



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (1)**

Meeting Date: **Thursday 14th December, 2017**

Time: **10.00 am**

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

Members: **Councillors:**

Angela Harvey (Chairman)
Louise Hyams
Karen Scarborough

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 via a visitor's pass which is available from the main ground floor reception at 5 Strand 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. BASEMENT AND GROUND FLOOR, 88 GREAT PORTLAND STREET, W1

(Pages 1 - 44)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	West End Ward / not in cumulative impact area	Basement and Ground Floor, 88 Great Portland Street, W1	New Premises Licence	17/11140/LIPN

2. PF CHANGS, 10-11 GREAT NEWPORT STREET, WC2

(Pages 45 - 88)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	St James's Ward / West End	PF Changs, 10-11	Premises Licence Variation	17/10875/LIPV

	Cumulative Impact Area	Great Newport Street, WC2		
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3. CONTINENTAL FOOD & WINE, 24 CRAVEN ROAD, W2

(Pages 89 - 108)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	Hyde Park Ward / not in cumulative impact area	Continental Food & Wine, 24 Craven Road, W2	Premises Licence Variation	17/10969/LIPV

4. MELISSA'S KITCHEN LTD, 27 ELIZABETH STREET, SW1

(Pages 109 - 126)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
4.	Churchill Ward / not in cumulative impact area	Melissa's Kitchen Ltd, 27 Elizabeth Street, SW1	New Premises Licence	17/10522/LIPN

**Charlie Parker
Chief Executive
7 December 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.

Item No:	
Date:	14 December 2017
Licensing Ref No:	17/11140/LIPN - New Premises Licence
Title of Report:	Basement and Ground Floor 88 Great Portland Street London W1W 7NS
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:	Ms Daisy Gadd Senior Licensing Officer
Contact details	Telephone: 0207 641 2737 Email: dgadd@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	4 October 2017		
Applicant:	Townhouse Partners Limited		
Premises address:	Basement and Ground Floor	Ward:	West End
	88 Great Portland Street London W1W 7NS	Cumulative Impact Area:	N/A
Premises description:	The premises intends to operate as a nail and beauty salon.		
Premises licence history:	This is a new premises licence and therefore no history exists. However, an application for a new special treatment premises licence has been made in conjunction with this application (reference 17/11744/LIMSTN). District Surveyor, Ms Jenny Wilson, has made a holding objection to this application as works are due to be completed in December 2017.		
Applicant submissions:	<p>The applicant has offered amendments to the application which are as follows:</p> <ul style="list-style-type: none"> The hours during which alcohol may be sold has been amended from 10:00 to 23:00 to 10:00 to 22:00 hours 		
Plans:	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Proposed licensable activities and hours							
Films:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations/ Non-standard timings:		None					

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:	22:00	22:00	22:00	22:00	22:00	22:00	22:00
Seasonal variations/ Non-standard timings:		None					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	24:00	24:00	24:00	24:00	24:00	24:00	24:00
Seasonal variations/ Non-standard timings:		None					
Adult Entertainment:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Mr Maxwell Owusu Koduah
Received:	27 October 2017
<p>I refer to the application for a new Premises Licence.</p> <p>This representation is based on plans of Basement & Ground Floors by Collective Design dated May 2017 ref. JM/FI/506/03</p> <p>The applicant is seeking the following licensable activities:</p> <ol style="list-style-type: none"> 1. Exhibition of films “indoors” Monday to Sunday from 07:00 to 23:00 hours 2. Supply of Alcohol for consumption “On” the premises Monday to Sunday from 07:00 to 23:00 hours 	

I wish to make the following representation

1. The hours sought to exhibit films will have the likely effect of causing an increase in Public Nuisance within the area
2. The hours sought to supply alcohol will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area

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

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

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

2-B Other Persons

Name:	Resident 1
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Received:	31 October 2017
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I am concerned on the grounds of public nuisance about the proposed opening hours within a residential street for the establishment described in this application. Other salons of the type envisaged generally advertise their opening hours as being within more normal trading hours (eg 9 am to 7 pm). The suggested opening hours, together with the alcohol and film licence applications, plus the proposal that the premises could be hired for private events together give the impression that the applicants may intend to expand the business beyond that of a nail and beauty salon to an events venue, (letting, for example, to hen parties).

As regards the alcohol licence, since alcohol sales are described as ancillary to the operation of the salon, I would request that this be written in as a condition to any licence granted and it should be a further condition that the licence relates only to the business authorised to be carried on at the premises under the ownership of the named applicant.

Name:	Resident 2
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Received:	13 October 2017
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We do not want the noise and trouble of licenced premises immediately opposite our block. The noise of drunk visitors and of delivery vans is unsuitable for the area.

Received 26 October 2017

I write to express my objections to the application for a licence at the above address. I understand that their application is open ended and it is possible that hours may be extensive. This is completely unsuited to a street like Great Portland Street and the noise therefrom would be extremely troublesome to the occupants of my block at 89 Great Portland Street. I do not want there to be a bar there or a party hire space or any

such development. The area is predominantly residential and should stay so.

Name: Fitzrovia Neighbourhood Association

Received: 1 November 2017

Our association objects to this application because we have concerns about public nuisance arising from the licensing activities applied for. We are particularly concerned about activities outside of the "core hours" which could disturb nearby residents, particularly those living opposite the premises.

Name: Resident 3

Received: 29 October 2017

I write on behalf of the Directors of Portland Apartments Ltd, the resident management company representing the 18 leaseholders of 89 Great Portland Street, W1W 7LX.

Background

89 Great Portland Street is a 1950's constructed concrete and glass building. The 84 windows, front and rear elevations, are single glazed bar 4 which has secondary glazing fitted. Sound reverberates through this concrete structure, front to back of the building i.e. building works across the road and along the street. In the summer it is necessary to keep windows open because of the heat generated by sunshine, therefore any sounds in the street can be heard by all residents living in 89 Great Portland Street.

We have retired residents who have lived in the building for decades, as well as owners who work in Finance and leave for work at 6.00 (therefore need to sleep early), young working professional couples and students. They have all enjoyed a quiet life in this backwater of Great Portland Street for many years.

Up until recently the commercial units opposite were predominantly clothing offices and showrooms – Notre Dame Paris (clothing) traded there for many years and subsequently Velorution a high end electric bicycle shop now moved down the road.

This meant zero noise and early closing times. This area of the West End can in no way be deemed a shopping destination, so the foot fall is minimal during the day and certainly in the evenings any day of the week. Yes, it is walkthrough for people getting to and from offices but generally north of Margaret Street, footfall drops off significantly.

Leaseholder concerns

This application is very vague/open ended. Two residents had a site meeting with the proposed leaseholder of 88 Great Portland Street on Tuesday 24th October at 9.15 for which we are most grateful. Unfortunately, I was unable to attend. The meeting was useful, up to a point, in answering some of the resident leaseholder concerns.

The top concerns raised at the site meeting regarding the Alcohol license and Film license were: -

1. **Ensuring the license is restricted for use only by a beauty salon** – i.e. if Townhouse were to vacate during our 10 year rental term or after, to avoid a pub/bar or other operator taking over the premises
2. **Avoiding people drinking / smoking in front of the shop**
3. **Operating hours**

4. **Ensuring film license will not be used for “cinema-style” shows / other uses not linked to the proposed use within the beauty salon**

What we learned from the site visit was: -

- The plans are for luxury nail and beauty salon
 - The luxury salon concept is inspired by Duck & Dry salon on Market Place, and they used Duck & Dry's license as a basis for their application - <https://www.duckanddry.com/story>. **[This is a hair salon with a nail bar add on and differs from the Townhouse proposition].**
 - They plan to lease the retail unit for 10 years.
 - Upstairs, there is space for 11 clients upstairs (6 manicure, 5 pedicure) and a waiting area for 3-5 clients. Downstairs, there is space for 3 clients for treatments, as well as room for staff. There are no plans for events yet, but he said "in theory" they could hold events. **[This is too vague for our leaseholders]**
 - Townhouse will organise a "small" private press launch event
 - Jonathan Millet said he was happy that there would be no seats outside, no drinks outside and no smoking outside the premises. **[I think this means that we need them to update the operating schedule (point 10. references designated smoking areas) and to add this as a condition on the license to make sure it's enforceable. I have asked if the garden is internal or external. If external – this may be the smoking area? What leaseholders don't want is people smoking in front of 88 GPS or even worse crossing the road to use our canopy as a smoking room – the CCTV will pick this up]**
 - They will serve prosecco and water only for now. **[BUT what about the future?]**
 - His wife previously ran a nail salon on Margaret Street
 - Great Portland Estates owns the building and are planning on selling the flats above the premises^{***}. Therefore, they are very careful about what activities they will permit downstairs. They have been advising Jonathan on what he can and can't do with the license e.g. nail salon needs to be primary use and alcohol should only ever be ancillary. **[Please note, Great Portland Estates were less carefully with the Whisky Exchange, 90-92 GPS, ref 17/07371/LIPN, with social housing above – unless Portland Estates have got the message that 89 Great Portland Street are going to object to noisy neighbours!]**
- ***Also Westminster Council should be mindful the owners of the flats still to be sold have had no opportunity to object to this or any other commercial unit licence application**

Referring to the conditions to the licence requested for the Whisky Exchange (and in common with the Cowshed in Soho – a similar operation in 31 Foubert Place

W1(number: 12/03140/LIPVM) but in a much busier shopping area) and again seeking advice from the Westminster Licensing expert Richard Brown, we wish to add a few more items that were not discussed in detail (but since confirmed in writing to Townhouse): -

1. **Ensuring the license is restricted for use only by a beauty salon.** Condition 1 in the operating schedule is noted, although based on advice and our research of other licenses, the wording could be improved upon. For example: -

o *Alcohol may only be sold to patrons attending the premises for, and ancillary to, Manicure and Pedicure Special Treatments.*

o *The retail sale of alcohol shall be ancillary to the provision of special treatments licensed under the London Local Authorities Act 1991 to patrons of the premises.* (This is in the Cowshed Shop Soho Premises licence, number: 12/03140/LIPVM)

2. **Events.** Condition 3 in the operating schedule refers to "individual bespoke events".

o If private pre-booked events are permitted, suggest a condition there shall be no private events unless the premises is operating under the authority of a Temporary Event Notice

o Also we would also ask that there is a maximum number of people for any event. This would be in line with the license for the premises next door (license 17/07371/LIPN at [90-92 Great Portland Street](#), W1).

3. **Noise from people outside the premises.** Condition 8 on the operating license doesn't address noise from people. Not allowing any seating, smoking or glasses/drinking outside the premises is our top concern for noise which has been noted in Jonathan Millet's list. However, it would also be helpful to include a common condition to make an effort to restrict noise from people arriving and leaving. For example, here is a condition on the license for the premises next door (license 17/07371/LIPN at [90-92 Great Portland Street](#), W1).

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

4. **Alcohol.** It would be helpful to add conditions similar to the Cowshed Shop Soho Premises licence (number: 12/03140/LIPVM):

o *There shall be no off sales permitted*

o *There shall be no bar permitted at the premises*

o *The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible*

promotions in relation to the premises.

- o *No sale of draught beer /lager /cider*

5. Deliveries and collections. Here are the conditions agreed on the license for the premises next door (license 17/07371/LIPN at [90-92 Great Portland Street](#), W1.) to limit public nuisance due to noise and to avoid peak congestion times in an already heavily polluted area, which we think are reasonable and we would appreciate it if they could also be included in the license for [88 Great Portland Street](#):

- o All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times Westminster Council published collection times for the street.
- o No collections of waste or recycling materials (including bottles) from the premises shall take place between 20.00 and 09.00 on the following day Monday to Saturday and between 18.00 and 09:00 on the following day on Sundays.
- o No deliveries to the premises shall take place between 20.00 and 09.00 on the following day Monday to Saturday and between 18.00 and 09:00 on the following day on Sundays.

6. Operating Times

The hours proposed for sale of alcohol are very late for the type of premises. In an area of low footfall in the evenings, one would expect the premises to close to patrons much earlier. What is the basis for applying for the late hours?

It is proposed that the premises would be allowed to remain open for 24 hours per day (section L). Why?

The licence request is for: -

Exhibition of a film Monday to Sunday 07.00- 23.00

Sale by Retail of Alcohol Monday to Sunday 10.00 - 23.00

For your reference the Duck and Dry Salons trading times, Market Place W1 and Carnaby Street, are as follows: -

Monday - Friday 07.30 - 19.30

Saturday 09.00 - 19.00

Sunday 10.00-18.00 (Market Place closed)

So much earlier than the Townhouse application which they say their licence application is based.

Therefore, we request a terminal hour of 20.00 Monday to Saturday and 18.00 on Sundays and Bank Holidays as per the Whisky Exchange Licence 17/07371/LIPN

at [90-92 Great Portland Street](#), W1, next door.

Conclusion

Overall, the leaseholders who attended the site meeting this week were very pleased about their visit, and think that Townhouse would be a welcome addition to the neighbourhood if our concerns above are addressed.

We appreciate Mr Millet has advised me that he will revert on Monday 30/10/17 with his responses to above. However, I am duty bound to lodge the concerns of the Leaseholders and directors regarding this application as they stand now.

RECEIVED ON 1 NOVEMBER 2017

I wish to add further comments to my submission on behalf of the 18 leaseholders of 89 Great Portland Street, W1 made on 29 October.

I have been in contact with Mr Millet, the applicant, last week and he has kindly furnished us with more information regarding The Townhouse application yesterday 31/10/17 for which we are most grateful. Whilst some of our concerns appear to have been alleviated, assuming wording can be added to the licence, we still have concerns relating to the following matters. For transparency, my replies are in blue: -

1. Ensuring the license is restricted for use only by a beauty salon.

- Understand Townhouse would need to retain flexibility to offer other related beauty treatments and I suspect this would require a variation of your licence. [I am checking this for our leaseholders](#)
- [Thank you for your suggested wording of " Alcohol may only be sold to patrons, and individuals accompanying patrons, attending the premises for, and ancillary to, beauty treatments". We need to better understand the implications of 'individuals accompanying patrons'](#)

2. Events:

- We do not have the treatment capacity to offer large scale events. Currently only capacity for 14 treatments at any one time.
- In order to give the community further comfort on this, we would be happy to agree to the following
 - ["Any events consisting of more than 50 people will require a temporary event notice"](#)

[Regret 50 people is far too many - if capacity is 14 then why would Townhouse have 50 people in the salon - presumably drinking and watching a film? Have you ever had 50 people leaving a single address in one go outside your bedroom or sitting room window? This is not what Mr Laydon remembers from your discussion with him last week. Suggest 15 people plus require a TEN](#)

3. Noise from people outside the premises:

- It would be completely against the image we are looking to cultivate for the business to have noisy people outside and this absolutely something

we want to avoid

- “No outdoor seating in front of the property will be permitted”

If this can be noted in the licence I am sure all of the leaseholders will be delighted

- We do not want customers loitering outside
 - “It will be company policy and staff will be trained to move patrons on in the rare event they do smoke outside”

Neither do we. It would be helpful if taxis are called from inside the salon to reduce noise when clients leaving

- No drinks will be allowed to be taken outside in front of the store – this will be completely against our image
 - “Patrons will not be allowed to take drinks outside in front of the store”

Thank you - assume this can added into the licence?

- With regard to erecting a sign outside, we believe this is disproportionate given the low volume of patrons we will have who will be drinking and given the kind of establishment we are. Were we to be opening a pub or restaurant, we would fully agree with this. Note, in addition, we have spoken to our landlord on this point and they have raised an objection as it will disrupt the high end design they are looking for on this unit.

I will raise this with the leaseholders

- We do not have the treatment capacity to offer large scale events.

We are therefore curious how Townhouse then requests events for up to 50 people which is over 3.5 times treatment capacity?

4. Alcohol:

- Fine with no off sales, this was never an intention
 - “There shall be no off sales permitted”

It is better for all parties to be crystal clear!

- We have a “bar” built into the design of the premises although this might be more what one would call a drinks cabinet, i.e. somewhere that drinks are stored/displayed (in keeping with the overall aesthetic)

So there are/will be no stools with this bar? It is just storage and a display cabinet above?

- Happy to agree to no “irresponsible promotions”, again, not in keeping at all with what we want to achieve
 - “The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.”

Thank you for the clarity
- can this wording be added?

- Draught beer – no plans to have beer on tap now or in the future, again, completely counter to the high end image
 - “No on tap / draught beer/lager/cider”

Again thank you for this clarity which can be added to the licence wording.

5. Deliveries and Collections:

- Happy to be sensible around this but please bear in mind a) we are not a bar/restaurant and b) alcohol consumption levels will be low given primary usage as a beauty salon so there will be low levels of alcohol deliveries and low levels of bottles resulting

What the residents are endeavouring to avoid is glass/empty bottles clanking in rubbish sacks or boxes. Sound travels!

- That means that likely 90% of deliveries we may receive (which will again likely be low vs. a café/shop etc) will be in the normal course of business – e.g. beauty supplies. We do however need to make sure the business is not disrupted.

Churchill said: - 'He who fails to plan, plans to fail'.

No one is suggesting any business is disrupted - just deliveries are made at convenient times for residents who need their sleep/have no wish to be disturbed. We have city workers who sleep early and retired residents who sleep late.

- If helpful, we would be happy to agree the following
 - “No deliveries between 21.00 and 07.30”

Would suggest no deliveries between 20.00 and 8.00 please

Note made today - the street is busy with traffic, particularly in the morning and afternoon rush hours. More deliveries will only make the traffic congestion worse.

6. Trading times:

- The plan is to offer a flexible service that accommodates the busy schedule of professionals
- Our core opening hours are to be confirmed but are likely to be 9am to 8pm Monday to Sunday. We may wish to open before and after these times on certain occasions (e.g. in our opening week, we plan to open at 7.30am one day for a private event for approximately four senior members of the press to have a private tour and experience the treatments)
- This will in no way effect the licensing hours for sale of alcohol of 10am to 10pm

As before we are asking for a terminal hour of 20.00 for trading and alcohol sales Monday to Saturday 8.00- 20.00 and Sunday 12.00 - 18.00 for this quiet backwater of the West End.

In Conclusion

We too wish to be constructive and have amenable neighbours be they residential or commercial.

89 Great Portland Street have been very fortunate to have had commercial businesses trading normal office hours for decades, prior to the redevelopment across the road from us as well as below. We have excellent relations with our commercial neighbours below our properties, for example. However I am sure you can appreciate we wish to preserve the quiet nature of this part of Great Portland Street and ensure no future licensing issues (alcohol or film) should Townhouse ever wish to relocate its business to another location.

On 30 November 2017, the resident provided further detail regarding their original submission which is shown below:

As currently salon only has capacity for 14 treatments at any one time we request a temporary event notice for any event consisting of more than 14 people. We are concerned that they 'do not have a plan or capacity to have large events'. They did suggest a capacity for 50 people which regrettably is far too many. If capacity for treatments is 14 then why would Townhouse have 50 people in the salon – over 3.5 times treatment capacity – presumably drinking and watching a film? Have you ever had 50 people leaving a single address in one go outside your bedroom or sitting room windows?

Name:	Resident 4
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Received:	30 October 2017
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Introduction

I am writing to make a relevant representation on behalf of myself as a local resident and one of the leaseholders at Flat 7, 89 Great Portland Street.
I object on the basis that the likely impact of the application, if granted with its current wording, will be to harm the licensing objectives of 'prevention of public nuisance' and 'prevention of crime and disorder'.

The scope of the application and the nature of the activities proposed raise a number of

issues relevant to the City Council's Statement of Licensing Policy ("the Policy").

Background

The area surrounding the premises is extremely residential. Directly opposite the premises is 89 Great Portland Street, a block of 18 flats where most windows have single glazing. I live in this building permanently with my husband, and our neighbours range from families with small children to elderly couples who have lived here for decades. There are also new residential units above and around the premises. When I made my decision to purchase the flat to settle down and start a family, we researched the surrounding commercial units to make sure that they are solely for retail units, and this was what was promised by Westminster council.

Please find attached a document with some photographs of the immediate area at different times of day including in the evenings, to give Members of the Licensing Sub-Committee and the parties an idea of the context in which the proposed licensed premises would be operating (see attachment: Photos of local area - 88 Great Portland Street.pdf)

The street is very quiet in the evenings. There are no other licensed premises in the immediate vicinity and we are therefore protected from disproportionate noise in the evenings and late at night. I am worried that the licence with its current scope and wording would change the current situation.

The nature of the local area engages specific sections of policy PN1 in the Council's Statement of Licensing Policy

The application

The application is for nail and beauty salon premises, seeking to sell alcohol for consumption on the premises until 11pm while remaining open 24 hours per day. Permission is also sought to show films, and the application mentions private events. The scope of the application as presented is very wide. I am very keen to ensure that the terms and conditions of the licence granted (including the hours) are in keeping with the local neighbourhood. I am also keen to reduce the risk of future operators who may not use the premises in the same way as The Townhouse to offer luxury surroundings and top quality, high end services.

The applicant has been very responsive and helpful to date. I met the applicant, Jonathan Millet, on 24 October 2017 for a site visit at 88 Great Portland Street and to answer our questions. He was very friendly and, more importantly, helpful in addressing our concerns. Overall, we were very pleased about the site visit, and we think that Townhouse would be a welcome addition to the neighbourhood if the residents' concerns are addressed.

I have listed my specific concerns below, which I also discussed with the applicant during the site visit and he is reviewing them with his solicitor so that he can address the concerns as far as possible. The timelines are very tight for the applicant to make revisions, therefore I am submitting my comments before the Council's deadline. I am very happy to withdraw my objections once the revised application and operating schedule that addresses these comments is received.

Reasons for objections

1. Scope of the licence

The scope of the original licence application is very broad. Therefore I would like to ensure the licence is restricted for use only by a nail and beauty salon. I think this is important to avoid a pub/bar or other operator taking over the premises and exploiting the licence in a way that causes greater harm to local residents in terms of 'public nuisance' and 'crime and disorder'.

Following my site visit and meeting with the applicant, he assured us that this was the intention of the original application and so he will review the wording in the licence to make sure it reflects this. Based on advice and my research of other licences (e.g. Cowshed Shop Soho Premises licence, number: 12/03140/LIPVM), I would like to suggest the following wording is included with the licence granted:

Alcohol may only be sold to patrons attending the premises for, and ancillary to, Manicure and Pedicure Special Treatments.

The retail sale of alcohol shall be ancillary to the provision of special treatments licensed under the London Local Authorities Act 1991 to patrons of the premises.

2. Opening times

I am concerned that the application states opening times that are 24 hours per day and 7 days per week. This is excessive for a beauty salon and the nature of the activities described by the applicant.

Following my site visit and meeting with the applicant, he explained that these hours were stated in the application to enable flexibility. Having heard our concerns, the applicant is reviewing the opening times. Specifically I hope that the licence application can be updated to reflect the actual intended opening times of the premises, and extended opening times can be covered in the seasonal variations / non standard timings sections.

3. Noise from people in front of the premises

I am also concerned about potential public nuisance due to noise from people drinking, talking and smoking in front of the premises. This noise would reach dozens of residents in the surrounding flats, which mostly have single glazed windows.

Following my site visit and meeting with the applicant, he assured us that he was also keen to limit noise outside the premises. Therefore I hope that we can attach some conditions to the licence to reflect our conversation, for example:

Clients and staff shall not be permitted to take drinks or glass containers with them outside of the premises.

There will be no seating outside of the premises.

Smoking shall not be permitted in front of the premises.

I also think it could be helpful to include a condition found on the licence next door to help encourage people to arrive and leave quietly (e.g. licence 17/07371/LIPN at 90-92 Great Portland Street, W1):

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

4. Noise from events

Condition 3 in the operating schedule refers to "individual bespoke events" and the applicant's solicitor made reference to "wedding parties" in response to our questions. Events involve larger groups of people arriving, leaving, and loitering outside the premises during breaks, and these groups can also be served alcohol during the event. Therefore I would be grateful if private events can be limited in frequency and timings through the use of Temporary Event Notices. I would also ask that there is a maximum number of people for the event. This would be similar to the licence for the premises next door (licence 17/07371/LIPN at 90-92 Great Portland Street, W1.), which includes the following conditions that I think could work well:

There shall be no private events for groups unless the premises is operating under the authority of a Temporary Event Notice.

When events are held in the premises, the maximum capacity shall not exceed XX people, excluding staff.

The applicant is considering how to address this concern, and suggested that Temporary Event Notices could be used for events involving larger groups of people. I think this is reasonable and a great compromise.

5. Films

I am concerned that the current licence application for films is extremely broad and there is no mention of the intention for films in the operating schedule, which could lead to future operators hosting "cinema-style" showings that attract large groups of people therefore leading to noise and disturbance in the local area.

The applicant's solicitor provided more explanation about why a film licence is sought: "The inclusion of films as part of our licensed offering is to allow for a TV screen to be placed in the premises. Whilst the showing of live TV is not a licensed activity the showing of a recorded film is. Rather than just offer standard TV my client would like to have the ability to show recorded films to customers which would complement the beauty offering. This may include movies such as Casablanca showing rather than Sky News. This is really just background entertainment and is not a significant part of the offering. It is intended simply to enhance the atmosphere within the salon."

Therefore I think it would be very helpful to update the licence / operating schedule to reflect this. For example:

Films will only ever be shows as an ancillary to the main use of the premises as a nail and beauty salon. There will be no events held for film showings or other uses not linked to the provision of nail and beauty services.

6. Deliveries and collections

Here are the conditions agreed on the licence for the premises next door (licence 17/07371/LIPN at 90-92 Great Portland Street, W1.) to limit public nuisance due to noise and to avoid peak congestion times in an already heavily polluted area. I think these conditions are reasonable and I would appreciate it similar conditions could also be included in the licence for 88 Great Portland Street that work for their business operations:

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

No collections of waste or recycling materials (including bottles) from the premises shall take place between 20.00 and 09.00 on the following day Monday to Saturday and between 18.00 and 09:00 on the following day on Sundays.

No deliveries to the premises shall take place between 20.00 and 09.00 on the following day Monday to Saturday and between 18.00 and 09:00 on the following day on Sundays.

Statement of Licensing Policy 2016 ("the Policy")

The application engages a number of sections of the Policy.

The application as currently presented is contrary to Policy PB1 and Policy PN1. I would like in particular to refer to policy PN1, regarding public nuisance.

The criteria for policy PN1 is stated to be:

'The potential for nuisance associated with the style, characteristics and activities of the business to be carried on at the premises and the potential steps which could be taken to reduce the risk of nuisance occurring. This will particularly apply in areas of residential accommodation and where there is residential accommodation in the proximity of the premises.'

Para 2.2.12 states that: 'Residents are often subjected to nuisance from the noise of people on their way to and from premises, and loitering in the streets after they have left premises. This can affect residents even at some distance from the premises themselves, especially along routes to transport facilities, and to car parks and parking areas and on routes between late night premises of various types. The nuisance from noise depends on its nature and whether it is during the day, the evening or at night. Late night noise is often unsettling; particularly shouting and screaming. Some of this is associated with aggression and assaults but most of it is "high spirits". It is impossible to distinguish between the reasons for these noises and in any case, it is very disturbing late at night. The degree of nuisance caused by noise increases with the lateness of the hour; especially if it disturbs or prevents sleep.'

Conclusions

I ask that the scope of the licence is limited and that robust safeguards are included on the licence to limit the potential for nuisance. In summary, these may include:

1. Restricting the operation of the licence to a nail and beauty salon of the type described in the application.
2. Restricting the opening times and licensable activity in line with nearby and similar premises.
3. Preventing noise from clients and staff outside of the premises by preventing seating areas, drinking and smoking in front of the premises.
4. If any private pre-booked events are permitted, that they be limited in frequency and timings through the use of Temporary Event Notices.
5. Restricting the operation of the film licence as an ancillary to the main use of the premises as a nail and beauty salon.
6. Restricting the frequency and hours for deliveries, and movement and collections of waste/recycling etc.

I was very encouraged by the conversation with the applicant and he understands the nature of the local area, therefore I'm sure that we can find a suitable compromise that protects local residents and also allows The Townhouse to run their business. Overall, I think that Townhouse would be a welcome addition to the neighbourhood if the residents' concerns are addressed.

Please see photographs attached with this representation at Appendix 5.

Name:	Resident 5
Received:	30 October 2017
<p>I have owned my flat here at 89 Great Portland Street for the last 17 years. I live here because I work in London and enjoy the area - which although busy during the week days, is quiet and residential in the evenings and at the weekends. I would like it to stay so.</p> <p>I wish to voice my concerns about the possible effect of the proposals set out by Townhouse on the local community, unless there are adequate restrictions imposed in the licence granted.</p> <ol style="list-style-type: none"> 1. Great Portland Street is very quiet in the evenings and weekends, when full time residents can enjoy some peace and quiet. We do not wish to see disturbance and public nuisance becoming the norm during every day and every evening with a very busy nail bar across the road operating during all hours of the day and night for the general public customers and for private parties. 2. Whilst I have absolutely no objection to a nail bar locally operating normal shop hours, it's a major concern that the opening hours requested are from 0000 to 2400 i.e. never closed. This is wholly out-of-keeping with the area and is likely to be a cause of public nuisance. Information provided by Townhouse's solicitor said that the opening hours would normally be around 0900 - 2100, but that sometimes they might want to open at 0700 and close at 2300. The letter also stated that they could run wedding parties and Christmas events and presumably "hen do's", office parties and the like - where I expect the main event is the drinking and socialising, not the nail bar services. The application talks of films being shown from 0700 - 2300 and alcohol being sold from 1000 to 2300. <p>These hours must be restricted to something acceptable and in line with other shop premises in the area; surely it is not to become a night club with some ancillary services? Although Townhouse are seeking only "on sales" to customers, this is ill-defined; a condition needs to be imposed that the business/licence is for a nail bar with any alcohol being an occasional extra only for customers using the nail bar services as their primary requirement. If/when Townhouse moves on, the licence must not allow the operation of a club or pub.</p> <ol style="list-style-type: none"> 3. Given that Townhouse wish to organise wedding and other parties and Christmas events, where alcohol will be sold, precautions must be imposed to require patrons to remain inside for drinking and smoking, and not crowd the pavements noisily making it difficult for residents living here. Parties are not known for being peaceful and quiet and conditions need to require patrons to leave the premises quietly. If they do not, it must be possible to challenge the licence. 4. I am advised that the salon is proposing a launch spend of around £500,000, which will be additional to the cost of the lease and operating costs, especially for actively running 7 days a week, 24 hours (or nearly) a day. With regular and high costs, and in order to be financially viable, the salon will have to attract a very large number of customers, throughout many hours and days of operation, which is of concern to local people as patrons could leave, having drunk half a bottle of wine or more, causing disturbance in a quiet area. 	

5. I cannot see the need for a general, widely worded, licence to cover all possible options. If a Christmas party is to be offered to nail bar customers, or a private or office party, or extended hours, a special licence should be required.

6. Any licence must be restricted to alcohol being part of the nail bar service only.

7. The street is very busy already, and any deliveries to this shop will have to be made to the front door. This will block the street even further as boxes of bottles are taken in and empty boxes removed. A parked delivery truck outside will reduce the road to single lane - with the consequent effect on traffic congestion and fumes.

Name:

Resident 6

Received:

30 October 2017

Introduction

I am writing in regard to licensing application 17/11140/LIPN for Townhouse at 88 Great Portland Street. I have been in contact with the owner, Jonathan Millet, and have outlined my concerns to him, both in person (at a site visit arranged by him) and over the phone. I have found him to be helpful, reasonable, flexible and sensitive to the needs of local residents, and I believe that Townhouse will prove to be a welcome addition to the neighbourhood if residents' concerns are resolved. I will outline these concerns below, and I will do my best to accurately reflect Mr Millet's response as well, for the benefit of the council.

Opening Hours

The application states that the proposed opening hours are 24 hours a day, 7 days a week. While I understand that the demand for beauty treatments in the middle of the night is likely to be minimal, and I accept the Mr Millet feels the same, it would be helpful if the opening hours were changed to something more reasonable. On the phone, Mr Millet suggested 9am until 9pm, perhaps extending until 10pm. I think these times are reasonable, particularly if my concerns about the noise from patrons are addressed, which I will detail below.

Noise from patrons

I request that an amendment stating that there shall be no seating outside, and especially no drinking. Although our building (89 Great Portland Street, directly opposite the premises) is busy during the day, during the evening and at night time it is quiet, and it is very important to us that we preserve this. Mr Millet understood our concerns and helpfully agreed that there would be no seating outside.

I had originally sought the presence of signs asking patrons to be mindful of local residents. However I am assured that Townhouse does not intend to operate as a bar, and therefore that such signs are both unnecessary and an unreasonable condition to inflict upon the business that would be contrary to the relaxed atmosphere that Townhouse wants to create. Mr Millet stated that his staff will be trained to ask patrons to move on quickly if they are loud. I think this is reasonable and ideally a note on staff training could be added to the license. The fact that the capacity of the business allows for less than 20 clients at any one time has also alleviated my concerns.

Sale of alcohol

The application of the license for the sale of alcohol was originally a source of concern due to the likelihood of increased noise. However, our site visit was very helpful on this front, since again it is clear that Townhouse does not intend to operate as a bar. I have no objection to prosecco etc. being served to patrons in moderate quantities. The only other concern regarding the sale of alcohol is that the license could be "sold on" to another business. Therefore I would request that the licensing of the premises is explicitly and inextricably linked to its use as a beauty salon. Mr Millet stated that he was confident that this was already the case, but if not then I would ask the licensing committee to make sure of it.

Exhibition of films

I have no objection to the exhibition of films in the manner described by Mr Millet, namely that films may play in the background to contribute to the atmosphere. Again, however, I have a small concern that such a license could be sold on, and so I would request that the exhibition of films be contingent on the premises being used for a beauty salon.

Private events

In their application, Townhouse state that they intend to hold private events. I had thought that all such events should require Temporary Event Notices (TENs). However, Mr Millet informed me that many of these events will be only for very few people and/or only for a very short duration, and hence that this requirement is too restrictive. He also stated that he was happy for the license to require TENs for private events of more than, say, 15 people (I am not sure of the exact number). I thought this was reasonable and I would request that the license be amended to reflect this condition.

To summarise, I believe first that Townhouse will be a welcome addition to the neighbourhood, and second that Townhouse and Jonathan Millet have been duly respectful and considerate to the concerns of residents during their application. I believe that the implementation of the amendments suggested above would be beneficial to all parties. However in the event of any disagreements, I would welcome dialogue and expect that a mutually satisfactory compromise can be found.

Name:

Resident 7

Received:

30 October 2017

I have owned my flat on the 6th floor of 89 Great Portland Street for over 10 years. I have enjoyed this quiet part of the West End because it's near all the facilities but far enough to remain quiet and somehow intimate and I wish to continue my peaceful life here.

What concerns me most about this licence application is the potential noise and activity directly opposite our building.

The main concerns are:

Presentation of alcohol sale and or serving

Long opening and operating hours

Various other license permissions requests as per my understanding of the application in this case, such as extended opening hours, 'exhibition of films' (not sure about the purpose of the latter), bespoke events, etc.

I am hopeful the above is self-explanatory and the reasons for my objection acceptable

and sufficient to express a major concern.

Name: Resident 8

Received: 31 October 2017

I am writing to object to the new licence application at 88 Great Portland Street. As the owner of Flat 3, 89 Great Portland Street I strongly object on the grounds of public nuisance and noise. Having a premises that is licensed to sell alcohol and stay open late will greatly impact on the existing quiet of Great Portland Street after the commercial buildings close at 6pm.

Name: Resident 9

Received: 1 November 2017

We Cluttons LLP act on behalf of the Freeholders, All Souls College, Oxford of 85-95 Great Portland Street London W1

We understand our leaseholders both residential and commercial have raised the following concerns:

The application in question appears to be very vague/open ended as highlighted during a recent meeting

The top concerns raised at the site meeting regarding the Alcohol license and Film license were: -

1. Ensuring the license is restricted for use only by a beauty salon - i.e. if Townhouse were to vacate during our 10 year rental term or after, to avoid a pub/bar or other operator taking over the premises
2. Avoiding people drinking / smoking in front of the shop
3. Operating hours
4. Ensuring film license will not be used for "cinema-style" shows / other uses not linked to the proposed use within the beauty salon

What was learned from the site visit was: -

The plans are for luxury nail and beauty salon

The luxury salon concept is inspired by Duck & Dry salon on Market Place, and they used Duck & Dry's license as a basis for their application -

<https://www.duckanddry.com/story>. [This is a hair salon with a nail bar add on and differs from the Townhouse proposition].

Plan to lease the retail unit for 10 years.

Upstairs, there is space for 11 clients upstairs (6 manicure, 5 pedicure) and a waiting area for 3-5 clients. Downstairs, there is space for 3 clients for treatments, as well as room for staff. There are no plans for events yet, but he said "in theory" they could hold events. [This is too vague for our leaseholders]

Townhouse will organise a "small" private press launch event

Jonathan Millet said he was happy that there would be no seats outside, no drinks outside and no smoking outside the premises.

We understand Great Portland Estates owns the building and are planning on selling the flats above the premises. They have been advising Jonathan on what he can and can't do with the license e.g. nail salon needs to be primary use and alcohol should only ever be ancillary.

Referring to conditions to the licence requested for the Whisky Exchange (and in common with the Cowshed in Soho - a similar operation in 31 Foubert Place W1(number: 12/03140/LIPVM there are a few more items that were not discussed during the meeting but worth pointing out.

1. Ensuring the license is restricted for use only by a beauty salon. Condition 1 in the operating schedule is noted, although based on advice and our research of other licenses, the wording could be improved upon. For example: -

- o Alcohol may only be sold to patrons attending the premises for, and ancillary to, Manicure and Pedicure Special Treatments.
- o The retail sale of alcohol shall be ancillary to the provision of special treatments licensed under the London Local Authorities Act 1991 to patrons of the premises. (This is in the Cowshed Shop Soho Premises licence, number: 12/03140/LIPVM)

2. Noise from people outside the premises. Condition 8 on the operating license doesn't address noise from people. Not allowing any seating, smoking or glasses/drinking outside the premises is our top concern for noise which has been noted in Jonathan Millet's list. However, it would also be helpful to include a common condition to make an effort to restrict noise from people arriving and leaving. For example, here is a condition on the license for the premises next door (license 17/07371/LIPN at 90-92 Great Portland Street, W1.

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

3. Alcohol. It would be helpful to add conditions similar to the Cowshed Shop Soho Premises licence (number: 12/03140/LIPVM):

- o There shall be no off sales permitted
- o There shall be no bar permitted at the premises
- o The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- o No sale of draught beer /lager /cider

4. Deliveries and collections. The conditions agreed on the license for the premises next door (license 17/07371/LIPN at 90-92 Great Portland Street, W1.) to limit public nuisance due to noise and to avoid peak congestion times in an already heavily polluted area, which we think are reasonable and we would appreciate it if they could also be included in the license for 88 Great Portland Street:

- o All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times Westminster Council published collection times for the street.
- o No collections of waste or recycling materials (including bottles) from the premises shall take place between 20.00 and 09.00 on the following day Monday to Saturday and between 18.00 and 09:00 on the following day on Sundays.
- o No deliveries to the premises shall take place between 20.00 and 09.00 on the following day Monday to Saturday and between 18.00 and 09:00 on the following day on Sundays.

. Operating Times

The hours proposed for sale of alcohol are very late for the type of premises. In an area of low footfall in the evenings, one would expect the premises to close to patrons much earlier. What is the basis for applying for the late hours?

It is proposed that the premises would be allowed to remain open for 24 hours per day (section L). Why?

The licence request is for: -

- Exhibition of a film Monday to Sunday 07.00- 23.00
- Sale by Retail of Alcohol Monday to Sunday 10.00 - 23.00

For your reference the Duck and Dry Salons trading times, Market Place W1 and Carnaby Street, are as follows: -

- Monday - Friday 07.30 - 19.30

Saturday 09.00 - 19.00
 Sunday 10.00-18.00 (Market Place closed)
 So much earlier than the Townhouse application which they say their licence application is based.
 Therefore, we request a terminal hour of 20.00 Monday to Saturday and 18.00 on Sundays and Bank Holidays as per the Whisky Exchange Licence license 17/07371/LIPN at 90-92 Great Portland Street, W1, next door.

Name:	Resident 10
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Received:	1 November 2017
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I am writing to raise objection to the licence application to Westminster Council by Townhouse at 88 Great Portland Street.
 I own two of the flats in the building at No. 89 Great Portland Street which is directly opposite the commercial unit and am writing on behalf of myself and my tenants.
 Due to the application of an alcohol and film license there is a real concern that the business may change its trading activities from a nail & beauty salon once the license has been agreed.
 Also the events that have been suggested may cause disruption and noise to the area. The trading hours should not exceed the stated 9am to 8pm. The majority of the other nail salons on Great Portland Street operate from 10am to 7pm.

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. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- a) Eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act,
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and
- c) Foster good relations between persons who share relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

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

Report author:	Ms Daisy Gadd Senior Licensing Officer
Contact:	Telephone: 0207 64 2737 Email: dgadd@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	April 2017
4	Representation Environmental Health	27 October 2017
5	Representation resident 1	31 October 2017
6	Representation resident 2	13 October 2017
7	Representation Fitzrovia Neighbourhood Association	1 November 2017
8	Representation resident 3	29 October 2017
9	Representation resident 4	30 October 2017
10	Representation resident 5	30 October 2017
11	Representation resident 6	30 October 2017
12	Representation resident 7	30 October 2017
13	Representation resident 8	31 October 2017
14	Representation resident 9	1 November 2017
15	Representation resident 10	1 November 2017

None

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 operate as a nail and beauty salon. Alcohol will only ever be sold and films will only ever be shown as an ancillary to the main use of the premises. There shall be no change to the operating style without proper written notice to the Licensing Authority, which shall include details of the operating style proposed. The Licensing Authority shall advise within 21 days whether a formal application for full or minor variation or a new licence is required and the licence holder shall comply with that direction.
10. The operator shall ensure that at all times when the premises are open for any licensable activity, there is sufficient, competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.
11. The operator and designated premises supervisor shall conduct a risk assessment for the general operation of the premises and in the case of individual bespoke events.
12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light conditions. The CCTV system shall continuously 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 request of Police or authorised officer throughout the entire 31 day period.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premise 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 absolute minimum of delay when requested.
14. The maximum number of persons permitted on the premises at any one time shall not exceed a figure prescribed by the risk assessment carried out by the Premises Licence Holder in accordance with fire safety legislation.

15. The Designated Premises Supervisor shall ensure that there are effective management arrangements in place to enable him/her to know how many people there are in the premises at times prescribed within the management risk assessment.
16. 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.
17. There shall be no self-service alcohol.
18. Notices shall be prominently displayed at any area designated for smoking requesting patrons to respect the needs of local residents and use the area quietly.
19. All members of staff at the premises including door supervisors shall seek 'credible photographic proof of age evidence' from any person who appears to be under the age of 21 years and who is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence or proof of age card carrying a 'PASS' logo.
20. Any events consisting of more than 50 people will require a temporary event notice.
21. There shall be no off sales permitted.
22. No on tap draught beer/lager/cider.
23. Patrons will not be allowed to take drinks outside in front of the store.
24. No outdoor seating in front of the property will be permitted.
25. It will be company policy, and staff will be trained, to move patrons on in the rare event they do smoke outside.
26. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
27. No deliveries between 21:00 and 07:30.

Conditions proposed by the Environmental Health

20. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a nail and beauty salon.

The applicant has agreed to condition 20 in lieu of condition 9.

21. The supply and consumption of alcohol shall be restricted to patrons attending the premises for, and ancillary to, nail and beauty treatment, and their bona fide guests.

Condition 21 has been agreed with the applicant.

22. There shall be no sale of draught beer, lager and cider at the premises.

Condition 22 has been agreed with the applicant.

23. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 25 persons
24. 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.
25. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

Condition 25 has been agreed with the applicant.

26. 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.

The applicant has agreed to condition 26 in lieu of condition 19.

27. 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.

Condition 27 has been agreed with the applicant.

28. 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.

Condition 28 has been agreed with the applicant.

29. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff
30. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times

31. No collections of waste or recycling materials (including bottles) from the premises shall take place between 21:00 hours and 07:00 hours on the following day.

Condition 31 has been agreed with the applicant.

32. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 21:00 hours and 07:00 hours on the following day.

Condition 32 has been agreed with the applicant.

33. No deliveries to the premises shall take place between 21:00 hours and 07:00 hours on the following day.

Condition 33 has been agreed with the applicant.

34. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
35. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
36. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
37. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
38. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
39. No licensable activities shall take place at the premises until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority.

Conditions proposed by the Police

None

Conditions proposed by resident 9

40. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times Westminster Council published collection times for the street.

41. No collections of waste or recycling materials (including bottles) from the premises shall take place between 20.00 and 09.00 on the following day Monday to Saturday and between 18.00 and 09:00 on the following day on Sundays.
42. No deliveries to the premises shall take place between 20.00 and 09.00 on the following day Monday to Saturday and between 18.00 and 09:00 on the following day on Sundays.
43. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
44. There shall be no off sales permitted.
45. There shall be no bar permitted at the premises.
46. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
47. No sale of draught beer /lager /cider.
48. Alcohol may only be sold to patrons attending the premises for, and ancillary to, Manicure and Pedicure Special Treatments.
49. The retail sale of alcohol shall be ancillary to the provision of special treatments licensed under the London Local Authorities Act 1991 to patrons of the premises.

Conditions proposed by resident 4

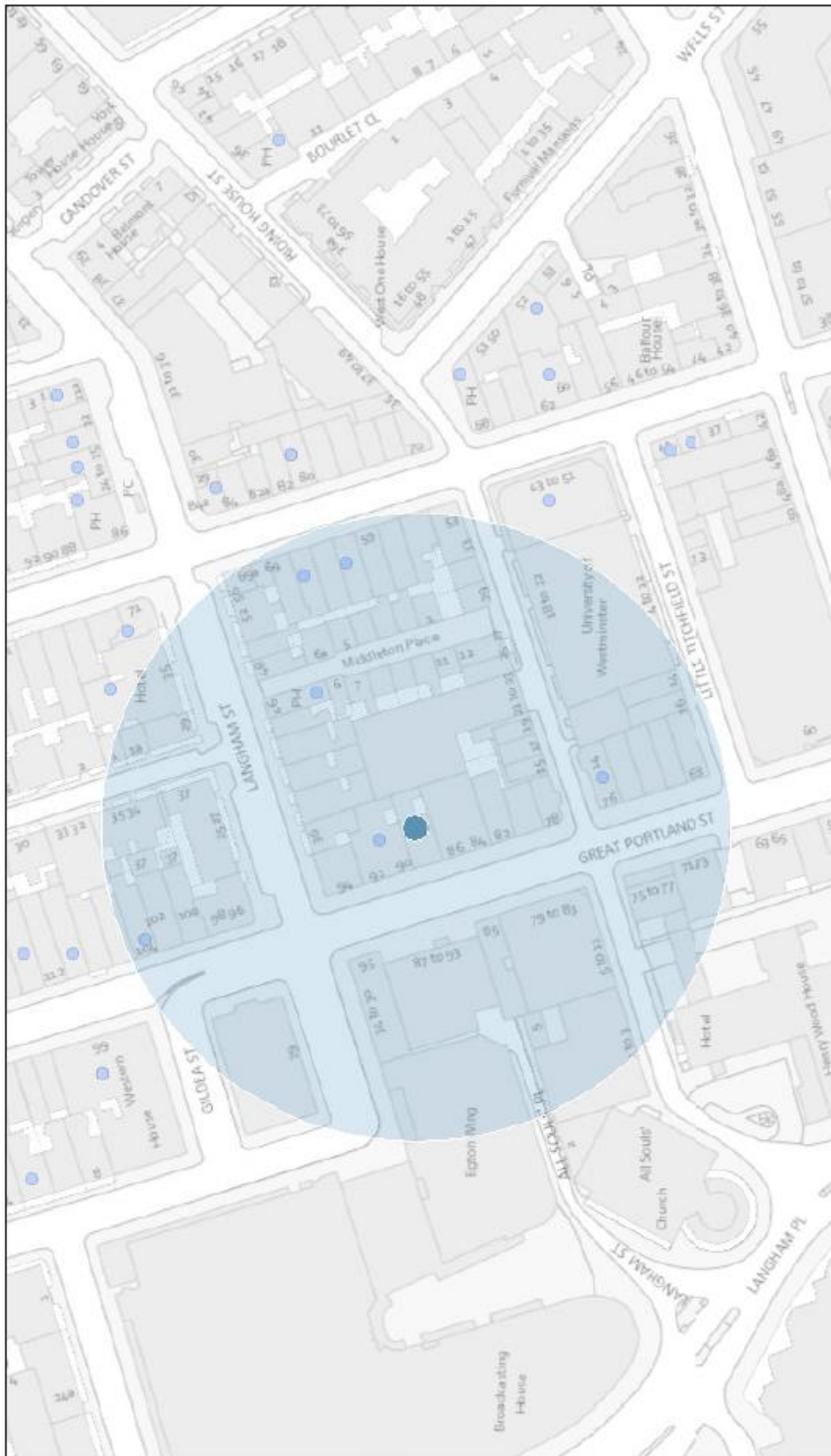
50. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
51. No collections of waste or recycling materials (including bottles) from the premises shall take place between 20.00 and 09.00 on the following day Monday to Saturday and between 18.00 and 09:00 on the following day on Sundays.
52. No deliveries to the premises shall take place between 20.00 and 09.00 on the following day Monday to Saturday and between 18.00 and 09:00 on the following day on Sundays.
53. There shall be no private events for groups unless the premises is operating under the authority of a Temporary Event Notice.
54. When events are held in the premises, the maximum capacity shall not exceed XX people, excluding staff.
55. Films will only ever be shows as an ancillary to the main use of the premises as a nail and beauty salon. There will be no events held for film showings or other uses not linked to the provision of nail and beauty services.
56. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

57. Smoking shall not be permitted in front of the premises.
58. Clients and staff shall not be permitted to take drinks or glass containers with them outside of the premises.
59. There will be no seating outside of the premises.
60. Alcohol may only be sold to patrons attending the premises for, and ancillary to, Manicure and Pedicure Special Treatments.
61. The retail sale of alcohol shall be ancillary to the provision of special treatments licensed under the London Local Authorities Act 1991 to patrons of the premises.

Following clarification with resident 3, below is the list of their confirmed proposed conditions.

62. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times Westminster Council published collection times for the street.
63. No collections of waste or recycling materials (including bottles) from the premises shall take place between 20:00 and 09:00 on the following day Monday to Saturday and between 18:00 and 09:00 on the following day on Sundays.
64. No deliveries to the premises shall take place between 20:00 and 09:00 on the following day Monday to Saturday and between 18:00 and 09:00 on the following day on Sundays.
65. There shall be no off sales permitted.
66. There shall be no bar permitted at the premises.
67. No sale of draught beer/lager/cider.
68. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
69. Alcohol may only be sold to patrons attending the premises for, and ancillary to, Manicure and Pedicure Special Treatments.
70. The retail sale of alcohol shall be ancillary to the provision of special treatments licensed under the London Local Authorities Act 1991 to patrons of the premises.
71. 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.
72. No outdoor seating in front of the property will be permitted.

88 Great Portland Street



November 28, 2017

● Live Licensing Act

1:1,250
0 0.01 0.02 0.04 m
0 0.015 0.03 0.06 km
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Resident count = 201

Licence Number	Trading Name	Address	Premises Type	Time Period
17/07371/LIPN	Not Recorded	90-92 Great Portland Street London W1W 7NT	Shop	Monday to Saturday: 10:00 - 20:00 Sunday: 10:00 - 18:00
16/03015/LIPDPS	Yorkshire Grey Public House	46 Langham Street London W1W 7AX	Public house or pub restaurant	Monday to Saturday: 10:00 - 23:00 Sunday: 12:00 - 23:00
16/07226/LIPDPS	Assortl	14 Riding House Street London W1W 7EB	Restaurant	Monday to Sunday: 12:00 - 23:00
16/09925/LIPCH	Scandinavian Kitchen	Basement And Ground Floor 61 Great Titchfield Street London W1W 7PP	Restaurant	Monday to Sunday: 08:00 - 23:00
17/09195/LIPDPS	MacAndWild	Ground Floor 65 Great Titchfield Street London W1W 7PT	Restaurant	Monday to Thursday: 09:00 - 00:00 Friday to Saturday: 09:00 - 00:30 Sunday: 09:00 - 23:30 Sundays before Bank Holidays: 09:00 - 00:30
06/07767/WCCMAP	Portland Food & Wine	Ground Floor 104 Great Portland Street London W1W 6PE	Shop	Monday to Sunday: 00:00 - 00:00

Re: 88 Great Portland Street, London W1W 7NT
Application for new premises licence ref: 17/11140/LIPN

Photos of the immediate area surrounding the premises
on different days and times of the week:

*88 Great Portland Street proposed premises for retail unit with all residential flats
above these premises including families with young children*



*89 Great Portland Street residential building with 18 flats and single glazing
opposite the premises*



30 October at 09:43



22 August at 11.22am



3 August at 9.23am

Traffic jam caused by van



4 August at 23:01



15 August at 20:22



23 August at 20:20





City of Westminster

Licensing Sub-Committee Report

Agenda Item 2

Item No:	
Date:	14 December 2017
Licensing Ref No:	17/10875/LIPV - Premises Licence Variation
Title of Report:	PF Changs 10-11 Great Newport Street London WC2H 7JA
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Ms Daisy Gadd Senior Licensing Officer
Contact details	Telephone: 0207 641 2737 Email: dgadd@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	29 September 2017		
Applicant:	Diverse Dining Ltd		
Premises:	PF Changs		
Premises address:	10-11 Great Newport Street London WC2H 7JA	Ward:	St James's
		Cumulative Impact Area:	West End
Premises description:	The premises currently operates as a restaurant servicing Chinese and Asian food.		
Variation description:	<p>The variation seeks to add off sales of alcohol to the licence, restricted to a) persons using an external seating area or b) ancillary to take-away meals, subject to the conditions set out in the operating schedule below.</p> <p>The application has proposed to remove condition 10 and to vary condition 37.</p> <p>3 additional conditions have been proposed.</p> <p>No changes are proposed to other licensable activities, permitted hours or layout of the premises.</p>		
Premises licence history:	The premises has been licensed since 2016. The full details of the premises licence history can be found at Appendix 2. There is no history for tables and chairs.		
Applicant submissions:	None		
Plans:	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Current and proposed licensable activities, areas and hours					
Late night refreshment					
Indoors, outdoors or both		Current :			Proposed:
		Indoors			No change
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	23:00	23:30	No change		No change
Tuesday	23:00	23:30			
Wednesday	23:00	23:30			
Thursday	23:00	23:30			
Friday	23:00	00:00			
Saturday	23:00	00:00			
Sunday	23:00	00:00			
Seasonal variations/ Non-standard timings:		Current:			Proposed:
		Sundays before Bank Holidays: 23:00 to 00:00.			No change

Sale by Retail of Alcohol					
On or off sales		Current :			Proposed:
		On			Both
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	10:00	23:30	No change		No change
Tuesday	10:00	23:30			
Wednesday	10:00	23:30			
Thursday	10:00	23:30			
Friday	10:00	00:00			
Saturday	10:00	00:00			
Sunday	12:00	22:30			
Seasonal variations/ Non-standard timings:		Current:			Proposed:
		Sundays before Bank Holidays: 12:00 to 00:00.			No change

Hours premises are open to the public					
	Current Hours		Proposed Hours		Premises Area
	Start:	End:	Start:	End:	
Monday	10:00	00:00	No change		No change
Tuesday	10:00	00:00			
Wednesday	10:00	00:00			
Thursday	10:00	00:00			
Friday	10:00	00:30			
Saturday	10:00	00:30			
Sunday	10:00	23:00			
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	Sundays before Bank Holidays: 12:00 to 00:00.			No change	

1-C Layout alteration
There are no proposed changes to the layout of the premises.

1-D Conditions being varied	
Condition	Proposed variation
<p>Condition 37</p> <p>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.</p>	<p>Except for persons using designated external seating areas, 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.</p>

1-E Conditions being removed
<p>Condition 10</p> <p>Apart from customers being permitted to take alcohol from the premises in accordance with condition 9 above, there shall be no sales of alcohol for consumption off the premises.</p>

1-F Conditions being added
<p>Apart from customers being permitted to take alcohol from the premises in accordance with condition 9, the sale of alcohol for consumption off the premises shall be either in sealed containers only and ancillary to a takeaway meal; or to persons using designated external seating areas.</p>
<p>Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.</p>
<p>All outside tables and chairs shall be rendered unusable by (23.00) each day.</p>

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Mr Maxwell Owusu Koduah
Received:	27 October 2017
<p>I refer to the application to vary a Licence for the above premises, which is located in the West End Cumulative Impact area.</p> <p>This representation is based on plans of Basement & Ground Floors by Zebra Projects FZE dated 08/09/2016 ref. 28023</p> <p>The applicant is seeking the following:</p>	

1. Permit consumption of alcohol at external seating area by removing condition 10 which reads:

Apart from customers being permitted to take alcohol from the premises in accordance with condition 9 above, there shall be no sales of alcohol for consumption off the premises.

Applicant has proposed the following additional conditions:

2. Apart from customers being permitted to take alcohol from the premises in accordance with condition 9, the sale of alcohol for consumption off the premises shall be either in sealed containers only and ancillary to a takeaway meal; or to persons using designated external seating areas.
3. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables
4. All outside tables and chairs shall be rendered unusable by 23.00 hours each day
5. Amend condition 37 to read:

Except for persons using designated external seating areas, 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

I wish to make the following representation

1. Permitting the consumption of alcohol at the external seating area will have the likely effect of causing an increase in Public Nuisance and impact on public safety within the West End Cumulative Impact area
2. A condition to permit drinking at external seating area will have the likely effect of causing an increase in Public Nuisance and impact on public safety within the West End Cumulative Impact area
3. No objection
4. Allowing tables and chairs at the external seating area up to 23:00 hours will have the likely effect of causing an increase in Public Nuisance and impact on public safety within the West End Cumulative Impact area
5. Amending condition 37 will have the likely effect of causing an increase in Public Nuisance within the West End Cumulative Impact area

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

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

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

Responsible Authority:	Licensing Authority
Representative:	Ms Shannon Pring
Received:	3 November 2017
<p>I write in relation to the application submitted for a variation of a Premises Licence for the following premises –</p> <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>The premises is located within the West End Cumulative Impact and as such a number of policy points must be considered.</p> <p>The variation application seeks to add a condition to allow the sale of alcohol for consumption off the premises which shall be either in sealed containers only and ancillary to a takeaway meal; or to persons using designated external seating areas.</p> <p>We are concerned that the increase in capacity will lead to an increase in the cumulative impact. RNT2 states that applications for restaurants will generally be granted provided it does not add to cumulative impact. We would like to see additional information in relation to how many additional people will be permitted in the external seating area and how this will not add to cumulative impact.</p> <p>Please accept this formal representation and we look forward to receiving the additional information.</p>	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Bryan Lewis
Received:	3 November 2017
<p>I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>The venue is situated in the West End Cumulative Impact Area, a locality where there is traditionally high levels of crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area. Namely by amending premises licence conditions intended to control the sale of premium alcohol.</p>	

2-B Other Persons

Received: 16 October 2017

I work nearby and have already found PF Changs to be a fantastic addition to the local scene. I think boosting their trade would be a good thing, and I think that if this leads to sophisticated external dining on Great Newport Street that would be a fantastic thing for the street. It might also help to reduce disorderly behaviour which would benefit local businesses.

Received: 25 October 2017

I object to alcohol being sold with take-away sales, as this is simply planning application creep from the original application that stated no intention to pursue an off-licence; I'm also alarmed by reference to outside dining areas, as I'm not aware of any application to put tables and chairs outside the premises, and would certainly object to any such application. In addition, and in general, I'm already negatively affected by powerful and intrusive cooking smells that enter my flat from kitchen ventilation or doors or windows that open onto the basement stair well at the rear of the premises, and I also suffer noise disturbance from kitchen staff who eat their lunch and chatter with each other, or on mobile telephones, on this same stair well. These disturbances were not anticipated by me when I attended a previous review and I would object, if able, to any licence renewal on the grounds of this discovered disturbance.

Following receipt of the correspondence letter from the applicant (which can be found at Appendix 1) on 29 November, the resident has provided an additional submission which can be found below:

When I attended the original licensing committee hearing for this applicant, my focus was on a desire to see good neighbourliness, with particular regard to customer behaviour upon leaving, those standing outside smoking, and the potential for noise from late-night waste disposal and bottle collection.

My focus remains in these areas. I made comment recently online with regard to invasive cooking smells coming from the kitchen, rising from the rear stairwell, and with regard to chatter from staff taking their break out on the stairs. I know my neighbour has spoken with the manager more than once on the same subject. It's a curious result of the configuration of these buildings that even normal talk in the courtyard, on the street, or in stairwells, rises to our windows as though the person talking were standing outside, four floors up.

The applicant might argue that any additional street noise will be limited to the times stated, and in an entertainment area such as this will not add significantly to the general hubbub - but we must do what we can to not allow such noise to increase to unbearable levels, and to keep commitments to their original nature.

I believe there was a commitment to address the two issues of staff talking in the stairwell, and invasive cooking smells rising up from the rear. I've not noticed any recent noise disturbance from staff, but only yesterday I was standing in my kitchen and the now familiar strong smell that I've noticed since the restaurant opened yet again invaded my home.

I hope that commitment to controlling smells from the kitchen is not going to slide. Such commitment to neighbourliness obviously impacts on those neighbours' ability to assess

the likely impact of other proposed changes.

Received: 25 October 2017

The tables and chairs would prove to be a major obstacle for both our residents and for the general public on a very narrow street.

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 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.
Policy CIA1 applies:	(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1. (ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.

4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- a) Eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act,
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and
- c) Foster good relations between persons who share relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

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

Report author:	Ms Daisy Gadd Senior Licensing Officer
Contact:	Telephone: 0207 641 2737 Email: dgadd@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	April 2017
4	Representation Environmental Health	27 October 2017
5	Representation Licensing Authority	3 November 2017
6	Representation Metropolitan Police Service	3 November 2017
7	Representation resident	16 October 2017
8	Representation resident	25 October 2017
9	Representation resident	25 October 2017
10	Letter to residents from applicant	28 November 2017
11	External seating consents	19 September 2017

Applicant letter to residents



Letter to be distributed by the City of Westminster Licensing Authority

28 November 2017

Dear Sir or Madam

Premises Licence Application
PF Changs, 10-11 Great Newport Street, London

We have been provided with a copy of your representation in respect of our premises licence application. We would be grateful for your consideration of this letter, which we hope helps to address the concerns you have raised.

The council have recently granted planning permission and a highways licence to place furniture in our external seating area. During that process the council assessed our proposals to ensure the furniture was suitable and adequate space remained on the pavement for pedestrians to pass by unobstructed. The consents were granted on a temporary basis allowing the renewal applications to be continually assessed.

We have now submitted a premises licence application to authorise the sale of alcohol to persons using our external seating area. We will ensure customers are managed professionally to ensure the area is used responsibly without causing our neighbours any nuisance. The application proposes the sale of alcohol in this area until 11.00 pm, which is consistent with the temporary consents already granted by Westminster. In addition, we are willing to agree additional conditions to ensure the area is only used by persons enjoying a meal at our restaurant and supervised by staff, as follows:

- 1. The supply of alcohol to persons in the external seating area shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.*
- 2. The supply of alcohol to persons in the external seating area shall be by waiter or waitress service only.*

We hope that this letter has helped to clarify the scope of our application. Please do not hesitate to contact us if you would like to discuss our proposals further, or any other matter in relation to the operation of our restaurant in your community.

Yours sincerely

Barry Cook & Simon Smith
barry.cook@diversedining.co.uk
simon.smith@diversedining.co.uk
PF Changs Restaurant Management

P.F.Chang's Asian Table, 10 Great Newport Street, London, WC2H 7JA

External seating consents

NOTES

The Council may revoke this licence on certain specified grounds e.g. for misconduct, failure to comply with licence conditions.

The holder may employ any other person to ASSIST him/her in the conduct of the business without any further licence being required, but the licence may not be transferred to any other person nor may it be altered or tampered with in any way. Any failure by an Assistant to comply with licence conditions will be deemed to be a failure by the licence holder.

Any breach of this licence is punishable by a penalty not exceeding Level 3.

CITY OF WESTMINSTER

CITY OF WESTMINSTER ACT 1999

TEMPORARY LICENCE
FOR THE USE OF
TABLES AND CHAIRS

Pf Changs
10-11 Great Newport Street
London
WC2H 7JA

LICENCE NO:
17/10450/STTC



City of Westminster

17/10450/STTC

1. THE WESTMINSTER CITY COUNCIL hereby grants to Diverse Dining Ltd

A temporary licence to engage in the use of tables and chairs in the City of Westminster from the street outside Pf Changs, 10-11 Great Newport Street, London, WC2H 7JA

2. This licence authorises the holder to trade solely in the articles, and in the manner, and at the places and times specified in the Schedule to the licence and is granted subject (1) to the conditions made under Section 21(2)(b) of the City of Westminster Act 1999; (2) to any Act amending the same and to any Orders made thereunder; and (3) to any other statutory enactment which is in force for the time being.

3. This licence shall remain in force until 15 April 2018 unless it is cancelled or revoked by the Council.

Dated this: 16 October 2017

Director of Public Protection & Licensing

SCHEDULE

Number Of Places	8						
Type and number of other approved furniture	TABLES: 4 CHAIRS: 8 HEATERS: nil PLANTERS:						
Location / Premises	Pf Changs, 10-11 Great Newport Street, London, WC2H 7JA,						
Dimensions of private forecourt	None						
Dimensions of area licensed	WIDTH: 3.96 DEPTH: 1.4						
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
From Time	08:00	08:00	08:00	08:00	08:00	08:00	08:00
To Time	23:00	23:00	23:00	23:00	23:00	23:00	23:00

FURTHER CONDITIONS

- (i) No space heaters shall be permitted within the licensed area.
- (ii) The approved furniture shall be removed from the highway each day no later than the terminal hour stated above and shall not be returned to the highway until the commencement time on the following day.



Your ref: 10-11 Great Newport Street
My ref: 17/06623/TCH

Please reply to:
Tel No:

Zulekha Hosenally
020 7641 2511

Miss Rebecca Pipe
Zebra Projects
The Pavilion
1 Newhams Row
London
SE1 3UZ

Development Planning
Westminster City Council
PO Box 732
Redhill, RH1 9FL

19 September 2017

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 this permission, by virtue of Section 91(1) of the Town and Country Planning Act 1990 (as amended) is subject to a condition that the development shall be commenced within 3 years of the date of this decision. Your attention is drawn to the Applicant's Rights.

SCHEDULE

Application No: 17/06623/TCH

Application Date:

Date Received: 25.07.2017

Date Amended: 25.07.2017

Plan Nos:

Address: 10-11 Great Newport Street, London, WC2H 7JA,

Proposal: Use of an area of the public highway measuring 1.4m x 4m for placing of 4 tables and 8 chairs in connection with the existing ground floor use.

See next page for conditions/reasons.

Yours faithfully

John Walker
Director of Planning

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 You must not put the tables and chairs in any other position than that shown on drawing 010 Rev. N. (C25AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 3 You can only put the tables and chairs on the pavement between 08.00 and 23.00. (C25BA)

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 4 The tables and chairs must only be used by customers of basement and ground floor restaurant (Class A3) at 10-11. (C25CA)

Reason:

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

- 5 This use of the pavement may continue until 30 September 2018. You must then remove the tables and chairs. (C25DA)

Reason:

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. For the

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above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

- 6 You can only put out on the pavement the tables and chairs shown on drawing 010 Rev. N. No other furniture, equipment or screening shall be placed on the pavement in association with the tables and chairs hereby approved.

Reason:

To make sure that the type and appearance of the tables and chairs (and where appropriate other furniture or equipment) is suitable and that no additional furniture, equipment or screening is placed on the pavement to the detriment of the character and appearance of the area. This is as set out in TACE 11 and DES 7 of our Unitary Development Plan that we adopted in January 2007.

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 (November 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 You cannot put tables and chairs in the area unless you have a street trading licence.

If you want to know about the progress of your application for a licence, you can contact our Licensing Service on 020 7641 8549. If you apply for a licence and then decide to change the layout of the tables and chairs, you may have to apply again for planning permission. You can discuss this with the planning officer whose name appears at the top of this letter.

Please remember that once you have a licence you must keep the tables and chairs within the agreed area at all times. (I47AB)
- 3 You must keep the tables and chairs within the area shown at all times. We will monitor this closely and may withdraw your street trading licence if you put them outside this area. (I48AA)
- 4 You are advised that Condition 8 of the permission dated 02 July 2013 (12/06317/FULL) for use of part basement and part ground floor as a restaurant (Class A3) permitted the following opening hours of the restaurant; 08.00 to 24.00 hours each day. The submitted application form states under section 20 that the opening hours are from 08.00 to 23.00 hours on Monday to Friday and Sundays, and from 08.00 to 01.00 on Saturday. The terminal hour for Saturday does not comply with the hours approved under the 2013 permission and any extension of hours outside of those permitted under the 2013 scheme would require planning permission to vary Condition 8.

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- 5 For the avoidance of doubt this permission only relates to the external tables and chairs on the public footway. This permission does not approve the internal layout at basement and ground floor level as shown on drawing 010 Rev. N.

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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:

- o **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.
- o **8 weeks** in the case of an appeal against refusal of advertisement consent.
- o **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.
- o **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).
- o **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.

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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.

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.

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Licence & Appeal History

Application	Details of Application	Date Determined	Decision
16/04563/LIPN	This was an application for a new premises licence.	26.07.2016	Granted by Licensing Sub Committee
16/11140/LIPN	This was an application for a new premises licence.	21.11.2016	Granted under Delegated Authority
17/08696/LIPT	This was an application to transfer the premises licence from Aviva Life & Pensions UK Limited to Diverse Dining Ltd.	23.08.2017	Granted under Delegated Authority
17/08697/LIPDPS	This was an application to vary the DPS.	23.08.2017	Granted under Delegated Authority.
17/08952/LIPVM	<p>This was an application for a minor variation. The application sought to vary the layout of the premises. Additionally, the application sought to amend conditions to read as follows:</p> <p>Condition 11: Notwithstanding condition 9 above, alcohol may be supplied and consumed by customers prior to their meal in the bar area, in the area hatched RED and shown on plan number 010 Rev.B, by up to a maximum at any one time of 15 customers in this area.</p> <p>Condition 12: Notwithstanding condition 9 above, alcohol may be supplied and consumed by customers prior to their meal in the bar area, in the area hatched RED and shown on plan number 010 Rev.B, by up to a maximum at any one time of 15 customers in this area.</p> <p>Condition 24: Excluding staff, the number of persons permitted in the premises at any one time shall not exceed 136 persons, with no more than 30 in the basement at any one time.</p>	23.08.2017	Granted under Delegated Authority

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

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

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

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

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

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

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

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

Where -

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

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

Annex 2 – Conditions consistent with the operating Schedule

None

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

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

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

- 10. Apart from customers being permitted to take alcohol from the premises in accordance with condition 9 above, there shall be no sales of alcohol for consumption off the premises.

The applicant has applied to remove Condition 10.

- 11. Notwithstanding condition 9 above, alcohol may be supplied and consumed by customers prior to their meal in the bar area, in the area hatched red and shown on plan number 010 Rev.B, by up to a maximum at any one time of 15 customers in this area.
- 12. The premises will be laid out with a minimum of 136 covers at all times.

13. 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.
14. 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.
15. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. 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.
17. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
19. 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.
20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
21. No 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.
22. All exit doors to the premises will remain closed after 23:00 hours except for entrance and egress.

23. Excluding staff, the number of persons permitted in the premises at any one time shall not exceed 136 persons, with no more than 30 in the basement at any one time.
24. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
25. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
26. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
27. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
28. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
29. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
30. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
31. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
32. 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.
33. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

Environmental Health has proposed to remove condition 33.

34. 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.

35. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
36. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 8 persons at any one time.

Environmental Health has proposed to amend condition 36 to read as follows:

Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, including those seated in an area appropriately authorised for the use of tables and chairs on the highway, shall be limited to 8 persons at any one time.

37. 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.

The applicant has applied to amend condition 37 to the following:

Except for persons using designated external seating areas, 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 applicant

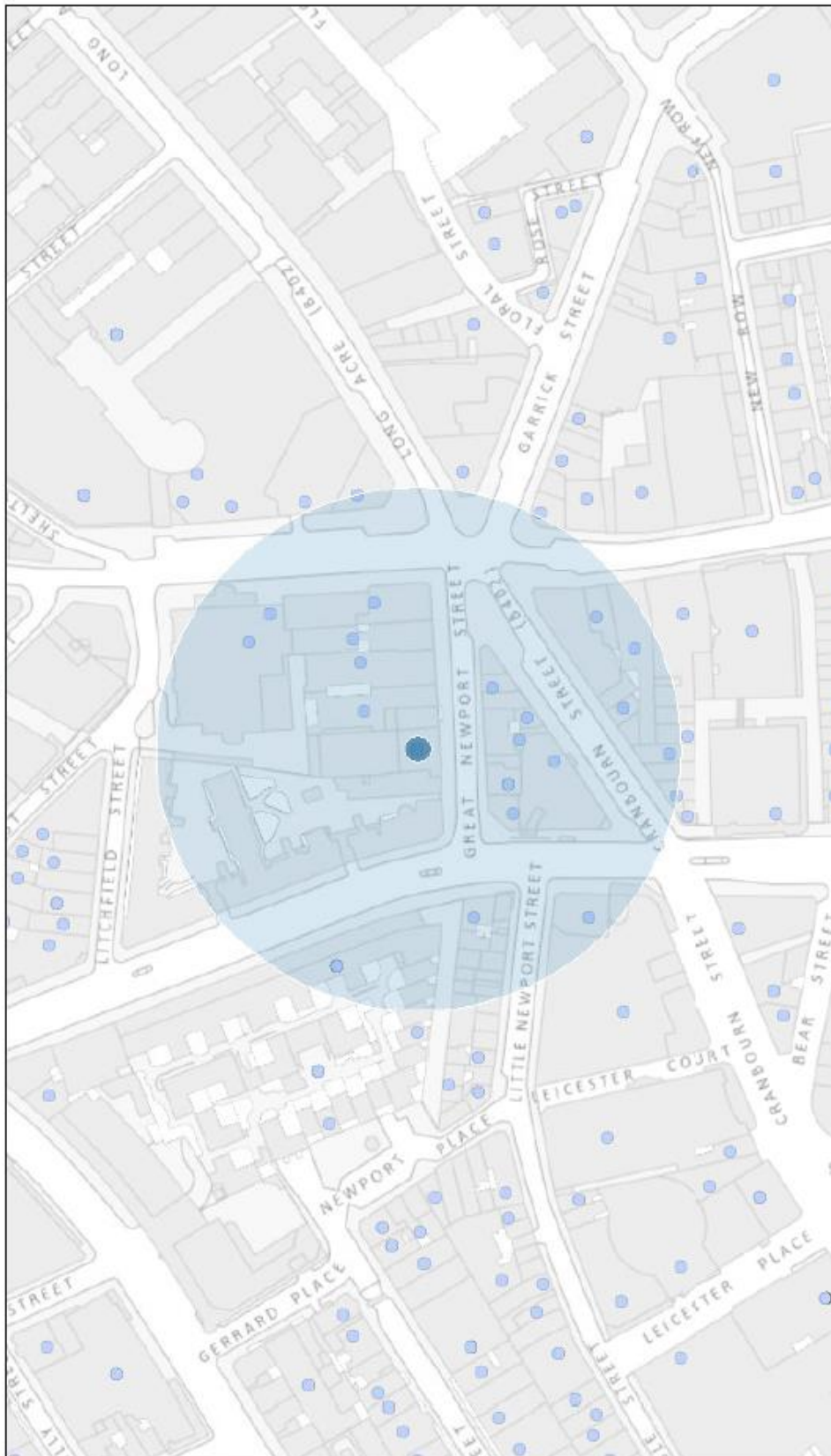
38. Apart from customers being permitted to take alcohol from the premises in accordance with condition 9, the sale of alcohol for consumption off the premises shall be either in sealed containers only and ancillary to a takeaway meal; or to persons using designated external seating areas.
39. Alcohol consumed outside the premises shall only be consumed by patrons seated at tables.
40. All outside tables and chairs shall be rendered unusable by 23:00 each day.
41. The supply of alcohol to persons in the external seating area shall only be to a person seated taking a table meal and for consumption by such a person as ancillary to their meal.
42. The supply of alcohol to persons in the external seating area shall be by waiter or waitress service only.

Conditions proposed by Environmental Health

43. The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway and bona fide taking a substantial table meal there, and where the consumption of

alcohol by such persons is ancillary to taking such a meal, and where the supply of alcohol is by waiter or waitress service only.

PF Changs



Resident count = 261

Trading Name	Address	Premises Type	Time Period
PF Changs	10-11 Great Newport Street London WC2H 7JA	Rest aurant	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 10:00 - 23:00 Sundays before Bank Holidays; 12:00 - 00:00
Aviva (Shadow)	10-11 Great Newport Street London WC2H 7JA	Office	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30
Salvador & Amanda	8 Great Newport Street London WC2H 7JA	Rest aurant	Monday; 09:00 - 01:30 Tuesday to Thursday; 09:00 - 02:30 Friday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 01:00
Pizza Rico	15-18 Great Newport Street London WC2H 7JG	Rest aurant	Monday to Sunday; 07:00 - 00:30
Abeno Too Japanese Restaurant	15-18 Great Newport Street London WC2H 7JG	Rest aurant	Monday to Wednesday; 12:00 - 23:00 Wednesday to Saturday; 12:00 - 23:30 Sunday; 12:00 - 22:30
Spaghetti House	24 Cranbourn Street London WC2H 7AA	Rest aurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
Entrecote Tortilla	21 Cranbourn Street London WC2H 7AA	Sales kiosk	Monday to Sunday; 23:00 - 05:00
The Arts Theatre	The Arts Theatre 6-7 Great Newport Street London WC2H 7JB	Theatre	Monday to Sunday; 09:00 - 00:00
The Porcupine Public House	48 Charing Cross Road London WC2H 0BS	Public house or pub restaurant	Monday to Thursday; 07:00 - 23:30 Monday to Saturday; 07:00 - 00:30 Friday to Saturday; 07:00 - 00:00 Sunday; 07:00 - 22:30 Sunday; 07:00 - 00:00 Sundays before Bank Holidays; 07:00 - 00:00
Cafe Aroma	22 Cranbourn Street London WC2H 7AA	Rest aurant	Monday to Thursday; 10:00 - 03:00 Friday to Saturday; 10:00 - 04:00 Sunday; 12:00 - 23:00
White Space	5 Great Newport Street London WC2H 7JA	Confrence or exhibition centre	Monday to Saturday; 09:00 - 00:30 Sunday; 10:00 - 23:00
Angus Steak House	Ground Floor 20 Cranbourn Street London WC2H 7AA	Rest aurant	Monday to Saturday; 10:00 - 01:00 Sunday; 10:00 - 00:00 Sundays before Bank Holidays; 10:00 - 01:00
Scarlets	1 Upper St Martin's Lane London WC2H 9NY	Night clubs and discos	Monday to Saturday; 09:00 - 03:30 Sunday; 12:00 - 23:00
Longji	Ground 47 Charing Cross Road London WC2H 0AN	Rest aurant	Monday to Sunday; 11:00 - 23:30
Starbucks	Orion House 5 Upper St Martin's Lane London WC2H 9EA	Cafe	Monday to Saturday; 06:30 - 23:00 Sunday; 07:30 - 23:00
Tredwell's	4A Upper St Martin's Lane London WC2H 9NY	Rest aurant	Monday to Saturday; 08:00 - 00:30
Westminster Noodle Bar	Ground Floor 38 Cranbourn Street London WC2H 7AD	Rest aurant	Friday to Saturday; 10:00 - 05:00 Sunday to Thursday; 10:00 - 02:00
Steak & Co	Ground Floor 79 St Martin's Lane London WC2N 4AA	Rest aurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
Mianbar	79 Charing Cross Road London WC2H 0NE	Night clubs and discos	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 23:00
Make Noodle Heaven	51 Charing Cross Road London WC2H 0NE	Rest aurant	Monday to Sunday; 11:00 - 00:00
Red N Hot Chinese Restaurant	59 Charing Cross Road London WC2H 0NE	Rest aurant	Monday to Thursday; 12:00 - 23:00 Friday to Saturday; 12:00 - 00:00 Sunday; 12:00 - 23:00 Sundays before Bank Holidays; 12:00 - 00:00
Kopi Tiam Malaysian Restaurant	67 Charing Cross Road London WC2H 0NE	Rest aurant	Monday to Thursday; 09:00 - 23:30 Friday to Saturday; 09:00 - 00:00 Sunday; 09:00 - 22:30 Sundays before Bank Holidays; 09:00 - 00:00
Real Beijing	67 Charing Cross Road London WC2H 0NE	Rest aurant	Monday to Saturday; 11:00 - 23:30 Sunday; 11:00 - 23:00 Sundays before Bank Holidays; 11:00 - 23:30
Longshots Bar	75 Charing Cross Road London WC2H 0NE	Night clubs and discos	Monday to Thursday; 09:00 - 23:30 Friday to Saturday; 09:00 - 00:00 Sunday; 09:00 - 22:30 Sundays before Bank Holidays; 09:00 - 00:30
PizzaExpress	43 Charing Cross Road London WC2H 0AP	Rest aurant	Monday to Saturday; 07:00 - 00:30 Sunday; 07:00 - 00:00 Sundays before Bank Holidays; 07:00 - 00:30
Pizza Express	Ground Floor 80-81 St Martin's Lane London WC2N 4AA	Pub or pub restaurant with lodge	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
Piazza Restaurant	35 Cranbourn Street London WC2N 4AU	Rest aurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00



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

Schedule 12
Part A

WARD: St James's
UPRN: 010033547922

Premises licence

Regulation 33, 34

Premises licence number:

17/08952/LIPVM

Original Reference:

16/04563/LIPN

Part 1 – Premises details

Postal address of premises:

PF Changs
10-11 Great Newport Street
London
WC2H 7JA

Telephone Number: 01923 555161

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

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

Late Night Refreshment

Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00
Sundays before Bank Holidays:	23:00 to 00:00

Sale by Retail of Alcohol

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

The opening hours of the premises:

Monday to Thursday:	10:00 to 00:00
Friday to Saturday:	10:00 to 00:30
Sunday:	10:00 to 23:00
Sundays before Bank Holidays:	12:00 to 00:00

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

Alcohol is supplied for consumption on the Premises.

Part 2

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

Diverse Dining Ltd
Office 124 - 12 Office Meridien House
69-71 Clarendon Road
Watford
WD17 1DS

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

08282915

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

Name: Simon Matthew Smith

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: PA1140
Licensing Authority: Carlisle City Council

Date: 23 August 2017

This licence has been authorised by Mrs Shannon Pring on behalf of the Director - Public Protection and Licensing.

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

7. The responsible person must ensure that –

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

Annex 2 – Conditions consistent with the operating Schedule

None

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

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

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

10. Apart from customers being permitted to take alcohol from the premises in accordance with condition 9 above, there shall be no sales of alcohol for consumption off the premises.
11. Notwithstanding condition 9 above, alcohol may be supplied and consumed by customers prior to their meal in the bar area, in the area hatched red and shown on plan number 010 Rev.B, by up to a maximum at any one time of 15 customers in this area.
12. The premises will be laid out with a minimum of 136 covers at all times.
13. 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.
14. 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.
15. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. 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.

17. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
19. 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.
20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
21. No 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.
22. All exit doors to the premises will remain closed after 23:00 hours except for entrance and egress.
23. Excluding staff, the number of persons permitted in the premises at any one time shall not exceed 136 persons, with no more than 30 in the basement at any one time.
24. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
25. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
26. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
27. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
28. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
29. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
30. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
31. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
32. 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.
33. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of

the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

34. 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.
35. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
36. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 8 persons at any one time.
37. 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.



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

Schedule 12
Part B

Premises licence
summary

WARD: St James's
UPRN: 010033547922

Regulation 33, 34

Premises licence number:

17/08952/LIPVM

Part 1 – Premises details

Postal address of premises:

PF Changs
10-11 Great Newport Street
London
WC2H 7JA

Telephone Number: 01923 555161

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

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

Late Night Refreshment	
Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00
Sundays before Bank Holidays:	23:00 to 00:00
Sale by Retail of Alcohol	
Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

The opening hours of the premises:

Monday to Thursday:	10:00 to 00:00
Friday to Saturday:	10:00 to 00:30
Sunday:	10:00 to 23:00
Sundays before Bank Holidays:	12:00 to 00:00

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

Alcohol is supplied for consumption on the Premises.

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

Diverse Dining Ltd
Office 124 - 12 Office Meridien House
69-71 Clarendon Road
Watford
WD17 1DS

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

08282915

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

Name: Simon Matthew Smith

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

Restricted

Date: 23 August 2017

This licence has been authorised by Mrs Shannon Pring on behalf of the Director - Public Protection and Licensing.

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City of Westminster

Licensing Sub-Committee Report

Agenda Item 3

Item No:	
Date:	14 December 2017
Licensing Ref No:	17/10969/LIPV - Premises Licence Variation
Title of Report:	Continental Food & Wine 24 Craven Road London W2 3PX
Report of:	Director of Public Protection and Licensing
Wards involved:	Hyde Park
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	29 September 2017		
Applicant:	Mr Velalakan Thuraisingam		
Premises:	Continental Food & Wine		
Premises address:	24 Craven Road London W2 3PX	Ward:	Hyde Park
		Cumulative Impact Area:	None
Premises description:	The premises is currently operating as a convenience store.		
Variation description:	<p>The applicant has applied to:</p> <ol style="list-style-type: none"> 1. Extend the permitted hours for the sale of alcohol for consumption off the premises to be from 08:00 to 01:00 the following day all week. 2. To remove all embedded restrictions carried forward from the justices' licence (Conditions 5 & 6). 3. To add new conditions. 		
Premises licence history:	The premises has had the benefit of a premises licence since September 2005.		
Applicant submissions:	None submitted.		

1-B Current and proposed licensable activities, areas and hours					
Sale by Retail of Alcohol					
On or off sales			Current :		Proposed:
			Off		No Change
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	08:00	23:00	08:00	01:00	No Change to Licensable Area.
Tuesday	08:00	23:00	08:00	01:00	
Wednesday	08:00	23:00	08:00	01:00	
Thursday	08:00	23:00	08:00	01:00	
Friday	08:00	23:00	08:00	01:00	
Saturday	08:00	23:00	08:00	01:00	
Sunday	10:00	22:30	08:00	01:00	
Seasonal variations/ Non-standard timings:	Current:				Proposed:
	Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means: (a) On weekdays, other than Christmas Day, 08.00 to 23.00 (b) On Sundays, other than Christmas Day, 10.00 to 22.30 (c) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30 (d) On Good Friday, 08.00 to 22.30				Seasonal variations to be removed.

Hours premises are open to the public					
	Current Hours		Proposed Hours		Premises Area
	Start:	End:	Start:	End:	
Monday	08:00	23:00	08:00	01:00	No Change to Licensable Area
Tuesday	08:00	23:00	08:00	01:00	
Wednesday	08:00	23:00	08:00	01:00	
Thursday	08:00	23:00	08:00	01:00	
Friday	08:00	23:00	08:00	01:00	
Saturday	08:00	23:00	08:00	01:00	
Sunday	10:00	22:30	08:00	01:00	
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	None			None	

1-C Layout alteration
None proposed.

1-D Conditions being varied, added or removed	
Condition	Proposed variation
<p><u>Condition 6</u></p> <p>Alcohol shall not be sold or supplied except during permitted hours.</p> <p>In this condition, permitted hours means:</p> <p>(a) On weekdays, other than Christmas Day, 08.00 to 23.00</p> <p>(b) On Sundays, other than Christmas Day, 10.00 to 22.30</p> <p>(c) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30</p> <p>(d) On Good Friday, 08.00 to 22.30</p> <p>NOTE - The above restrictions do not prohibit:</p> <p>(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;</p> <p>(b) ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;</p> <p>(c) sale of alcohol to a trader or club for</p>	<p>To be deleted</p>

<p>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.</p>	
<p><u>Condition 7</u></p> <p>Alcohol shall not be sold in an open container or be consumed in the licensed premises.</p>	<p>To be deleted</p>
<p><u>Condition 8</u></p> <p>CCTV covering the interior and exterior of the shop will be installed and kept operational at all times the premises are open to the public. It shall be capable of taking a head and shoulders shot of persons entering the premises, shall cover all entry/exits, be capable of storing images for a minimum of 31 days and a member of staff trained and capable of downloading images shall be on duty at all times the premises are open to the public. Images shall be provided to the police or authorised officers on request.</p>	<p>To be added</p>
<p><u>Condition 9</u></p> <p>The premises licence holder/DPS shall check that the CCTV is operational on a daily basis and check on a minimum weekly basis that the system is recording images for the minimum 31 day period, that the date and time are correctly set and that images can be readily downloaded on a usable format. Full details of all checks shall be recorded in the incident book (CCTV section).</p>	<p>To be added</p>

<p><u>Condition 10</u></p> <p>If at any time the CCTV is not fully operational the licensing authority must be informed and a competent CCTV engineer called as soon as possible. Full details of any faults with the CCTV, inspections and repairs carried out shall be recorded in the incident book (CCTV section).</p>	<p>To be added</p>
<p><u>Condition 11</u></p> <p>All staff will be trained for their role on induction and given refresher training at regular intervals of six months thereafter. Training will include identifying persons under 25, making a challenge, acceptable proof of age and checking it, making and recording refusals, proxy sales, avoiding conflict, responsible alcohol retailing and safeguarding children. Staff will also be trained in the operation of the CCTV system, checking it and download images for police and authorised officers. A written training record will be kept for each member of staff and be made available to police or authorised officers on request.</p>	<p>To be added</p>
<p><u>Condition 12</u></p> <p>A minimum of 2 trained staff shall be on duty in the shop after 23:00 daily</p>	<p>To be added</p>
<p><u>Condition 13</u></p> <p>A personal licence holder or the DPS shall be on duty after 19:00 Friday, Saturday and Bank Holidays.</p>	<p>To be added</p>
<p><u>Condition 14</u></p> <p>All spirits shall be kept behind the counter and all the other alcohol displays shall be in line of sight of the counter or covered by CCTV. Any alcohol not on display must be kept in the store room.</p>	<p>To be added</p>

<p><u>Condition 15</u></p> <p>A maximum of 20% of the retail display area shall be used for alcohol display at any time.</p>	<p>To be added</p>
<p><u>Condition 16</u></p> <p>A copy of the invoices for all alcohol or tobacco goods shall be kept on the premises for at least six months from the date of receipt.</p>	<p>To be added</p>
<p><u>Condition 17</u></p> <p>An incident book shall be kept at the premises, and made available to the police or authorised officers, which will record the following:</p> <ol style="list-style-type: none"> a) All crimes report b) All refusals of the sale of alcohol c) Lost Property d) All ejections of customers e) Any complaints received f) Any incidents of disorder g) Any seizures of drugs or offensive weapons h) Any faults in the CCTV i) Any visit by a relevant authority or emergency service. 	<p>To be added</p>
<p><u>Condition 18</u></p> <p>Notices will be prominently displayed by the entry/exit door and point of sale (as appropriate) advising customers that:</p> <ul style="list-style-type: none"> • CCTV is in operation • Challenge 25 is in operation as the proof of age policy. • Advising customers of the relevant provisions of the Licensing Act including re underage and proxy sales • No unaccompanied children are permitted in the premises after 21:00 • The permitted (Licensed) 	<p>To be added</p>

<p>house and opening times of the premises.</p> <ul style="list-style-type: none"> • That no alcohol may be opened inside or consumed in the shop • To respect residents, leave quietly, not to loiter outside and to dispose of litter legally • Not to drink in the street. 		
<p><u>Condition 19</u></p> <p>Management and staff will proactively discourage customers from loitering or drinking outside the premises politely asking people that they leave the shop and area.</p>	<p>To be added</p>	
<p><u>Condition 20</u></p> <p>The shop front will be kept tidy at all times and swept at close of business.</p>	<p>To be added</p>	
<p><u>Condition 21</u></p> <p>No deliveries will be received or received or rubbish removed between 20:00 and 06:30</p>	<p>To be added</p>	
<p><u>Condition 22</u></p> <p>The Challenge 25 proof of age policy will be operated and only a photographic driving licence, a valid passport, HM forces ID card or proof of age cards with the bearers photograph and the pass logo/hologram on it will be accepted as proof of age</p>	<p>To be added</p>	
<p><u>Condition 23</u></p> <p>A written refusals recorded will be kept and made available to police or authorised council officers on request.</p>	<p>To be added</p>	
<p>Adult entertainment:</p>	<p>Current position: Not Applicable</p>	<p>Proposed position: None</p>

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Anil Drayan
Received:	25 October 2017

CONTINENTAL FOOD & WINE, 24 CRAVEN ROAD, LONDON, W2 3PX

I refer to the application for variation of Premises Licence, 10/02376/LIPD, for the above premises.

The applicant is seeking the following:

1. To extend the hours for supply of alcohol 'Off' the premises so that they are 08:00 to 01:00 hours Monday to Sunday.
2. To remove all embedded restrictions carried forward from the Justice's Licence and add replacement conditions

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

1. The extension in hours sought for the supply of alcohol may lead to an increase in Public Nuisance in the area.
2. No representation raised (however please see below)

The extension in hours sought are also significantly beyond 'core' hours as stated in Westminster's Statement of Licensing Policy.

Although Environmental Health is largely supportive of the proposed change to the conditions in the operating schedule some of them may need to be re-worded to reflect model wording and should the extension in hours be granted additional conditions may be proposed to allay our concerns.

The applicant is requested to contact the undersigned to arrange a site visit to discuss the variation.

Responsible Authority:	Metropolitan Police Service
Representative:	PC Sandy Russell
Received:	20 th October 2017

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

2-B Other Persons

Name:	Cllr Floru
Address and/or Residents Association:	Ward Councillor
Received:	25 th October 2017

The hours sought to sell alcohol (off) are excessive in an area already harmed by late night drinking. 1 a.m. is too late.

Please reduce the hours to sell alcohol.

Name:	Jamie Andrews
Address and/or Residents Association:	GMS Estates Ltd
Received:	25 th October 2017

As a long term freehold owner of property in the area, 5/7/15/17/36/40 & 42 Craven Rd, with residential flats let above commercial units, we would wish to strongly object to this proposed extension of licencing hours as it will encourage noise, disturbance and additional congestion to the area to the detriment of residential tenants rights to quiet enjoyment of the homes.

If granted it may well also act as a magnet for late night unruly behavior and its associated nefarious activities.

The off licences current hours are more than sufficient to serve its current and local customers without any need for this extension and we require the local authorities officers to support the local residents and owners to maintain the area as an attractive and desirable place to live.

Name:	John Zamit
Address and/or Residents Association	South East Bayswater Residents' Association (SEBRA)
Received:	25 th October 2017
<p>We must strongly object to this application to extends hours of off sales to past 23.00 (Sunday 22.30 0) to 1am.</p> <p>We already have a major problem of drinking (and rough sleepers and beggars) in the area, especially in adjacent Praed Street and around Paddington station.</p> <p>The last thing we need in area is an outlet selling drink after till 1am! causing anti- social problems in surrounding streets, many of which are residential.</p> <p>Not sure of present licensing hours on this premises as 'old licence' but if any extension needed to reach WCC 'Core Off-Licence' hours we would want standard model conditions placed on licence, such as CCTV, locked cabinets, no beer / cider over 5.5% ABV, hours control over deliveries and refuse recycling collections, 15% only floor space over to alcohol display, spirits only old behind counter, no sales of 'miniatures' and Challenge 25 etc.</p>	

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
Policy OS1 applies:	Applications will generally be granted and reviews determined subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement.

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to :

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

4. Appendices

Appendix 1	Applicant supporting documents
Appendix 2	Premises history
Appendix 3	Proposed conditions
Appendix 4	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	29 th September 2017
5	Representation – Environmental Health	25 th October 2017
6	Representation – MET Police	20 th October 2017
7	Representation – Mr Andrews	25 th October 2017
8	Representation – SEBRA	25 th October 2017
9	Representation – Cllr Floru	25 th October 2017

Applicant Supporting Documents

None submitted.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
06/11058/WCCMAP	Application for a new premises licence	01/09/2005	Granted under delegated authority
08/06661/LIPDPS	Vary the Designated Premises Supervisor	22/07/2008	Granted under delegated authority
08/06662/LIPT	Transfer the Premises Licence	21/07/2008	Granted under delegated authority
10/02376/LIPD	Duplicate Licence	21/04/2010	Granted under delegated authority
10/05464/LIPV	<p>Application to vary the premises licence</p> <p>Extend the hours to sell alcohol by retail. The proposed variation in timings will be from Monday - Saturday between 08:00 and 01:00, on a Sunday between 10:00 and 01.00. The premises is a retail shop.</p>	07/10/2010	Application refused by Licensing Sub Committee

There is no appeal history

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

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

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

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

Conditions: Off Current Licence -

Mandatory:

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

- 5(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 5(ii) For the purposes of the condition set out in paragraph 5(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 5(iii). Where the permitted price given by Paragraph 5(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

Conditions Applicable to the Sale of Alcohol

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

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, 08.00 to 23.00
- (b) On Sundays, other than Christmas Day, 10.00 to 22.30
- (c) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30
- (d) On Good Friday, 08.00 to 22.30

NOTE - 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.

7. 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

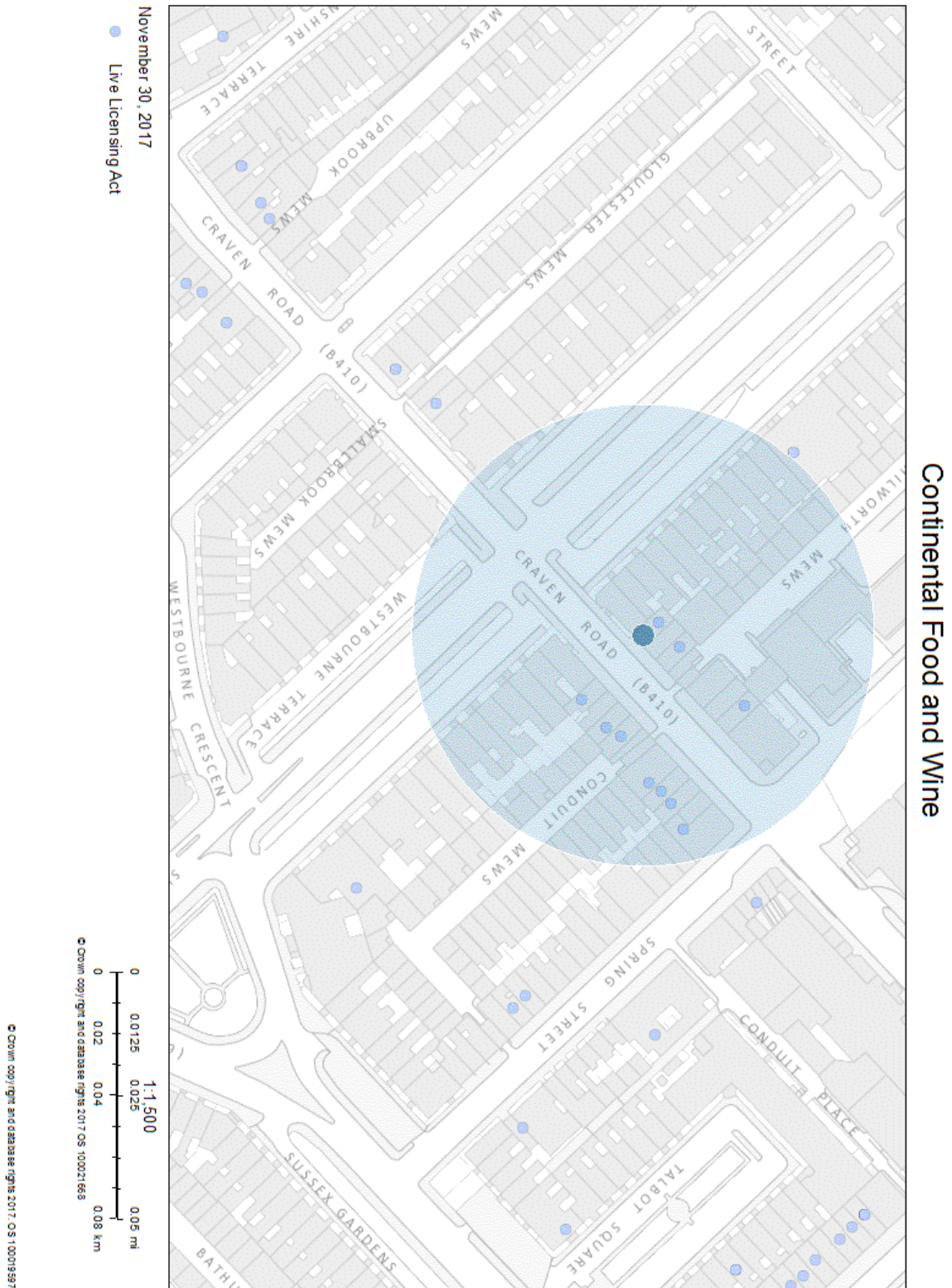
None

Conditions proposed by the applicant:

8. CCTV covering the interior and exterior of the shop will be installed and kept operational at all times the premises are open to the public. It shall be capable of taking a head and shoulders shot of persons entering the premises, shall cover all entry/exits, be capable of storing images for a minimum of 31 days and a member of staff trained and capable of downloading images shall be on duty at all times the premises are open to the public. Images shall be provided to the police or authorised officers on request.
9. The premises licence holder/DPS shall check that the CCTV is operational on a daily basis and check on a minimum weekly basis that the system is recording images for the minimum 31 day period, that the date and time are correctly set and that images can be readily downloaded on a usable format. Full details of all checks shall be recorded in the incident book (CCTV section).
10. If at any time the CCTV is not fully operational the licensing authority must be informed and a competent CCTV engineer called as soon as possible. Full details of any faults with the CCTV, inspections and repairs carried out shall be recorded in the incident book (CCTV section).
11. All staff will be trained for their role on induction and given refresher training at regular intervals of six months thereafter. Training will include identifying persons under 25, making a challenge, acceptable proof of age and checking it, making and recording refusals, proxy sales, avoiding conflict, responsible alcohol retailing and safeguarding children. Staff will also be trained in the operation of the CCTV system, checking it and download images for police and authorised officers. A written training record will be kept for each member of staff and be made available to police or authorised officers on request.
12. A minimum of 2 trained staff shall be on duty in the shop after 23:00 daily.
13. A personal licence holder or the DPS shall be on duty after 19:00 Friday, Saturday and Bank Holidays.
14. All spirits shall be kept behind the counter and all the other alcohol displays shall be in line of sight of the counter or covered by CCTV. Any alcohol not on display must be kept in the store room.
15. A maximum of 20% of the retail display area shall be used for alcohol display at any time.
16. A copy of the invoices for all alcohol or tobacco goods shall be kept on the premises for at least six months from the date of receipt.
17. An incident book shall be kept at the premises, and made available to the police or authorised officers, which will record the following:
 - a) All crimes report
 - b) All refusals of the sale of alcohol
 - c) Lost Property
 - d) All ejections of customers
 - e) Any complaints received

- f) Any incidents of disorder
 - g) Any seizures of drugs or offensive weapons
 - h) Any faults in the CCTV
 - i) Any visit by a relevant authority or emergency service.
18. Notices will be prominently displayed by the entry/exit door and point of sale (as appropriate) advising customers that:
- CCTV is in operation
 - Challenge 25 is in operation as the proof of age policy.
 - Advising customers of the relevant provisions of the Licensing Act including re underage and proxy sales
 - No unaccompanied children are permitted in the premises after 21:00
 - The permitted (Licensed) hours and opening times of the premises.
 - That no alcohol may be opened inside or consumed in the shop
 - To respect residents, leave quietly, not to loiter outside and to dispose of litter legally
 - Not to drink in the street.
19. Management and staff will proactively discourage customers from loitering or drinking outside the premises politely asking people that they leave the shop and area.
20. The shop front will be kept tidy at all times and swept at close of business.
21. No deliveries will be received or received or rubbish removed between 20:00 and 06:30.
22. The Challenge 25 proof of age policy will be operated and only a photographic driving licence, a valid passport, HM forces ID card or proof of age cards with the bearers photograph and the pass logo/hologram on it will be accepted as proof of age.
23. A written refusals recorded will be kept and made available to police or authorised council officers on request.

Residential Map and List of Premises in the Vicinity



Item No:	
Date:	23 November 2017
Licensing Ref No:	17/10522/LIPN - New Premises Licence
Title of Report:	Melissa's Kitchen Ltd 27 Elizabeth Street London SW1W 9RP
Report of:	Director of Public Protection and Licensing
Wards involved:	Churchill
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Ms Daisy Gadd Senior Licensing Officer
Contact details	Telephone: 0207 641 2737 Email: dgadd@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	21 September 2017		
Applicant:	Melissa's Kitchen Ltd		
Premises address:	27 Elizabeth Street London SW1W 9RP	Ward:	Churchill
		Cumulative Impact Area:	None
Premises description:	The premises is intending to operate as a cafe.		
Premises licence history:	This is a new premises licence and therefore no history exists.		
Applicant submissions:	None		
Plans:	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

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	00:00	00:00	
Seasonal variations/ Non-standard timings:			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				
			On Sundays immediately prior to Bank Holidays to 00:00.				

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:			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				
			On Sundays immediately prior to Bank Holidays to 00:00.				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	00:00	00:00	00:00	00:00	00:30	00:30	23:00
Seasonal variations/ Non-standard timings:			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				
			On Sundays immediately prior to Bank Holidays to 00:30.				
Adult Entertainment:			None				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service (withdrawn)
Representative:	PC Toby Janes
Received:	5 October 2017
<p>I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application.</p> <p>It is our belief that if granted the application would undermine the licensing objectives in relation to the prevention of crime and disorder as there are insufficient conditions within the operating schedule.</p> <p>We have concerns that this application will cause further policing problems in an already demanding area.</p> <p>Police would like you to consider adding the following conditions to your operating schedule as we believe they will address our concerns in relation to crime and disorder.</p> <ol style="list-style-type: none"> 1. The sale of alcohol on the premises shall at all times be ancillary to the main use of the premises as a café. 2. The supply of alcohol on the premises shall be by waiter or waitress service only to persons seated at tables. 3. No draught beer shall be sold or supplied at the premises. 4. There shall be no self-service of alcohol for consumption on the premises. 5. After 2300 hours 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. <p>The Metropolitan Police Service have withdrawn their representation following the agreement of conditions proposed by the Police with the applicant.</p>	
Responsible Authority:	Environmental Health
Representative:	Mrs Sally Fabbicatore
Received:	11 October 2017
<p>This representation is based on the Operating Schedule and the submitted plans, ground floor, titled with the address and drawing number 900 and dated September 17.</p> <p>The applicant is seeking the following on the ground floor and basement:</p> <ol style="list-style-type: none"> 1. To allow the Supply of Alcohol both 'on and off' the premises Monday to Thursday 10:00-23:30 hours, Friday and Saturday 10:00-00:00 hours and Sunday 12:00-22:30 hours. 	

2. To allow the provision of Late Night Refreshment Monday to Thursday 23:00-23:30 hours, Friday and Saturday 23:00-00:00 hours.
3. To allow the above licensable activities from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day and allow until midnight on Sundays prior to Bank Holidays.

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

1. The provision of the Supply of Alcohol may cause an increase in Public Nuisance in the area, it may also impact on Public Safety.
2. The provision of Late Night Refreshment may cause an increase in Public Nuisance in the area.
3. The non-standard timings may cause an increase in Public Nuisance in the area.

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.

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.

2-B Other Persons

Received: 2 October 2017

There already are more than sufficient licensed premises on Elizabeth Street - we do not need more in what is a residential area. If the licensing authority is determined to grant a licence the closing hour must be reduced to a maximum of 11pm each day - the proposed weekend limit of 12.30, in a residential area is outrageous - the Street is noisy enough already.

Received: 3 October 2017

Ebury & Elizabeth Streets, 3 premises with licenses plus many more in Elizabeth Street, do not need more anti-social behaviour with late nights, 11:00pm maximum opening and no alcohol. Coach station already attracts anti-social behaviour with neighbourhood used as a loo and Too much noise for residents as well. This is a residential area with expensive properties. Very much against the license.

Received: 6 October 2017

We are writing to object to the above premises licence application. As close neighbours to the applicant, we believe the new licensing arrangements requested by this establishment, if granted, would contravene the licensing objective of the Prevention of Public Nuisance. Details of our objection are given below.

1. The stretch of Elizabeth Street between Eccleston Place and Ebury Street, where Melissa's Kitchen is situated, includes a significant proportion of residential accommodation. In addition to our flat block (Sydney House) which is directly opposite Melissa's Kitchen, residential accommodation includes blocks of flats at 29-31 Elizabeth

Street (immediately adjacent to the applicant), 6-20 Elizabeth Street (Mountbarrow House), and 39 Elizabeth Street.

2. During the daytime Elizabeth Street is a vibrant, buzzing street, with coach travellers, residents and others going about their business. However, as the evening draws in, the street becomes much quieter and, by 11.00pm – when the Coach Station, Travellers Tavern pub, Sainsbury's Local, and various cafes have all closed – the street falls to near silence, even on weekends. It becomes a surprising oasis of calm in the middle of a busy part of London.

To reiterate, currently no establishment on the street is open beyond 11.00pm on any day of the week. This includes the Travellers Tavern pub, despite provision in its licence to remain open later.

3. Melissa's Kitchen is designed as a daytime cafe and its soundproofing and layout are appropriate only for such use. It has a largely glazed frontage and a single front door. There is no acoustic lobby, nor any other soundproofing structures or devices typically found in other licensed premises such as pubs. Even with the door shut, noise leaks easily from the premises. When the front door is opened – to allow people to enter/leave the premises or when customers move outside to smoke – the problem becomes more significant, as there is then no barrier to stop noise flooding into the street and nearby flats.

4. The application requests a licence to open until midnight Monday to Thursday and half-past midnight on Friday and Saturday, and serve alcohol until 30 minutes earlier each day. As described above, we contend that the applicant's location in a residential accommodation area and lack of soundproofing renders it unsuitable for late night opening. Furthermore, with the Travellers Tavern shutting at 23.00 (22.30 on Sundays), the granting of a licence to Melissa's Kitchen to supply alcohol late into the evening would only serve to tempt people leaving the Travellers Tavern into the residential part of Elizabeth Street to continue drinking. On the grounds of Prevention of Public Nuisance, we ask you to limit the applicant's opening times to no later than 23.00, and prohibit the sale of alcohol after 22.30, every day.

Received:	14 October 2017
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Many thanks for the opportunity to comment on this license application for extended opening hours and sale of alcohol for Melissa's Kitchen Ltd., which I hereby wish to object to.

Extending opening hours/sale of alcohol beyond 11pm seems unnecessary and detrimental to the area, where nighttime nuisance and noise is already a problem. Even after Sainsbury's Local opened across the street, the phenomenon of late night lingering in the street and the consumption of alcohol purchased in these premises until well beyond midnight, with the associated noise and anti-social behaviour, is very disruptive to the many local residents and the area in general.

Please do not extend opening hours/alcohol license beyond 11pm, as the other premises in the street, which is already more than generous.

Although we very much welcome Melissa's Kitchen Ltd.'s decision to modernise and smarten up their premises to be more in line with the noticeable improvements in the area, I feel that extending opening hours would be against this aim and result in

considerable nuisance and degeneration of the area.

Being a major transport hub, this section of Elizabeth Street is a natural gathering point for travellers, the homeless, and others engaging in gregarious gatherings in the street late at night. If one adds to this available food and alcohol until late, it will inevitably result in noise, nuisance, and associated debris left behind, sometimes nightmarish for residents and the area in general.

Granting the license for extended opening hours beyond 11pm including sale of alcohol would certainly be negative and against the significant improvements that have been achieved to sanitise, smarten and generally improve this part of Elizabeth Street.

Thank you for taking this objection into consideration

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. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- a) Eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act,
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and
- c) Foster good relations between persons who share relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

Appendix 1	Applicant supporting documents
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Appendix 3	Proposed conditions
Appendix 4	Residential map and list of premises in the vicinity

Report author:	Ms Daisy Gadd Senior Licensing Officer
Contact:	Telephone: 0207 641 2737 Email: dgadd@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	April 2017
4	Representation Metropolitan Police Service	5 October 2017
5	Representation Environmental Health Service	11 October 2017
6	Representation resident	2 October 2017
7	Representation resident	3 October 2017
8	Representation resident	6 October 2017
9	Representation resident	14 October 2017

None

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. 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 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.
11. 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.
12. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
13. 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.
14. 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.

15. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 40 persons.

Environmental Health have proposed to amend condition 15 to the following:

The number of persons permitted in the premises at any one time (including staff) shall not exceed 40 persons.

The amendment to condition 15 has been agreed with the applicant.

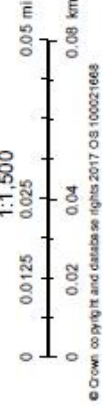
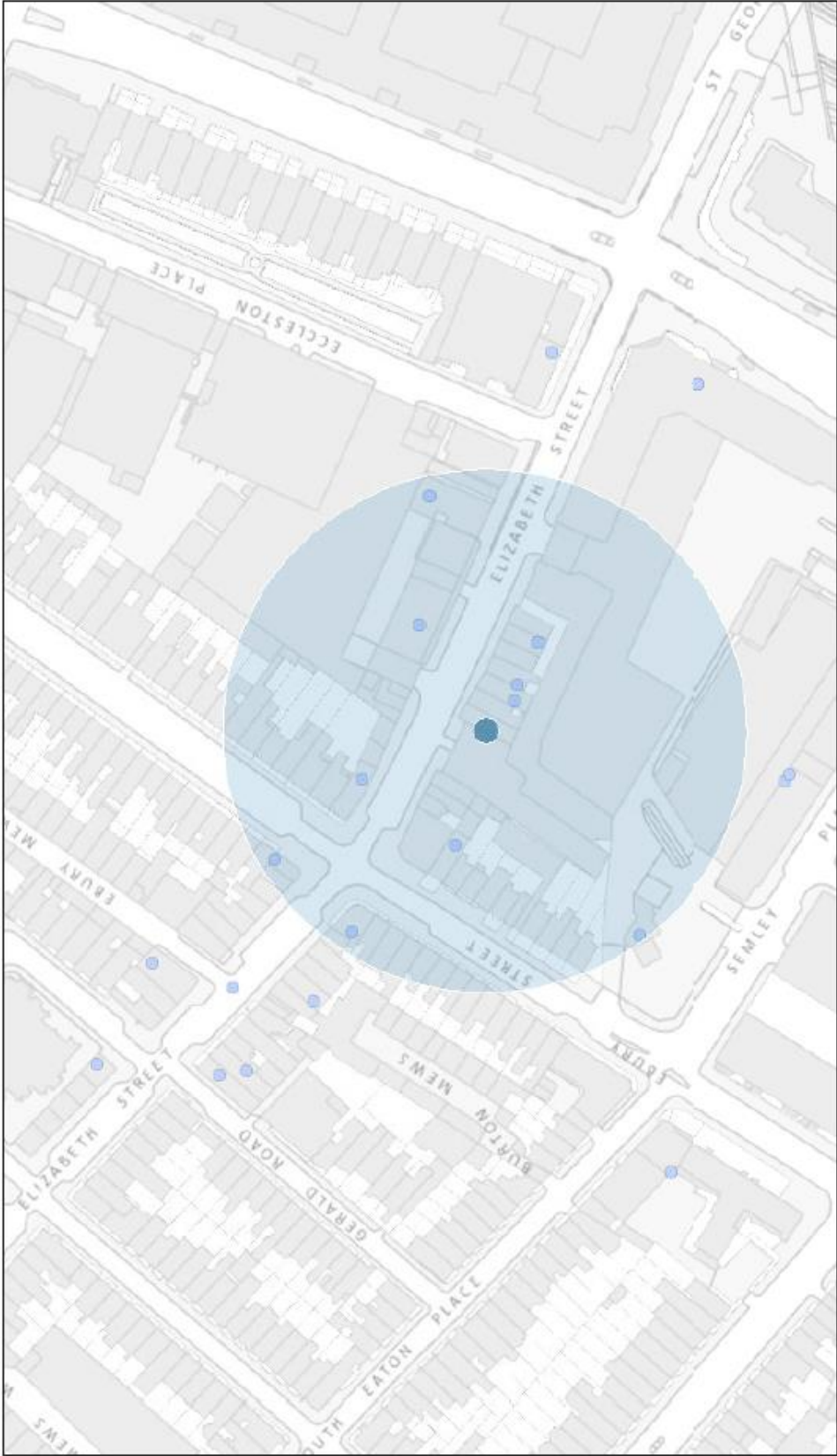
16. No deliveries to the premises shall take place between 23:00 and 08:00 on the following day.
17. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
18. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 08:00 hours on the following day.
19. 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.
20. 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
 - g) Any refusal of the sale of alcohol
 - h) Any visit by a relevant authority or emergency service
21. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

Conditions proposed by the Police and agreed with the applicant

22. The sale of alcohol on the premises shall at all times be ancillary to the main use of the premises as a café.
23. The supply of alcohol on the premises shall be by waiter or waitress service only to persons seated at tables.
24. No draught beer shall be sold or supplied at the premises.

25. There shall be no self-service of alcohol for consumption on the premises.
26. After 23:00 hours 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.

Melissa's Kitchen



October 31, 2017
 ● Live Licensing Act

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Resident count = 68

Trading Name	Address	Premises Type	Time Period
Mister Louisa's	25 Elizabeth Street London SW1W 9RP	Cafe within another property	Monday to Saturday: 07:00 - 23:00 Sunday: 07:00 - 22:30
Frier Inn Fish Restaurant	Ground Floor 21 Elizabeth Street London SW1W 9RP	Restaurant	Monday to Saturday: 10:00 - 00:30 Sunday: 12:00 - 00:00
Dominique Ansel Bakery (17-21)	17 Elizabeth Street London SW1W 9RP	Restaurant	Monday to Saturday: 10:00 - 23:00 Sunday: 12:00 - 22:30
Victoria Grocers	17 Elizabeth Street London SW1W 9RP	Shop	Monday to Sunday: 07:00 - 23:00
Il Convivio	143 Ebury Street London SW1W 9QN	Restaurant	Monday to Thursday: 10:00 - 00:00 Friday to Saturday: 10:00 - 00:30 Sunday: 12:00 - 23:00
Sainsbury's	14 - 20 Elizabeth Street London SW1W 9RB	Food store	Monday to Sunday: 00:00 - 00:00
Ebury Wine Bar	139 Ebury Street London SW1W 9QU	Wine bar	Monday to Saturday: 10:00 - 23:30 Sunday: 12:00 - 22:30
Peggy Parschen Cakes	Basement/And Ground Floor 116 Ebury Street London SW1W 9QH	Cafe	Monday to Sunday: 08:00 - 21:00
Travellers Tavern	4 Elizabeth Street London SW1W 9RB	Public house or pub restaurant	Monday to Thursday: 07:00 - 23:30 Monday to Saturday: 07:00 - 00:30 Friday to Saturday: 07:00 - 00:00 Sunday: 07:00 - 22:50 Sunday: 07:00 - 22:50 Sundays before Bank Holidays; 07:00 - 00:00 Sundays before Bank Holidays; 07:00 - 00:00
Tom Tom Coffee House	114 Ebury Street London SW1W 9QD	Shop	Monday to Sunday: 08:00 - 21:00
Shell Victoria	Shell Service Station 163 Ebury Street London SW1W 9QN	Petrol filling station	Monday to Saturday: 07:00 - 23:00 Sunday: 08:00 - 22:00