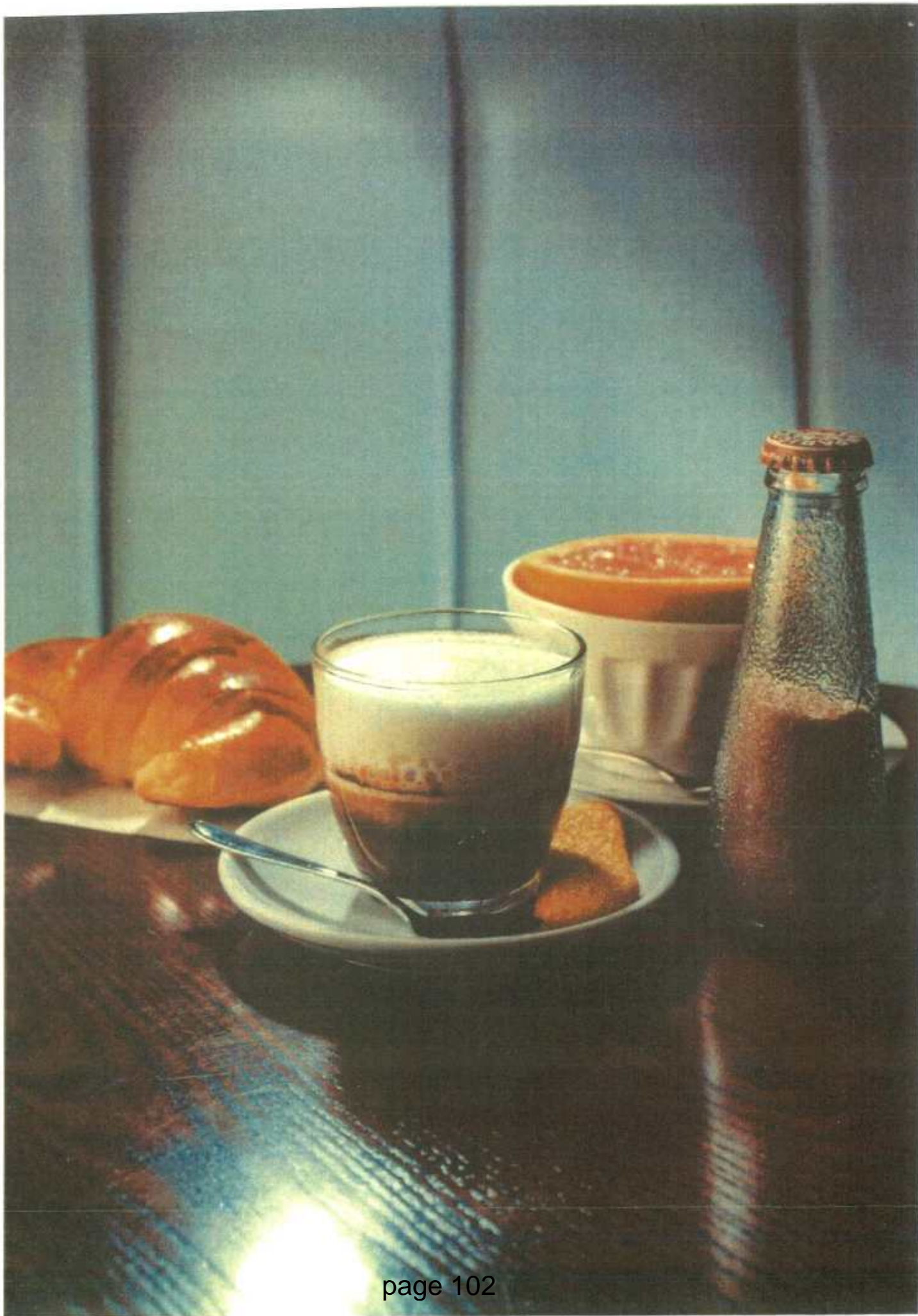
Having studied Fine Art and Art History for 5 years, and working in a fashion house prior to his involvement in drinks, Tony cites a broad spectrum of influences in his work, from bartenders and chefs, to perfumers, scientists, alchemists and designers.

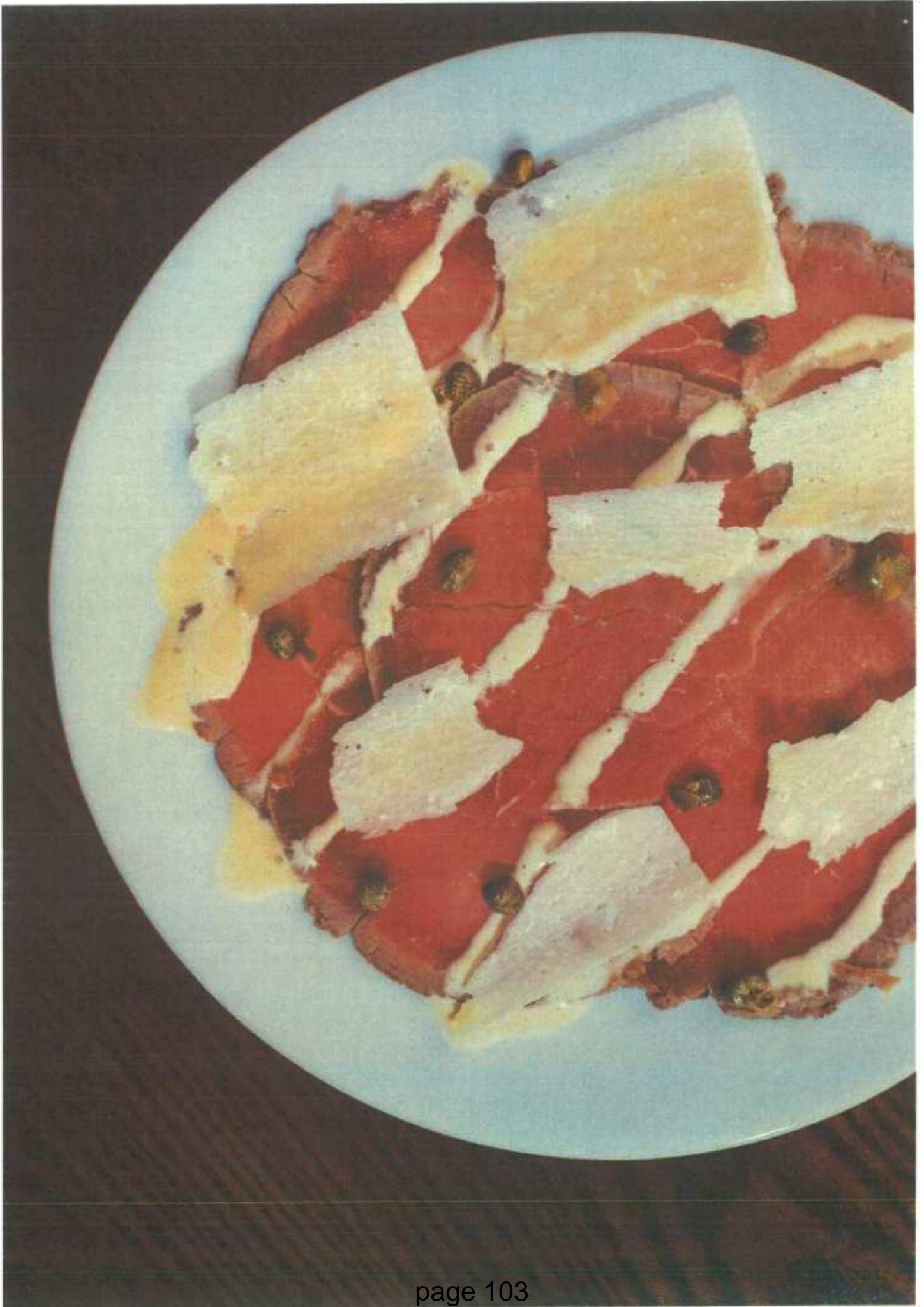
He has helped open and run bars for over 20 years in which time he has won a considerable number of awards and written the award winning book 'Drinks' alongside numerous additional articles. He regularly consults on new projects and has been at the vanguard of creating drinks that have been recognised both in London and internationally.

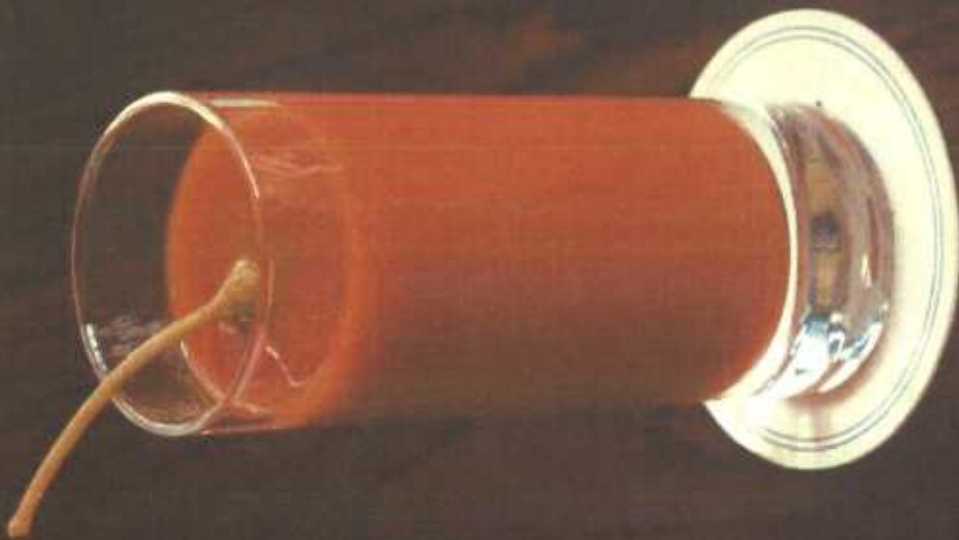
Tony has recently participated in a number of TV productions with both BBC 2 and Channel 4, discussing techniques and ingredients with Jamie Oliver and Gordon Ramsey, among others.













Licence & Appeal History

Application	Details of Application	Date Determined	Decision
New application	Application for a new premises licence	15/5/14	Granted by the Licensing Sub-Committee
TEN	Temporary Event Notice for extension of hours until 02:00 on 19 and 20 September 2015	08/09/15	Notice acknowledged
TEN	Temporary Event Notice for extension of hours until 02:00 on 26 September 2015	14/09/15	Notice acknowledged
TEN	Temporary Event Notice for extension of hours until 02:00 on 3 and 4 October 2015	14/09/15	Notice acknowledged
TEN	Temporary Event Notice for extension of hours until 02:00 on 10 and 11 October 2015	28/09/15	Notice acknowledged
TEN	Temporary Event Notice for extension of hours until 02:00 on 17 and 18 October 2015	28/09/15	Notice acknowledged
TEN	Temporary Event Notice for extension of hours until 02:00 on 24 and 25 October 2015	28/09/15	Notice acknowledged
TEN	Temporary Event Notice for extension of hours until 02:00 on 31/10/15 and 1/11/2015	28/09/15	Notice acknowledged
TEN	Temporary Event Notice for extension of hours until 02:00 on 7 and 8 November 2015	26/10/15	Notice acknowledged
TEN	Temporary Event Notice for extension of hours until 02:00 on 5 and 6 December 2015	12/11/15	Notice acknowledged
TEN	Temporary Event Notice for extension of hours until 02:00 on 12 and 13 December 2015	16/11/15	Notice acknowledged
TEN	Temporary Event Notice for extension of hours until 02:00 on 31 December 2015	20/11/15	Notice acknowledged

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.

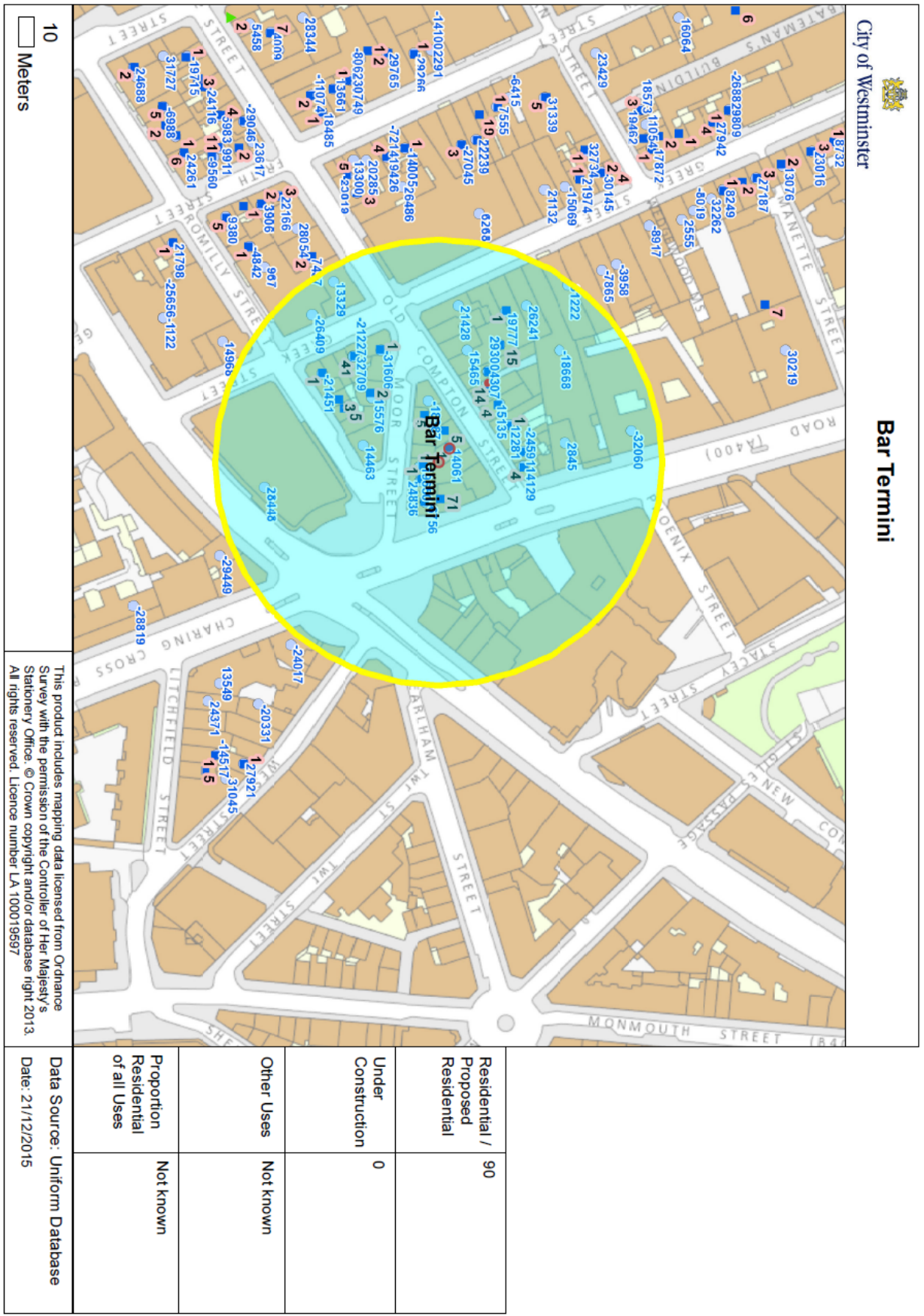
Conditions consistent with the operating schedule

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open 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.
11. The premises shall operate as an aperitivo and digestive bar where the supply of alcohol for consumption 'on' the premises shall be by waiter or waitress service and to seated persons save for those persons mentioned in condition 16 below
12. From 1800 hours all patrons shall be seated save for a maximum of 4 persons waiting to be seated.
13. Substantial food which is of the type described as "fatta fuori sede" which means that there is no primary cooking on site shall be available throughout all hours of trading.
14. There shall be no sales of draft beer.
15. The premises shall be a member of the local pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.
16. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
17. 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.
18. The number of persons accommodated at any one time shall not exceed 30 persons inclusive of staff.
19. No drinks shall be consumed outside the premises nor glasses/bottles removed from the premises by patrons when leaving.
20. 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.
21. 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.
22. The entrance door shall be kept closed after 22.00 hours except for the immediate access and egress of patrons.
23. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

24. Loudspeakers shall not be located in the entrance area or outside the premises building.
25. 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.
26. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
27. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 hours and 07.00 hours on the following day.
28. 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.
29. The licensable activities authorised by this licence can only be carried on at the premises by Bar Termini Ltd.
30. 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.
31. 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.
32. 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.
33. The licence shall not be in effect until premises licence number 14/02200/LIPN is surrendered.

Condition proposed by Environmental Health

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



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	March 2015
4	Plan	16/11/15
5	Application acknowledged and served	16/11/15
6	DPS consent	16/11/15
7	Application form	16/11/15
8	Public Notice	16/11/15
9	Public Health response	17/11/15
10	Application notification to residents	18/11/15
11	Newspaper advert	25/11/15
12	LFEPA response	8/12/15
13	Soho Society representation	10/12/15
14	Environmental Health representation	10/12/15
15	Police representation	14/12/15
16	Hearing notification to all	18/12/15
17	Additional information from the Environmental Health	06/01/16
18	Applicant's correspondence to Soho Society	06/01/16
19	Applicant's additional information	07/01/16
20		
21		
22		
23		
24		



City of Westminster

Licensing Sub-Committee Report

Agenda Item 5

Item No:	
Date:	12 th January 2016
Licensing Ref No:	15/09578/LIPV - Premises Licence Variation
Title of Report:	Shiori 45 Moscow Road London W2 4AH
Report of:	Director of Public Protection and Licensing
Wards involved:	Lancaster Gate
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Steve Rowe Senior Licensing Officer
Contact details	Telephone: 020 7641 7825 Email: srowe@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	28 October 2015		
Applicant:	Cocoro Bayswater Limited		
Premises:	Shiori		
Premises address:	45 Moscow Road London W2 4AH	Ward:	Lancaster Gate
		Cumulative Impact Area:	None
Premises description:	Japanese Restaurant		
Variation description:	a) To extend the opening hours of the premises Monday to Saturday from 12:00 to 23:00 b) To open the premises on Sunday from 12:00 to 22:30 c) To extend the hours for sale of alcohol Monday to Saturday from 12:00 to 22:30 d) To permit sale of alcohol on Sunday from 12:00 to 22:00		
Premises licence history:	The premises are currently licensed under the Licesing Act 2003 for the Sale by Retail of Alcohol (15/08817/LIPDPS)		
Applicant submissions:	The applicant has not provided any submissions in support of their application.		

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

		Sale by Retail of Alcohol							
On or off sales						Current :		Proposed:	
						Both		Both	
	Current Hours		Current Hours		Proposed Hours		Licensable Area		
	Start:	End:	Start:	End:			Current:	Proposed:	
Monday	12:00	15:00	18:00	22:30	12:00	22:30	Ground Floor	No Change	
Tuesday	12:00	15:00	18:00	22:30	12:00	22:30	Ground Floor	No Change	
Wednesday	12:00	15:00	18:00	22:30	12:00	22:30	Ground Floor	No Change	
Thursday	12:00	15:00	18:00	22:30	12:00	22:30	Ground Floor	No Change	
Friday	12:00	15:00	18:00	22:30	12:00	22:30	Ground Floor	No Change	

Saturday	12:00	15:00	18:00	22:30	12:00	22:30	Ground Floor	No Change
Sunday	N/A	N/A	N/A	N/A	12:00	22:00	Ground Floor	No Change

Seasonal variations:	Current:	Proposed:
	N/A	N/A
Non-standard timings:	Current:	Proposed:
	N/A	N/A

Hours premises are open to the public

	Current Hours		Current Hours		Proposed Hours		Premises Area	
	Start:	End:			Start:	End:	Current:	Proposed
Monday	12:00	23:00	18:00	22:30	12:00	23:00	No Change	
Tuesday	12:00	23:00	18:00	22:30	12:00	23:00		
Wednesday	12:00	23:00	18:00	22:30	12:00	23:00		
Thursday	12:00	23:00	18:00	22:30	12:00	23:00		
Friday	12:00	23:00	18:00	22:30	12:00	23:00		
Saturday	12:00	23:00	18:00	22:30	12:00	23:00		
Sunday	N/A	N/A	N/A	N/A	12:00	22:30		
Seasonal variations:	Current:				Proposed:			
	N/A				N/A			
Non-standard timings:	Current:				Proposed:			
	N/A				N/A			

2. Representations

2-B Other Persons			
Name:		Miss Karin Amstad	
Address and/or Residents Association:		26 Windsor Court Moscow Road London	
Status:	Local resident	In support or opposed:	Opposed
Received:	12 November 2015		
<p>We object to the late opening hours on Sunday as this is a residential area where on Sunday evening/night only a few regular customers would be expected apart from maybe tourist groups which we believe are much better catered for on Queensway anyway.</p>			
Name:		Mr Tim Snell	

Address and/or Residents Association:		Chenies House, 37 Moscow Road.	
Status:	Local resident	In support or opposed:	Opposed
Received:	6 th November 2015		
<p>We currently experience a significant problem of on-street drinking, both from the Phoenix Pub and nearby off licences. This is causing a public nuisance with the associated anti social behaviour (noise, urination in public, litter, public safety). Any variation to the existing licence to allow drinks to be sold for consumption off the premises should be resisted. Its approval would compound the existing problem, and contribute to the gradual but significant erosion of the quality of life of nearby residents. For these reasons the application should be rejected.</p>			
Name:		Mrs Laura Marani	
Address and/or Residents Association		30 Windsor Court Moscow Road London	
Status:	Local resident	In support of opposed:	Opposed
Received:	3 rd November 2015		
<p>The application only states 'Variation' not what to. I can only suppose they wish to prolong the hours of the licence. All the objections to this have already been recorded in the past and they remain the same. In a mainly residential neighbourhood prolonged licensing hours cause great disturbances with noise, fights, dirt, vomit, litter and smells (particularly urinating against walls.) (I am not suggesting it is only clients from these premises who cause these - but longer hours increase the potential for it) Could also open the flood gates for all other licensed premises in the area to apply for longer opening hours.</p>			

3. Policy & Guidance

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

4. Appendices

Appendix 1	Premises Licence
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Mr Steve Rowe Senior Licensing Officer
Contact:	Telephone: 020 7641 7816 Email: srowe@westminster.gov.uk

None

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
New Premises Licence Application (12/08592/LIPN)	Sale by Retail of Alcohol: Monday to Saturday 12:00 to 15:00 and 18:00 to 22:30	21.11.12	Granted under delegated authority
Transfer of Premises Licence (15/08816/LIPT)	Cocoro Bayswater Limited	26.10.15	Granted under delegated authority
Change of Designated Premises Supervisor (15/08817/LIPDPS)	Change of Designated Premises Supervisor	26.10.15	Granted under delegated authority
Variation of Premises Licence (15/09578/LIPV)	Current application		

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

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

- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

- 8 (i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (ii) For the purposes of the condition set out in paragraph 8(i) above -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -
$$P = D+(D \times V)$$

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- (iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by

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

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

Annex 2 – Conditions consistent with the operating Schedule

9. The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) 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, (iii) which do not provide any take away service of food or drink for immediate consumption, and (iv) where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals.
10. The supply of alcohol shall be by waiter or waitress service only.
11. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
12. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
13. 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.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
16. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
17. A challenge 21 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.
18. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every

person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

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. 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.
21. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 20 persons.
22. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
23. 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.
24. There shall be no self service of spirits on the premises.
25. There shall be no off sales of super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above.
26. No deliveries shall be made to the premises between 20:00 and 08:00 hours Monday to Saturday and Sunday between 1800 to 1000

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

None

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

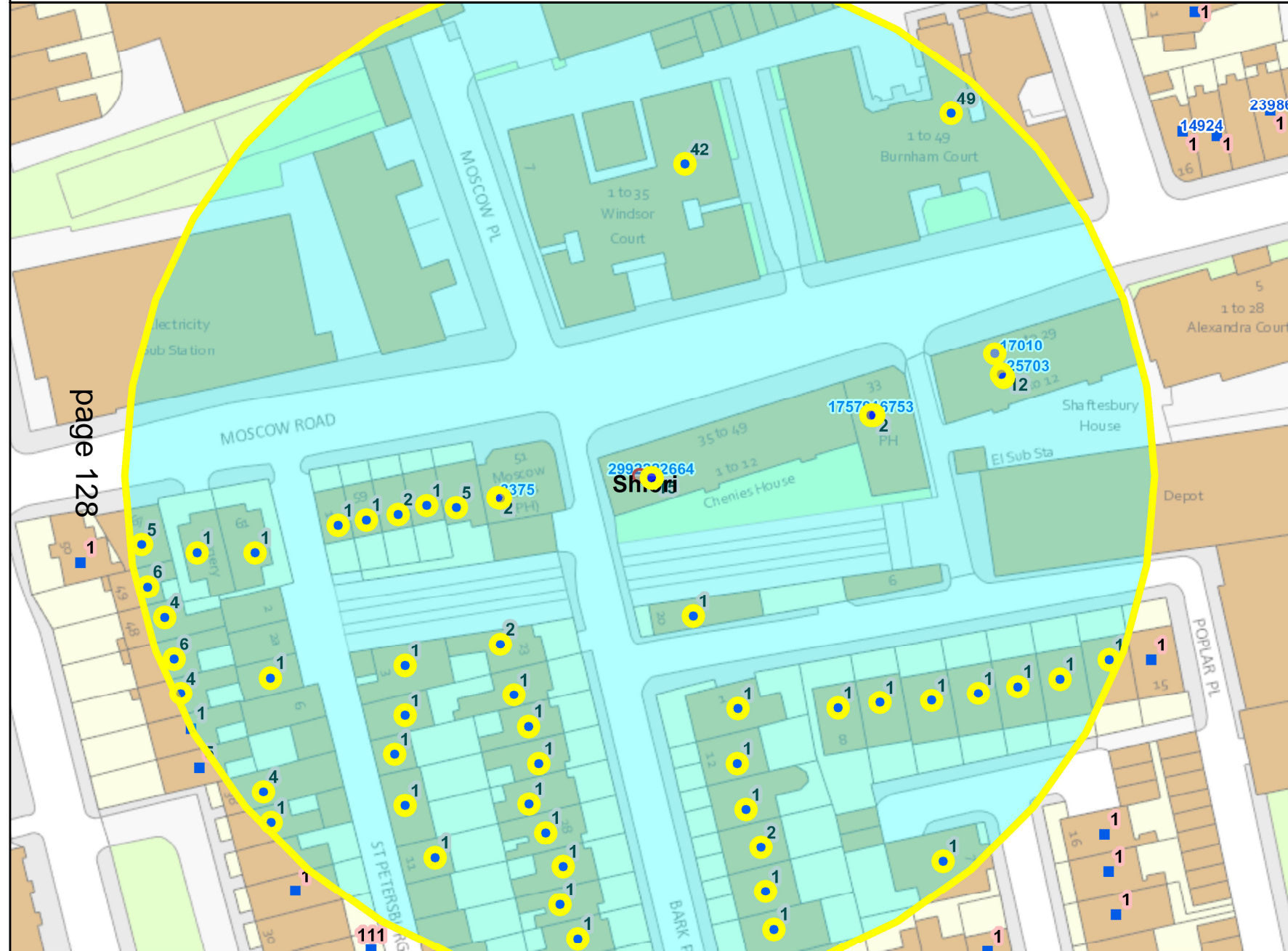
Background Documents – Local Government (Access to Information) Act 1972

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	March 2015
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Shiori, 45 Moscow Road, London, W2 4AH

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Residential / Proposed Residential	197
Under Construction	Not Known
Other Uses	Not Known
Proportion Residential of all Uses	Not Known

Premises within 75 metres of: Shiori, 45 Moscow Road, London, W2 4AH

p / n	Name of Premises	Premises Address	Licensed Hours
22664	Mulberry Street	Ground Floor 47 Moscow Road London W2 4AH	Sunday 12:00 - 22:30 Monday to Saturday 12:00 - 23:00
29922	Shiori	45 Moscow Road London W2 4AH	Monday to Saturday 12:00 - 15:00 Monday to Saturday 18:00 - 22:30
-25703	Olympic Food Centre	21 Moscow Road London W2 4AH	Sunday 08:00 - 22:30 Monday to Saturday 08:00 - 23:00
-17010	Byzantium Cafe	Ground Floor 31 Moscow Road London W2 4AH	Monday to Sunday 08:00 - 23:00
16753	Kings Head Public House	Kings Head 33 Moscow Road London W2 4AH	Sunday 07:00 - 23:00 Monday to Saturday 07:00 - 23:30
3375	The Phoenix	51 Moscow Road London W2 4AL	Sunday 07:00 - 23:00 Monday to Saturday 07:00 - 23:30
17579	Kings Head Public House	Kings Head 33 Moscow Road London W2 4AH	Sunday 07:00 - 23:00 Monday to Saturday 07:00 - 23:30

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Item No:	
Date:	12 th January 2016
Licensing Ref No:	15/10074/LIPN - New Premises Licence
Title of Report:	Ascott Mayfair London, Lower Ground Floor 49 Hill Street London W1J 5NB
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:	Mr Steve Rowe Senior Licensing Officer
Contact details	Telephone: 020 7641 7816 Email: srowe@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	6 November 2015		
Applicant:	Room Seasons Ltd		
Premises:	Ascott Mayfair London, Lower Ground Floor		
Premises address:	49 Hill Street London W1J 5NB	Ward:	West End
		Cumulative Impact Area:	None
Premises description:	<p>The premise is a catering unit (Production kitchen). It is located inside the building of the Ascott Mayfair London in the lower ground floor (33.4m²).</p> <p>Regarding the purpose of the business, it is a catering company focused around providing food and beverage offering for 3 and 4 star hotels/ Serviced Apartments/Offices in West London that don't supply full Food and Beverage Supply on site. The company will process the order and take care of the delivery for the hotels located within a radius area of 20 minutes from the premise.</p> <p>The catering will provide cold/hot dishes and beverages including alcohol. It will operate from 12:00 to 01:30 seven days a week.</p>		
Premises licence history:	The premises has not previously been licensed under the Licensing Act 2003		
Applicant submissions:	The applicant has stated in their Operating Schedule what steps they are taking to promote the licensing objectives (See Appendix 2).		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	01:30	01:30	01:30	01:30	01:30	01:30	01:30
Seasonal variations:		N/A					
Non-standard timings:		N/A					

Sale by retail of alcohol				On or off sales or both:			Off
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	12:00	12:00	12:00	12:00	12:00	12:00	12:00
End:	01:30	01:30	01:30	01:30	01:30	01:30	01:30
Seasonal variations:		N/A					
Non-standard timings:		N/A					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	12:00	12:00	12:00	12:00	12:00	12:00	12:00
End:	01:30	01:30	01:30	01:30	01:30	01:30	01:30
Seasonal variations:		N/A					
Non-standard timings:		N/A					
Adult Entertainment:		N/A					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	David Nevitt
Received:	10 th December 2015

Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.

On the 6th January 2016 the EHO raised the following comments with the applicant:

It is understood that the main activity proposed is to supply meals and alcohol for consumption off the premises by way of motorbike delivery to order. The applicants advise that their customers are intended to be patrons of nearby hotels who do not have the benefit of in-house food and beverage supplies.

The hours sought are in excess of the 'Core Hours' as defined by the City Council's Licensing Policy. The premises is not located in a Stress Area but the application will need to be adjudicated at a Hearing of the Licensing Sub Committee. The Ctee may consider imposing Conditions which restrict the sale/supply of alcohol and provision of Late Night Refreshment to deliveries only.

The main EH concern (and that of local residents) is the potential for noise and disturbance caused by delivery motorbike activity. I am particularly concerned that there appears to be a significant amount of residential accommodation in close proximity in the area surrounding the premises, including the rear where it is envisaged access and

egress for motorbikes will be provided. I am also concerned that the problem may be exacerbated by the fact that such activity may be carried on late at night and in the early hours of the morning. In my experience, it is often a combination of noise sources which disturb residents: noise from opening and closing of delivery bay gates, use of vehicle ramps, revving and idling of vehicle engines, radios, delivery staff talking outside the premises etc.. The applicant will need to be careful to address these matters.

I have discussed these concerns with the applicant and advised them to set out the mitigation measures and arrangements they intend to put in place in order to minimise impact on local residents.

The applicant will also need to explain to the Committee how they will comply with an age verification scheme/procedure to ensure that sales of alcohol are correctly made.

I will maintain an EH Representation because of the hours sought and because there are local resident's Representations.

Responsible Authority:	Metropolitan Police Service
Representative:	PC Reaz Guerra
Received:	5 th December 2015

There is insufficient detail in the operating schedule to address the Crime Prevention Objective.

2-B Other Persons	
Name:	Mr David Damant
Address and/or Residents Association:	Flat 86 39 Hill Street London W1J 5LY
Received:	22 nd November 2015
12:40 PM on 22 Nov 2015 I would suggest that the principal question is where the motor bikes will depart from - in front of the building or from the garage? This is a matter which could affect the noise levels at night	

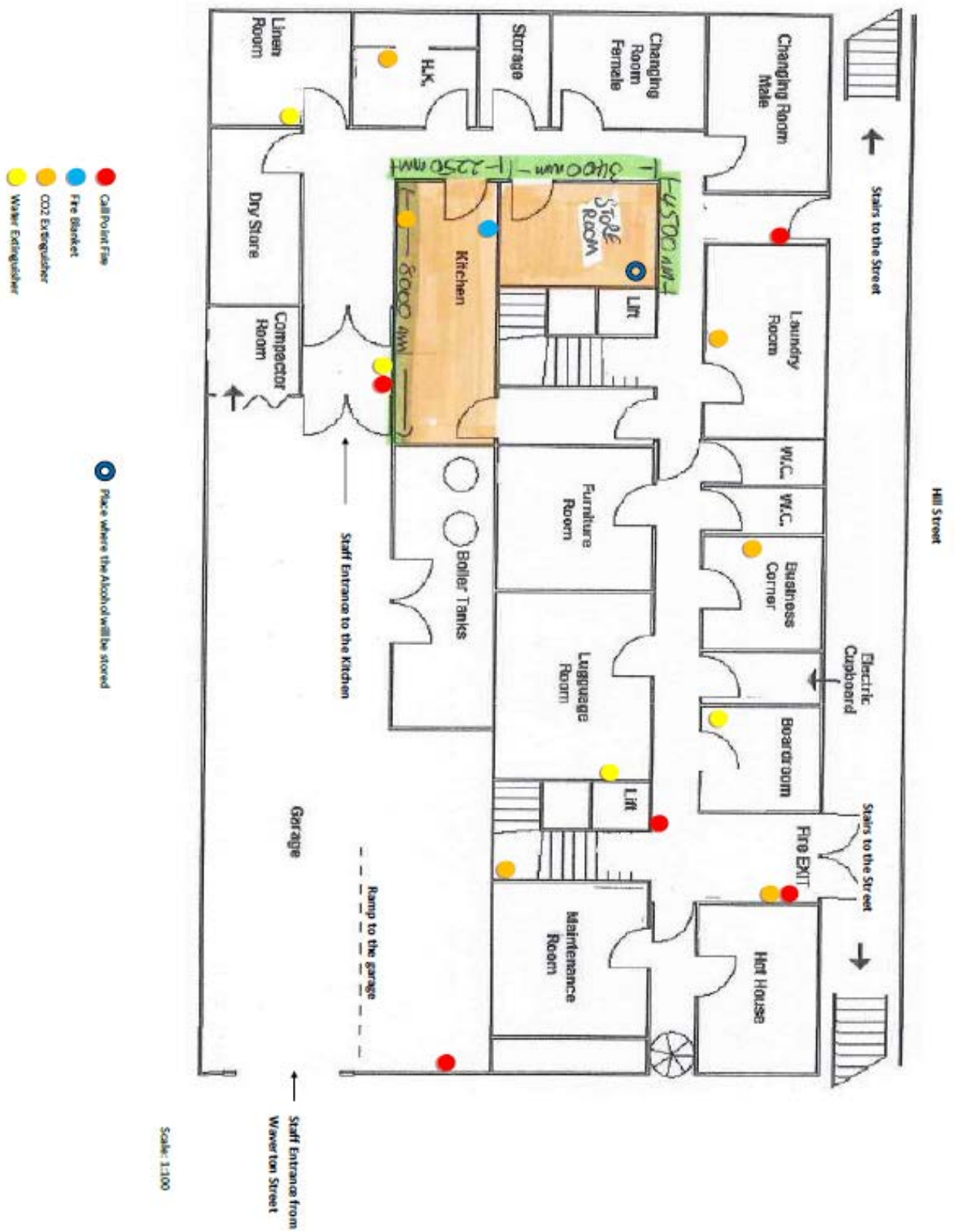
3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	<p>Policy HRS1 applies:</p> <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 OS1 applies	<p>Policy OS1 applies:</p> <p>Applications will generally be granted and reviews determined subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement.</p>

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant's Operating Schedule
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Mr Steve Rowe Senior Licensing Officer
Contact:	Telephone: 020 7641 7816 Email: srowe@westminster.gov.uk



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.

The licence holder will make sure all staff members will be trained properly to comply with the legislation and promote the four licensing objectives. They will be explained in more details in the following parts:

b) The prevention of crime and disorder

The premise is located within the Ascott Mayfair where CCTV are in used. They cover all points of access and egress of the premise. As well, Ascott Mayfair employs a Security Company to carry out external night-time checks and surveillance of the premise seven nights per week. At the same time, our staff and the staff of the Ascott Mayfair are trained to deal with issue that can occur during night time. This is to prevent crime at the premise.

In the premise we will keep a book available for staff to record all incidents that happen at the premises and in the immediate vicinity. This record can be used should a crime take place on licensed premises or a complaint is made about the premises or the staff. It will be introduced to the member of the staff on the induction day.

All the members working for the company will be trained and have the knowledge of aspects of licensing legislation and in particular on underage sales to support the responsibilities of the Designated Premises Supervisor. All training will be recorded so that they are available for inspection at the request of police and council officers.

All staff members will sign a "Sales of Alcohol Policy" prior starting their employment in order to prevent Crime and Disorder.

At the premise, the company will operate drug free policy as per contract. The Company reserved the right to check at any time the Staff Lockers.

c) Public safety

The premises will comply with all statutory fire safety controls as well as the surrounding. The Ascott Mayfair, where the premise is located, will insure the premise against fire and such other risks.

The premise is registered with the local council for food safety. The food hygiene and safety will be respected as the two other directors hold Level 2 Food Hygiene Certificate Catering. All the other staff member have to pass Level 2 Food Hygiene Certificate Catering before a 3 months term after starting working for the company.

Health and safety measures will be implicated to all staff member in order to avoid any hazards. All incidents will be recorded in a book and will be available on demand.

Finally the premise complies with The Disability Discrimination Act 1995.

d) The prevention of public nuisance

The licence holder will take the responsibility of the following:

- Reduce the noise: Keep doors closed.
- Rubbish and litter: The Rubbish will be kept at the rear of the premises, away from public access
- Car parking: A car parking is available for any delivery behind the hotel

e) The protection of children from harm

To protect the children from harm, the licence holder will train any member of the staff dealing with customer. They will be trained in checking customers' ages by only accepting the correct identifications (Passport; Driving licence; Citizencard). All the person who look under 25 year old will be systematically asked for ID (Challenge 25). All staff members will sign a "Sales of Alcohol Policy" prior starting their employment in order to protect Children from Harm a refusal book will be kept on the premises where staff can record details of everyone who has been refused alcohol.

There is no licence or appeal history for the premises

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

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

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

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

Mandatory Conditions

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

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor.

For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

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

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

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

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

Conditions proposed by the Environmental Health but not agreed by the applicant

- 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.
- All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
- 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.
- Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
- 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.
- A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.

Conditions proposed by the Police

None (at the time of publishing the report)

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
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Ascott Mayfair London, 49 Hill Street, London, W1J 5NB

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Residential / Proposed Residential	169
Under Construction	Not Known
Other Uses	Not Known
Proportion Residential of all Uses	Not Known

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Meters

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Data Source: Uniform Database

Date: 21/12/2015

Premises within 75 metres of: Ascott Mayfair London, 49 Hill Street, London, W1J 5NB			
p / n	Name of Premises	Premises Address	Licensed Hours
19743	The Naval Club	38 Hill Street London W1J 5NS	Monday to Sunday 00:00 - 00:00
19664	The University Women's Club	2 Audley Square London W1K 1DB	Monday to Saturday 11:00 - 23:30 Sunday 12:00 - 15:30 Sunday 19:00 - 23:00
5132	The Ascott Mayfair	First Floor 49 Hill Street London W1J 5NB	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00