



City of Westminster

# Committee Agenda

Title: **Licensing Sub-Committee (3)**

Meeting Date: **Thursday 7th July, 2016**

Time: **10.00 am**

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

Members: **Councillors:**

Melvyn Caplan (Chairman)  
Peter Freeman  
Rita Begum



**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  
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contact the Committee Officer (details listed below) in  
advance of the meeting.**



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

## AGENDA

### PART 1 (IN PUBLIC)

#### 1. MEMBERSHIP

To report any changes to the membership.

#### 2. DECLARATIONS OF INTEREST

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

#### Licensing Applications for Determination

#### 1. ISOLATED PITCH F3026(A), 9-9A GERRARD STREET, W1

(Pages 1 - 16)

App No	Ward	Site Name and Address	Application	Licensing Reference Number
1.	St James's Ward	Isolated Pitch F3026(a), 9-9A Gerrard Street, W1	Street Trading - Designation of new isolated street trading pitch	16/02334/LIPRS

#### 2. PITCH 1771, MARYLEBONE ROAD, NW1

(Pages 17 - 46)

App No	Ward	Site Name and Address	Application	Licensing Reference Number
2.	Regent's Park Ward	Pitch 1771, Marylebone Road, NW1	Street Trading - Vary designation of Pitch 1771	16/04480/LIIS



**3. WHYTE & BROWN LIMITED, UNITS G2, 1.4, 1.5 & 1.6,  
GROUND FLOOR UNIT G2, KINGLY COURT, W1**

**(Pages 47 - 66)**

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	West End / West End Cumulative Impact Area	Whyte & Brown Limited, Units G2, 1.4, 1.5 & 1.6, Ground Floor Unit G2, Kingly Court, W1	Variation	16/03381/LIPV

**4. AVIVA, 10-11 GREAT NEWPORT STREET, WC2**

**(Pages 67 -  
128)**

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
4.	St James's / West End Cumulative Impact Area	Aviva, 10- 11 Great Newport Street, WC2	New	16/04563/LIPN

**5. SMACK SOHO, KEMBLE HOUSE, 58 DEAN STREET, W1**

**(Pages 129 -  
146)**

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
5.	West End / West End Cumulative Impact Area	Smack Soho, Kemble House, 58 Dean Street, W1	New	16/03523/LIPN

**Charlie Parker**  
**Chief Executive**  
**1 July 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.

## **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.



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Licensing Ref No:	16/02334/LIPRS
Date:	7 July 2016
Classification:	For General Release
Title of Report:	Isolated Pitch F3026(a) 9-9A Gerrard Street W1D 5PN
Report of:	Director of Public Protection & Licensing
Policy context:	To provide a safe, well-regulated environment.
Financial summary:	None
Report Author:	Taruna Adnath Environmental Health Case Officer – Street Licensing
Contact Details:	Telephone: 020 7641 71496 E-mail: tadnath@westminster.gov.uk

PROPOSAL DETAILS

<b>Proposal:</b>	Designation of a new Isolated street trading pitch to be designated in Gerrard Street	
<b>Pitch and Location:</b>	Isolated Pitch F3026(a) – 9-9A Gerrard Street (L3.20 W1.6m –located on the left side of the entrance New Loon Moon Ltd)	
<b>Ward Name:</b>	St James	
<b>Proposal and Reason for Recommendation:</b>		<b>Matter for consideration</b>
<p><b>A SUMMARY OF PURPOSE OF THIS REPORT:</b></p> <p>The Licensing Sub Committee is asked to consider the results of the statutory consultation to create a new isolated street trading pitch in Gerrard Street</p> <p><b><u>B Licensing Background:</u></b></p> <p>The Licensing Service has received a request from Mr Andre Cheong, Managing Director at New Loon Moon Ltd to create a new isolated street trading pitch to be located on the left entrance of the building located at No 9a Gerrard Street, measuring 1.6 metres wide and 3.20 metres length and trading selling Fruits and vegetables Monday to Sunday from 12:00 to 20:00.</p> <p>The applicant has stated that the creation of the new isolated street trading pitch will mirror the existing street trading licence F3026 and the new pitch will enhance the feel and cultural attraction of China Town.</p> <p><b>See Appendix A for the request and photographs of proposal and location plan</b></p> <p><b>C EXISTING STREET TRADING LICENCE</b></p> <p>On 25 October 2000, Mr Andre Cheong was granted a street trading licence pursuant to section 9 of the Act to allow him to engage in street trading on Monday to Sunday from 12:00 to 20:00 on pitch F3026 9a Gerrard Street. The licence authorised the sale of costume fruits and vegetables. A copy of the licence is attached as <b>Annex B</b></p> <p>In seeking to designate the new isolated pitch the Licensing service is taking into account the views of the Planning Unit and Highways Department.</p> <p>This report is not to grant the street trading licence but to designate a new isolated pitch. If members are minded to grant this new proposal, applications to fill the area designated would be subject of a different process.</p> <p>Full responses to the statutory consultation are included in the report.</p> <p><b><u>Relevant Responses:</u></b></p> <p><b>City Planning</b> Robert Ayton, Head of Design &amp; Conservation, WCG Planning - Central Area has submitted an adverse representation to this proposal stating that the public</p>		<p>Passing a new resolution to create a new isolated Pitch F3026A (L3.20 W1.6m –located on the left side of the entrance New Loon Moon Ltd) For Fruits and Vegetables Monday to Sunday between 12:00 to 20:00</p>

<p>highway in Gerrard Street should not be used for trading purposes and is opposing a further street trading licence in front of a listed building. <b>Appendix C</b></p> <p><b>Highways</b> The Highways Planning officer has no objection to this proposal in principle but queried whether planning permission should be obtained before determining whether or not to designate the new pitch as a licenced street. <b>Appendix D</b></p> <p><b>Note:</b> <i>Street trading Policy ST1 –STALL DESIGN states at paragraph 1(6): Planning permission will be required for all stalls not removed at night.</i></p> <p>The stall for the present application will be removed.</p> <p><b>Metropolitan Police</b> No response has been submitted</p> <p><b>Ward Councillors</b> No response has been submitted</p>	
<b>Current Licensing Position</b>	There is a street trading licence in force to permit street trading under the City of Westminster Act 1999 on pitch PF3026. <b>Annex B</b>
<b>List of Appendices:</b>	<p><b>Appendix A</b> - Applicant's proposal, location plan and photographs</p> <p><b>Appendix B</b> - Pitch F3026 Street Trading Licence</p> <p><b>Appendix C</b>- Response from City Planning</p> <p><b>Appendix D</b>- Response from Highways</p>
<b>Results of Ward Member Consultation</b>	No response has been received from the Ward Councillors following the Statutory consultation

## 1. STREET TRADING POLICY

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

### **Designation and De-designation- Policy ST5**

*Policy ST5 (III) states:*

- (i) *The Licensing authority will not designate any new isolated street trading pitches, apart from in exceptional circumstances*

*Note: The Licensing Service is of the view that the applicant has not identified any exceptional circumstances to support the creation of the new isolated pitch in line with the Street Trading Policy*

## 2. LEGAL FRAMEWORK

- 2.1 Under the provisions of Section 5(1)(a) of the City of Westminster Act 1999 (the Act) the council may pass a resolution designating a street or part of a street in the city as a licence street (a designating resolution).
- 2.2 Under the provisions of section 6(1) of the Act, the council must, before passing such a resolution consult the Commissioner of Police, Highway Authority, any body representing the



relevant street traders, and all licence holders who might reasonably be affected by the proposed resolution.

- 2.3 Section 6(5) of the Act provides that the council shall give to any person who makes representations by the due date an opportunity to make oral representations to the council and may at their discretion give to other persons making representations a similar opportunity.
- 2.4 For the present exercise officers have extended consultation to include the Planning Department.
- 2.5 There is no appeal against any decision to refuse to designate a street as a licensed street and any procedural deficiencies may also be challenged by an application to the High Court for Judicial Review.

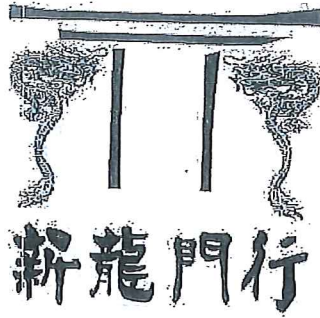
If you have any questions about this report, or wish to inspect one of the background papers, please contact **Taruna Adnath** on **020 7641 1496** or at [tadnath@westminster.gov.uk](mailto:tadnath@westminster.gov.uk)

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

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



# APPENDIX A



Ms Taruna Adnath  
Street Licensing  
City of Westminster  
Environment & Planning Dept  
Westminster City Hall  
63 Victory Street  
London  
SE1 6QP

Sunday, 13 December 2015

Dear Ms Taruna Adnath,

**Reference: APPLICATION FOR NEW STREET TRADING LICENSE**

New Loon Moon Ltd would like to apply for a new street trading license and pitch designation. The area we would like to apply for, extends 1.6 meters from the building and runs the length of the store front, about 3.20 meters. This area would be an area of 5.12 square meters.

We believe that the gutter forms a most appropriate physical boundary and also allows free flow during bad weather. We would like to point out that we would occupy the area during the pedestrian times of the street (Mon to Sun 12:00 to 20:00), thus allowing free passage to the general public when there is traffic in the street.

Please find enclosed pictures (Appendix 1) and a drawing of the area with measurements (Appendix 2) of where we would like to use. We have chosen an area that is bound by physical features thus making it easy to define when in the street.

We hope the drawings satisfy your requirements and should you require any more information please feel free in contacting us.

The area would be used to display foodstuff, fresh fruit, vegetables and items that form the main part of the trading business. We would of course maintain the area in a strict condition of cleanliness and avoid all hazards to the general public.

We are requesting that our current Pitch (F3026) is mirrored onto the opposite side of the premises. In short, we believe that this will enhance the feel and cultural attraction of China Town.

We are grateful for your consideration in this matter and look forward to receiving your reply.

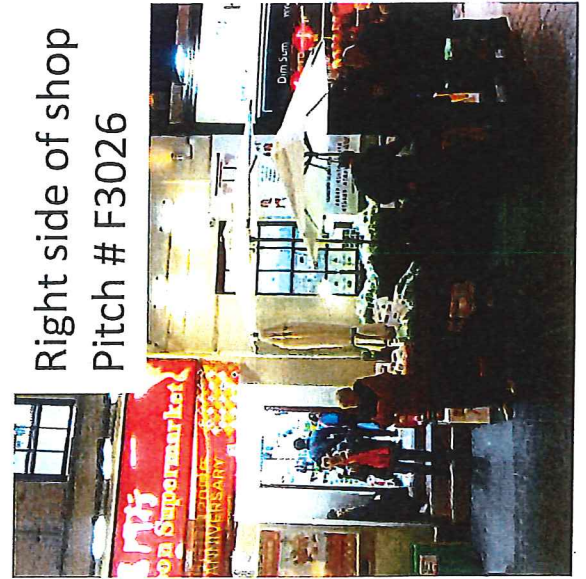
Yours Sincerely

Mr. N. I. André Cheong  
Managing Director

Appendix 1



Left side of shop



Right side of shop  
Pitch # F3026

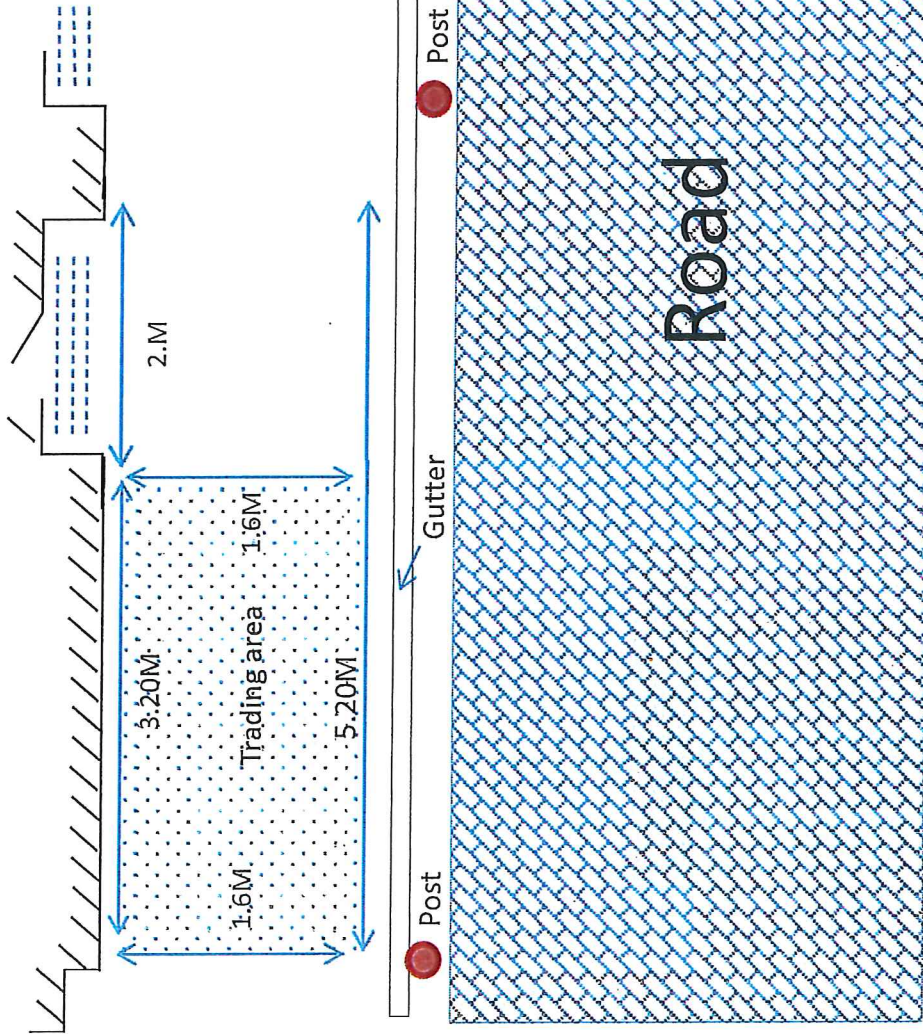
 新龍門行  
New Loon Moon Ltd  
9a, Gerrard Street,  
London. W1D 5PN





# Appendix 2

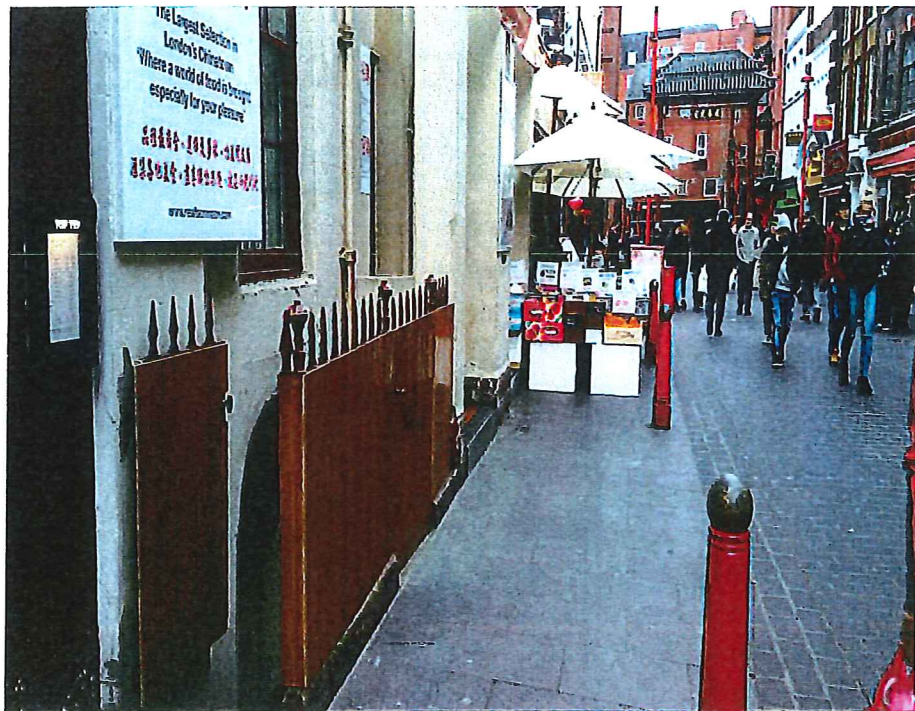
New Loon Moon Supermarket  
9A Gerrard Street





**Existing street trading licence-PITCH F3026**





**Proposed new designation measuring 1.6 metres (Width) and 3.20 metres**





1. THE WESTMINSTER CITY COUNCIL hereby grants to ...ANDRE CHEONG...

a licence to engage in street trading in the City of Westminster on PITCH NUMBER ...F3026...

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

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

Dated this .....19 January 2001.....

*pp. N. ...* Business Unit Manager (Licensing)

SCHEDULE

Class of Articles	FRUIT AND VEGETABLES						
Street	F3026 GERRARD STREET W1						
Position or Place at which holder may trade	IN FRONT OF NO. 9a						
Size of receptacle	L 5.8m, W 1.6m						
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
From time	1200	1200	1200	1200	1200	1200	1200
To time	2000	2000	2000	2000	2000	2000	2000

FURTHER CONDITIONS

(1) The licence holder shall ensure that the pitch is cleansed by washing it down at the end of each day's trading.



# APPENDIX C

**From:** Ayton, Robert: WCC  
**Sent:** 18 May 2016 14:47  
**To:** Adnath, Taruna: WCC  
**Cc:** Dwyer, Sean: WCC  
**Subject:** RE: DESIGNATION OF STREET TRADING PITCH - 9a GERRARD STREET New Loon Moon

Taruna

Yes – I visited the site and I have now discussed with John Walker.

We consider that the public highway in Gerrard Street should not be used for trading purposes.

We are very surprised that there seems to be an existing licence. Was Development Planning consulted about this ? John has asked the Planning Enforcement Team to investigate what appears to be an unauthorised use of the highway (in planning terms).

We oppose any further street trading licences outside this listed building.

Robert

**From:** Adnath, Taruna: WCC [<mailto:tadnath@westminster.gov.uk>]  
**Sent:** 16 May 2016 15:19  
**To:** Ayton, Robert  
**Cc:** Dwyer, Sean  
**Subject:** RE: DESIGNATION OF STREET TRADING PITCH - 9a GERRARD STREET New Loon Moon

Robert

can you advise if the site visit took place and can you provide your formal comments for inclusion in the report.

Sean- can you provide your formal comments for inclusion in the Licensing Subcommittee report.

Regards

Mrs Taruna Adnath

Senior Licensing Officer

**Street Trading Team**

**Public Protection & Licensing Department**  
Westminster City Council  
4th Floor West  
City Hall  
64 Victoria Street  
London SW1E 6QP

Tel: 020 7641 1496  
Fax: 020 7641 7815  
[tadnath@westminster.gov.uk](mailto:tadnath@westminster.gov.uk)

[www.westminster.gov.uk](http://www.westminster.gov.uk)



ASPIRATION

CHOICE

HERITAGE



**From:** Ayton, Robert  
**Sent:** 26 April 2016 10:05  
**To:** Adnath, Taruna  
**Subject:** RE: DESIGNATION OF STREET TRADING PITCH - 9a GERRARD STREET New Loon Moon

Taruna

Ok – I will do a quick site visit today before I give you my final comments.

Robert

**From:** Adnath, Taruna  
**Sent:** 21 April 2016 17:53  
**To:** Ayton, Robert; Dwyer, Sean; Austin, Roger; Murphy, Peter; Auckland, Richard; Guerra, Reaz  
**Cc:** Hick, Rosalind  
**Subject:** RE: DESIGNATION OF STREET TRADING PITCH - 9a GERRARD STREET New Loon Moon

Robert

Can you submit your formal response and grounds so that they can be included in the report for Licensing Sub Committee

Mrs Taruna Adnath

Senior Licensing Officer

**Street Trading Team**

Public Protection & Licensing Department  
Westminster City Council  
4th Floor West  
City Hall



# APPENDIX D

## Adnath, Taruna: WCC

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**From:** Dwyer, Sean  
**Sent:** 21 April 2016 14:17  
**To:** Adnath, Taruna; Austin, Roger; Ayton, Robert; Murphy, Peter; Auckland, Richard; Guerra, Reaz  
**Cc:** Hick, Rosalind  
**Subject:** RE: DESIGNATION OF STREET TRADING PITCH - 9a GERRARD STREET New Loon Moon

Taruna

I don't have a problem with it in principle, but shouldn't they get planning permission before we consider issuing a street trading licence, like they would if they were a restaurant that wanted to put T&C in this location?

It changes the use of the highway to being part of the shop.

Sean

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**From:** Adnath, Taruna  
**Sent:** 21 April 2016 13:53  
**To:** Dwyer, Sean; Austin, Roger; Ayton, Robert; Murphy, Peter; Auckland, Richard; Guerra, Reaz  
**Cc:** Hick, Rosalind  
**Subject:** FW: DESIGNATION OF STREET TRADING PITCH - 9a GERRARD STREET New Loon Moon  
**Importance:** High

Dear all

Following my email below I have not received your comments to the proposal below.

Robert- can you advise who is the best team to contact

The consultation time has lapsed but it would be good to have your comments as matter will be taken to committee for approval

Regards

Mrs Taruna Adnath

Senior Licensing Officer

Street Trading Team

Public Protection & Licensing Department  
Westminster City Council  
4th Floor West  
City Hall  
64 Victoria Street  
London SW1E 6QP

Tel: 020 7641 1496  
Fax: 020 7641 7815  
[adnath@westminster.gov.uk](mailto:adnath@westminster.gov.uk)

[www.westminster.gov.uk](http://www.westminster.gov.uk)



ASPIRATION CHOICE HERITAGE



**From:** Adnath, Taruna  
**Sent:** 01 March 2016 14:20  
**To:** Glanz, Jonathan (Cllr); Church (Cllr), Paul; Roberts, Glenys (Cllr) CODE03; Dwyer, Sean; Austin, Roger; Murphy, Peter; Police General Licensing; Guerra, Reaz; Auckland, Richard; Pennington, Steve  
**Cc:** 'Wally Watson'; 'David Chambers'; 'Accounts'  
**Subject:** DESIGNATION OF STREET TRADING PITCH – 9a GERRARD STREET New Loon Moon  
**Importance:** High

Dear All,

**REGULATION OF STREET TRADING**

**DESIGNATION OF STREET TRADING PITCH – 9a GERRARD STREET**

NOTICE IS HEREGIVEN THAT :

- (a) Under Section 5 (1)(a) of the Westminster Act 1999, The City Council has received a request from Mr Andre Cheong, New Loon Moon Supermarket, located at No 9a Gerrard Street, London, W1D 5PN to create a forecourt street trading licence measuring 1.6 metres (Width) and 3.20 metres (Length) from the building line to mirror the opposite side of the shop which currently has a street trading licence as set out below:

F3026  76	L5.8m W1.6m	Mr Andre Cheong	Fruit and Vegetables	Mon – Sun  1200 - 2000
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Copies of the letter from the applicant, location plans and photograph of the existing street trading licence and new proposed designations are attached for ease of reference

(b) Under the provisions of section 6(1) of the Westminster Act 1999, the Council must, before passing a designating or specifying resolution, carry out a consultation exercise. The Council must consult the Commissioner of Police, the Highway Authority, anybody which appears to represent the relevant street traders, and any licence holder whom the Council might reasonably expect would be affected by the proposed resolution.

Formal representations to the current proposal must be made in writing to the Street Trading Team, 4<sup>th</sup> Floor, City Hall, Victoria Street, London, SW1E 6QP or by email to the Senior Licensing Officer stated below or [streettradinglicensing@westminster.gov.uk](mailto:streettradinglicensing@westminster.gov.uk) **by no later than 1 April 2016.**

**Following the last date for submitting formal representation the matter will be referred to a Licensing Sub Committee hearing for consideration**

Regards

Mrs Taruna Adnath

Senior Licensing Officer

Street Trading Team

Public Protection & Licensing Department  
Westminster City Council  
4th Floor West  
City Hall  
64 Victoria Street  
London SW1E 6QP

Tel: 020 7641 1496  
Fax: 020 7641 7815  
[tadnath@westminster.gov.uk](mailto:tadnath@westminster.gov.uk)

[www.westminster.gov.uk](http://www.westminster.gov.uk)



ASPIRATION

CHOICE

HERITAGE



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City of Westminster

# Licensing Sub-Committee Report

Item No:	
Licensing Ref No:	16/04480/LIIS
Date:	7 July 2016
Classification:	For General Release
Title of Report:	Street Trading Pitch 1771 – Marylebone Road, NW1 5LR
Report of:	Operational Director Premises Management
Policy context:	To provide a safe, well-regulated environment.
Financial summary:	None
Report Author:	Taruna Adnath, Senior Licensing Officer Street Licensing, Premises Management
Contact Details:	Telephone: 020 7641 1496 E-mail: <a href="mailto:tadnath@westminster.gov.uk">tadnath@westminster.gov.uk</a>



## 1. APPLICATION DETAILS

<b>Proposal:</b>	The designating resolution passed by the Council on 25 July 1990, subsequently varied on 16 December 1999, be varied so as to vary the designation of Pitch 1771 located at Marylebone Road		
<b>Applicant:</b>	Lee Robert Kitchiner	<b>Date Application Received:</b>	13 October 2016
<b>Pitch and Location:</b>	Isolated Pitch 1771 – Marylebone Road, NW1 5LR		
<b>Ward Name:</b>	Regent's Park		
<b>Description of Current Receptacle:</b>	Removable kiosk selling wrapped ice-cream, soft ice-cream, soft drinks and crepes. Dimensions of the pitch: L3.65m W1.52		

### **A SUMMARY OF PURPOSE OF THIS REPORT:**

The Licensing Sub Committee is asked to consider the results of the statutory consultation to vary the pitch designation of Pitch 1771 located at Marylebone Road to a new proposed location as detailed further in this report

### **B Licensing Background**

Mr Lee Robert Kitchiner was first licensed in 2004, after the previous licence holder, Mr Titelbaum transferred his licence to Mr Kitchiner due to retirement. Mr Kitchiner had worked for Mr Titelbaum for over 14 years, when the licence was transferred. Pitch 1771 is located on the pavement on Marylebone Road at its junction with Allsop Place in front of Madame Tussaud.

The licence permits the sale of wrapped ice-cream, soft ice-cream, soft drinks and crepes.

#### **Appendix A**

### **C Planning Background:**

On 7 April 2014, Mr Lee Robert Kitchiner submitted a planning application bearing reference 14/03272/LIFULL seeking permission to:

- (a) Relocate the existing street trading pitch designation to a position approximately 5m away from the original designation
- (b) Approval of a semi permanent kiosk

Planning permission was granted on 2 June 2015. **Appendix B (Copies of Planning Decision and Licensing Sub Committee Report)**

On 13 October 2015, Mr Lee Robert Kitchiner approached the Licensing Service to initiate the procedure to relocate the existing pitch designation in line with the Planning decision. **Appendix C**

### **D Relevant Responses:**

On 6 May 2016, the Licensing Service undertook the statutory consultation to vary the designating resolution passed on 25 July 1990, subsequently varied on 16 December 1999.

The Licensing received no response to the statutory consultation. Ward Councillors were consulted

and no response was received.

**MATTERS FOR CONSIDERATION:**

Mr Lee Robert Kitchiner has advised the Licensing Service that the new receptacle will be in place around November 2016.

The Licensing Service has advised Mr Kitchiner that if Members are minded to grant the variation of designation, a variation application to change the pitch designation/location on the current street trading licence and a further application for approval of receptacle need to be submitted and same will be dealt by an authorised officer of the Licensing Service in accordance with the Scheme of Delegation.

Members are invited to consider:

- (a) In principle, the variation of the original designation of Pitch 1771 to be moved 5m away as per location plan showing the existing pitch location to the proposed new designation attached at **Appendix D** and in line with the Planning Permission attached at **Appendix B**.
- (b) To delegate to an authorised officer of the Licensing Service to determine the date that the actual variation of the designation will take effect.

<b>Current Licensing Position</b>	A permanent street trading licence under the City of Westminster Act 1999 is held by Mr Kitchiner to trade from pitch 1771. Mr Kitchiner is licensed to sell wrapped ice-cream, soft ice-cream, soft drinks and crepes  The existing designated area of the pitch is L3.65m x W1.52m. <b>See Appendix A</b>
<b>Current Planning Position</b>	Planning permission ref 14/03271/LIFULL was granted for 3 years. <b>See Appendix B</b>
<b>List of Appendices:</b>	A - Permanent street trading licence B - Planning Permission 14/03271/FULL C- Email from Applicant dated 13 October 2015 D - Location Plan showing proposed new designation
<b>Results of Ward Member Consultation</b>	No response

**1. STREET TRADING POLICY**

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

**Stall Design- Policy ST1**

*Only those stalls approved by an authorised officer of the licensing authority shall be used by the licence holder (in accordance with Standard Condition 10). Stalls must be visually appealing, be of sound construction, easy to maintain, adequate for the purposes intended and must meet with all the licence conditions as well as the following criteria. The Westminster Way Catalogue provides details of the stalls likely to be considered suitable and unsuitable for street trading*



*Policy ST1(6) states that "Planning permission will be required for all stalls not removed at nights. Stalls that meet the following descriptions will be likely to be considered acceptable in design terms in suitable locations"*

*Policy ST1(7) states that the "traditional Heritage Kiosk will be the minimum standard acceptable to the Licensing Authority but may not be appropriate in areas of the highest townscape quality."*

*Policy ST1(8) states "Where licensed traders wish to trade from stalls other than Heritage Kiosk, preference will be given to the stalls shown in the Westminster Way Catalogue and which meet the description given in 1(9) below. Other designs of kiosk would need special consideration and would only be approved if they are considered an improvement for the locality."*

## **2. LEGAL FRAMEWORK**

### **VARIATION OF DESIGNATION:**

- 2.1 Under the provisions of section 6(1) of the Act, the council must, before passing a resolution to vary a designating resolution, consult the Commissioner of Police, Highway Authority, any body representing the relevant street traders, and all licence holders who might reasonably be affected by the proposed resolution.
- 2.2 Section 6(5) of the Act provides that the council shall give to any person who makes representations by the due date an opportunity to make oral representations to the council and may at their discretion give to other persons making representations a similar opportunity.
- 2.3 For the present exercise officers have extended consultation to include the Planning Department.
- 2.4 Under Section 19(1) of the Act, any person aggrieved by a resolution varying or rescinding a designating resolution may appeal to the Magistrates' Court. An appeal may be brought at any time before the expiration of a period of three months commencing on the date on which notice of the proposed resolution has been given in writing to the person aggrieved.
- 2.5 Any procedural deficiencies may also be challenged by an application to the High Court for Judicial Review.

If you have any questions about this report, or wish to inspect one of the background papers, please contact <b>Taruna Adnath</b> on <b>020 7641 1496</b> or at <a href="mailto:tadnath@westminster.gov.uk">tadnath@westminster.gov.uk</a>
--

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

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



DUPLICATE LICENCE



1. THE WESTMINSTER CITY COUNCIL hereby grants to Mr Lee Robert Kitchener  
A licence to engage in street trading in the City of Westminster on Pitch 1771
2. This licence authorises the holder to trade solely in the articles, and in the manner, and at the places and times specified in the Schedule to the licence and is granted subject (1) to the standard conditions made under Section 10(1) of the City of Westminster Act 1999; (2) to any Act amending the same and to any Orders made thereunder; and (3) to any other statutory enactment which is in force for the time being.
3. This licence shall remain in force until it is cancelled or revoked by the Council.

Dated this: 7 September 2006 \_\_\_\_\_  
 DIRECTOR OF LEGAL AND ADMINISTRATIVE SERVICES

**SCHEDULE**

Class of Articles	Wrapped Ice-Cream, Soft Ice-Cream, Soft Drinks and Crepes						
Street	<b>Isolated Pitch 1771</b>						
Position or Place at which the holder may trade	Marylebone Road North Footway Fronting London Planetarium Backing Onto Guard-Rails Between Allsop Place and Layby						
Size of Pitch	L: 3.65m W: 1.52						
Day	MON	TUE	WED	THUR	FRI	SAT	SUN
From Time	09:00	09:00	09:00	09:00	09:00	09:00	09:00
To Time	20:00	20:00	20:00	20:00	20:00	20:00	20:00

FURTHER CONDITIONS

# APPENDIX B

Westminster City Council

Westminster City Hall  
64 Victoria Street  
London SW1E 6QP

westminster.gov.uk



City of Westminster

CERTIFIED TRUE RECORD OF  
COUNCIL'S DECISION OF \_\_\_\_\_

- 2 JUN 2015

Your ref: MR LEE KITCHINER  
My ref: 14/03271/FULL

Please reply to:  
Tel No:

Richard Langston  
020 7641 7923

Mr Lee Kitchiner  
Crepes & Shakes  
Licensed Pitch 1771  
Outside Madame Tussauds  
Marylebone Road  
London  
London  
NW15LR

**Development Planning**  
Westminster City Hall  
64 Victoria Street  
London SW1E 6QP

2 June 2015

Dear Sir/Madam

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

The City Council has considered your application and permits the development referred to below subject to the conditions set out and in accordance with the plans submitted.

Unless any other period is stated in the Schedule below or by conditions attached; this consent, by virtue of Section 91(1) of the Town and Country Planning Act 1990 (as amended), is granted subject to the condition that the development shall be commenced within 3 years of the date of this decision.

Your attention is drawn to the enclosed Statement of Applicant's Rights and General Information.

## SCHEDULE

<b>Application No:</b>	14/03271/FULL	<b>Application Date:</b>	07.04.2014
<b>Date Received:</b>	07.04.2014	<b>Date Amended:</b>	08.09.2014
<b>Plan Nos:</b>	LKMR001RevASR; LKMR003; LKMR005; LKMR007; 3032-DR-001Rev05; 3032-DR-002Rev05; 3032-DR-003Rev05; 3032-DR-004Rev05; 3032-DR-005Rev05; 3032-DR-006Rev05; Photographs; Statement;		
<b>Address:</b>	Pitch 1771, Marylebone Road, London, NW1 5LR		
<b>Proposal:</b>	Relocation of street trading pitch and new kiosk.		

See next page for conditions/reasons.

Yours faithfully

John Walker  
Director of Planning



14/03271/FULL

**Conditions:**

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

Reason:

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

- 2 You must carry out any building work which can be heard at the boundary of the site only:
  - \* between 08.00 and 18.00 Monday to Friday;
  - \* between 08.00 and 13.00 on Saturday; and
  - \* not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 The building can remain for 3 years from the date on this decision letter. After that you must remove it and return the land to its previous condition.

Reason:

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

- 4 The kiosk canopies shall be secured shut except during trading hours.

Reason:

To protect the environment of people in neighbouring properties and the appearance of the site. This is in line with S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, DES 5 and DES 6 of our Unitary Development Plan that we adopted in January 2007. (R13CC)

Note:

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.







- 5 All trading activity and storage of refuse shall be within the licensed trading area.

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 6 No advertisements shall be displayed on the kiosk hereby approved other than those comprising the name of the trader of the kiosk and the nature of his or her business.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Dorset Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 No items of merchandise shall be displayed or installed on the outside of or hung from the canopy of the kiosk.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Dorset Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 The windows shall remain clear of advertisements at all times. No advertisements shall be displayed on the outside or behind the windows of the kiosk.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Dorset Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 9 The base of the kiosk shall not extend beyond the boundary of the designated pitch and shall not be formed of concrete.

Reason:

To ensure that the kiosk does not extend beyond the area highway designated as a street trading pitch and that the kiosk can be easily removed if this is necessary for any reason.

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- 10 You must apply to us for full particulars of the colour and finish of the external panelling of the kiosk.

You must not start any work on the development until we have approved what you have sent us.

You must then carry out the work according to these particulars.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Dorset Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 11 You must not start work on the site until appropriate arrangements have been made with the City Council in consultation with Transport for London to secure the following.

Relocation of Ledgible London totem sign.

You must include in the arrangements details of when you will carry out the alterations. You must only carry out the development according to the approved arrangements. The relocation of the sign must take place before the new kiosk opens.

Reason:

To make sure that an acceptable standard of public highway is provided where this is effected by the development, as set out in S33 of Westminster's City Plan: Strategic Policies adopted November 2013 and in accordance with Policy S41 of Westminster's City Plan: Strategic Policies i and TRANS 3 of our Unitary Development Plan that we adopted in January 2007.

- 12 You must not start work on or occupy the new kiosk location until the kiosk on Pitch 1771 is removed.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

**Informatives:**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

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- 2 Condition 11 prevents work starting on the development until you have applied for, and approval has been given for certain matters. It is important that you are aware that any work you start on the development before approval has been given will not be authorised by this permission.
- 3 Please contact Coleen Gardner, the City Council's Legible London Project Manager on 0207 641 3142 for further advice regarding suitable arrangements to meet Condition 11. You will be expected to pay for all costs associated with the signs relocation, including the physical works and legal costs.
- 4 Under condition 11 we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure the relocation of the Legible London totem sign . Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at [www.westminster.gov.uk](http://www.westminster.gov.uk). Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (177AA)

Note - As the requirements of the Building Regulations may impact on the design of the proposed development, our Building Control team can offer advice and guidance at an early stage. If you would like to take advantage of this free service please contact 020 7641 7230 to arrange a preliminary discussion.

**Note:**

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raised by 750mm to provide an extra floor level for residential use and to relocate rooflights.

An additional representation was received from Icen Projects (29.05.15)

**RESOLVED:**

That conditional permission be granted.

**6 UNITED KINGDOM HOUSE, 180 OXFORD STREET, W1**

Infilling of internal lightwells at second to seventh floor levels to provide additional office space (Class B1), extension at eighth floor roof level to provide single residential dwelling (Class C3) flat with associated terraces, new plant enclosure at eighth floor level and creation of separate ground floor entrance on Great Titchfield Street for residential access and associated internal alterations.

A late representation was received from Marcus Sebastian Wisskirchen (28.05.15).

**RESOLVED:**

The application was rejected.

**7 19 LOWNDES CLOSE, SW1**

Variation of Condition 1 of planning permission dated 29 April 2014 (RN: 13/11106/FULL) for the demolition of existing building and the erection of new single family dwelling with a new basement and installation of an air conditioning unit within an acoustic enclosure at rear third floor level; namely, to change the drawing numbers to allow an additional extension at rear third floor level and to reposition the air conditioning unit and enclosure.

**RESOLVED:**

That conditional permission be granted in accordance with amended drawings submitted by the applicant which deleted the rear third floor air conditioning plant from the proposals and subject to the deletion of draft condition 14 relating this air conditioning unit.

**8 12 - 14 TAVISTOCK STREET, WC2**

Use of the ground floor as restaurant and cafe (Class A3). Installation of a full height extract flue within an internal service riser terminating at roof level.

**RESOLVED:**

That conditional permission be granted subject to amended Condition 4 setting the opening hour at 8am.

**9 PITCH 1771, MARYLEBONE ROAD, NW1**

A late representation was received from Councillor Antonia Cox (02.06.15)

**RESOLVED:**

That conditional permission be granted.

**14 30 QUEEN'S GROVE, NW8**

Excavation to extend existing basement below part of rear garden and demolition and reinstatement of existing garden room and lower ground floor rear extension.

**RESOLVED:**

That conditional permission be granted.

**15 53B CLIFTON HILL, NW8**

Erection of dormer to rear roof slope, installation of new rooflights to front roof slope and alterations to front elevation.

**RESOLVED:**

Withdrawn by officers.

**16 68-76 BELGRAVE ROAD, SW1**

Creation of a single storey infill extension to hotel (Class C1) at rear first floor level [Charwood Street side elevation].

**RESOLVED:**

That conditional permission be granted.

The Meeting ended at 9.00 pm

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_



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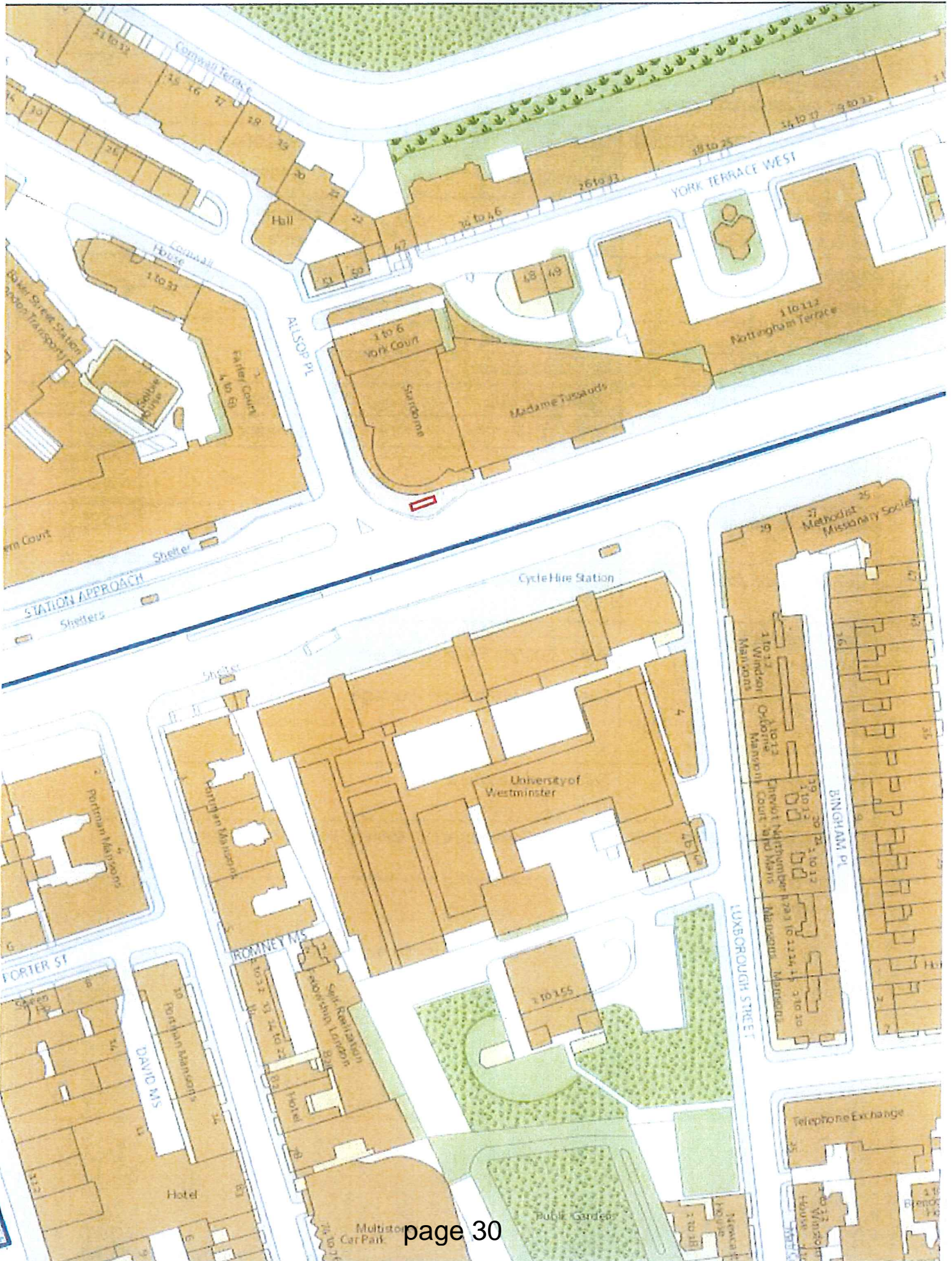
<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 2 June 2015	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Wards involved</b> Regent's Park	
<b>Subject of Report</b>	<b>Pitch 1771, Marylebone Road, London, NW1 5LR</b>		
<b>Proposal</b>	Relocation of street trading pitch and new kiosk.		
<b>Agent</b>	Mr Lee Kitchiner		
<b>On behalf of</b>	Mr Lee Kitchiner		
<b>Registered Number</b>	14/03271/FULL	<b>TP / PP No</b>	TP/14097
<b>Date of Application</b>	07.04.2014	<b>Date amended</b>	08.09.2014
<b>Category of Application</b>	Minor		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Dorset Square		
<b>Development Plan Context</b> - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Central Activities Zone Frontage		
<b>Stress Area</b>	Outside Stress Area		
<b>Current Licensing Position</b>	Street Licence issued for existing Pitch (Pitch 1771)		

#### 1. RECOMMENDATION

Grant conditional permission including a condition to secure the following:

- a) Relocation of the Legible London Totem sign.

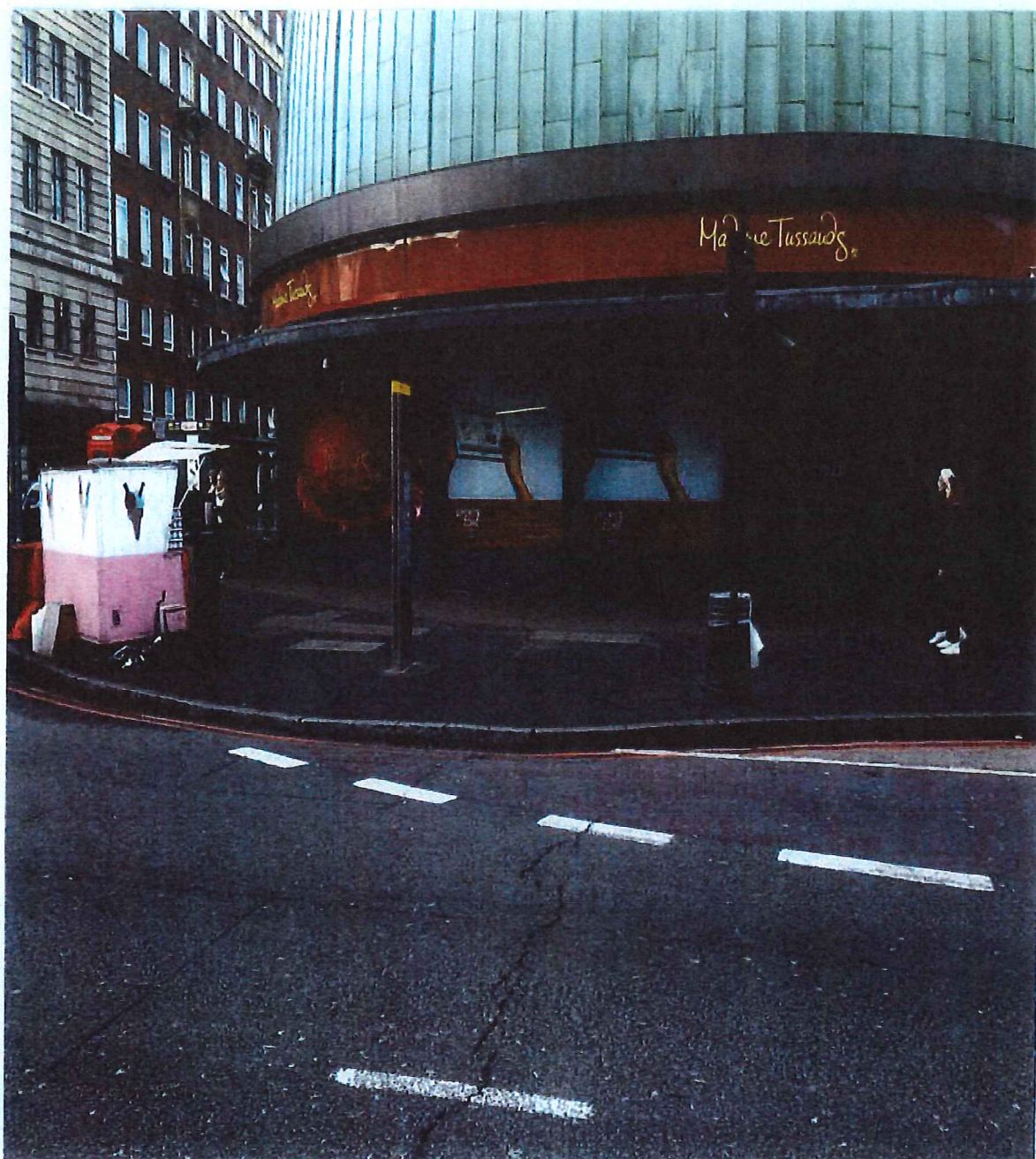




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PITCH 1771, MARYLEBONE ROAD, NW1

## 2. SUMMARY

Pitch 1771 is located on the pavement on Marylebone Road at its junction with Allsop Place in front of Madame Tussauds.

Permission is sought for the relocation of an existing street trading pitch to a position approximately 5m away and the erection of a semi-permanent kiosk.

The key issues in this case are:

- The design of the kiosk, taking into account the impact on the character and appearance of the Dorset Square Conservation Area.
- The impact of the proposal on pedestrian movement at this busy junction.

The proposed design of the kiosk is considered to be an improvement on the existing situation (even though it is acknowledged the current kiosk does not have planning permission) and is appropriate for the conservation area. On the above basis, the proposal is considered to be acceptable provided the kiosk is contained within the designated pitch. The application is therefore recommended for approval, for three years, after which time its retention can be considered in light of changing circumstances. Whilst it is recognised that this is a busy junction, both Transport for London and the Highways Planning Manager agree that the new location is acceptable subject to a Grampion condition to require the relocation of the London Legible sign.

## 3. CONSULTATIONS

### COUNCILLOR RIGBY

Proposal to upgrade existing kiosk is welcome. In principle support the proposal but believes it is important that any pitch and design, including sizing, is located sensitively and in keeping with surrounding area. Proposed design is to be questioned in terms of size and bulk and effect on setting of Madame Tussauds. Also concerned given the proposed size to its impact on pedestrian flow in this busy location.

### THE ST MARYLEBONE SOCIETY

Proposal is an improvement on the existing kiosk but needs to be considered in its context adjacent to Planetarium.

Some members welcome traditional design, some consider it pastiche detracting from Planetarium copper dome.

Current location causes obstruction, new proposal likely to adversely affect pedestrian access due to increase in size. Transport for London preparing Masterplan for area which should be considered when positioning kiosk. Suggest that it should be positioned adjacent to other takeaway for easier deliveries to both kiosks and not block views of drivers at junction.

### ENVIRONMENTAL HEALTH

No objection.

### CLEANSING MANAGER

No objection although suggests initially granted for a year to enable any problems to be identified and addressed.

### TRANSPORT FOR LONDON (TfL)

Believes there is sufficient room to facilitate the new kiosk. A Road Safety Audit Stage 1 request is made in regard to the proposed relocation of a Legible London sign. This would be



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done if planning permission is granted. Requests information is submitted showing that collected rainwater will run into drains without causing ponding on the footway. Suggests applicant provides details how the structure can be temporarily moved to facilitate utility and resurfacing works.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 3; Total No. of Replies: 3.

All responses from the Baker Street Quarter Partnership commented that Madame Tussauds would like to ask that the proposed pitch is used but the kiosk be reduced in height, the canopies be reduced in size and the permission be for a three year period.

ADVERTISEMENT/SITE NOTICE: Yes

#### RECONSULTATION FOLLOWING AMENDMENTS TO REDUCE THE HEIGHT OF THE KIOSK AND REDUCE PROJECTION OF THE CANOPY

#### HIGHWAYS PLANNING MANAGER

Was broadly happy with previous application but welcomes proposed reduction in the size of the canopy. Does not think new kiosk introduces a safety issue that is not currently present. Concerns that kiosk doors open out, need to move Legible London sign, concern about the electricity supply post being located unnecessarily too far away from the kiosk and the possibility of hanging goods from the canopy.

#### TRANSPORT FOR LONDON

There is enough room for the new kiosk. Request a Road Safety Audit is carried out regarding the relocation of the Legible London sign.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 1; Total No. of Replies: 1.

The Baker Street Quarter commented that the Baker Street Quarter and Madame Tussauds are happy with the revised design and would like to express in the strongest terms that they would like the location of the pitch to be reviewed after a three year period to reflect the possible impact on Allsop Place and its junctions with Marylebone Road from the Baker Street Two Way project.

## 4. BACKGROUND INFORMATION

### 4.1 The Application Site

The application site lies at the junction of Allsop Place and Marylebone Road, outside Madame Tussauds, within the Dorset Square Conservation Area. Marylebone Road is a Red Route under the highway authority of Transport for London (TfL).

### 4.2 Relevant History

The existing pitch benefits from a long standing street trading licence. It appears there is an agreement between the traders' association and the Council's Street Trading Licencing to allow the stall to remain in situ overnight. No planning permission has been applied for or granted and no planning enforcement action taken against it, therefore no planning history exists for the site.

## 5. THE PROPOSAL

Planning permission is sought for the erection of a new street trading kiosk to be in situ 24 hours a day, on a new pitch 5m away from the current pitch site. The intention is to relocate the street trading pitch so the existing pitch becomes redundant.

## 6. DETAILED CONSIDERATIONS

### 6.1 Land Use

The kiosk is to be used for retail purposes which is considered acceptable in land use terms.

### 6.2 Townscape and Design

The street trading pitch has been in place for many years and it appears there is an agreement with the City Council's Street Trading Licencing for it to remain in situ overnight. The current kiosk is an enclosure fitted onto a trailer chassis with an extendable canopy. The pitch also contains a soft drink storage container. A street trading licence was granted in 2012 for a larger kiosk, the footprint of which would occupy the whole pitch. Canopies would project from the front and one side of the kiosk. Although not a permanent structure the existing structure is considered to harm the visual amenity of this part of the conservation area.

The proposed new kiosk would be 3.436m high, 3.65m wide and 1.52m deep and would feature an overhanging canopy. Two retractable awnings are proposed on two sides. The structure has a pitched roof with finials, moulded panels, decorative corner brackets and decorative ironwork to fascia panel. The principal facing material is to be Glass Reinforced Plastic (GRP). The design has been amended during the consideration of the application. The amendments included reducing the height from the originally proposed 3.886m and reducing the awning's projection from 1.8m to 1m.

The site is located within the Dorset Square Conservation Area and is outside the Madame Tussauds complex of buildings which are identified as unlisted buildings which make a positive contribution to the character and appearance of the conservation area.

The proposed kiosk has been designed in a more historical style to be more harmonious within the conservation area, albeit it is recognised that its siting will result in more clutter on the street. However, given the history of a pitch adjacent, the proposal is considered on balance acceptable, subject to a temporary three year permission.

### 6.3 Amenity

There are residential flats nearby but considering the distance from these properties and the fact that the use of the pitch is in only a slightly different location from that which already exists, it is not considered the proposal is likely to result in harm to the amenities of these residents.

### 6.4 Transportation/Parking

The proposed kiosk will occupy the same sized pitch as the existing one but will be relocated 5m away. The proposed location maximises the distance between the pitch and the canopy of the neighbouring building leaving a width of 3.3m of unobstructed highway between the pitch and the canopy of the neighbouring building and 2.42m of unobstructed highway between the extended canopy of the kiosk and the canopy of the neighbouring building. Sufficient height clearance is provided between the pavement and the proposed extended canopy. It is therefore considered that the proposal is a slight improvement on the existing pitch in highways terms. It will be capable of being removed if necessary. The proposal would require the relocation of a Legible London Totem sign.

The proposal is considered acceptable by the Highways Planning Manager although it was stated that the electricity supply post should be located closer to the kiosk, concerns were raised that goods could be hung off the canopy and it was highlighted that the Totem sign would need to be relocated. It is recommended that a condition be attached to any planning permission requiring the applicant to make suitable arrangements for the relocation of the



sign. The applicant is aware that there will be cost implications associated with the relocation of the sign.

Transport for London is the Highway Authority for Marylebone Road and they believe there is sufficient room to facilitate the new kiosk. They have also stated that a Road Safety Audit (RSA) should be undertaken as part of the arrangements to relocate the Legible London sign. It is therefore considered that the proposal is acceptable in pedestrian and highway safety terms, subject to a condition to secure the relocation of the sign.

#### **6.5 Economic Considerations**

None relevant.

#### **6.6 Equalities and Diversities**

Not relevant in the determination of this application.

#### **6.7 Other UDP/Westminster Policy Considerations**

None relevant.

#### **6.8 London Plan**

The proposals do not raise strategic issues.

#### **6.9 Planning Obligations**

The proposal is not of sufficient scale to require planning obligations.

#### **6.10 National Planning Policy Framework (NPPF)**

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. The relevant policies in the City Plan which has replaced the Core Strategy have been discussed in this report and other policies in the previous report have not changed significantly. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

#### **6.11 Environmental Assessment including Sustainability and Biodiversity Issues**

None relevant.



## 7. CONCLUSION

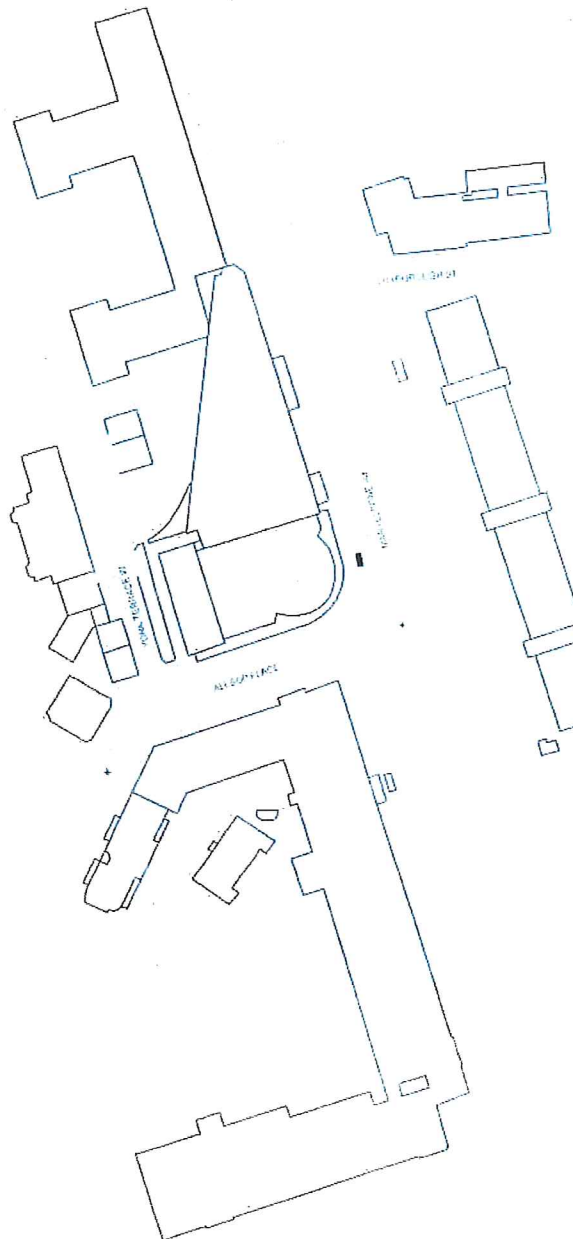
The proposal is considered acceptable in design and highways terms subject to a temporary three year permission.

## BACKGROUND PAPERS

1. Application form
2. Letter from Councillor Rigby dated 14 October 2014
3. Emails from Transport for London dated 10 October 2014 and 27 April 2015
4. Memorandum from Highways Planning Manager dated 21 October 2014
5. Memo from Cleansing Manager dated 8 October 2014
6. Email from St Marylebone Society dated 6 October 2014
7. E-mails from the Baker Street Quarter Partnership dated 21 October 2014 and 13 November 2014.
8. Email from Transport for London dated 27 April 2015.
9. Memorandum from Highways Planning Manager dated 21 April 2015.
10. Email from Baker Street Quarter Partnership and Madame Tussauds dated 13 March 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT AMANDA COULSON ON 020 7641 2875 OR BY E-MAIL – [acoulson@westminster.gov.uk](mailto:acoulson@westminster.gov.uk)

The scale of the drawings of the drawings with its title to be represented.  
 For full scale drawings, all dimensions and levels to be provided by the contractor or client. The contractor to be responsible for the accuracy of the drawings. Engineer's responsibility is limited to the design.



Do not scale drawings. All dimensions shall be taken from the drawings. The contractor shall be responsible for the accuracy of the information provided. The contractor shall be responsible for the accuracy of the information provided.

Prepared by: J. K. [Name] / [Title]  
 Checked by: J. K. [Name] / [Title]  
 Not Drawing No. 3002-01R-014



# Stardome

- 01. Bin.
  - 02. Traffic Signal.
  - 03. Drain.
  - 04. Manhole.
  - 05. Manhole (BT).
  - 06. Information Point to be relocated here.
  - 07. Manhole.
  - 08. Electricitypoint.
  - 09. Proposed kiosk position.
  - 10. Manhole Fire Hydrant.
  - 11. Manhole.
  - 12. Post.
  - 13. Traffic Light.
  - 14. Bollard.
  - 15. Manhole (TCSU).
  - 16. Tactile Ground Service Indicators.
  - 17. Phone Booth.
  - 18. Post L772.
- See 1650mm x 3050mm.

13

14

06

01

02

03

04

05

09

11

12

13

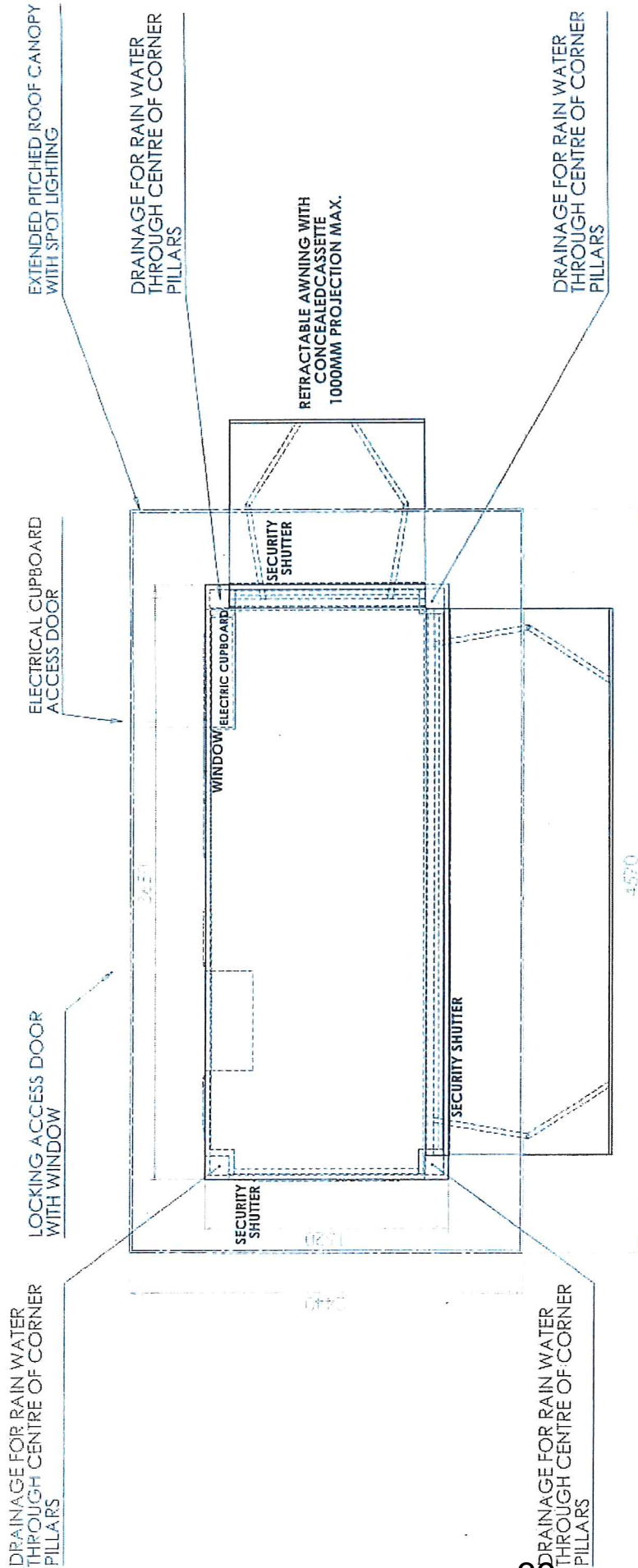
14

15

PROJECT: Marylebone Rd, London NW1 5LR  
 DATE: Jan / 2015  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 PROJECT NO: [Number]  
 DRAWING NO: [Number]  
 SCALE: [Scale]  
 PROJECT: [Name]  
 PROJECT NO: [Number]

**KIRSA ARCHITECTS**





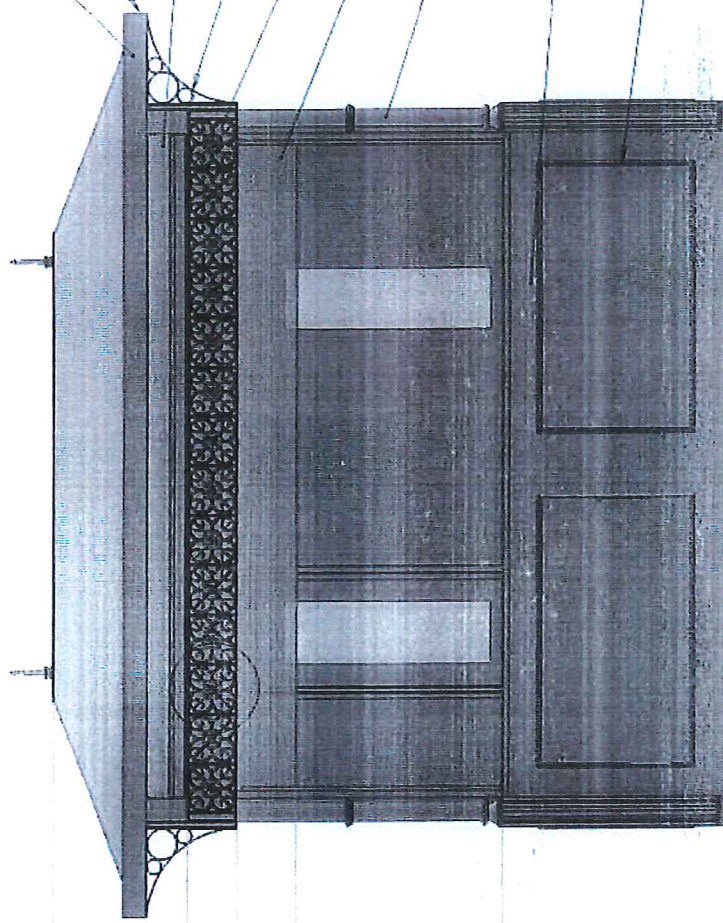
RETRACTABLE AWNING WITH CONCEALED CASSETTE 1000MM PROJECTION MAX.

TITLE: KIOSK  
 CUSTOMER: LEE KITCHENER  
 MATERIAL:  
 ORIENTATION: DRAWING NO: 3032-DR-004  
 DRAWN BY: ANDY NICHOLSON  
 CHECKED BY:  
 DATE: 12/01/2015  
 REVISION: 05  
 ALL DIMENSIONS IN MILLIMETRES UNLESS STATED OTHERWISE  
 SCALE: 1:25  
 PAGE: A3  
 DATE: 14/05/2013  
 DATE:  
 THIRD PARTY PROJECT:



COPYRIGHT AJC RETAIL SOLUTIONS LTD. 2013

- DRAINAGE INTO CORNER PILLAR FOR RAIN WATER
- EXTENDED PITCHED ROOF CANOPY WITH LIGHTING
- RETRACTABLE AWNING INTO FACIA WITH HINGED ACCESS DOOR
- TRADITIONAL BRACKET DETAIL TO CORNERS
- APPLIED DECORATIVE PANEL TO FACIA
- 300MM TOUGHENED GLASS DOWNSTAND
- TRADITIONAL COLUMN POST DETAIL TO CORNERS
- MODULAR FRAMEED CONSTRUCTION WITH POWDER COATED FINISH
- INSULATED PANELS WITH MOULDED DETAILS



1145  
1050  
300  
315  
475

3436

PROPOSED FRONT ELEVATION

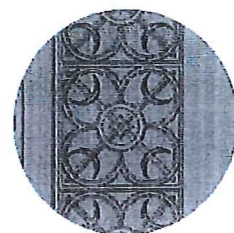
TITLE: KIOSK  
 CUSTOMER: LEE KITCHENER  
 MATERIAL: IRONWORK  
 ORIENTATION: DRAWING NO.: 3032-DP-001  
 DRAWN BY: ANDY NICHOLSON  
 CHECKED BY: ANDY NICHOLSON

DATE: 12/01/2015  
 REVISION: 05  
 ALL DIMENSIONS IN MILLIMETRES UNLESS STATED OTHERWISE  
 SCALE: 1:25  
 PAGE: A3



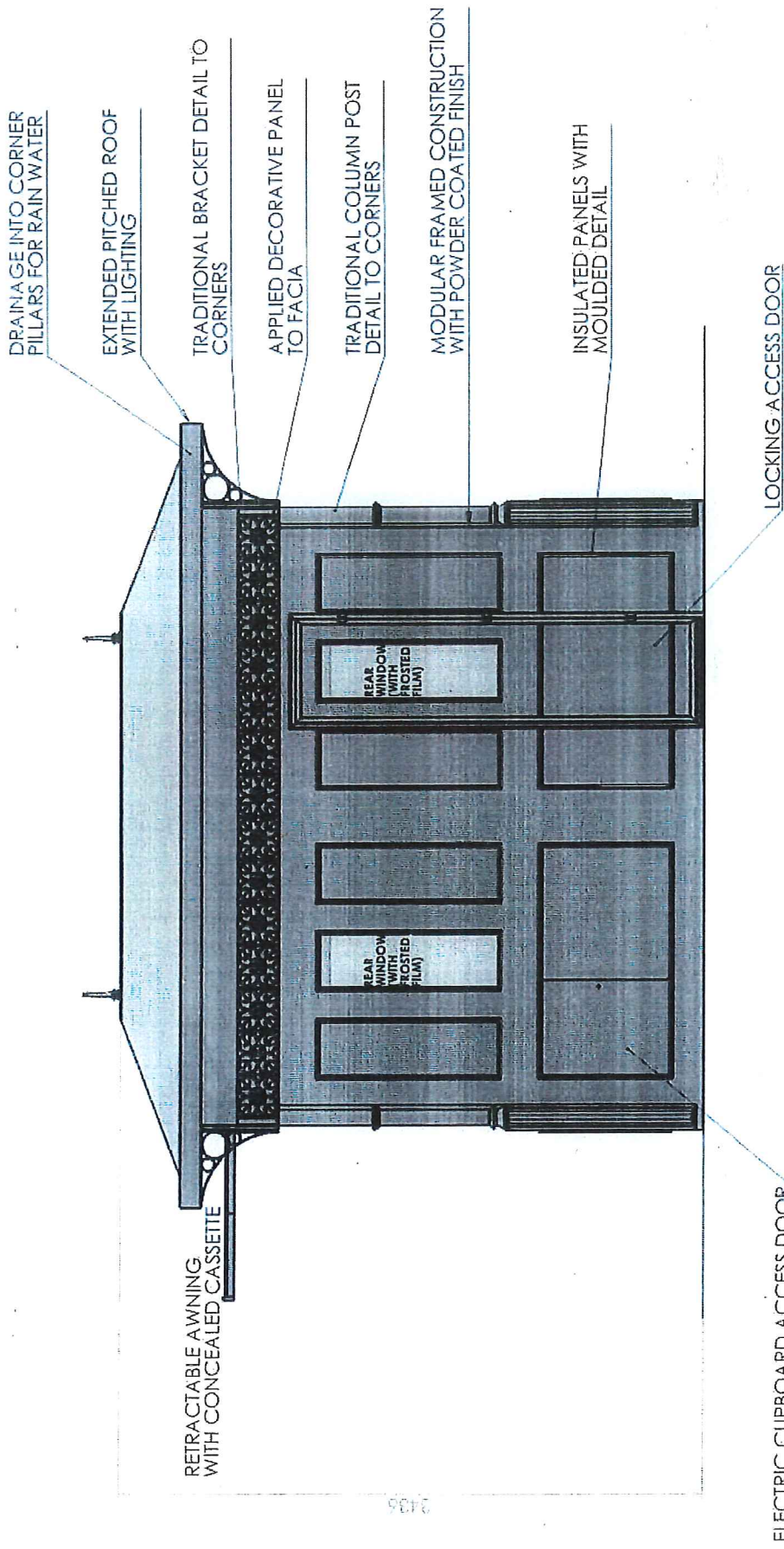
DATE: 14/05/2013  
 DATE:

COPYRIGHT AJC RETAIL SOLUTIONS LTD. 2013



DETAIL A - SHOWING IRONWORK DETAIL. SCALE 1 : 10





TITLE: KIOSK

CUSTOMER: LEE KITCHENER

MATERIAL:

OPERATOR: DRAWING NO. 3032-DR-002

DATE: 12/01/2015

REVISION: 05

SCALE: 1:25

PAGE SIZE: A3

DATE: 14/05/2013

DRAWN BY: ANDY NICHOLSON

CHECKED BY:

ALL DIMENSIONS IN MILLIMETRES UNLESS STATED OTHERWISE

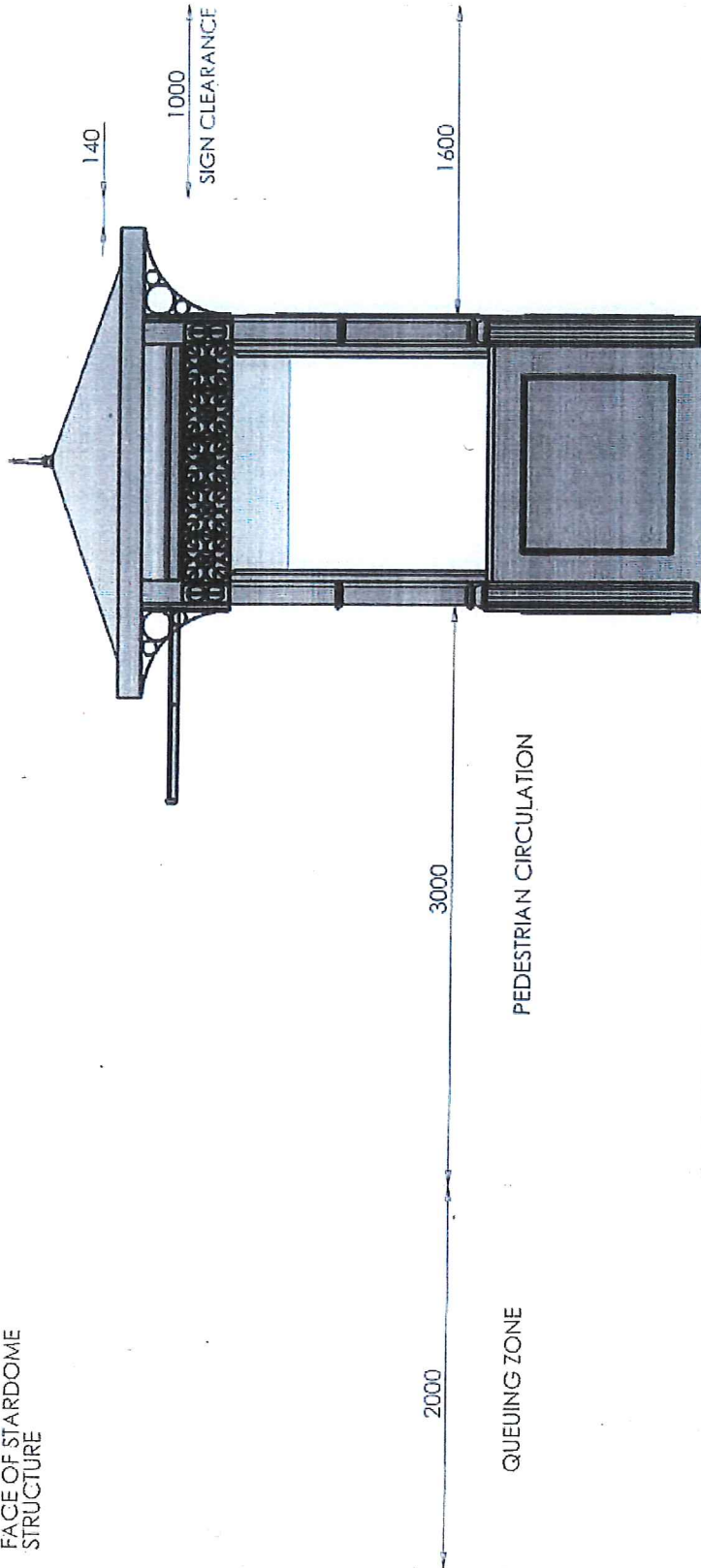
THIRD ANGLE

COPYRIGHT A.J.C. RETAIL SOLUTIONS LTD. 2013

**AJC**  
RETAIL SOLUTIONS



FACE OF STARDOME  
STRUCTURE



KERBSIDE

TITLE: KIOSK  
CLIENT: LEE KITCHENER  
MATERIAL:  
ORIENTATION: DRAWING NO. 3032-DR-003  
DRAWN BY: ANDY NICHOLSON  
CHECKED BY:  
DATE: 12/01/2015  
REVISION: 05  
SCALE: 1:25  
PAGE: A3  
DATE: 14/05/2013  
DATE:  
ALL DIMENSIONS IN MILLIMETRES UNLESS STATED OTHERWISE  
COPYRIGHT AJC RETAIL SOLUTIONS LTD. 2013  
THREE ANGLE PROJECTION



# APPENDIX C

**From:** lee K [mailto:kleeki@hotmail.co.uk]  
**Sent:** 13 October 2015 15:35  
**To:** Hine, David  
**Subject:** Re: Street Trader Pilot Project - Pitch 1771

Good Afternoon Mr Hine

Thanks for the speedy response, appreciated.

I previously approached WCC for permission for a new kiosk with AJC the kiosk manufacturer, I met with Mr Mason and Deirdre Hayes, who was impressed with what we had done and he asked us if we would be able to produce a new traditional style of Neri kiosk for WCC as a pilot project to bring street trading into the new century, we designed a high quality, traditional, aesthetically pleasing kiosk made mainly from iron, the kiosk has been approved by WCC, Highways and TFL, unfortunately Mr Mason has left WCC before the project was finished and Ms Hayes is on maternity leave, planning permission has been granted, I offered to move the kiosk over slightly to a correct location for line of sight and orientation, about 1-2 metres from where I am currently am positioned. The ledger map has been arranged to be moved by Collen Gardner at a cost to myself, the kiosk is envisaged to have electric and water installed, which would be contained within the kiosk, this is to help reduce street furniture and clutter, WCC needs to decide on the base for the new kiosk, as the site is on asphalt and sloping there is two options, either the kiosk stands on jacks, which will sink into the asphalt, as my other kiosk has already done and make it uneven, the connections would be slightly visible , or for the site to have the asphalt removed ( within the pitch dimensions ) levelled with sand and paving slabs to be laid as a base so as not to be intrusive for the site, I will happily cover the costs for this to be done, and believe this to be the best option, as we are trying to bring street trading into the new century, the new lines need to be drawn, I can contact Dave Franks if you prefer to have the electric installed but will need the lines drawn first and a nod to go ahead, the water would be installed by the local water company at a cost to myself, the project has taken some time as there as there was so many different hoops to jump through, we have finally received planning consent and now the manufacturer and me are eager to finish the project and have the new kiosk installed, we are ready to move forward but need WCC to give the green light and lines etc. If you can access the minutes from the meeting it may help with the clarification of the project and what has been granted. If you need any information from me please feel free to request.

I am sorry that I have to direct this towards you I am sure you are very busy.

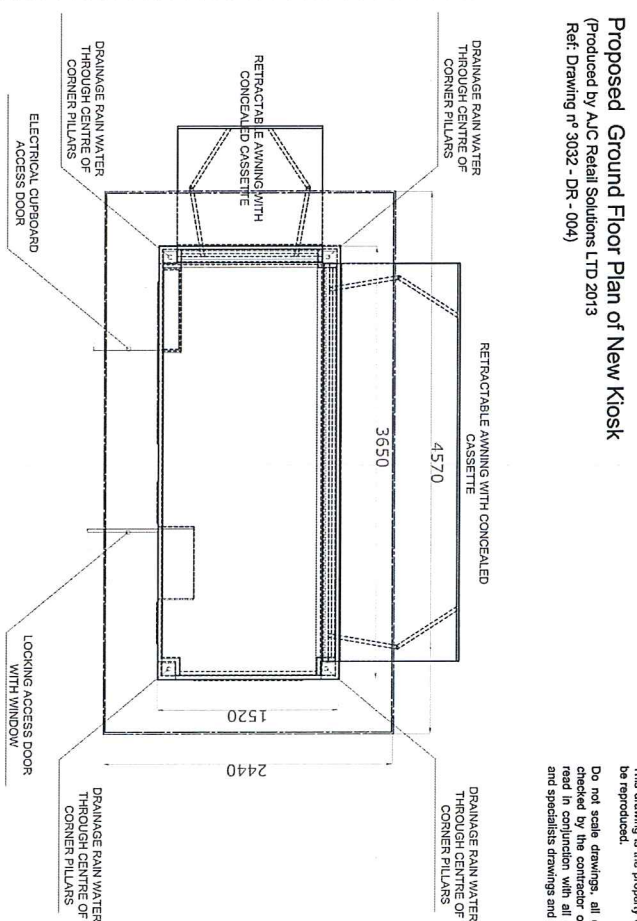
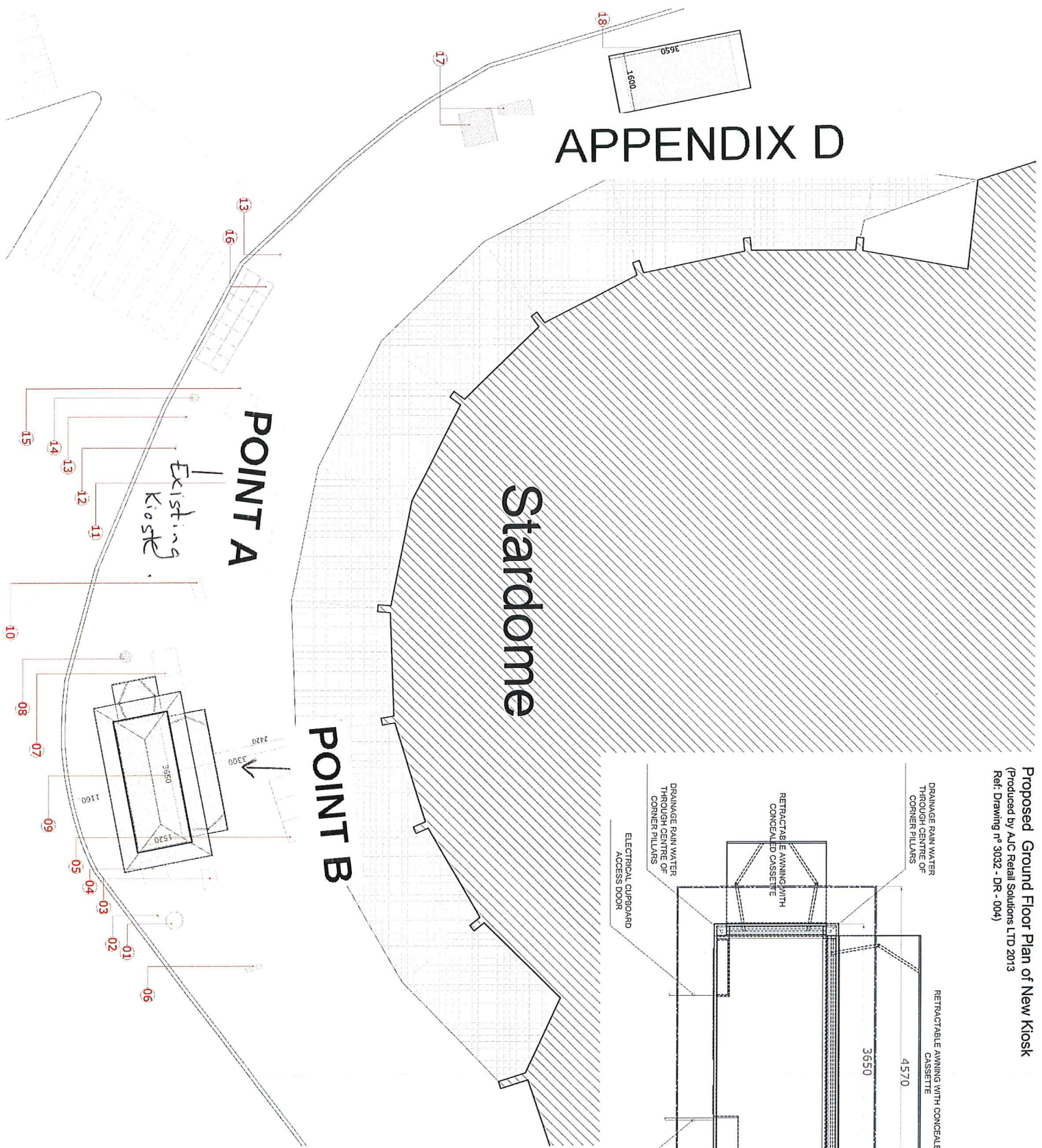
Thank you for your time

Lee Kitchiner

Pitch 1771



# APPENDIX D



Proposed Ground Floor Plan of New Kiosk  
 (Produced by AJC Retail Solutions LTD 2013  
 Ref: Drawing n° 3032 - DR - 004)

This drawing is the property of RS Architects and is not to be reproduced.  
 Do not scale drawings, all dimensions and levels to be checked on site. This drawing is to be read in conjunction with all other contracts, Engineers and specialist drawings and specifications

- 01. Bin.
- 02. Traffic Signal.
- 03. Drain.
- 04. Manhole.
- 05. Manhole (BT).
- 06. Information Point to be re-located here.
- 07. Manhole.
- 08. Electricity point.
- 09. Proposed kiosk position.
- 10. Manhole Fire Hydrant.
- 11. Manhole.
- 12. Post.
- 13. Traffic Light.
- 14. Bollard.
- 15. Manhole (TCSU).
- 16. Tactile Ground Service Indicators.
- 17. Phone Booth.
- 18. Pitch 1772.  
 Size 1650 mm x 3650 mm.

RS Architects 31 Koneve Drive Barnet EN5 2NW  
 www.rsarchitects.co.uk  
 020 8449 5441

Project Marylebone Rd, London NW1 5LR  
 Title Proposed Ground Floor Plan  
 Date Jan / 2015  
 Scale 1:100 @ A3  
 Status Planning  
 Drawing No. LKM/R005  
 Revision

Author Marylebone Rd, London NW1 5LR  
 Title Proposed Ground Floor Plan  
 Date Jan / 2015  
 Scale 1:100 @ A3  
 Status Planning  
 Drawing No. LKM/R005  
 Revision

RS ARCHITECTS





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City of Westminster

# Licensing Sub-Committee Report

## Agenda Item 3

Item No:	
Date:	7 <sup>th</sup> July 2016
Licensing Ref No:	16/03381/LIPV - Premises Licence Variation
Title of Report:	Whyte & Brown Units G2, 1.4, 1.5 & 1.6 Ground Floor Unit G2 Kingly Court London W1B 5PW
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 Darren O'Leary Senior Licensing Officer
Contact details	Telephone: 02076417824 Email: <a href="mailto:doleary@westminster.gov.uk">doleary@westminster.gov.uk</a>



## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	1 April 2016		
<b>Applicant:</b>	Whyte & Brown Limited		
<b>Premises:</b>	Units G2, 1.4, 1.5 & 1.6		
<b>Premises address:</b>	Ground Floor Unit G2 Kingly Court London W1B 5PW	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	The premises currently operates as a restaurant with an ancillary bar on the ground floor and first floors.		
<b>Variation description:</b>	Following pre-application advice from Environmental health (15/12044/PREAPM), this application is to increase the capacity of the premises from 120 to 140 people (excluding staff) by way of amending condition 9 attached to the premises licence .		
<b>Premises licence history:</b>	This premises currently hold a premises licence (15/05827/LIPDPS) to provide retail by sale of alcohol and late night refreshment.		
<b>Applicant submissions:</b>	None.		

1-B Current and proposed licensable activities, areas and hours						
<b>Late night refreshment – No Change</b>						
<b>Indoors, outdoors or both</b>		<b>Current :</b>			<b>Proposed:</b>	
		Both			No Change	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	23:00	23:30	No Change	No Change	No Change	No Change
<b>Tuesday</b>	23:00	23:30				
<b>Wednesday</b>	23:00	23:30				
<b>Thursday</b>	23:00	23:30				
<b>Friday</b>	23:00	00:00				
<b>Saturday</b>	23:00	00:00				
<b>Sunday</b>	23:00	22:30				
<b>Seasonal variations/ Non-standard timings:</b>		<b>Current:</b>			<b>Proposed:</b>	
		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day			No Change	

Sale by Retail of Alcohol - No Change						
On or off sales			Current :		Proposed:	
			Both		No Change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	No Change		No Change	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/ Non-standard timings:		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	

Hours premises are open to the public - No Change						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	07:00	23:30	No Change		No Change	No Change
Tuesday	07:00	23:30				
Wednesday	07:00	23:30				
Thursday	07:00	23:30				
Friday	07:00	00:00				
Saturday	07:00	00:00				
Sunday	07:00	22:30				
Seasonal variations/ Non-standard timings:		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	

1-C Layout alteration
No Change

1-D Conditions being varied, added or removed	
Condition	Proposed variation
<b>Condition 9:</b> "The total number of persons permitted in the premises at any one time (excluding staff) shall not exceed 120 persons, with	<b>To read:</b> "The total number of persons permitted in the premises at any one time (excluding staff) shall not exceed 140 persons, with

no more than 100 persons to the first floor“.	no more than: a) 100 persons to the first floor b) 30 persons to the ground floor c) 50 persons to the outside courtyard"	
<b>Adult entertainment:</b>	<b>Current position:</b> None	<b>Proposed position:</b> No Change

## 2. Representations

<b>2-A Other Persons</b>			
<b>Name:</b>		Liz Callingham	
<b>Address and/or Residents Association:</b>		6 Upper John Street London	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	22 <sup>nd</sup> April 2016		
<p>I object to this licence application on the grounds of ambiguity and confusion. I have tried very hard to find out why the total numbers quoted are in excess of those requested.</p> <p>The total of clients will not exceed 140 we are told on the application. The numbers on the Licence Application total 180. I have asked for the application to be withdrawn until the numbers add up correctly.</p> <p>Cumulative Impact in this area is a major concern and an extra 40 clients included could result in that number being permanently on the Licence.</p> <p>Please could residents' time not be wasted in this way.</p>			
<b>Name:</b>		David Gleeson/Steve Chambers	
<b>Address and/or Residents Association:</b>		The Soho Society	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	28 <sup>th</sup> April 2016		
<p>I write to make a relevant representation to the above application on behalf of The Soho Society.</p> <p>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.</p> <p><a href="#">About The Soho Society</a></p> <p>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</p>			



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

The application is described in Westminster Licensing News (11 April 2016 edition) as follows:

*'To increase the capacity of the premises from 120 to 140 people (excluding staff) by amending condition 9 attached to the premises licence to read: The total number of persons permitted in the premises at any one time (excluding staff) shall not exceed 140 persons, with no more than: a) 100 persons to the first floor b) 30 persons to the ground floor c) 50 persons to the outside courtyard'*

#### Increase in capacity in West End Cumulative Impact Area

The application seeks to increase the capacity in the West End Cumulative Impact Area. This application therefore fails to promote the licensing objectives of prevention of crime and disorder, and public nuisance. Recent Metropolitan Police crime statistics show high levels of theft, theft from person, anti-social behaviour, drugs and sexual offenses in the area. Residents in the immediate area are subject to noise and general nuisance every night of the week.

#### 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.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy RNT2 applies</b>	Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.
<b>Policy CIP1 applies</b>	(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.  (ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.

### 4. Appendices

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

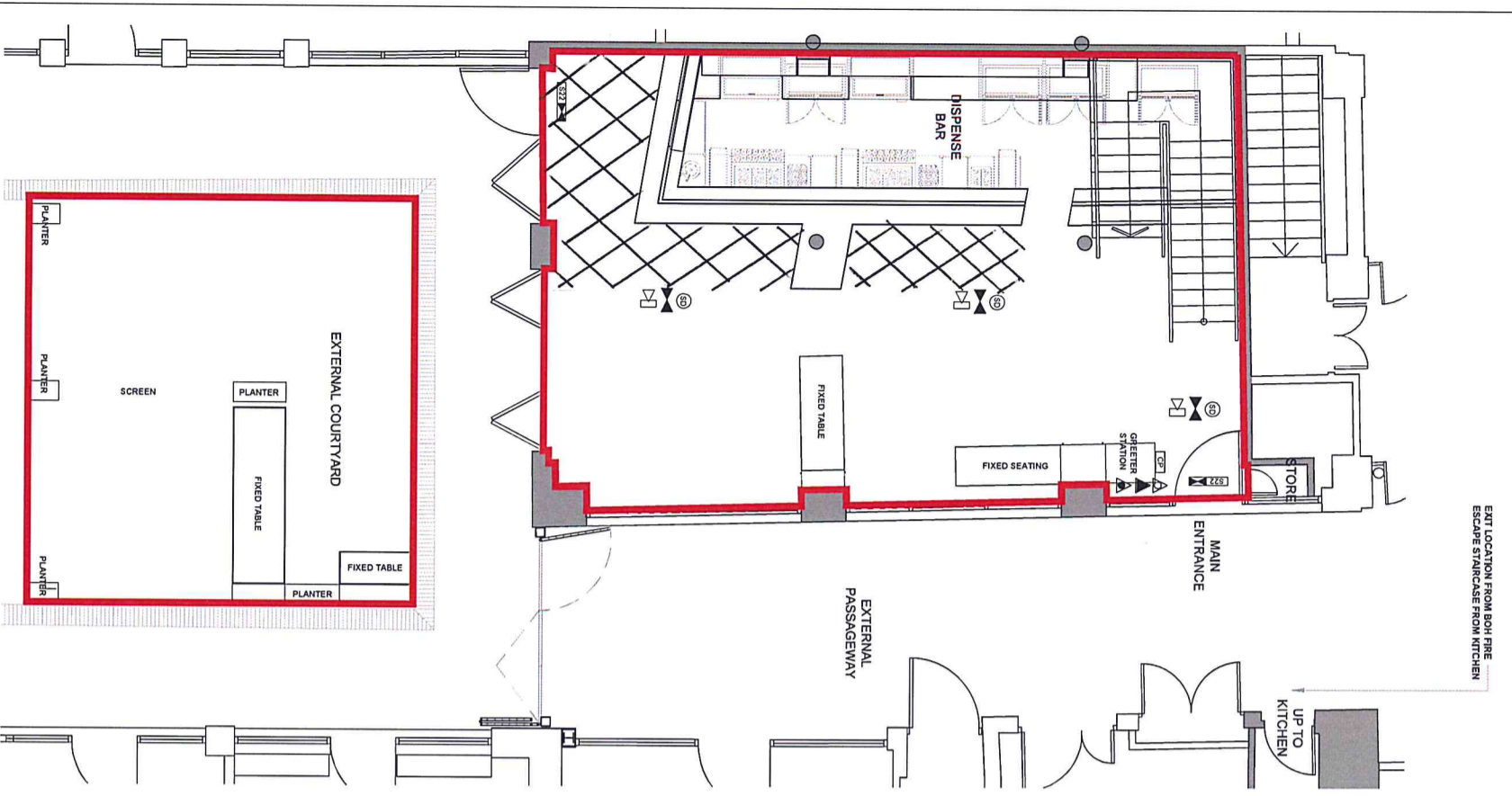
<b>Report author:</b>	Mr Darren O'Leary Senior Licensing Officer
<b>Contact:</b>	Telephone: 02076417824 Email: doleary@westminster.gov.uk

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

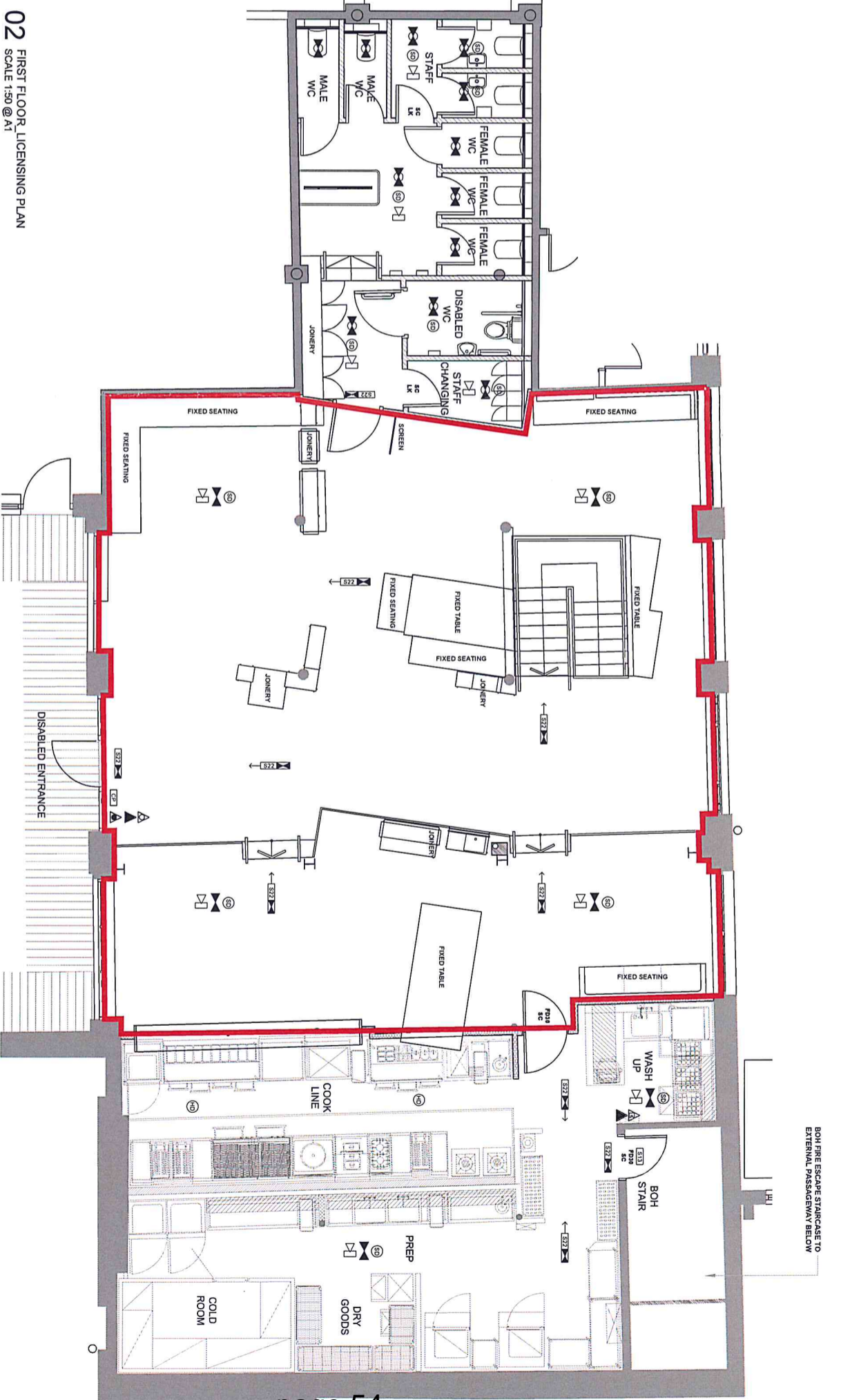
**Background Documents – Local Government (Access to Information) Act 1972**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application Form	1 <sup>st</sup> April 2016
<b>5</b>	EH Objection – Withdrawn	13 <sup>th</sup> April 2016
<b>6</b>	No Objection - Police	13 <sup>th</sup> April 2016
<b>7</b>	Objection – Liz Callingham	22 <sup>nd</sup> April 2016
<b>8</b>	Objection - David Gleeson	28 <sup>th</sup> April 2016
<b>9</b>		
<b>10</b>		
<b>11</b>		





01 GROUND FLOOR LICENSING PLAN  
SCALE 1:50 @ A1



02 FIRST FLOOR LICENSING PLAN  
SCALE 1:50 @ A1

- LEGEND
- ☐ FIRE ALARM CALL POINT
  - ▲ 9 LITRE WATER FIRE EXTINGUISHER
  - ▲ 2 KG CARBON DIOXIDE FIRE EXTINGUISHER (OR HALON)
  - ▲ 9 LITRE FOAM FIRE EXTINGUISHER
  - ▲ FIRE BLANKET IN CONTAINER
  - Ⓜ AREA COVERED BY AUTOMATIC HEAT DETECTORS
  - Ⓜ AREA COVERED BY AUTOMATIC SMOKE DETECTORS
  - Ⓜ FIRE ALARM SOUNDER
  - Ⓜ AREA COVERED BY EMERGENCY LIGHTING (BS 5269)
  - Ⓜ DEDICATED EMERGENCY LIGHT FITTING
  - Ⓜ FIRE RATING IN MINUTES
  - Ⓜ PANIC BARS
  - Ⓜ SELF CLOSER
  - Ⓜ LOCK
  - Ⓜ CLEAR ESCAPE DISTANCE
  - Ⓜ SIGN: FIRE DOOR KEEP SHUT, 5MM LETTERS (BS5499) BOTH SIDES
  - Ⓜ SIGN: FIRE DOOR KEEP LOCKED
  - Ⓜ SIGN: FIRE ESCAPE KEEP CLEAR (BS5499)
  - Ⓜ SIGN: FIRE EXIT OR GRAPHIC EQUIVALENT, 75MM LETTERS (BS5499)
  - Ⓜ DIRECTIONAL ARROW TO BE PROVIDED WITH S22 NOTICE (BS5499)
  - Ⓜ ILLUMINATED SIGN: FIRE EXIT OR GRAPHIC EQUIVALENT, 75MM LETTERS (BS5499)

- ALL LICENSABLE ACTIVITIES
- THE LOCATION AND TYPE OF FIRE SAFETY AND ANY OTHER FIRE SAFETY EQUIPMENT IS SHOWN AS TO BE IN LINE WITH THE REQUIREMENTS OF THE FIRE OFFICER OR AFTER A FIRE RISK ASSESSMENT.



NOTES:

- DO NOT SCALE FROM THE FRAMED ALL DIMENSIONS TO BE CHECKED ON THE CONTRACT DRAWINGS.
- THE DRAWING IS TO BE READ IN CONJUNCTION WITH THE SPECIFICATION AND SCHEDULES DRAWINGS BY BLACKSHEEP.
- ALL DIMENSIONS TO BE CHECKED ON THE CONTRACT DRAWINGS TO BE CHECKED ON THE CONTRACT DRAWINGS.
- SAMPLES OF ALL MATERIALS TO BE SUBMITTED TO BLACKSHEEP FOR APPROVAL.
- ALL REQUIREMENTS AND CONDITIONS MUST BE REFERRED TO RESPECTIVE CONTRACT DOCUMENTS ON APPROVAL FROM BLACKSHEEP.
- ALL ELECTRICAL WORK TO BE REFERRED TO THE ELECTRICAL CONTRACT DOCUMENTS TO BE COMPLETED BY THE CONTRACTOR.
- THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS AND PERMITS FROM THE LOCAL AUTHORITY.
- THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS AND PERMITS FROM THE LOCAL AUTHORITY.

Planners Comment: Staff changing facilities added

Date: 23/05/13 LE BM

Location: B9/1/173

**Blacksheep.**

Client: Whyte & Brown Limited

Project: Whyte & Brown North Court London

Contract: Ground & First Floor Licensing Plan

Drawn by: WAB/002-108

Date: 22/03/2013

Scale: 1:50 @ A1

Revision: A

Drawn by: LE

Checked by: BM

Applicant supporting documents.

None.

## Licence &amp; Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
<b>15/05827/LIPDPS</b> <b>Vary DPS</b>	<b>Application to change the designate premises supervisor</b>	<b>03.08.2015</b>	<b>03.08.2015</b>
<b>15/00850/LIPDPS</b> <b>Vary DPS</b>	<b>Application to change the designate premises supervisor</b>	<b>16.02.2015</b>	<b>16.02.2015</b>
<b>14/00074/LIPDPS</b> <b>Vary DPS</b>	<b>Application to change the designate premises supervisor</b>	<b>20.01.2014</b>	<b>20.01.2014</b>
<b>13/03785/LIPDPS</b> <b>Vary DPS</b>	<b>Application to change the designate premises supervisor</b>	<b>27.06.2013</b>	<b>27.06.2013</b>
<b>13/03104/LIPVM</b> <b>Minor Variation</b>	<b>Application to make minor changes to the premises licence</b>	<b>30.05.2013</b>	<b>30.05.2013</b>
<b>13/02601/LIPT</b> <b>Transfer</b>	<b>Application to transfer the licensee on the premises licence</b>	<b>03.05.2013</b>	<b>03.05.2013</b>
<b>13/00355/LIPN</b> <b>New Premises Licence</b>	<b>Application for a new premises licence</b>	<b>21.03.2013</b>	<b>21.03.2013</b>

There is no appeal history



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

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

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

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

**Conditions: On Current Licence -**

**Mandatory:**

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

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

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

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

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

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**

- 9. The total number of persons permitted in the premises at any one time (excluding staff) shall not exceed 120 persons, with no more than 100 persons to the first floor.

### ***The applicant proposes to amend this condition to read:***

- 9. The total number of persons permitted in the premises at any one time (excluding staff) shall not exceed 140 persons, with no more than:
  - (a) 100 persons to the first floor
  - (b) 30 persons to the ground floor
  - (c) 50 persons to the outside courtyard

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

- 10. Alcohol shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such person as an ancillary to his meal.
- 11. Notices shall be displayed reminding customers to leave quietly.
- 12. 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.
- 13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorised council

- officer recent data or footage with the absolute minimum of delay when requested.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
  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. 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
    - (d) any incidents of disorder
    - (f) any faults in the CCTV system or searching equipment or scanning equipment
    - (h) any visit by a relevant authority or emergency service.
  17. The supply of alcohol shall be by waiter or waitress service, save in the respect of the area hatched black on the approved plan.
  18. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
  19. No striptease, no nudity and all persons to be decently attired at all times except when the premises are operating under the provision of a Sexual Entertainment Venue Licence.
  20. No sale of alcohol for consumption off the Premises after 11pm.
  21. The external seating will not be used after Core Hours, being 10:30pm Sunday, 11:30pm Monday to Thursday and midnight Friday and Saturday.
  22. 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.
  23. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
    - (a) all crimes reported to the venue
    - (b) all ejections of patrons
    - (c) any complaints received regards crime and disorder
    - (d) any incidents of disorder

- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.



# Units 1.4, 1.5 and 1.6, Ground Floor, Kingly Court



Units 1.4, 1.5 and 1.6

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Residential / Proposed Residential	11
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

9 Meters

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Data Source: Uniform Database  
Date: 01/07/2016

<b>Premises within 75 metres of: Unit 1.4, 1.5 and 1.6 Kingly Court</b>			
<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Licensed Hours</b>
488	11/07877/LIPDPS	Kingly Court London	Monday to Sunday 00:00 - 00:00
2418	15/09538/LIPDPS	15-21 Ganton Street London W1F 9BN	Monday to Sunday 08:00 - 00:30
5038	16/02956/LIPT	5 Kingly Street London W1B 5PF	Sunday 09:00 - 01:00 Monday to Saturday 09:00 - 01:10
5399	15/03302/LIPVM	Ground Floor 3 Kingly Street London W1B 5PD	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 23:00
6046	14/06042/LIPDPS	Unit 1.9 Kingly Court London W1B 5PW	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:00
11873	14/03870/LIPT	26 Ganton Street London W1F 7QY	Monday to Friday 08:00 - 23:00 Saturday to Sunday 10:00 - 23:00
11960	15/00525/LIPN	11 Kingly Street London W1B 5PL	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30 Saturday 10:00 - 23:00
15516	16/00866/LIPVM	12 - 13 Kingly Street London W1B 5PB	Monday to Saturday 08:00 - 00:00 Sunday 08:00 - 23:00
23109	15/06149/LIPCH	Unit G 13 Kingly Court London W1B 5PW	Sunday 09:00 - 00:00 Monday to Wednesday 09:00 - 03:00 Thursday to Saturday 09:00 - 03:30
26681	14/04377/LIPDPS	Kingly Court Kingly Court London W1B 5PW	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:00
27009	07/10000/WCCMAP	17 Kingly Street London W1B 5PU	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:00
31504	13/09189/LIPVM	13 Ganton Street London W1F 9BL	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
32103	14/02432/LIPDPS	Unit G3 Kingly Court London W1B 5PW	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:00
-22886	15/10144/LIPDPS	Kingly Court Kingly Court London W1B 5PW	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:00
-22605	16/03215/LIPV	18 Kingly Street London W1B 5PX	Friday to Saturday 08:00 - 00:00 Sundays before Bank Holidays 08:00 - 00:00 Sunday 08:00 - 23:00 Monday to Thursday 08:00 - 23:30
-22300	14/00074/LIPDPS	Ground Floor Unit G2 Kingly Court London W1B 5PW	Friday to Saturday 07:00 - 00:00 Sunday 07:00 - 22:30 Monday to Thursday 07:00 - 23:30
-22130	12/00611/LIPV	20 Kingly Street London W1B 5PZ	Sunday 09:00 - 00:00 Monday to Thursday 09:00 - 01:30 Sundays before Bank Holidays 09:00 - 01:30 Friday to Saturday 09:00 - 03:30
-21328	14/06662/LIPN	Basement And Ground Floor 19 Beak Street London W1F 9RP	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
-15639	14/05700/LIPDPS	10 Carnaby Street London W1F 9PF	Monday to Saturday 08:00 - 20:00 Sunday 12:00 - 18:00
-13854	15/00544/LIPVM	11 Kingly Street London W1B 5PL	Monday to Sunday 08:00 - 00:30
-10942	16/04931/LIPRW	Basement 15-21 Ganton Street London W1F 9BN	Wednesday to Saturday 00:00 - 00:00 Monday 00:00 - 00:00
-9884	14/11059/LIPVM	14-22 Ganton Street London W1F 7QU	Monday to Wednesday 09:00 - 00:00 Thursday to Saturday 09:00 - 01:00 Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 00:00 Sundays before Bank Holidays 12:00 - 00:00
-5160	06/06301/WCCMAP	15 Beak Street London W1F 9SX	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
12715	14/11127/LIPVM	Kingly Court Kingly Court London W1B 5PW	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:00

15387	14/06902/LIPN	Kingly Court Kingly Court London W1B 5PW	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:00
26066	06/04160/WCCMAP	Ground Floor 4 Kingly Street London W1B 5PE	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
30821	13/05389/LIPV	17 Beak Street London W1F 9RW	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:00
3518	15/05064/LIPT	Basement And Ground Floor 4 Kingly Court London W1B 5PW	Sunday 09:00 - 01:00 Sundays before Bank Holidays 09:00 - 01:30 Monday to Saturday 09:00 - 03:30
6677	14/09561/LIPVM	19 Kingly Street London W1B 5QD	Friday to Saturday 08:00 - 00:00 Monday to Thursday 08:00 - 23:30 Sunday 10:00 - 22:30
11138	11/09477/LIPDPS	18-20 Ganton Street London W1F 7QY	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
12431	15/10065/LIPDPS	First Floor Units 12 And 13 Kingly Court Kingly Court London W1B 5PW	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:00
14451	15/11467/LIPDPS	Kingly Court Kingly Court London W1B 5PW	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:00
17094	15/05827/LIPDPS	Ground Floor Unit G2 Kingly Court London W1B 5PW	Friday to Saturday 07:00 - 00:00 Sunday 07:00 - 22:30 Monday to Thursday 07:00 - 23:30
19458	14/05163/LIPDPS	23A Ganton Street London W1F 9BW	Friday to Saturday 10:00 - 00:00 Christmas Eve 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Christmas Eve 12:00 - 00:00 Sunday 12:00 - 23:00
19606	15/08543/LIPCH	Basement And Ground Floor 24 Ganton Street London W1F 7QY	Friday to Saturday 12:00 - 00:00 Sunday 12:00 - 22:30 Monday to Thursday 12:00 - 23:30
20897	14/10589/LIPV	Basement And Ground Floor 15 - 16 Kingly Street London W1B 5PS	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
26179	12/06745/LIPDPS	9 Kingly Street London W1B 5PH	Monday to Friday 09:00 - 03:30 Saturday 09:00 - 23:30 Sunday 12:00 - 23:00
-32171	15/06025/LIPCH	14 Kingly Street London W1B 5PR	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00



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Item No:	
Date:	7 <sup>th</sup> July 2016
Licensing Ref No:	16/04563/LIPN - New Premises Licence
Title of Report:	Aviva 10-11 Great Newport Street London WC2H 7JA
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Darren O'Leary Senior Licensing Officer
Contact details	Telephone: 02076417824 Email: <a href="mailto:doleary@westminster.gov.uk">doleary@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	5 May 2016		
<b>Applicant:</b>	Aviva Life & Pensions UK Limited		
<b>Premises:</b>	Aviva		
<b>Premises address:</b>	10-11 Great Newport Street London WC2H 7JA	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	This premises is currently being converted, whereby the ground and basement floors will become a restaurant.		
<b>Premises licence history:</b>	None.		
<b>Applicant submissions:</b>	None.		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	None
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	
<b>Seasonal variations/ Non-standard timings:</b>		Sundays immediately prior to bank holidays – 23:00 to 00:00 (Midnight)					

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>		Sundays immediately prior to bank holidays – 12:00 to 00:00 (Midnight)					

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	10:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:30	00:30	23:00
<b>Seasonal variations/ Non-standard timings:</b>		Sundays immediately prior to bank holidays – 12:00 to 00:30					
<b>Adult Entertainment:</b>		None.					



## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Maxwell Owusu Koduah
<b>Received:</b>	24 <sup>th</sup> May 2016

I refer to the application for a New Premises Licence number for the above premises, which is located in the West End Cumulative Impact area.

This representation is based on plans of basement and ground floor of the premises by John Robertson Architects dated 18/02/2016 submitted with the operating schedule.

**The applicant is seeking the following licensable activities:**

1. Supply of Alcohol for consumption “On” and ‘Off’ the premises at the following
2. times:  
*Monday to Thursday: 10:00 – 23:30*  
*Friday & Saturday: 10:00 - 00:00*  
*Sunday: 12:00 – 22:30*  
*Sundays immediately prior to bank holidays: 12:00 – 00:00*
3. Provision of late night refreshment “Indoors” at the following times:  
*Monday to Thursday: 23:00 – 23:30*  
*Friday & Saturday: 10:00 - 00:00*  
*Sundays immediately prior to bank holidays: 12:00 – 00:00*

I wish to make the following representation

The provision and hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End Cumulative Impact area

The provision and hours requested for late night refreshment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End Cumulative Impact area

Conditions have been offered in the operating schedule and these are under consideration.

The public toilet provisions shown on the plans will allow a maximum of 120 persons on the premises as per BS6465 Part 1 2006 Table 10.

The applicant is asked to contact the undersigned to arrange a site visit to assess the premises to ensure the premises is satisfactory and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety.

The granting of the new premises licence as presented would have the likely effect of

causing an increase in Public Nuisance and may impact on Public Safety within the West End Cumulative Impact area.

**Responsible Authority:** Metropolitan Police

**Representative:** PC Michael Day

**Received:** 12<sup>th</sup> May 2016

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

The venue is situated within the West End Cumulative Impact Area, a locality 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.

## 2-B Other Persons

**Name:** Mr Mark Gilkes

**Address and/or Residents Association:** 21 Sandringham Flats  
Charing Cross Road  
London  
WC2H 0BJ

**Received:** 11<sup>th</sup> May 2016

I object to licences going to midnight on Friday and Saturday as this means the time for noisy people leaving the area extends well beyond midnight. The number of dwellings near this business and the way sound enters from the street and reverberates round the courtyard of my block means that Great Newport Street is not as appropriate for a late licence as, say, St. Martin's Lane or Charing Cross Road. 2300 seems late enough for me. Given that the noise from building work can start in the area at 0800 on a Saturday, a midnight licence on a Friday leaves a very small period for obtainable sleep. It should be noted too that we also have to endure the noise of bottles being put out for collection after midnight, and beer barrel deliveries being made prior to 0700. In effect the noise from licenced premises goes much later and starts much earlier than any hours granted on the licence.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy CIP1 applies</b>	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
<b>Policy HRS1 applies</b>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
<b>Policy RNT2 applies</b>	Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

### 4. Appendices

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

<b>Report author:</b>	Mr Darren O'Leary Senior Licensing Officer
<b>Contact:</b>	Telephone: 02076417824 Email: doleary@westminster.gov.uk

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application Form	5 <sup>th</sup> May 2016
<b>5</b>	Objection – EH	24 <sup>th</sup> May 2016
<b>6</b>	Objection – Metropolitan Police	16 <sup>th</sup> May 2016
<b>7</b>	Objection – Mr Mark Gilkes	11 <sup>th</sup> May 2016
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<b>24</b>		







## **10-11 Great Newport Street - Premises Licence Application Summary as at 29 June 2015**

This is an application for a restaurant premises licence at 10-11 Great Newport Street, London, WC2H 7JL.

As per the general description of the premises, it is a recently converted premises consisting of 14 residential flats, above the ground and basement floors that will become the proposed restaurant. As the applicant is selling off the residential flats above the proposed restaurant, it was imperative that they submitted the premises licence, to ensure that they had full control of the premises licence being applied for. The applicant will also manage and control the selection of the operator of the restaurant, it being essential that they select a high quality operator that will be an asset to the building.

The applicant is aware that the premises falls within the West End cumulative impact area and as such the application has been tailored accordingly.

The application is for the sale of alcohol on and off the premises and for late night refreshment indoors. No other licensable activities have been applied for.

The hours applied for are those within the core hours, as set out in the Statement of Licensing Policy. The premises licence has been conditioned as a restaurant with conditions being taken from the Westminster City Council basket of model conditions, as well as, those further agreed conditions with the Police and Environmental Health team.

A meeting at the premises took place on 24 May 2016, in attendance for the Police was PC Michael Day and in attendance for EHO was Mr Maxwell Koduah. A full walk around of the premises was undertaken at this time.

### **Representations received**

In total there were three representations received, one from the Police, one from EHO and one from Mr Mark Gilkes (local resident). An updated operating schedule containing all further agreed conditions is incorporated at the end of this summary.

### **Police Representation**

The Police submitted a representation as the premises is situated within the cumulative impact area. A number of further police requested conditions and an amendment to the plan were made in order to meet the Police concerns. The specific additional conditions are set out below:

*'3. Notwithstanding conditions 1 and 2 above, alcohol may be supplied and consumed by customers prior to their meal in the bar area, in the area hatched black and shown on plan number 1762 SK12/020 P5, by up to a maximum at any one time of 15 customers in this area.*

*4. Notwithstanding conditions 1, 2 and 3 above, alcohol may be supplied to customers without food provided that:*

- a) Such supply shall only be to persons seated and served by waiter/waitress.*
- b) Such supply shall cease at 20:00.*
- c) Such supply shall be limited to the bar area, to be seated in the areas hatched black and shown on plan number 1762 SK12/020 P5. The combined total of those customers using the hatched area whether it be prior to a meal (see condition 3), or a customer being supplied alcohol without food, will be 15 customers.*

*5. The availability of alcohol without food shall not be promoted or advertised otherwise than on menus and price lists within the premises.'*

The Police have agreed to the additional conditions and maintain their representation so that the decision on this application can be made by the Licensing Sub-Committee.

### **EHO Representation**

Again, further conditions have been agreed with the Environmental Health Team and these can be found in the amended operating schedule in order to alleviate their concerns (the additional agreed EHO conditions are 17-30). A specific issue had been raised in relation to toilet provision and an extra female WC has been added and the plan amended to reflect the same.

Currently there is the outstanding matter of capacity figures for the premises and a 'plan' condition (20 and 30 respectively below). These conditions will need to be discharged prior to the premises opening.

### **Mr Mark Gilkes' Representation**

Mr Gilkes made a representation as a resident who lives to the rear of the premises. Please see below all attached correspondence between ourselves and Mr Gilkes in order to work with him to resolve the concerns that he raised. There are still a number of matters that have not yet been resolved.

Please therefore find enclosed:

- A) Amended Operating Schedule;
- B) Correspondence and agreed conditions with Police;
- C) Agreed conditions with EHO;
- D) Correspondence with Mr Mark Gilkes including 'Planned Management Measures for Control of Noise';
- E) Amended Plans;
- F) Salvador & Amanda Premises Licence.



## A) Amended Operating Schedule

**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)

1. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
2. The premises shall only operate as a restaurant:
  - (i) in which customers are shown to their table,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provides food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - (iv) which do not provide any take away service of food or drink for immediate consumption,
  - (v) which do not provide any take away service of food or drink after 23.00, and
  - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
3. Notwithstanding conditions 1 and 2 above, alcohol may be supplied and consumed by customers prior to their meal in the bar area, in the area hatched black and shown on plan number 1762 SK12/020 P5, by up to a maximum at any one time of 15 customers in this area.
4. Notwithstanding conditions 1,2 and 3 above, alcohol may be supplied to customers without food provided that:
  - a) Such supply shall only be to persons seated and served by waiter/waitress.
  - b) Such supply shall cease at 20:00.
  - c) Such supply shall be limited to the bar area, to be seated in the areas hatched black and shown on plan number 1762 SK12/020 P5. The combined total of those customers using the hatched area whether it be prior to a meal (see condition 3), or a customer being supplied alcohol without food, will be 15 customers.
5. The availability of alcohol without food shall not be promoted or advertised otherwise than on menus and price lists within the premises.
6. A minimum of 150 covers will be maintained at all times.

### b) The prevention of crime and disorder

7. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
8. 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.

9. 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.

10. 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.

**c) Public safety**

See (d) below

**d) The prevention of public nuisance**

11. 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.

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

13. 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.

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

15. 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.

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

17. There shall be no sales of alcohol for consumption off the premises after 23:00 Hours.

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

19. All exit doors to the premises will remain closed after 23:00 hours except for entrance and egress

20. The number of persons permitted in the premises at any one time (excluding staff) shall not

exceed

- a. Ground floor - xxx persons
- b. Basement floor – xxx persons

With no more than xxx persons at any one time (TBC)

21. 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.

22. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.

23. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.

24. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.

25. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.

26. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.

27. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

28. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.

29. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

30. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority

**e) The protection of children from harm**

31. 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.

B) Correspondence and agreed conditions  
with Police





**REES-GAY Christopher**

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**From:** Day, Michael: WCC <mday2@westminster.gov.uk>  
**Sent:** 14 June 2016 13:21  
**To:** REES-GAY Christopher  
**Cc:** O'Leary, Darren: WCC; Koduah, Maxwell: WCC; Premises Licensing Mailboxes: WCC  
**Subject:** 16/04563/LIPN - 10 Great Newport Street, London, WC2H 7JA  
  
**Importance:** High

Good Afternoon Chris,

Thank you for taking the time to tour the premises. Due to its location within the "Cumulative Impact Area" you can understand why time has been taken to assess this application thoroughly.

- 16/04563/LIPN - 10 Great Newport Street, London, WC2H 7JA

With reference to the above application, The Metropolitan Police, as a Responsible Authority, will be maintaining our representation. Our position within the Licensing Authority is to support the policy and as such applications of this nature would need to be denied or granted by the WCC Sub-Committee.

I would like to add that all of the conditions we have discussed and suggested have all been agreed so the decision on this application is down to the sub-committee.

Regards,

*Mike*

Michael Day PC 1630 CW  
Westminster Police Licensing Team

Email – [mday2@westminster.gov.uk](mailto:mday2@westminster.gov.uk)

Tel – 0207 6413347

Address - Westminster City Hall, 4th Floor, 64 Victoria Street, SW1E 6QP

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## REES-GAY Christopher

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**From:** Day, Michael <mday2@westminster.gov.uk>  
**Sent:** 07 June 2016 11:44  
**To:** REES-GAY Christopher  
**Cc:** O'Leary, Darren; DO NOT USE - MIGRATED - Premises Licensing; Koduah, Maxwell  
**Subject:** RE: Great Newport Street - Police Conditions [PM-AC.FID2608231]

**Importance:** High

Good Morning Chris,

Thanks for updating the wording on the conditions.

Let me have a conversation with my colleagues at WCC as to the next step.

Regards,

*Mike*

Michael Day PC 1630 CW  
Westminster Police Licensing Team

Email – [mday2@westminster.gov.uk](mailto:mday2@westminster.gov.uk)

Tel – 0207 6413347

Address - Westminster City Hall, 4th Floor, 64 Victoria Street, SW1E 6QP

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**From:** REES-GAY Christopher [mailto:Christopher.Rees-Gay@pinsentmasons.com]  
**Sent:** 02 June 2016 11:22  
**To:** Day, Michael  
**Subject:** Great Newport Street - Police Conditions [PM-AC.FID2608231]

Mike,

Please see attached the revised plans.

On the Ground Floor – the hatched area has been added, for 15 customers only.  
On the Basement floor – the additional female toilet has been placed in, to meet the 150 covers.

I have amended the below to confirm at any one time there can not be more than 15 customers in the hatched area. As you know this premises is to be for restaurant use only and we do not envisage any one coming in and using the premises as a bar.

We also spoke about off-sales yesterday. The client would like to seek to keep off sales and rely on condition 2(vi) below, which sets out that the only off sales that can take place are resealed bottles of wine that are supplied ancillary to their meal. To be clear there will be no other type of off sales at the premises.

Amended Conditions:

1. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

2. The premises shall only operate as a restaurant: **page 84**



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

3. Notwithstanding conditions 1 and 2 above, alcohol may be supplied and consumed by customers prior to their meal in the bar area, in the area hatched black and shown on plan number 1762 SK12/020 P5, by up to a maximum at any one time of 15 customers in this area.

4. Notwithstanding conditions 1,2 and 3 above, alcohol may be supplied to customers without food provided that:

- a) Such supply shall only be to persons seated and served by waiter/waitress.
- b) Such supply shall cease at 20:00.
- c) Such supply shall be limited to the bar area, to be seated in the areas hatched black and shown on plan number 1762 SK12/020 P5. The combined total of those customers using the hatched area whether it be prior to a meal (see condition 3), or a customer being supplied alcohol without food, will be 15 customers.

5. The availability of alcohol without food shall not be promoted or advertised otherwise than on menus and price lists within the premises.

I should be grateful if you would please confirm that the above amended conditions are suitable and that you are now in a position to withdraw your representation.

Many thanks

Chris

Christopher Rees-Gay  
Associate  
for Pinsent Masons LLP

D: +44 113 294 5263 M: +44 7876 002 071 Ext: 825263  
[Christopher.Rees-Gay@pinsentmasons.com](mailto:Christopher.Rees-Gay@pinsentmasons.com)  
[www.pinsentmasons.com](http://www.pinsentmasons.com) [www.Out-Law.com](http://www.Out-Law.com)

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C) Agreed conditions with EHO



Application reference: 16/04563/LIPN

Premises:                   Aviva  
                                  10-11 Great Newport Street  
                                  London  
                                  WC2H 7JA

22 June 2016

**Proposed EH conditions in addition to those contained in operating schedule**

1. There shall be no sales of alcohol for consumption off the premises after 23:00 hours
3. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises
4. All exit doors to the premises will remain closed after 23:00 hours except for entrance and egress
5. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed
  - a. Ground floor - xxx persons
  - b. Basement floor - xxx personsWith no more than xxx persons at any one time (TBC)
6. 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
7. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public
8. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.



9. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
10. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
11. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
12. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
13. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
14. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated
15. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority

D) Correspondence with Mr Mark Gilkes including 'Planned Management Measures for Control of Noise'



## REES-GAY Christopher

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**Subject:** Re: Premises Licence - 16/04563/LIPN - 10-11 Great Newport Street, London, WC2H 7JA - Meeting [PM-AC.FID2608231]

-----Original Message-----

From: [markwc2@aol.com](mailto:markwc2@aol.com) [<mailto:markwc2@aol.com>]

Sent: 31 May 2016 15:28

To: Isabel Sheppard

Cc: [sandringham.residents@gmail.com](mailto:sandringham.residents@gmail.com)

Subject: Re: Premises Licence - 16/04563/LIPN - 10-11 Great Newport Street, London, WC2H 7JA - Meeting [PM-AC.FID2608231]

Hi Isabel,

Before committing to a meeting, it would be useful to know which parts of my concerns you did not understand?

When I responded I forgot to copy in the residents association, but I suspect there are other residents who might also like to express a view, and as there is an active residents association in my block, I wonder if it might be appropriate to include representatives of that body in such contact.

best regards,

Mark Gilkes

-----Original Message-----

From: Isabel Sheppard <[Isabel.Sheppard@avivainvestors.com](mailto:Isabel.Sheppard@avivainvestors.com)>

To: 'REES-GAY Christopher' <[Christopher.Rees-Gay@pinsentmasons.com](mailto:Christopher.Rees-Gay@pinsentmasons.com)>; [markwc2@markwc2@aol.com](mailto:markwc2@markwc2@aol.com)

<[markwc2@aol.com](mailto:markwc2@aol.com)>

Sent: Tue, 31 May 2016 11:53

Subject: RE: Premises Licence - 16/04563/LIPN - 10-11 Great Newport Street, London, WC2H 7JA - Meeting [PM-AC.FID2608231]

Mr Gilkes

Thank you for your contact. I would be happy to meet you on site to talk you through the plans for the unit and understand your concerns. Please let me know a few dates and times over the next few days that would be convenient for you.

Kind regards

Isabel

Isabel Sheppard

T: +44 (0)20 78098656

M: +44 (0)7540 159559

[www.avivainvestors.com](http://www.avivainvestors.com)



From: REES-GAY Christopher [<mailto:Christopher.Rees-Gay@pinsentmasons.com>]  
Sent: 31 May 2016 11:42  
To: [markwc2@aol.com](mailto:markwc2@aol.com)  
Cc: Isabel Sheppard  
Subject: Premises Licence - 16/04563/LIPN - 10-11 Great Newport Street, London, WC2H 7JA - Meeting [PM-AC.FID2608231]

Dear Mr Gilkes,

I represent the applicant in relation to the above application, would it please be possible for Isabel (a representative of the applicant), to meet you on site to discuss any concerns that you may have.

If you could please liaise directly with Isabel, to arrange a time to meet that is best for you both. Isabel is copied into this email and her telephone details are below:

Isabel Sheppard  
T: +44 (0)20 7809 8656  
M: +44 (0)7540 159559

Kind regards

Chris  
Christopher Rees-Gay  
Associate  
for Pinsent Masons LLP

D: +44 113 294 5263 M: +44 7876 002 071 Ext: 825263 [Christopher.Rees-Gay@pinsentmasons.com](mailto:Christopher.Rees-Gay@pinsentmasons.com)  
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## REES-GAY Christopher

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**From:** markwc2@aol.com  
**Sent:** 29 June 2016 13:24  
**To:** Isabel.Sheppard@avivainvestors.com  
**Cc:** REES-GAY Christopher  
**Subject:** Re: 10 - 11 Great Newport Street - Premises Licence

Dear Isabel,

Thank you for your response.

I'd like to pick up on a slight - apparent - misuse of one point I made. I believe behaviours cannot be relied upon and so time rules are preferable, but you respond as though I'm stating we must look to behaviours, allowing you to suggest - as though I'm in agreement with you - that the clientele being "high end" is some form of guarantee of better behaviour. My point is that it doesn't follow, and so therefore time constraints are the better control. In any case, I'm not expecting drunken bellowing from the clientele - the problem is that the "noise-funnel effect" from Great Newport Street into my courtyard means that even normal conversation is heard - which is more impactful later at night as the general noise begins to subside.

More practically you make the suggestion about waste and bottle removal that this may not take place between 2300 and 0700, which I think is a very good suggestion.

I accept that you cannot yet know when deliveries will take place but a commitment to the same hours shouldn't really be that difficult to work round.

So, if those points are resolved, we seem to only have left the issue of hours of opening on Friday and Saturday. I can see why you'd wish to go later, but I note the hours for Patisserie Valerie on the corner of Great Newport Street and Charing Cross Road, are significantly more resident-friendly than your proposals.

I suspect this may be worthy of discussion either before or at the hearing on 7th.

best regards,

Mark

\* FOR EASE OF READING - PLEASE \*  
SEE CORRECTLY SPACED EMAILS BELOW

-----Original Message-----

**From:** Isabel Sheppard <Isabel.Sheppard@avivainvestors.com>  
**To:** 'markwc2@aol.com' <markwc2@aol.com>  
**CC:** Christopher.Rees-Gay <Christopher.Rees-Gay@pinsentmasons.com>  
**Sent:** Mon, 27 Jun 2016 11:13  
**Subject:** RE: 10 - 11 Great Newport Street - Premises Licence

Mark Thank you for your prompt response. We have reviewed the points you have made and would respond as follows. 1. Yes, it certainly is the case that the restaurant as it will be 'high end' that patrons will leave with consideration. The premises will not be a venue that people come to drink in, but one where people have a sit down meal. We do note your concerns over the hours of operation. 2. We agree that it is 'behaviour' that is important. The premises does have an area in the basement under Great Newport Street pavements that is earmarked for refuse storage. If you are minded, we would be happy to amend the current condition, so that refuse could be placed out early in the day. The amended condition would, therefore, read: "No

waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (07.00) hours on the following day.”3. The timing of deliveries will depend on the particular restaurant operator that is selected. We have not confirmed who this is yet. Please be assured that the operator will be required to get prior approval for all servicing and delivery arrangements from Westminster who will take into consideration the location of the premises and potential disturbances. The operator will be restricted to operate servicing and deliveries in accordance with this approved plan. The exact wording of the planning condition is detailed below. ‘You must provide a supplementary servicing management plan which shall include details of all servicing and delivery arrangements, including hours, days and frequency of deliveries to the restaurant prior to the occupation of the restaurant premises. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the servicing and deliveries in accordance with the approved servicing management plan.’4. Despite the introduction of the Night Tube, we will continue to be governed by the Westminster Core Hours within their Guidance for Licensed Premises. We will, therefore, be restricted to what Westminster deem appropriate for a restaurant in this location. Being limited to restaurant use it is highly unlikely that the operators we are targeting would seek to serve food beyond the hours stipulated and they are not permitted to operate as a bar. 5. Yes, in terms of ‘best use’ all would have been considered at the project development stage although this preceded my involvement. The configuration of the unit with limited natural light and frontage does restrict the type of uses that would be viable in the premises. The other premises along Great Newport Street were considered – with restaurants, more prevalent than A1 retail. The impact of the premises on the residential element not only directly above the premises, but also for neighbouring residents was an important consideration in determining a suitable use. It was decided that with careful selection of the right operator and application of appropriate controls, that the restaurant will not add to the cumulative impact in the area. I would encourage you to come and see the premises if you are able to. I would be pleased to show you how deliveries, refuse disposal and entrance/exit of diners will all be dealt with from the Great Newport Street entrances keeping any noise to a minimum for surrounding residential properties. Kind regards Isabel Sheppard

T: +44 (0)20 7809 8656 M: +44 (0)7540 159559 www.avivainvestors.com

-----Original Message-----  
-From: [markwc2@aol.com](mailto:markwc2@aol.com) [mailto:[markwc2@aol.com](mailto:markwc2@aol.com)] Sent: 22 June 2016 14:12 To: Isabel Sheppard Cc: Christopher.Rees-Gay@pinsentmasons.com Subject: Re: 10 - 11 Great Newport Street - Premises Licence

Hi Isabel, Thank you for the comprehensive reply and attachment. Much of what is said sounds reasonable, but allow me to respond specifically to a few points.

1. Notices that ask patrons to leave with due consideration to local residents are common. I appreciate your expectation is that the patrons of whichever restaurant takes up the lease will be "high-end" enough to know how to be considerate. From my perspective the best control is the time patrons leave, rather than on-going attempts to influence the behaviour of individual customers.
2. The putting out of waste and bottles for collection does not need to be done quietly, if it's done early enough - but I can see this as potentially unpleasant for diners were it to take place while the restaurant is still open. Again we rely on behaviour, rather than the more reliable control of time. Could waste be stored overnight and put out in the morning after 7am?
3. What time will deliveries be made? After lengthy discussion with a nearby business, it was agreed with them that no deliveries would take place before 7am on weekdays, later on bank holidays and weekends. A similar arrangement would be acceptable to me (which is why I pondered on this time for waste collection too). I know this sets challenges but there is a significant difference between, for example, the noise of bottles being carried to and tipped into a recycling truck prior to midnight and such noise occurring after midnight.
4. When the Night Tube is up and running, will there be a new application to close even later on Friday and Saturday?
5. Was it considered that with residences above and nearby, the best use of this unit would have been offices or shops? I'm not ignoring the fact that the West End as a whole is seen as an entertainment area, but I am concerned at the specific proximity of this development, and wish for some proportionate control. I hope these points are helpful.

Best regards, Mark Gilkes

-----Original Message-----  
-From: Isabel Sheppard <[Isabel.Sheppard@avivainvestors.com](mailto:Isabel.Sheppard@avivainvestors.com)> To: 'markwc2@aol.com' <[markwc2@aol.com](mailto:markwc2@aol.com)> CC: 'REES-GAY Christopher' <[Christopher.Rees-Gay@pinsentmasons.com](mailto:Christopher.Rees-Gay@pinsentmasons.com)> Sent: Wed, 22 Jun 2016 12:49 Subject: 10 - 11 Great Newport Street - Premises Licence

Mark I am writing in response to your concerns in relation to the premises licence application for 10-11 Great Newport Street. As you may be aware, we are now in the process of selling the fourteen residential units. Four sales were due for completion yesterday therefore we still have a significant number of units to attract buyers for. You will appreciate that we are managing the control and selection of operator for the restaurant unit extremely carefully in order to preserve the value of the residential units above. It is



imperative that we select a high quality operator that will be an asset to the building and not deter potential buyers. We have now completed the marketing period and received final bids from potential restaurant operators. I wanted to provide you with an insight into the current preferred concepts which include a brasserie style restaurant, a high-end Asian fusion restaurant and an Italian small-plate restaurant. During the application process, we have liaised closely with Westminster Police and the Environmental Health team. You will be aware that the licensing application, in line with our planning consent, is for a restaurant. All Westminster City Council restaurant conditions have been adopted, as well as a further condition, proposed by the Police that we have agreed to. The key conditions offered include: 1. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal. 2. The premises shall only operate as a restaurant:(i) in which customers are shown to their table,(ii) where the supply of alcohol is by waiter or waitress service only,(iii) which provides food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,(iv) which do not provide any take away service of food or drink for immediate consumption,(v) which do not provide any take away service of food or drink after 23.00, and(vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal. This ensures that the unit is restricted to a proper restaurant operation and could not be occupied or incorporate a pub or bar-style operation. This is commensurate with our objectives for the residential upper parts of the building. In relation to your concerns over noise, the only entrance and exit from the self-contained restaurant unit is via Great Newport Street. The planning consent does not allow for any external seating and the front window glazing is not openable. The refuse store and deliveries for the restaurant will be serviced via the Trade Entrance on Great Newport Street (to the West of the residential entrance) where a goods lift at the front of the building is situated. Inside the lease itself we will seek to include a Quiet Enjoyment clause to protect the residents immediately above from any noise disturbance so you should also benefit from this. Expressly in your representation you have mentioned noise from people leaving the area, from bottles being put out for collection and deliveries being made. I can confirm that the following conditions have been offered as part of the application to deal specifically with these concerns, so that they do not arise: -No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance. -Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly. - All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times. - No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day. The operator will also be bound by the planning permission for the premises whereby the following planning conditions in relation to noise management will need to be discharged prior to operating, that should also give you added comfort: 'You must provide a supplementary servicing management plan which shall include details of all servicing and delivery arrangements, including hours, days and frequency of deliveries to the restaurant prior to the occupation of the restaurant premises. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the servicing and deliveries in accordance with the approved servicing management plan.' 'You must apply to us for approval of an operational management plan to show how you will prevent customers who are leaving the restaurant from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant is in use'. I also attach a copy of the 'Planned Management Measures for Control of Noise'. Once you have reviewed our proposed management measures, I would be happy to meet you on site to discuss further if required. If you have any interest in seeing the completed residential apartments, I would be pleased to show you around the development. Kind regards Isabel Sheppard Associate Director – Real Estate No.1 Poultry, London EC2R 8EJ isabel.sheppard@avivainvestors.com T: +44 (0)20 78098656 M: +44 (0)7540 159559 www.avivainvestors.com If you are introducing an investment opportunity to Aviva Investors, please send this via Propex for daily registration and a faster response time. If you do not have access to

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## REES-GAY Christopher

---

**From:** Isabel Sheppard <Isabel.Sheppard@avivainvestors.com>  
**Sent:** 27 June 2016 11:14  
**To:** 'markwc2@aol.com'  
**Cc:** REES-GAY Christopher  
**Subject:** RE: 10 - 11 Great Newport Street - Premises Licence

Mark

Thank you for your prompt response. We have reviewed the points you have made and would respond as follows.

1. Yes, it certainly is the case that the restaurant as it will be 'high end' that patrons will leave with consideration. The premises will not be a venue that people come to drink in, but one where people have a sit down meal. We do note your concerns over the hours of operation.

2. We agree that it is 'behaviour' that is important. The premises does have an area in the basement under Great Newport Street pavements that is earmarked for refuse storage. If you are minded, we would be happy to amend the current condition, so that refuse could be placed out earlier, the amended condition would, therefore, read:

"No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (07.00) hours on the following day."

3. The timing of deliveries will depend on the particular restaurant operator that is selected. We have not confirmed who this is yet.

Please be assured that the operator will be required to get prior approval for all servicing and delivery arrangements from Westminster who will take into consideration the location of the premises and potential disturbances. The operator will be restricted to operate servicing and deliveries in accordance with this approved plan.

The exact wording of the planning condition is detailed below.

'You must provide a supplementary servicing management plan which shall include details of all servicing and delivery arrangements, including hours, days and frequency of deliveries to the restaurant prior to the occupation of the restaurant premises. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the servicing and deliveries in accordance with the approved servicing management plan.'

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The impact of the premises on the residential element not only directly above the premises, but also for neighbouring residents was an important consideration in determining a suitable use. It was decided that

with careful selection of the right operator and application of appropriate controls, that the restaurant will not add to the cumulative impact in the area.

I would encourage you to come and see the premises if you are able to. I would be pleased to show you how deliveries, refuse disposal and entrance/exit of diners will all be dealt with from the Great Newport Street entrances keeping any noise to a minimum for surrounding residential properties.

Kind regards

Isabel Sheppard  
T: +44 (0)20 7809 8656  
M: +44 (0)7540 159559  
www.avivainvestors.com

-----Original Message-----

From: [markwc2@aol.com](mailto:markwc2@aol.com) [mailto:[markwc2@aol.com](mailto:markwc2@aol.com)]  
Sent: 22 June 2016 14:12  
To: Isabel Sheppard  
Cc: Christopher.Rees-Gay@pinsentmasons.com  
Subject: Re: 10 - 11 Great Newport Street - Premises Licence

Hi Isabel,

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Much of what is said sounds reasonable, but allow me to respond specifically to a few points.

1. Notices that ask patrons to leave with due consideration to local residents are common. I appreciate your expectation is that the patrons of whichever restaurant takes up the lease will be "high-end" enough to know how to be considerate. From my perspective the best control is the time patrons leave, rather than on-going attempts to influence the behaviour of individual customers.

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I know this sets challenges but there is a significant difference between, for example, the noise of bottles being carried to and tipped into a recycling truck prior to midnight and such noise occurring after midnight.

4. When the NightTube is up and running, will there be a new application to close even later on Friday and Saturday?

5. Was it considered that with residences above and nearby, the best use of this unit would have been offices or shops?

I'm not ignoring the fact that the West End as a whole is seen as an entertainment area, but I am concerned at the specific proximity of this development, and wish for some proportionate control.

I hope these points are helpful.

best regards,

Mark Gilkes

-----Original Message-----

From: Isabel Sheppard <Isabel.Sheppard@avivainvestors.com>

To: 'markwc2@aol.com' <markwc2@aol.com>

CC: 'REES-GAY Christopher' <Christopher.Rees-Gay@pinsentmasons.com>

Sent: Wed, 22 Jun 2016 12:49

Subject: 10 - 11 Great Newport Street - Premises Licence

Mark

I am writing in response to your concerns in relation to the premises licence application for 10-11 Great Newport Street.

As you may be aware, we are now in the process of selling the fourteen residential units. Four sales were due for completion yesterday therefore we still have a significant number of units to attract buyers for. You will appreciate that we are managing the control and selection of operator for the restaurant unit extremely carefully in order to preserve the value of the residential units above. It is imperative that we select a high quality operator that will be an asset to the building and not deter potential buyers.

We have now completed the marketing period and received final bids from potential restaurant operators. I wanted to provide you with an insight into the current preferred concepts which include a brasserie style restaurant, a high-end Asian fusion restaurant and an Italian small-plate restaurant.

During the application process, we have liaised closely with Westminster Police and the Environmental Health team.

You will be aware that the licensing application, in line with our planning consent, is for a restaurant. All Westminster City Council restaurant conditions have been adopted, as well as a further condition, proposed by the Police that we have agreed to. The key conditions offered include:

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



permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

This ensures that the unit is restricted to a proper restaurant operation and could not be occupied or incorporate a pub or bar-style operation. This is commensurate with our objectives for the residential upper parts of the building.

In relation to your concerns over noise, the only entrance and exit from the self-contained restaurant unit is via Great Newport Street. The planning consent does not allow for any external seating and the front window glazing is not openable. The refuse store and deliveries for the restaurant will be serviced via the Trade Entrance on Great Newport Street (to the West of the residential entrance) where a goods lift at the front of the building is situated. Inside the lease itself we will seek to include a Quiet Enjoyment clause to protect the residents immediately above from any noise disturbance so you should also benefit from this.

Expressly in your representation you have mentioned noise from people leaving the area, from bottles being put out for collection and deliveries being made. I can confirm that the following conditions have been offered as part of the application to deal specifically with these concerns, so that they do not arise:

-No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

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

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

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

The operator will also be bound by the planning permission for the premises whereby the following planning conditions in relation to noise management will need to be discharged prior to operating, that should also give you added comfort:

‘You must provide a supplementary servicing management plan which shall include details of all servicing and delivery arrangements, including hours, days and frequency of deliveries to the restaurant prior to the occupation of the restaurant premises. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the servicing and deliveries in accordance with the approved servicing management plan.’

‘You must apply to us for approval of an operational management plan to show how you will prevent customers who are leaving the restaurant from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant is in use’.

I also attach a copy of the ‘Planned Management Measures for Control of Noise’.

Once you have reviewed our proposed management measures, I would be happy to meet you on site to discuss further if required. If you have any interest in seeing the completed residential apartments, I would be pleased to show you around the development.

Kind regards

Isabel Sheppard  
Associate Director – Real Estate  
No.1 Poultry, London EC2R 8EJ  
isabel.sheppard@avivainvestors.com  
T: +44 (0)20 78098656  
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## **Planned Management Measures for Control of Noise**

### **1. HOURS OF OPERATION**

The premises licence will operate within the core hours as set out in the Westminster City Council's Statement of Licensing Policy.

### **2. LOCATION OF ENTRY AND DEPARTURE POINTS**

The entrance and exit to the restaurant will be on Great Newport Street. The refuse store and deliveries for the restaurant will be serviced via the trade entrance also on Great Newport Street (to the West of the residential entrance). It should also be noted that we are not providing demised area for external seating and that the front window glazing is not openable.

### **3. MUSIC**

The premises will operate as a restaurant and live and recorded music have not been applied for as licensable activities.

### **4. CONTROL AND PREVENTION OF QUEUING**

This is a high end restaurant and there will be the ability for those waiting for their tables to be seated inside. We do not envisage that the premises will ever have queuing outside of the premises.

### **5. STEPS TO BE TAKEN TO ENSURE CUSTOMERS LEAVE QUIETLY**

Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly. Staff will also be briefed that they should communicate the same with customers. The premises is a restaurant and, therefore, it is not a venue where people will leave in "high spirits".

### **6. ADVICE TO CUSTOMERS ON DEPARTURE ROUTES**

Notices shall be prominently displayed at the exit showing that the nearest departure route is that of Leicester Square tube station which is a very short distance away to the South West.

### **7. GUIDANCE TO DRIVERS TO LIMIT NOISE DURING DELIVERY**

Drivers will be asked to switch off engines during deliveries, collections, servicing and to minimise other noise caused by their activities.

### **8. PROVIDING QUIET MEANS FOR STORAGE AND MOVEMENT OF WASTE AND RECYCLING MATERIALS**

The storage for waste will be in the basement and it will be transported via a lift to the trade entrance on Great Newport Street.

### **9. WASTE COLLECTION**

All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.







**KEY:**

- Denotes Area For Licensable Activities
- Refuge Area temporary assembly point for those persons of impaired mobility, e.g.: wheelchair users, who are unable to independently reach a final exit.
- VP** Fire Alarm Telephone point.
- NSE** Area covered by Natural Smoke Extraction.
- Area covered by Automatic Heat Detectors.
- Area covered by Automatic Smoke Detectors.
- Area covered with system of Escape Lighting.
- S** Door assembly, which is able to resist the passage of smoke.
- SF** Door that have only simple fastening which is easily operable by a person on his way out without use of a key.
- S13** Fire door keep shut.
- S22** Fire exit, exit or emergency exit notice graphic symbol.
- S22** Fire exit, exit or emergency exit notice graphic symbol - illuminated.
- Control Panel sounders.
- Control Panel illuminated signals.
- Control Panel sounders and illuminated signals.
- Fire Alarm Call Point with Fire Action Sign adjacent.
- Foam Fire Extinguisher.
- Water Fire Extinguisher.

The location and type of any fire safety and any other safety equipment is shown as at present, this may be varied from time to time with agreement of the fire officer or after a risk assessment

Notes:  
Do not Scale from this drawing Use figured dimensions only

Rev.	Date	Dwn	Description
P1	25/02/16	CM	Issued for Information
P2	04/04/16	CM	Updated to incorporate comments
P3	01/06/16	CM	Updated to incorporate comments

10 - 11 Great Newport St London WC2H 7JL

**Retail Licensing**  
Basement Sketch  
Drawing Status: Information

**John Robertson Architects**  
111 Southwark Street, London, SE1 0JF  
Telephone 020 7633 5100. Facsimile 020 7620 0091

Scale(s):	Date:	Drawn:	Checked:
1:5@A1	18/02/2016	ABN	CM
Project No:	Drawing No:	Revision:	
1762	SK12/021	P3	



**KEY:**

Denotes Area For Licensable Activities	Door assembly, which is able to resist the passage of smoke.	Control Panel illuminated signals.	Holding Area
Refuge Area temporary assembly point for those persons of impaired mobility, e.g.: wheelchair users, who are unable to independently reach a final exit.	Door that have only simple fastening which is easily openable by a person on his way out without use of a key.	Control Panel sounders and illuminated signals.	
Fire Alarm Telephone point.	Fire door keep shut.	Fire Alarm Call Point with Fire Action Sign adjacent.	
Area covered by Natural Smoke Extraction.	Fire exit, exit or emergency exit notice graphic symbol.	Foam Fire Extinguisher.	
Area covered by Automatic Heat Detectors.	Fire exit, exit or emergency exit notice graphic symbol - illuminated.	Water Fire Extinguisher.	
Area covered by Automatic Smoke Detectors.	Control Panel sounders.	The location and type of any fire safety and any other safety equipment is shown as at present, this may be varied from time to time with agreement of the fire officer or after a risk assessment'	
Area covered with system of Escape Lighting.			

Notes:  
Do not Scale from this drawing Use figured dimensions only

Rev.Date	Dwn	Description
P1 25/02/16	cm	Issued for Information
P2 04/04/16	cm	Updated to incorporate comments
P3 01/06/16	cm	Updated to incorporate comments
P4 02/06/16	cm	Updated to incorporate comments
P5 02/06/16	cm	Updated to incorporate comments

10 - 11 Great Newport St London WC2H 7JL

**Retail Licensing**  
Ground Floor Plan Sketch  
Drawing Status: Information

**John Robertson Architects**  
111 Southwark Street, London, SE1 0JF  
Telephone 020 7633 5100. Facsimile 020 7620 0091

Scale(s):	Date:	Drawn:	Checked:
1:5@A1	18/02/2016	ABN	CM
Project No:	Drawing No:	Revision:	
1762	SK12/020	P5	

## F) Salvador & Amanda Premises Licence



# Print Version



## Summary

<b>Reference</b>	16/05101/LIPDPS
<b>Type</b>	Variation
<b>Category</b>	Premises Licence - Change of DPS
<b>Status</b>	Current Licence
<b>Applicant</b>	Cherrywood Restaurants Limited
<b>Trading Name</b>	Salvador & Amanda
<b>Address</b>	8 Great Newport Street London WC2H 7JA
<b>Issue Date</b>	Wed 29 Jun 2016
<b>Expiry Date</b>	Not Available
<b>Case Officer</b>	Miss Susan Patterson

## Important Dates

<b>Date Application Received</b>	Wed 18 May 2016
<b>Date Application Validated</b>	Wed 18 May 2016
<b>Expiry Date for Consultations</b>	Tue 31 May 2016
<b>Hearing Date</b>	Not Available
<b>Date Issued</b>	Wed 29 Jun 2016
<b>Renewal Date</b>	Not Available
<b>Representation Expiry Date</b>	Tue 31 May 2016

No Committee dates are on record.

## Opening Hours

Time Period	From	To
Tuesday to Thursday	09:00 AM	02:30 AM
Friday to Saturday	09:00 AM	03:30 AM
Monday	09:00 AM	01:30 AM
Sunday	09:00 AM	01:00 AM

## Activities

Activity	Location	Indoors/Outdoors	Alcohol Consumed	Capacity	Time Period	From	To
Performance of Dance					Tuesday to Thursday	09:00 AM	02:00 AM



Performance of Dance		Friday to Saturday	09:00 AM	03:00 AM
Performance of Dance		Monday	09:00 AM	01:00 AM
Performance of Live Music		Tuesday to Thursday	09:00 AM	02:00 AM
Performance of Live Music		Friday to Saturday	09:00 AM	03:00 AM
Performance of Live Music		Monday	09:00 AM	01:00 AM
Performance of Live Music		Sunday	09:00 AM	11:00 PM
Playing of Recorded Music				
Anything of a similar description		Tuesday to Thursday	09:00 AM	02:00 AM
Anything of a similar description		Friday to Saturday	09:00 AM	03:00 AM
Anything of a similar description		Monday	09:00 AM	01:00 AM
Anything of a similar description		Sunday	09:00 AM	11:00 PM
Late Night Refreshment		Tuesday to Thursday	11:00 PM	02:30 AM
Late Night Refreshment		Friday to Saturday	11:00 PM	03:30 AM
Late Night Refreshment		Monday	11:00 PM	01:30 AM
Late Night Refreshment		Sunday	11:00 PM	01:00 AM
Private Entertainment				
Sale by Retail of Alcohol	Both	Tuesday to Thursday	10:00 AM	02:00 AM
Sale by Retail of Alcohol	Both	Friday to Saturday	10:00 AM	03:00 AM
Sale by Retail of Alcohol	Both	Monday	10:00 AM	01:00 AM
Sale by Retail of Alcohol	Both	Sunday	12:00 PM	12:30 AM

## Conditions

### Condition

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.

9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

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

Conditions relating to Regulated Entertainment

10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.

11. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).

12. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 11pm on Mondays to 1am on the day following, from 11pm on each of the days Tuesday to Thursday to 2am on the day following and from 11pm on each of the days Friday to Saturday to 3am on the day

following

13. The musical entertainment that may be provided under this licence shall not be provided by groups of instrumentalists and/or vocalists.

14. An attendant shall be on duty in the vicinity of 0001

None

33. 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.

34. 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 shall be able to show Police recent data or footage with the absolute minimum of delay when requested.

## Contacts

### Contact Type Licensing Agents

**Name** Mr Andrew Dobbie

**Address** Salvador & Amanda 8 Great Newport Street London WC2H 7JA

**Contact Type** Licensing Third Party Contacts

**Name** Not Available

**Address** C/o The Breakfast Group Ltd 4th Floor 20 Great Portland Street London W1W 8QR

### Contact Type Licensing Applicants

**Name** Cherrywood Restaurants Limited

**Address** 368 Forest Road London E17 5JF

### Contact Type Designated Premises Supervisor

**Name** Mr Andrew Stuart Dobbie

**Address** Private Address

## Related Information

There is 1 document associated with this licence.

There are 7 cases associated with this licence.

There is 1 property associated with this licence.



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 consistent with the operating schedule and agreed with Environmental health and Police.**

9. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
10. The premises shall only operate as a restaurant:
  - (i) in which customers are shown to their table,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provides food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - (iv) which do not provide any take away service of food or drink for immediate consumption,
  - (v) which do not provide any take away service of food or drink after 23.00, and
  - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
11. Notwithstanding conditions 1 and 2 above, alcohol may be supplied and consumed by customers prior to their meal in the bar area, in the area hatched black and shown on plan number 1762 SK12/020 P5, by up to a maximum at any one time of 15 customers in this area.
12. Notwithstanding conditions 1,2 and 3 above, alcohol may be supplied to customers without food provided that:
  - a) Such supply shall only be to persons seated and served by waiter/waitress.
  - b) Such supply shall cease at 20:00.
  - c) Such supply shall be limited to the bar area, to be seated in the areas hatched black and shown on plan number 1762 SK12/020 P5. The combined total of those customers using the hatched area whether it be prior to a meal (see condition 3), or a customer being supplied alcohol without food, will be 15 customers.
13. The availability of alcohol without food shall not be promoted or advertised otherwise than on menus and price lists within the premises.
14. A minimum of 150 covers will be maintained at all times.
15. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
16. 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.



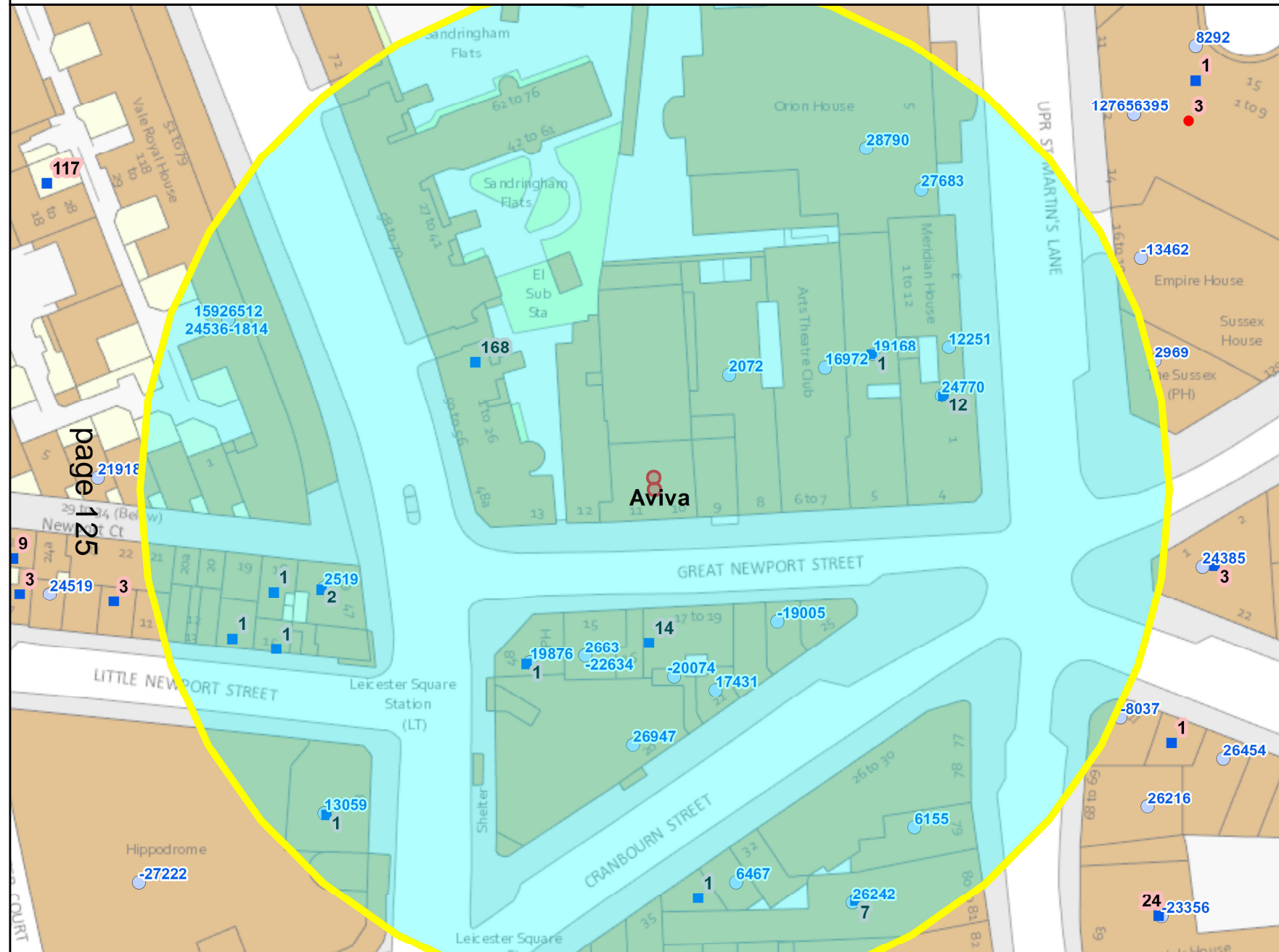
17. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
18. 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.
19. 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.
20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
21. 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.
22. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
23. 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.
24. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
25. There shall be no sales of alcohol for consumption off the premises after 23:00 hours.
26. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
27. All exit doors to the premises will remain closed after 23:00 hours except for entrance and egress
28. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed:  
  
Ground floor - xxx persons  
Basement floor – xxx persons  
With no more than xxx persons at any one time (TBC)
29. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
30. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of

its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.

31. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
32. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
33. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
34. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
35. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
36. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
37. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
38. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority
39. 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.



# Aviva - 10-11 Great Newport Street



page 125

Residential / Proposed Residential	212
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

9

Meters

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Data Source: Uniform Database

Date: 01/07/2016

**Premises within 75 metres of: Aviva - 10-11 Great Newport Street, London.**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Opening Hours</b>
6155	Steak & Co	Ground Floor 79 St Martin's Lane London WC2N 4AA	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
2663	Abeno Too Japanese Restaurant	15-18 Great Newport Street London WC2H 7JG	Sunday 12:00 - 22:30 Monday to Wednesday 12:00 - 23:00 Wednesday to Saturday 12:00 - 23:30
26947	Angus Steak House	Ground Floor 20 Cranbourn Street London WC2H 7AA	Sunday 10:00 - 00:00 Monday to Saturday 10:00 - 01:00 Sundays before Bank Holidays 10:00 - 01:00
2519	Longji	Ground 47 Charing Cross Road London WC2H 0AN	Monday to Sunday 11:00 - 23:30
2072	Salvador & Amanda	8 Great Newport Street London WC2H 7JA	Sunday 09:00 - 01:00 Monday 09:00 - 01:30 Tuesday to Thursday 09:00 - 02:30 Friday to Saturday 09:00 - 03:30
1592	Longshots Bar	75 Charing Cross Road London WC2H 0NE	Friday to Saturday 09:00 - 00:00 Sundays before Bank Holidays 09:00 - 00:30 Sunday 09:00 - 22:30 Monday to Thursday 09:00 - 23:30
-1814	Kopi Tiam Malaysian Restaurant	67 Charing Cross Road London WC2H 0NE	Friday to Saturday 09:00 - 00:00 Sundays before Bank Holidays 09:00 - 00:00 Sunday 09:00 - 22:30 Monday to Thursday 09:00 - 23:30
-20074	Entrecote Tortilla	21 Cranbourn Street London WC2H 7AA	Monday to Sunday 23:00 - 05:00
28790	Starbucks	Orion House 5 Upper St Martin's Lane London WC2H 9EA	Monday to Saturday 06:30 - 23:00 Sunday 07:30 - 23:00 Friday to Saturday 07:00 - 00:00 Sunday 07:00 - 00:00
19876	The Porcupine Public House	48 Charing Cross Road London WC2H 0BS	Sundays before Bank Holidays 07:00 - 00:00 Monday to Saturday 07:00 - 00:30 Sunday 07:00 - 22:30 Monday to Thursday 07:00 - 23:30
16972	The Arts Theatre	The Arts Theatre 6-7 Great Newport Street London WC2H 7JB	Monday to Sunday 09:00 - 00:00
12291	The Brewmaster	37 Cranbourn Street London WC2H 7AD	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 11:00 - 23:00
6512	Make Noodle Heaven	51 Charing Cross Road London WC2H 0NE	Monday to Sunday 11:00 - 00:00
-17234	Piazza Restaurant	35 Cranbourn Street London WC2N 4AJ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-19005	Spaghetti House	24 Cranbourn Street London WC2H 7AA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-22306	Red N Hot Chinese Restaurant	59 Charing Cross Road London WC2H 0NE	Friday to Saturday 12:00 - 00:00 Sundays before Bank Holidays 12:00 - 00:00 Monday to Thursday 12:00 - 23:00 Sunday 12:00 - 23:00
-22634	Pizza Rico	15-18 Great Newport Street London WC2H 7JG	Monday to Sunday 07:00 - 00:30
27683	Tredwell's	4A Upper St Martin's Lane London WC2H 9NY	Sunday 08:00 - 00:30 Sundays before Bank Holidays 08:00 - 00:30 Monday to Saturday 08:00 - 02:00
26242	Pizza Express	Ground Floor 80-81 St Martin's Lane London WC2N 4AA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
24770	Scarlet's	1 Upper St Martin's Lane London WC2H 9NY	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 23:00
24536	Real Beijing	67 Charing Cross Road London WC2H 0NE	Sunday 11:00 - 23:00 Monday to Saturday 11:00 - 23:30 Sundays before Bank Holidays 11:00 - 23:30
6467	Westminster Noodle Bar	Ground Floor 33 Cranbourn Street London WC2H 7AD	Sunday to Thursday 10:00 - 02:00 Friday to Saturday 10:00 - 05:00
13059	PizzaExpress	43 Charing Cross Road London WC2H 0AP	Sunday 07:00 - 00:00 Monday to Saturday 07:00 - 00:30 Sundays before Bank Holidays 07:00 - 00:30
12251	Subway	2 Upper St Martin's Lane London WC2H 9NY	Monday to Saturday 10:00 - 00:00 Sunday 10:00 - 22:00

17431	Cafe Aroma	22 Cranbourn Street London WC2H 7AA	Monday to Thursday 10:00 - 03:00 Friday to Saturday 10:00 - 04:00 Sunday 12:00 - 23:00
19168	White Space	5 Great Newport Street London WC2H 7JA	Monday to Saturday 09:00 - 00:30 Sunday 10:00 - 23:00



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Item No:	
Date:	7 <sup>th</sup> July 2016
Licensing Ref No:	16/03523/LIPN - New Premises Licence
Title of Report:	Smack Soho Kemble House 58 Dean Street London W1S 1RJ
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	7 April 2016		
<b>Applicant:</b>	Burger & Lobster Restaurant Group Ltd		
<b>Premises:</b>	Smack Soho		
<b>Premises address:</b>	Kemble House 58 Dean Street London W1D 6AL	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	The premises operate as a cafe/delicatessen. A Licence is sought for off sales as part of a takeaway meal.		
<b>Premises licence history:</b>	This is a new premises licence application and therefore no premises licence history exists.		
<b>Applicant submissions:</b>	None		

Sale by retail of alcohol				On or off sales or both:			Off Sales
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	12:00	12:00	12:00	12:00	12:00	12:00	
<b>End:</b>	22:00	22:00	22:00	22:00	22:00	22:00	
<b>Seasonal variations/ Non-standard timings:</b>	None applied for.						

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	12:00	12:00	12:00	12:00	12:00	12:00	
<b>End:</b>	22:00	22:00	22:00	22:00	22:00	22:00	
<b>Seasonal variations/ Non-standard timings:</b>	None applied for.						
<b>Adult Entertainment:</b>	Not applicable						

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	Mr Chris Marriott
<b>Received:</b>	27 <sup>th</sup> April 2016
<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 the above application.</p> <p>It is our belief that if granted the application would undermine the Licensing objectives in relation to the prevention of crime and disorder as there are insufficient conditions within the operating schedule.</p> <p>The venue is situated in the West End cumulative impact area, a locality where there is traditionally high crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.</p> <p>The following conditions listed below are those that police would like you to attach to your operating schedule as I believe they will address police concerns in relation to crime and disorder.</p> <ol style="list-style-type: none"> <li>1. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.</li> <li>2. There shall be no self-service of alcohol.</li> </ol> <p><b><i>Following the applicant agreeing to the above conditions the Metropolitan Police withdrew their representation on 28<sup>th</sup> April 2016.</i></b></p>	

2-B Other Persons			
<b>Name:</b>	The Soho Society – Mr Steve Chambers		
<b>Address and/or Residents Association:</b>	St Anne's Tower 55 Dean Street London W1D 6AF		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	5 <sup>th</sup> May 2016		



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**

Sale by Retail of Alcohol Off the Premises: Monday to Saturday 12:00 until 10:00

### **New licensed premises in the West End Cumulative Impact Area**

The proposal is for a new licensed premises in the West End Cumulative Impact Area. The new Sale by Retail of Alcohol Off Premises licensable activity is of particular concern, with reference to Westminster City Council stress area and cumulative impact policy. Such new licenses should be prohibited. These venues destroy residential amenity over a wide area through noise nuisance as patrons disperse. It is concerning that such a license could be given to an A1 takeaway establishment and this is in accordance with the licensing objectives.

### **Hours of operation**

The proposal includes licensable activities, including sale of alcohol, outside of Westminster core hours. The premises are in the West End Cumulative Impact Area. There are private homes in nearby buildings, 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.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy CIP1 applies</b>	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
<b>Policy OS2 applies:</b>	Applications will be granted subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.
<b>Policy HRS1 applies:</b>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>



#### 4. Appendices

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

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

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application Form	8 <sup>th</sup> April 2016
<b>5</b>	Representation – Metropolitan Police WITHDRAWN	27 <sup>th</sup> April 2016
<b>6</b>	Representation – The Soho Society	5 <sup>th</sup> May 2016



**Applicant supporting documents**

None supplied

**Premises history**

There is no licence or appeal history for the premises

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

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

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

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

### Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.



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

5(ii) For the purposes of the condition set out in paragraph 5(i) above -

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

5(iii). Where the permitted price given by Paragraph 5(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

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

### **Conditions consistent with the operating schedule**

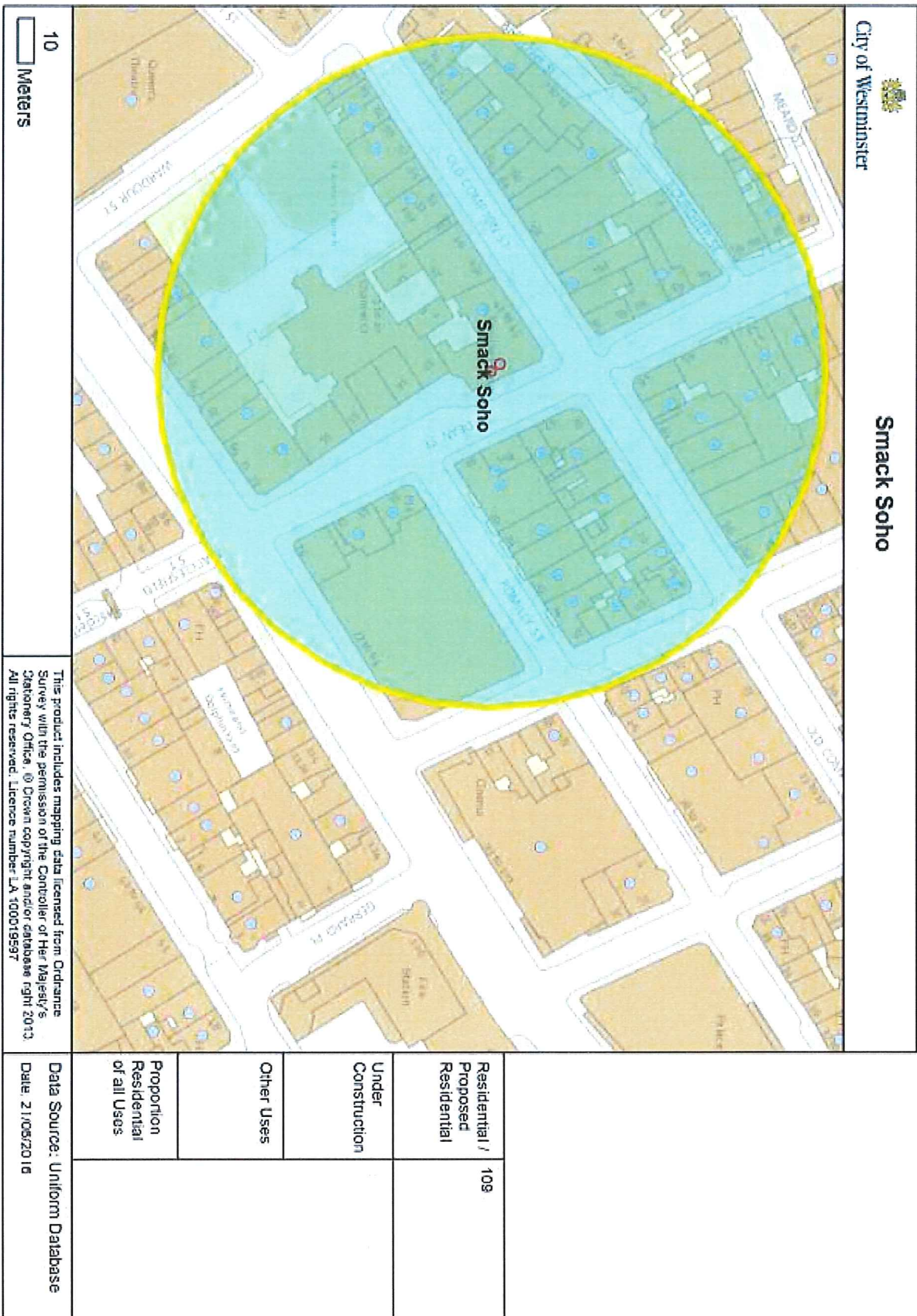
6. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
7. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
8. No more than (15)% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
9. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
10. 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
11. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
12. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
13. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
14. 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.

### **Conditions proposed by the Police and agreed.**

15. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
16. There shall be no self-service of alcohol



**Residential map and list of premises in the vicinity**



Licensed Premises within 75m of Smack Soho, 58 Dean Street.

p/n	Premises Name	Premises Address	Opening Hours
556	Hotel Chocolat	25 Old Compton Street London W1D 5JN	Friday to Saturday 10:00 - 00:00 Sunday 10:00 - 22:30 Monday to Thursday 10:00 - 23:00
1195	Pulcinella Restaurant	Basement To First Floor 37 Old Compton Street London W1D 5JY	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
7290	Gerry's Wine & Spirits	74-76 Old Compton Street London W1D 4UW	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
7819	Rosa's	Ground Floor And Basement 48 Dean Street London W1D 5BF	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
12249	&Pasta	60 Dean Street London W1D 6AW	Monday to Thursday 07:00 - 00:00 Friday to Saturday 07:00 - 00:30 Sunday 07:00 - 23:00
12813	40 Dean Street	40 Dean Street London W1D 4PX	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
13610	Dozo	Basement And Ground Floor 40 Frith Street London W1D 5LN	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
15813	Preto	71-73 Shaftesbury Avenue London W1D 6LN	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
17007	The Delhi Brasserie	44 Frith Street London W1D 4SB	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
20743	Gerry's Club	Basement 52-53 Dean Street London W1D 5BJ	Monday to Saturday 10:00 - 03:30 Sunday 12:00 - 23:00

Licensed Premises within 75m of Smack Soho, 58 Dean Street.

22317	French House Public House	49 Dean Street London W1D 5BG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
22569	Le Relais De Venise L'Entrecote	50 Dean Street London W1D 5BQ	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 00:00
27849	Assa	23 Romilly Street London W1D 5AQ	Monday to Saturday 10:00 - 00:30 Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 00:00 Sunday 12:00 - 23:00
28078	Opuz Kitchen	Basement And Ground Floor 27 Old Compton Street London W1D 5JP	Monday to Wednesday 08:00 - 00:30 Thursday to Saturday 08:00 - 01:00 Sunday 10:00 - 00:00
30259	Jackson + Rye	56 Wardour Street London W1D 4JG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-31200	Maoz Falafel	43 Old Compton Street London W1D 6HG	Sunday 11:00 - 00:00 Monday to Thursday 11:00 - 01:00 Friday to Saturday 11:00 - 02:00
-28924	The Groucho Club	44-45 Dean Street London W1D 4QB	Monday to Saturday 09:00 - 02:30 Sunday 12:00 - 00:00
-25284	Herman Ze German	Basement And Ground Floor 33 Old Compton Street London W1D 5JU	Friday to Saturday 11:00 - 00:00 Sunday 11:00 - 22:30 Monday to Thursday 11:00 - 23:30
-23003	Balans Restaurant	Ground Floor 60 - 62 Old Compton Street London W1D 4UG	Monday 09:00 - 03:30 Tuesday to Sunday 09:00 - 05:00



Licensed Premises within 75m of Smack Soho, 58 Dean Street.

-18458	Belgo	29-31 Old Compton Street London W1D 5JR	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-13043	Duck Soup	Basement And Ground Floor 41 Dean Street London W1D 4PY	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-11123	Black's	Basement To First Floor 67 Dean Street London W1D 4QH	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00
-6402	Soho Whisky Club	First Floor 42 Old Compton Street London W1D 4TX	Friday to Saturday 10:00 - 00:00 Sunday 10:00 - 22:00 Monday to Thursday 10:00 - 23:00
-2737	Pepe Italian Street Food	Basement And Ground Floor 27 Old Compton Street London W1D 5JP	Monday to Wednesday 08:00 - 00:30 Thursday to Saturday 08:00 - 01:00 Sunday 10:00 - 00:00
2053	Yoshino	59 Shaftesbury Avenue London W1D 6LF	Monday to Sunday 11:00 - 00:00
3359	Cay Tre (Soho)	42-43 Dean Street London W1D 4QA	Monday to Sunday 09:30 - 01:30
11736	Buen Gusto Café	39 Frith Street London W1D 5LL	Monday to Sunday 06:00 - 03:00
13167	Muriel's Kitchen	36 Old Compton Street London W1D 4TT	Monday to Sunday 07:00 - 01:30
15561	Tonkotsu	Basement To First Floor 63 Dean Street London W1D 4QG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
17949	Gauthier At Lindsay House	21 Romilly Street London W1D 5AF	Friday to Saturday 10:00 - 00:00 Sunday 10:00 - 22:30 Monday to Thursday 10:00 - 23:30

Licensed Premises within 75m of Smack Soho, 58 Dean Street.

23198	BA Shan Restaurant	24 Romilly Street London W1D 5AH	Monday to Saturday 12:00 - 00:00 Sunday 12:00 - 23:30
23636	La Polenteria	64 Old Compton Street London W1D 4TL	Friday 07:30 - 00:00 Monday to Thursday 07:30 - 23:30 Saturday 08:00 - 00:00 Sunday 08:00 - 23:00
29860	Golden Lion Public House	51 Dean Street London W1D 5BH	Friday to Saturday 07:00 - 00:00 Sunday 07:00 - 00:00 Monday to Saturday 07:00 - 00:30 Sunday 07:00 - 23:00 Monday to Thursday 07:00 - 23:30
-27778	Patisserie Valerie	44 Old Compton Street London W1D 4TY	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-23235	Selva Food & Wine	68 Old Compton Street London W1D 4UJ	Monday to Sunday 00:00 - 00:00
-18572	Tuk Tuk	Basement And Ground Floor 56 Old Compton Street London W1D 4UN	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-17911	Cafe Espana	Basement To First Floor 63 Old Compton Street London W1D 6HT	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-14344	Amorino	41 Old Compton Street London W1D 6HF	Monday to Saturday 12:00 - 01:00 Sunday 12:00 - 23:00
-12394	The Vintage House	Basement And Ground Floor 42 Old Compton Street London W1D 4TX	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
-11217	Century Club	61-63 Shaftesbury Avenue London W1D 6LQ	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00

Licensed Premises within 75m of Smack Soho, 58 Dean Street.

-10727	Comptons Of Soho Public House	51 - 53 Old Compton Street London W1D 6HN	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sundays before Bank Holidays 12:00 - 00:30 Sunday 12:00 - 23:00
-4610	Tuscan Delicatessen	Basement And Ground Floor 72 Old Compton Street London W1D 4UN	Monday to Sunday 10:00 - 00:30
-4222	Compton News	48 Old Compton Street London W1D 4UA	Monday to Saturday 07:00 - 01:00 Sunday 08:00 - 22:00
-3276	La Polenteria	64 Old Compton Street London W1D 4TL	Friday 07:30 - 00:00 Monday to Thursday 07:30 - 23:30 Saturday 08:00 - 00:00 Sunday 08:00 - 23:00
-1845	Bella Italia	63 Shaftesbury Avenue London W1D 6LQ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
2343	I Camisa & Son	Basement And Ground Floor 61 Old Compton Street London W1D 6HS	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
12506	The Piccadilly London Soho	69 Shaftesbury Avenue London W1D 6EX	Monday to Sunday 00:00 - 00:00
12878	Admiral Duncan Public House	54 Old Compton Street London W1D 4UD	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
25469	The House Of Ho Ltd	55-59 Old Compton Street London W1D 6HP	Sunday 09:00 - 01:00 Monday to Saturday 09:00 - 01:30
28639	Caffe Nero	Ground Floor 43 Frith Street London W1D 4SA	Sunday to Wednesday 23:00 - 02:00 Thursday to Saturday 23:00 - 04:00