



City of Westminster

Committee Agenda

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

Meeting Date: **Wednesday 18th November, 2020**

Time: **10.00 am**

Venue: **This will be a virtual meeting**

Members: **Councillors:**

Jim Glen (Chairman)
Louise Hyams
Aziz Toki

This will be a virtual meeting and members of the public can view the live broadcast by accessing the media links on the council's website.



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

1. 18 THAYER STREET, LONDON , W1U 3JY

(Pages 5 - 30)

<u>App</u> No	Ward / Cumulative Impact Area	Site Name and Address	App Type	Licensing Ref No.
1.	Marylebone Ward / Not in Cumulative Impact Area	18 Thayer Street London W1U 3JY	New Premises Licence	20/07866/LIPN

Stuart Love
Chief Executive
10 November 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.

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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:	18 th November 2020
Licensing Ref No:	20/07866/LIPN - New Premises Licence
Title of Report:	18 Thayer Street London W1U 3JY
Report of:	Director of Public Protection and Licensing
Wards involved:	Marylebone High Street
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Angela Seaward Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: aseaward@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	7 September 2020		
Applicant:	Starclass (Hinde House) Limited		
Premises address:	18 Thayer Street London W1U 3JY	Ward:	Marylebone High Street
		Cumulative Impact Area:	None
Premises description:	According to the application form, this application is for a 'Shadow Licence' to be held in the name of the landlord. The current licence is held in the name of the tenant. The 'Shadow Licence' has been applied for in exactly the same terms as the existing licence. The two licences will not operate at the same time.		
Premises licence history:	<p>The current licence (Premises Licence Number 16/12473/LIPDPS) has the benefit of the following licensable activities;</p> <p>Late Night Refreshment Monday to Thursday 23:00 to 23:30 Friday to Saturday 23:00 to 00:00 Sunday before Bank Holiday 23:00 to 00:00</p> <p>Sale by Retail of Alcohol Monday to Thursday 10:00 to 23:30 Friday to Saturday 10:00 to 00:00 Sunday 12:00 to 22:30 Sunday before Bank Holiday 12:00 to 00:00</p> <p>The opening hours are; Monday to Thursday 10:00 to 23:30 Friday to Saturday 10:00 to 00:00 Sunday 12:00 to 22:30 Sunday before Bank Holiday 12:00 to 00:00</p> <p>A copy of this licence can be seen in Appendix 3</p>		
Applicant submissions:	There are no submissions from the applicant		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	
End:	23:30	23:30	23:30	23:30	23:30	23:30	
Seasonal variations/ Non-standard timings:				On Sundays before Bank Holidays licensable activities will be extended until Midnight (00:00)			

Sale by retail of alcohol				On or off sales or both:			On sales
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	23:30
Seasonal variations/ Non-standard timings:			On Sundays before Bank Holidays licensable activities will be extended until Midnight (00:00)				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:			On Sundays before Bank Holidays licensable activities will be extended until Midnight (00:00)				
Adult Entertainment:			None				

2. Representations

2-B Other Persons

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	5 th October 2020		

The current tenants, Pachamama, have proven to be appalling commercial neighbours to our long term residential building, and this application has been made by their landlord. We believe Starclass are unfit to hold or manage this licence given their inability to support local residents, to listen to their complaints and requests for a better managed situation. We have communicated with all parties and the Council regularly to achieve a better situation and approached The Ivy for assistance (as they are wonderful neighbours). In spite of this Starclass has allowed terrible and disruptive behaviour from this tenant. This tells us that Starclass have no concern or care for us and should therefore not be given a licence. Rather any new tenant should apply properly and be given appropriate boundaries to be set within the licence.

We believe this is a fair criticism. The building was converted to residential flats in 1900 but only more recently to have a commercial licence for food and drink. After many decades of having quiet enjoyment of our flats, we have suffered nightly late night drinking, shouting and carousing. The littering of our doorways and entrances with cigarettes butts and spilled drinks is a daily occurrence. Pachamama's clientele block our doors (fire exits) and so do the staff - they are rude, disruptive and loud. Although it has been agreed many times with Pachamama management that they would not allow this disruption neither the staff or clientele care. We have 100's of photos showing their entrance clear of debris and our beautiful marble steps ruined by cigarettes stubbed out and left there. The Council records will show the history of complaints and non compliance. Starclass simply cannot be trusted.

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	5 th October 2020		
<p>Pachamama have been horrifically disruptive to all those who live above and around the restaurant. As a landlord, Starclass have proven to be incredibly neglectful and irresponsible in making their tenant adheres to regulations. I have no faith that Starclass would be able to adequately supervise any future tenants or license holders. I therefore strongly object to this application - purely on the grounds of my experience [REDACTED] and the premises in question for the past two years for me and 6 years for my flatmate. This restaurant has been more than significantly disruptive to our daily lives- particularly at night.</p>			
Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support of opposed:	Opposed
Received:	5 th October 2020		
<p>Massive noise impact over the last few years plus smokers on the pavement smoking straight up to our flat - all this is directly related to the liquor license.</p>			
Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	5 th October 2020		
<p>I am objecting to this application. Pachamama are tenants of this landlord/applicant. We have had nothing but disruption since they took over these premises. Starclass are unfit to run this licence as they have allowed this business to behave in an out of control manner with guests drinking and shouting on the street, no door management, no consequences and Starclass has done nothing to support the residents, who have suffered terribly under this business. Residents have continually asked for the rules of the licence to be followed - we have sought advice from other local businesses and shown examples of best practice. Starclass have not ever taken action or enforced the rules of the tenancy or upheld the Council's licensing rules - as set out in the approved current licence. We residents have dealt directly with the Council having no other alternative. It is important the Council understands the residents have worked hard to find a way forward in order to live harmoniously. Instead we have ruined marble entrances, cigarette butts, rude and abusive staff, ignorant cleaners, hopeless management of staff and clients. Starclass are not capable, willing or experienced enough to be given a licence. Let the next tenant properly apply and be given terms based on their own merits or not. The rules must be set by the Council and upheld by the business in the premises. Starclass do not care for any resident in this building.</p>			

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies. For premises for the supply of alcohol for consumption on the premises: 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 For premises for the provision of other licensable activities: 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
Policy RNT1 applies	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.
Policy PB1	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.

5. Appendices

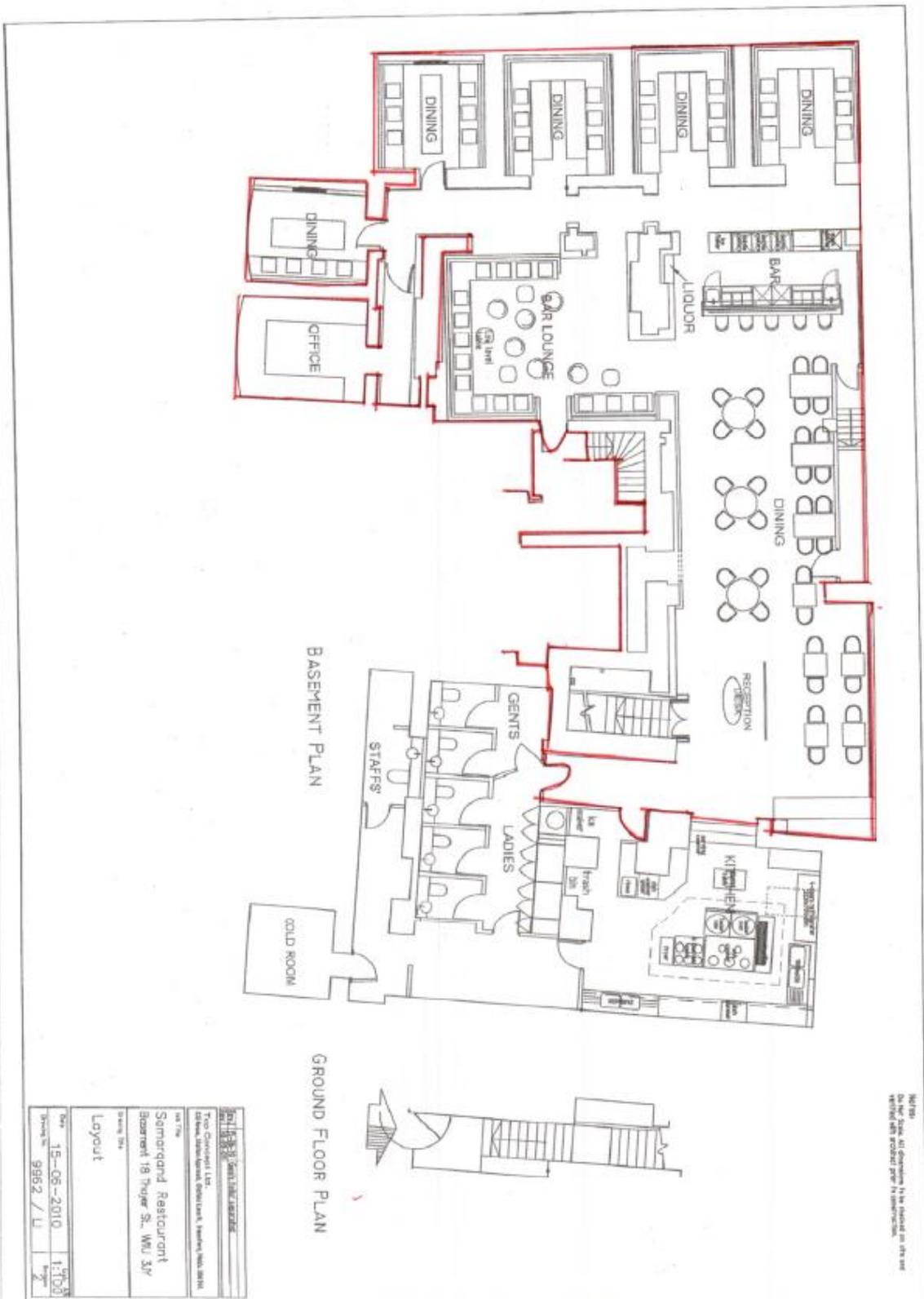
Appendix 1	Premises plans
Appendix 2	Premises history
Appendix 3	Current premises licence
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Angela Seaward Licensing Officer
Contact:	Telephone: 0207 641 6500 Email: aseaward@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Public Representation 1	5 th October 2020
5	Public Representation 2	5 th October 2020
6	Public Representation 3	5 th October 2020
7	Public Representation 4	5 th October 2020



Project Information Project Name: Samarqand Restaurant Address: 18 Taylor St., WLU 31/1	
Date: 19-06-2010 Drawing No: 9962 / U	Scale: 1:100 No: 2
Client: Samarqand Restaurant Architect: [Firm Name] Location: [Address]	

Licensing Act 2003 history – premises licence

<u>Application reference</u>	<u>Application summary</u>	<u>Decision</u>	<u>Date of Decision</u>
10/03054/LIPN	This was an application for a new premises licence to permit Late Night Refreshment Monday to Thursday 23:00 to 23:30 Friday to Saturday 23:00 to 00:00 Sunday before bank holiday 23:00 to 00:00. Sale by retail of Alcohol Monday to Thursday 10:00 to 23:30 Friday to Saturday 10:00 to 00:00 Sunday 12:00 to 22:30 Sunday before bank holiday 12:00 to 00:00.	Granted by Licensing Sub Committee	17.06.2010
10/10208/LIPRW	This application was for a removal of works condition	Granted under Delegated Authority	10.12.2010
14/09956/LIPT	This application was to transfer the premises licence from Samarqand Real Estate Limited to CRG London Ltd	Granted under Delegated Authority	04.02.2015
16/12473/LIPDPS	This was an application to vary the designated premises supervisor from Tracey-Anne Saflor to Iskandarbek Narzibekov	Granted under Delegated Authority	13.12.2016
18/04021/LIPVM	This application was to vary the premises licence to Please remove point 9- As it is old and out of date- Not relevant to our current operating style. remove the Area restrictions in condition 12- no increase the overall capacity, just to have a little more flexibility in seating guests within the venue.	Application rejected due to objection raised from responsible authorities	16.7.2019

Licensing Act 2003 history – review applications

None

Licensing Act 2003 history – Temporary event notices

16/13907/LITENP	This application was to licence Sale by Retail of Alcohol from 31.12.2016 to 1.1.2017	refused	20 th December.2016
19/15308/LITENP	This application was to licence Sale by Retail of Alcohol, Regulated Entertainment and Late Nigh Refreshment from 31.12.2019 to 1.1.2020	Granted under Delegated Authority	5 th December 2019
20/07256/LITENP	This application was to licence Sale by Retail of Alcohol from 7.9.2020 to 12.9.2020	Granted under Delegated Authority	28 th August 2020
20/07257/LITENP	This application was to licence Sale by Retail of Alcohol from 14.9.2020 to 19.9.2020	Granted under Delegated Authority	28 th August 2020



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

Schedule 12
Part A

WARD: Marylebone High
Street
UPRN: 100023464496

Premises licence

Regulation 33, 34

Premises licence number:

16/12473/LIPDPS

Original Reference:

10/03054/LIPN

Part 1 – Premises details

Postal address of premises:

Pachamama Bar + Kitchen
18 Thayer Street
London
W1U 3JY

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

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

Late Night Refreshment

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

Sale by Retail of Alcohol

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

The opening hours of the premises:

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

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

Alcohol is supplied for consumption on the Premises.

Part 2

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

CRG London Ltd
167-169
Great Portland Street
London
W1W 5PF

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

9013008

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

Name: ~~Iskandarbek Narzibekov~~ Iskandarbek Narzibekov

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: 14/03923/LIPERS
Licensing Authority: City Of Westminster Council

Date: 13 December 2016

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

Annex 1 – Mandatory conditions

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: $\frac{1}{2}$ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

Where -

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

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

Annex 2 – Conditions consistent with the operating Schedule

None

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

9. Save for the Bar area (as shown on the plan, 9962LIREV2, dated 15.06.2010) alcohol shall only be served to persons seated at tables and the service of alcohol shall be by way of waitress/waiter service only and ancillary to a table meal.
10. In the 'Bar Lounge' alcohol shall only be served to persons seated at tables and the service of alcohol shall be by way of waitress/waiter service only.
11. The provision of Alcohol 'On' the premises in the Bar area and in the Bar Lounge shall only be to persons having a drink before and/or after a table meal.
12. The maximum number of persons to be accommodated at any one time in the premises (exclusive of staff) shall be 100 with the following local maximums for each area of the premises:
 - Bar: 6
 - Bar Lounge: 21
 - Restaurant: 73
13. Substantial food and non-intoxicating beverages shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
14. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
15. Any entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall not be provided.
16. There shall be no striptease or nudity and all persons shall be decently attired at all times.
17. All patrons leaving the premises, whether to smoke or not, shall not take any open bottles or glasses with them and there shall be no consumption of drink outside the premises.
18. The highway and public spaces in the vicinity of the premises are kept free of litter from the premises at all material times to the satisfaction of the Council.
19. No rubbish including bottles will be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
20. No deliveries of stock are to be received between 23:00 hours and 08:00 hours.
21. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
22. Loudspeakers shall not be located in the entrance area or outside the premises building.
23. Notices shall be prominently displayed at exits requesting persons to respect the needs of local residents and to leave the premises and area quietly.

24. The venue shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the venue is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
25. 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 absolute minimum of delay when requested.
26. There shall be no sales of alcohol for consumption off the premises.
27. There shall be no provision of late night refreshment for consumption off the premises.
28. 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 in the vicinity.

Annex 4 – Plans

Attached



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

Schedule 12
Part B

Premises licence
summary

WARD: Marylebone High
Street
UPRN: 100023464496

Regulation 33, 34

Premises licence number:

16/12473/LIPDPS

Part 1 – Premises details

Postal address of premises:

Pachamama Bar + Kitchen
18 Thayer Street
London
W1U 3JY

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

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

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

The opening hours of the premises:

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

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

Alcohol is supplied for consumption on the Premises.

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

CRG London Ltd
167-169
Great Portland Street
London
W1W 5PF

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

9013006

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

Name: Iskandarbek Narzibekov

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

Restricted

Date: 13 December 2016

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

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.

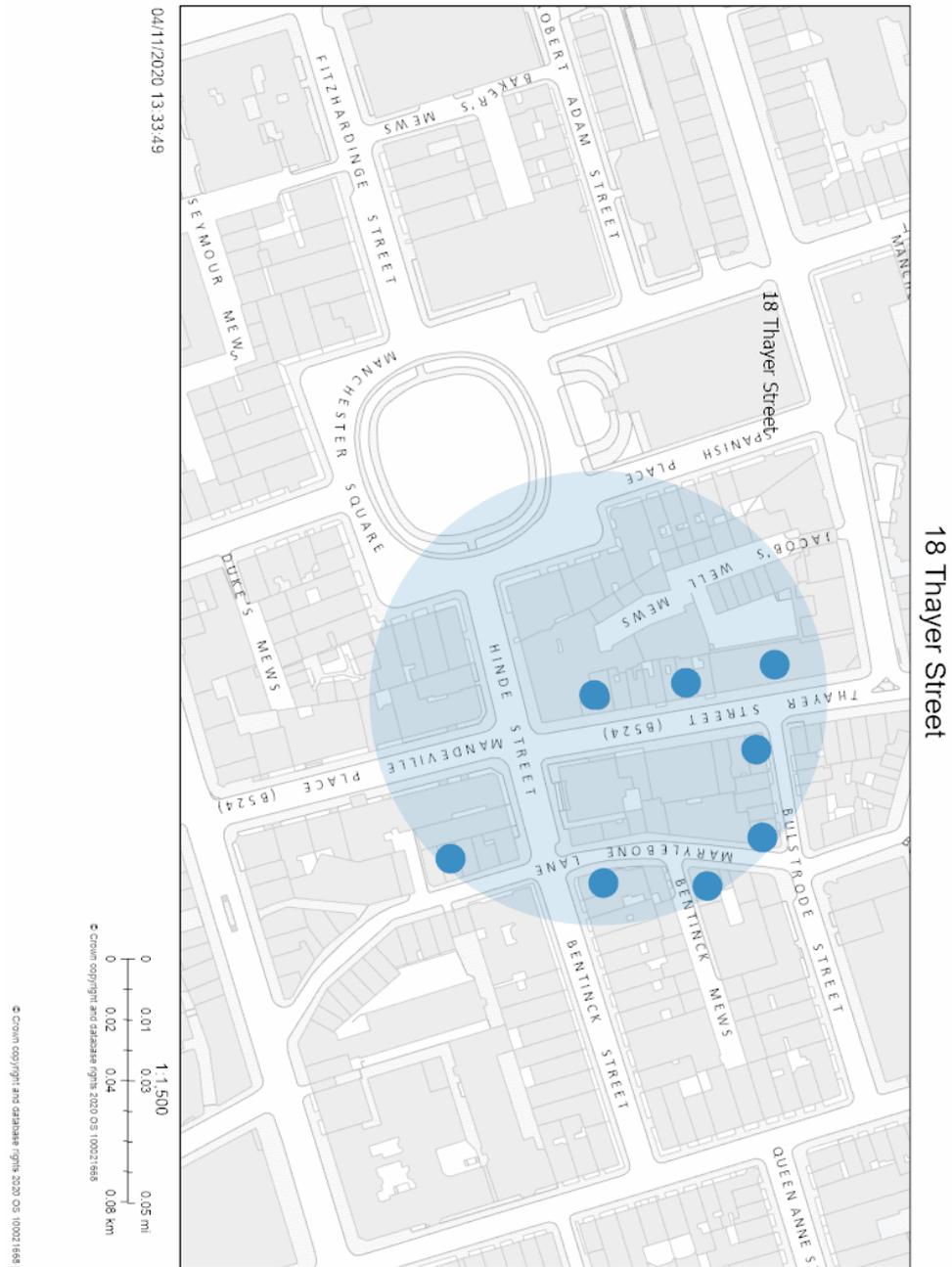
Conditions consistent with the operating schedule

9. Save for the Bar area (as shown on the plan, 9962LIREV2, dated 15.06.2010) alcohol shall only be served to persons seated at tables and the service of alcohol shall be by way of waitress/waiter service only and ancillary to a table meal.

10. In the 'Bar Lounge' alcohol shall only be served to persons seated at tables and the service of alcohol shall be by way of waitress/waiter service only.
11. The provision of Alcohol 'On' the premises in the Bar area and in the Bar Lounge shall only be to persons having a drink before and/or after a table meal.
12. The maximum number of persons to be accommodated at any one time in the premises (exclusive of staff) shall be 100 with the following local maximums for each area of the premises:-
 - Bar: 6
 - Bar Lounge: 21
 - Restaurant: 73
13. Substantial food and non-intoxicating beverages shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
14. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
15. Any entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall not be provided.
16. There shall be no striptease or nudity and all persons shall be decently attired at all times.
17. All patrons leaving the premises, whether to smoke or not, shall not take any open bottles or glasses with them and there shall be no consumption of drink outside the premises.
18. The highway and public spaces in the vicinity of the premises are kept free of litter from the premises at all material times to the satisfaction of the Council.
19. No rubbish including bottles will be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
20. No deliveries of stock are to be received between 23:00 hours and 08:00 hours.
21. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
22. Loudspeakers shall not be located in the entrance area or outside the premises building.
23. Notices shall be prominently displayed at exits requesting persons to respect the needs of local residents and to leave the premises and area quietly.
24. The venue shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the venue is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping.

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

25. 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 absolute minimum of delay when requested.
26. There shall be no sales of alcohol for consumption off the premises.
27. There shall be no provision of late night refreshment for consumption off the premises.
28. 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 in the vicinity.
29. The premises licence holder will not trade/operate the premises for a period of 3 months after the revocation of the existing trading premises licence. This condition will not apply if the aforementioned licence is surrendered or lapses due to insolvency or death.
30. The premises licence holder will comply with all of the conditions on premises licence 16/12473/LIPDPS and will be incorporated into the shadow licence.



Resident Count = 172

Licensed premises within 75 metres of 18 Thayer Street

Licence Number	Trading Name	Address	Premises Type	Time Period
16/12473/LIPDPS	Pachamama Bar + Kitchen	18 Thayer Street London W1U 3JY	Public house or pub rest	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30 Sundays before Bank Holidays; 12:00 - 00:00
19/15095/LIPDPS	Chef Xier	Basement To First Floor 13-14 Thayer Street London W1U 3JR	Restaurant	Monday to Saturday; 10:00 - 23:30 Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 Sunday; 12:00 - 23:00
19/11922/LIPCH	Tommi's Burger Joint	Basement And Ground Floor 30 Thayer Street London W1U 2QP	Restaurant	Monday to Sunday; 10:00 - 23:30
17/03613/LIPN	Magnum News	10 Thayer Street London W1U 3JN	Shop	Monday to Sunday; 07:00 - 23:00
20/05510/LIPV	The Coach Makers Arms	88 Marylebone Lane London W1U 2PY	Pub or pub restaurant with lodge	Monday; 10:00 - 01:30 Tuesday; 10:00 - 01:30 Wednesday; 10:00 - 01:30 Thursday; 10:00 - 01:30 Friday; 10:00 - 01:30 Saturday; 10:00 - 01:30 Sunday; 12:00 - 01:00
06/10427/WCCMAP	Golden Eagle Public House	59 Marylebone Lane London W1U 2NY	Pub or pub restaurant with lodge	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00

				- 23:00
18/07591/LIPDPS	Ivy Cafe	96 Marylebone Lane London W1U 2QA	Restaurant	Monday to Saturday; 08:00 - 01:30 Sunday; 09:00 - 00:30
17/07107/LIPD	Cocoro Restaurant	31 Marylebone Lane London W1U 2NH	Restaurant	Monday to Saturday; 12:00 - 23:00 Sunday; 12:00 - 22:30