



City of Westminster

Committee Agenda

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

Meeting Date: **Thursday 29th June, 2017**

Time: **On the rising of Licensing Sub-Committee (6)**

Venue: **Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR**

Members: **Councillors:**

Tim Mitchell (Chairman)
Louise Hyams
Aziz Toki



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

Admission to the public gallery is by ticket, issued from the ground floor reception from 9.30am. 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. CAFE DYLAN DOG, 7 CRAVEN ROAD, W2

(Pages 1 - 18)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	Hyde Park Ward / not in cumulative impact area	Cafe Dylan Dog, 7 Craven Road, W2	New	17/03167/LIPN

2. PADDINGTON BARGES OPPOSITE HAMMERSMITH AND CITY LINE ENTRANCE TO PADDINGTON STATION, ADJACENT TO BISHOP'S BRIDGE ROAD, PADDINGTON CENTRAL

(Pages 19 - 50)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	Hyde Park Ward / not in cumulative impact area	Paddington Barges Opposite Hammersmith And City Line Entrance to Paddington Station, Adjacent to Bishop's Bridge Road, Paddington Central, W2	New	17/04082/LIPN

3. SIMPLE HEALTH KITCHEN, 48 BAKER STREET, W1

(Pages 51 - 74)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	Marylebone High Street Ward / not in cumulative impact area	Simple Health Kitchen, 48 Baker Street, W1	New	17/05008/LIPN

4. 57 BROADWICK STREET, W1

(Pages 75 - 92)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
4.	West End Ward / West End Cumulative Impact Area	57 Broadwick Street, W1	New	17/05023/LIPN

**Charlie Parker
Chief Executive
22 June 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.

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Item No:	
Date:	29 th June 2017
Licensing Ref No:	17/03167/LIPN - New Premises Licence
Title of Report:	Cafe Dylan Dog 7 Craven Road London W2 3BP
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 Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	27 March 2017		
Applicant:	Fatih Gaygusuz		
Premises:	Cafe Dylan Dog		
Premises address:	7 Craven Road London W2 3BP	Ward:	Hyde Park
		Cumulative Impact Area:	No
Premises description:	According to the application the premises will operate as a cafe and restaurant		
Premises licence history:	The premises does not benefit from a premises licence and there is no licence history.		
Applicant submissions:	None		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			On
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations/ Non-standard timings:		N/A					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations/ Non-standard timings:		N/A					
Adult Entertainment:		N/A					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Environmental Health Service

Representative:	Dave Nevitt
Received:	21 st April 2017

I wish to make Representations on the following grounds:
Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.

Responsible Authority:	The Metropolitan Police Service (Withdrawn)
Representative:	PC Toby Janes
Received:	26 th April 2017

Police, as a Responsible Authority, make a representation against the above application.
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.

We have concerns that this application will cause further policing problems in an already demanding area.

Police propose that the following conditions are added to your operating schedule as we believe they will address our concerns.

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

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

3. 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.

4. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) any faults in the CCTV system (f) any refusal of the sale of

alcohol (g) any visit by a relevant authority or emergency service.

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

6. The supply of alcohol shall be by waiter or waitress service only.

7. 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

2-B Other Persons	
Name:	Mrs Diane Choyce
Address and/or Residents Association:	48 Conduit Mews London W2 3RE
Received:	1 st May 2017
<p>7:22 PM on 01 May 2017 We object strongly to this application. We are surrounded by pubs and hotels all offering alcohol. We don't need any more. We are a small well kept Mews of family homes, which runs off Craven Road and very close to the restaurant seeking this application. Because we are quite hidden from the main road, we are constantly at the mercy of people who come into it late at night to sit around drinking, eating take-aways, smoking etc. Which time after number ends up with them urinating outside our homes, throwing-up into our planters and leaving all their debris behind for us to dispose of in the morning (since the street cleaners, active on Craven Road, pass across the top of Conduit Mews and rarely, if ever, come into it). And as if all this isn't bad enough, we have the added problem of drivers feeling at liberty to park on the yellow lines which run along all our homes. Making it difficult to get in and out of our garages and also results in the slamming of car doors, revving of engines, shouting and talking all hours of the night. We don't need any more problems than we already have. Please do not make things worse by granting this application. I think we, as tax paying residents, deserve much more consideration than patrons of this restaurant.</p>	
Name:	Ms Miriam Mulcahy
Address and/or Residents Association:	11 conduit mews London W2 3 re
Received:	1 st May 2017
<p>10:37 PM on 01 May 2017 I object to an alcohol license being given at no 7. This is a residential street and this will lead to late night taxis, amounts of noise and will change the nature of the mews as a residential area. There are many restaurants around. It would be a shame to change the nature of the mews which has a lot of families living there. I would urge you to consider refusing this license.</p>	
Name:	Miss Tania Franses

Address and/or Residents Association:		51 Conduit Mews London W2 3RE	
Received:	28 th April 2017		
<p>7:26 PM on 28 Apr 2017 I would definitely not like alcohol to be sold here as Craven Road is already full of many drunk people in the evening with all the nearby pubs.</p> <p>These people then smoke and gather on the corner of Conduit Mews and make a lot of noise (the sound comes to my house) and throw all their rubbish out there and their cigarette butts. All the rubbish cigarette butts then get blown down the slope in the road and finish up outside my house.</p>			
Name:	Mrs E Brookes		
Address and/or Residents Association:		43 Conduit Mews London W2 3RE	
Received:	2 nd May 2017		
<p>1:33 PM on 02 May 2017 I am writing to object to the proposals for the issuance of an additional alcohol licence for Craven Road. Westminster City Council has done much over the past years to improve the environment around Paddington Station, Praed Street and Craven Road for the benefit of residents and visitors alike but there is still more to be done. It is unfortunate that the unpleasant aspects of living in Paddington can be directly linked to the misuse of alcohol. The Conduit mews entrance is frequently used as a urinal, a place to be sick or as an area for soliciting and worse. Often the entrance is littered with food wrappers, empty bottles, smashed glass and debris from inebriated individuals resulting in numerous health hazards and forming an unwanted attraction for wildlife.</p> <p>The applicant is seeking to sell alcohol for 13 hours a day seven days and whilst they have outlined measures they propose to take on the premises for appropriate sales they have scant if any regard to what happens when their customers leave their premises. The introduction of alcohol completely changes the nature of what is a successful local cafe and turns it into another drinking establishment with food attached. It will increase the noise and footfall (and worse) along Craven Road causing detriment to the residents enjoyment. Paddington is not short of licenced premises - we do not need another. I would ask you respectfully to refuse this application.</p>			
Name:		John Zamit, Chairman SEBRA	
Address and/or Residents Association:		South East Bayswater Residents' Association (SEBRA) 2, Claremont Court Queensway LONDON W2 5HX	
Status:	Resident Association	In support or opposed:	Opposed
Received:	30 th April 2017		

SEBRA objects to this application of a Premises Licence at 7 Craven Road W2 on the grounds of potential nuisance / noise etc in neighbourhood and possibility of increase crime in the area and Paddington.

We want hours reduced on Sunday to tie in with WCC 'Core Hour' policy do that alcohol not sold till midday.

We want condition that sale of alcohol should be ancillary to customers taking substantial meal. with waiter/ waitress service to persons seated in premises (including any outside area)

Also we want condition that no deliveries or refuse/ recycling collections between 21.00 & 07.00 (partly offered in condition in application on rubbish collection)

We assume CCTV will have standard conditions asked for by police along with stand noise requirements etc by EH.

Trust condition will be agreed to ask customers to leave quietly, outside area kept clean & tidy, no A- Boards placed on public highway as these block free flow of pedestrians in this busy section of Craven Road very near to Paddington station etc

We believe no 'off sales' applied for but if there was would wish standard conditions re Challenge 21, no beer/ coder sold over 5.5% etc

We are happy to meet applicant and trust conditions could be agreed so that matter does not need to go to a licensing hearing.

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>
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4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents

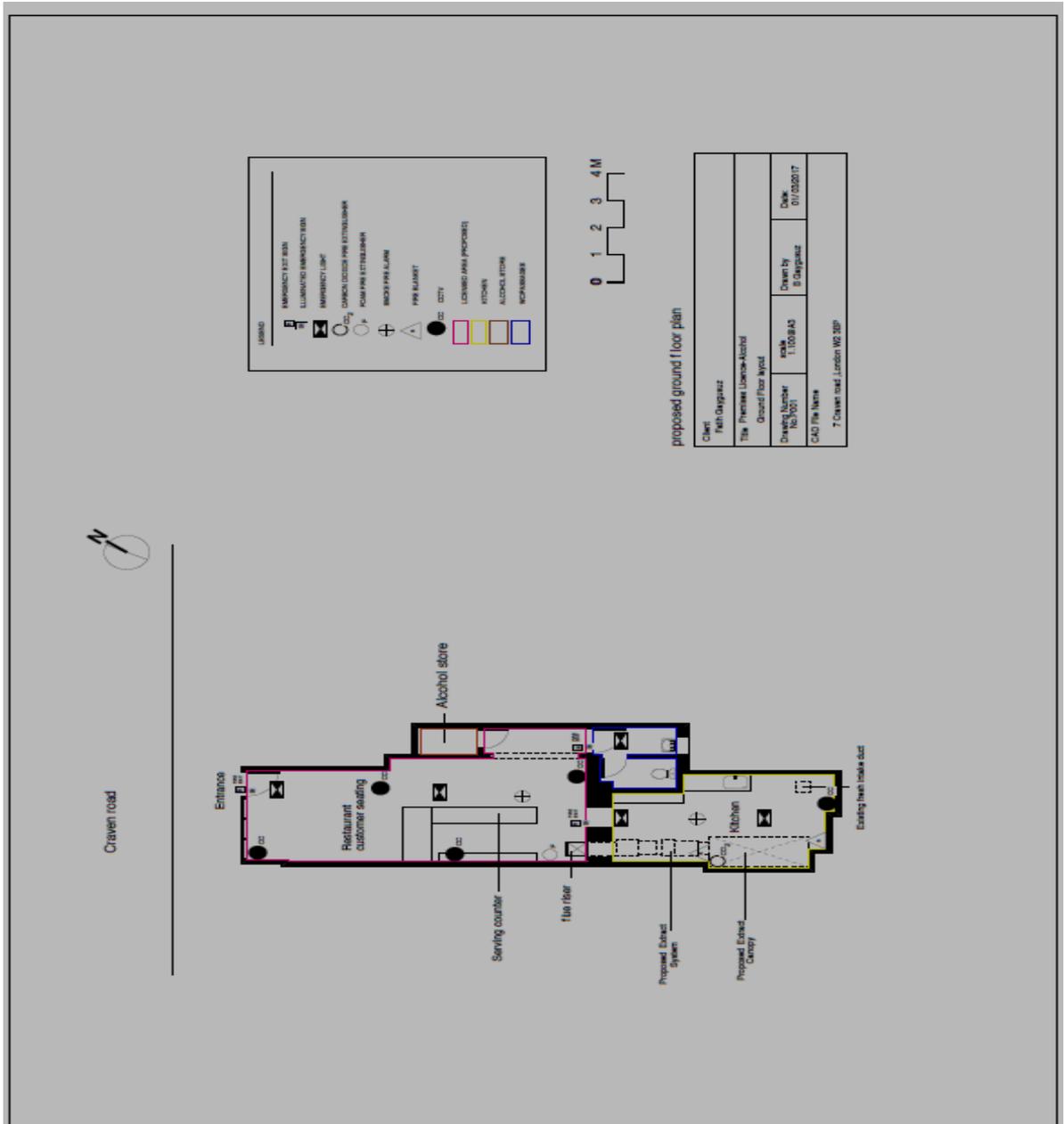
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1884 Email: ywade@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	27 th March 2017
5	The Environmental Health Service- Representation	21 st April 2017
6	The Metropolitan Police Service (Withdrawn)	26 th April 2017
7	Mrs Diane Choyce- Representation	1 st May 2017
8	Ms Miriam Mulcahy- Representation	1 st May 2017
9	Miss Tania Franses- Representation	28 th April 2017
10	Mrs E Brookes- Representation	2 nd May 2017
11	John Zamit, Chairman SEBRA- Representation	30 th April 2017



Applicant Supporting Documents
(none)

Appendix 2

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

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

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

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

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

Where -

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

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

Conditions consistent with the operating schedule

- 9. We will have strong management controls and excellent training of all our staff so that they are aware of the premises licence and the requirements to meet the four licensing objectives
- 10. No drunk and disorderly behavior on the premises area
- 11. Preventing the use and sale of illegal drugs at the retail area
- 12. No violent and anti-social behaviour tolerated by any one
- 13. The front of the premises shall be kept tidy at all times and be swept at close.
- 14. No deliveries will be received or rubbish removed from the premises between 21.00 & 07.00.
- 20. Any music played will only be played at background level.
- 21. A phone number for the premises shall be made available if required upon request to the police, any other responsible authority or any local resident to express any concerns caused by the operation of the premises. any complaints and the outcome will be recorded in the incident book.
- 22. Relevant notices will be prominently displayed by the entry/ exit door and point of sale as appropriate– see section b condition 6 for full details.
- 23. We will train staff about requirement for persons' identification, age establishment and so on.
- 24. Written training records will be kept for all staff members and made available to police or authorised council officers on request.

25. Unless an epos system with an automatic proof of age check reminder incorporated in it is in use a manual prompt will be displayed by the till(s) to remind staff to check proof of age where appropriate.

Conditions proposed by the Police and agreed by Applicant so as to be incorporated into the operating schedule

26. 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.
27. 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.
28. 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.
29. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) any faults in the CCTV system (f) any refusal of the sale of alcohol (g) any visit by a relevant authority or emergency service.
30. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
31. The supply of alcohol shall be by waiter or waitress service only.
32. 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.

Conditions proposed by the Environmental Health

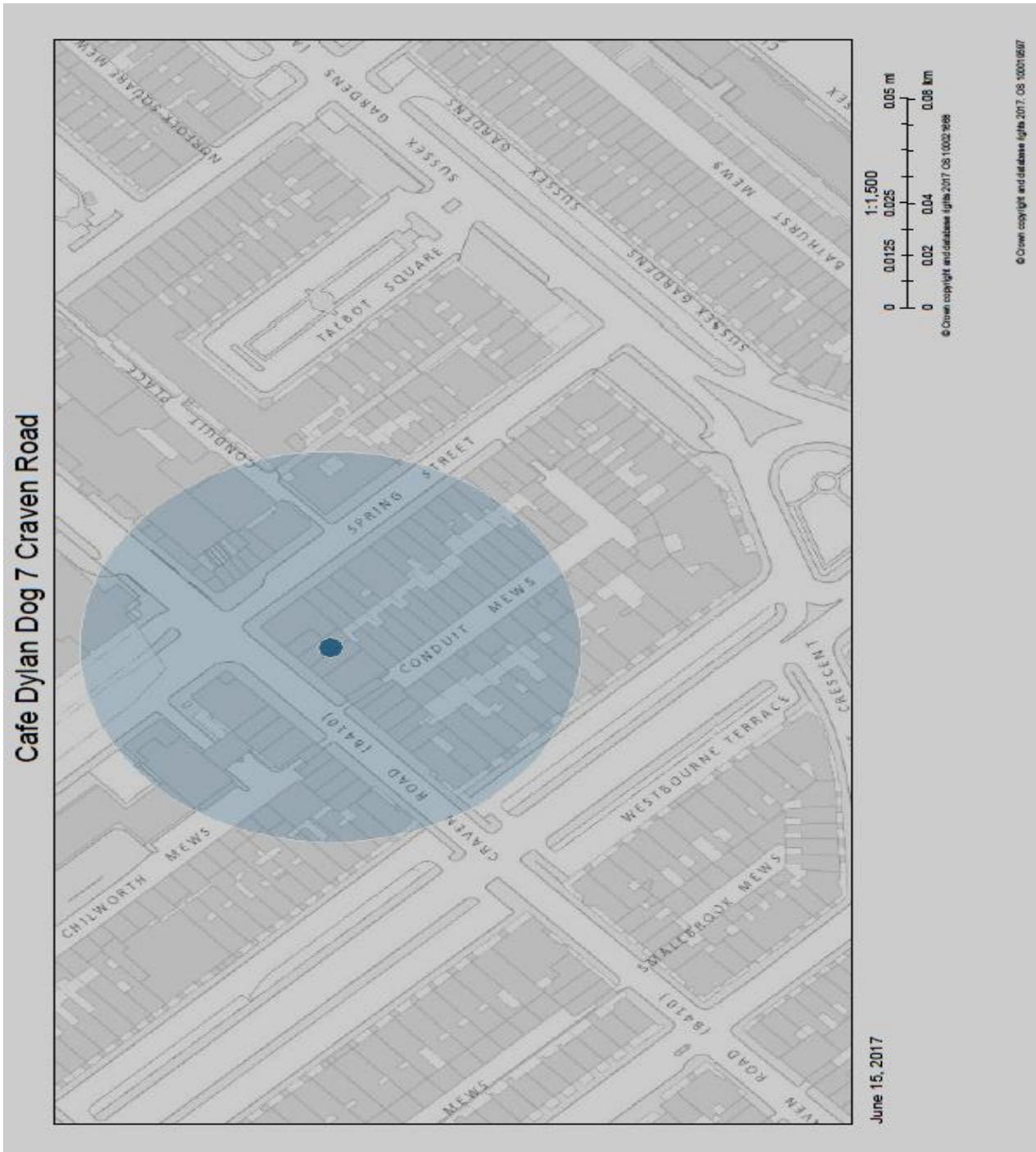
33. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

34. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
35. All outside tables and chairs shall be rendered unusable or brought inside by (23.00) each day.
36. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
37. 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.
38. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 24 persons.
39. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

Additional conditions requested by SEBRA

40. Sale of alcohol should be ancillary to customers taking substantial meal with waiter/ waitress service to persons seated in premises (including any outside area)
41. No deliveries or refuse/ recycling collections between 21.00 & 07.00 (partly offered in condition in application on rubbish collection)
42. Customers to leave quietly, outside area kept clean & tidy, no A- Boards placed on public highway as these block free flow of pedestrians in this busy section of Craven Road very near to Paddington station etc

Residential Map and List of Premises in the Vicinity



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Item No:	
Date:	29 th June 2017
Licensing Ref No:	17/04082/LIPN - New Premises Licence
Title of Report:	Paddington Barges Opposite Hammersmith And City Line Entrance to Paddington Station Adjacent to Bishop's Bridge Road Paddington Central London W2 6BA
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 Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	19 April 2017		
Applicant:	Daisy Green Food Limited		
Premises:	Paddington Barge Opposite Hammersmith And City Line Entrance		
Premises address:	Paddington Central Bishop's Bridge Road London W2 6BA	Ward:	Hyde Park
		Cumulative Impact Area:	No
Premises description:	According to the application the premises will operate as a cafe/bar situated on two barges.		
Premises licence history:	The premises does not have a premises licence and there is no licensing history		
Applicant submissions:	(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	
End:	23:30	23:30	23:30	23:30	23:30	23:30	
Seasonal variations/ Non-standard timings:		On Sundays prior to Bank holidays 23:00-23:30 standard timings:					

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

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		On Sundays prior to Bank holidays 08:00-00:00					

Adult Entertainment:	N/A
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2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Environmental Health Service
Representative:	Anil Drayan
Received:	15 th May 2017

I refer to the application for a new premises licence for the above premises.

The following plans have been submitted in support of the application, references:

- **Location, Project Lady Green, revision P**
- G. Floor and Basement Licensing, Project Lady Green, revision M

The applicant is seeking the following licensable activities:

1. Supply of Alcohol for 'On' and 'Off' the premises, Monday to Thursday from 10:00 to 23:30 hours, Friday and Saturday from 10:00 to 00:00 hours, Sunday from 12:00 to 22:30 hours on Sundays prior to bank holidays 12:00 to 00:00 hours
2. Provision of Late Night Refreshment 'Indoors', Monday to Thursday from 23:00 to 23:30 hours, Friday and Saturday from 23:00 to 00:00 hours and on Sundays prior to bank holiday 23:00 to 23:30 hours

I wish to make the following representations based on the plans and operating schedule submitted:

1. The Supply of Alcohol 'On' and 'Off' the premises and for the hours requested may have the effect of increasing Public Nuisance in the area.
2. The Provision of Late Night Refreshment may have the effect of increasing Public Nuisance in the area.

Environmental Health also makes the following comments:

- An extensive list of conditions has been offered in the operating schedule and these are under consideration.
- The provision of sanitary accommodation for any proposed capacity should be in line with the minimum standards outlined in British Standard 6465, as amended.

In addition, premises that are food led should also be providing sanitary accommodations that are separate from that provided for the public so as to be in compliance with guidance to food hygiene legislation.

- It is unclear from the application if the premises have already undergone refurbishment for the proposed use and will in any case need to be inspected for Public Safety prior to public use.
- Please note Environmental Health shall recommend a capacity for the premises based on whichever gives the lower figure from the provision of sanitary accommodation and the safe capacity as determined under the Technical Standards for Places of Entertainment.
- The premises will also need to be assessed for its food preparation/cooking facilities in order to evaluate whether Public Nuisance may arise from odour and/or the operation of any plant and machinery.

Representations are therefore made on Public Nuisance and Public Safety grounds and the applicant is requested to contact the undersigned to arrange a site visit to discuss all these issues after which Environmental Health may propose additional conditions to allay its concerns.

Responsible Authority:	The Licensing Authority
Representative:	Mr David Sycamore
Received:	17 th May 2017

I write in relation to the application submitted for a new 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

As the application currently stands we are concerned that this premises could operate as bar as there is no requirement for customers to have alcohol ancillary to a table meal. It is unclear from the plans where the waitress and waiter service of alcohol will take place over a bar/counter.

We are also concerned how many external table and chairs there will be as no figure is currently given on the applicants supporting documents. Whilst there is a capacity figure for 'IN' the premises it is not proposed to limit the number of people using the external areas. We note the premises will operate as a 'cafe' but there are no definitions on how this will be determined such as alcohol will only be supplied with a table meal.

It is unclear as to whether the barge will operate at any point along the canal or whether it will be in a fixed location. If the barge operates as cruise boat this will raise further concerns around the objectives of public nuisance and public safety. We would request to see the

appropriate safety certificates from the Canal and River Trust or other appropriate agency to certify the barge is safe to operate as requested, even if it is to be in a fixed location.

Please accept this as an objection, but I will be minded to withdraw if information is provided to me that deals with the points raised above. I also feel it is appropriate the I attend the site and barge to address my concerns.

2-B Other Persons	
Name:	Elizabeth Virgo
Address and/or Residents Association:	4 Browning House 19-21 Formosa Street London W9 2JS
Received:	12 th May 2017
<p>We could not see anything which was obviously the barge for this application anywhere near the H&C Line entrance. We do not believe this description matches the barge called London Shell Co opposite Smiths, which is not permanently moored. It is therefore is so difficult to gauge impact, but in principle we have concerns over the length of hours requested in this location, with considerable development still to come.</p> <p>We do not feel that the two statements suggested that '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' and 'The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a café' are sufficient, and would prefer that alcohol is clearly subsidiary to food . If table service is physically possible then alcohol should be served with substantial food.</p> <p>Servicing should not be allowed after 22.00.</p> <p>We are sure that, with appropriate conditions relating to table meals, this matter is capable of being resolved prior to a hearing. We would welcome dialogue with the applicant, particularly if they are minded to propose further conditions to address the matters we have raised.</p>	
Name:	Mr John Zamit - SEBRA
Address and/or Residents Association:	South East Bayswater Residents' Association (SEBRA) 2, Claremont Court Queensway LONDON W2 5HX
Received:	16 th May 2017
<p>The South East Bayswater Residents' Association (SEBRA) fully supports objection from PW&MV Society</p> <p>We are particularly concerned as to noise nuisance from customers on the barge and arriving or leaving area - passing residential buildings or in residential hinterland</p> <p>We believe that sale of alcohol should be ancillary to taking substantial food and hours applied for should be reduced.</p>	

3. Policy & Guidance

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

4. Appendices

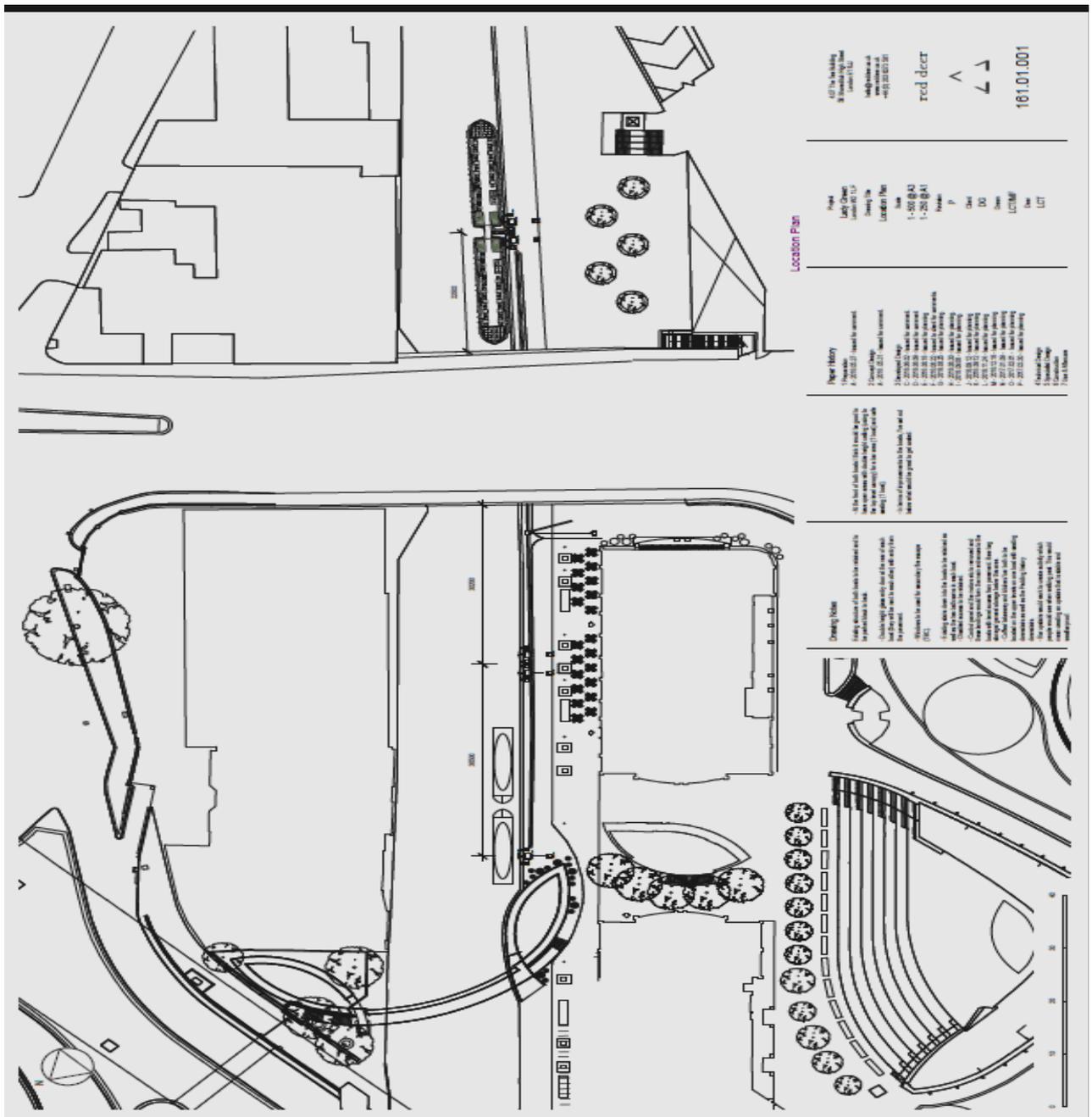
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Further Comment received from Mr Richard Brown on behalf of Mr John Zamit (SEBRA) and Mrs Elizabeth Virgo (PWMVS)
Appendix 5	Proposed conditions
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1884 Email: ywade@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	19 th April 2017
5	The Environmental Health Service- Representation	15 th May 2017
6	The Licensing Authority- Representation	17th May 2017
7	Elizabeth Virgo- Representation	12th May 2017
8	Mr John Zamit- SEBRA- Representation	16th May 2017



Application for Premises Licence

Paddington Barges, Paddington Central

APPLICATION SUMMARY

Proposed Hours

Sale of Alcohol	Monday – Thursday: 10:00 – 23:30 Friday and Saturday: 10:00 – 00:00 Sunday: 12:00 – 22:30
Late Night Refreshment:	Monday – Thursday: 23:00 – 23:30 Friday and Saturday: 23:00 – 00:00
Opening Hours	Monday – Thursday: 10:00 – 23:30 Friday and Saturday: 10:00 – 00:00 Sunday: 12:00 – 22:30

Proposed Conditions

1. 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.
2. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a café
3. There shall be no self-service of alcohol on the premises.
4. All sales of alcohol for consumption off the premises shall be in sealed containers only, unless consumed in an area shown on the approved plan.
5. The supply of alcohol at the external seating area of the premises shall be by waiter or waitress service to a person seated.
6. 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.
7. 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.
8. All outside tables and chairs shall be removed or rendered unusable by 21.00 hours Sunday to Wednesday and 22:30 hours Thursday to Saturday.
9. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
10. The number of persons permitted in the premises at any one time (including staff) shall not exceed [] persons.

11. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
13. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.
14. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) on the following day.
15. 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.
16. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
17. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
18. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - a. all crimes reported to the venue
 - b. all ejections of patrons
 - c. any complaints received concerning crime and disorder
 - d. any incidents of disorder
 - e. all seizures of drugs or offensive weapons
 - f. any faults in the CCTV system, searching equipment or scanning equipment
 - g. any refusal of the sale of alcohol
 - h. any visit by a relevant authority or emergency service.
19. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises are constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority.



City of Westminster

Your ref: MISS ISABEL JEANS

My ref: 16/02946/FULL

**Please
reply to:**

Tel No:

Rupert Handley

020 7641 2497

Mr Adam Kindred
CBRE
Henrietta House
Henrietta Place
London
W1G 0NB**Development Planning**
Westminster City Council
PO Box 732
Redhill, RH1 9FL

18 October 2016

Dear Sir/Madam

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

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

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

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

SCHEDULE**Application No:** 16/02946/FULL**Application Date:** 01.04.2016**Date Received:** 01.04.2016**Date Amended:** 01.04.2016**Plan Nos:** Operational Management Strategy - Revision A; Letter dated 22 September 2016 from CBRE; 161.01.001 Revision K; 161.01.002 Revision K; 161.01.003 Revision K; BLPB-113; 001 Water Chariot Plans.**Address:** Moorings Opposite Hammersmith And City Line Station Adjacent To, Bishop's Bridge Road, London,**Proposal:** Use of two moorings opposite the Hammersmith and City line entrance to Paddington Station to provide one boat as a cafe/exhibition space (Use Class Sui Generis) and one boat as dual retail/restaurant (Class A1/A3). Associated installation of additional seating and railings on the roof of both vessels.

See next page for conditions/reasons.

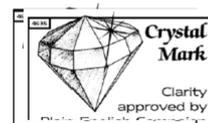
Yours faithfully

John Walker
Director of Planning

Note: As the requirements of the Building Regulations may affect the design of the proposed development our Building Control team can offer advice and guidance at an early stage. If you would like to take advantage of this service please contact them on 020 7641 6500 or email districtsurveyors@westminster.gov.uk to arrange a preliminary discussion.

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- The terms 'us' and 'we' refer to the Council as local planning authority.



Condition(s):

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

Reason:

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

- 2 Customers shall not be permitted within the boat premises before 07:00 or after 23:00 on Monday to Saturday (not including bank holidays and public holidays) and before 08:00 or after 22:30 on Sundays, bank holidays and public holidays. (C12BD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 3 You must not play live or recorded music which can be heard when outside the boats.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 4 You must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the A3 use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 5 A maximum of 54 covers within the restaurant boat and 28 covers within the cafe boat and a further 18 covers externally to each boat (total of 36 external covers) will be provided. In addition to this maximum capacity, an additional 10% will be allowed within the restaurant boat for patrons to wait within a designated bar/waiting area until their table within the main dining areas becomes available.

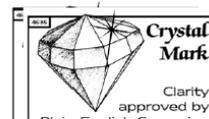
Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and TACE 8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 6 You must not put structures such as canopies or umbrellas on the roof terrace.

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Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 7 You must apply to us for approval of detailed drawings of the following parts of the development - how the roof of the boats will be accessed. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 8 You shall service the moorings and manage waste disposal and storage in accordance with the Operational Management Strategy - Revision A. Trolleys used to transport goods and waste shall be fitted with rubber wheels. All servicing must take place between 08:00 and 18:00 Monday to Sunday.

Reason:

To avoid blocking the surrounding streets and highway and to protect the local environment as set out in S42, S44 of Westminster's City Plan (July 2016) and STRA 25, ENV 12, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

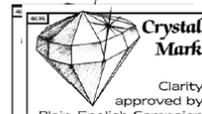
- 9 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a

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further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 10 The uses allowed by this permission can continue until 18 October 2021. After that, the use/s must end and you must remove the boats.

Reason:

So that we can assess the effect of the uses and make sure it meets policies DES 13 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R03CB)

- 11 You must apply to us for approval of detailed drawings of the following parts of the development:

- The railings around the perimeter of the roofs of each boat; and
- The artwork to be provided on each boat.

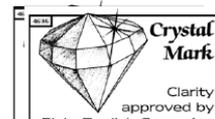
You must then carry out the work according to these detailed drawings.

Reason:

To make sure that the appearance of the boats are suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we

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adopted in January 2007. (R26AD)

Informative(s):

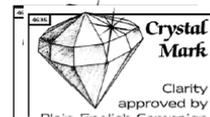
- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The applicant/developer should refer to the current "Code of Practice for Works affecting the Canal & River Trust" to ensure that any necessary consents are obtained (<https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-and-our-code-of-practice>).

The applicant/developer is advised that the proposed development requires written consent from the Canal & River Trust, and they should contact the Canal & River Trust's Estates Surveyor, Martin Hime (martin.hime@canalrivertrust.org.uk) regarding the required agreement.

- 3 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 4 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 5 You may need separate licensing approval for the restaurant premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)
- 6 You are reminded that this permission does not authorise the placing of tables and chairs on the canal towpath. Any proposal to place tables and chairs will require a separate application for planning permission.
- 7 The installation of any heating/cooling plant will require a further application for planning permission.
- 8 You may need separate licensing approval for the restaurant premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)
- 9 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the eastern boat can change between the A1/A3 uses we have approved for 10 years without further planning permission. However, the actual use

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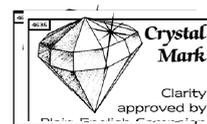


10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)

- 10 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)

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City of Westminster

TOWN AND COUNTRY PLANNING ACT 1990 PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

Applicant's Rights and General Information

1. Applicant's Rights (refusals and conditional approvals)

a) Appeals to the Planning Inspectorate

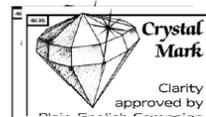
If your application has been **refused** by the City Council or **granted subject to conditions** that you are not happy with, you have the right to appeal to the Planning Inspectorate (under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990). The Planning Inspectorate is an Executive Agency reporting to the Secretary of State for Communities and Local Government.

The time limits for submitting an appeal may vary. The period after the date of the City Council's decision within which an appeal must be received by the Secretary of State is:

- **28 days** in the case of an appeal against refusal of a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice.
- **8 weeks** in the case of an appeal against refusal of advertisement consent.
- **12 weeks** in the case of appeals made under s78(1) against refusal of any 'householder application' – that is,
 - refusal of an application for planning permission to alter or extend a house, or for works within the curtilage of a house.
 - Refusal to approve details submitted as required by a condition imposed on a permission granted for a householder application.
 - Refusal of prior approvals relating to dwelling houses, including the neighbours' consultation scheme for larger home extensions under Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order.
- **12 weeks** in the case of 'minor commercial applications that is,
 - refusal of an application for development of an existing building or part of a building currently in use for any purposes in Classes A1, A2, A3, A4 and A5 where the proposal does not include a change of use, a change to the number of units, development that is not wholly at ground floor level and/or does not increase the gross internal area of the building.
 - Interested parties have no right to comment on an appeal with regards to a minor commercial development (specifically a shopfront).
- **6 months** in the case of all other appeals made under s78(1) or s20 of the above Acts relating to a decision on a planning application or listed building consent application. The 6 month time limit also applies to any appeal made under s78 (2) of the Act in respect of a failure to give a decision within the statutory period.

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If you want to appeal, you must use the correct appeal form from the following list: Planning, Householder, Minor Commercial, Listed Building Consent or Certificate of Lawful Use or Development.

The Planning Inspectorate has an online appeals service: www.planningportal.gov.uk/pcs. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the application form and associated documents and the completed appeal documents. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure that you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal. Alternatively, you can obtain a form from the **Customer Support Team, Planning Inspectorate, 3/08a, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN Tel: 0303 4440000**. An extension of time for lodging an appeal is unlikely to be granted except in special circumstances. There is a guide and other useful advice about appeals on line at www.planningportal.gov.uk/planning/appeals/online/makeanappeal

APPROVAL OF DETAILS:

If your application has been granted and is subject to the approval of details reserved by condition please use the form 'Application For Approval Of Details Reserved By Condition' in order to discharge the relevant details. This form can be downloaded from the City Council's web site at www.westminster.gov.uk/planning

b) Purchase Notices

In certain circumstances the owner of a property has the right to serve a Purchase Notice on the City Council or the Department for Communities and Local Government. A Notice may be served if, following a refusal or a conditional approval, the owner considers the land cannot be put to a reasonably beneficial use in either its existing state or through development which has or would be permitted. A Purchase Notice would require the City Council to purchase the owner's interest in the land in accordance with the relevant provisions of the Acts (Part VI of the Town and Country Planning Act 1990 and Sections 32-37 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

2. General information relating to all approvals

a) Other legislative requirements

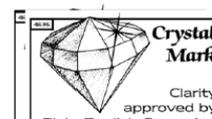
This decision has been made by the City Council as the local planning authority. You are reminded of the need to comply with other relevant regulations and statutory provisions and respect the rights of other owners/occupiers provided by relevant property legislation.

Transportation: If your proposal involves works which affect the public highway you should consult the City Council as Highways Authority. This includes works to, over or below any carriageway, footway or public forecourt. You should contact the Highways Planning Team by email highwaysplanning@westminster.gov.uk or telephone 020 7641 3326. If your proposal is related to paving works and/or is associated with an agreement under Section 106 of the Town and Country Planning Act 1990 please telephone: 020 7641 2920.

Highways Licensing: For general enquiries about temporary structures on the highway, such as hoardings, skips, the excavation and storage of materials on the highways, please telephone 020 761 2000.

Note:

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



Building Control: You are advised to contact Westminster District Surveyors immediately to find out whether your proposal will require consent under the Building Regulations: Tel: 020 7641 6500 Email :districtsurveyors@westminster.gov.uk.

Building Regulation forms and further information is available on the Council's web site: <http://www.westminster.gov.uk/services/environment/landandpremises/buildings/forms/>

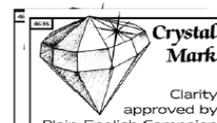
Land Drainage: Where major works are involved, Land Drainage Consent may be required under the Water Resources Act 1991 and Thames Region Land Drainage By Laws 1981. You are advised to contact the Environment Agency, Apollo Court ,2 Bishop's Square Business Park, St Albans Road West Hatfield AL10 9EX Tel: 03708 506 506 or email:enquiries@environment-agency.gov.uk.

b) Provision of access and facilities for disabled people

Designing new buildings and adapting existing buildings to meet the needs of people with disabilities results in a safer and more convenient environment for all. General advice is available from planning and building control officers who can also direct you to appropriate sources of technical/specialist advice.

Note:

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



There is no licence or appeal history for the premises

Appendix 4

Further Comment received from Mr Richard Brown on behalf of Mr John Zamit (SEBRA) and Mrs Elizabeth Virgo (PWMVS)

From: [licensing licensing](#)
To: [Wade, Yolanda: WCC](#)
Cc: ["John Zamit"; ELIZABETH VIRGO](#)
Subject: Paddington Barge - 17/04082/LIPN
Date: 21 June 2017 16:09:00

Hi Yolanda,

I am writing on behalf of SEBRA and PWMVS, both of whom have submitted representations in respect of this application. I understand that the hearing has been set for next Thursday 29 June.

There are a number of points which SEBRA and PWMVS wish to make in advance of the hearing.

- It is not entirely clear what the nature of the premises a) is proposed to be; and b) could potentially be under the licence as applied for. Clarification from the applicant would be appreciated. For instance, save for the external seating, there is no requirement for customers to be seated or for waiter/ess service.
- According to the planning permission 16/02946/FULL (attached) there are two separate barges. One has planning consent for a café/exhibition space (sui generis), and the other has planning consent for dual retail/restaurant (A1/A3). However, the licence application does not appear to reflect this.
- What will be the capacity on the licence? The planning permission stipulates 54 covers for the 'restaurant' boat and 28 covers for the 'café' boat, with an additional 18 external covers to each boat. SEBRA and PWMVS would not wish the licence capacity to be greater than this.
- Are the 'external' covers on the towpath?
- The applicant has not proposed any food-related conditions with the application, or following discussions. Accordingly, SEBRA and PWMVS assume that such condition(s) are not going to be proposed. This is concerning, as both are opposed to the premises being able to operate as a bar. The planning consent permits a further 10% in addition to the capacity for a 'holding bar'. However, what seems to be proposed by the applicant is permission for customers to drink without food. Although it is appreciated that a proportion of these customers will be eating too, the vagueness of the current conditions is concerning.
- The hours proposed in the application for customers to be on the premises are considered to be too late (and go beyond the planning permission).
- The hours proposed in the application for servicing are also considered to be too late (and go beyond the planning permission).
- There is residential in the immediate vicinity, and new residential under construction.

- Mrs Virgo of PWMVS has met with the applicant and discussed various matters, including a restriction on types of alcohol. Mrs Virgo was under the impression that the applicant would then revert to the objectors with some further proposals. Sadly, this has not yet happened.

Both SEBRA and PWMVS would be more than happy to discuss the application and any amendments which may be made with the applicant and their solicitor. Mr Zamit can be contacted at Chairman@SEBRA.org.uk and Mrs Virgo can be contacted at elizabethvirgo@btinternet.com

I should be grateful if you could include this email and the attachment in the LSC Report for the information of Members and the parties.

Appendix 5

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: pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

(b) "permitted price" is the price found by applying the formula- $P = D + (D \times V)$

Where-

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

or

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

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

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

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

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

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

Conditions consistent with the operating schedule

9. 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.
10. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a cafe
11. There shall be no self-service of alcohol on the premises.
12. All sales of alcohol for consumption off the premises shall be in sealed containers only, unless consumed in an area shown on the approved plan.
13. The supply of alcohol at the external seating area of the premises shall be by waiter or waitress service to a person seated.
14. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
15. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
16. All outside tables and chairs shall be removed or rendered unusable by 21.00 hours Sunday to Wednesday and 22:30 hours Thursday to Saturday.
17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

18. The number of persons permitted in the premises at any one time (including staff) shall not exceed [] persons.

19. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

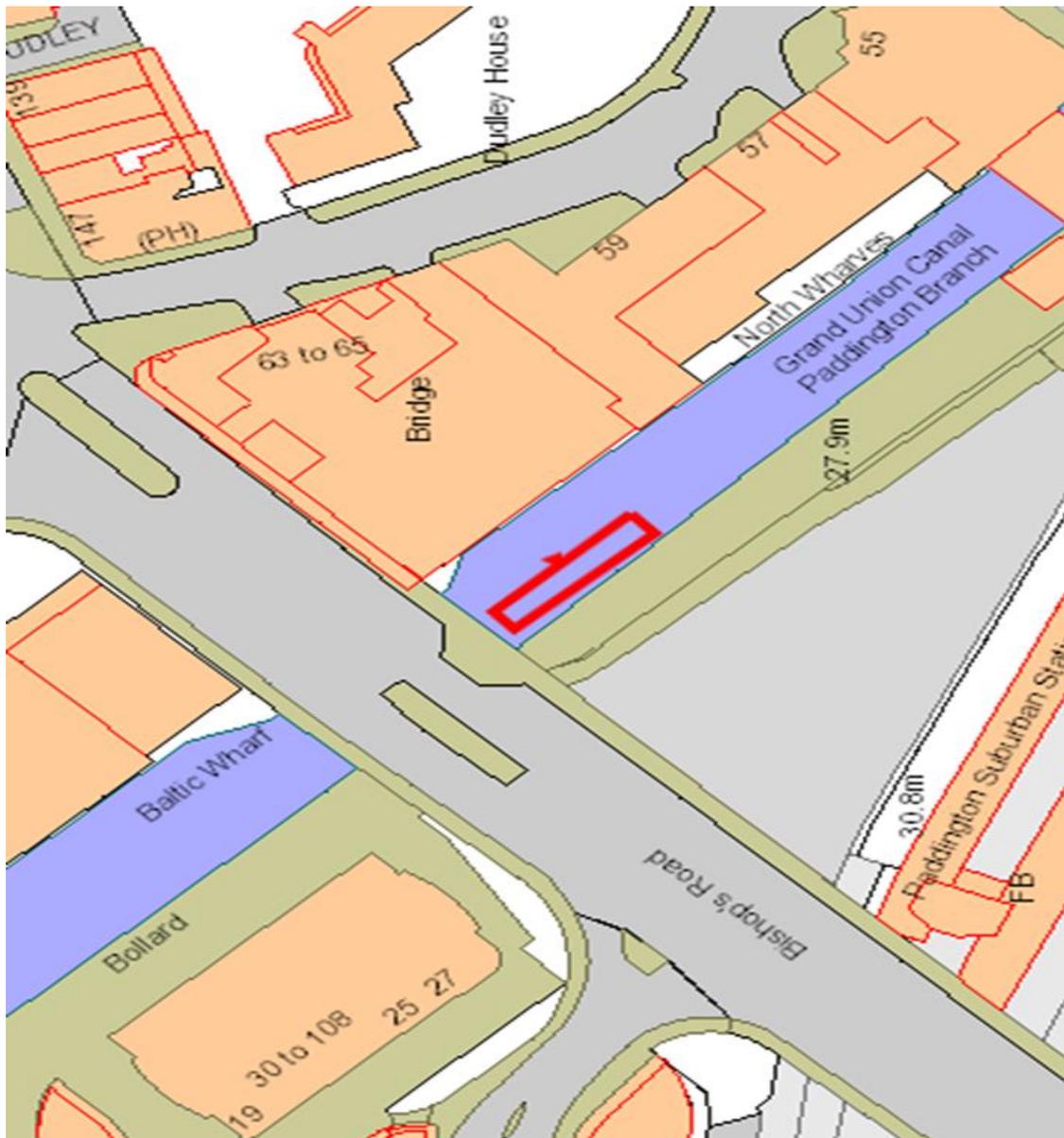
20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

21. 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.

22. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) on the following day .
23. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises and that this area shall be swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business .
24. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence , passport or proof of age card with the PASS Hologram.
25. 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.
26. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - a. all crimes reported to the venue
 - b. all ejections of patrons
 - c. any complaints received concerning crime and disorder
 - d. any incidents of disorder
 - e. all seizures of drugs or offensive weapons
 - f. any faults in the CCTV *system*, searching equipment or scanning equipment
 - g. any refusal of the sale of alcohol
 - h. any visit by a relevant authority or emergency service .
27. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises are constructed or altered in accordance with the appropriate provisions of the District

Surveyor's Association- Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority.

Residential Map



Item No:	
Date:	29 th June 2017
Licensing Ref No:	17/05008/LIPN - New Premises Licence
Title of Report:	Simple Health Kitchen 48 Baker Street London W1U 7BS
Report of:	Director of Public Protection and Licensing
Wards involved:	Marylebone High Street
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:	11 May 2017		
Applicant:	Simple Health Kitchen Limited		
Premises:	Simple Health Kitchen		
Premises address:	48 Baker Street London W1U 7BS	Ward:	Marylebone High Street
		Cumulative Impact Area:	None.
Premises description:	According to the application the premises will operate as a Health Food Café but, as drafted, the application will allow the premises to operate as a drink-led bar.		
Premises licence history:	The premises is currently licensed for off sales only (Ref: 09/02972/LIPV). A copy of this premises licence is attached at Appendix 6.		
Applicant submissions:	None submitted.		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			On Sales
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	11:00
End:	22:00	22:00	22:00	22:00	22:00	22:00	22:00
Seasonal variations/ Non-standard timings:	None applied for.						

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:30	07:30	07:30	07:30	07:30	07:30	07:30
End:	22:30	22:30	22:30	22:30	22:30	22:30	22:30
Seasonal variations/ Non-standard timings:	None applied for.						
Adult Entertainment:	Not applicable.						

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Ms Sally Thomas
Received:	18 th May 2017
<p>This representation is based on the Operating Schedule and the submitted plans, ground floor, titled with the address and drawing number 051_100 revision L1 and dated 03/05/2017.</p> <p>The applicant is seeking the following on the ground floor:</p> <ol style="list-style-type: none"> To allow the Supply of Alcohol both 'on' the premises Monday to Sunday 11:00-22:00 hours. <p>I wish to make the following representation in relation to the above application:</p> <ol style="list-style-type: none"> The provision of the Supply of Alcohol may cause an increase in Public Nuisance in the area, it may also impact on Public Safety. <p>The applicant has proposed conditions within the operating schedule which are being considered. Further conditions may be proposed by Environmental Health in order to help prevent Public Nuisance and protect Public Safety.</p> <p>Reference should be made to the British Standard 6465-1:2009 Sanitary Installations if your customers are going to dine in the premises. 1 WC will give a total of 15 customers.</p> <p>The granting of the new Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public Safety.</p>	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Michael Day
Received:	8 th June 2017
<p>I am writing to inform you that the Metropolitan Police, as a responsible authority, are making a representation. It is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>The venue is NOT situated with the WCC Cumulative Impact Area, a locality where this</p>	

is traditionally high crime and disorder but I believe given the location your application may cause further policing problems to the area.

Please let me know of your availability to discuss further on the Work Mobile below.

I apologise for this belated representation but due to current circumstances in London I have been in and out of the office for the past 10 days.

3. Policy & Guidance

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

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

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity
Appendix 6	Premises Licence 09/02972/LIPV

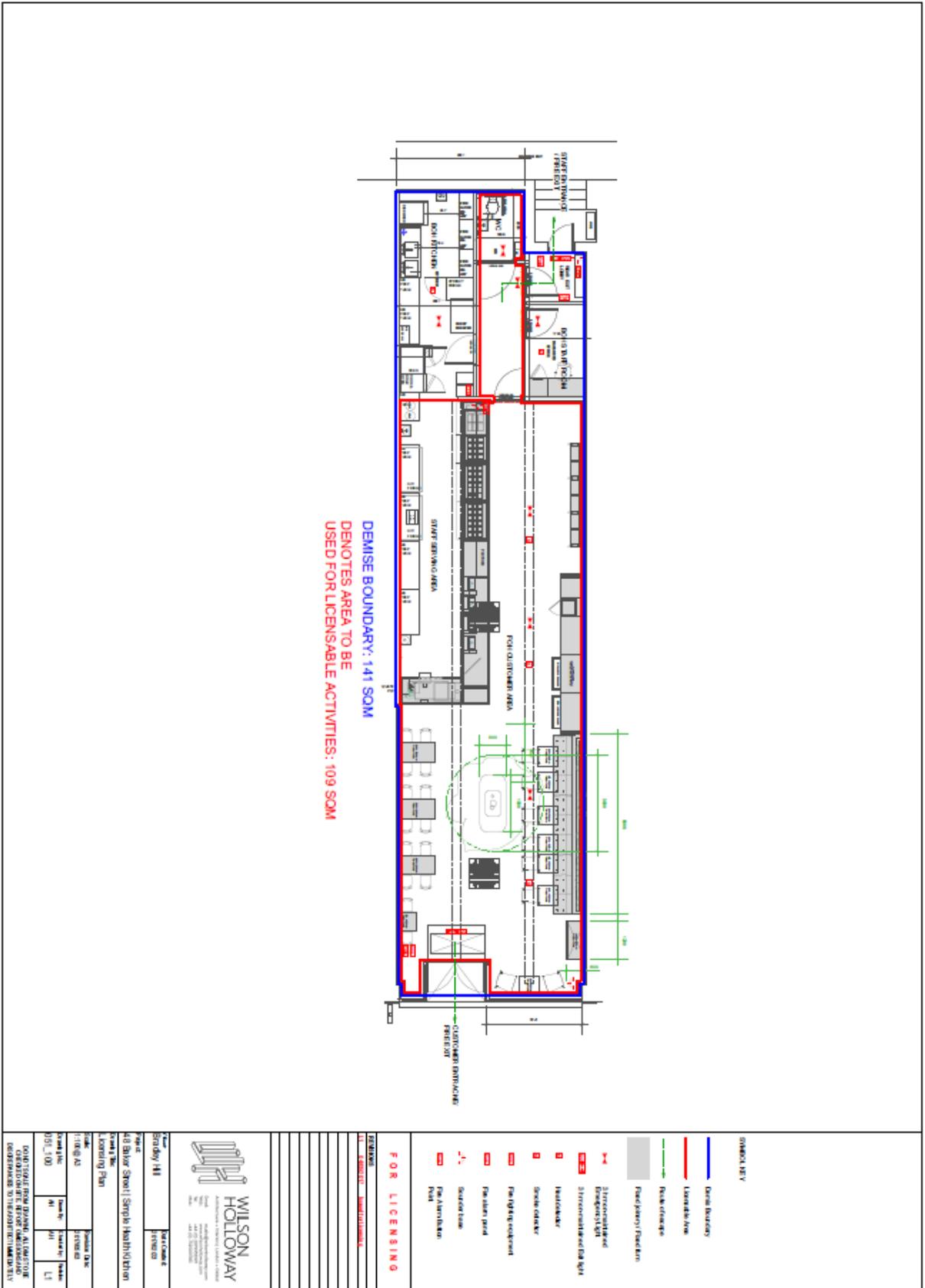
Report author:	Miss Heidi Lawrance Senior Licensing Officer
Contact:	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

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	11 th May 2017
5	Representation – Environmental Health	18 th May 2017
6	Representation – MET Police	8 th June 2017

Premises Plans



Applicant Supporting Documents

ANNEX A

SIMPLE HEALTH KITCHEN, 48 BAKER STREET, LONDON, W1U 7BS

1. No super strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
2. 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.
3. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed [] persons
4. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
5. 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.
6. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
7. 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.
8. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
9. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
10. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
11. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
12. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the

public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.

13. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
14. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

Premises History – 09/02972/LIPV

Application	Details of Application	Date Determined	Decision
06/11014/WCCMAP	New Premises Application	21.08.2005	Granted Under Delegated Authority
08/01993/LIPT	Transfer Application	08.04.2008	Granted Under Delegated Authority
08/01994/LIPDPS	Application to Vary the Designated Premises Supervisor	08.04.2008	Granted Under Delegated Authority
09/02972/LIPV	Variation Application	11.06.2009	Granted by Licensing Sub-Committee

There is no appeal history for the premises.

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

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

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

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

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

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

Conditions consistent with the operating schedule

9. No super strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
10. 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.
11. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed [] persons.
12. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
13. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
15. 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.
16. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
17. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
18. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
19. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer . All entry and exit points will be covered enabling frontal identification of every person entering in any light condition . The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

20. 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 to the public . This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested .
21. 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.
22. An incident log shall be kept at the premises, and made available on request to an authorised officer of the 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
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

Conditions proposed by Environmental Health

None submitted

Conditions proposed by the Police

None submitted.

Premises Licence - 09/02972/LIPV

City of Westminster
64 Victoria Street, London, SW1E 6QP

Schedule 12
Part A

WARD: Marylebone High
Street
UPRN: 99900006660

Premises licence

Regulation 33, 34

Premises licence number:

09/02972/LIPV

Original Reference:

05/05221/LIPC

Part 1 – Premises details

Postal address of premises:

A D Supermarket
48 Baker Street
London
W1U 7BS

Telephone Number: 0207 487 3880

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Playing of Recorded Music Unrestricted

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted

Sale by Retail of Alcohol

Monday to Saturday: 08:00 to 00:00
Sunday: 10:00 to 22:30

For times authorised for Christmas and Good Friday see conditions at Annex 3

The opening hours of the premises:

Monday to Saturday: 08:00 to 00:00
Sunday: 10:00 to 22:30

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption off the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

A D Food And Wine Limited
48 Baker Street
London
W1U 7BS
Telephone Number : 020 7487 3880

Registered number of holder, for example company number, charity number (where applicable)

4153891

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: Mohammad Danish

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: 01SX/LN/1999906878
Licensing Authority: London Borough Of Barnet

Date: 9th July 2009

Signed: pp
Director of Community Protection

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 hold a personal licence.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specific enactments.

4. Alcohol shall not be sold in an open container or be consumed in the licensed premises.

Annex 2 – Conditions consistent with the operating Schedule

None

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

5. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, 8 a.m. to 00:00 p.m.
- (b) On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- (c) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- (d) On Good Friday, 8 a.m. to 10.30 p.m.

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
 - (b) ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - (c) sale of alcohol to a trader or club for the purposes of the trade or club;
 - (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.
6. All chillers displaying alcohol shall be capable of being locked.
7. There shall be no consumption of alcohol within the outside tables and chairs area approved under a temporary street trading licence.
8. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
9. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, is swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
10. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
11. The premises will install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for Licensable Activities and during all times when customers remain on the premises. All recordings shall be kept available for a minimum period of 31 days with time and date stamping. Recordings shall be made available, immediately upon the request of an authorised officer or a police officer together with facilities for viewing throughout the preceding 31 day period.
12. Intoxicating Liquor is to be displayed or exposed for sale on shelving or in cabinets all of which outside of the hours of the Premises Licence can be secured behind locked metal grilles or locked rigid shutters or secured behind locked cabinet doors.
12. There shall be no more than 15% of the shop floor area being used to display alcohol for sale.

14. There shall be no sale of beer or cider above 5.5% Alcohol by Volume.
15. There shall be no self service of spirits.
16. Prior to any 'designated sporting event' (as defined in the Sporting Events (Control of Alcohol) Act 1985), the Metropolitan Police will give notice of at least four clear days (but where possible longer) in the event of intelligence being received of potential for crime and disorder in the area of the venue, the Metropolitan Police will give written notice of request to cease trading alcohol for the whole day, or part of the day of trading hours.
17. The Licence will have no effect until the CCTV and the locked metal grilles or locked rigid shutters or locked cabinet doors have been assessed as satisfactory by the Metropolitan Police and this condition has been removed from the Licence.



City of Westminster
64 Victoria Street, London, SW1E 6QP

Schedule 12
Part B

**WARD: Marylebone High
Street
UPRN: 999000006660**

Premises licence
summary

Regulation 33, 34

Premises licence number:

09/02972/LIPV

Part 1 – Premises details

Postal address of premises:

A D Supermarket
48 Baker Street
London
W1U 7BS

Telephone Number: 0207 487 3880

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Playing of Recorded Music	Unrestricted
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit	Unrestricted
Sale by Retail of Alcohol	
Monday to Saturday:	08:00 to 00:00
Sunday:	10:00 to 22:30

For times authorised for Christmas and Good Friday see conditions at Annex 3

The opening hours of the premises:

Monday to Saturday:	08:00 to 00:00
Sunday:	10:00 to 22:30

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption off the Premises.

Name and (registered) address of holder of premises licence:

A D Food And Wine Limited
48 Baker Street
London
W1U 7BS

Registered number of holder, for example company number, charity number (where applicable)

4153891

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Name: Mohammad Danish

State whether access to the premises by children is restricted or prohibited:

Restricted

Date: 9th July 2009

Signed: pp
Director of Community Protection

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Item No:	
Date:	29 th June 2017
Licensing Ref No:	17/05023/LIPN - New Premises Licence
Title of Report:	57 Broadwick Street London W1F 9QS
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	11 May 2017		
Applicant:	Shaftesbury Soho Limited		
Premises:			
Premises address:	57 Broadwick Street London W1F 9QS	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	According to the application the premises proposes to operate as a Restaurant.		
Premises licence history:	This is an application for a new premises licence and therefore no history exists.		
Applicant submissions:	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:	00:30	00:30	00:30	00:30	00:30	00:30	00:00
Seasonal variations/ Non-standard timings:		<p>These hours to be extended until 00:30 on Sundays preceding Bank Holiday Mondays.</p> <p>The hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.</p>					

Sale by retail of alcohol				On or off sales or both:			On Sales
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	23:30
Seasonal variations/ Non-standard timings:		<p>These hours to be extended until 00:00 on Sundays preceding Bank Holiday Mondays.</p> <p>The hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.</p>					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:30	07:30	07:30	07:30	07:30	07:30	07:00
End:	00:30	00:30	00:30	00:30	00:30	00:30	00:00
Seasonal variations/ Non-standard timings:	<p>These hours to be extended until 00:30 on Sundays preceding Bank Holiday Mondays.</p> <p>The hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.</p>						
Adult Entertainment:	Not applicable.						

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Licensing Authority
Representative:	Mr David Sycamore
Received:	8 th June 2017
<p>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:</p> <ul style="list-style-type: none"> • Public Nuisance • Prevention of Crime & Disorder • Public Safety <p>We make a representation as the application exceeds parts of the Westminster Statement of Licensing Policy 2016. The hours sort currently exceed those set out in our core hours (HRS1) and the premises is located in the Cumulative impact area and whilst the premises will operate like a restaurant, with a capacity of 150 people it is likely to add to cumulative impact.</p> <p>Please accept this as a formal representation. We would expect that the applicants submit further documents show why they should be permitted to have hours granted past core hours and how such a large capacity will not add to cumulative impact.</p>	

Responsible Authority:	Environmental Health Consultation Team
Representative:	Ms Nicola Curtis
Received:	30 th May 2017

The premises are located within the West End Cumulative Impact Area as defined within the City of Westminster Statement of Licensing Policy.

The applicant has submitted the following plans for the premises:

- ◆ Proposed Restaurant Fire Strategy and Licensing Plan: drawing number A(SK) 153, Rev A, Dated Nov 16

This representation is based on the plans and Operating Schedule submitted.

The applicant is seeking the following licensable activities:

1. The Provision of Late Night Refreshment 'indoors'
 - a. Monday to Saturday 2300 to 0030 hours and Sunday 2300 to 0000 hours
 - b. Hours to be extended until 0030 on Sundays preceding Bank Holiday Mondays
 - c. Hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day
2. The Supply of Alcohol 'on' the premises
 - a. Monday to Saturday 1000 to 0000 hours and Sunday 1200 to 2330 hours
 - b. Hours to be extended until 0000 on Sundays preceding Bank Holiday Mondays
 - c. Hours to be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day

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

1. The Provision of Late Night Refreshment 'indoors' and the hours requested for this activity will have the likely effect of causing an increase in Public Nuisance in the area.
2. The Supply of Alcohol 'on' the premises and the hours requested for this activity will have the likely effect of causing an increase in Public Nuisance in the area.

The applicant has provided additional information and conditions with the operating schedule which is being considered but does not fully address the concerns of Environmental Health.

The granting of the new Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the West End Cumulative Impact area and may impact on Public Safety.

Responsible Authority:	Metropolitan Police Service
Representative:	PC Sandy Russell
Received:	18 th May 2017
<p>The conditions proposed in the application are acceptable to police. However, we object to this application in support of the Westminster Council Policy document as the hours applied for are not within those defined as 'core hours'. The decision will be left for a Sub-Committee to decide.</p>	

2-B Other Persons	
Name:	Dr Anton Gill
Address and/or Residents Association:	3 Marshall Street 96 Stirling Court London W1F 9BD
Received:	17 th May 2017
<p>I most strongly object to yet another hostelry being established in an area already saturated with them, and especially to a late drinking licence being awarded. We residents have already suffered enough disruption the hands of Shaftesbury and their quest for personal enrichment at the expense of local flat owners and the Council should take note of their anti-social behaviour.</p>	

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIA1 applies	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
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 RNT2 applies:	Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

4. Appendices

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

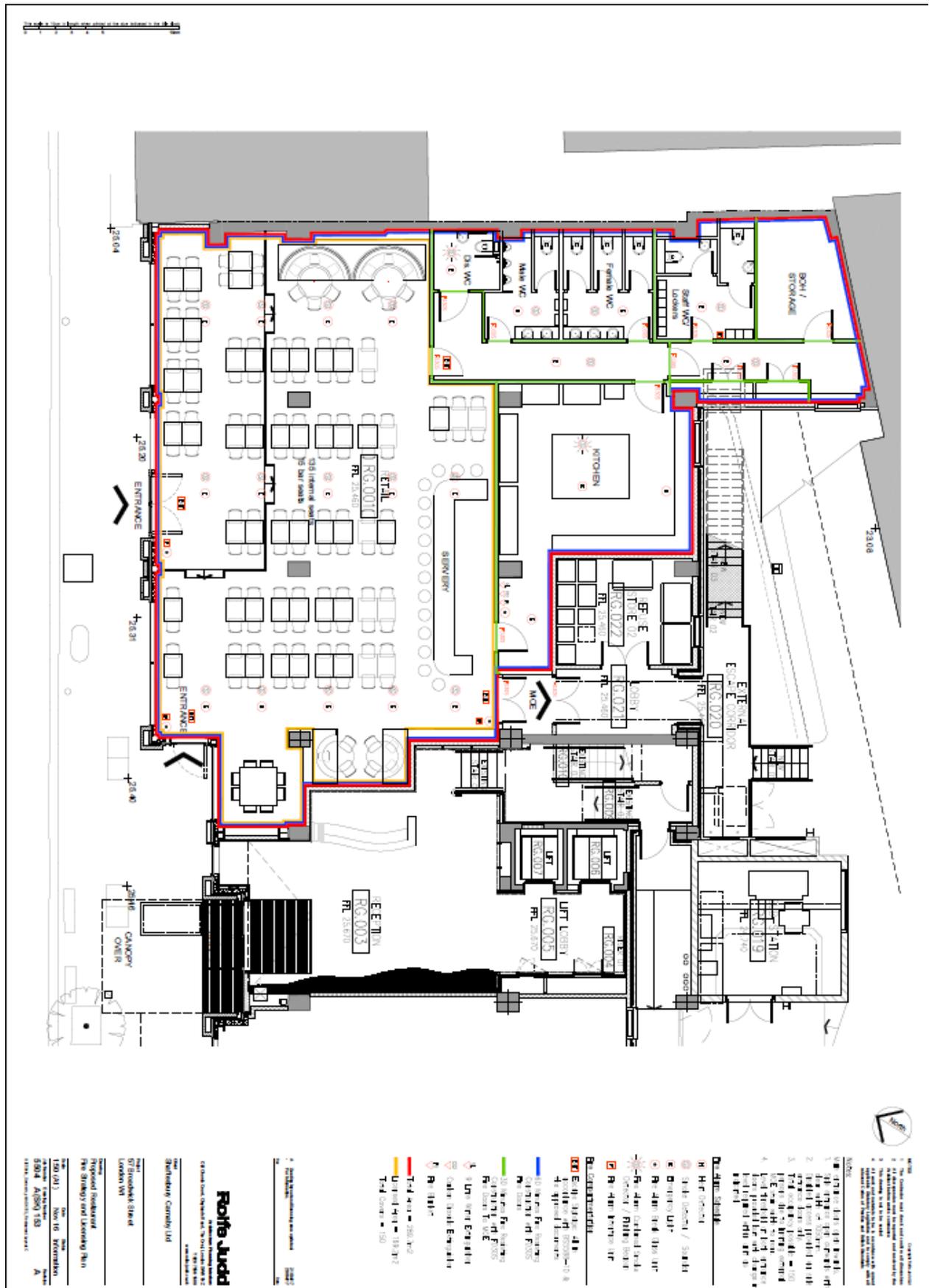
Report author:	Miss Heidi Lawrance Senior Licensing Officer
Contact:	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

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	11 th May 2017
5	Representation – Licensing Authority	8 th June 2017
6	Representation – Environmental Health	30 th May 2017
7	Representation – Metropolitan Police Service	18 th May 2017
8	Representation – Dr Gill	17 th May 2017

Premises Plans



Applicant Supporting Documents

Proposed Conditions

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. 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.
4. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
5. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
6. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (07.00) hours on the following day.
7. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (07.00) on the following day.
8. 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.
9. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
10. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - a) all crimes reported to the venue
 - b) all ejections of patrons
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder
 - e) all seizures of drugs or offensive weapons
 - f) any faults in the CCTV system, searching equipment or scanning equipment
 - g) any refusal of the sale of alcohol

- h) any visit by a relevant authority or emergency service.
11. No deliveries to the premises shall take place between (23.00) and (07.00) on the following day.
 12. 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.
 13. No licensable activities shall take place at the premises until the works 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.
 14. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
 15. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 150 persons.

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

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry 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.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
13. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
14. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (07.00) hours on the following day.
15. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (07.00) on the following day.
16. 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.
17. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

18. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - a) all crimes reported to the venue
 - b) all ejections of patrons
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder
 - e) all seizures of drugs or offensive weapons
 - f) any faults in the CCTV system, searching equipment or scanning equipment
 - g) any refusal of the sale of alcohol
 - h) any visit by a relevant authority or emergency service.

19. No deliveries to the premises shall take place between (23.00) and (07.00) on the following day.

20. 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.

21. No licensable activities shall take place at the premises until the works 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.

22. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

23. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 150 persons.

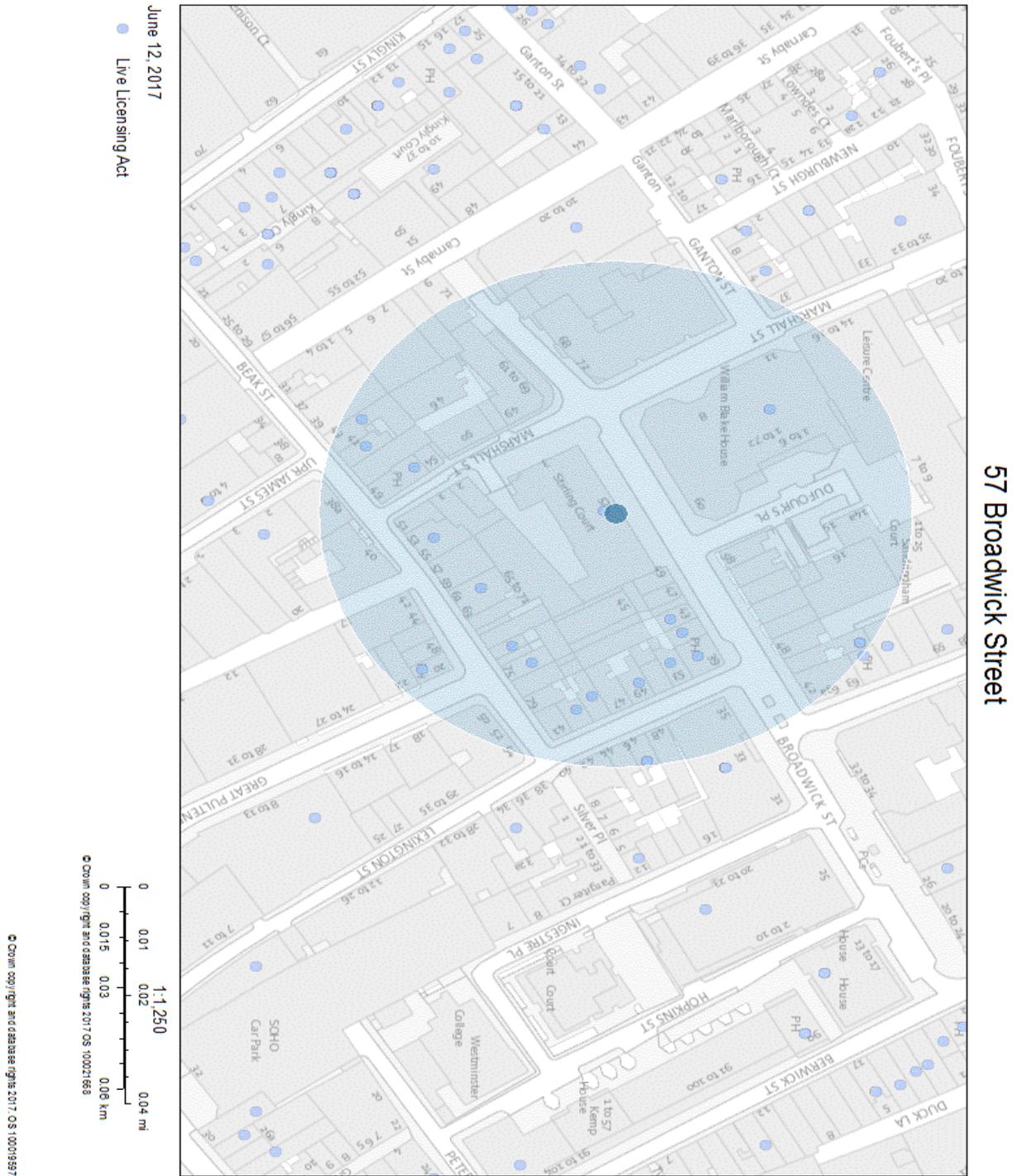
Conditions proposed by Environmental Health

None submitted.

Conditions proposed by the Police

None submitted.

Residential Map and List of Premises in the Vicinity



Resident Count: 311

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