



City of Westminster

Committee Agenda

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

Meeting Date: **Thursday 23rd April, 2020**

Time: **10.00 am**

Venue: **Please note that this will be a virtual meeting**

Members: **Councillors:**

Tim Mitchell (Chairman)
Jim Glen
Aziz Toki

This meeting will be live streamed and recorded. To access the recording after the meeting please revisit the links.

[Licensing Sub-Committee \(2\) Item 1 - Everbean, 30 Avery Row](#)

[Licensing Sub-Committee \(2\) Item 2 - Thistle Hyde Park Hotel 90-92 Lancaster Gate](#)

[Licensing Sub-Committee \(2\) Item 3 - Brunel Buildings 2 Canalside Walk](#)



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: 07817054613
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 the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

Licensing Applications for Determination

Procedure for virtual hearings held under the Licensing Act 2003

1. EVERBEAN, 30 AVERY ROW, LONDON, W1K 4BB

(Pages 5 - 26)

<u>App No</u>	Ward / Cumulative Impact Area	Site Name and Address	App Type	Licensing Ref No.
1.	West End Ward / Not in Cumulative Impact Area	Everbean 30 Avery Row London W1K 4BB	New Premises Licence	20/02212/LIPN

2. THISTLE HYDE PARK HOTEL, 90-92 LANCASTER GATE, LONDON, W2 3NR

(Pages 27 - 62)

<u>App No</u>	Ward / Cumulative Impact Area	Site Name and Address	App Type	Licensing Ref No.
2.	Lancaster Gate Ward/Not in Cumulative Impact Area	Thistle Hyde Park Hotel 90-92 Lancaster Gate London W2 3NR	Premises Licence Variation	20/02002/LIP V

3. BRUNEL BUILDINGS, 2 CANALSIDE WALK, 11TH FLOOR CITY OF WESTMINSTER, LONDON, W2 1DG

(Pages 63 - 90)

<u>App No</u>	Ward / Cumulative Impact Area	Site Name and Address	App Type	Licensing Ref No.
3.	Hyde Park Ward/ Not in Cumulative Impact Area	Brunel Buildings 2 Canalside Walk 11th Floor City Of Westminster London W2 1DG	New Premises Licence	20/01140/LIP N

**Stuart Love
Chief Executive
17 April 2020**

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.

Procedure for virtual hearings held under the Licensing Act 2003

The purpose of this procedure is to clarify how the Licensing Sub-Committee (“the Sub-Committee”) will conduct virtual licensing hearings made under the Licensing Act 2003 (as amended) and for licensing applications under other regimes. All hearings are conducted with due regard to the Council’s Constitution, relevant legislation and case law, regulations and guidance.

Accessing virtual hearings

Virtual Licensing Sub-Committee hearings will be held on Microsoft Teams as a live Teams event. Each application will be dealt with by a separate Teams meeting. All applicants, responsible authorities and other persons (who have submitted a valid representation) (collectively called “Parties”) will be provided with a link to the meeting beforehand. **Only these parties will be able to participate in the hearing** (together with their adviser) provided they have registered, in advance, with the Licensing Authority, as specified below. A link for the general public to watch the meeting will be available on the Council’s website.

Final Submissions before the Hearing

The parties (or their representatives) should use their best endeavours to ensure that all of their final submissions have been made so as to be included in the Sub-Committee report (typically **no later, than 5.pm, 5 working days** before the Sub-Committee hearing). This means by 5pm on the Thursday, the week before the Sub-Committee hearing is due to take place. Final submissions should set out the key points, policies and conditions that a party wishes the Sub-Committee to take account of in determining the application.

Any final submissions that a party wishes to make, (that have not been submitted so as to have been included in the report), **must** be submitted to the Licensing Service by **no later than 12 noon 3 working days** before the hearing is due to take place. The Licensing email address is: Licensing@westminster.gov.uk.

Rules during Licensing Hearings

The following rules must be followed by all parties to ensure the virtual hearing can progress as successfully as possible:

- All parties wishing to participate in the hearing **must** register their wish to participate in the hearing and provide their email addresses to the **Licensing Service at Licensing@westminster.gov.uk** no later than **12 noon on the Monday** before the Thursday hearing is scheduled to take place.
- All parties **should join the virtual hearing at least 15 minutes before the advertised start time** to ensure they are ready to start at the advertised start time. After the advertised start time has passed no registered parties will be allowed to join, except in exceptional circumstances, when permitted by the Chairman, as this could disrupt the meeting.
- All parties must only address the hearing when invited to do so by the Chairman.
- All parties must keep their microphones on mute unless they are speaking. The Chairman has the ability to mute all parties’ microphones.

- If a party wishes to interject, they should put their name in the messaging field. The chairman has the discretion to invite the party to make their comment at an appropriate stage in the hearing.
- All parties are asked to keep their comments as succinct as possible.
- If a party has a question for another party, this must be addressed to the Chairman who will have the discretion to ask the relevant party to respond.
- Parties wishing to make suggestions as to the conditions that may be imposed in the event of the application being granted should do so by reference to the schedule of proposed conditions set out in the Conditions Schedule annexed to the committee papers. In so doing, they should use the same numbering in that schedule. This is to ensure that there is ease of referencing the conditions by all the parties.
- To ensure the smooth running of hearings, a time limit will be placed on each party's submissions. This time limit must be adhered to but the Chairman has the flexibility to amend the time limit when it is considered appropriate to do so.
- When referring to the hearing papers, participants should give the page and paragraph number when appropriate.
- The Chairman has the discretion to amend these rules in any given case where they consider it is appropriate to do so.

Procedure

1. The Chairman will open the meeting and introduce the members of the Sub-Committee and the other officers attending with the members, including the legal adviser, policy adviser and committee officer.
2. The Chairman will confirm the procedure that the hearing will follow.
3. The Sub-Committee members and officers will be asked to declare any interests they may have and any other procedural business will be transacted.
4. The presenting officer from the licensing service will introduce the application, giving a brief description of the application and introducing all the Parties in attendance for each application
5. Each party who has registered to speak, will be invited to make their representations and will be allowed **a maximum of 10 minutes each**. In order to ensure that the hearing is fair to all parties and is conducted in an orderly manner, the Chairman has the discretion to extend this time limit where it is appropriate for the determination of the application.
6. Parties will normally speak in the following order, (the order may change for other types of licensing applications):
 - a. The applicant
 - b. Responsible authorities
 - c. Other persons
7. The Chairman has the right to grant each party the opportunity to ask questions of each other for the purposes of clarification only where it is appropriate to do so. The Sub-Committee members will then be able to ask questions of the parties.

8. The legal adviser and/or policy officer may ask questions of the parties as they consider appropriate, including in relation to the conditions which should be attached to the application if the Sub-Committee is minded to grant the application.
9. Each party will have an opportunity to make a short closing submission each (not introducing any new evidence or case law) of no more than **5 minutes each**, in the following order:
 - a. Responsible authorities
 - b. Other persons
 - c. The applicant
10. The Chairman shall then **close the meeting** and all parties will leave the meeting. A Decision will not be announced at the end of the hearing unless there is a legal requirement to do so.
11. The Sub-Committee will deliberate in closed session and all parties will be advised of the outcome in a written Summary Decision. Unless otherwise required or permitted by Regulations, summary decisions will be made within a period of five working days of the last day of the hearing. The written summary of the decision (“Summary Decision”) will be sent to all the parties as soon as possible after the Decision has been made. The full Decision, setting out the reasons for the Decision, (Formal Notification) will be sent to the parties as soon as possible thereafter. The time limit for appealing will not commence until the Formal Notification has been sent to the parties.

Dated 15 April 2020

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Item No:	
Date:	23 April 2020
Licensing Ref No:	20/02212/LIPN - New Premises Licence
Title of Report:	Everbean 30 Avery Row London W1K 4BB
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:	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:	21 February 2020		
Applicant:	Everbean Limited		
Premises:	Everbean		
Premises address:	30 Avery Row London W1K 4BB	Ward:	West End
		Cumulative Impact Area:	None
Premises description:	This is an application for a new Premises Licence and according to the applicant intends to operate as a coffee shop, delicatessen and wine bar.		
Premises licence history:	This is a new premises licence application and therefore no licence history exists for this premises.		
Applicant submissions:	There are no submissions from the applicant.		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Both
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:		All licensable activities shall be extended from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.					

Recorded Music:				Indoors, outdoors or both			Indoors Only
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:		All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					

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:		All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:30	07:30	07:30	07:30	07:30	07:30	07:30
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Ian Watson
Received:	19 March 2020
<p>I refer to the application for a New Premises Licence for the above premises.</p> <p>The applicant has submitted floor plans of the premises.</p> <p>This representation is based on the plans and operating schedule submitted.</p> <p>The applicant is seeking the following</p> <ol style="list-style-type: none"> To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Thursday 10.00 to 23.30 hours, Friday and Saturday between 10.00 and 00.00 hours and Sunday between 12.00 to 22.30 hours. New Year's Eve to New Year's Day. To provide Late Night Refreshment 'Indoors' and 'Outdoors' Monday to Thursday 23.00 to 23.30 hours, Friday and Saturday between 23.00 and 00.00 hours. New Year's Eve to New Year's Day. To provide regulated entertainment 'indoors' comprising <ul style="list-style-type: none"> Recorded Music Monday to Thursday 10.00 to 23.30 hours, Friday and Saturday between 10.00 and 00.00 hours and Sunday between 12.00 to 22.30 hours. New Year's Eve to New Year's Day. <p>I wish to make the following representation</p> <ol style="list-style-type: none"> The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area. The hours requested to permit the provision of late-night refreshment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area. The hours requested to permit the provision of regulated entertainment will have the likely effect of causing an increase in Public Nuisance within the area. <p>The applicant has provided additional information with the application which is being addressed.</p>	

2-B Other Persons	
Name:	██████████
Address and/or Residents Association:	██████████ ██████████ ██████████ ██████████
Received:	18 March 2020
<p>I have seen the various submissions made by nearby residents and wish to register the support of the RSMSJ for their objections. The key point is the extremely close proximity of residential property to the premises concerned.</p> <p>It seems that nuisance would inevitably be caused to these residential units if this application were to be granted.</p>	
Name:	██████████
Address and/or Residents Association:	██████████, ██████████ ██████████
Received:	10 March 2020
<p>Please consider this e-mail as a fundamental objection to the licensing application above and I seek an outright refusal of such.</p> <p>My ██████████ and I am the owner/leaseholder at ██████████ and have been there for ██████████</p> <p>Avery Row is an active pedestrianised area during the daytime and in general a very quiet residential street in the evening and at night. Everbean Café is directly next to ██████████ and ██████████ I feel a licensed wine bar with outside space so close will have a significant detrimental effect to the local residents.</p> <p>This will inevitably result in a huge increase in noise levels, which reverberate around Avery Court in the evening and at night, creating a public nuisance and furthermore our front door canopy will become increasingly a smoking shelter with more night-time patrons from Everbean.</p> <p>In addition, Everbean and the outside area applied for, is literally only about ██████████ away from ██████████ window, which is a real worry in terms of noise and smoking smells as well as sleeping concerns, with the potential of them having to walk past a very busy front door every time they enter the building.</p> <p>There does already seem to be plenty of drinking and eating establishments in Avery Row and Lancashire Court and I feel that another one, so close ██████████ music, drinking and eating outside until late and increased number of smokers will be a significant nuisance to the residents, and I ask for this to be refused outright.</p> <p>The location of this premises makes it wholly inappropriate for the licensing authority to grant a premises licence permitting sale of alcohol inside and/or outside. It will have a manifestly disproportionate effect on the residents living immediately adjacent. We have discussed this as a group of residents, and we are unanimous that there are no conditions or amendments to the application which would mitigate the adverse effects which we foresee.</p>	

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	16 March 2020
<p>I write as a [REDACTED] 18 years [REDACTED] to object to the licensing application referenced above, made by the coffee bar Everbean at 30 Avery Row, W1K 4BB. This part of Avery Row is a small courtyard area and Everbean is just a few feet from my front door. Any indoor/outdoor drinking activity into the evening there would create a huge increase in noise and considerable nuisance to the residents. The acoustics there create an echo chamber which is not a problem during day time but would be intolerable at night.</p> <p>I would also be very concerned that both the exit and entry to my building would become blocked with drinkers, making it very difficult to come and go, I would feel very unsafe. It would also exacerbate a problem we already have of smokers congregating under the canopy [REDACTED].</p> <p>Presently the bar Mews patrons in Lancashire Court next to Avery Row are not permitted to stand drinking or leave by the Lancashire Court exit that feeds into this part of Avery Row, as a consideration to the residents there, how can it be feasible to allow a further drinking area without hugely impacting the quiet enjoyment rights of the residents?</p> <p>I seek an outright refusal of this license.</p>	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	2 March 2020
<p>Please consider this e-mail as a fundamental objection to the licensing application ; Ref 20/02212/LIPN of Everbean (coffee bar at 30 Avery Row) who seek to commence selling alcohol whilst increasing their operating hours(hrs) late into the evening (increase of 49.5 hrs) including operating on a Sunday until 10.30pm ...</p> <p>I am [REDACTED] [REDACTED]</p> <p>The location who's licence application I am objecting against is [REDACTED] and is a relatively small 47 sq mtrs coffee bar (formerly a hairdressers) which currently [REDACTED] and currently operates to typical working/commuting hours (7.30-5.00 Mon/Fri & 10-5.30 on a Saturday; being closed on Sunday)</p> <p>Please consider this communication as an objection to the entire application which as submitted would allow a small relatively quiet 'working day' coffee bar to be transformed into a licensed wine bar playing music into the night with the majority of it's patrons generating noise and public nuisance outside our front door.</p> <p>Note that the 47 sq mtrs of the Everbean premises includes the staff serving area and food/coffee preparation area which is why the application seeks (because of the cramped nature of the premises) to use the pedestrian pavement area [REDACTED]</p>	

The [REDACTED] is adjacent to theirs and is only several metres away.

All of the windows to my [REDACTED] Everbean.

As a demonstration of how close we are to Everbean I confirm that from within the demise of Everbean [REDACTED]

[REDACTED] already have the issue of smokers (often staff) from the various bars in the area (Lancashire Court) using the sheltered/covered (out of the weather) access to our front door as a smoking hub ... the grant of this license would massively add to this problem as well as creating additional noise, nuisance and disturbance from the congregation of patrons outside [REDACTED]

I plead with the licensing authorities to refuse this licensing application and allow us and our families as Westminster residents some relatively quiet enjoyment of our homes into the late evening and on a Sunday.

As background it should be noted that the provision of alcohol in the locale is adequately provided for by the Iron Duke, by Onima (restaurant) and by the various bars and eateries of Lancashire Court which are all a very short stroll from this location.

I feel so strongly about this matter that I will adjust my diary to allow me to attend and speak in protest at any future license application hearing should it be necessary.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	11 March 2020

To whom it may concern:

Representation in respect of application for new premises licence for Everbean, 30 Avery Row W1, ref: 20/02212/LIPN.

Please consider this e-mail as a fundamental objection to the licensing application above and I seek an outright refusal of such.

[REDACTED],
and [REDACTED].

Avery Row is an active pedestrianised area during the daytime and in general a very quiet residential street in the evening and at night. Everbean is [REDACTED], and in particular a [REDACTED], and I feel a licensed wine bar with outside space so close will have a significant detrimental effect to the local residents.

This will inevitably result in a huge increase in noise levels, which reverberate around Avery Court in the evening and at night, creating a public nuisance and furthermore our front door canopy will become increasingly a smoking shelter with more night-time patrons from Everbean.

[REDACTED] already have the issue of smokers (often staff) from the various bars in the area (Lancashire Court) using the sheltered/covered (out of the weather) access to our front door as a smoking hub ... the grant of this license would massively add to this problem as well as creating additional noise, nuisance and disturbance from the congregation of patrons outside our residence.

These concerns are particularly aggravated by Grosvenor's intention to market the former

clothing shop Gallery 28 as a food venue. It is very foreseeable that a food venue would create additional traffic and noise, that the potential tenants would seek also an alcohol licence, therefore transforming our quiet residential courtyard into an unliveable mess. Please note that the courtyard is narrow, and sound travels very easily upwards.

There does already seem to be plenty of drinking and eating establishments in Avery Row and Lancashire Court and I feel that another one, [REDACTED] with music, drinking and eating outside until late and increased number of smokers will be a significant nuisance to the residents, and I ask for this to be refused outright.

I would also like to object on grounds safety as it would feel uncomfortable and risky to weave our way through a crowd of drinkers to get to our already busy entrance. Patrons I fear, would not [REDACTED]
[REDACTED]

The location of these premises makes it wholly inappropriate for the licensing authority to grant a premises licence permitting sale of alcohol inside and/or outside. It will have a manifestly disproportionate effect on the residents living immediately adjacent. We have discussed this as a group of residents, and we are unanimous that there are no conditions or amendments to the application which would mitigate the adverse effects which we foresee.

I would wish to attend the hearing of the application when it takes place in order to communicate these concerns and any other issues which may flow from this representation direct to the Licensing Sub-Committee.

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, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

4. Appendices

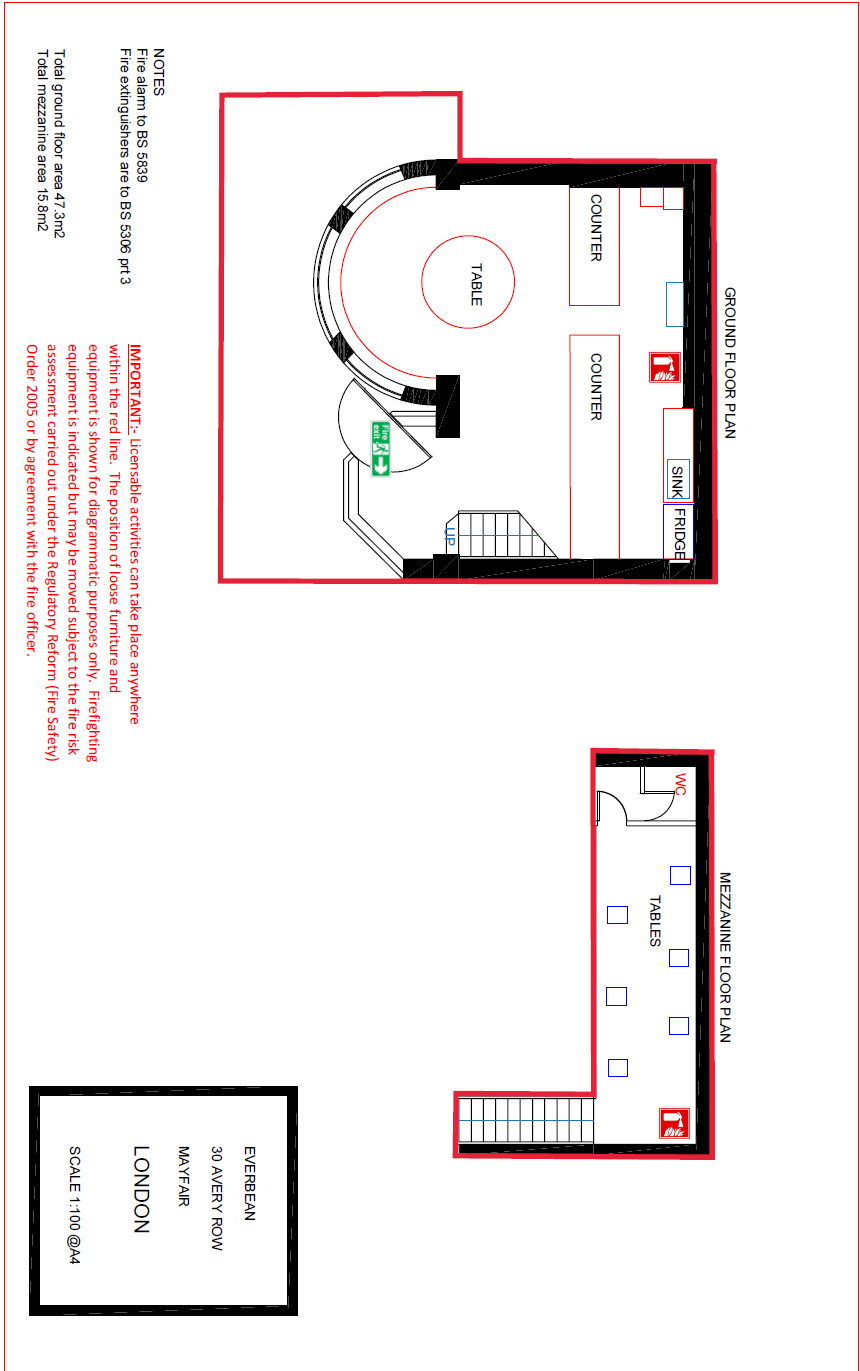
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

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 January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Environmental Health Service Representation	19 March 2020
5	Representation 1	18 March 2020
6	Representation 2	10 March 2020
7	Representation 3	16 March 2020
8	Representation 4	2 March 2020
9	Representation 5	11 March 2020



NOTES
Fire alarm to BS 5839
Fire extinguishers are to BS 5306 pt 3
Total ground floor area 47.3m²
Total mezzanine area 15.8m²

IMPORTANT: Licensable activities can take place anywhere within the red line. The position of loose furniture and equipment is shown for diagrammatic purposes only. Firefighting equipment is indicated but may be moved subject to the fire risk assessment carried out under the Regulatory Reform (Fire Safety) Order 2005 or by agreement with the fire officer.

EVERBEAN
30 AVERY ROW
MAYFAIR
LONDON
SCALE 1:100 @A4

There are no submissions from the applicant.

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. During the hours of operation, 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.
10. 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.
11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and to leave the area quietly.
12. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before collection times.
13. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
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 premises licence holder shall ensure that any patrons smoking outside the premises do so on an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
16. A direct telephone number for the manager at the premises shall be publically available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
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. No fumes, steam or odours shall be emitted from the licenced premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
19. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

20. A staff member from the premises who is conversant with the operation of the CCTV shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
21. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - a. All crimes reported to the venue;
 - b. All ejections of patrons;
 - c. Any complaints received concerning crime and disorder;
 - d. Any incidents of disorder;
 - e. All seizures of drugs or offensive weapons;
 - f. Any refusal of sale of alcohol.
22. There shall be no striptease or nudity and all persons shall be decently attired at all times unless the premises are operating under the provisions of a Sexual Entertainment Licence.
23. A challenge 21 proof of age scheme shall be operated at the premise 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.
24. 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.
25. 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.
26. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
27. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
28. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
29. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
30. No licensable activities shall take place at the premises until the Environmental Health Consultation Team has determined the capacity of the premises and the Licensing Authority has replaced this condition on the licence with a condition detailing the capacity so determined. In any event the capacity of the premises shall not exceed 30 persons (excluding staff)

31. 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 there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
32. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

Conditions proposed by the Environmental Health to replace the conditions suggested by the applicant to so as to form part of the operating schedule:

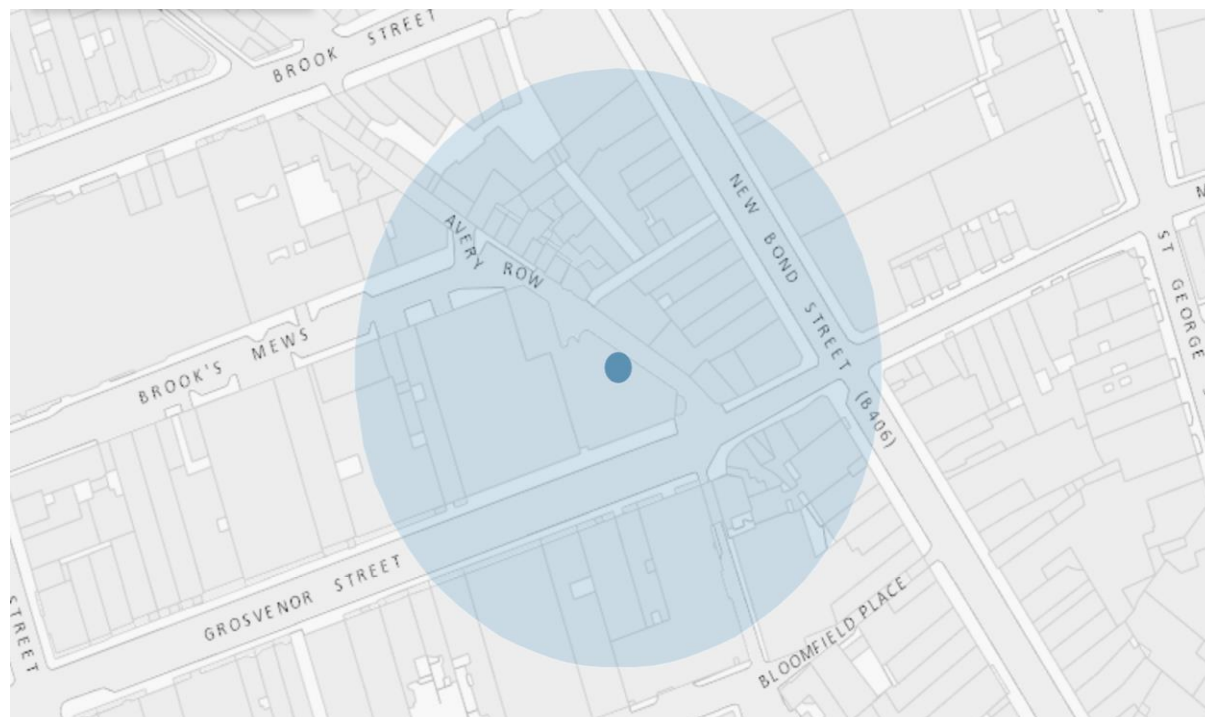
33. The supply of alcohol will always be ancillary to the premises operating as a coffee shop/patisserie.
34. Alcohol shall only be consumed by persons who are seated.
35. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
36. There shall be no self-service of alcohol
37. The maximum number of persons seated in the premises at any one time (excluding staff) shall not exceed 20 persons.
38. 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 OR in sealed containers only.
39. All outside tables and chairs shall be rendered unusable by 23.00 hours each day.
40. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
41. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
42. There shall be no 'Off' sales of alcohol after 23.00 hours.
43. 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.
44. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time

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

45. A staff member from the premises who is conversant with the operation of the CCTV shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
46. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police, which will record the following:
All crimes reported to the venue;
All ejections of patrons;
Any complaints received concerning crime and disorder;
Any incidents of disorder;
All seizures of drugs or offensive weapons;
Any refusal of sale of alcohol.
47. All windows and external doors shall be kept closed after 21:00 hours, except for the immediate access and egress of persons.
48. 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.
49. 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.
50. No fumes, steam or odours shall be emitted from the licenced premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
51. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and to leave the area quietly.
52. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
53. 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.
54. The premises licence holder shall ensure that any patrons smoking outside the premises do so on an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
55. 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.
56. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before collection times.

Conditions proposed by the Police

None



Resident Count: 18

Premises within 75 metres of Everbean, 30 Avery Row, London, W1K 4BB				
Licence Number	Trading Name	Address	Premises Type	Time Period
18/10174/LIPDPS	Itsu	4 - 5 Grosvenor Street London W1K 4PY	Restaurant	Monday to Saturday; 07:00 - 23:30 Sunday; 07:00 - 23:00
18/12634/LIPDPS	Not Recorded	Avery House 1 - 3 Avery Row London W1K 4AJ	Restaurant	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00 Sundays before Bank Holidays; 12:00 - 00:30
20/01191/LIPDPS	Mews	10 Lancashire Court London W1S 1EY	Pub or pub restaurant with lodge	Monday to Sunday; 09:00 - 02:00
19/14242/LIPDPS	Hush	8 Lancashire Court London W1S 1EY	Restaurant	Monday to Saturday; 10:00 - 00:30

				Sunday; 10:00 - 00:00
20/01305/LIPDPS	Leander Ventures Limited	4-6 Lancashire Court London W1S 1EY	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
20/01187/LIPDPS	Mews Wine Room	7 Lancashire Court London W1S 1EY	Restaurant	Monday to Saturday; 08:00 - 23:30 Sunday; 10:00 - 23:00
18/08554/LIPDPS	Iron Duke	11 Avery Row London W1K 4AN	Pub or pub restaurant with lodge	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00
18/16217/LIPN	52-54 Brooks Mews	54 Brook's Mews London W1K 4EG	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
16/02087/LIPDPS	La Petite Maison	54 Brook's Mews London W1K 4EG	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 Not Recorded; XXXX - XXXX
20/00341/LIPDPS	Grosvenor Estate Management	70 - 72 Grosvenor Street London W1K 3JP	Office	Monday to Friday; 08:00 - 23:30
16/03455/LIPV	Sotherby's Book Shop	Ground Floor To Second Floor Renoir House 136 New Bond Street London W1S 2TH	Auction Rooms	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00



Licensing Sub-Committee Report

Agenda Item 2

Item No:	
Date:	23 April 2020
Licensing Ref No:	20/02002/LIPV - Premises Licence Variation
Title of Report:	Thistle Hyde Park Hotel 90-92 Lancaster Gate London W2 3NR
Report of:	Director of Public Protection and Licensing
Wards involved:	Lancaster Gate
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	17 February 2020		
Applicant:	Hyde Park Hotel (London) Limited		
Premises:	Thistle Hyde Park Hotel		
Premises address:	90-92 Lancaster Gate London W2 3NR	Ward:	Lancaster Gate
		Cumulative Impact Area:	None
Premises description:	The premises operate as a Hotel with 54 rooms		
Variation description:	To extend the licensed area for the sale of alcohol to include the external area which is within the curtilage of the property demise (former part car park) on Bayswater Road highlighted green on the plan submitted with the application.		
Premises licence history:	The premises have been licensed since September 2005. The premises are currently licensed under reference 19/16471/LIPDPS A copy of the current premises licence can be found at Appendix 1 A full licence history for the premises can be found at appendix 4		
Applicant submissions:	Following consultation, the applicant has reduced the terminal hour in respect of the external area from 21:00 to 20:00		

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Recorded music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Unrestricted		No change		Basement to fourth Floor	There is no change to the licensed areas for late night refreshment or regulated entertainment.
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						
Seasonal Variations/ Non-standard timings::	Current: None			Proposed: No change		

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Unrestricted		No change		Basement to fourth Floor	There is no change to the licensed areas for late night refreshment or regulated entertainment.
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						
Seasonal variations/ Non-standard timings:	Current: None				Proposed: No change	

Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			Both		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	00:30	No change		Basement to fourth Floor	There is no change to the licensed areas for late night refreshment or regulated entertainment.
Tuesday	23:00	00:30				
Wednesday	23:00	00:30				
Thursday	23:00	00:30				
Friday	23:00	00:30				
Saturday	23:00	00:30				
Sunday	23:00	00:00				
Seasonal variations/ Non-standard timings:	Current: The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day				Proposed: No change	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			On and Off		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	00:00	In the external area fronting onto the Bayswater Road it is proposed that the sale and/or		Basement to fourth Floor	Addition of external area. No change to existing areas
Tuesday	10:00	00:00				
Wednesday	10:00	00:00				
Thursday	10:00	00:00				
Friday	10:00	00:00				
Saturday	10:00	00:00				
Sunday	12:00	23:30				

			consumption of alcohol is only permitted between 12:00 and 20:00		
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	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).			No change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	00:30	No change		Basement to fourth Floor	Addition of external area. No change to existing areas
Tuesday	10:00	00:30				
Wednesday	10:00	00:30				
Thursday	10:00	00:30				
Friday	10:00	00:30				
Saturday	10:00	00:30				
Sunday	12:00	00:00				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	None				No change	

1-C Layout alteration
The applicant is seeking to add an additional external area. No change to existing licensed areas is proposed.

1-D Conditions being added		
Condition		
<ul style="list-style-type: none"> • The outside area will only be used for licensable activities 12:00 and 20:00 • The bar servery will be made unavailable for use after 20:00. • CCTV will cover the outside area. • There will be a maximum of 50 customers permitted in the outside area. • There will be no regulated entertainment or music in the outside area. 		
Adult entertainment:	Current position:	Proposed position:
	None	No change

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Maxwell Owusu Koduah
Received:	9 March 2020
<p>I refer to the variation for the above-mentioned premises. I have considered the information that you have provided within and accompanying this application. I have also considered the proposed licensable activities in line with the relevant policies within the Council's Statement of Licensing Policy dated January 2016.</p> <p>Applicant is seeking to extend licensable activities to an external area highlighted green on the plan for the supply of alcohol from 12:00 hours (midday) to 21:00 hours Monday to Sunday</p> <p>Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council's Statement of Licensing Policy I wish to make the following representations:</p> <p>Extending licensable activities to an outside area where noise cannot be contained would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area</p> <p>It is my view that there is insufficient information to address the concerns of Environmental Health and the granting of this application as presented would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area</p> <p>The applicant is asked to contact the undersigned to arrange a site visit to assess the premises to ensure the premises is satisfactory and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety</p>	

2-B Other Persons			
Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	03 March 2020		
<p>[REDACTED] objects to this application as have some concern over potential noise et affecting the adjacent large residential block of flats Barrie House and wish to discuss application with those residents</p>			

We also, if not on licence already, would like standard conditions on the licence regarding deliveries (say 0800 to 18.00 with none Sundays and Bank Holidays except bread, newspapers etc) and refuse & Recycling collections (say same 0800 to 1800)
 If there no other objections we trust it maybe possible to agreed conditions etc so that no need for a hearing.

As always, [REDACTED]. more than happy to meet up with applicant and their agent to discuss matter.

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	08 March 2020		

I manage a flat which is just 20m away from the proposed site for late licencing, for 50 people, directly next to the entrance of the hotel on Bayswater Road.
 If permission is granted for late licencing for 50 people the residential amenity of the flat will be utterly destroyed because of noise, and unacceptable overlooking from the number of people who will wonder pass the windows of the flat and looking inside the living room which right on the pavement. There will also be security issues. The windows of the flat will not be able to be opened for fresh air for the same reason.
 The late licencing must under no circumstances be granted in the interests of good neighbourliness. Simple mistakes like that destroy utterly the residential amenity of a flat.

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	16 March 2020		

I am a resident of Barrie House and I object to the proposal as it would cause a public nuisance. My flat is very close to the area where the hotel proposes to serve alcohol into the late evening. We live in a residential area and do not accept the additional noise.
 My family is concerned about security, as any groups of people from the street will be invited to pass and loiter outside our flats.

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	15 March 2020		

I and my child are residents of Barrie House and I object to the proposal as it would cause a public nuisance.
 Our flat is very close to the area where the hotel proposes to serve alcohol into the late evening. We live in a residential area and do not accept the additional noise and activity.
 I am also concerned about security, as any groups of people from the street will be invited to pass and loiter outside our flats.

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	16 March 2020		
<p>I am a resident of Barrie House and I object to the proposal as it would cause a public nuisance. My flat is very close to the area where the hotel proposes to serve alcohol into the late evening. We live in a residential area and do not accept the additional noise. My family is concerned about security, as any groups of people from the street will be invited to pass and loiter outside our flats.</p>			
Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	15 March 2020		
<p>I am a resident of Barrie House and I object to the proposal as it would cause a public nuisance.</p>			
Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	15 March 2020		
<p>I am a long term resident of Barrie House next door to the Thistle hotel. I chair the residents association at Barrie House and represent the freeholder. We object to the proposal as it would cause a public nuisance. We live in a residential area and we do not accept the addition foot traffic and subsequent late night noise. We are also concerned about security as people attracted off the street will inevitably pass by flats on the ground floor, right past the bedroom windows.</p>			
Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	15 March 2020		
<p>The area they intend to serve is very narrow and small. I fear it will disturb the neighbourhood AND cause traffic disruption to the very busy Bayswater Road.</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 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 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, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation

5. Appendices

Appendix 1	Current Premises Licence 19/16471/LIPDPS
Appendix 2	External Area Plan
Appendix 3	Applicant supporting documents
Appendix 4	Premises history

Appendix 5	Proposed conditions
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Kevin Jackaman Senior Licensing Officer
Contact:	Telephone: 0207 6500 Email: kjackaman@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	Environmental Health Service Representation	09 March 2020
5	Interested Party Representation 1	03 March 2020
6	Interested Party Representation 2	08 March 2020
7	Interested Party Representation 3	16 March 2020
8	Interested Party Representation 4	15 March 2020
9	Interested Party Representation 5	16 March 2020
10	Interested Party Representation 6	15 March 2020
11	Interested Party Representation 7	15 March 2020
12	Interested Party Representation 8	15 March 2020



Schedule 12
Part A

WARD: Lancaster Gate
UPRN: 010033537219

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

19/16471/LIPDPS

Original Reference:

05/08291/LIPC

Part 1 – Premises details

Postal address of premises:

Thistle Hyde Park Hotel
90-92 Lancaster Gate
London
W2 3NR

Telephone Number: 0800 3308389

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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:

Playing of Recorded Music	Unrestricted
Late Night Refreshment	
Monday to Saturday:	23:00 to 00:30
Sunday:	23:00 to 00:00
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 Sunday:	10:00 to 00:00
Sunday:	12:00 to 23:30

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

The opening hours of the premises:

Monday to Sunday:	10:00 to 00:30
Sunday:	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 both on and off the Premises.

Part 2

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

Hyde Park Hotel (London) Limited
110 Central Street
London
EC1V 8AJ

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

5307599

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

Name: Mr Paul Dunn

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: PE1830
Licensing Authority: Aylesbury Vale District Council

Date: 24th March 2020

Signed:

pp



This licence has been authorised by Karyn Abbott 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.

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

9. (i) 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 noon 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).
- (ii) Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve), and on Christmas Day, between 15.00 and 19.00, to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

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.

10. 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.

11. 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

None

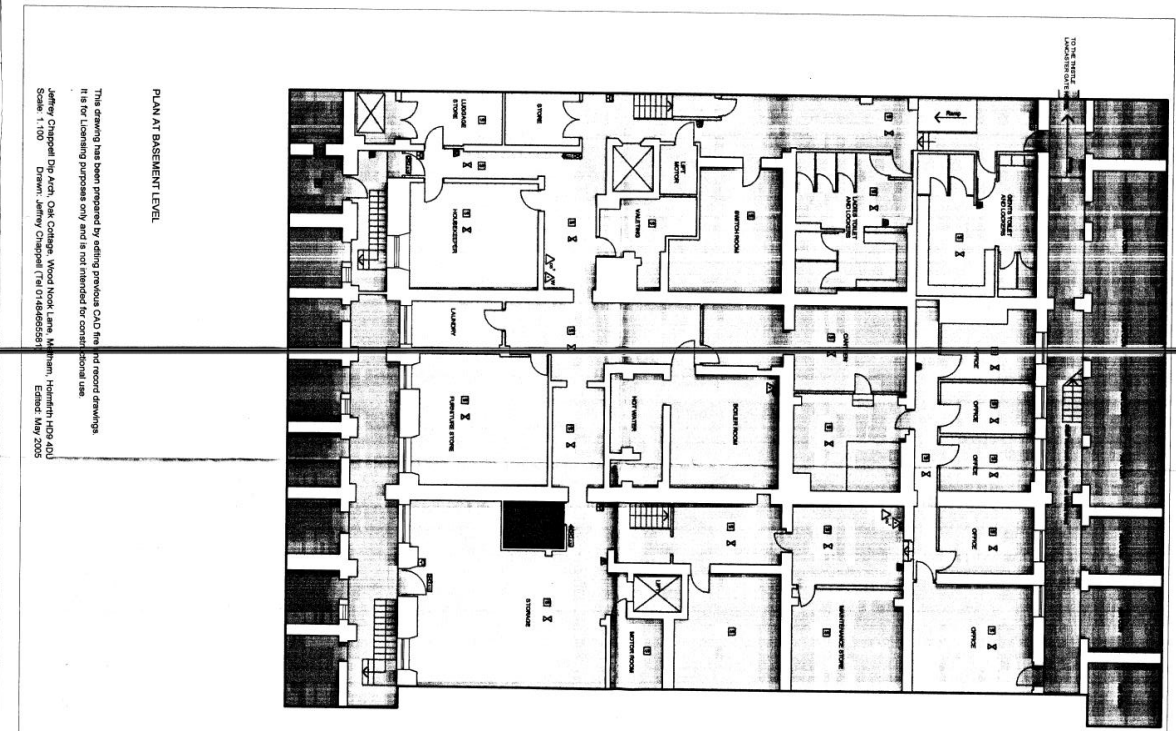
Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 – Plans

Attached

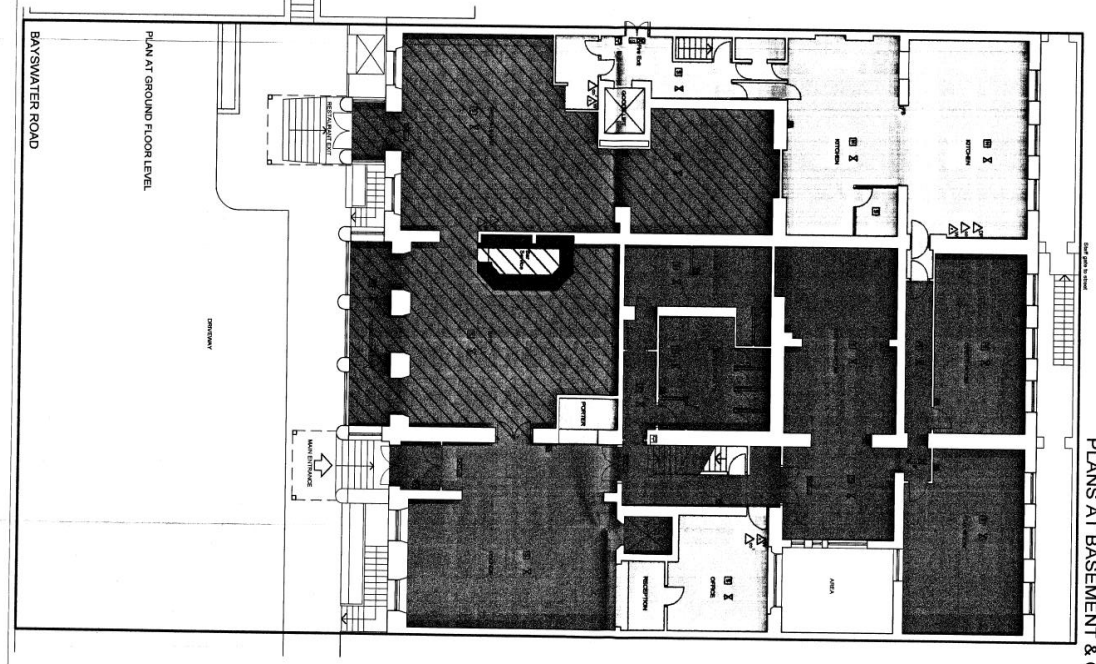
THISTLE HYDE PARK HOTEL: W2 3NR
LICENSING ACT APPLICATION 2005: SHEET ONE
PLANS AT BASEMENT & GROUND FLOOR LEVELS



PLAN AT BASEMENT LEVEL

This drawing has been prepared by editing previous CAD files and record drawings. It is for licensing purposes only and is not intended for construction or other professional use.

Jeffrey Chipperell Dip Arch, OAM, CMAA, Woodcock Lane, Malvern, Hants RG10 9AD
 Scale: 1:100
 Drawn: Jeffrey Chipperell (784 0744444)



PLAN AT GROUND FLOOR LEVEL

BAYSWATER ROAD

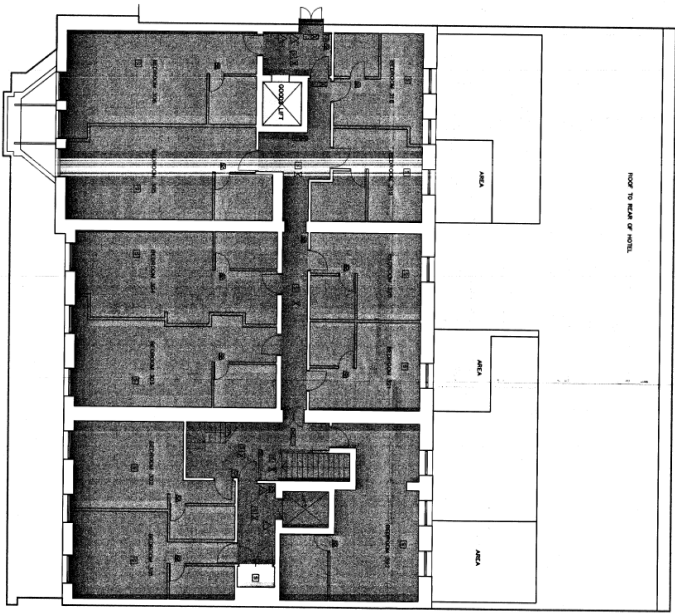
LANCASTER GATE

	EXISTING WALL
	EXISTING DOOR
	EXISTING WINDOW
	EXISTING DOOR WITH FRAME
	EXISTING WINDOW WITH FRAME
	EXISTING WINDOW WITH FRAME AND SILL
	EXISTING WINDOW WITH FRAME, SILL AND LINTEL
	EXISTING WINDOW WITH FRAME, SILL, LINTEL AND REVEAL
	EXISTING WINDOW WITH FRAME, SILL, LINTEL, REVEAL AND STONE
	EXISTING WINDOW WITH FRAME, SILL, LINTEL, REVEAL, STONE AND BRICK
	EXISTING WINDOW WITH FRAME, SILL, LINTEL, REVEAL, STONE, BRICK AND MASONRY
	EXISTING WINDOW WITH FRAME, SILL, LINTEL, REVEAL, STONE, BRICK, MASONRY AND PLASTER
	EXISTING WINDOW WITH FRAME, SILL, LINTEL, REVEAL, STONE, BRICK, MASONRY, PLASTER AND PAINT
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	EXISTING WINDOW WITH FRAME, SILL, LINTEL, REVEAL, STONE, BRICK, MASONRY, PLASTER, PAINT, GLAZING, LEADED GLASS, STAINED GLASS AND DECORATIVE GLASS
	EXISTING WINDOW WITH FRAME, SILL, LINTEL, REVEAL, STONE, BRICK, MASONRY, PLASTER, PAINT, GLAZING, LEADED GLASS, STAINED GLASS, DECORATIVE GLASS AND GLASS BLOCK
	EXISTING WINDOW WITH FRAME, SILL, LINTEL, REVEAL, STONE, BRICK, MASONRY, PLASTER, PAINT, GLAZING, LEADED GLASS, STAINED GLASS, DECORATIVE GLASS, GLASS BLOCK AND MULTI-PANED GLASS
	EXISTING WINDOW WITH FRAME, SILL, LINTEL, REVEAL, STONE, BRICK, MASONRY, PLASTER, PAINT, GLAZING, LEADED GLASS, STAINED GLASS, DECORATIVE GLASS, GLASS BLOCK, MULTI-PANED GLASS AND GLASS CURTAIN WALL
	EXISTING WINDOW WITH FRAME, SILL, LINTEL, REVEAL, STONE, BRICK, MASONRY, PLASTER, PAINT, GLAZING, LEADED GLASS, STAINED GLASS, DECORATIVE GLASS, GLASS BLOCK, MULTI-PANED GLASS, GLASS CURTAIN WALL AND GLASS ROOF

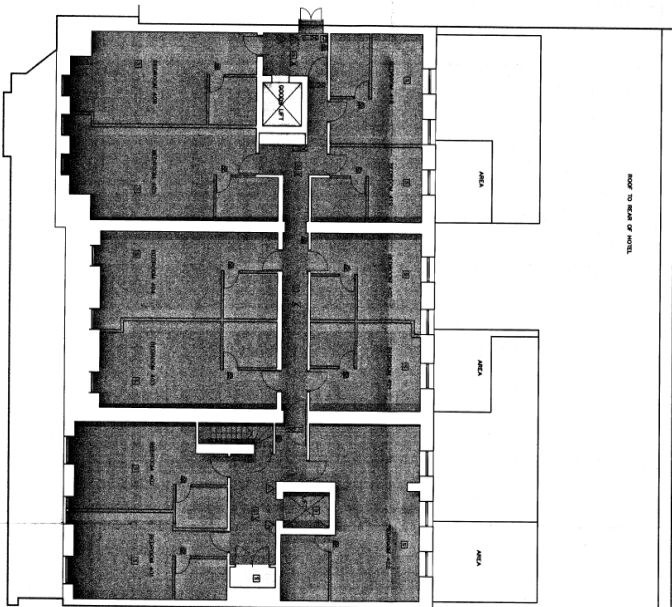
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	EXISTING DOOR
	EXISTING WINDOW
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	EXISTING WINDOW WITH FRAME AND SILL
	EXISTING WINDOW WITH FRAME, SILL AND LINTEL
	EXISTING WINDOW WITH FRAME, SILL, LINTEL AND REVEAL
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	EXISTING WINDOW WITH FRAME, SILL, LINTEL, REVEAL, STONE, BRICK, MASONRY, PLASTER, PAINT, GLAZING, LEADED GLASS, STAINED GLASS, DECORATIVE GLASS, GLASS BLOCK AND MULTI-PANED GLASS
	EXISTING WINDOW WITH FRAME, SILL, LINTEL, REVEAL, STONE, BRICK, MASONRY, PLASTER, PAINT, GLAZING, LEADED GLASS, STAINED GLASS, DECORATIVE GLASS, GLASS BLOCK, MULTI-PANED GLASS AND GLASS CURTAIN WALL

Drawing no.
 2005/017/1011/01A

THISTLE HYDE PARK HOTEL: W2 3NR
 LICENSING ACT APPLICATION 2005: SHEET THREE
 PLANS AT THIRD & FOURTH FLOOR LEVELS



PLAN AT THIRD FLOOR LEVEL



PLAN AT FOURTH FLOOR LEVEL

This drawing has been prepared by editing previous CAD file and record drawings. It is for Licensing purposes only and is not intended for construction use.
 Jeffrey Chappell Dip Arch, Qark Cottage, Wood Bank Lane, Malvern, Worcestershire, WR14 3AQ
 Scale: 1/100 Drawn: Jeffrey Chappell (E of 5146450511) Eistedd May 2005

BAYSWATER ROAD

LEGEND SYMBOLS FOR REGULATORY BODIES

	AMBIENT POLLUTION
	AMBIENT SOUND
	AMBIENT VIBRATION
	AMBIENT ELECTROMAGNETIC INTERFERENCE
	CONSTRUCTION PHASE
	OPERATIONAL PHASE
	PERMANENT EXISTENCE
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KEY TO AREAS OF COLOUR & HATCHING

	STRUCTURE TO REMAIN
	NEW CONSTRUCTION
	DEMOLITION
	EXISTING FLOORING TO REMAIN
	NEW FLOORING
	GLASS
	METAL
	WOOD
	CONCRETE
	STONE
	MOSAIC
	PLASTER

Drawing no.
2005/017/1011/03A



Schedule 12
Part B

WARD: Lancaster Gate
UPRN: 010033537219

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

**Premises licence
summary**

Regulation 33, 34

Premises licence number:

19/16471/LIPDPS

Part 1 – Premises details

Postal address of premises:

Thistle Hyde Park Hotel
90-92 Lancaster Gate
London
W2 3NR

Telephone Number: 0800 3308389

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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:

Playing of Recorded Music Unrestricted

Late Night Refreshment

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

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

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

The opening hours of the premises:

Monday to Sunday: 10:00 to 00:30
Sunday: 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 both on and off the Premises.

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

Hyde Park Hotel (London) Limited
110 Central Street
London
EC1V 8AJ

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

5307599

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

Name: Mr Paul Dunn

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

Restricted

Date: 24th March 2020

Signed:

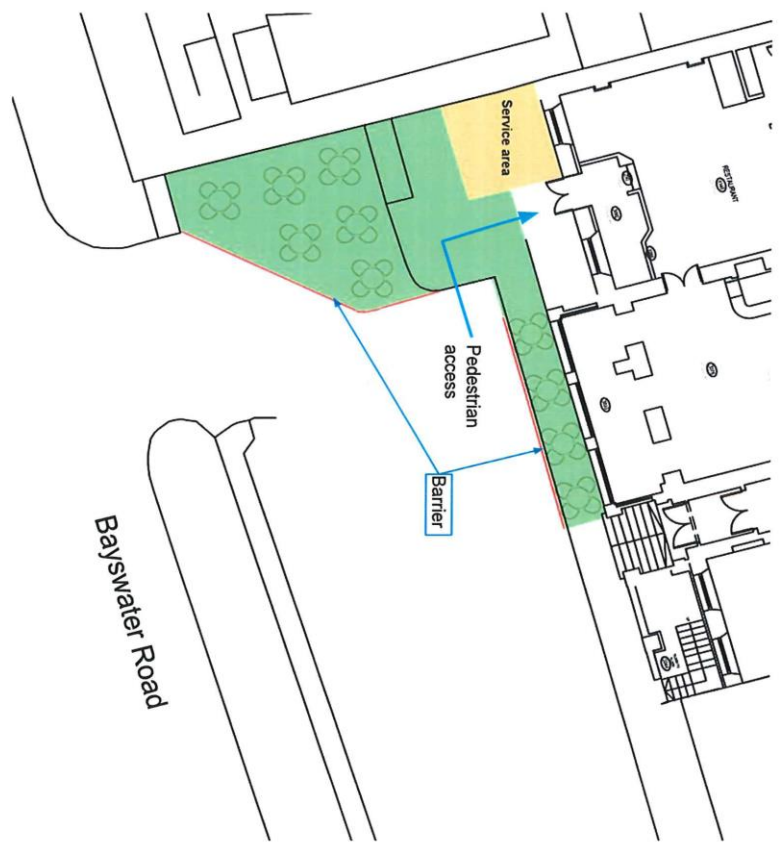
pp



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



Plan
THISTLE HOTEL
HISE PARK



None

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/08291/LIPC	Conversion	14.09.2005	Granted under delegated authority
05/12981/LIPDPS	Variation of DPS	28.12.2005	Granted under delegated authority
06/01990/LIPDPS	Variation of DPS	23.03.2006	Granted under delegated authority
07/05237/LIPV	Variation of the premises licence – Add external area	04.07.2007	Application withdrawn as the area was already licensed
08/00973/LIPDPS	Variation of DPS	29.01.2008	Granted under delegated authority
07/01319/WCCMAP	Master licence	13.02.2008	Granted under delegated authority
08/05264/LIPDPS	Variation of DPS	16.06.2008	Granted under delegated authority
10/04633/LIPDPS	Variation of DPS	05.07.2010	Granted under delegated authority
12/04534/LIPDPS	Variation of DPS	14.06.2012	Granted under delegated authority
13/02335/LIPDPS	Variation of DPS	13.05.2013	Granted under delegated authority
14/05590/LIPDPS	Variation of DPS	07.09.2014	Granted under delegated authority
18/10116/LIPDPS	Variation of DPS	17.09.2018	Granted under delegated authority

19/16471/LIPDPS	Variation of DPS	24.03.2020	Granted under delegated authority
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There is no appeal history

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

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

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

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

Conditions: On Current Licence -

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.

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

9. (i) 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 noon 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).
- (ii) Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve), and on Christmas Day, between 15.00 and 19.00, to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

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.

- 10. 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.

- 11. 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

- 12. The outside area will only be used for licensable activities between 12:00 and 20:00
- 13. The bar servery will be made unavailable for use after 20:00.
- 14. CCTV will cover the outside area.

The applicant has agreed the following alternative conditions with the Metropolitan Police Service

- 14 The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.**
- 15 A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.**

16. There will be a maximum of 50 customers permitted in the outside area.

The applicant has agreed the following alternative condition with the Environmental Health Service

16. The number of persons permitted in the outside area at any one-time (excluding staff) shall not exceed 50 persons

17. There will be no regulated entertainment or music in the outside area.

Conditions proposed by the Environmental Health Service and agreed by the applicant so as to form part of the operating schedule

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

19. Alcohol consumed at the outside area highlighted green shall only be consumed by patrons seated at tables

20. All outside tables and chairs shall be rendered unusable by 20.00 each day.

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

22. 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

23. No licensable activities shall take place at the outside area highlighted green until it 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



Resident count: 256

Licensed premises within 75 metres of 90 - 92 Lancaster Gate London W2				
Licence Number	Trading Name	Address	Premises Type	Time Period
12/09534/LIPT	Commodore Hotel	50 Lancaster Gate London W2 3LX	Hotel, 3 star or under	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00

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Item No:	
Date:	23 April 2020
Licensing Ref No:	20/01140/LIPN - New Premises Licence
Title of Report:	Brunel Buildings 2 Canalside Walk 11 th Floor City Of Westminster London W2 1DG
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 Jessica Donovan Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: jdonovan@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	28 January 2020		
Applicant:	Columbia Pictures Corporation Limited		
Premises address:	Brunel Buildings 2 Canalside Walk 11 th Floor City Of Westminster London W2 1DG	Ward:	Hyde Park
		Cumulative Impact Area:	None
Premises description:	The premises is a new multi-tenanted commercial office development building which comprises of 16 storeys with two basement levels. The applicant will be occupying the tenth to thirteenth floor however the applicant is only seeking to licence the eleventh floor for the screening of private films with a bar and refreshment facility available.		
Premises licence history:	This is a new premises application and therefore no Premises Licence history exist.		
Applicant submissions:	On submission of the application the applicant submitted a supporting document detailing the history of the licence holder and their proposal to surrender their current licence. The documentation also details the operation of the new premises. A copy of the document and licence detailed in the supporting document can be found at Appendix 2.		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	N/A
End:	23:30	23:30	23:30	23:30	00:00	00:00	N/A
Seasonal variations/ Non-standard timings:			N/A				

Films				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:			N/A				

Recorded Music				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:		N/A					

Sale by retail of alcohol				On or off sales or both:			On Premises
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:		N/A					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		N/A					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service (<i>Withdrawn 23 March 2020</i>)
Representative:	Maxwell Koduah
Received:	7 February 2020
<p>I refer to the application for a new Premises Licence number for the above-mentioned premises. I have considered the information that you have provided within and accompanying this application. I have also considered the proposed licensable activities in line with the relevant policies within the Council's Statement of Licensing Policy dated January 2016.</p> <p>Applicant is seeking the following licensable activities:</p> <ol style="list-style-type: none"> Exhibition of film indoors at the following times: Monday to Thursday: 09:00 – 23:30 hours Friday to Saturday: 09:00 – 00:00 hours (midnight) Sunday 09:00 – 22:30 hours Playing of recorded music indoors at the following times: Monday to Thursday: 23:00 – 23:30 hours Friday to Saturday: 23:30 – 00:00 hours (midnight) Provision of late-night refreshment indoors at the following times: Monday to Thursday: 23:00 – 23:30 hours 	

Friday to Saturday: 23:00 – 00:00 hours (midnight)

4. Supply alcohol for consumption “on” the premises at the following times:

Monday to Thursday: 10:00 – 23:30 hours

Friday to Saturday: 10:00 – 00:00 hours (midnight)

Sunday 12:00 – 22:30 hours

Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council’s Statement of Licensing Policy I wish to make the following representations:

1. The hours requested to exhibit films would have the likely effect of causing an increase in Public Nuisance within the area
2. The hours requested to play recorded music would have the likely effect of causing an increase in Public Nuisance within the area
3. The hours requested to provide late night refreshment would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area
4. The supply of alcohol and the hours requested would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area

It is my view that there is insufficient information to address the concerns of Environmental Health and the granting of this application as presented would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area

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

Following agreement of additional conditions, Environmental Health withdrew their representation on 23 March 2020.

Responsible Authority:	Metropolitan Police Service (Withdrawn 27 February 2020)
Representative:	PC Brian Hunter
Received:	11 February 2020

I am in receipt of the above application and inform you that we the Metropolitan Police are making a representation against it. I note the details of the application and the attached Operating schedule which are accepted, in addition should this licence be granted we would like to see the following conditions attached:-

- 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 licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the *premise as a private film screening venue*
- There shall be no external advertisement of the bar facilities at the premises.

Following agreement of additional conditions, the Metropolitan Police withdrew their representation on 27 February 2020.

2-B Other Persons			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	25 February 2020		
<p>Our concerns on the application mainly centre on persons arriving or leaving Brunel House [REDACTED] causing noise and anti - social nuisance with potential crime and disorder.</p> <p>We therefore object to this application.</p> <p>We need confirmation hours applied are within WCC Core Hours etc.</p> <p>Also position on food available during Core Hours.</p> <p>We recall no off - sales applied but if applied for we would want no sale of beer or cider over 5.5% except for premium brands in glass containers or cans.</p> <p>We have concern over smoking and congregation of persons outside and need clarification of arrangements for a 'smoking area' [REDACTED].</p> <p>We assume, [REDACTED], there are internal refuse & recycling storage arrangements and that deliveries and collections of refuse and recycling only take place Monday to Saturday between 08.00 and 18.00 but can this please be confirmed.</p> <p>We are confident that agreement can be reached with applicant.</p> <p>As usual we are more than happy to discuss or meet up with applicant and their advisors to discuss the application.</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>For premises for the supply of alcohol for consumption on the premises:</p> <p>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>For premises for the supply of alcohol for consumption off the premises:</p> <p>Monday to Saturday: 08:00 to 23:00 Sundays: 10:00 to 22:30</p> <p>For premises for the provision of other licensable activities:</p> <p>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.
Policy PVC1 applies	Applications will generally be granted and reviews determined, subject to 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, Marriages and Civil Partnerships, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

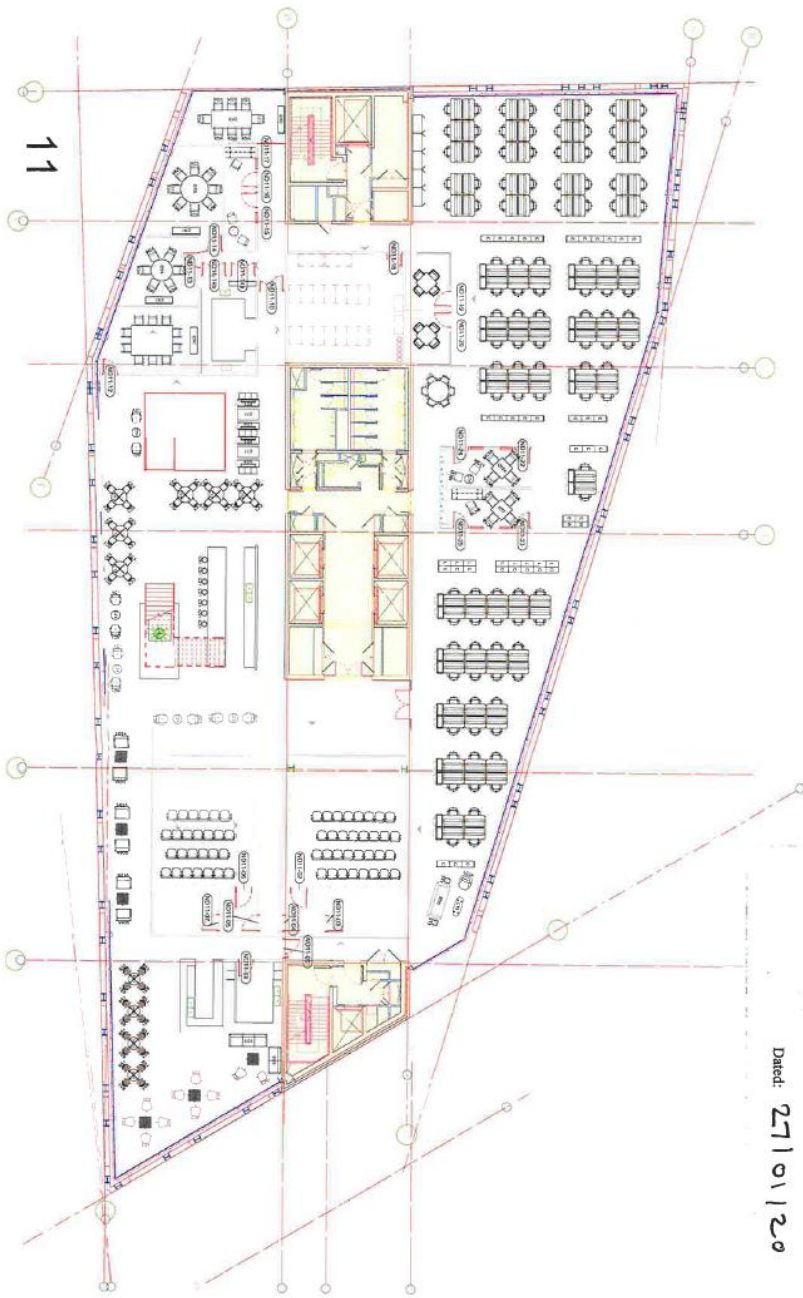
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Miss Jessica Donovan Senior Licensing Officer
Contact:	Telephone: 020 7641 6500 Email: jdonovan@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 January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Environmental Health Service Representation (Withdrawn 23 March 2020)	7 February 2020
5	Metropolitan Police Service Representation (Withdrawn 27 February 2020)	11 February 2020
6	Resident Representation	25 February 2020



The position of any loose furniture is shown for diagrammatic purposes only. The location of fire equipment is shown as is on the date hereof but may be moved in consultation with the fire officer.

Dated: 27/01/20

C	Added roof columns area 11-20/1-25	13-12-19
B	Changes to the codes on plan	13-12-19
A	Issued for Comment	04-12-18
No.	Revision/Issue	Date

SPACECRAFT

Client: SONY PICTURES & ENTERTAINMENT
 Drawing Title: 11TH FLOOR
 TWEENTH Robinson Building
 Site Location: Farringham, London

Draw No: QMS13 GA-11
 Scale: 1:100@A0
 Drawn: KG
 Checked: RM
 Date: 16-07-20

64-69 Old Street, London, EC1Y 1AN
 T: 020 7348 0300
 E: info@spacecraft.com
 www.spacecraft.com

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SUPPORTING INFORMATION

The applicant, Columbia Pictures Corporation Limited, currently operates at 25-29 Golden Square, London, W1F 9JS under premises licence number 12/04080/LIPDPS. The Operator will shortly be moving premises and proposes to operate at a new site, Brunel Building, 2 Canalside Walk, London, W2 1DG with a view to using the premises much like their current premises. The current premises licence will be surrendered at the appropriate time.

The premises is a brand new multi-tenanted commercial office development building which comprises 16 storeys with two basement levels. The applicant will be occupying the tenth to thirteenth floors. For the purposes of this new premises licence application, only the eleventh-floor forms part of the application and proposed licensed area, as shown in the attached drawing numbered 2012 FST-11 Rev C2.

The applicant proposes to have screening rooms that will be used predominantly for the screening of their films to the press both pre and post release. They will use the bar for drinks before and/or after the screening. The applicant proposes to host staff and friends/family events where they screen films and open the bar for drinks. The applicant also proposes to hold private events at the premises with the use of the requested licensable activities, as set out in the application.

The location of the premises is easily accessible either by way of public transport via the closest station, Paddington Station, by various bus links or by taxi.

Licence holders' current premises licence for 25-29 Golden Square, London, W1F 9JS



City of Westminster

Schedule 12
Part A

WARD: West End
UPRN: 010033534813

64 Victoria Street, London,
SW1E 6QP

Regulation 33, 34

Premises licence

Premises licence number:

12/04080/LIPDPS

Original Reference:

05/07070/LIPCV

Part 1 – Premises details

Postal address of premises:

Columbia Pictures Corporation Limited
25 - 29 Golden Square
London
W1F 9JS

Telephone Number: c/o 020 7339 7010

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Exhibition of a Film
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 time the licence authorises the carrying out of licensable activities:

Exhibition of a Film

Monday to Sunday: 09:00 to 00:00

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:

Columbia Pictures Corporation Limited
25 Golden Square
London
W1F 9LN

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

242372

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

Name: Mr Max Phountzi

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: 2012/00638/LAPER
Licensing Authority: London Borough of Hammersmith & Fulham

Date: 28th June 2012

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.

10. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

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

Conditions for Sale of Alcohol

11. Beverages other than intoxicating liquor (including drinking water) shall be available during the whole of permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
12. A closed circuit television system shall be installed operated and maintained as reasonably specified by the Metropolitan Police Crime Prevention Officer. Recording to be retained for 31 days.
13. No striptease, no nudity and all persons to be decently attired at all times.
14. Intoxicating liquor may only be sold or supplied under authority of this licence to; Employees and officers of Columbia Pictures Corporation Limited, or its associated companies (the company) Guests of the said employees, officers and Company. Persons attending a private function in respect of which the licensee has had 24 hours written notice. Persons attending a private viewing of a film in respect of which the licensee has had 24 hours written notice. A list of persons referred to at 2,3 and 4 shall be kept at reception to the premises and be made available for inspection by police.

15. The maximum number of persons to be accommodated on the premises at any one time shall not exceed the number agreed by the Fire Officer in writing which at the time of grant is 80 including staff.
16. No draught beer.

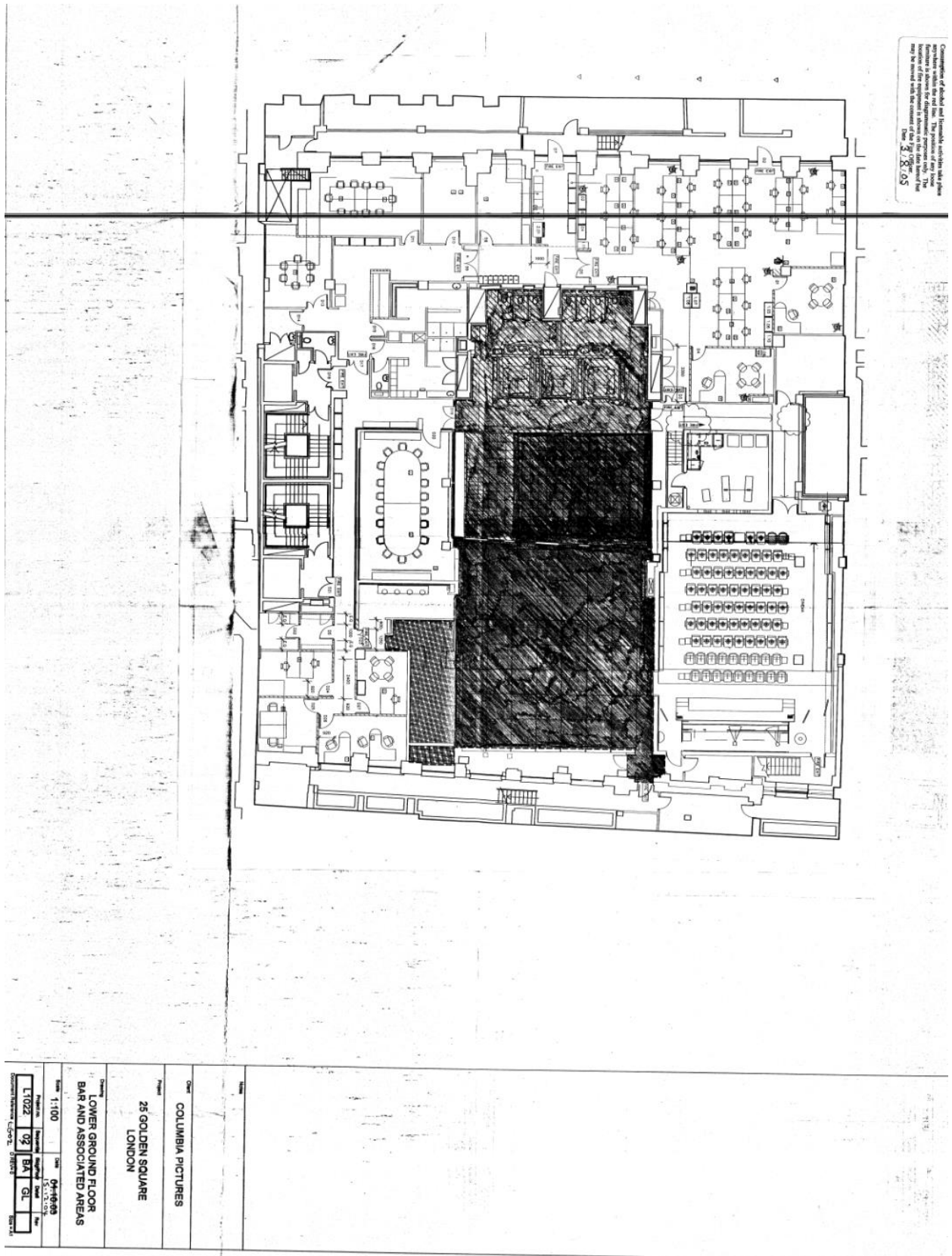
Annex 2 – Conditions consistent with the operating Schedule

None

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

17. All credit card sales must be accompanied with an itemised bill.

Annex 4 – Plans





City of Westminster

Schedule 12
Part B

WARD: West End
UPRN: 010033534813

64 Victoria Street, London,
SW1E 6QP

Premises licence
summary

Regulation 33, 34

Premises licence
number:

12/04080/LIPDPS

Part 1 – Premises details

Postal address of premises:

Columbia Pictures Corporation Limited
25 - 29 Golden Square
London
W1F 9JS

Telephone Number: c/o 020 7339 7010

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Exhibition of a Film
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:

Exhibition of a Film

Monday to Sunday: 09:00 to 00:00

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:

Columbia Pictures Corporation Limited
25 Golden Square
London
W1F 9LN

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

242372

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

Name: Mr Max Phountzi

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

Restricted

Date: 28th June 2012

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.
9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

Conditions consistent with the operating schedule

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 to the public. This staff member shall be able to show police recent data or footage with the minimum of delay when requested.
12. An incident log shall be kept at the premises and made available on request to an authorised council officer or the Police which will record the following:
 - (a) All crimes reported to the venue
 - (b) All ejections of patrons
 - (c) Any complaints received concerning crime and disorder
 - (d) Any incidents of disorder
 - (e) All seizures of drugs or offensive weapons
 - (f) Any faults in the CCTV system or searching equipment or scanning equipment
 - (g) Any refusals of the sale of alcohol
 - (h) Any visit by a relevant authority or emergency service

Conditions proposed by the Environmental Health and agreed with the applicant so as to form part of the operating schedule.

13. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 300 persons (to be assessed on removal of works condition)
14. Beverages other than intoxicating liquor (including drinking water) shall be available during the whole of permitted hours in all parts of the premises where intoxicating liquor is sold or supplied
15. 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.
16. 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.
17. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
18. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
19. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

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

Conditions proposed by the Police and agreed with the applicant so as to form part of the operating schedule.

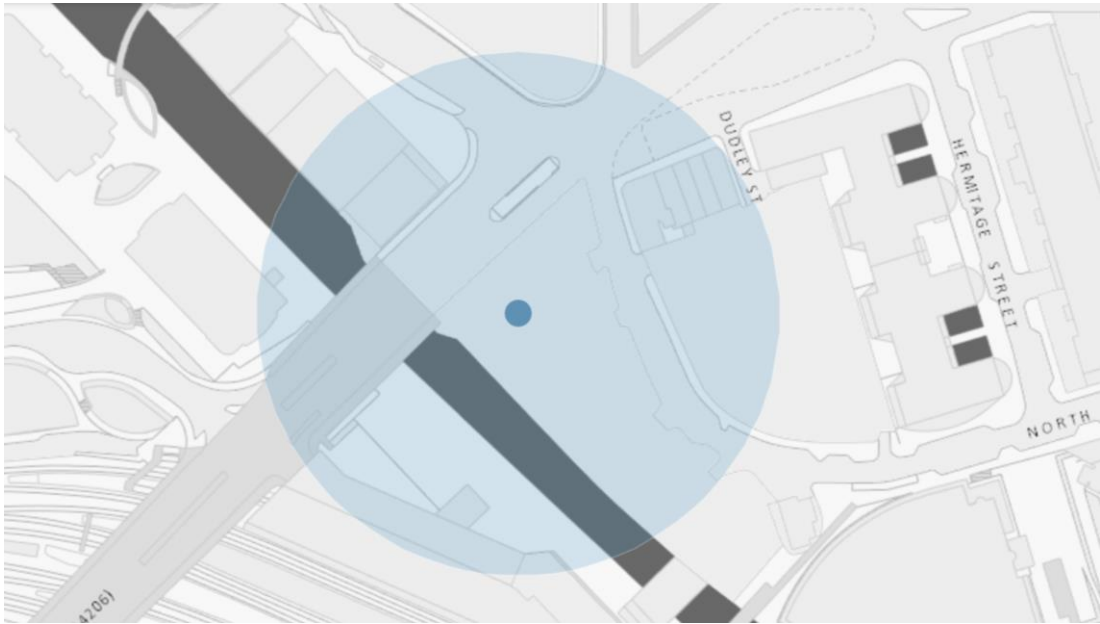
21. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
22. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premise as a private film screening venue, save for staff events.
23. There shall be no external advertisement of the bar facilities at the premises.

Conditions proposed by the applicant and agreed with [REDACTED] so as to form part of the operating schedule.

24. Notices shall be prominently displayed at exits requesting that patrons/smokers leaving the premises respect the needs of local residents and businesses and leave the area quietly.
25. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 the following day.
26. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.

Conditions proposed by [REDACTED]

27. 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.



Resident Count: 0

Licensed premises within 75 Metres of Brunel Buildings, 2 Canalside Walk, London, W2 1DG				
Licence Number	Trading name	Address	Premises Type	Time Period
19/09141/LIPN	Daisy Green, 1 Canalside Walk London W2 1DG	Mezzanine And Ground Floor Brunel Buildings 1 Canalside Walk City Of Westminster London W2 1DG	Not Recorded	Monday; 07:30 - 23:30 Tuesday; 07:30 - 23:30 Wednesday; 07:30 - 23:30 Thursday; 07:30 - 23:30 Friday; 07:30 - 00:00 Saturday; 07:30 - 00:00 Sunday; 07:30 - 22:30
19/00371/LIPN	Not Recorded	STREET RECORD Canalside Walk City Of Westminster London	Not Recorded	Monday to Saturday; 11:00 - 23:00 Sunday; 11:00 - 22:00
19/06103/LIPN	The Cheese Bar Barge	The Cheese Bar Barge Paddington Basin Sheldon Square London W2 6DS	Restaurant	Monday to Friday; 08:00 - 23:00 Saturday; 09:00 - 23:00 Sunday; 10:00 - 22:00
11/02593/LIPDPS	ETC Venues	Ground Floor To Third Floor 57 North Wharf Road London W2 1LA	Office	Monday to Saturday; 07:00 - 23:30 Sunday; 07:00 - 22:30
16/01994/LIPVM	Smiths Bar And Grill	25 Sheldon Square London W2 6EY	Restaurant	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:30 Sunday; 10:00 - 23:00 Sundays before Bank Holidays; 10:00 - 00:30