



City of Westminster

Committee Agenda

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

Meeting Date: **Thursday 9th February, 2017**

Time: **10.00 am**

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

Members: **Councillors:**

Tim Mitchell (Chairman)
Louise Hyams
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 ground floor reception at City Hall from 9.00am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



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

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

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the 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. PIQUET RESTAURANT, 92 NEWMAN STREET, W1

(Pages 1 - 24)

| App No | Ward / Cumulative Impact Area | Site Name and Address | Application | Licensing Reference Number |
|--------|---|--|-------------|----------------------------|
| 1. | West End Ward / West End Cumulative Impact Area | Piquet Restaurant , 92 Newman Street, W1 | Variation | 16/13999/LIPV |

2. CHICKEN COTTAGE, 135 PRAED STREET, W2

(Pages 25 - 46)

| App No | Ward / Cumulative Impact Area | Site Name and Address | Application | Licensing Reference Number |
|--------|--|---------------------------------------|-------------|----------------------------|
| 2. | Hyde Park Ward / not in cumulative impact area | Chicken Cottage, 135 Praed Street, W2 | New | 16/11887/LIPN |

3. KHALLOUK & TAYLOR, 36 MORETON STREET, SW1

(Pages 47 - 86)

| App No | Ward / Cumulative Impact Area | Site Name and Address | Application | Licensing Reference Number |
|--------|--|---|-------------|----------------------------|
| 3. | Tachbrook Ward / not in cumulative impact area | Khallouk & Taylor, 36 Moreton Street, SW1 | Variation | 16/14159/LIPV |

**Charlie Parker
Chief Executive
2 February 2017**

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.

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

Agenda Item 1

| | |
|--------------------|---|
| Item No: | |
| Date: | 9 February 2017 |
| Licensing Ref No: | 16/13999/LIPV - Premises Licence Variation |
| Title of Report: | Piquet Restaurant 92 Newman Street London W1T 3EZ |
| 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: | Mrs Sumeet Anand-Patel Senior Licensing Officer |
| Contact details | Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk |

1. Application

| 1-A Applicant and premises | | | |
|-----------------------------------|---|--------------------------------|----------|
| Application Type: | Variation of a Premises Licence, Licensing Act 2003 | | |
| Application received date: | 19 December 2016 | | |
| Applicant: | Firedog Restaurants Limited | | |
| Premises: | Piquet Restaurant | | |
| Premises address: | 92 Newman Street London W1T 3EZ | Ward: | West End |
| | | Cumulative Impact Area: | West End |
| Premises description: | This premises operates as a restaurant over two floors | | |
| Variation description: | <p>The applicant is seeking permission to:</p> <ul style="list-style-type: none"> • serve alcohol without the need for a substantial meal on the ground floor only which seats 28 people. Note: the capacity on the licence is 38 on the ground floor • increase the seating from the current stated 60 in the basement to 70 people. • amend the delivery times to to allow deliveries from 4am. | | |
| Premises licence history: | The premises is currently licensed under 16/12434/LIPDPS. For a full licence history, please refer to Appendix 3. | | |
| Applicant submissions: | None | | |

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

| Late night refreshment | | | | | | |
|---|--|-------|--------------------------|--------------------------|------------------------------------|--------------------------|
| Indoors, outdoors or both | | | Current : Indoors | | Proposed: No variation applied for | |
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 23:00 | 00:30 | No variation applied for | | Ground Floor and Basement | No variation applied for |
| Tuesday | 23:00 | 00:30 | | | | |
| Wednesday | 23:00 | 00:30 | | | | |
| Thursday | 23:00 | 00:30 | | | | |
| Friday | 23:00 | 00:30 | | | | |
| Saturday | 23:00 | 00:30 | | | | |
| Sunday | 23:00 | 00:00 | | | | |
| Seasonal variations/ Non-standard timings: | Current: | | | | Proposed: | |
| | Sundays before bank holidays: 23:00 to 00:30 | | | | No variation applied for | |
| None | | | | No variation applied for | | |

| Sale by Retail of Alcohol | | | | | | |
|------------------------------|--|-------|--------------------------|------|---------------------------|--|
| On or off sales | | | Current : On | | Proposed: On | |
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 10:00 | 00:00 | No variation applied for | | Ground Floor and Basement | No variation applied for in terms of layout; the applicant is seeking the restaurant condition to now not apply to the ground floor. |
| Tuesday | 10:00 | 00:00 | | | | |
| Wednesday | 10:00 | 00:00 | | | | |
| Thursday | 10:00 | 00:00 | | | | |
| Friday | 10:00 | 00:00 | | | | |
| Saturday | 10:00 | 00:00 | | | | |
| Sunday | 12:00 | 23:30 | | | | |
| Seasonal variations/ | Current: | | | | Proposed: | |
| | Sundays before bank holidays: 10:00 to 00:00 | | | | No variation applied for | |
| Non-standard timings: | None | | | | No variation applied for | |

| Hours premises are open to the public | | | | | | |
|---------------------------------------|--|-------|--------------------------|------|---------------------------|--------------------------|
| | Current Hours | | Proposed Hours | | Premises Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 07:00 | 00:30 | No variation applied for | | Ground Floor and Basement | No variation applied for |
| Tuesday | 07:00 | 00:30 | | | | |
| Wednesday | 07:00 | 00:30 | | | | |
| Thursday | 07:00 | 00:30 | | | | |
| Friday | 07:00 | 00:30 | | | | |
| Saturday | 07:00 | 00:30 | | | | |
| Sunday | 07:00 | 00:00 | | | | |
| Seasonal variations/ | Current: | | | | Proposed: | |
| | Sundays before bank holidays: 07:00 to 00:30 | | | | No variation applied for | |
| Non-standard timings: | None | | | | No variation applied for | |

| 1-C | Layout alteration |
|--------------------------|-------------------|
| No variation applied for | |

| 1-D Conditions being varied, added or removed | |
|---|---|
| Condition | Proposed variation |
| Condition 28: No deliveries to the premises shall take place between 23.00 and 08.00 hours. | Condition 28: No deliveries to the premises shall take place between 23.00 and 04.00 hours. |
| Condition 9: Condition applies to both ground floor and | Condition 9: Amended condition to apply to Ground |

| | | |
|--|---|---------------------------|
| <p>basement levels.</p> <p>The premises shall only operate as a restaurant:</p> <p>(i) in which customers are shown to their table,</p> <p>(ii) where the supply of alcohol is by waiter or waitress service only,</p> <p>(iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,</p> <p>(iv) which do not provide any take away service of food or drink for immediate consumption,</p> <p>(v) which do not provide any take away service of food or drink after 23.00, and</p> <p>(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.</p> <p>Notwithstanding this condition, 6 customers only are permitted to order and consume alcohol in the Ground Floor holding bar area hatched black on the plan only if they are waiting for their table to have their meal or already had a meal.</p> <p>Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.</p> | <p>Floor only:</p> <p>The premises shall only operate as a restaurant:</p> <p>(i) in which customers are shown to their table,</p> <p>(ii) where the supply of alcohol is by waiter or waitress service only,</p> <p>(iii) which do not provide any take away service of food or drink for immediate consumption,</p> <p>(iv) which do not provide any take away service of food or drink after 23.00, and</p> <p>(v) 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.</p> <p>Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.</p> <p>The original condition 9 shall still apply to the basement</p> | |
| Adult entertainment: | Current position: | Proposed position: |
| | None | No variation applied for |

2. Representations

| 2-A Responsible Authorities | |
|---|----------------------|
| Responsible Authority: | EH Consultation Team |
| Representative: | Maxwell Owusu Koduah |
| Received: | 10 January 2017 |
| <p>I refer to the application to vary a Premises Licence which is located in the West End Cumulative Impact area.</p> <p>This representation is based on a ground floor plan by Graham D Horsman Associates Ltd dated 27 June 2008 ref. BOUR-A2.0</p> <p>The applicant is seeking to:</p> | |

1. Amend condition 9 of premises licence 16/12434/LIPDPS to allow alcohol to be served without the need for a substantial meal on the ground floor which seats 28 persons
2. Amend condition 10 of premises licence 16/12434/LIPDPS to increase seating capacity in the basement by 10 persons - from 60 to 70 persons
3. Amend condition 28 of premises licence 16/12434/LIPDPS to allow deliveries from 4am

I wish to make the following representation

1. Sale of alcohol on the ground floor not ancillary to a substantial meal will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End Cumulative Impact area
2. Increasing the seating capacity in the basement will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End Cumulative Impact area
3. Allowing deliveries from 4am will have the likely effect of causing an increase in Public Nuisance within the West End Cumulative Impact area

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area

Applicant seeks an increment in seating capacity in the basement by 10 persons (more than 15%); sale of alcohol on the ground floor not ancillary to a substantial meal and start delivery at 4am and yet there is no information within the application to demonstrate how the licensing objectives shall not be compromised.

The applicant has provided some conditions in support of the application which are being considered but do not fully address the concerns of Environmental Health.

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.

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

Note: EH have proposed a works condition and an amendment to condition 18. Please refer to Appendix 4.

| | |
|-------------------------------|-------------------------------|
| Responsible Authority: | Metropolitan Police Service |
| Representative: | PC Bryan Lewis |
| Received: | 14 th January 2017 |

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.

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

I will propose licence conditions in order to support the licence conditions.

| | |
|-------------------------------|-------------------------------|
| Responsible Authority: | Licensing Service |
| Representative: | Steve Rowe |
| Received: | 16 th January 2017 |

I write in relation to the application submitted for a variation of the Premises Licence for the above premises.

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of Children from Harm

As it stands the application does contravene Westminster's Statement of Licensing Policies CIP1, HRS1, RNT2 and PB2.

The application seeks to:

1. Amend condition 9 of the current premises licence (MC66) to allow alcohol to be served without the need for a substantial meal on the ground floor which seats 28 persons
2. Amend condition 10 of the current premises licence to increase seating capacity in the basement by 10 persons - from 60 to 70 persons
3. Amend condition 28 of the current premises licence to allow deliveries from 4am

The premises is located inside the Cumulative Impact Area.

Policy CIP1 states (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. However part (ii) states: Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.

Policy HRS1 states at paragraph 2.3.2: "It is the intention to generally grant licences... where the hours when customers are permitted to be on the premises are within the 'core hours' as set out in Policy HRS1. This is not a policy to refuse applications for longer hours than the core hours and consideration will in all cases be given to the individual merits of an application. Where a proposal is made to operate outside these core hours each application will be considered on its merits against the criteria as set out in paragraph (ii) (of Policy HRS1)".

Policy RNT2 which relates to restaurants within the CIA states '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.

Paragraph 2.5.3 of the Council's Policy relating to restaurants states in part that '.....The Council is particularly concerned that restaurant premises in the cumulative impact areas do not, even in part, come to operate as bars and particularly not as "vertical drinking" premises where customers consume alcohol standing throughout the evening.'

Policy PB2 which relates to pubs and bars states 'It is the Licensing Authority's policy to refuse

applications in the CIA other than applications to vary the hours within the core hours under policy HRS1'.

Please therefore accept this as a formal representation, further details will be provided in due course including a discussion relating to conditions. In the meantime, please provide a suitable date to arrange a site visit.

| 2-B Other Persons | | | |
|---|-------------------------------|--|---------|
| Name: | | Mr Linus Rees | |
| Address and/or Residents Association: | | Fitzrovia Neighbourhood Association 39 Tottenham Street London | |
| Status: | Outstanding | In support or opposed: | Opposed |
| Received: | 3 rd January 2017 | | |
| <p>Our association objects to this variation "to serve alcohol without the need for a substantial meal on the ground floor" and "the delivery times to be amended to allow deliveries from 4am". Our objection concerns the prevention of public nuisance.</p> <p>Selling alcohol on the ground floor will effectively turn this part of the restaurant into a bar. This will risk a public noise nuisance to local residents.</p> <p>Delivery vehicles at 4am in the morning is unacceptable at this location and will cause noise nuisance for local residents while they are trying to sleep.</p> <p>We note that there are 142 apartments soon to be completed at on the former Royal Mail Delivery site (Rathbone Square). Some of these homes are from first floor to eighth floor, fronting onto Newman Street and diagonally opposite to the premises. There is also residential nearby at Eastcastle Street and further north along Newman Street.</p> | | | |
| Name: | | Ms Gabrielle Dolan | |
| Address and/or Residents Association: | | Flat 7 13a Berners Street London | |
| Status: | Outstanding | In support or opposed: | Opposed |
| Received: | 16 th January 2017 | | |
| <p>As a resident living around the corner, it is unacceptable to have deliveries from 4am. I object to the 4am deliveries! 7:30 am is acceptable Monday to Friday. Saturday 8am Sunday 9am</p> | | | |
| Name: | | Sacha Brooks | |
| Address and/or Residents Association: | | 9 Berners Place London W1T 3AD | |
| Status: | Outstanding | In support of opposed: | Opposed |
| Received: | 13 th January 2017 | | |
| 1. There is a problem with the records for these premises. There is no recognition that there is | | | |

a potential servicing access at the rear of 87-91 Newman Street to which these premises at 92-94 Newman Street have access. This has resulted in nuisance being caused by deliveries and waste management with the previous licensee. Nearest residences are fewer than 50m from this access to the premises. Any future licence needs to refer to the access to Berners Place and control its use with the intention to prevent public nuisance from servicing and other activity. The record for these premises and any licence in them needs to make clear that this access exists and that the radius for affected premises should go from this access on Berners Place as there are at least 7 residential properties within 50m of this access.

2. Because of previous public nuisance caused by the previous licensee using Berners Place for servicing we object to any licence or variation which does not control use of the access on Berners Place to the premises. We propose a condition as follows in order to prevent public nuisance:

"No servicing of any kind will take place on Berners Place at any time".

We have spoken directly with the premises supervisor and he advises that he does not plan to use Berners Place for any servicing so he does not see a problem with this condition.

3. The access to Berners Place, which has many residences, combined with the hours of operation and potential hours of work creates the risk of public noise nuisance from outside smoking. We already experience this with other restaurant and supermarket premises backing on to Berners Place. We propose the following condition aimed at preventing public nuisance from smokers. There is a similar condition in place for the London Edition Hotel for the same reason and it has proved workable and effective:

"Staff and customers will not be permitted to smoke in Berners Place at any time".

Given the geography and direct discussions with the premises supervisor I do not believe this will be a problem for the licensee.

4. The Variation requests servicing hours to be from 4am. Although servicing will take place on Newman Street and therefore not affect my premises directly, I am concerned about the precedent this would set and therefore wish to make a representation that servicing hours, already very long, should not be varied.

| | | | |
|--|------------------------------|-----------------------------------|---------|
| Name: | | Ms Alison Matthews | |
| Address and/or Residents Association: | | Flat 10 23 Newman St London | |
| Status: | Outstanding | In support or opposed: | Opposed |
| Received: | 2 nd January 2017 | | |

I am opposed to two aspects of this application – the provision of alcohol without food on the ground floor, and night-time deliveries, both on the grounds that these threaten the licensing objective of the prevention of public nuisance.

Selling alcohol on the ground floor in Piquet, without the necessary accompaniment of a table meal, will effectively turn this part of the restaurant into a bar, fundamentally changing the nature of the licence. A further bar in Newman St, added to the existing pubs (Blue Posts, Newman Tavern) and clubs (Nordic, Mimis) represents a continued northward creep of the night-time economy from the edge of the Soho stress area into the heart of Fitzrovia. The impact of another vertical drinking establishment (with the potential for overspill outside) will be to risk a public noise nuisance to local residents, increasing the concentration of drinking establishments and the footfall of people going from one to another, particularly late at night. The requirement to serve a meal (not necessary a table meal, or a substantial one) should be

retained.

Noise from delivery vehicles in the small hours of the morning will give rise to noise nuisance for local residents while they are trying to sleep. It also represents the thin end of the wedge for noisy night time refuse collections. There are already problems from breaches of licensing conditions for bottle collection in Newman St. The exclusion of night time deliveries and rubbish collections should be retained, and strictly enforced.

Note: Ms Matthews has confirmed that she will be unable to attend the hearing but has asked Licensing that the following be included in the report:

I'm afraid I shall be away on 9 Feb and unable to attend the hearing.

I would just re-iterate my comment that the effective conversion of the ground floor of Piquet restaurant to a bar, by allowing the consumption of alcohol without food, presents a risk of public nuisance.

Piquet is either within, or right on the boundary of, the West End Cumulative Impact area (not clear from available maps). In the first case, allowing an additional bar in Newman St would be against WCC's licensing policy; in either case it would provide a bridge for the traffic from that area to wend its way to nearby hostelries in Newman St (the Blue Posts, the Nordic, Mimi's club, the Newman Tavern), and all those in Charlotte St and Rathbone Place via Newman Passage, causing noise and disturbance to local residents, and thereby effectively extending the Cumulative Impact Area.

All the licensing conditions appropriate to a bar, not just a restaurant, should be applied if it is decided to allow the removal of the substantial table meal requirement.

3. Policy & Guidance















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

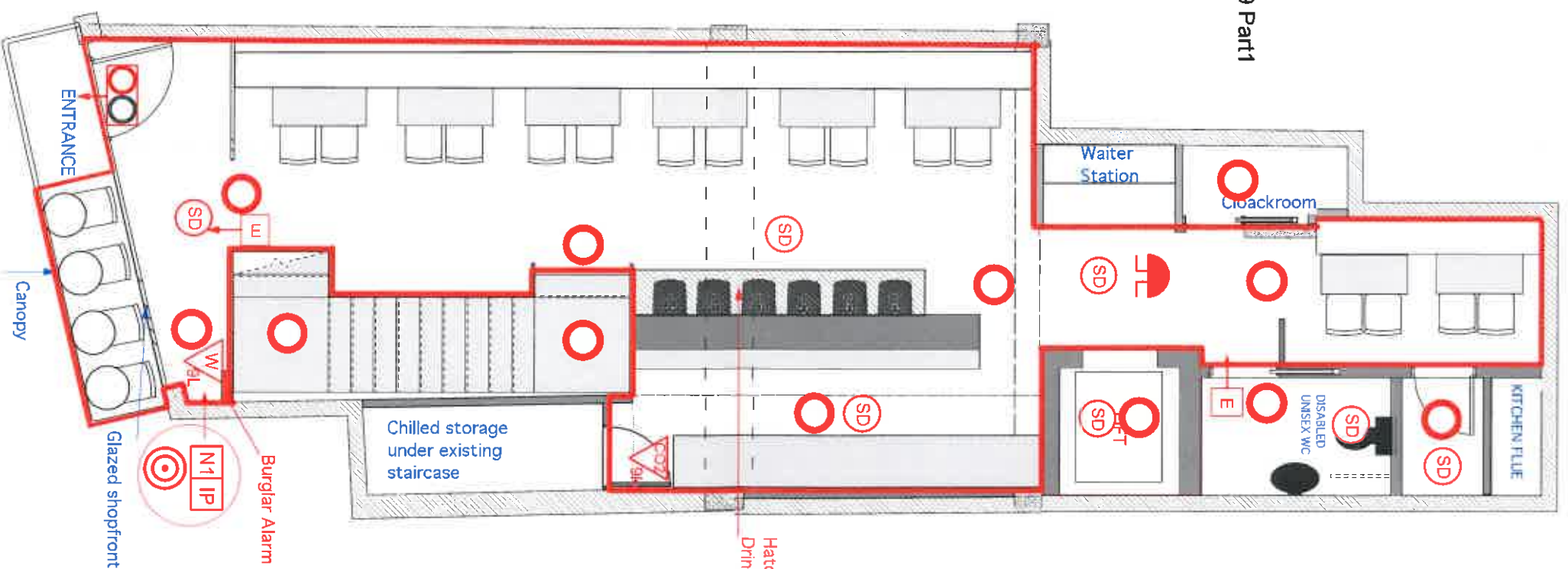
| | |
|-----------------------------|--|
| Policy HRS1 applies: | (i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core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

4. Appendices

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

| | | |
|--|---|--------------------------------|
| Report author: | Mrs Sumeet Anand-Patel Senior Licensing Officer | |
| Contact: | Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk | |
| If you have any queries about this report or wish to inspect one of the background papers please contact the report author. | | |
| Background Documents – Local Government (Access to Information) Act 1972 | | |
| 1 | Licensing Act 2003 | N/A |
| 2 | City of Westminster Statement of Licensing Policy | 7 th January 2016 |
| 3 | Amended Guidance issued under section 182 of the Licensing Act 2003 | March 2015 |
| 4 | Application Form | 20 th December 2016 |
| 5 | Licence | 20 th December 2016 |
| 6 | EH Representation | 10 th January 2017 |
| 7 | Police Representation | 17 th January 2017 |
| 8 | Licensing Authority Representation | 17 th January 2017 |
| 9 | Linus Rees Representation | 3 rd January 2017 |
| 10 | Mrs G Dolan Representation | 16 th January 2017 |
| 11 | S Brooks Representation | 13 th January 2017 |
| 12 | A Matthews Representation | 2 nd January 2017 |

-  Fire Alarm Indicator Panel
-  Fire Alarm Call Point
-  Smoke Detector
-  Water Fire Extinguisher
-  CO2 Fire Extinguisher
-  Wet Chemicals Fire Extinguisher
-  Panic Button
-  Audible Warning Device
-  Emergency Lighting Points
-  Illuminated Directional Exit Box to comply with BS:5499 Part1
-  Fire Exit Directional Sign to Comply with BS:5499 part 1
-  Fire Notice
-  Gas Shut Off Point
-  The area where licensable activities will take place


















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 the agreement of the Fire Officer or after a fire risk assessment.

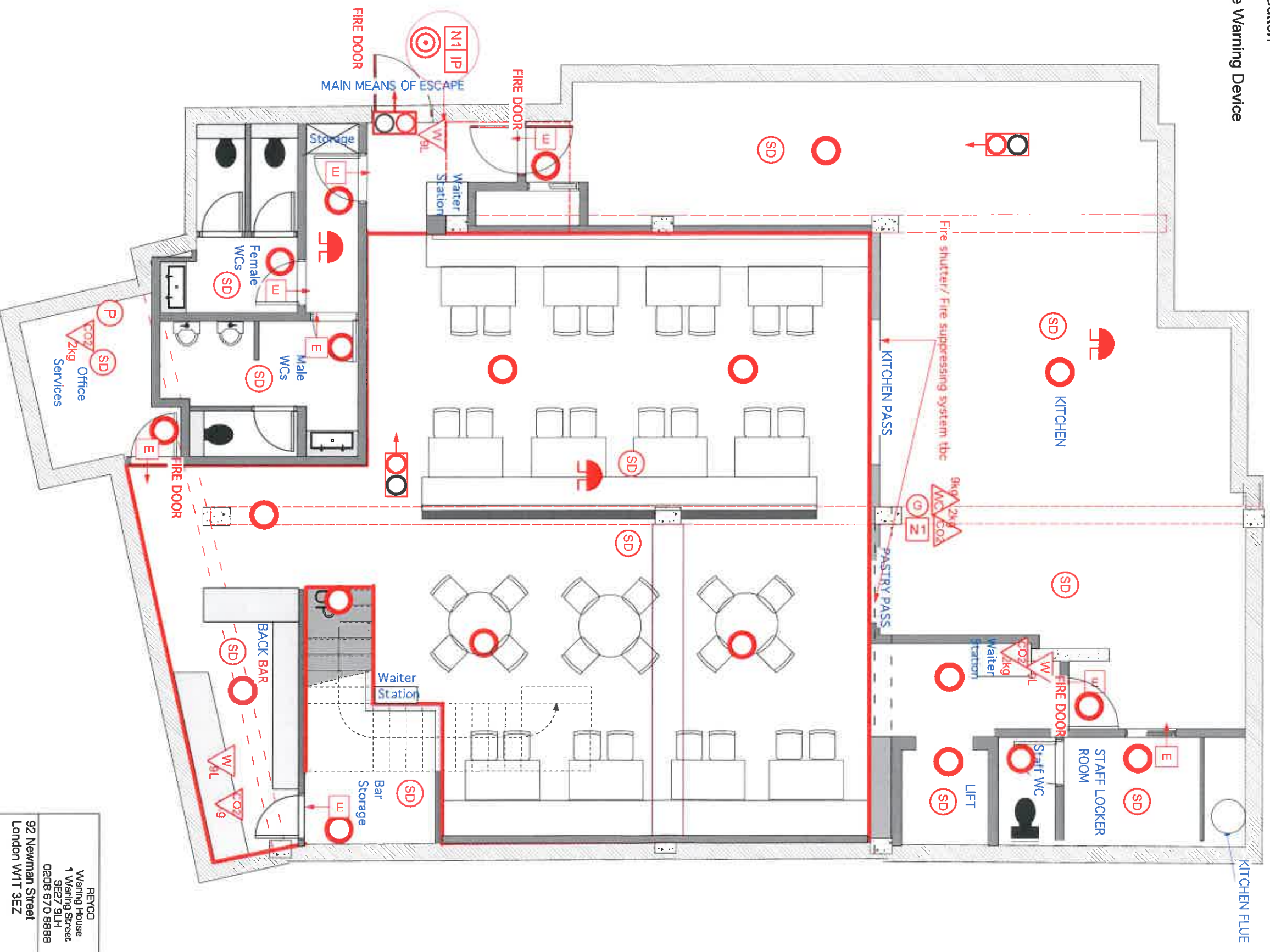
Anything shown on this plan which is not required by the Plan Regulations is for illustrative purposes only, and does not form part of the premises license.

| | |
|---|---|
| REYCD Warning House 1 Warning Street SE27 9LH 0208 670 8888 | 92-94 Newnman Street London W1T 3EZ Ground Floor Layout Scale 1:50 on A2 26.11.2014 |
|---|---|

Please do not scale from drawing
 All dimensions to be checked on site
 Any queries, please contact Quentin

-  Fire Alarm Indicator Panel
-  Fire Alarm Call Point
-  Smoke Detector
-  Water Fire Extinguisher
-  CO2 Fire Extinguisher
-  Wet Chemicals Fire Extinguisher
-  Panic Button
-  Audible Warning Device

-  **FIRE DOOR** to be provided with Intumescent strips and smoke seal. To comply with Table B1 of ADB
-  Emergency Lighting Points
-  Illuminated Directional Exit Box to comply with BS:5499 Part1
-  Fire Exit Directional Sign to Comply with BS:5499 part 1
-  Fire Notice
-  Gas Shut Off Point
-  The area where licensable activities will take place



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 the agreement of the Fire Officer or after a fire risk assessment.

Anything shown on this plan which is not required by the Plan Regulations is for illustrative purposes only, and does not form part of the premises license.

| | |
|--|---|
| <p>REYCD Waring House 1 Waring Street SE27 9LH 0208 670 8888</p> | <p>92 Newman Street London W1T 3EZ</p> |
| <p>Basement Layout Licensing purpose Scale 1:50 on A2</p> | <p>26.11.2014</p> |
| <p>Please do not scale from drawing All dimensions to be checked on site Any queries, please contact Quentin</p> | |

Applicant Supporting Documents

Appendix 2

There are no further submissions from the applicant.

Licence & Appeal History

| Application | Details of Application | Date Determined | Decision |
|--|--|------------------------|--------------------------------|
| New Application 14/10901/LIPN | Application to permit the sale of alcohol and late night refreshment | 12.01.2015 | Granted by delegated authority |
| Minor Variation 15/01916/LIPVM | Application to vary the plans | 02.04.2015 | Granted by delegated authority |
| DPS Variation 16/06723/LIPDPS | Application to vary the designated premises supervisor | 14.07.2016 | Granted by delegated authority |
| Transfer 16/08997/LIPT | Application to transfer the licence | 06.09.2016 | Granted by delegated authority |
| Transfer 16/11832/LIPT | Application to transfer the licence | 05.12.2016 | Granted by delegated authority |
| DPS Variation 16/12434/LIPDPS | Application to vary the designated premises supervisor | 05.12.2016 | Granted by delegated authority |
| Variation 16/13999/LIPV | Current application | | Pending |

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Annex 1 – 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.

Annex 2 – Conditions consistent with the operating Schedule

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

Notwithstanding this condition, 6 customers only are permitted to order and consume alcohol in the Ground Floor holding bar area hatched black on the plan only if they are waiting for their table to have their meal or already had a meal.

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

Note: the applicant has applied for part (iii) of the above application not to apply to the ground floor

10. The number of seated persons permitted on the premises at any one time (excluding staff) shall not exceed:

Ground Floor - 38 persons
Basement Floor - 60 persons

Note: the applicant is seeking to increase the capacity to 70 in the basement

11. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time

stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. 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.
14. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
15. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
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 concerning crime and disorder
 - (d) any incidents of disorder
 - (e) any seizures of drugs or offensive weapons
 - (f) faults in the CCTV system or searching equipment or scanning equipment
 - (g) any visit by a relevant authority or emergency service.
17. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
18. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

EH have proposed an amendment to this condition:

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.

19. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
20. All windows and external doors shall be kept closed after 23:00 hours except for the immediate access and egress of persons.
21. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
22. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

23. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
24. 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.
25. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
26. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00.
27. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
28. No deliveries to the premises shall take place between 23.00 and 08.00 hours.

Note: the applicant has applied to amend this condition to read:

No deliveries to the premises shall take place between 23.00 and 04.00 hours.

Note: Ms Dolan (a local resident) has proposed an alternative to the above amendment:

No deliveries to the premises shall take place between 23.00 and 07.30 Monday to Friday, 23:00 and 08:00 on Saturday and 23:00 to 09:00 on Sunday.

29. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
30. The hours the premises are open to the public and the hours for Late Night Refreshment and sale of alcohol are permitted may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

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

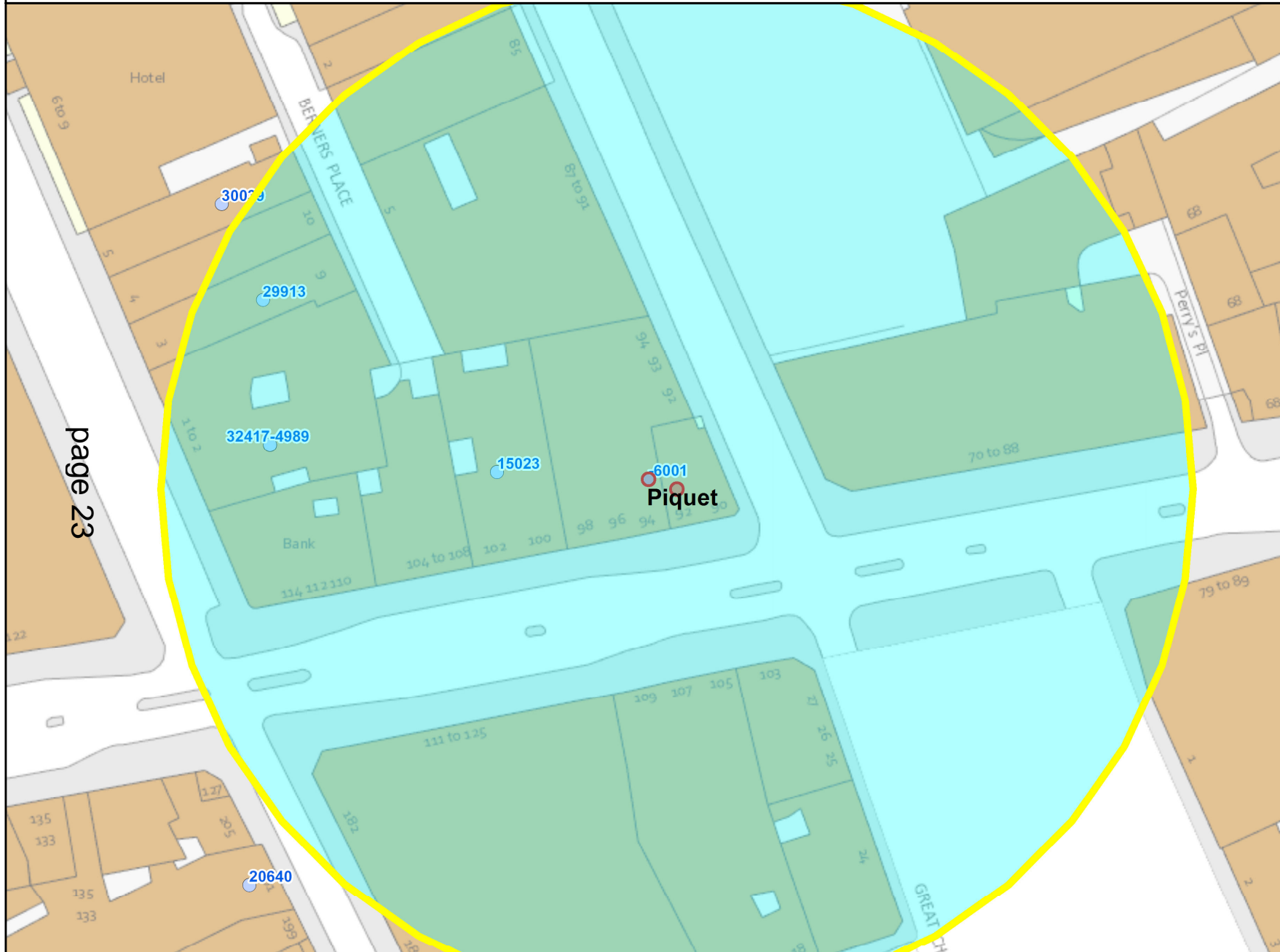
None

Conditions proposed by EH

31. The variation of the Premises Licence 16/12434/LIPDPS to amend conditions 9, 10 and 28 will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence

Condition proposed by Sacha Brooks

31. No servicing of any kind will take place on Berners Place at any time.
32. Staff and customers will not be permitted to smoke in Berners Place at any time.



page 23

| | |
|------------------------------------|-----------|
| Residential / Proposed Residential | 47 |
| Under Construction | Not known |
| Other Uses | Not known |
| Proportion Residential of all Uses | Not known |

9

Meters

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Date: 24/01/2017

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|--------------------|---|
| Item No: | |
| Date: | 9 February 2017 |
| Licensing Ref No: | 16/11887/LIPN - New Premises Licence |
| Title of Report: | Chicken Cottage 135 Praed Street London W2 1RL |
| Report of: | Director of Public Protection and Licensing |
| Wards involved: | Hyde Park |
| Policy context: | City of Westminster Statement of Licensing Policy |
| Financial summary: | None |
| Report Author: | Miss Heidi Lawrance Senior Licensing Officer |
| Contact details | Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk |

1. Application

| 1-A Applicant and premises | | | |
|-----------------------------------|--|--------------------------------|-----------|
| Application Type: | New Premises Licence, Licensing Act 2003 | | |
| Application received date: | 2 November 2016 | | |
| Applicant: | Hasan Syed | | |
| Premises: | Chicken Cottage | | |
| Premises address: | 135 Praed Street London W2 1RL | Ward: | Hyde Park |
| | | Cumulative Impact Area: | None |
| Premises description: | The premises is currently operating as a fast food restaurant. | | |
| Premises licence history: | This is an application for a new premises licence and therefore history exists for the premises. | | |
| Applicant submissions: | Please see Appendix 2 | | |

| 1-B Proposed licensable activities and hours | | | | | | | |
|---|------------|-------------|------------|----------------------------------|------------|------------|------------|
| Late Night Refreshment: | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 |
| End: | 02:00 | 02:00 | 02:00 | 02:00 | 02:00 | 02:00 | 01:00 |
| Seasonal variations/ Non-standard timings: | | | None. | | | | |

| Hours proposed by Metropolitan Police Service | | | | | | | |
|---|------------|-------------|------------|----------------------------------|------------|------------|------------|
| Late Night Refreshment: | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 |
| End: | 00:00 | 00:00 | 00:00 | 00:00 | 01:00 | 01:00 | 00:00 |
| Seasonal variations/ Non-standard timings: | | | None. | | | | |

| Hours premises are open to the public | | | | | | | |
|---|-----------------|-------|-------|-------|-------|-------|-------|
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 12:00 |
| End: | 02:00 | 02:00 | 02:00 | 02:00 | 02:00 | 02:00 | 01:00 |
| Seasonal variations/ Non-standard timings: | None. | | | | | | |
| Adult Entertainment: | Not applicable. | | | | | | |

2. Representations

| 2-A Responsible Authorities | |
|---|--|
| Responsible Authority: | Environmental Health Consultation Team |
| Representative: | Mr Maxwell Koduah |
| Received: | 21 st November 2016 |
| <p>This representation is based on the operating schedule and accompanying undated plans of Ground Floor & Basement.</p> <p>The applicant is seeking the following licensable activities:</p> <p>Provision of late night refreshment “Indoors” at the following times: <i>Monday to Saturday: 23:00 – 02:00</i> <i>Sunday: 23:00 – 01:00</i></p> <p>I wish to make the following representation:</p> <p>The provision of late night refreshment (LNR) and the hours requested will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area</p> <p>Even though the application is for LNR “indoors”, applicant has indicated a desire to operate take away services and further clarification is required with respect to exactly what is being applied for.</p> <p>The applicant has provided some conditions in support of the application which are being considered but do not fully address the concerns of Environmental Health.</p> | |

Additional comments received:

135 Praed Street – complaint history in 12 months prior to application

| Date | Time | Complaint | Outcome |
|-------------|-------------|---|--|
| 10.05.2016 | 23:44 | Complainant reported that there is loud noise coming the Chicken Cottage. The caller does not want a call back. | No action logged |
| 04.05.2016 | | Customer called to report noise coming from a vehicle outside the chicken cottage restaurant at listed address. The noise lasted from 10:45-11:30 pm and when the customer asked them to cease the noise they replied they can do what they want and this is not the first time that this happened. Please note that while talking to the customer the noise stopped however the customer was insistent that it be logged to build a profile. No call back requested. | Officers attended and reported that <i>no noise witnessed</i> |

Both complaints were made by same complainant

| | |
|-------------------------------|-------------------------------|
| Responsible Authority: | Metropolitan Police Service |
| Representative: | PC Sandy Russell |
| Received: | 9 th November 2016 |

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be objecting to this application. It is our belief that if granted the application would undermine the Licensing Objectives. The timings applied for are not conducive to the Westminster Licensing Policy document.

We feel the decision as to the outcome this application would be better left to that of a Sub-Committee hearing. If the Sub-Committee are minded to grant this application police require the following conditions:

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

- A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are 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.
- An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any visit by a relevant authority or emergency service.
- The premises will close at midnight Sunday to Thursday and 01.00hrs Friday and Saturday.

| | |
|--|--|
| 2-B Other Persons | |
| Name: | Mr Mark Strudwick |
| Address and/or Residents Association: | Flat 2 137-139 Praed Street London W2 1RL |
| Received: | 18 th November 2016 |

There is already a considerable noise nuisance caused by customers parking outside playing loud music from the car stereo whilst they collect takeaway food from chicken cottage or KFC allowing this late licence will add to the existing nuisance.

| | |
|--|---|
| Name: | Mr John Zamit |
| Address and/or Residents Association: | SEBRA 2 Claremont Court Queensway LONDON W2 5HX |
| Received: | 28 th November 2016 |
| <p>We object to this application as too many late night establishments in area and no more are needed.</p> <p>Late night premises cause nuisance in area to residents from noise, litter, cars and motorcycles etc.</p> <p>In particular 'take - away' premises and also 'home delivers' cause substantial nuisance</p> <p>We trust no licence will be granted but if licence was to be granted we would wish no 'take-away' sales or 'home deliveries' and no tables / chairs used outside after 23.00 .</p> <p>Also would want standard model conditions e.g. on CCTV, seated and waiter/waitress service, no deliveries or refuse/ recycling collections between 20.00 and 0700, notices for customers to leave quietly, door/ windows in 'closed' position after 21.00 etc</p> | |

3. Policy & Guidance

| | |
|--|--|
| The following policies within the City Of Westminster Statement of Licensing Policy apply: | |
| Policy HRS1 applies | <p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> |
| Policy FFP1 applies: | Applications will only be granted if it can be demonstrated that the proposal meets relevant criteria in Policies CD1, PS1, PN1 and CH1. |

4. Appendices

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

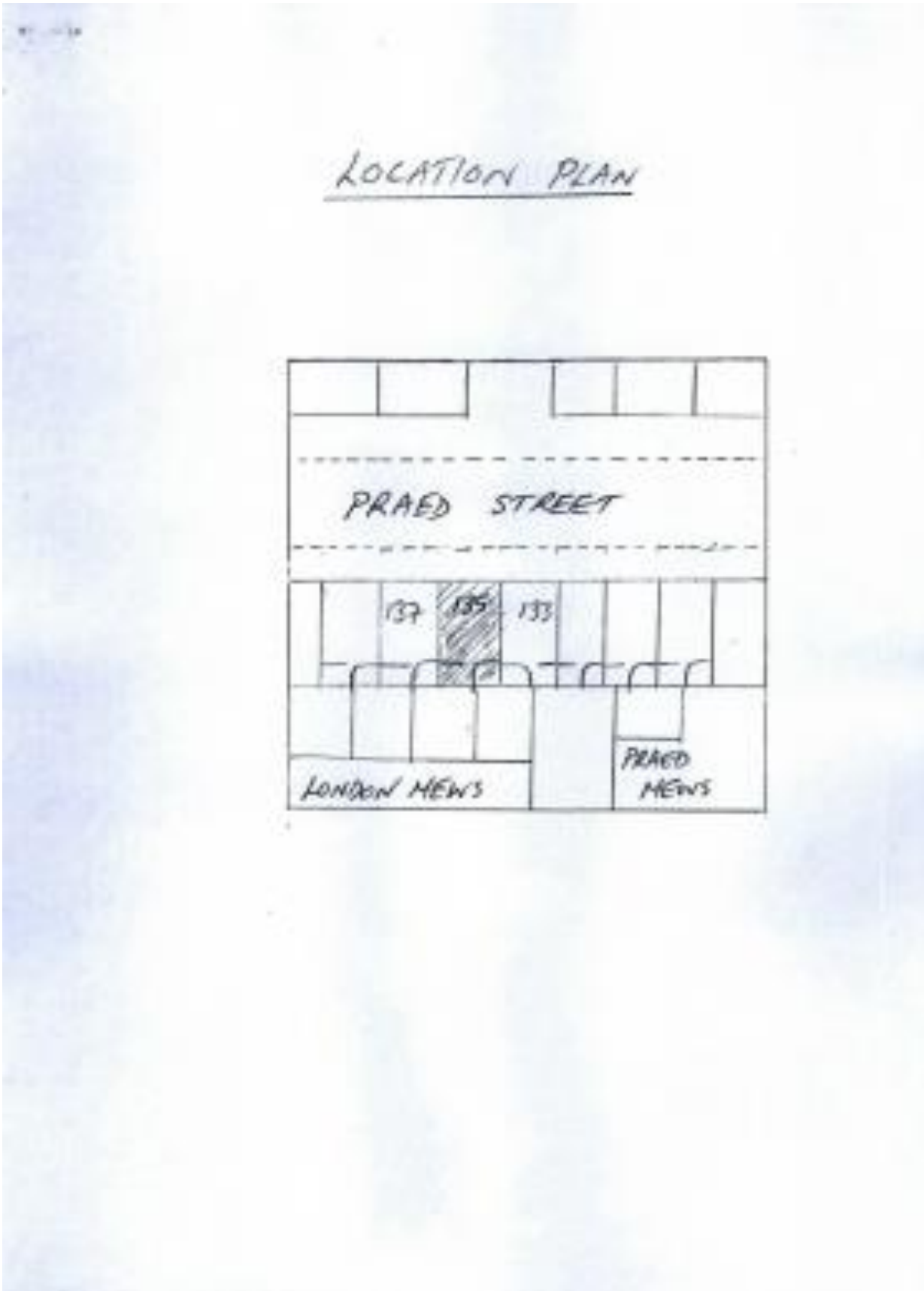
| | |
|-----------------------|---|
| Report author: | Miss Heidi Lawrance Senior Licensing Officer |
| Contact: | Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk |

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

| | | |
|----------|---|--------------------------------|
| 1 | Licensing Act 2003 | N/A |
| 2 | City of Westminster Statement of Licensing Policy | 7 th January 2016 |
| 3 | Amended Guidance issued under section 182 of the Licensing Act 2003 | March 2015 |
| 4 | Application Form | 2 nd November 2016 |
| 5 | Representation – MET Police | 9 th November 2016 |
| 6 | Representation – Environmental Health | 21 st November 2016 |
| 7 | Representation – ZEBRA | 28 th November 2016 |
| 8 | Representation – Mr M Strudwick | 18 th November 2016 |

Premises Plans

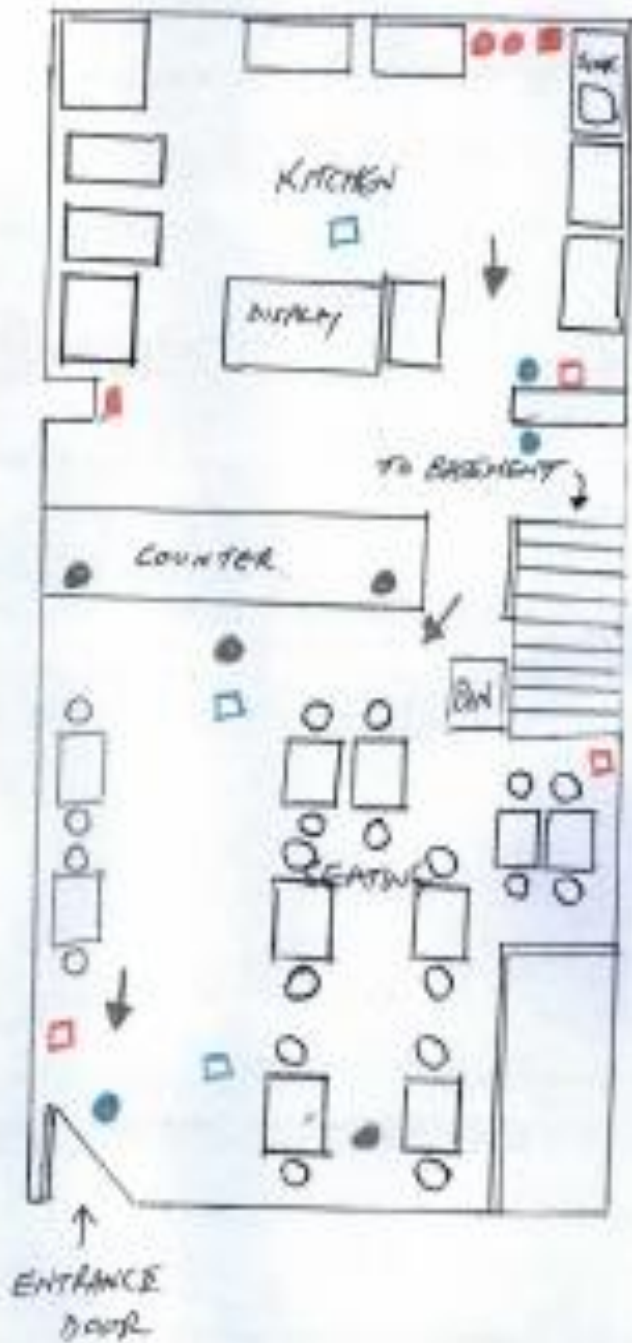


GROUND FLOOR PLAN

SCALE 1:100

Key

- FIRE EXTINGUISHERS
- FIRE EXIT SIGNS
- FIRE BLANKETS
- FIRE ALARM
- FIRE BREAKER CABINET
- ESCAPE ROUTE
- CCTV CAMERAS

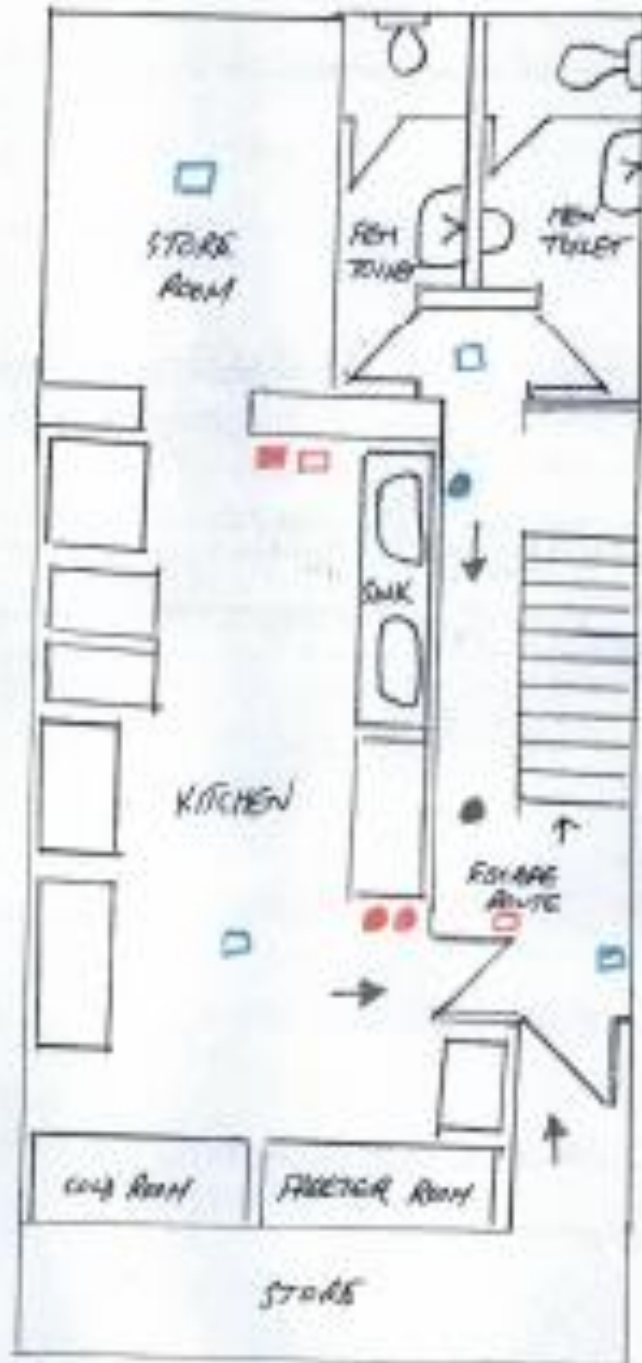


BASEMENT PLAN

SCALE 1:100

KEY

- FIRE EXTINGUISHERS
- FIRE EXIT SIGNS
- FIRE BLANKET
- FIRE ALARM
- FIRE BREAKER CIRCUIT
- ➔ ESCAPE ROUTE
- CCTV CAMERA



Applicant Supporting Documents



Appeal Decision

Site visit made on 12 July 2016

by **A J Mageean BA (Hons) BPI PhD MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 August 2016

Appeal Ref: APP/X5990/W/16/3146213

135 Praed Street, London W2 1RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Syed Hassan against the decision of City of Westminster Council.
 - The application Ref 15/04172/FULL, dated 22 April 2015, was refused by notice dated 4 November 2015.
 - The application sought planning permission for use of basement and ground floor as Class A3 and Class A5 (sui generis) and replacement shopfront without complying with a condition attached to planning permission Ref 10/01022/FULL, dated 27 March 2012.
 - The condition in dispute is No 5 which states that: *"you must not open the restaurant/takeaway premises to customers, and you must not allow customers on the premises, outside the following times: between 10.00 and 23.00 Monday to Saturday and between 12.00 and 22.00 on Sundays."*
 - The reason given for the condition is: *"To protect the environment of people in neighbouring properties as set out in CS23, CS28 and CS31 of our Core Strategy that we adopted in January 2011 and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007."*
-

Decision

1. The appeal is allowed and planning permission is granted for use of basement and ground floor as Class A3 and Class A5 (sui generis) and replacement shopfront at 135 Praed Street, London W2 1RL in accordance with the application Ref 15/04172/FULL dated 22 April 2015, without compliance with condition number 5 previously imposed on planning permission Ref 10/01022/FULL dated 27 March 2012 and subject to the following conditions:
 - 1) An application must be made to the Local Planning Authority for the approval in writing of how waste will be stored on the site, and how material for recycling will be stored separately, within 3 months of the date of this decision. The approved waste management arrangements must be provided according to these approved details. The stores must be clearly marked and made available at all times to everyone using the restaurant/takeaway. These facilities must be retained permanently thereafter.
 - 2) The restaurant/takeaway must not be open to customers and customers must not be allowed on the premises outside the following times: between 10.00am and 02.00am the following morning Monday to Saturday, and between 12.00 midday and 01.00am the following morning on Sundays and Bank Holidays.
-

- 3) No food delivery service is to be operated from the premises.
- 4) Only part of the premises may be used as a takeaway, as shown in the approved drawing 1035 3/3 Revision B.

Procedural Matters

2. The application which is the subject of this appeal is made under Section 73 of the Planning Act. It seeks revisions to opening hours to replace the approval Ref: 10/01022/FULL granted in March 2012. This approval itself replaced the original planning approval granted in February 2009 (08/9563) for this development which was for a temporary period. This type of application is possible because a condition was placed on the original permission specifying the opening hours. The appeal seeks removal of that condition and its replacement with another condition allowing for an extension of opening hours.
3. Whilst the application form refers to the applicant as Mr Syed Hsan, the appeal form refers to Mr Syed Hassan. I accept the confirmation that the appeal form contains the correct details and have therefore used this information in this decision.

Main Issue

4. The main issue in this case is the effect of extended opening hours on the living conditions of the occupiers of neighbouring properties, with particular reference to late night activity and disturbance.

Reasons

5. The appeal building lies within the Bayswater Conservation Area on the south side of Praed Street, within a parade of mixed retail and service activities. It has a three storey frontage with the restaurant/hot food takeaway known as 'Chicken Cottage', which is the subject of this appeal, occupying the ground floor and basement. The upper floors of this property appear to be in residential use, though in other properties these upper floors contain a mix of office and residential use. Much of the north side of the road is occupied by St Mary's Hospital. At the time of my site visit on a weekday afternoon I noted that this area was busy with pedestrians and that Paddington Railway Station was located a short distance away to the west.
6. The area contains a number of restaurants and hot food takeaway establishments. I noted on my site visit that a number of outlets within close proximity to the appeal site advertised opening hours similar to those sought by the appellant. The Council have explained that a number of premises on the street have historic use and are not subject to opening hours control. It is therefore clear that this area already experiences late night activity.
7. The Council considers that if takeaway outlets remain open after public house closing times this would encourage people to linger in this area, thereby creating noise and disturbance. However, it is clear from the petition submitted by the appellant that there is already demand for late night opening of such establishments, particularly from shift workers at the hospital. The appeal premises is said to be the only outlet in the immediate vicinity offering halal food.
8. The Council suggests that as there is residential use in the upper floors of buildings on Praed Street and the area to the south is predominantly residential in character, the degree of late night activity and disturbance generated by such extended opening hours would be unacceptable. However, it is clear that some degree of

disturbance is already experienced as the result of customers entering and leaving nearby restaurants and takeaway food outlets with existing late night opening hours. It is also clear that this is a busy area with uses such as the hospital and train station operating on a 24 hour basis.

9. I noted on my site visit that double yellow lines run along much of the northern side of the road and along part of the western end of the south side of the road, in front of the existing late night opening outlets. A single yellow line enabling on street parking after 18.30 runs in front of the appeal premises and further to the east. In this respect it is probable that customers arriving by car already park in the permitted area in front of the appeal premises to access other late night opening outlets. My view is therefore that it is unlikely that the present proposal would lead to any additional noise and disturbance for residents living in this local area.
10. I conclude on this matter that the proposed extended opening hours at the appeal premises would not have an unacceptable effect on the living conditions of the occupiers of neighbouring properties, with particular reference to late night activity and disturbance. In this respect the proposal would comply with the Westminster City Plan: Strategic Policies 2013 which at Policies S24, S29 and S32 seeks to restrict uses which would have a detrimental effect on residential amenity in terms of noise and disturbance. It would also comply with Westminster's Unitary Development Plan which at Policies ENV 6 and TACE 9 seeks to minimise any adverse effects from development, particularly noise.
11. As this site lies within the Bayswater Conservation Area, I am required to give consideration to the effect of the development on the character and appearance of the Conservation Area. In this respect I have noted the busy mixed use character of this area, and my view is that the present proposal is appropriate in this setting and it would therefore preserve the character of this area.

Conditions

12. In allowing the appeal and granting planning permission I have considered those conditions imposed on the original planning permission and those suggested by the Council.
13. I observed on my site visit that the restaurant/ takeaway appears to have been completed in accordance with the original approval and there is therefore no need to impose conditions relating to the design and installation of this unit again. However, the Council states that the condition relating to waste management and disposal has not been complied with and I have included this in the interests of environmental protection. I have included the condition relating to the amended opening hours in the interests of the living conditions of the occupiers of neighbouring properties. Finally, the condition preventing food delivery services being operated from the appeal site, and the condition relating to the part of the premises from which may operate as a takeaway both remain necessary and have not been subject to appeal.

Conclusion

14. For the reasons set out above, taking into consideration all other matters raised, I conclude that the appeal should succeed.

AJ Mageean

INSPECTOR

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 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

1. Notices shall be displayed on the premises requesting that customers respect neighbours while using the premises and when leaving the premises.

2. Staff will be trained on the importance of the Licensing objectives.
3. CCTV to be installed and maintained at the premises.

Conditions proposed by the Environmental Health

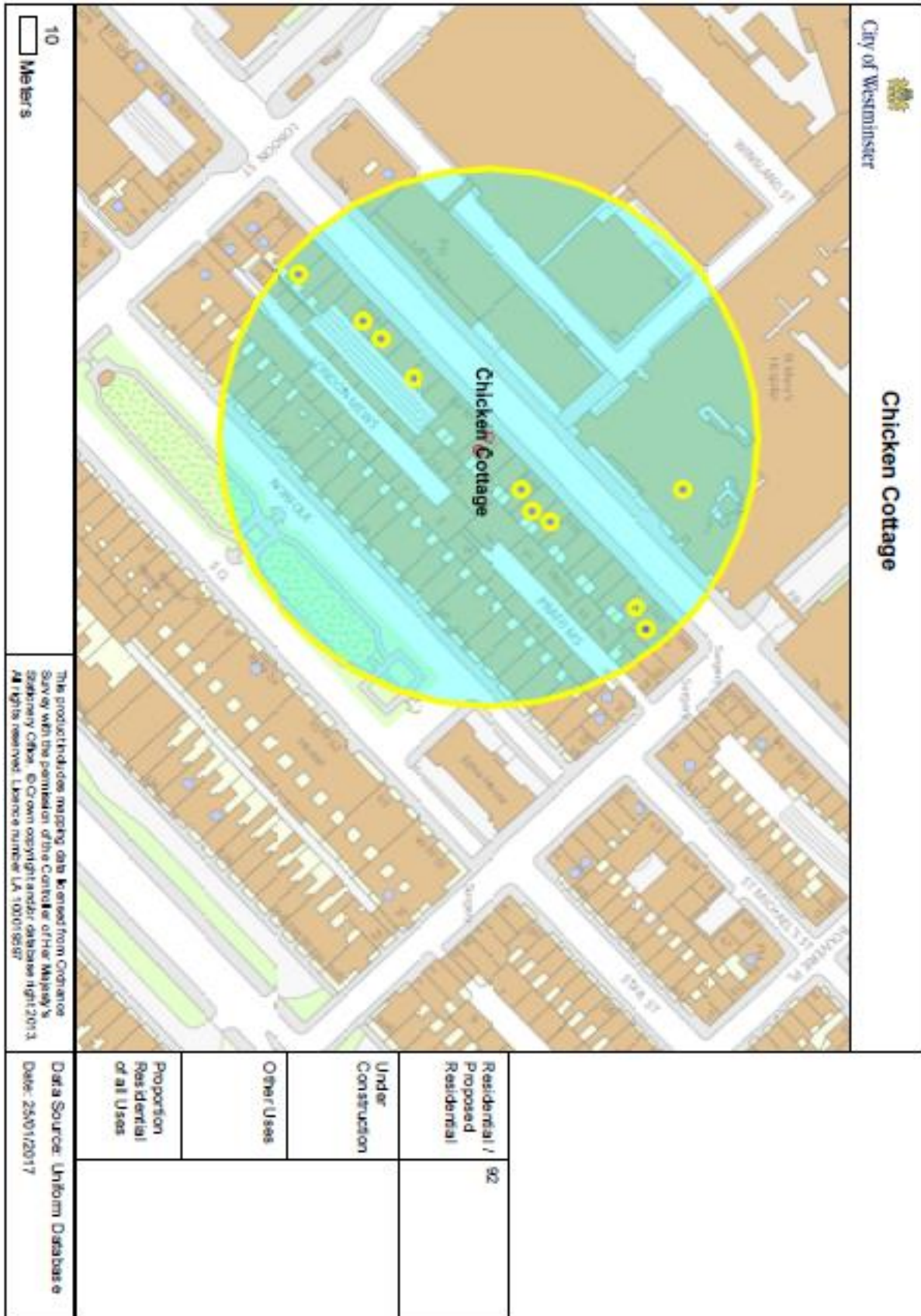
4. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance
5. The external door shall be kept closed after 23:00 hours, except for the immediate access and egress of persons
6. After 23:00 hours, the number of persons permitted in the premises at any one time (excluding staff) shall not exceed 30 persons
7. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
8. 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
9. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them
10. 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
11. 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
12. 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
13. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous
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. No licensable activities shall take place at the premises until the premises have been assessed as satisfactory by the Environmental Health Consultation Team

at which time this condition shall be removed from the Licence by the Licensing Authority

Conditions proposed by the Police

16. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
17. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
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, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any visit by a relevant authority or emergency service.

Residential Map and List of Premises in the Vicinity



Premises within 75 metres of Chicken Cottage, 135 Praed Street

| p / n | Name of Premises | Premises Address | Licensed Hours |
|--------------|--------------------------------|--|---|
| 26588 | Peking Cuisine | 113-115 Praed Street London W2 1RL | Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00 |
| 31230 | Fountains Abbey Public House | Fountains Abbey 109 - 111 Praed Street London W2 1RL | Thursday to Saturday 07:00 - 00:00 Sunday 07:00 - 23:00 Monday to Wednesday 07:00 - 23:30 |
| -13119 | Victor's Cafe | Basement 127 Praed Street London W2 1RL | Monday to Saturday 06:00 - 22:00 Sunday 09:00 - 22:00 |
| -12144 | Supersave | 125 Praed Street London W2 1RL | Monday to Saturday 07:00 - 23:00 Sunday 09:00 - 22:30 |
| 9426 | Kentucky Fried Chicken Express | 149 Praed Street London | Monday to Sunday 23:00 - 03:00 |
| 16661 | Le Gourmet | Ground Floor And Basement 157 Praed Street London W2 1RL | Monday to Saturday 07:00 - 02:00 Sunday 08:00 - 02:00 |
| -31851 | Fountains Abbey | Fountains Abbey 109 - 111 Praed Street London W2 1RL | Thursday to Saturday 07:00 - 00:00 Sunday 07:00 - 23:00 Monday to Wednesday 07:00 - 23:30 |
| -19111 | Bonne Bouche | 129 Praed Street London W2 1RL | Sunday 12:00 - 18:00 Monday to Saturday 12:00 - 20:00 |
| -12672 | Subway | 147 Praed Street London W2 1RL | Monday to Sunday 00:00 - 00:00 |
| -627 | La Tazza Cafe | Basement And Ground Floor 143 Praed Street London W2 1RL | Monday to Sunday 07:00 - 23:00 |
| 9015 | St Marys N H S Trust | St Marys N H S Trust Praed Street London W2 1NY | Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00 |

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City of Westminster

Licensing Sub-Committee Report

Agenda Item 3

| | |
|--------------------|---|
| Item No: | |
| Date: | 9 February 2017 |
| Licensing Ref No: | 16/14159/LIPV - Premises Licence Variation |
| Title of Report: | Khallouk & Taylor 36 Moreton Street London SW1V 2PD |
| Report of: | Director of Public Protection and Licensing |
| Wards involved: | Tachbrook |
| Policy context: | City of Westminster Statement of Licensing Policy |
| Financial summary: | None |
| Report Author: | Miss Heidi Lawrance Senior Licensing Officer |
| Contact details | Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk |

1. Application

| 1-A Applicant and premises | | | |
|-----------------------------------|--|--------------------------------|-----------|
| Application Type: | Variation of a Premises Licence, Licensing Act 2003 | | |
| Application received date: | 22 December 2016 | | |
| Applicant: | Mr Lahcene Khallouk | | |
| Premises: | Khallouk & Taylor | | |
| Premises address: | 36 Moreton Street London SW1V 2PD | Ward: | Tachbrook |
| | | Cumulative Impact Area: | None |
| Premises description: | According to the application the premises is currently operating as a restaurant. | | |
| Variation description: | <p>To extend the sale of alcohol from 11:00 to 20:00, Monday to Sunday to 11:00 to 23:00, Monday to Sunday</p> <p>To add the provision of late night refreshment, Monday to Sunday 23:00 to 23:30</p> <p>To extend the opening hours from 08:00 to 22:30, Monday to Saturday and 09:00 to 21:30 on Sunday to 08:00 to 23:30, Monday to Saturday and 09:00 to 23:30 on Sunday</p> | | |
| Premises licence history: | The premises has been licensed since March 2011. | | |
| Applicant submissions: | | | |

| 1-B Current and proposed licensable activities, areas and hours | | | | | | |
|---|---------------|-----------|----------------|-------|------------------------------------|-----------|
| Sale by Retail of Alcohol | | | | | | |
| On or off sales | | Current : | | | Proposed: | |
| | | Both | | | Both | |
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 11:00 | 20:00 | 11:00 | 23:00 | As per plan attached at Appendix 1 | No change |
| Tuesday | 11:00 | 20:00 | 11:00 | 23:00 | | |
| Wednesday | 11:00 | 20:00 | 11:00 | 23:00 | | |
| Thursday | 11:00 | 20:00 | 11:00 | 23:00 | | |
| Friday | 11:00 | 20:00 | 11:00 | 23:00 | | |
| Saturday | 11:00 | 20:00 | 11:00 | 23:00 | | |
| Sunday | 11:00 | 20:00 | 11:00 | 23:00 | | |

| | | |
|---|-----------------|------------------|
| Seasonal variations/ Non-standard timings: | Current: | Proposed: |
| | None. | None. |

| | | | | | | |
|---|----------------------|------------------|-----------------------|-------------|------------------------------------|------------------|
| Late night refreshment | | | | | | |
| Indoors, outdoors or both | | Current : | | | Proposed: | |
| | | Not applicable | | | | |
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | | | 23:00 | 23:30 | As per plan attached at Appendix 1 | No Change |
| Tuesday | | | 23:00 | 23:30 | | |
| Wednesday | | | 23:00 | 23:30 | | |
| Thursday | | | 23:00 | 23:30 | | |
| Friday | | | 23:00 | 23:30 | | |
| Saturday | | | 23:00 | 23:30 | | |
| Sunday | | | 23:00 | 23:30 | | |
| Seasonal variations/ Non-standard timings: | Current: | | | | Proposed: | |
| | None. | | | | None. | |

| | | | | | | |
|---|----------------------|-------------|-----------------------|-------------|------------------------------------|------------------|
| Hours premises are open to the public | | | | | | |
| | Current Hours | | Proposed Hours | | Premises Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 08:00 | 22:30 | 08:00 | 23:30 | As per plan attached at Appendix 1 | No Change |
| Tuesday | 08:00 | 22:30 | 08:00 | 23:30 | | |
| Wednesday | 08:00 | 22:30 | 08:00 | 23:30 | | |
| Thursday | 08:00 | 22:30 | 08:00 | 23:30 | | |
| Friday | 08:00 | 22:30 | 08:00 | 23:30 | | |
| Saturday | 08:00 | 22:30 | 08:00 | 23:30 | | |
| Sunday | 09:00 | 21:30 | 08:00 | 23:30 | | |
| Seasonal variations/ Non-standard timings: | Current: | | | | Proposed: | |
| | None. | | | | None. | |

| |
|--|
| 1-C Layout alteration |
| There are no proposed layout alterations |

| 1-D Conditions being varied, added or removed | | |
|---|-------------------|--------------------|
| Condition | | Proposed variation |
| No Change. | | No Change. |
| Adult entertainment: | Current position: | Proposed position: |
| | None. | None. |

2. Representations

| 2-A Responsible Authorities | |
|--|-------------------------------|
| Responsible Authority: | Metropolitan Police Service |
| Representative: | PC Toby Janes |
| Received: | 14 th January 2017 |
| <p>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>We have concerns that this application to vary the hours will cause further policing problems in an already demanding area.</p> <p>Police propose the following conditions:</p> <ol style="list-style-type: none"> 1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period 2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested | |

| | |
|-------------------------------|--|
| Responsible Authority: | Environmental Health Consultation Team |
| Representative: | Mr Maxwell Koduah |
| Received: | 13 th January 2017 |

This representation is based on the operating schedule and existing premises licence 10/10491/LIPN.

The applicant is seeking to:

1. Extend the sale of alcohol from 11:00 - 20:00 hours to 11:00 - 23:00 hours Monday to Sunday
2. Add the provision of Late Night Refreshment Monday to Sunday 23:00 to 23:30 hours

I wish to make the following representation

1. Extending the sale of alcohol by 3 hours will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area
2. Addition of Late Night Refreshment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area

The applicant has made reference to the existing Premises licence (10/10491/LIPN) conditions in support of the application which are being considered but do not fully address the concerns of Environmental Health.

| | |
|--|---|
| 2-B Other Persons | |
| Name: | Mr Gavin Bader |
| Address and/or Residents Association: | 41-43 Moreton Street London sw1v2ny |
| Received: | 30 th December 2016 |

We would like to strongly object to the licensing variation application by Khallouk & Taylor on the grounds of noise pollution and disruption.

Under the existing licence there is already significant noise and disturbance during the spring/summer months with customers sitting outside on the street. An extension of the sale of alcohol will only exacerbate this situation. A later liquor licence would not be suitable for this quiet residential area.

3. Policy & Guidance

| | |
|--|---|
| The following policies within the City Of Westminster Statement of Licensing Policy apply: | |
| Policy HRS1 applies | (i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies. |
| Policy RNT1 applies: | Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1. |
| Policy PB1 applies: | Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1. |
| Policy FFP1 applies: | Applications will only be granted if it can be demonstrated that the proposal meets relevant criteria in Policies CD1, PS1, PN1 and CH1. |

4. Appendices

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

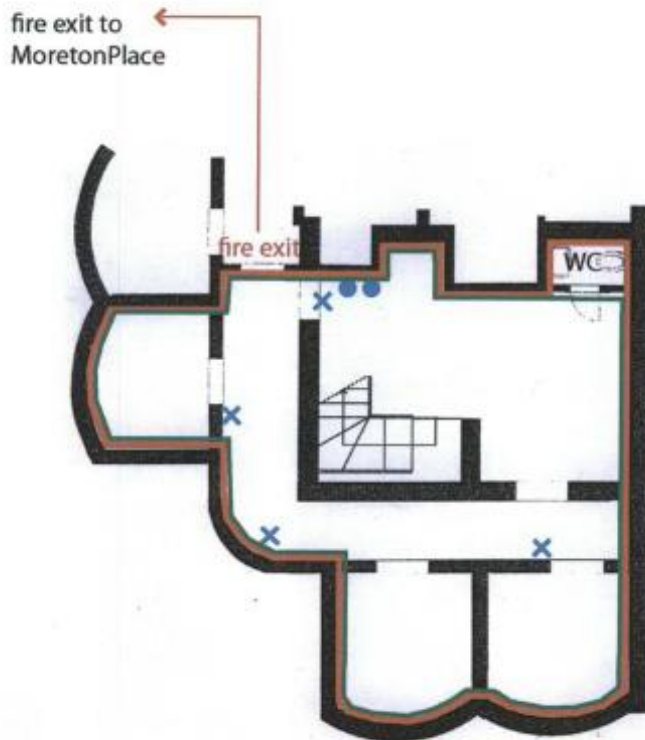
| | |
|-----------------------|---|
| Report author: | Miss Heidi Lawrance Senior Licensing Officer |
| Contact: | Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk |

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

| | | |
|----------|---|--------------------------------|
| 1 | Licensing Act 2003 | N/A |
| 2 | City of Westminster Statement of Licensing Policy | 7 th January 2016 |
| 3 | Amended Guidance issued under section 182 of the Licensing Act 2003 | March 2015 |
| 4 | Application Form | 22 nd December 2016 |
| 5 | Representation – Metropolitan Police Service | 14 th January 2017 |
| 6 | Representation – Environmental Health | 15 th January 2017 |
| 7 | Representation – Mr Gavin Bader | 30 th December 2016 |

Premises Plans



LEGEND:

- Denotes outline of premises
- Denotes area to be used for provision of late night refreshment and sale by retail of alcohol.

- 2 No. fire extinguishers
- ✕ Label "fire exit" and arrow

The position of fire and safety equipment as shown on the plan or such other position as agreed from time to time in consultation with the fire authority.

Note:

- 1 No. fire exit through ground floor entrance door to Moreton Street.
- 1 No. fire exit through basement fire exit to Moreton Place.

36 Moreton Street, London SW1

Plan Basement
Scale 1:100
Date 08.12.2010



LEGEND:

- Denotes outline of premises, including outside area.
- Denotes area to be used for provision of late night refreshment and sale by retail of alcohol.

Fixed structures:

- 1 Built-in serving counter
- 2 Built-in display counter
- 3 Built in seating, on raised area
H: 200mm from relative floor.

- 2 No. fire extinguishers
- ✕ Label "fire exit"

The position of fire and safety equipment as shown on the plan or such other position as agreed from time to time in consultation with the fire authority.

Note:

- 1 No. fire exit through ground floor entrance door to Moreton Street.
- 1 No. fire exit through basement fire exit to Moreton Place.

36 Moreton Street, London SW1

Plan Ground Floor
Scale 1:100
Date 08.12.2010

Applicant Supporting Documents

IN THE MATTER OF:

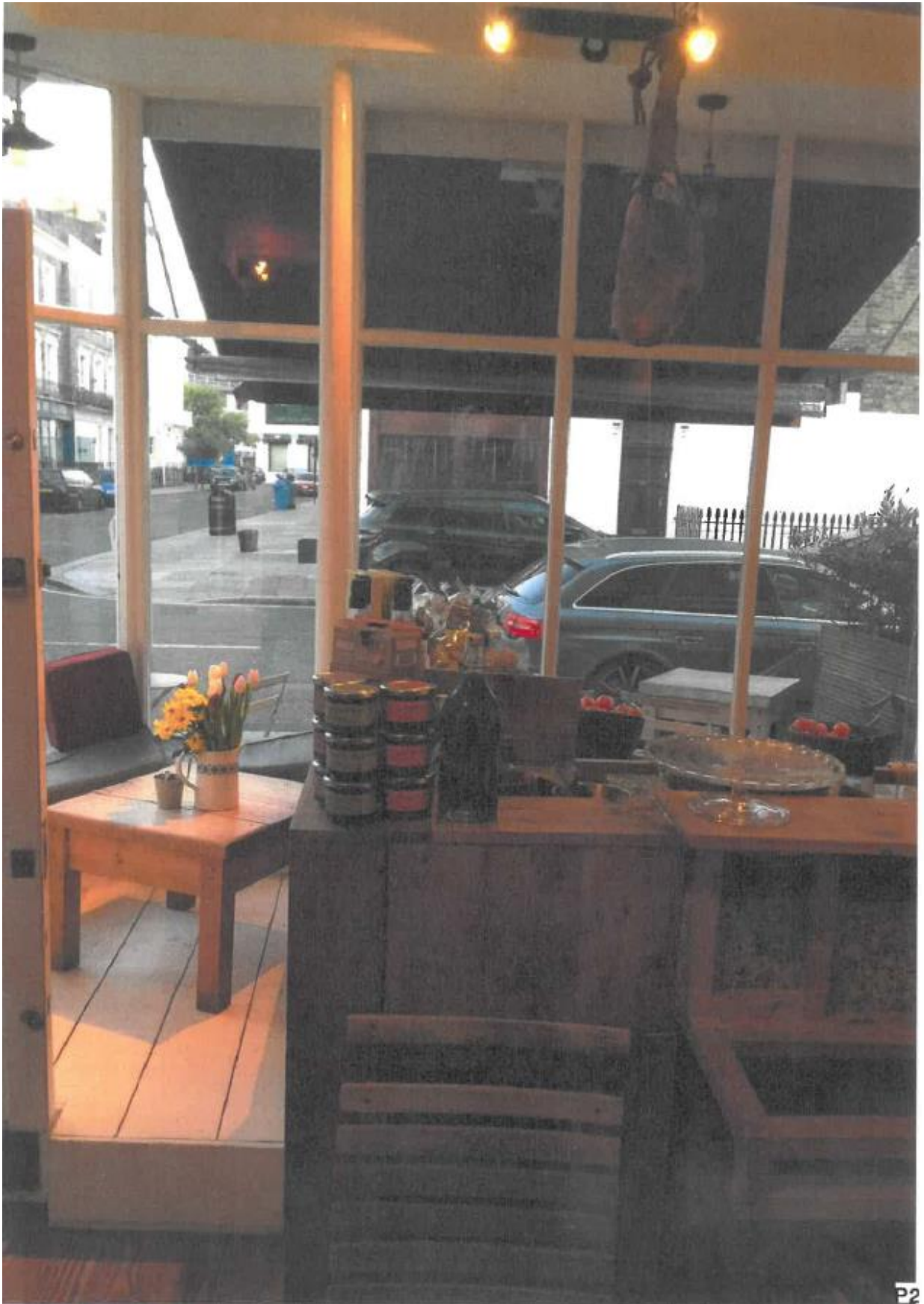
**AN APPLICATION FOR A VARIATION TO A PREMISES LICENCE UNDER SECTION 34 OF THE LICENSING ACT
2003**

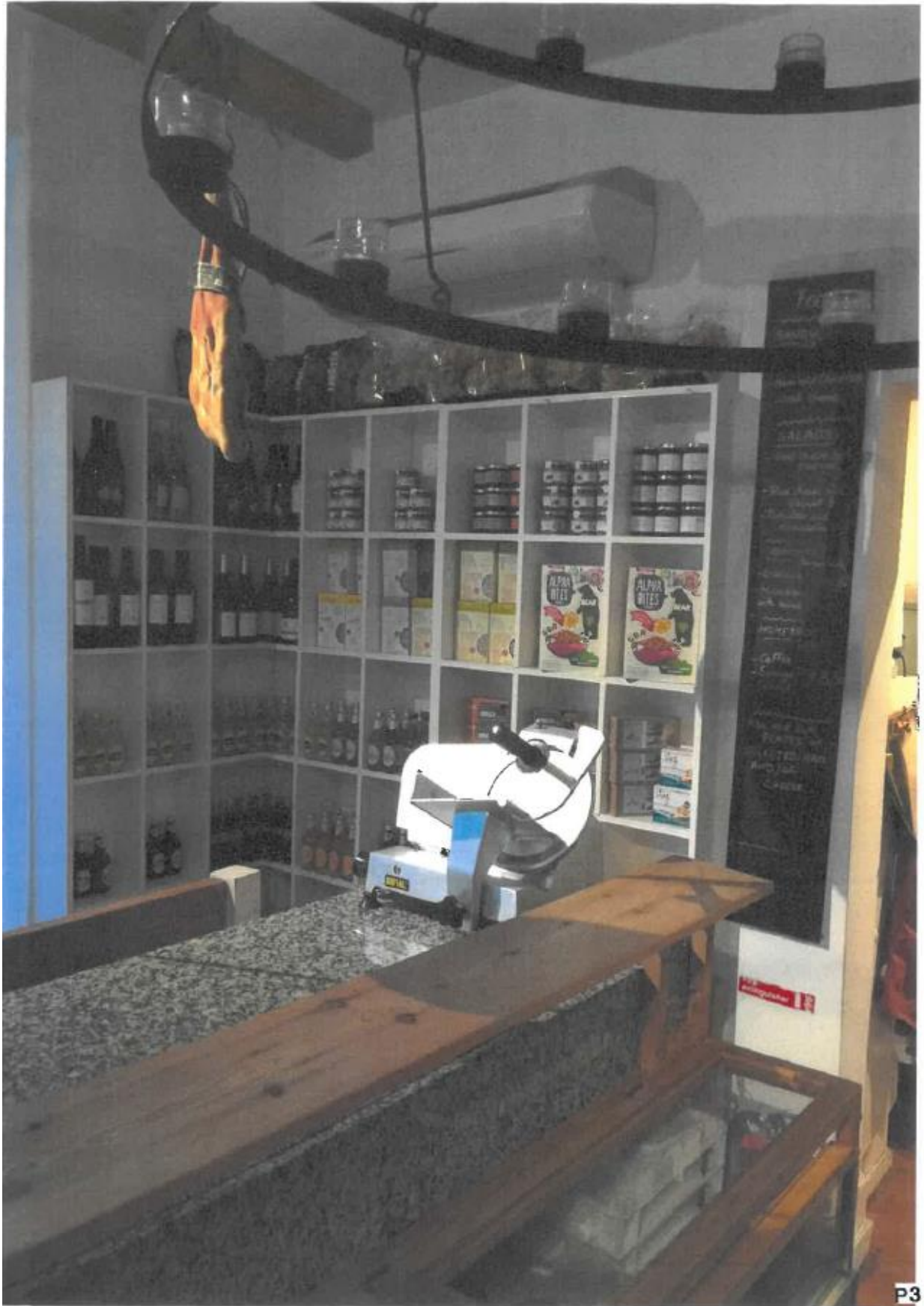
KHALLOUK & TAYLOR, 36 MORETON STREET, SW1V 2PD

**DOCUMENTS UPON WHICH THE APPLICANT WILL SEEK TO RELY AT THE HEARING SCHEDULED FOR THE
9th FEBRUARY 2017**

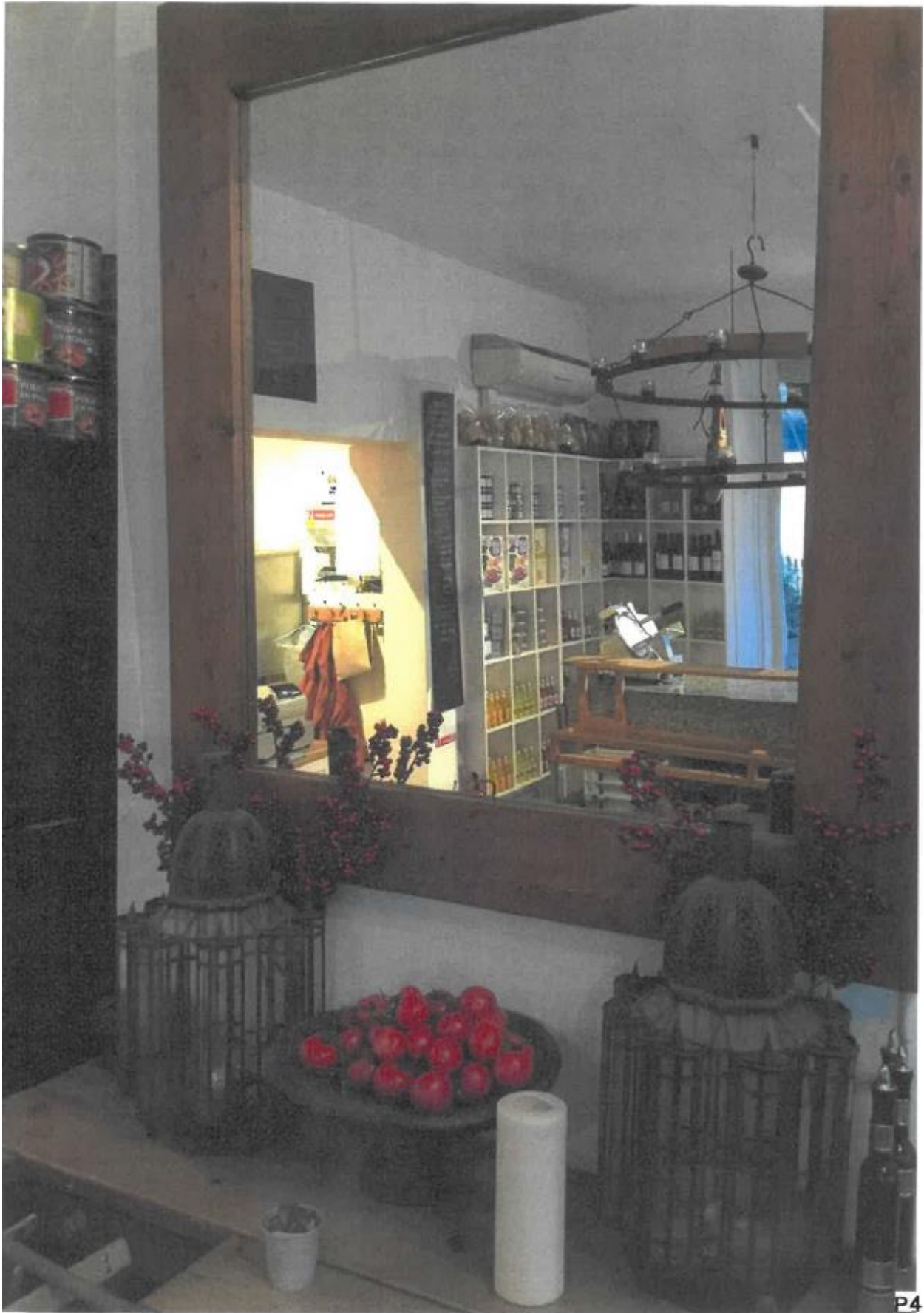
| | Page |
|--------------------------------|----------|
| 1. Photographs of the Premises | P1 - P6 |
| 2. Menus | P7 - P10 |
| 3. Petition | P11 -P19 |
| 4. Letter to resident objector | P20 |







P3



P4



P5



Khallouk & Taylor

Platters

| | |
|---|--------|
| Cheese platter with mango chutney and rosemary biscuits | £11.50 |
| Ham platter with olives and sun dried tomatoes | £13.50 |
| Chicken liver pate platter with rustic bread | £9.50 |
| Smoked salmon platter with crème fraiche, avocado and rye bread | £12.50 |

Quiches (Homemade)

| | |
|-----------------------------|-------|
| Salmon and asparagus quiche | £7.00 |
| Mushroom Quiche | £7.00 |
| Quiche Lorraine | £7.00 |

Salads (Homemade)

| | |
|--|-------|
| Super food: quinoa, broccoli, almond, pomegranate and avocado | £9.00 |
| Caprese: tomatoes, mozzarella and basil | £8.50 |
| Butternut squash, lentils, feta, red onions and pumpkin seed salad | £8.50 |
| Goat cheese and beetroot salad | £9.50 |
| Blue cheese and walnut salad | £9.50 |

Sandwiches (Homemade)

| | |
|-----------------|-------|
| Ham and brie | £4.50 |
| Ham and cheddar | £4.50 |
| Goat cheese | £4.50 |

Cakes (Homemade)

| | |
|---------------------------------------|-------|
| Victoria sponge: strawberry and cream | £3.50 |
| Coffee cake | £3.50 |
| Carrot cake | £3.50 |
| Lemon drizzle cake | £3.50 |
| Date and walnut cake | £3.50 |

Khallouk & Taylor

Drinks

| Red wines | 125 ml gls | 175 ml gls | Btl |
|---|------------|------------|--------|
| 2011 Capilla de Barro Malbec <i>Argentina</i> | | | £22.00 |
| 2011 Baron de Baussac Carignan <i>South of France</i> | | | £22.00 |
| 2013 Vina Carrasco <i>Chile</i> | | | £18.00 |
| Rosé wines | | | |
| 2011 Cuvee de Richard Rosé <i>South of France</i> | £4.70 | £6.50 | £19.00 |
| Domaine La Chautarde Rosé <i>South of France</i> | | | £22.00 |
| White wines | | | |
| 2012 Vina Carrasco Sauvignon Blanc <i>Chile</i> | £4.70 | £6.50 | £19.00 |
| 2011 Picpoul de Pinet Villemarin <i>South of France</i> | | | £22.00 |
| 2013 Baron de Baussac Viognier <i>France</i> | | | £22.00 |
| Sparkling wines | | | |
| Prosecco Corte Alta <i>Italy</i> | £6.50 | | £22.00 |
| Prosecco La Marca Treviso Extra Dry <i>Italy</i> | | | £27.00 |
| <i>J.de TELMONT champagne</i> | | | £38.00 |
| Beer | | | |
| Peroni Nastro Azzurro | | | £4.00 |
| Meantime London Lager | | | £3.90 |
| Pilsner Urquell | | | £3.50 |
| Aspall's Suffolk Draught | | | £5.50 |
| Bitburger | | | £4.00 |
| Asahi Super Dry | | | £4.00 |

Khallouk & Taylo
Drinks

| Soft drinks | Pot | Gls/mug | Btl |
|-------------------------------|-----|---------|-------|
| Strathmore Still water | | | £1.50 |
| Strathmore Sparkling Water | | | £1.50 |
| Fentimens Ginger Beer | | | £2.85 |
| Fentimens Lemonade | | | £2.85 |
| Fentimens Rose Lemonade | | | £2.85 |
| Fentimens Mandarin | | | £2.85 |
| Fentimens Dandelion & Burdock | | | £2.85 |
| Fentimens Shandy | | | £3.50 |
| Apple Juice | | | £2.85 |
| Belvoir Elderflower | | | £2.85 |
| Freshly Squeezed Orange Juice | | | £3.50 |
| Homemade Fruit Smoothies | | | £4.00 |
| Hot drinks | | | |
| Cappuccino | | | £2.80 |
| Latte | | | £2.80 |
| Mocha | | | £2.80 |
| Flat white | | | £2.90 |
| Americano | | | £2.40 |
| Single Espresso | | | £1.90 |
| Double Espresso | | | £2.20 |
| Pot of Tea | | | £2.50 |
| Moroccan Mint Tea | | | £3.00 |
| Hot Chocolate | | | £2.90 |

I am signing this petition to support the application by Lahcene Khalouk to extend the licensed hours for Khalouk and Taylor from 8pm to 11pm for the sale of alcohol 7 days a week, to extend opening hours from 10.30pm Mondays to Saturdays and 9.30pm on Sundays to 11.30pm 7 days a week and to license the premises to provide hot drinks such as coffee between 11pm and 11.30pm 7 days a week. The premises have traded for 12 years and have held an alcohol license for nearly 6 years without causing any problems or attracting any trouble in the local area. I have never experienced any nuisance or issues of crime and disorder associated with Khalouk and Taylor; indeed it is a great asset to the local community. I hope that the Committee will grant the application.

| Name | Address | Signature | Additional comments (if any) |
|-----------------|---------------------------------------|-------------|-----------------------------------|
| C. DOMINGUEZ | 201 N. GEORGE ST | [Signature] | Great local place! |
| M. DONOHUE | 107 St George Square | [Signature] | Really nice place like this open! |
| J. BARKER | 162 S. GEORGE ST | [Signature] | Really nice place like this open! |
| A. MATHIAS | 30 FORTY EIGHTS | [Signature] | |
| L. BATTIE | 9 LEITCHFIELD HOUSE, DUNDEE ST | [Signature] | |
| E. STANLEY | 80 THURSDAY STREET | [Signature] | |
| W. BARKER | 57 THURSDAY STREET | [Signature] | |
| J. M. BARKER | 57 THURSDAY ST | [Signature] | |
| S. BARKER | 132 THURSDAY ST | [Signature] | |
| DONALD BARKER | 67 THURSDAY ST | [Signature] | |
| Sharon Barker | Flat 1, 56 MILLBANK, LEITH DUNDEE | [Signature] | |
| DONALD BARKER | 10 MILLBANK, LEITH DUNDEE | [Signature] | |
| William Leung | 160 Thurburk Street, SWINBURNE | [Signature] | |
| A. Currie | 3A WILSON TERRACE SWINBURNE | [Signature] | |
| C. CONNOR | 1A WILSON TERRACE | [Signature] | |
| Christie Barker | 12 TOTTENHAM HOUSE, PAGE ST SWINBURNE | [Signature] | |
| P. BARKER | 12 TOTTENHAM HOUSE, PAGE ST SWINBURNE | [Signature] | |
| P. BARKER | 252 WILSON TERRACE SWINBURNE | [Signature] | |

I am signing this petition to support the application by Lahcene Khallouk to extend the licensed hours for Khallouk and Taylor from 8pm to 11pm for the sale of alcohol 7 days a week, to extend opening hours from 10.30pm Mondays to Saturdays and 9.30pm on Sundays to 11.30pm 7 days a week and to license the premises to provide hot drinks such as coffee between 11pm and 11.30pm 7 days a week. The premises have traded for 12 years and have held an alcohol license for nearly 6 years without causing any problems or attracting any trouble in the local area. I have never experienced any nuisance or issues of crime and disorder associated with Khallouk and Taylor; indeed it is a great asset to the local community. I hope that the Committee will grant the application.

| Name | Address | Signature | Additional comments (if any) |
|----------------|------------------------------|----------------|--|
| N. Bokorians | 16 Moreton Place | N. Bokorians | |
| A. BLANKES | 138 WAREWICK WAY | A. Blankes | The excellence of the neighbour hood |
| K. EVERTS | 248 Upper T. L. Brook Stn | K. Everts | It's the heart of the local community |
| L. BURN-SMITH | 380 CHALMERS STREET | L. Burn-Smith | Thank you for your support |
| A. LANGLET | 27A A. GARDENS SUMER | A. Langlet | We have it here! |
| W. SOFEREMA | 45 Moreton Street (C.T.) | W. Soferema | Great Local Community |
| S. REYNOLDS | 25 GARDEN CECILIA MAU | S. Reynolds | Great restaurant of the neighbourhood! |
| B. PASCARELLA | 12 MORETON PLACE SUNWAY | B. Pascarella | On site vote |
| A. J. ANDERSON | 12 ANDERSON PLACE SUNWAY | A. J. Anderson | Not sure if we are kept up! |
| L. O. ANDERSON | 15 ANDERSON PLACE SUNWAY | L. O. Anderson | Local place, please be open late |
| M. DAVISON | 87 Chalmers St. Sunway | M. Davison | |
| J. DAVISON | 74 St. Georges Square Sunway | J. Davison | |
| J. DAVISON | 24 St. Georges Square Sunway | J. Davison | |
| D. DAVISON | 180 Balfour Rd. | D. Davison | Support the local business |
| F. DAVISON | 97 Chalmers Street | F. Davison | |
| MAX DAVISON | 12 MORETON PLACE SUNWAY | Max Davison | BEST SPOT IN PITHVIC |
| M. DAVISON | 126 GELBANE ROAD SUNWAY | M. Davison | I LOVE THIS PLACE!! |

I am signing this petition to support the application by Lahcene Khalilouk to extend the licensed hours for Khalilouk and Taylor from 8pm to 11pm for the sale of alcohol 7 days a week, to extend opening hours from 10.30pm Mondays to Saturdays and 9.30pm on Sundays to 11.30pm 7 days a week and to license the premises to provide hot drinks such as coffee between 11pm and 11.30pm 7 days a week. The premises have traded for 12 years and have held an alcohol license for nearly 6 years without causing any problems or attracting any trouble in the local area. I have never experienced any nuisance or issues of crime and disorder associated with Khalilouk and Taylor; indeed it is a great asset to the local community. I hope that the Committee will grant the application.

| Name | Address | Signature | Additional comments (if any) |
|----------------|-----------------------------------|-------------|---|
| Dina Gharago | 20 MURSTON PINE SWIV 2NP | [Signature] | A GREAT LOCAL VENUE! |
| [Signature] | 17, Moorway Rd. SW1 | [Signature] | A Great Place To Go |
| [Signature] | 21 Blackthorn Lane | [Signature] | Thank goodness for this fine asset to the |
| Manilla Ryan | 19 CLAVERTON ST SWIV SW1 | [Signature] | |
| KHALES BEID | 101, TATE ROAD SW1 | [Signature] | |
| PH DEVAIR | 21E LYMINGTON STREET SWIV 2NP | [Signature] | VERY WELL BEING AS A COMMUNITY |
| Colin Burgess | 2 NOVEN PLACE SWIV 2NP | [Signature] | GRAND PLACE FOR NIGHT LIFE IN THE AREA |
| Ethan Proulx | 2 MURSTON PINE SWIV 2NP | [Signature] | Spaced layout, good location |
| Christina | 2 MURSTON PINE SWIV 2NP | [Signature] | Licence to 11.30pm HEFT is the way!! |
| Way Poock | 13 CHESTNUT COVE CT SW18 3ST | [Signature] | WILL BEING OF GREAT USE |
| Sarah Chidley | 41, Vauxhall Bridge Road SW1V 2PA | [Signature] | |
| JAMES KIMM | 45A MURSTON PINE SWIV 2NP | [Signature] | KAT is the hub of the |
| Rosemary Hardy | 45A MURSTON PINE SWIV 2NP | [Signature] | Neighbourhood - A lovely place |
| ROBIN CLAY | 85 ST GERRARD'S SQUARE SW1V 2NP | [Signature] | GREAT NEIGHBOURHOOD VERY SAFE! |
| [Signature] | 211, TATE ROAD SW1V 2NP | [Signature] | Thank you for this great place! |
| [Signature] | 101, TATE ROAD SW1V 2NP | [Signature] | WILL BEING OF GREAT USE |

I am signing this petition to support the application by Lahcene Khalouk to extend the licensed hours for Khalouk and Taylor from 8pm to 11pm for the sale of alcohol 7 days a week, to extend opening hours from 10.30pm Mondays to Saturdays and 9.30pm on Sundays to 11.30pm 7 days a week and to license the premises to provide hot drinks such as coffee between 11pm and 11.30pm 7 days a week. The premises have traded for 12 years and have held an alcohol license for nearly 6 years without causing any problems or attracting any trouble in the local area. I have never experienced any nuisance or issues of crime and disorder associated with Khalouk and Taylor; indeed it is a great asset to the local community. I hope that the Committee will grant the application.

| Name | Address | Signature | Additional comments (if any) |
|---------------------|---------------------------------|-------------|--|
| N. Gibson | 32 Monrovia St SW1V | N. Gibson | Supportive of licence |
| Nicholas Gibson | 115 St George's St | [Signature] | Supportive of alcohol licence |
| MONSIEUR SEVENSON | 115 St George's Street | [Signature] | |
| Travis & SA | High Street - King's Head | [Signature] | Supportive of the licence |
| David Ingman | 3 B HITTLETON ROAD | [Signature] | Supportive of local business |
| Walter Summers | 65, High Street, London SE1 | [Signature] | |
| MAURICE SUMMERS | 118 High Street, London SE1 | [Signature] | |
| ALBERT MORGAN | 178 Princes St, SW1R 8NA | [Signature] | Supportive of licence |
| SIÂN HEWINGS | 17 E. HAMMERSMITH ROAD SW14 7NH | [Signature] | Supportive of licence for the area |
| SANDRIBOY | 368 MARKET ST | [Signature] | That premises has no issues |
| A. FEAT | 64-66 Curlew St SW1V 4QP | [Signature] | |
| F. ADAM | 66B CHARLTON ST SW1V 2NF | [Signature] | |
| R. NALSON | 12 MARLBOROUGH ST SW1V 2N8 | [Signature] | We all love the area and it is a great |
| G. NALSON | 12 MARLBOROUGH ST SW1V 2N8 | [Signature] | Community |
| C. MASON | 17, Market Terrace, SW1V 2NX | [Signature] | It's amazing! |
| Lorna Roper-Butcher | 8 Princes Street SW1V 2NX | [Signature] | Supportive of licence |
| VICTORIA JOHNSON | 110 St George's Street SW1V 2JG | [Signature] | Monrovia Cafe |

(7)

I am signing this petition to support the application by Lahcene Khallouk to extend the licensed hours for Khallouk and Taylor from 8pm to 11pm for the sale of alcohol 7 days a week, to extend opening hours from 10.30pm Mondays to Saturdays and 9.30pm on Sundays to 11.30pm 7 days a week and to license the premises to provide hot drinks such as coffee between 11pm and 11.30pm 7 days a week. The premises have traded for 12 years and have held an alcohol license for nearly 6 years without causing any problems or attracting any trouble in the local area. I have never experienced any nuisance or issues of crime and disorder associated with Khallouk and Taylor; indeed it is a great asset to the local community. I hope that the Committee will grant the application.

| Name | Address | Signature | Additional comments (if any) |
|-----------------|----------------------------------|--------------------|------------------------------|
| New House | 602 WINDING BRIDGE ROAD, SUDBURY | <i>[Signature]</i> | Lah. C. |
| The Old Rectory | 121 WINDING BRIDGE ROAD, SUDBURY | <i>[Signature]</i> | |
| The Old Rectory | 121 WINDING BRIDGE ROAD, SUDBURY | <i>[Signature]</i> | |
| The Old Rectory | 121 WINDING BRIDGE ROAD, SUDBURY | <i>[Signature]</i> | |
| The Old Rectory | 121 WINDING BRIDGE ROAD, SUDBURY | <i>[Signature]</i> | |
| The Old Rectory | 121 WINDING BRIDGE ROAD, SUDBURY | <i>[Signature]</i> | |
| The Old Rectory | 121 WINDING BRIDGE ROAD, SUDBURY | <i>[Signature]</i> | |
| The Old Rectory | 121 WINDING BRIDGE ROAD, SUDBURY | <i>[Signature]</i> | |
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| The Old Rectory | 121 WINDING BRIDGE ROAD, SUDBURY | <i>[Signature]</i> | |
| The Old Rectory | 121 WINDING BRIDGE ROAD, SUDBURY | <i>[Signature]</i> | |



I am signing this petition to support the application by Luhrne Khalouk to extend the licensed hours for Khalouk and Taylor from 2pm to 11pm for the sale of alcohol 7 days a week, to extend opening hours from 10:30pm Mondays to Saturdays, and 9:30pm on Sundays to 11:30pm 7 days a week, and to license the premises to provide hot drinks such as coffee between 11am and 11:30pm 7 days a week. The premises have traded for 12 years, and have held an alcohol license for nearly 6 years, without causing any problems or attracting any trouble in the local area. I have never experienced any nuisance or issues of crime and disorder associated with Khalouk and Taylor; indeed it is a great asset to the local community. I hope that the Committee will grant the application.

| Name | Address | Signature | Additional comments (if any) |
|-------------------|----------------------------------|-------------|--------------------------------------|
| M Rice | 12 TAYNEASH AVE KT16 9DE | [Signature] | EMERGENCY SERVICE DENIES LAST |
| K Hodgson | 204 Danvers St, 2011 | [Signature] | Love to have alls support in area |
| K Keshav | Flat 2, 41-43, Moreton St | [Signature] | Add so much to the street |
| A Arnold | 12 Bullion Place, SW1V 2AP | [Signature] | Good business, friendly & family |
| ARE AXWORTH | 12 DOXTON PLACE, SW1V 2AP | [Signature] | ADDS VALUE TO THE WILKINSON ROADHOOD |
| A. D. H. G. I. F. | 12 DOXTON PLACE, SW1V 2AP | [Signature] | Good business, friendly & family |
| S. J. J. J. J. | 49a Chesham Road, SW1V 2AP | [Signature] | is a very nice area, very friendly |
| N. G. G. G. G. | 19 Shabs House, Grosvenor Street | [Signature] | very friendly, very friendly |
| S. S. S. S. S. | 344 MORETON STREET, SW1V 2AP | [Signature] | very friendly, very friendly |
| B. B. B. B. B. | 15 Fink, Grosvenor, NE 9L7 | [Signature] | very friendly, very friendly |
| S. S. S. S. S. | 65a Street, SW1V 2AP | [Signature] | very friendly, very friendly |
| F. F. F. F. F. | 65a Street, SW1V 2AP | [Signature] | very friendly, very friendly |
| M. G. G. G. G. | 60a SOUTH COUSE, SW1V 2AP | [Signature] | very friendly, very friendly |
| S. S. S. S. S. | 54a Moreton St, SW1V 2AP | [Signature] | very friendly, very friendly |
| D. D. D. D. D. | 41/43, Moreton St, SW1V 2AP | [Signature] | very friendly, very friendly |
| L. L. L. L. L. | 62 Beating Street, SW1V 2EX | [Signature] | very friendly, very friendly |
| S. S. S. S. S. | 8, 51 Moreton Street, SW1V 2EX | [Signature] | very friendly, very friendly |
| D. D. D. D. D. | 62 Dorset Street, SW1V 2EX | [Signature] | very friendly, very friendly |

I am signing this petition to support the application by Lahcene Khallouk to extend the licensed hours for Khallouk and Taylor from 8pm to 11pm for the sale of alcohol 7 days a week, to extend opening hours from 10.30pm Mondays to Saturdays and 9.30pm on Sundays to 11.30pm 7 days a week and to license the premises to provide hot drinks such as coffee between 11pm and 11.30pm 7 days a week. The premises have traded for 12 years and have held an alcohol license for nearly 6 years without causing any problems or attracting any trouble in the local area. I have never experienced any nuisance or issues of crime and disorder associated with Khallouk and Taylor; indeed it is a great asset to the local community. I hope that the Committee will grant the application.

| Name | Address | Signature | Additional comments (if any) |
|--------------------|-------------------------------------|-------------|--|
| David [unclear] | 9 Vincent St, Brixton | [Signature] | Great business, 5 stars |
| [unclear] | 87 Green St, Brixton | [Signature] | Building that has been well looked after, a really nice place. |
| Steve Powell | 62 Denning Street, SW14 2JX | [Signature] | Supporting local business, great place to visit. |
| Christie [unclear] | 1, 41-43, The Green, SW14 2JX | [Signature] | Great place to visit. |
| David [unclear] | 102 Wood House, SW14 2JX | [Signature] | Great place to visit. |
| Ally [unclear] | [unclear] | [Signature] | Perfect |
| Nicola [unclear] | 1100A1 Tower Hill, Brixton, SW8 5JL | [Signature] | Great place to visit. |
| [unclear] | 100, South Wood, SW14 2JX | [Signature] | Great place to visit. |
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I am signing this petition to support the application by Lafcens Khalouk to extend the licensed hours for Khalouk and Taylor from 8pm to 11pm for the sale of alcohol 7 days a week, to extend opening hours from 10.30pm Mondays to Saturdays and 9.30pm on Sundays to 11.30pm 7 days a week and to license the premises to provide hot drinks such as coffee between 11pm and 11.30pm 7 days a week. The premises have traded for 12 years and have held an alcohol license for nearly 6 years without causing any problems or attracting any trouble in the local area. I have never experienced any nuisance or issues of crime and disorder associated with Khalouk and Taylor, indeed it is a great asset to the local community. I hope that the Committee will grant the application.

| Name | Address | Signature | Additional comments (if any) |
|-------------------|--|---|---------------------------------------|
| LARS E THURMER | 18 B LANS ST, SW1V 3DZ 10 PRINCE ST, MORSTON TOWN |  | |
| DAVIS | 720 Regent St, Dalry, S4 |  | THE LOCAL AUTHORITY'S DISTRICT OFFICE |
| | | | |
| | | | |
| | | | |
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I am signing this petition to support the application by Lahcene Khallouk to extend the licensed hours for Khallouk and Taylor from 8pm to 11pm for the sale of alcohol 7 days a week, to extend opening hours from 10.30pm Mondays to Saturdays and 9.30pm on Sundays to 11.30pm 7 days a week, and to license the premises to provide hot drinks such as coffee between 11pm and 11.30pm 7 days a week. The premises have traded for 12 years and have held an alcohol license for nearly 6 years without causing any problems or attracting any trouble in the local area. I have never experienced any nuisance or issues of crime and disorder associated with Khallouk and Taylor; indeed it is a great asset to the local community. I hope that the Committee will grant the application.

| Name | Address | Signature | Additional comments (if any) |
|------------------|-------------------------------|-------------------------|------------------------------|
| Lahcene Khallouk | 13, The Grange, 100, 100, 100 | <i>Lahcene Khallouk</i> | |
| Lahcene Khallouk | 13, The Grange, 100, 100, 100 | <i>Lahcene Khallouk</i> | |
| Lahcene Khallouk | 13, The Grange, 100, 100, 100 | <i>Lahcene Khallouk</i> | |
| Lahcene Khallouk | 13, The Grange, 100, 100, 100 | <i>Lahcene Khallouk</i> | |
| Lahcene Khallouk | 13, The Grange, 100, 100, 100 | <i>Lahcene Khallouk</i> | |
| Lahcene Khallouk | 13, The Grange, 100, 100, 100 | <i>Lahcene Khallouk</i> | |
| Lahcene Khallouk | 13, The Grange, 100, 100, 100 | <i>Lahcene Khallouk</i> | |
| Lahcene Khallouk | 13, The Grange, 100, 100, 100 | <i>Lahcene Khallouk</i> | |
| Lahcene Khallouk | 13, The Grange, 100, 100, 100 | <i>Lahcene Khallouk</i> | |

Hi Gavin

Thanks for sparing the time to talk to me the other evening. I wanted to try to understand your experiences and concerns because I don't want to do anything that could upset any of my neighbours. Since speaking to you there has been progress in relation to my application that I thought I should update you on.

As you know I requested the sale of alcohol until 11.00pm and the provision of refreshments until 11.30pm each evening. The Westminster Council Environmental Health Officer has approved my application subject to some conditions. He has said that no customers can eat or drink outside the deli after 11.00pm and he has stipulated that there must be no litter, night time deliveries or fumes that would cause a nuisance to neighbours. He has also added the following condition to the license "any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway". The effect of these conditions is that the outside area will be managed in an orderly fashion and after 11.00pm it will not be used by patrons at all.

Given my agreement to the above conditions there are now no objections from any statutory authorities or neighbours apart from yours. I hope that these conditions will give you confidence that my future activity will be managed in a responsible way. If you feel able to withdraw your objection on the basis of the above information you can do so by emailing hlawrance@westminster.gov.uk or licensing@westminster.gov.uk before 09.00 on 8 February. This would mean that the hearing would not need to proceed. If you would like to discuss anything further please call into the deli or phone me on 07595 908748.

Best wishes
Lahcene

P20

Licence & Appeal History

| Application | Details of Application | Date Determined | Decision |
|--------------------|--|------------------------|------------------------------------|
| 10/10491/LIPN | Application for a New Premises Licence | 24/03/2011 | Granted by Licensing Sub-Committee |

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

None

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

9. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
10. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
11. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.
12. 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;
 - (e) seizures of drugs or offensive weapons;
 - (f) any refusal of the sale of alcohol; and
 - (g) any visit by a relevant authority or emergency service.
13. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
14. All alcohol consumed inside the premises shall be by persons seated at tables. There shall be no vertical drinking.

15. No more than 15% of the sales area to be used at any one time for the sale, exposure for sale, or display of alcohol.
16. No alcohol shall be displayed for sale to the public at the premises except during the times at which the premises are licensed to make sales of alcohol.
17. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed where alcohol is on public display.
18. The supply of alcohol shall be by waiter or waitress service only.
19. Substantial food and suitable beverages other than intoxicating liquor shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
20. The number of persons accommodated at any one time (excluding staff) shall not exceed 25.
21. The supply of alcohol shall be limited to bottled beers, ciders and wine only.
22. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

EH suggest condition 22 to be replaced with:

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

23. All waste to be properly presented and placed out for collection no earlier than 30 minutes before the schedule collection times.
24. No refuse, including bottles, shall be moved, removed or transferred to or in outside areas between 19:00 to 08:00.
25. The area immediately outside the premises, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

EH suggest condition 25 to be replaced with:

During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business

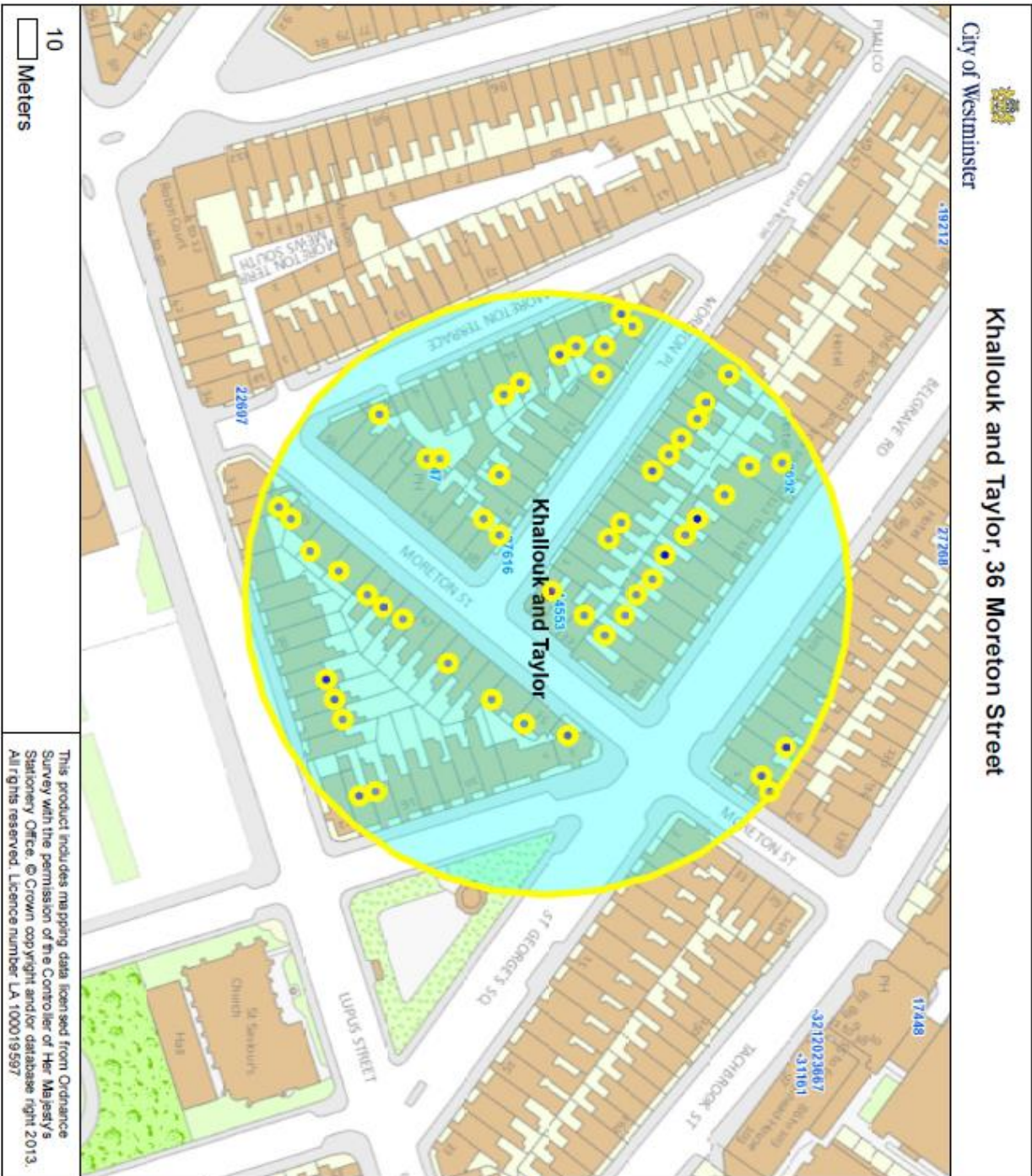
26. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

27. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

Conditions suggested by Environmental Health

28. No deliveries to the premises shall take place between **23.00** hours and **08.00** hours on the following day.
29. All tables and chairs shall be removed from the outside area by **23.00** hours each day.
30. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
31. 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.

Residential Map and List of Premises in the Vicinity



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| | |
|---|------|
| Residential / Proposed Residential | 79 |
| Under Construction | None |
| Other Uses | None |
| Proportion Residential of all Uses | None |
| Data Source: Uniform Database Date: 23/01/2017 | |

| Premises within 75 metres of: Khallouk and Taylor, 36 Moreton Street | | | |
|---|--|---|--|
| P/N | Name of premises | Premises Address | Licensed Hours |
| 447 | Pizza Express | 46 Moreton Street London SW1V 2PB | Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00 |
| 3692 | Holiday Inn Express London Victoria | 106-110 Belgrave Road London SW1V 1RB | Monday to Sunday 00:00 - 00:00 |
| 27616 | Pimlico Tandoori | 38 Moreton Street London SW1V 2PB | Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00 |

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