



City of Westminster

Committee Agenda

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

Meeting Date: **Thursday 2nd May, 2019**

Time: **10.00 am**

Venue: **Room 18.01-03, 18th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**

Tim Mitchell (Chairman)
Heather Acton
Aicha Less

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 64 Victoria Street 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, Kisi Smith-Charlemagne, Senior Committee and Governance Officer.

Email: kscharlemagne@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. 170 GREAT PORTLAND STREET, LONDON, W1W 5QB

(Pages 1 - 32)

| App No | Ward / Cumulative Impact Area | Site Name and Address | Application | Licensing Reference Number |
|--------|---|--|----------------------|----------------------------|
| 1. | Marylebone High Street Ward / not in a cumulative impact area | 170 Great Portland Street, London, W1W 5QB | New Premises Licence | 19/02649/LIPN |

Stuart Love
Chief Executive
26 April 2019

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

POLICY CONSIDERATIONS

The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy, effective from 7th January 2016.

GUIDANCE CONSIDERATIONS

The Licensing Sub-Committee is required to have regard to any guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. The most recent version was published in April 2018.

CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES (As set out in the Council's Statement of Licensing Policy 2016)

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

Friday and Saturday: 10:00 to midnight
Sundays immediately prior to Bank Holidays: Midday to midnight
Other Sundays: Midday to 22:30
Monday to Thursday: 10:00 to 23:30.

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

Monday to Saturday: 08:00 to 23:00
Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight
Sundays immediately prior to Bank Holidays: 09.00 to midnight
Other Sundays: 09.00 to 22.30
Monday to Thursday: 09.00 to 23.30.

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| | |
|--------------------|---|
| Item No: | |
| Date: | 2 May 2019 |
| Licensing Ref No: | 19/02649/LIPN - New Premises Licence |
| Title of Report: | 170 Great Portland Street London W1W 5QB |
| Report of: | Director of Public Protection and Licensing |
| Wards involved: | Marylebone High Street |
| Policy context: | City of Westminster Statement of Licensing Policy |
| Financial summary: | None |
| Report Author: | Michelle Steward Senior Licensing Officer |
| Contact details | Telephone: 020 7641 1872 Email: msteward1@westminster.gov.uk |

1. Application

| 1-A Applicant and premises | | | |
|-----------------------------------|--|--------------------------------|------------------------|
| Application Type: | New Premises Licence, Licensing Act 2003 | | |
| Application received date: | 5 March 2019 | | |
| Applicant: | Aqua Brit Ltd | | |
| Premises address: | 170 Great Portland Street London W1W 5QB | Ward: | Marylebone High Street |
| | | Cumulative Impact Area: | No |
| Premises description: | According to the application form, this premises will operate as a restaurant, with off sales. | | |
| Premises licence history: | <p>Although this is an application for a new premises licence, these premises were licensed under licence number 18/03468/LIPDPS.</p> <p>The Premises Licence Holder, Villandry Food Store Limited went into administration on 26 August 2018, no Interim Authority Notice has been given and therefore this licence has now expired. For a full history, please refer to Appendix 3.</p> | | |
| Applicant submissions: | There are no submissions from the applicant. | | |

| 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 | N/A |
| End: | 23:30 | 23:30 | 23:30 | 23:30 | 00:00 | 00:00 | N/A |
| Seasonal variations/ Non-standard timings: | | | <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>On Sundays prior to bank holidays 23:00 to 00:00.</p> | | | | |

| | | | | | | | |
|---|------------|-------------|--|---------------------------------|------------|------------|------------|
| 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: | | | <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>On Sundays prior to bank holidays 23:00 to 00:00.</p> | | | | |

| 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: | 00:30 | 00:30 | 00:30 | 00:30 | 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 prior to bank holidays 23:00 to 00:00. | | | | | |

2. Representations

| 2-A Responsible Authorities | |
|--|---|
| Responsible Authority: | Environmental Health Service (<i>Withdrawn</i>) |
| Representative: | Dave Nevitt |
| Received: | 2 April 2019 |
| <p>I wish to make Representations on the following grounds: Representation is made in relation to the application, as the proposals are likely to increase the risk of Public Nuisance and may impact upon Public Safety.</p> <p>Further correspondence received from Environmental Health on the 15 April:</p> <p>I met with Alun and the applicant yesterday to discuss the details of the application and I make the following comments:</p> <ol style="list-style-type: none"> 1. The application seeks licensable activities which are <u>within the 'Core Hours'</u> as defined by the City Council's Licensing Policy. 2. The premises is <u>not located in a CIA</u>. 3. The applicant has submitted a number of <u>suitable Model Conditions</u> (numbered 1 – 17 on the 'Application Summary' document attached to the application. These are agreed by EH. 4. The applicant has agreed that <u>external furniture</u> will be removed/rendered unusable by 2300hrs. External furniture has not been shown on the plans as it is likely to require separate Planning approval and possibly Tables & Chairs Licensing. MC19 or MC20 5. In relation to 'Proposed Condition 5' – any area used for smoking: the applicant agrees to designate/mark on the plans a <u>designated area</u> outside the main front door fronting onto Great Portland Street. 6. The previous Licence (18/03468/LIPDPS), which I believe has lapsed, <u>included similar permissions with less restrictive Conditions</u>. 7. I understand that the local residents are seeking MC66 to apply. As far as I understand, this is not required by Policy and was not on the previous Licence. In any event, I understand that the Planning Approval for the premises is for A3 Restaurant use. MC66 is not proposed by EH. 8. The applicant proposes to carry out a full refurbishment of the premises. 'Proposed Conditions' 16 and 17 are therefore relevant. The final capacity can be specified on completion of the works. <p><u>On the basis of the above points I withdraw the EH Representation.</u></p> <p>I understand from Alun that he has not reached agreement with the residents regarding MC66 and that the matter is likely to be adjudicated at a Committee Hearing. I have set out the above points so that the Ctee may be aware of the EH position.</p> | |

| | |
|--|--|
| 2-B Other Persons | |
| Name: | [REDACTED] |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] |
| Received: | 25 March 2019 |
| <p>We would like to see a condition to ensure that the premises is operated as a restaurant and not a bar. We ask for Model Condition 66 to be added to any licence given. We would also like a conditions that prevent the use of motor cycle or motor scooter delivery services operated either by the applicant or third parties such as, but not limited to, Deliveroo and Uber. We'd also like a restriction so that deliveries to the premises, waste and recycling removal (including moving of bottles) is restricted to between the hours of 8am and 9pm.</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> <p><u>For premises for the supply of alcohol for consumption on the premises:</u> Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to midnight Sundays immediately prior to Bank Holidays: Midday to midnight Other Sundays: Midday to 22:30</p> <p><u>For premises for the supply of alcohol for consumption off the premises:</u> Monday to Saturday: 08:00 to 23:00 Sundays: 10:00 to 22:30</p> <p><u>For premises for the provision of other licensable activities:</u> Monday to Thursday: 09:00 to 23.30 Friday and Saturday: 09:00 to midnight Sundays immediately prior to Bank Holidays: 09:00 to midnight Other Sundays: 09:00 to 22:30</p> |
| 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 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 | Premises plans |
| Appendix 2 | Applicant supporting documents |
| Appendix 3 | Premises history |
| Appendix 4 | Proposed conditions |
| Appendix 5 | Residential map and list of premises in the vicinity |

| | |
|-----------------------|---|
| Report author: | Michelle Steward Senior Licensing Officer |
| Contact: | Telephone: 020 7641 1872 Email: msteward1@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 2018 |
| 4 | Environmental Health Representation (<i>Withdrawn</i>) | 2 April 2019 |
| 5 | Resident Representation 1 | 25 March 2019 |

Applicant Supporting Documents

Appendix 2

None



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

Schedule 12
Part A

WARD: Marylebone
High Street
UPRN: 100023466659

Premises licence

Regulation 33, 34

Premises licence
number:

18/03468/LIPDPS

Original Reference:

05/10970/LIPC

Part 1 – Premises details

Postal address of premises:

Villandry
170 Great Portland Street
London
W1W 5QB

Telephone Number: 020 7631 3131

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Provision of facilities for making Music
Performance of Live Music
Playing of Recorded Music
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Provision of facilities for making Music

Saturday: 10:00 to 23:00
Sunday: 12:00 to 22:30

Performance of Live Music

Saturday: 10:00 to 23:00
Sunday: 12:00 to 22:30

Playing of Recorded Music

Unrestricted

Late Night Refreshment

Monday to Saturday:

23:00 to 23:30

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

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 23:00
Sunday: 12:00 to 22:30

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1

The opening hours of the premises:

Monday to Saturday: 10:00 to 23:30
Sunday: 12:00 to 23:00

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

Alcohol is supplied for consumption both on and off the Premises.

Part 2

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

Villandry Food Store Restaurant Limited
170 Great Portland Street
London
W1W 5QB
Telephone Number : 020 7631 3131

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

02696611

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

Name: [REDACTED]

[REDACTED] *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: L [REDACTED]

Licensing Authority: [REDACTED]

Date: 18 May 2018

This licence has been authorised by Mary 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 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.

(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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.
5. The responsible person shall ensure that no alcohol is dispensed 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).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) 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 a holographic mark.
8. The responsible person shall 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; and
 - (b) customers are made aware of the availability of these measures.

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.

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

Conditions related to the Sale of Alcohol

Such parts of the ground floor as shown coloured and edged in red on the deposited plan in the Magistrate Court.

9. Substantial food and non -intoxicating beverages (including drinking water) shall be available during permitted hours in that part of the premises cross hatched black on the deposited plan in the Magistrate Court.
10. No pool tables, dartboards, amusement with prizes machines or large screen televisions shall be installed or maintained within the premises.
11. Sale and supply of intoxicating liquor for consumption on the premises shall not take place in the area outlined in black on the deposited plan in the Magistrate Court.
12. The maximum number of persons, including staff, to be present in the licensed premises shall not exceed the number specified from time to time by the proper officer of the London Fire and Civil Defence Authority. (To be specified on Final Order)

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

Conditions related to the Sale of Alcohol

13. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00
- (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30
- (c) On Good Friday, 12:00 to 22:30
- (d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22.30
- (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00
- (f) On New Year's Eve on a Sunday, 12:00 to 22:30
- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

14. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.

- (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

- 15. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Annex 2 – Conditions consistent with the operating Schedule

16. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which give rise to nuisance.
17. The number of performers shall be limited to four persons.

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

None

Annex 4 – Plans

Attached



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

Schedule 12
Part B

Premises licence
summary

WARD: Marylebone
High Street
UPRN: 100023466659

Regulation 33, 34

Premises licence
number:

18/03468/LIPDPS

Part 1 – Premises details

Postal address of premises:

Villandry
170 Great Portland Street
London
W1W 5QB

Telephone Number: 020 7631 3131

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Provision of facilities for making Music
Performance of Live Music
Playing of Recorded Music
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Provision of facilities for making Music

Saturday: 10:00 to 23:00
Sunday: 12:00 to 22:30

Performance of Live Music

Saturday: 10:00 to 23:00
Sunday: 12:00 to 22:30

Playing of Recorded Music

Unrestricted

Late Night Refreshment

Monday to Saturday: 23:00 to 23:30

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

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 23:00
Sunday: 12:00 to 22:30

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1

The opening hours of the premises:

Monday to Saturday: 10:00 to 23:30
Sunday: 12:00 to 23:00

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

Alcohol is supplied for consumption both on and off the Premises.

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

Villandry Food Store Restaurant Limited
170 Great Portland Street
London
W1W 5QB

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

02696611

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

Name: ████████████████████

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

Restricted

Date: 18 May 2018

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

Premises History

| Application | Details of Application | Date Determined | Decision |
|--------------------|---|------------------------|-----------------------------------|
| 05/10970/LIPC | Application for a New Premises Licence | 6 October 2005 | Granted under delegated authority |
| 06/06438/LIPV | Application for a Variation | 4 September 2006 | Granted under delegated authority |
| 07/06774/LIPDPS | Variation of Designated Premise Supervisor | 19 July 2007 | Granted under delegated authority |
| 06/09617/WCCMAP | Master Licence | 19 July 2007 | Granted under delegated authority |
| 08/05981/LIPDPS | Variation of Designated Premises Supervisor | 4 July 2008 | Granted under delegated authority |
| 11/07026/LIPDPS | Variation of Designated Premises Supervisor | 25 July 2007 | Granted under delegated authority |
| 12/11191/LIPVM | Minor Variation | 10 January 2013 | Refused |
| 13/00691/LIPVM | Minor Variation | 27 February 2013 | Granted under delegated authority |
| 13/07116/LIPDPS | Variation of Designated Premises Supervisor | 15 October 2013 | Granted under delegated authority |
| 17/03011/LIPDPS | Variation of Designated Premises Supervisor | 29 June 2016 | Granted under delegated authority |
| 18/03468/LIPDPS | Variation of Designated Premises Supervisor | 18 May 2018 | Granted under delegated authority |

There is no 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. All sales of alcohol for consumption off the premises shall either be in sealed containers, or to persons seated at the designated external seating area(s).
11. There shall be no sales of alcohol for consumption off the premises after 23:00.
12. 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.
13. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
15. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
16. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (07.00) on the following day.
17. No deliveries to the premises shall take place between (23.00) and (07.00) on the following day.
18. 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.
19. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
20. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (07.00) hours on the following day.
21. 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.

22. 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.
23. 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.
24. No licensable activities shall take place until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
25. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

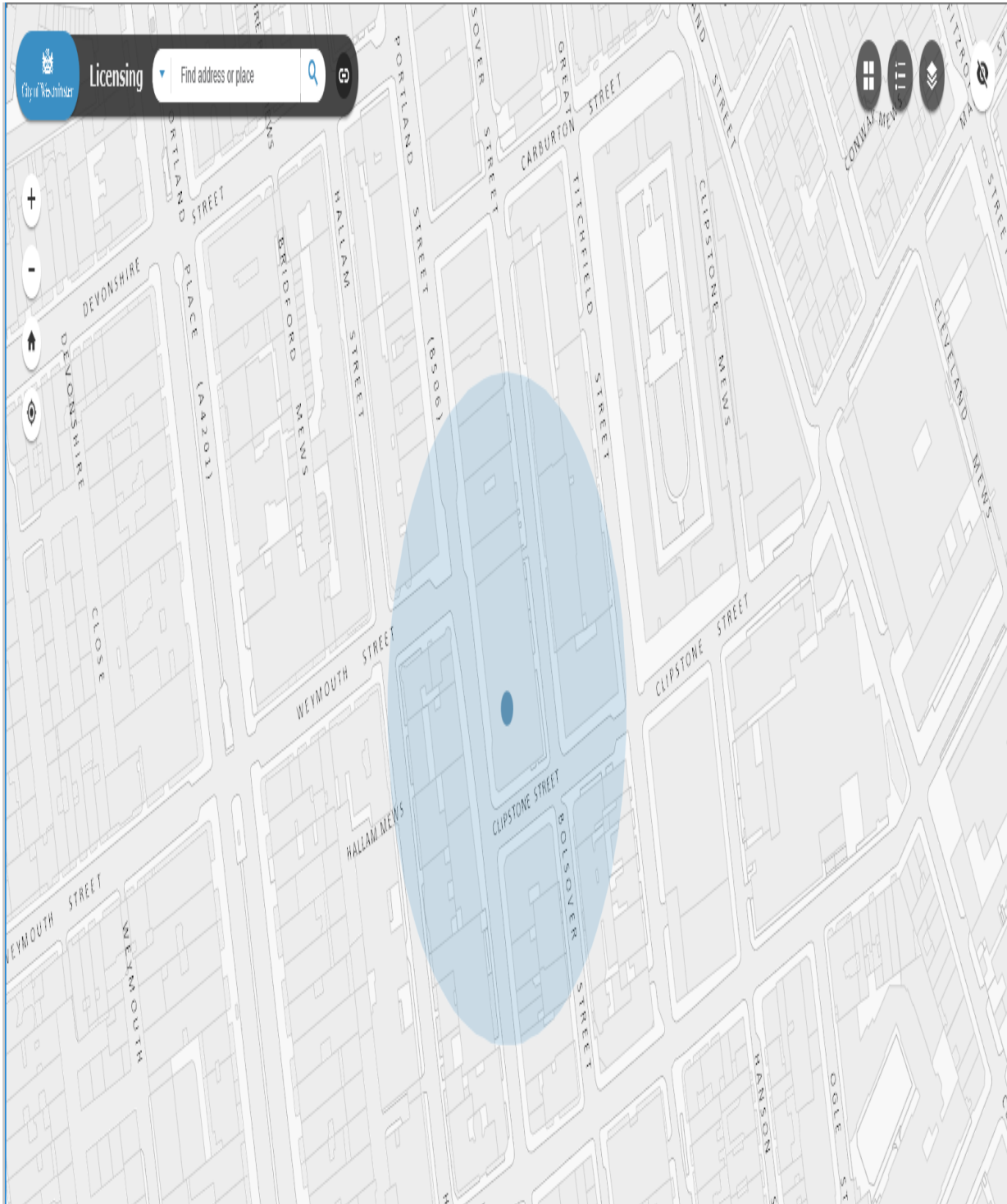
Conditions proposed by the Environmental Health

None

Conditions proposed by the Police

None

Residential Map and List of Premises in the Vicinity Appendix 5



Resident Count: 54

| Premises within 75 metres of 170 Great Portland Street, London, W1W 5QB | | | | |
|--|------------------------------|---|-------------------------------|--|
| Licence Number | Trading Name | Address | Premises Type | Time Period |
| 18/03468/LIPDPS | Villandry | 170 Great Portland Street London W1W 5QB | Restaurant | Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00 |
| 07/02422/LIPDU | Villandry | 170 Great Portland Street London W1W 5QB | Not Recorded | |
| 17/07068/LIPT | Caravan | Yalding House 152 - 156 Great Portland Street London W1W 6QA | Restaurant | Monday to Thursday; 08:00 - 00:00 Friday to Saturday; 08:00 - 00:30 Sunday; 08:00 - 23:00 |
| 18/03255/LIPT | Nicolas | 157 Great Portland Street London W1W 6QR | Shop | Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30 |
| 15/02920/LIPDPS | Bolsover Street Youth Hostel | 104-108 Bolsover Street London W1W 5LP | Clubhouse | Monday to Sunday; 00:00 - 00:00 |
| 17/07671/LIPDPS | The Lucky Pig | Basement Bolsover House 5-6 Clipstone Street London W1W 6BB | Wine bar | Monday to Wednesday; 10:00 - 00:00 Thursday; 10:00 - 01:30 Friday to Saturday; 10:00 - 03:30 Sunday; 12:00 - 23:00 |
| 16/04952/LIPDPS | Not Recorded | Basement Rear And Ground Floor West Bolsover House 5-6 Clipstone Street London W1W 6BB | Restaurant | Friday to Saturday; 07:00 - 00:00 Sunday to Thursday; 07:00 - 23:00 |
| 18/05567/LIPT | The Grange Fitzrovia Hotel | 20-28 Bolsover Street London W1W | Hotel, 4+ star or major chain | Monday to Sunday; 00:00 - 00:00 |

| | | | | |
|-----------------|-------------|---|------------|---|
| | | 5NB | | |
| 16/04176/LIPN | Choconut | 161 Great Portland Street London W1W 5PB | Shop | Monday to Friday; 07:00 - 22:00 Saturday; 09:30 - 17:30 |
| 09/05858/LIPDPS | Conchiglia | 125 Great Titchfield Street London W1W 6RZ | Restaurant | Monday to Saturday; 10:00 - 01:30 Sunday; 12:00 - 00:00 |
| 17/14839/LIPN | Bella Norma | Basement And Ground Floor 144 Great Portland Street London W1W 6PB | Restaurant | Monday to Sunday; 07:00 - 19:00 |
| 18/00475/LIPDPS | Nandos | 190 Great Portland Street London W1W 5QZ | Restaurant | Monday to Saturday; 11:00 - 23:30 Sunday; 11:00 - 22:30 New Year's Eve; 11:00 - 02:30 |